Elections. Primaries.

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For Additional Information

For
Charity Bracy
California Children’s Hospitals Association
3914 Murphy Canyon Road, Suite 125
San Diego, CA 92123
858-974-1644
cbracy@ccha.org
www.SaveTheChildrensHospitals.com

Against
Gary B. Wesley
Attorney at Law
707 Continental Circle
Mountain View, CA 94040
408-882-5070

Arguments

Pro
Everyday, California’s Children’s Hospitals save lives. Children with leukemia, cancer, cystic fibrosis, and heart disease. 80% of children with leukemia are making it. 90% are coming through delicate heart surgery. Proposition 61 doesn’t raise taxes. It does give the sickest kids in California the best care on earth.

Con
Rebuilding a few children’s hospitals will make some building contractors richer; however, it will not, by itself, provide health care for anyone. What we need—in California and across America—is some sort of “single-payer” health care system which cuts out the middle-men and profiteers.

What Your Vote Means

Yes
A YES vote on this measure means: The state could sell $750 million in general obligation bonds for construction, expansion, remodeling, renovation, furnishing, equipping, financing, or refinancing of children’s hospitals.

No
A NO vote on this measure means: The state would not sell the $750 million in general obligation bonds proposed for these purposes.

For
Californians for an Open Primary
4150 Riverside Drive, Suite 204
Burbank, CA 91505
818-843-1487
info@openprimary.org
www.openprimary.org

Against
Greg Hill
Californians for Election Accountability
921 11th Street, Suite 400
Sacramento, CA 95814
info@NOon62.com
www.NOon62.com


Summary
Requires primary elections where voters may vote for any state or federal candidate regardless of party registration of voter or candidate. The two primary-election candidates receiving most votes for an office, whether they are candidates with “no party” or members of same or different party, would be listed on general election ballot. Exempts presidential nominations. Fiscal Impact: No significant net fiscal effect on state and local governments.

What Your Vote Means

Yes
A YES vote on this measure means: All voters would receive the same primary election ballot for most state and federal offices. The top two vote-getting candidates—regardless of party identification—would be placed on the general election ballot.

No
A NO vote on this measure means: Voters would continue to receive primary election ballots based on political party identification. The top vote-getting candidate from each political party would be placed on the general election ballot.

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Against
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For
The Voter Choice Primary Initiative allows every voter—including independent voters—to vote for the best candidate for office, regardless of party, in primary elections. It is similar to the method Californians have used for the past century to elect mayors, council members, county supervisors, and district attorneys.

Con
Proposition 62 is based on Louisiana’s radical election system. There, it helped KKK leader David Duke run for Governor. It:
• ELIMINATES VOTER CHOICE in General Elections
• UNDERCUTS opportunities for WOMEN and MINORITY candidates
• Makes the Legislature LESS ACCOUNTABLE
Don’t bring Louisiana’s dirty politics to California! Vote NO!

- Requires primary elections where all voters may vote for any state or federal candidate regardless of how a voter or candidate is registered.
- Exempts presidential nominations and elections of party central committees.
- Only the two primary-election candidates receiving most votes for an office, whether they are candidates with “no party” or members of same or different party, would be listed on general election ballot.
- In special primary election, candidate receiving majority vote is elected.
- Requires political party’s consent for identification of candidates’ party registration on ballot and in other official election publications.

Summary of Legislative Analyst’s Estimate of Net State and Local Government Fiscal Impact:
- No significant net fiscal effect on state and local governments.

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. Other offices (such as the Superintendent of Public Instruction and local officials) are nonpartisan, which means that a candidate does not represent a political party. For these nonpartisan offices, the primary election generally reduces the field of candidates by advancing the top two vote-getters to the general election.

For every primary election, each county prepares a ballot and related materials for each political party. Those voters affiliated with political parties receive their party’s ballot. Voters with no party affiliation generally receive ballots related only to nonpartisan offices and propositions. This system is known as a “closed” primary since voters of one party cannot vote for candidates of any other party. (In California, parties may allow voters with no party affiliation to receive their party’s ballot. Three parties chose to allow this for the March 2004 election.) Figure 1 compares this type of primary system with several other systems, including the one proposed by this measure.

In March 1996, California voters approved Proposition 198, which created a “blanket” primary system. Proposition 198 allowed all voters, regardless of party affiliation, to vote for any candidate in a primary election. As with the existing system, the candidate from each party receiving the most votes in the primary appeared on the general election ballot. This system was used for primaries in 1998 and 2000. The United States Supreme Court, however, ruled in June 2000 that this system was unconstitutional and could no longer be used. As a result, the state returned to using party-specific ballots for primaries in 2002.

