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SB-505 Presidential primary elections. (2019-2020)

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Senate Bill No. 505

CHAPTER 149

An act to amend Sections 6041, 6101, 6122, 6340, 6360, 6382, 6520, 6581, 6591, 6721, 6722, 6781, 6791, 6851.5, 6852, and 6854.5 of, to amend and renumber Sections 6000a and 6001 of, and to add Sections 6000.1, 6000.2, and 6857.2 to, the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 30, 2019. Filed with Secretary of State July 30, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

SB 505, Umberg. Presidential primary elections.

(1) Existing law provides for specific procedures by which the Democratic Party, the Republican Party, the American Independent Party, the Peace and Freedom Party, and the Green Party participate in the presidential primary election. Existing law requires the Secretary of State to place the name of a candidate seeking the nomination of one of those parties for the office of President of the United States on the presidential primary ballot when the Secretary of State determines that the candidate is generally advocated for or recognized throughout the United States as actively seeking the nomination of the party, and to announce and distribute to the news media a list of the candidates the Secretary of State intends to place on the ballot a specified number of days before the presidential primary election. Existing law requires the Secretary of State to send a letter to specified officials in the Green Party of California and the Peace and Freedom Party of California soliciting additional information regarding the placement of candidates from those parties on the ballot on or before the 150th day before the election.

This bill would define the phrases "generally advocated for or recognized candidate" or "recognized candidate" for these purposes to mean an individual who has an authorized campaign committee registered with the Federal Election Commission for the office of President of the United States and who meets specified criteria. The bill would require a candidate to complete and submit to the Secretary of State a form that substantiates the criteria met by the candidate. The bill would extend the deadline by which the Secretary of State is required to announce and distribute the names of candidates to be placed on the ballot to the 88th day before the date of the presidential primary election. The bill would extend the deadline for the Secretary of State to send the letter described above to the 120th day before the primary election.

(2) Existing law requires an unselected candidate or uncommitted delegation seeking the nomination of a party that desires to be placed on the presidential primary ballot to have nomination papers circulated for signature on behalf of the candidacy. Existing law authorizes a circulator of those nomination papers to obtain signatures during a specified period before the presidential primary election, and requires the nomination papers to be prepared, circulated, signed, verified, and left for examination with the county elections official of the county in which the papers are circulated a specified number of days before the presidential primary election.

This bill would change the period during which a circulator may obtain signatures to a nomination paper to the period between 120 days and 81 days, inclusive, before the primary election, and require all nomination papers to be left for examination by the

county elections official at least 81 days before the primary election. The bill would make other conforming and technical, nonsubstantive changes.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 6000.1 is added to the Elections Code, to read:

6000.1. "Generally advocated for or recognized candidate" or "recognized candidate" means an individual who has an authorized campaign committee registered with the Federal Election Commission for the office of President of the United States and submits proof, pursuant to Section 6000.2, of at least one of the following criteria:

- (a) The candidate is qualified for funding under the Federal Election Campaign Act of 1974 (52 U.S.C. Sec. 30101 et seq.).
- (b) The candidate has appeared as a candidate in a national presidential debate hosted by a political party qualified to participate in a primary election, with at least two participating candidates, which is publicly available for viewing by voters in more than one state during the current presidential election cycle. For purposes of this subdivision, "political party qualified to participate in a primary election" means any political party qualified in California, a major or minor ballot-qualified political party in another state, or a national committee of a political party recognized by the Federal Election Commission.
- (c) The candidate has been placed or has qualified for placement on a presidential primary ballot or a caucus ballot of a major or minor ballot-qualified political party in at least one other state in the current presidential election cycle.
- (d) The candidate has been or has qualified to be a candidate in a caucus of a major or minor ballot-qualified political party in at least one other state in the current presidential election cycle.
- (e) The candidate has all of the following:
 - (1) A current presidential campaign internet website or webpage hosted by the candidate or a qualified political party.
 - (2) A written request submitted on the candidate's behalf to the Secretary of State requesting that the candidate be placed on the presidential primary ballot. The written request shall be from a party qualified to participate in a primary election, as set forth in Section 5100.

