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An act to amend Sections 13102 and 13501 of, and to add Chapter 6 (commencing with Section 6870) to Part 1 of Division 6 of, the elections Code, relating to elections.



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

SECTION 1. Chapter 6 (commencing with Section 6870) is added to Part 1 of Division 6 of the Elections Code, to read:

CHAPTER 6. PUBLIC PRESIDENTIAL PRIMARY

Article 1. General Provisions

6870. This chapter shall be known and may be cited as the Public Presidential Primary Act.

Article 2. Selection of Candidates by the Secretary of State

6875. (a) The Secretary of State shall create a presidential primary ballot, to be known as the "public presidential primary ballot", that contains the names of all candidates that the Secretary has determined are generally advocated for or recognized throughout the United States or California as actively seeking nomination to the office of 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.

(b) Between the 150th day and the 68th 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 intends to place on the ballot at the following presidential primary election.

6876. (a) When the Secretary of State decides to place the name of a candidate on the ballot pursuant to Section 6875, the Secretary shall notify the candidate that the candidate's name will appear on the ballot of this state in the presidential primary election.

(b) The Secretary shall also notify the candidate that the candidate may withdraw their name from the list of recognized candidates by filing with the Secretary of State an affidavit pursuant to Section 6875 no later than the 68th day before the presidential primary election.

6877. If a candidate files with the Secretary of State, no later than the time specified in Section 6875, an affidavit stating without qualification that the candidate is not now a candidate for the office of President of the United States, and stating that similar documents, also without qualification, have been or will be timely filed, as applicable, with the appropriate public election official in all other states holding open presidential primaries, that candidate's name shall be omitted from the list of names certified by the Secretary of State to the county elections officials for the ballot and the candidate's name shall not appear on the ballot.

Article 3. Canvass of Returns

6880. The Secretary of State shall, not later than the 32nd day after the election, compile, file in their office, and publish conspicuously on their internet website a statement of the canvassed returns from the public presidential primary ballot filed



with the Secretary by the county elections officials. The compiled statement shall show for each candidate the total of the votes received, and the votes received in each county.

6881. The Secretary of State shall promulgate regulations implementing this chapter, including regulations specifying that a political party need not consider the returns described in Section 6880.

Article 4. Write-in Candidate

6890. Notwithstanding any other provision of law, a space shall be provided on the public presidential primary ballot created pursuant to Section 6875 for a voter to write in the name of a candidate for nomination for President of the United States.

6891. Any person who believes their name may be used as a write-in candidate for President of the United States shall, not later than 21 days before the primary election, file for endorsement of their write-in candidacy with the Secretary of State, or no votes shall be counted for that person.

SEC. 2. Section 13102 of the Elections Code is amended to read:

13102. (a)

(a) For purposes of this section, the following terms have the following meanings:

(1) “Nonpartisan ballot” means a ballot containing only the names of all candidates for nonpartisan offices, voter-nominated offices, and measures to be voted for at the primary election.

(2) “Public presidential primary ballot” means the ballot created pursuant to Section 6875.

(b) All voting shall be by ballot. There shall be provided, at each polling place, at each election at which public officers are to be voted for, but one form of ballot for all candidates for public office, except that, ~~for partisan primary elections, one form of ballot shall be provided for each qualified political party as well as one form of nonpartisan ballot, in accordance with as provided in~~ subdivision (b).

(b) (1) ~~At partisan primary elections, each voter not registered disclosing a preference with any one of the political parties participating in the election shall be furnished only a nonpartisan ballot, unless he or she requests a ballot of a political party and that political party, by party rule duly noticed to the Secretary of State, authorizes a person who has declined to disclose a party preference to vote the ballot of that political party. The nonpartisan ballot shall contain only the names of all candidates for nonpartisan offices, voter-nominated offices, and measures to be voted for at the primary election. Each each voter registered as preferring a political party participating in the election shall be furnished only a ballot for which he or she the voter disclosed a party preference in accordance with Section 2151 or 2152 and the nonpartisan ballot, both of which shall be printed together as one ballot in the form prescribed by Section 13207. 13207, unless that voter requests a public presidential primary ballot, in which case the voter shall receive the requested ballot printed together with the nonpartisan ballot as one ballot in the form prescribed by Section 13207.~~

(2) At partisan primary elections, each voter not registered disclosing a preference for any one of the political parties participating in the election shall be furnished with a public presidential primary ballot, printed together with the nonpartisan ballot as one ballot in the form prescribed by Section 13207, unless that voter requests a ballot of a political party and that political party, by party rule duly noticed to the Secretary of



State, authorizes a person who has declined to disclose a party preference to vote the ballot of that political party, in which case the voter shall receive the requested ballot printed together with the nonpartisan ballot as one ballot in the form prescribed by Section 13207.

