

1-25-1984

Open Primary Elections.

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Office of the Secretary of State
March Fong Eu

1230 J Street
Sacramento, California 95814

Elections Division
(916) 445-0820

July 3, 1984

TO: ALL REGISTRARS OF VOTERS/COUNTY CLERKS/PROPONENTS (8404)
FROM: *Deborah Seiler*
DEBORAH SEILER
ASSISTANT TO THE SECRETARY OF STATE
ELECTIONS AND POLITICAL REFORM

Pursuant to Elections Code 3520(b) you are hereby notified that the total number of signatures to the hereinafter named proposed INITIATIVE STATUTE filed with all county clerks is less than 100 percent of the number of qualified voters required to find the petition sufficient; therefore, the petition has failed.

TITLE: OPEN PRIMARY ELECTIONS.
INITIATIVE STATUTE.

SUMMARY DATE: January 25, 1984

PROPONENTS: Arlen Gregorio
Christine Reed
Joel Wachs
Peggy Mensinger
Roman Buhler

DS/l ds



Office of the Secretary of State
March Fong Eu

1230 J Street
Sacramento, California 95814

Elections Division
(916) 445-0820

03/18

January 25, 1984

TO ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENT

Pursuant to Section 3513 of the Elections Code, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed Initiative Measure entitled:

**OPEN PRIMARY ELECTIONS.
INITIATIVE STATUTE.**

Circulating and Filing Schedule

- 1. Minimum number of signatures required 393,835
Cal. Const., Art. II, Sec. 8(b).
- 2. Official Summary Date Wednesday, 1/25/84
Elec. C., Sec. 3513.
- 3. Petition Sections:
 - a. First day Proponent can circulate Sections for signatures . . Wednesday, 1/25/84
Elec. C., Sec. 3513.
 - b. Last day Proponent can circulate and file with the county.
All Sections are to be filed at the same time within each
county. Monday, 6/25/84*+
Elec. C., Secs. 3513, 3520(a).
 - c. Last day for county to determine total number of signatures
affixed to petition and to transmit total to the Secretary of
State Monday, 7/2/84

(If the Proponent files the petition with the county on a date prior to 6/25/84, the county has five working days from the filing of the petition to determine the total number of signatures affixed to the petition and to transmit the total to the Secretary of State.) Elec. C., Sec. 3520(b).

* Date adjusted for official deadline which falls on Saturday. Elec. C., Sec. 60.

+ **PLEASE NOTE:** To the Proponent who may wish to qualify for the 1984 General Election. The law allows up to approximately 58 days to county election officials for checking and reporting petition signatures and transmitting results. The law also requires that this process be completed 131 days before the election in which the people will vote on the initiative. It is possible that the county may not need precisely 58 days. But if you want to be sure that this initiative qualifies for the 1984 General Election, you should file this petition with the county before May 1, 1984.

OPEN PRIMARY ELECTIONS.

January 25, 1984

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d. Secretary of State determines whether the total number of signatures filed with all county clerks meets the minimum number of required signatures, and notifies the counties. Wednesday, 7/4/84**

e. Last day for county to determine total number of qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State Thursday, 7/19/84

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 7/2/84, the last day is not later than the fifteenth day after county's receipt of notification.)
Elec. C., Sec. 3520(d), (e).

f. If the signature count is more than 433,218 or less than 354,452, then the Secretary of State certifies the petition has qualified or failed, and notifies the counties. If the signature count is between 354,452 and 433,218 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures Saturday, 7/21/84**

g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State Monday, 8/20/84

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 7/19/84, the last day is not later than the thirtieth day after county's receipt of notification.)
Elec. C., Sec. 3521(b), (c).

h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient. Wednesday, 8/22/84**

**Date varies based on receipt of county certification.

OPEN PRIMARY ELECTIONS.

January 25, 1984

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4. Campaign Statements:

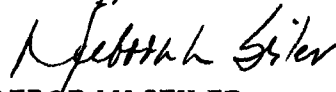
Last day for the Proponent to file a Campaign
Statement of Receipts and Expenditures for period
ending 7/23/84. Monday, 7/30/84

(If the Secretary of State finds that the measure has
either qualified or failed to qualify on a date earlier
than 6/25/84, the last date to file is the 35th calendar
day after the deadline for filing petitions or the date of
notification by the Secretary of State that the measure
has either qualified or failed to qualify, whichever is
earlier. The closing date for the campaign statement
is seven days prior to the filing deadline.)
Gov. C., Secs. 84200(d), 84202(j).

