

2004

Election Rights of Political Parties.

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BALLOT MEASURE SUMMARY

PROP

60

Election Rights of Political Parties. Legislative Constitutional Amendment.

Summary

Requires general election ballot include candidate receiving most votes among candidates of same party for partisan office in primary election. Fiscal Impact: No fiscal effect.

What Your Vote Means

Yes

A **YES** vote on this measure means: The State Constitution would require that the top vote-getter from each party in a state primary election advance to the general election. (The current statutory elections process has this requirement.)

No

A **NO** vote on this measure means: No provisions would be added to the State Constitution regarding state primary elections.

Arguments

Pro

Proposition 60 guarantees full, free, and open debate in elections. **PROPOSITION 60 PRESERVES VOTER CHOICE** and protects your right to select political party nominees for public office in direct primary elections. Proposition 60 gives you the right to choose from all parties and different points of view in general elections.

Con

Proposition 60 does not go far enough. It leaves the door open to possible future tinkering with our election system.

For Additional Information

For

Yes on 60—Committee to Preserve Voter Choice
1127 11th Street, Suite 950
Sacramento, CA 95814
916-443-5900
www.Yeson60.com

Against

No contact information available.

PROP

60A

Surplus Property. Legislative Constitutional Amendment.

Summary

Sale proceeds of most surplus state property pay off specified bonds. Fiscal Impact: Net savings over the longer term—potentially low tens of millions of dollars—from accelerated repayment of existing bonds.

What Your Vote Means

Yes

A **YES** vote on this measure means: The state would be required to use any revenues from the sale of surplus property to accelerate the repayment of some existing bonds.

No

A **NO** vote on this measure means: The state would not be required to use revenues from the sale of surplus property to accelerate the repayment of some existing bonds.

Arguments

Pro

No contact information available.

Con

Proposition 60A does not go far enough. While it earmarks the proceeds of sale of surplus property to pay off bonds, it doesn't mandate sales.

For Additional Information

For

No contact information available.

Against

No contact information available.

PROPOSITION

60

ELECTION RIGHTS OF POLITICAL PARTIES. LEGISLATIVE CONSTITUTIONAL AMENDMENT.

OFFICIAL TITLE AND SUMMARY

Prepared by the Attorney General

Election Rights of Political Parties. Legislative Constitutional Amendment.

- Provides the right for political party participating in a primary election for partisan office to also participate in the general election for that office.
- Candidate receiving most votes from among that party's candidates in primary election for state partisan office cannot be denied placement on general election ballot.

Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:

- No fiscal effect.

Final Votes Cast by the Legislature on SCA 18 (Proposition 60)

| | | |
|-----------|---------|---------|
| Assembly: | Ayes 55 | Noes 21 |
| Senate: | Ayes 28 | Noes 3 |

ANALYSIS BY THE LEGISLATIVE ANALYST

BACKGROUND

California generally holds two statewide elections to elect a candidate to public office—a primary election (in March) and a general election (in November). Some public offices (such as the Governor and members of the Legislature) are partisan, which means that a candidate represents a political party in an election. For partisan offices, the primary election determines each political party’s nominee for the office. The candidate receiving the most votes among a party’s candidates is that party’s nominee for the general election. In the general election, voters then choose among all of the parties’ nominees, as well as any independent candidates, to elect a candidate to office.

PROPOSAL

Participation in the General Election. This measure places into the State Constitution a requirement that all parties that participate in a primary election be able to advance their top vote-getting candidate to the general election. This requirement is met by the current process for elections as described above.

Related Provisions in Proposition 62.

Proposition 62 on this ballot also contains provisions affecting which primary candidates advance to the general election ballot. That measure would require that only the top two vote-getters in the primary—regardless of party identification—advance to the general election. As a result, under Proposition 62, each party would not be guaranteed to have a candidate on the general election ballot. The State Constitution provides that if the provisions of two approved propositions are in conflict, only the provisions of the measure with the higher number of yes votes at the statewide election take effect.

