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Abolishing Cross Filing

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INITIATIVE MEASURE TO BE SUBMITTED TO THE LEGISLATURE

The Attorney General has summarized the proposed measure as follows:

ABOLISHING CROSS FILING. INITIATIVE TO LEGISLATURE. Prevents a candidate for any partisan office from running for nomination as the candidate of more than one political party. Provides that a person must have been continuously registered with a political party for at least one year before he can seek the nomination of that party for any partisan office.

STATE OF CALIFORNIA }
County (or City and County) of } ss

We, the undersigned, registered, qualified electors of the State of California, residents of County (or City and County) present to the Secretary of State this petition and hereby propose this initiative measure as hereinafter set forth, and petition that the same be submitted to the Legislature of the State of California for their adoption or rejection without change or amendment at the next succeeding session pursuant to the provisions of Section 1 of Article IV of the Constitution of California, or as provided by law.

An act providing for the nomination of candidates for partisan office on the basis of political party affiliation. *The people of the State of California do enact as follows:*

SECTION 1. Section 2637 is hereby added to the Election Code, to read as follows:

2637. No declaration of candidacy for a partisan office shall be filed by the candidate himself or by sponsors on his behalf, and no officer shall accept or permit the filing of such declaration unless, at the time of presentation of the declaration and continuously for not less than one year immediately prior thereto, the candidate is shown by his affidavit of registration to be affiliated with the political party the nomination of which he seeks.

SEC. 2. Section 2540 of the Elections Code is amended to read:

2540. A party is qualified to participate in any primary election:

- (a) If at the last preceding gubernatorial election there was polled for any one of its candidates for any office voted on throughout the state, at least 3 percent of the entire vote of the State; or
- (b) If on or before the seventy-fifth day before any primary election it appears to the Secretary of State as a result of examining and totaling the statement of voters and their political affiliations transmitted to him by the county clerks, that voters, equal in number to at least 1 percent of the entire vote of the state in the last preceding gubernatorial election, have declared their intention to affiliate with that party; or
- (c) If on or before the seventy-fifth day before any primary election there is filed with the Secretary of State a petition signed by voters, equal in number to at least 10 percent of the entire vote of the State at the last preceding gubernatorial election declaring that they represent a proposed party, the name of which shall be stated therein, which proposed party those voters desire to have participate in that primary election. This petition shall be circulated, signed, verified and the signatures of the voters thereon shall be certified to and transmitted to the Secretary of State by the county clerks substantially as provided for initiative petitions. Each page of the petition shall bear a caption in 18 point black faced type, which caption shall be the name of the proposed party followed by the words "Petition to participate in the primary election." No voters or organizations of voters shall assume a party name or designation which is so similar to the name of an existing party as to mislead voters.
- (d) Except that whenever the registration of any party which qualified in the previous direct primary election falls below one tenth of 1 percent of the total state registration, that party shall not be qualified to participate in the primary election but shall be deemed to have been abandoned by the voters, since the expense of printing ballots and holding a primary election would be an unjustifiable expense and burden to the state for so small a group. The Secretary of State shall immediately remove the name of such party from any list, notice, ballot, or other publication containing the names of the parties qualified to participate in the primary election.

SEC. 3. Section 2893 of the Elections Code is amended to read:

2893. No vacancy on the ballot for a general election shall be filled except in the following cases:

- (a) By reason of the death or disqualification of a candidate occurring at least forty days before the date of the next ensuing general election.
- (b) By reason of the failure of the party to nominate a candidate for the office at the primary election.

SEC. 4. Section 2896 of the Elections Code is amended to read:

2896. A vacancy authorized to be filled because of the death or disqualification of a candidate, shall be filled and the name of the person to fill the vacancy shall be certified to the officer charged with the duty of printing of the ballots forty days before the day of election.

SEC. 5. Sections 2674, 2742, 2794, and 2795 of the Elections Code are repealed.