PROPOSAL

Changes to Primary System. This measure amends both the State Constitution and state statutes to make changes to primary elections. For most state and federal elected offices, this measure allows voters—including those not affiliated with a political party—to vote for any candidate regardless of the candidate’s political party. The measure applies to the election of state constitutional officers, members of the Legislature, and members of Congress. The measure, however, does not apply to the election of the U.S. President or political party committees. If approved, the new system would be used beginning with the March 2006 primary.

Under the measure, each county would prepare for use by all voters a single, primary ballot covering most offices. (There would, however, be a separate party-specific ballot for U.S. President and political party committees.) Candidates affiliated with parties and independent candidates would appear on the primary ballot. In each primary, only the top two vote-receiving candidates—regardless of party identification—would
ANALYSIS BY THE LEGISLATIVE ANALYST (CONT.)

**FIGURE 1**

<table>
<thead>
<tr>
<th>TYPES OF PRIMARY ELECTIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Use in California</strong></td>
</tr>
</tbody>
</table>

**Description**

<table>
<thead>
<tr>
<th>Closed</th>
<th>Limited Open</th>
<th>Blanket</th>
<th>Modified Blanket</th>
</tr>
</thead>
<tbody>
<tr>
<td>Voters only receive their party’s ballot. Each party’s top vote-getter advances to the general election.</td>
<td>Voters choose which party’s ballot to receive. Like the closed primary, a voter can only vote for candidates from a single party. Each party’s top vote-getter advances to the general election.</td>
<td>All voters receive the same ballot. A voter can choose candidates from different parties for different offices. Each party’s top vote-getter advances to the general election.</td>
<td>Primaries are not party-based. All voters receive the same ballot. Like the blanket primary, voters can choose candidates from different parties for different offices. However, unlike the blanket primary, only the top two vote-getters advance to the general election—regardless of party affiliation.</td>
</tr>
</tbody>
</table>

In California, parties may allow voters with no party affiliation to receive their party’s ballot.

be placed on the general election ballot. These two candidates would be the candidates on the general election ballot. (A write-in candidate could increase the number of general election candidates.)

**Comparison to Proposition 198.** As under Proposition 198, the measure would not require a voter to select candidates from the same party for all offices. Instead, a voter could choose candidates from different political parties for different offices. Unlike Proposition 198, however, this measure would not guarantee that each party has a candidate on the general election ballot. Only the top two vote-getters would advance to the general election. It would be possible for both general election candidates to have the same party affiliation.

**Related Provisions in Proposition 60.** Proposition 60 on this ballot also contains provisions affecting which primary candidates advance to the general election ballot. That measure would require each party’s top vote-getter in the primary to appear on the general election ballot (as is the case currently). 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.

**Other Provisions.** Proposition 62 also makes a number of other changes to the state’s election procedures, including easing the requirements for political parties and candidates to participate in primary elections. For instance, in order to participate in a primary under current law, candidates must collect a certain number of signatures from registered voters affiliated with their own party. Under this measure, candidates could collect these signatures from any registered voters, regardless of party affiliation.

**FISCAL EFFECT**

This measure would change some of the administrative procedures associated with holding elections. In some cases, these changes could increase state and county election costs. For instance, this measure would tend to increase the number of candidates on primary election ballots due to eased participation requirements and the inclusion of independent candidates. Consequently, the state and counties may experience increased printing and mailing costs for the preparation of primary election ballots and informational materials.

In other cases, the measure could reduce election costs. For example, by eliminating in some instances the need to prepare different ballots for each political party, counties could realize some savings. For general election ballots, the measure would reduce the number of candidates (by limiting candidates to the top two vote-getters from the primary). As a result, the state and counties may experience reductions in general election costs from the reduced number of candidates.

These costs and savings would be relatively minor and would tend to offset each other. As a result, we estimate that the measure would result in no significant net fiscal effect on state and local governments.

For text of Proposition 62 see page 83.
THE VOTER CHOICE PRIMARY GIVES YOU THE POWER—NOT THE PARTY BOSSES AND POLITICIANS

Proposition 62, The Voter Choice Primary Initiative, allows every voter—including independent voters—to vote for the best candidate for office, regardless of party, in primary elections.