(c) A political party may adopt a party rule in accordance with subdivision (b) that authorizes a person who has declined to disclose a party preference to vote the ballot of that political party at the next ensuing partisan primary election. The political party shall notify the party chair immediately upon adoption of that party rule. The party chair shall provide written notice of the adoption of that rule to the Secretary of State not later than the 135th day ~~prior to~~ before the partisan primary election at which the vote is authorized.

(d) The county elections official shall maintain a record of which political party's ballot was requested pursuant to subdivision (b), or whether a public presidential primary ballot, together with a nonpartisan ballot was requested, by each person who declined to disclose a party preference. The record shall be made available to any person or committee who is authorized to receive copies of the printed indexes of registration roster for primary and general elections pursuant to Section 2184. A record produced pursuant to this subdivision shall be made available in either a printed or electronic format, as requested by the authorized person or committee.

SEC. 3. Section 13501 of the Elections Code is amended to read:

13501. (a) The Secretary of State shall include all of the following in the state voter information ~~guide~~ the guide:

~~(1) The information specified in subdivision (a) of Section 9083.5, including a statement explaining that a voter who has declined to disclose a political party preference may not vote in a political party's primary election unless the political party has authorized a voter who has declined to disclose a political party preference to vote in its primary election. 9083.5.~~

(2) A statement that a voter who has declined to disclose a political party preference may vote in a political party's partisan primary election if the political party, by party rule duly noticed to the Secretary of State, authorizes a voter who has declined to disclose a political party preference to vote in the next ensuing partisan primary election.

(3) The name of each political party that authorizes a voter who has declined to disclose a political party preference to vote in the partisan primary election.

(4) A statement that a voter who has declined to disclose a political party preference may request the ballot of one of the political parties that authorizes a voter who has declined to disclose a political party preference to vote in the partisan primary election.

(5) A statement that a voter who has declined to disclose a political party preference will receive a public presidential primary ballot containing all qualified candidates for the office of President of the United States, regardless of party, unless that voter requests a ballot of a political party pursuant to Section 13102; however, the political parties have discretion to consider the votes cast for this office by a voter who votes this ballot.

(b) The Secretary of State shall make all of the following information available on the Secretary of State's ~~Internet Web site~~: internet website:



(1) A statement that a voter who has declined to disclose a political party preference may vote in a political party's partisan primary election if the political party, by party rule duly noticed to the Secretary of State, authorizes a voter who has declined to disclose a political party preference to vote in the next ensuing partisan primary election.

(2) The name of each political party that authorizes a voter who has declined to disclose a political party preference to vote in the partisan primary election.

(3) A statement that a voter who has declined to disclose a political party preference may request the ballot of one of the political parties that authorizes a voter who has declined to disclose a political party preference to vote in the partisan primary election.

(4) A statement that a voter who has declined to disclose a political party preference request will receive a public presidential primary ballot containing all qualified candidates for the office of President of the United States, regardless of party; however, the political parties have discretion to consider the votes cast for this office by a voter who votes this ballot.

(5) A statement that any voter, regardless of party, may request a public presidential primary ballot containing all qualified candidates for the office of President of the United States, regardless of party, unless that voter requests a ballot of a political party pursuant to Section 13102; however, the political parties have discretion to consider the votes cast for this office by a voter who votes this ballot.

(c) A county elections official shall include all of the information described in paragraphs (1) to ~~(3)~~, (5), inclusive, of subdivision (b) in the nonpartisan county voter information guide prepared pursuant to Section 13300 and shall make the information available on the official's ~~Internet Web site~~, internet website. In addition, the county elections official shall send an email to the email address of a voter who has declined to disclose a political party preference notifying the voter that ~~he or she~~ they may request a political party's ballot at the next ensuing partisan primary election if the political party has so authorized. The county elections official shall also provide the notice to a voter who has declined to disclose a political party preference by text message if the voter has provided written consent to receive text messages from the county elections official.

SEC. 4. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