SEC. 2. Section 6000.2 is added to the Elections Code, to read:

6000.2. (a) A candidate for the office of the President of the United States shall provide to the Secretary of State proof, in substantially the following form, of meeting at least one of the criteria set forth in Section 6000.1:

GENERALLY ADVOCATED FOR OR RECOGNIZED CANDIDATE

_____, a candidate for the office of the President of the United States of America, is a generally advocated for or recognized candidate, as defined in Section 6000.1 of the Elections Code, and has met at least one of the following criteria:

- ☐ The candidate is qualified for funding under the Federal Election Campaign Act of 1974 (52 U.S.C. Sec. 30101, et seq.). Attach supporting documentation and provide a description: _____
- ☐ The candidate has appeared as a candidate in a national presidential debate hosted by a political party qualified to participate in a primary election, as defined in subdivision (b) of Section 6000.1 of the Elections Code, with at least two participating candidates, which is publicly available for viewing by voters in more than one state during the current presidential election cycle. Attach supporting documentation and provide a description: _____
- ☐ The candidate has been placed or has qualified for placement on a presidential primary ballot or a caucus ballot of a major or minor ballot-qualified political party in at least one other state in the current presidential election cycle. Attach supporting documentation and provide a description: _____
- ☐ The candidate has been or has qualified to be a candidate in a caucus of a major or minor ballot-qualified political party in at least one other state in the current presidential election cycle. Attach supporting documentation and provide a description: _____
- ☐ The candidate has all of the following (attach documentation and provide a description for each item):

(1) A current presidential campaign internet website or webpage hosted by the candidate or a qualified political party.

(2) A written request submitted on the candidate's behalf to the Secretary of State requesting that the candidate be placed on the presidential primary ballot. The written request is from a party qualified to participate in a primary election, as set forth in the Section 5100 of the Elections Code.

Dated this ____ day of _____, 20__.

Signature of candidate

(b) The candidate shall file the form set forth in subdivision (a) and any attached supporting documentation with the Secretary of State and specify the California qualified political party ballot on which the candidate seeks to appear on or before the 98th day before the presidential primary election.

SEC. 3. Section 6000a of the Elections Code is amended and renumbered to read:

6001. This chapter shall be known and may be cited as the "Alquist Open Presidential Primary Act."

SEC. 4. Section 6001 of the Elections Code is amended and renumbered to read:

6001.5. This chapter applies to the Democratic Party.

SEC. 5. Section 6041 of the Elections Code is amended to read:

6041. The Secretary of State shall place the name of a candidate upon the presidential primary ballot when the Secretary of State has determined that the candidate is generally advocated for or recognized throughout the United States or California as actively seeking the nomination of the Democratic Party for President of the United States. The Secretary of State shall include as criteria for selecting candidates the fact of qualifying for funding under the Federal Elections Campaign Act of 1974, as amended.

On or before the 88th day preceding a presidential primary election, the Secretary of State shall publicly announce and distribute to the news media for publication a list of the selected candidates that the Secretary of State intends to place on the ballot at the following presidential primary election.

SEC. 6. Section 6101 of the Elections Code is amended to read:

6101. Nomination papers to be circulated pursuant to Section 6061 shall be prepared, circulated, signed, and verified and shall be left for examination with the county elections official of the county in which they are circulated at least 81 days prior to the presidential primary election.

SEC. 7. Section 6122 of the Elections Code is amended to read:

6122. Circulators may obtain signatures to the nomination paper for which they were appointed at any time between the period of 120 days and 81 days, inclusive, prior to the presidential primary election.

SEC. 8. Section 6340 of the Elections Code is amended to read:

6340. (a) The Secretary of State shall place the name of a candidate upon the Republican presidential primary ballot when the Secretary of State has determined that the candidate is generally advocated for or recognized throughout the United States or California as a candidate for the nomination of the Republican Party for President of the United States.

(b) On or before the 88th day preceding a presidential primary election the Secretary of State shall publicly announce and distribute to the news media for publication a list of the candidates the Secretary of State intends to place on the ballot at the following presidential primary election. Following this announcement the Secretary of State may add candidates to the Secretary of State's selection, but the Secretary of State shall not delete any candidate whose name appears on the announced list.

SEC. 9. Section 6360 of the Elections Code is amended to read:

6360. Nomination papers properly prepared, circulated, signed and verified shall be left, for examination, with the county elections official of the county in which they are circulated, at least 81 days prior to the presidential primary.