The Voter Choice Primary is similar to the method Californians have used for the past century to elect mayors, city council members, county supervisors, and district attorneys.

Proposition 62 puts power—and choice—back in your hands and takes it away from the party bosses and political insiders who’ve stacked the system in their favor—at our expense.

THE VOTER CHOICE PRIMARY ACT IS BADLY NEEDED REFORM

It will:
• open up California’s elections process
• expand voter choices
• increase voter participation
• create more competition in elections
• make more accountable our state’s elected officials, so they are responsive to all voters—not just the special interests and those at the ideological extremes.

CALIFORNIA VOTERS SUPPORT PRIMARY ELECTION REFORM

California voters passed primary election reform in 1996 with almost 60% of the vote over the opposition of the party bosses. The 1998 and 2000 elections were run under these reforms and voter participation increased. But the party bosses used the courts to block these reforms they couldn’t defeat at the ballot box. Proposition 62 is written in a manner that addresses the concerns of the courts and restores the will of the people of California.

RESTORE COMPETITION—OPEN UP THE CURRENT PRIMARY SYSTEM THAT’S STACKED AGAINST THE VOTERS

Don’t be fooled! Prop. 62 is NOT the same as what voters passed in 1996. Under the previous blanket primary, a nominee from each political party appeared on the November ballot. Voters had REAL CHOICE!

Under Prop. 62, only TWO candidates will appear on the November ballot—and they can be FROM THE SAME POLITICAL PARTY!

Prop. 62 is so flawed that only one other state—Louisiana—uses such a system. There, it helped KKK leader David Duke make the runoff for Governor—with only 32% of the vote! Washington state recently rejected this system. So should California.

The proponents behind Prop. 62 talk about “expanding voter choices”—BUT 62 does the OPPOSITE, restricting voters to only TWO CHOICES in November and forcing smaller parties’ candidates off the ballot. They talk about “creating more competition”—BUT 62 creates LESS competition in November’s election.

They talk about “increasing voter participation”—BUT don’t tell you that Louisiana has one of the lowest voter turnouts because voters have such limited choice.

Politicians of both major parties cut a backroom deal to protect incumbents. They created mainly “safe” legislative districts where party registration heavily favors one party or the other. The winner of the majority party’s primary election is virtually guaranteed victory in the almost meaningless general election. Meanwhile, voters in other political parties have no real voice in the selection of their representatives in Sacramento and Washington.

The politicians and party bosses like the current system because they can control it.

That’s why we’re stuck with an unpopular State Legislature that’s out of touch with the will of California voters.

HOW WOULD IT WORK?

In primary elections, every voter would receive a ballot listing the name of all candidates and in most cases their party registration. Voters, including independents, can pick the candidate of their choice for each office, regardless of the candidate’s party registration. The top two vote-getters, regardless of party, would face each other in the November general election. (Presidential nominating and party central committee elections would be unaffected by the Voter Choice Primary.)

PROPOSITION 62 IS OPPOSED BY THE PARTY BOSSES

The party bosses are running a cynical scare campaign to hang on to their power by confusing voters about the Voter Choice Primary. Don’t let them get away with it.

When it comes to elections, you—the voter—should be the boss.

STEVE WESTLY, California State Controller
RICHARD J. RIORDAN, California Secretary for Education
BECKY MORGAN, Former State Senator

REBUTTAL to Argument in Favor of Proposition 62

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Here’s what Prop. 62 really does:
• Eliminates voter choice in General Elections
• Boosts extremist candidates
• Suppresses voter turnout, making Legislators LESS ACCOUNTABLE
• Repeals current law prohibiting a candidate from running for more than one office at the same time

Don’t be fooled! Groups as diverse as Common Cause, Howard Jarvis Taxpayers Association, and California Federation of Teachers strongly OPPOSE 62.

KRIS GREENLEE, Vice-Chair
California Common Cause

HONORABLE MIMI WALTERS, Founding Member
California Women’s Leadership Association

GEORGE RUNNER, Co-Chair
Citizens and Law Enforcement Against Election Fraud
ARGUMENT Against Proposition 62

Proposition 62 is NOT reform. It RESTRICTS VOTER CHOICE, makes the Legislature LESS ACCOUNTABLE and greatly damages California democracy. Vote NO on 62.

The special interests behind Prop. 62 want California to join Louisiana as the only state in the nation with a bizarre system based on Louisiana law that SEVERELY RESTRICTS voter choice in November elections.