FISCAL EFFECTS

Under current law, all parties that participate in a primary can have their top vote-getting candidate advance to the general election. This measure, therefore, would not require any changes to election procedures. As a result, the measure’s election provisions would have no fiscal effect on state and local governments.

ELECTION RIGHTS OF POLITICAL PARTIES. LEGISLATIVE CONSTITUTIONAL AMENDMENT.

ARGUMENT in Favor of Proposition 60

Proposition 60 protects your right to choice in elections.

FULL, FREE, AND OPEN DEBATE IS IMPORTANT IN A DEMOCRACY. WE HAVE NOTHING TO FEAR FROM HEARING DIFFERENT POINTS OF VIEW.

That's why a century ago, ordinary citizens of California fought for their right to select political party nominees for office in direct primary elections. Proposition 60 protects that important right.

PROPOSITION 60 PROTECTS VOTER CHOICE by guaranteeing that every political party has the right to nominate candidates for partisan office in a primary election and compete in a general election. We need that choice and accountability.

PROPOSITION 60 PROVIDES A DIRECT ALTERNATIVE TO PROPOSITION 62, the radical scheme to eliminate our direct primary elections.

- Proposition 62 would impose the election system from the State of Louisiana (the only state to have such a system). In Louisiana, voters' choice in a recent runoff election was a former Grand Wizard of the Ku Klux Klan and a governor who later went to prison.
- Under Proposition 62, only the two top vote getters in the first round of voting would proceed to the general election. Proposition 62, effectively excludes California's five minor parties and independents from the general election. In many districts, your only choices would be two members of the same party.
- If Proposition 62's special interest scheme had been in place in 2002, six million California votes would not have been counted, and 50 different general election races would have

been limited to candidates from the same party.

- Proposition 62 is sponsored by insurance companies, financial institutions and failed wealthy politicians who spent \$2 million to put their power grab scheme on the ballot.
- Proposition 62 would depress voter turnout, elevate the importance of money and fame, increase opportunities for extremist candidates, and decrease opportunities for minority officeholders.
- Under Proposition 62, California's diversified Legislature with many African Americans, Latinos, Asians, and female legislators will suffer and politics will return to being dominated by rich white males.
- Proposition 62 could allow the two wealthiest candidates to buy victory in the first round of voting and end up on the November ballot, making campaign finance reform meaningless.

In dramatic contrast, *PROPOSITION 60 WILL PRESERVE YOUR RIGHT TO CHOICE IN ELECTIONS.*

Vote YES on Proposition 60 to *PROTECT YOUR RIGHT TO CHOICE IN ELECTIONS.*

Vote YES on Proposition 60 to *GUARANTEE YOUR RIGHT TO HEAR ALL POINTS OF VIEW.*

DAN STANFORD, *Former Chairman
California Fair Political Practices Commission*

BARBARA O'CONNOR, Ph.D., *Director
Institute for the Study of Politics & Media
California State University, Sacramento*

GEORGE N. ZENOVICH, *Associate Justice, Retired
5th District Court of Appeal*

REBUTTAL to Argument in Favor of Proposition 60

Politics has been called "the art of the possible." In a letter to President Kennedy, John Kenneth Galbraith once said: "Politics is not the art of the possible. It consists of choosing between the disastrous and the unpalatable." Even if, as proponents of Proposition 60 argue, the election scheme contained in Proposition 62 is disastrous, Proposition 60, which purports to save us from Proposition 62, is nonetheless unpalatable.

Proposition 60 only deals with general elections. The measure is silent on how primary elections will be conducted, leaving the door open for potential voting mischief that can adversely impact the right of parties to select their nominees. If the supporters of Proposition 60 truly

wish to protect "full, free, and open debate" they should have included permanent constitutional protection defining the direct primary. Californians deserve the stability of a system that prohibits the members of one party from meddling in the primaries of another.

In seeking to compromise, the backers of Proposition 60 stopped short of what needs to be done.

That may be practicing the art of the possible, but it is no less "unpalatable" and deserves a no vote.