5. The Proponents of the above named measure are:

Arlen Gregorio
Christine Reed
Joel Wachs
Peggy Mensinger
Roman Buhler
c/o Bagatelos and Fadem
Attorneys at Law
1 Maritime Plaza, Suite 2500
San Francisco, CA 94111
(415) 362-1940

Sincerely,



DEBORAH SEILER
Assistant to the Secretary of State
Elections and Political Reform

NOTE TO PROPONENT: Your attention is directed to Elections Code
Sections 41, 44, 3501, 3507, 3508, 3516, 3517, and 3519 for appropriate
format and type considerations in printing, typing, and otherwise preparing
your initiative petition for circulation and signatures. Your attention is
further directed to the campaign disclosure requirements of the Political
Reform Act of 1974, Government Code Section 81000 et seq.

JOHN K. VAN DE KAMP
Attorney General

0318
State of California
DEPARTMENT OF JUSTICE



1515 K STREET, SUITE 511
SACRAMENTO 95814
(916) 445-9555

January 25, 1984

Honorable March Fong Eu
Secretary of State
1230 J Street
Sacramento, California 95814

Dear Mrs. Eu:

Re: Initiative Title and Summary.
Our File No. SA83RF0042


Pursuant to the provisions of section 3503 and 3513 of the Elections code, you are hereby notified that on this day we mailed to the proponent(s) of the above identified proposed initiative our title and summary.

Enclosed is a copy of our transmittal letter to the proponent(s), a copy of our title and summary, a declaration of mailing thereof, and a copy of the proposed measure.

According to information available in our records, the name(s) and address(es) of the proponent(s) is as stated on the declaration of mailing.

Very truly yours,

JOHN K. VAN DE KAMP
Attorney General


Robert Burton
Deputy Attorney General

Enclosure

FILED
In the office of the Secretary of State
of the State of California

JAN 25 1984

MARCH FONG EU, Secretary of State

By 
Deputy

(RF-10, 6/83)

Date: January 25, 1984
File No.: SA83RF0042

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

OPEN PRIMARY ELECTIONS. INITIATIVE STATUTE. Adds and amends statutes to provide that all persons entitled to vote, including those not affiliated with any political party, shall have the right to vote at any election for any candidate regardless of the candidate's political affiliation. Provides for a single primary ballot on which, under the appropriate title for each office, the names and party affiliations of all candidates are placed randomly and not grouped by political party. Retains separate partisan ballot only for selection of elective political party committee members by voters of each party. Requires legislature to conform conflicting statutes. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: This measure would not result in additional state costs. Local governments would incur one-time costs of at least \$5,800,000 in 1985-86. In addition, local governments would incur net costs of at least \$1,700,000, beginning in 1985-86 and each two years thereafter, coinciding with a primary election.

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

Section 1. This amendment shall be known and may be cited as the "Open Primary Act".

Section 2. Section 101 is added to the Elections Code, to read:

All persons entitled to vote, including those not affiliated with any political party, shall have the right to vote, except as otherwise provided by law, at any election in which they are qualified to vote, for any candidate regardless of the candidate's political affiliation.

Section 3. Section 501 of the Elections Code is amended to read:

501. At the time of registering and of transferring registration, each elector may declare the name of the political party with which he or she intends to affiliate at the ensuing primary election. The name of that political party shall be stated in the affidavit of registration and the index.

The voter registration card shall inform the affiant that any elector may decline to state a political affiliation, but no person shall be entitled to vote the ballet of any political party and that all properly registered voters may vote for their choice at any primary election unless he or she has stated the name of the party with which he intends to affiliate for any candidate for each office regardless of political affiliation and without a declaration of political faith or allegiance. The voter registration

card shall include a listing of all qualified political parties.

Notwithstanding any provision to the contrary, no person shall be permitted to vote the ballot of any party for any elective political party committee member or for any delegates to the convention of any party other than the party designated in his or her registration, except as provided by Section 502.