There’s a reason NO OTHER STATE has such a system—it’s deeply flawed and undemocratic! It helped Ku Klux Klan Leader David Duke run for Governor and has resulted in Louisiana having one of the LOWEST VOTER TURNOUTS in the nation. We shouldn’t pattern California on Louisiana’s bad laws.

Here’s how Prop. 62 would undermine your vote:

In primary elections, all candidates would appear in a long list on the same ballot. Only the top two vote-getters, regardless of political party, would be allowed on the November ballot. In many races, YOUR ONLY CHOICE WILL BE TWO CANDIDATES FROM THE SAME PARTY.

If Prop. 62 had been in effect since 2000, over 350 candidates would have been barred from the November ballot. Those candidates received over 8.2 million votes—votes that would be BANNED by Prop. 62.

Democrats could be forced to vote for a Republican in many races, or not vote at all. Likewise, Republicans could be forced to vote for Democrats. That’s not choice and it’s not democracy.

Other smaller parties—Greens, Libertarians, American Independent, Peace & Freedom, and Natural Law—would all effectively be FORCED OFF THE NOVEMBER BALLOT.

WE NEED CHOICES AND ACCOUNTABILITY. INSTEAD, PROP. 62 INTRODUCES LOUISIANA’S DEEPLY FLAWED SYSTEM THAT ELIMINATES CHOICE AND MAKES THE LEGISLATURE LESS ACCOUNTABLE.

Currently, we have a diverse Legislature with a representative number of Latino, Asian, and African Americans serving, as well as a good mix of men and women.

REBUTTAL to Argument Against Proposition 62

Everything you’ve just read in the opponents’ arguments against Prop. 62 are misleading scare tactics.

They claim they’re protecting your right to vote. FACT: THEY’RE TRYING TO DENY YOU THE RIGHT TO VOTE FOR ANY CANDIDATE YOU CHOOSE, REGARDLESS OF PARTY.

They claim Proposition 62 is a scary new thing. FACT: CALIFORNIA VOTERS OVERWHELMINGLY PASSED ELECTION REFORM IN 1996, WINNING 60% OF THE VOTE AND CARRYING ALL 58 COUNTIES.

They claim the Voter Choice Primary has something to do with Louisiana. FACT: IT’S MODELED AFTER THE WAY CALIFORNIANS HAVE Elected OUR LOCAL OFFICIALS FOR ALMOST 100 YEARS.

They claim the Voter Choice Primary will reduce diversity. FACT: THE PRIMARY SYSTEM USED IN 1998 AND 2000 INCREASED WOMEN AND MINORITY LEGISLATORS.

They claim this is about David Duke. FACT: A former KKK Grand Wizard and John Birch Society members have been nominated THROUGH CLOSED PRIMARIES here in California. Proposition 62 guards AGAINST extremism.

That’s why the deceitful efforts against Prop. 62 led by the party bosses, legislative leaders, and special interests have been described as:

- a “smelly stunt” (Los Angeles Times, 6/28/04)
- “sneaky—legislative maneuvering” and “an unvarnished effort to undermine” the Voter Choice Open Primary initiative (San Jose Mercury News, 6/23/04)
- “a remarkable display of audacity, ..using a full array of fairness-flouting tactics” (San Francisco Chronicle, 6/23/04)

Had enough?!

VISIT WWW.OPENPRIMARY.ORG FOR THE FACTS.

JOIN SENATOR JOHN McCaIN IN SUPPORTING PROP. 62. Take power away from the party bosses! VOTE YES on 62!

LEON PANETTA, Former White House Chief of Staff to President Clinton
JULIE PUENTES, Executive Vice-President
Orange County Business Council
HARRIET HOFFMAN, State Coordinator
Committee for an Independent Voice
amount of bonds to be issued and sold. Successive issues of bonds may be authorized and sold to carry out those actions progressively, and it is not necessary that all of the bonds be issued or sold at any one time. 1179.34. There shall be collected each year and in the same manner and at the same time as other state revenue is collected, in addition to the ordinary revenues of the state, a sum in an amount required to pay the principal of, and interest on, the bonds each year. It is the duty of all officers charged by law with any duty in regard to the collection of the revenue to do and perform each and every act that is necessary to collect that additional sum.