SENATOR BILL MORROW

ASSEMBLYMEMBER SARAH REYES

ARGUMENT Against Proposition 60

In his speech on the Conciliation of America, Edmund Burke said, “All government, indeed, every human benefit and enjoyment, every virtue and every prudent act, is founded on compromise and barter.”

The authors of Proposition 60 have compromised too much. They had the chance to permanently protect California’s primary system, but stopped short of the goal line.

Proposition 60 does allow parties that have candidates in primary elections to have a candidate in general elections. That’s some protection from radical schemes—but not enough.

Proposition 60 doesn’t spell out what kind of primary elections California will have.

That leaves the door open for future tinkering with the primary system and still allows the special interest backers of so-called “open primary” or “blanket primary” schemes to come in over and over again with new attempts to try and make changes that would harm our system.

Enough is enough. No political party should be forced to allow members of other parties to choose their nominees.

Proposition 60 could have amended the

California Constitution to permanently prevent primary schemes from being imposed in the future. It doesn’t.

As Californians, we want to see elections constitutionally protected from changes and from the opportunity for mischief.

A think tank in Washington State, where they have also wrestled with primary election issues, recently noted a survey taken in California when our primary was temporarily changed a few years back. It said 37% of the state’s Republicans planned to help determine the Democrat nominee for Governor and 20% of Democrats planned to vote in the Republican primary for Senate.

Proposition 60 could have permanently amended the California Constitution to prevent the opportunity for mischief. It doesn’t.

Proposition 60 is only half a response.

Proposition 60 does no harm, but voters deserve more. Voters deserve *permanent* protection for our primary system.

STATE SENATOR BILL MORROW

STATE ASSEMBLYMEMBER SARAH REYES

REBUTTAL to Argument Against Proposition 60

You know full, free, and open debate is important in a democracy. We have nothing to fear from hearing different points of view. Proposition 60 protects your right to choice in elections.

Proposition 60 protects your right to choose political parties’ candidates for public office.

Proposition 60 is simple, straightforward, and easily understood. That is in sharp contrast to Proposition 62, which would impose Louisiana’s radical election system where voters’ choice in a recent runoff election was a former Grand Wizard of the Ku Klux Klan and a corrupt governor who later went to prison.

- Proposition 62’s proponents are very wealthy politicians intent on forcing their Louisiana scheme on Californians because they know they, and others like them, will personally benefit. The two most wealthy candidates will be able to buy victory in the first round of voting,

making campaign finance reform meaningless.

- Proposition 62 would create a two-stage general election in which only the two top vote getters in a first round of voting would be allowed to participate in a runoff election—even if they belong to the same party! By keeping candidates out of general elections, it would reduce voter choice in the only vote in which a candidate could actually win office.

Proposition 60 preserves voter choice.

Vote Yes on Proposition 60!

BARBARA O’CONNOR, Ph.D., *Director*
Institute for the Study of Politics & Media
California State University, Sacramento

MICHAEL S. CARONA, *Sheriff*
Orange County

HENRY L. “HANK” LACAYO, *State President*
Congress of California Seniors

Proposition 59

This amendment proposed by Senate Constitutional Amendment 1 of the 2003–2004 Regular Session (Resolution Chapter 1, Statutes of 2004) expressly amends the California Constitution by amending a section thereof; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED AMENDMENT TO SECTION 3 OF ARTICLE I

SEC. 3. (a) The people have the right to instruct their representatives, petition government for redress of grievances, and assemble freely to consult for the common good.

(b) (1) *The people have the right of access to information concerning the conduct of the people’s business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.*

(2) *A statute, court rule, or other authority, including those in effect on the effective date of this subdivision, shall be broadly construed if it furthers the people’s right of access, and narrowly construed if it limits the right of access. A statute, court rule, or other authority adopted after the effective date of this subdivision that limits the right of access shall be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.*

(3) *Nothing in this subdivision supersedes or modifies the right of privacy guaranteed by Section 1 or affects the construction of any statute, court rule, or other authority to the extent that it protects that right to privacy, including any statutory procedures governing discovery or disclosure of information concerning the official performance or professional qualifications of a peace officer.*