Section 4. Section 10007 of the Elections Code is amended to read:

10007. At least 25 days before the primary election, each county clerk shall prepare separate identical sample ballots for each political party and a separate sample nonpartisan ballot, voter, provided however, that in the case of ballots involving elective political party committee members, each county clerk shall prepare separate ballots for the sole use of persons registered with that party, as provided for in §501. On the official identical primary ballots, placing each county clerk shall place thereon in each case in the order provided in Chapter 2 (commencing with Section 10200) of Division 8 of this code, and under the appropriate title of each office, the names and party affiliations of all candidates, organized randomly as provided in Section 10217 and not grouped by political party, for whom nomination papers have been duly filed with him or have been certified to him by the Secretary of State to be voted for in his county at the primary election. The sample ~~ballot~~ ballots shall be identical to the official ballots, except as otherwise provided by law. The sample ballots shall be printed on paper of a different texture from the paper to be used for the official ballot. Except as provided in Section 10230, one sample official

primary ballot of the party to which the voter belongs, as evidenced by his registration, shall be mailed to each voter entitled to vote at the primary not more than 40 nor less than five days before the election. A nonpartisan sample ballot shall be so mailed to each voter who is not registered as intending to affiliate with any of the parties participating in the primary election.

Section 5. Section 10008 of the Elections Code is amended to read:

10008. At the time the county clerk prepares sample ballots for each political party at the presidential primary, he shall also prepare a list with the name of candidates for delegates for each political party. The names of the candidates for delegates of any political party shall be arranged upon the list of candidates for delegates of that party in parallel columns under their preference for President. The order of groups on the list shall be alphabetically according to the names of the persons they prefer appear upon the ballot. Each column shall be headed in boldface 10-point, gothic type as follows: "The following delegates are pledged to ____" (The blank being filled in with the name of that candidate for presidential nominee for whom the members of the group have expressed a preference.) The names of the candidates for delegates shall be printed in eight-point, roman capital type.

Copies of the list of candidates for delegates of each party shall be submitted by the county clerk to the chairman of the county central committee of that party, and the county clerk shall post a copy of each list in a conspicuous place in his office.

Section 6. Section 10009 of the Elections Code is amended to read:

10009. The county clerk shall forthwith submit the sample official primary ballot of each ~~political~~ party to the chairman of the county central committee of ~~that~~ each political party and shall mail a copy to each candidate for whom nomination papers have been filed in his office or whose name has been certified to him by the Secretary of State, to the post office address as given in the nomination paper or certification, and he shall post a copy of each the sample ballot in a conspicuous place in his office.

Section 7. Section 10200.5 of the Elections Code is amended to read:

10200.5. 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 listing all candidates for public office. At such ~~partisan~~ primary elections each voter ~~not registered as intending to affiliate with any one of the political parties participating in the election~~ shall be furnished only a ~~nonpartisan~~ an official primary ballot. The ~~nonpartisan~~ official primary ballot shall contain ~~only~~ the names of all candidates for ~~nonpartisan and partisan~~ offices and measures to be voted for at the primary election. Each voter registered as ~~intending to affiliate with a political party participating in the election~~ shall be furnished only a ballot of the ~~political~~ party

with which he is registered and the nonpartisan ballot both of which shall be printed together as one ballot in the form prescribed by Section 10207-

Section 8. Section 10203 of the Elections Code is amended to read:

10203. Across the top of the ballot shall be printed in heavy-faced gothic capital type not smaller than 30-point, the words "OFFICIAL BALLOT." However, if the ballot is no wider than a single column, the words "OFFICIAL BALLOT" may be as small as 24-point. Beneath this heading, in the case of a partisan an official primary election, shall be printed in 18-point boldfaced gothic capital type ~~the official party designation or~~ the words "NONPARTISAN OFFICIAL PRIMARY BALLOT" as applicable. Beneath the heading line or lines, there shall be printed, in boldface type as large as the width of the ballot makes possible, the number of the congressional, Senate, and Assembly district, the name of the county in which the ballot is to be voted, and the date of the election.

Section 9. Section 10206 of the Elections Code is amended to read:

On the ~~partisan~~ ballot used in a direct primary election, immediately below the instructions to voters, there shall be a box one-half inch high enclosed by a heavy-ruled line the same as the ~~the~~ borderline. This box shall be as long as there are columns for the ~~partisan~~ ballot and shall directly above these columns. Within the box shall be printed in 24-point boldfaced gothic capital type the words "Partisan Offices."

The same style of box shall appear over the columns of the nonpartisan part of the ballot and within the box in the same style and point size of type shall be printed "Nonpartisan Offices."

This section shall not apply to ballots for elective political party committee members prepared in accordance with Section 10007.

Section 10. Section 10230 of the Elections Code is amended to read:

10230. If the county clerk determines that due to the number of candidates and measures that must be printed on the ballot the ballot will be larger than may be conveniently handled, the county clerk may provide that a nonpartisan ballot for nonpartisan offices and measures shall be given to each partisan voter, together with his partisan or her official primary ballot and that the material appearing under the heading "Nonpartisan Offices" on partisan ballots, as well as the heading itself, shall be omitted from the partisan ballots.