SEC. 10. Section 6382 of the Elections Code is amended to read:

6382. Circulators may obtain signatures to the nomination paper of a candidate at any time not more than 120 nor less than 81 days prior to the presidential primary.

SEC. 11. Section 6520 of the Elections Code is amended to read:

6520. (a) The Secretary of State shall place the name of a candidate upon the American Independent Party presidential preference ballot when the Secretary of State has determined that the candidate is generally advocated for or recognized in the news media throughout the United States or California as actively seeking the nomination of the American Independent Party for President of the United States.

(b) On or before the 88th day preceding a presidential primary election, the Secretary of State shall publicly announce and distribute to the news media for publication a list of the candidates the Secretary of State intends to place on the ballot at the following presidential primary election. Following this announcement the Secretary of State may add candidates to the Secretary of State's selection, but the Secretary of State may not delete any candidate whose name appears on the announced list.

SEC. 12. Section 6581 of the Elections Code is amended to read:

6581. Nomination papers properly prepared, circulated, signed and verified shall be left, for examination, with the elections official of the county in which they are circulated at least 81 days prior to the presidential primary.

SEC. 13. Section 6591 of the Elections Code is amended to read:

6591. Circulators may obtain signatures to the nomination paper of the candidate or group of candidates at any time not more than 120 nor less than 81 days prior to the presidential primary.

SEC. 14. Section 6721 of the Elections Code is amended to read:

6721. On or before the 120th day preceding a presidential primary election, the Secretary of State shall send a letter by first-class mail to the Chairpersons of record of the Peace and Freedom Party State and County Central Committees, informing them that, while a response is not required, any information they wish to submit will be considered by the Secretary of State in the determination of candidates to be placed on the Peace and Freedom Party presidential preference primary ballot pursuant to Section 6720.

SEC. 15. Section 6722 of the Elections Code is amended to read:

6722. On or before the 88th day preceding a presidential primary election, the Secretary of State shall publicly announce and distribute to the news media for publication a list of the candidates the Secretary of State intends to place on the ballot at the following presidential primary election. Following this announcement, the Secretary of State may add to the Secretary of State's selection, but the Secretary of State may not delete any candidate whose name appears on the announced list. The Secretary of State shall mail a copy of the list and any subsequent additions thereto to the Chairpersons of the Peace and Freedom Party State and County Central Committees.

SEC. 16. Section 6781 of the Elections Code is amended to read:

6781. Nomination papers properly prepared, circulated, signed and verified shall be left for examination with the elections official of the county in which they are circulated, at least 81 days prior to the presidential primary.

SEC. 17. Section 6791 of the Elections Code is amended to read:

6791. Circulators may obtain signatures to the nomination paper of the candidate or group of candidates at any time not more than 120 nor less than 81 days prior to the presidential primary.

SEC. 18. Section 6851.5 of the Elections Code is amended to read:

6851.5. On or before the 120th day preceding a presidential primary election, the Secretary of State shall send a letter by first-class mail to the Green Party Liaison to the Secretary of State informing the Green Party Liaison that, while a response is not

required, any information the Green Party Liaison wishes to submit will be considered by the Secretary of State in the determination of candidates to be placed on the Green Party presidential preference primary ballot pursuant to Section 6851.

SEC. 19. Section 6852 of the Elections Code is amended to read:

6852. On or before the 88th day preceding a presidential primary election, the Secretary of State shall publicly announce and distribute to the news media for publication a list of the candidates the Secretary of State intends to place on the ballot at the following presidential primary election. Following this announcement, the Secretary of State may add candidates to the Secretary of State's selection, but the Secretary of State may not delete any candidate whose name appears on the announced list. The Secretary of State shall mail a copy of the list and any subsequent additions to the list to the Green Party Liaison to the Secretary of State.

SEC. 20. Section 6854.5 of the Elections Code is amended to read:

6854.5. Nomination papers properly prepared, circulated, signed, and verified shall be left, for examination, with the elections official of the county in which they are circulated at least 81 days before the presidential preference primary election.

SEC. 21. Section 6857.2 is added to the Elections Code, to read:

6857.2. Circulators may obtain signatures to the nomination paper of the candidate or group of candidates at any time not more than 120 nor less than 81 days prior to the presidential primary.

SEC. 22. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that the procedures and protections afforded by this act will be implemented for the 2020 presidential primary election, it is necessary for this act to take effect immediately.