(4) *Nothing in this subdivision supersedes or modifies any provision of this Constitution, including the guarantees that a person may not be deprived of life, liberty, or property without due process of law, or denied equal protection of the laws, as provided in Section 7.*

(5) *This subdivision does not repeal or nullify, expressly or by implication, any constitutional or statutory exception to the right of access to public records or meetings of public bodies that is in effect on the effective date of this subdivision, including, but not limited to, any statute protecting the confidentiality of law enforcement and prosecution records.*

(6) *Nothing in this subdivision repeals, nullifies, supersedes, or modifies protections for the confidentiality of proceedings and records of the Legislature, the Members of the Legislature, and its employees, committees, and caucuses provided by Section 7 of Article IV, state law, or legislative rules adopted in furtherance of those provisions; nor does it affect the scope of permitted discovery in judicial or administrative proceedings regarding deliberations of the Legislature, the Members of the Legislature, and its employees, committees, and caucuses.*

Proposition 60

This amendment proposed by Senate Constitutional Amendment 18 of the 2003–2004 Regular Session (Resolution Chapter 103, Statutes of 2004) expressly amends the California Constitution by amending a section thereof; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED AMENDMENT TO ARTICLE II

That Section 5 of Article II thereof is amended to read:

SEC. 5. (a) The Legislature shall provide for primary elections for partisan offices, including an open presidential primary whereby the

candidates on the ballot are those found by the Secretary of State to be recognized candidates throughout the nation or throughout California for the office of President of the United States, and those whose names are placed on the ballot by petition, but excluding any candidate who has withdrawn by filing an affidavit of noncandidacy.

(b) *A political party that participated in a primary election for a partisan office has the right to participate in the general election for that office and shall not be denied the ability to place on the general election ballot the candidate who received, at the primary election, the highest vote among that party’s candidates.*

Proposition 60A

This amendment proposed by Senate Constitutional Amendment 18 of the 2003–2004 Regular Session (Resolution Chapter 103, Statutes of 2004) expressly amends the California Constitution by adding a section thereto; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED AMENDMENT TO ARTICLE III

That Section 9 is added to Article III thereof, to read:

SEC. 9. *The proceeds from the sale of surplus state property occurring on or after the effective date of this section, and any proceeds*

from the previous sale of surplus state property that have not been expended or encumbered as of that date, shall be used to pay the principal and interest on bonds issued pursuant to the Economic Recovery Bond Act authorized at the March 2, 2004, statewide primary election. Once the principal and interest on those bonds are fully paid, the proceeds from the sale of surplus state property shall be deposited into the Special Fund for Economic Uncertainties, or any successor fund. For purposes of this section, surplus state property does not include property purchased with revenues described in Article XIX or any other special fund moneys.

Proposition 61

This initiative measure is submitted to the people in accordance with the provisions of Section 8 of Article II of the California Constitution.

This initiative measure adds sections to the Health and Safety Code; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

The people of the State of California do enact as follows:

SECTION 1. Part 6 (commencing with Section 1179.10) is added to Division 1 of the Health and Safety Code, to read:

PART 6. CHILDREN’S HOSPITAL BOND ACT OF 2004

CHAPTER 1. GENERAL PROVISIONS

1179.10. *This part shall be known and may be cited as the Children’s Hospital Bond Act of 2004.*

1179.11. *As used in this part, the following terms have the following meanings:*

(a) *“Authority” means the California Health Facilities Financing Authority established pursuant to Section 15431 of the Government Code.*

(b) *“Children’s hospital” means either:*

(1) *A University of California general acute care hospital described below:*

- (A) *University of California, Davis Children’s Hospital.*
- (B) *Mattel Children’s Hospital at University of California, Los Angeles.*
- (C) *University Children’s Hospital at University of California, Irvine.*
- (D) *University of California, San Francisco Children’s Hospital.*
- (E) *University of California, San Diego Children’s Hospital.*

(2) *A general acute care hospital that is, or is an operating entity of, a California nonprofit corporation incorporated prior to January 1, 2003, whose mission of clinical care, teaching, research, and advocacy*