If the Notwithstanding Section 10007, the county clerk so provides, shall provide that procedure prescribed for the handling and canvassing of ballots shall be modified to the extent necessary to permit the use of two ballots by partisan voters. The county clerk may, in such case, order the second ballot to be printed on paper of a different tint and assign to those ballots numbers higher than those assigned to the ballots containing partisan offices for nonpartisan offices and measures.

Section 11. No provision of this Act may be changed except by a vote of the People.

The Legislature shall amend or delete other provisions of law not encompassed by this Act which conflict with the provisions herein in order to bring them into conformity with this Act.

Section 12. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

LAW OFFICES OF
BAGATELOS & FADEM

ATTORNEYS AT LAW

ONE MARITIME PLAZA

SUITE 2500

SAN FRANCISCO, CALIFORNIA 94111

BARRY FADEM
PETER A. BAGATELOS

TELEPHONE
(415) 362-1940

December 23, 1983

The Honorable John Van de Kamp
Attorney General of California
1515 K Street, Sixth Floor
Sacramento, California 95814

Attention: Mr. Robert Burton
Deputy Attorney General

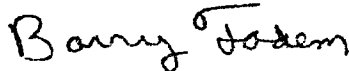
Dear Mr. Attorney General:

This firm serves as legal counsel to Californians for an Open Primary. This Committee, through its representatives, will be sponsoring an initiative statutory enactment which is entitled the "Open Primary Act." Members of the Committee will be the official proponents of the "Open Primary Act."

The official proponents are Arlen Gregorio, Chris Reed, Joel Wachs, Peggy Mensinger and Roman Buhler. Enclosed are executed letters from each of the proponents requesting a preparation of a Title and Summary for the proposed initiative statutory enactment, a copy of which is enclosed.

Also enclosed is a check in the amount of \$200 to cover the requisite filing fee. If you have any questions, please do not hesitate to contact me.

Sincerely,



Barry Fadem

BF/cwk
Encl.

cc: A. Gregorio (w/encl.)
C. Reed "
J. Wachs "
P. Mensinger "
R. Buhler "



January 25, 1984

Arlen Gregorio and Other Proponents
Listed Below
c/o Bagatelos & Fadem
Attorneys at Law
One Maritime Plaza, Suite 2500
San Francisco, California 94111

Re: Initiative Title and Summary.
Subject: Open Primary Elections
Our File No. SA83RF0042

Pursuant to your request, we have prepared the attached title and summary of the chief purposes and points of the above identified proposed initiative. A copy of our letter to the Secretary of State, as required by Elections Code sections 3503 and 3513, our declaration of mailing, and the text of your proposal that was considered is attached.

The Secretary of State will be sending you shortly a copy of the circulating and filing schedule for your proposal that will be issued by that office.

Please send us a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file in this matter.

Very truly yours,

JOHN K. VAN DE KAMP
Attorney General

Robert Burton
Deputy Attorney General

Attachment

Christine Reed
Joel Wachs
Peggy Mensinger
Roman Buhler

(RF-9, 6/83)

DECLARATION OF MAILING

The undersigned Declarant, states as follows:

I am over the age of 18 years and not a proponent of the within matter; my place of employment and business address is 1515 K Street, Suite 511, Sacramento, California 95814.

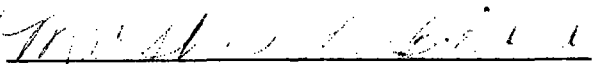
On the date shown below, I mailed a copy or copies of the attached letter to the proponents, by placing a true copy thereof in an envelope addressed to the proponents named below at the addresses indicated, and by sealing and depositing said envelope or envelopes in the United States mail at Sacramento, California, with postage prepaid. There is delivery service by United States mail at each of the places so addressed, or there is regular communication by mail between the place of mailing and each of the places so addressed.

Date of Mailing: January 25, 1984
Subject: Open Primary Elections
Our File No.: SA83RF0042
Name of Proponent(s) and Address(es):

ARLEN GREGORIO
CHRISTINE REED
JOEL WACHS
PEGGY MENSINGER
ROMAN BUHLER
c/o Bagatelos & Fadem
Attorneys at Law
One Maritime Plaza, Suite 2500
San Francisco, California 94111

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Sacramento, California on January 25, 1984.


MARSHA L. BIERER
Declarant