1179.35. Notwithstanding Section 13340 of the Government Code, there is hereby appropriated continuously from the General Fund in the State Treasury, for the purposes of this part, an amount that will equal the total of the following:

(a) The sum annually necessary to pay the principal of, and interest on, bonds issued and sold pursuant to this part, as the principal and interest become due and payable.

(b) The sum necessary to carry out Section 1179.36, appropriated without regard to fiscal years.

1179.36. For the purposes of carrying out this part, the Director of Finance may authorize the withdrawal from the General Fund of an amount not to exceed the amount of the unsold bonds that have been authorized by the committee to be sold for the purpose of carrying out this part. Any amounts withdrawn shall be deposited in the fund. Any money made available under this section shall be returned to the General Fund from proceeds received from the sale of bonds for the purpose of carrying out this part.

1179.37. All money deposited in the fund that is derived from principal and accrued interest on bonds sold shall be reserved in the fund and shall be available for transfer to the General Fund as a credit to expenditures for bond interest.

1179.38. Pursuant to Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code, the cost of bond issuance shall be paid out of the bond proceeds. These costs shall be shared proportionally by each program funded through this bond act.

1179.39. The authority may request the Pooled Money Investment Board to make a loan from the Pooled Money Investment Account in accordance with Section 16312 of the Government Code, for purposes of carrying out this part. The amount of the request shall not exceed the amount of the unsold bonds that the committee, by resolution, has authorized to be sold for the purpose of carrying out this part. The authority shall execute any documents required by the Pooled Money Investment Board to obtain and repay the loan. Any amounts loaned shall be deposited in the fund to be allocated by the board in accordance with this part.

1179.40. The bonds may be refunded in accordance with Article 6 (commencing with Section 16780) of Chapter 4 of Part 3 of Division 4 of Title 2 of the Government Code, which is a part of the State General Obligation Bond Law. Approval by the voters of the state for the issuance of the bonds described in this part includes the approval of the issuance of any bonds issued to refund any bonds originally issued under this part or any previously issued refunding bonds.

1179.41. Notwithstanding any other provision of this part, or of the State General Obligation Bond Law, if the Treasurer sells bonds pursuant to this part that include a bond counsel opinion to the effect that the interest on the bonds is excluded from gross income for federal tax purposes, subject to designated conditions, the Treasurer may maintain separate accounts for the investment of bond proceeds and for the investment of earnings on those proceeds. The Treasurer may use or direct the use of those proceeds or earnings to pay any rebate, penalty, or other payment required under federal law or any other action with respect to the investment and use of those bond proceeds required or desirable under federal law to maintain the tax-exempt status of those bonds and to obtain any other advantage under federal law on behalf of the funds of this state.

1179.42. The people hereby find and declare that, inasmuch as the proceeds from the sale of bonds authorized by this part are not "proceeds of taxes" as that term is used in Article XIII B of the California Constitution, the disbursement of these proceeds is not subject to the limitations imposed by that part.

1179.43. Notwithstanding any other provision of this part, the provisions of this part are severable. If any provision of this part or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

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**Proposition 61 (cont.)**

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 amends a section of the California Constitution, and amends, adds, and repeals sections of the Government Code; therefore, existing provisions proposed to be deleted are printed in **strikeout type** and new provisions proposed to be added are printed in **italic type** to indicate that they are new.

**PROPOSED LAW**

**VOTER CHOICE OPEN PRIMARY ACT**

**SECTION 1. Title.**

This measure shall be known and may be cited as the “Voter Choice Open Primary Act.”

**SEC. 2. Findings and Declarations.**

The people of the State of California hereby find and declare all of the following:

(a) The current system of primaries in California limits voters' choices, and has resulted in a steady decline in voter participation in this state.

(b) The “Voter Choice Open Primary Act” will establish an election system in California that will allow all voters to vote for state elected offices and federal elected offices on a primary election ballot regardless of the party registration of the candidates or the voters.

(c) A voter choice open primary will ensure California voters more choice, greater participation, increased privacy, and a sense of fairness without burdening political parties' constitutional rights. Encouraging California citizens to vote is a legitimate and essential objective of this state, and will preserve constitutional order by ensuring a strong, participatory democratic process.

(d) A voter choice open primary will permit California voters to select the candidate they most prefer, regardless of the candidate’s party registration. This type of primary will result in more competitive election contests in which candidates will be able to take positions on a wide range of issues.

(e) A voter choice open primary will give California voters a real choice. They will be able to vote for any candidate for any voter-nominated office in the primary election, and will not be limited to voting only for those candidates of the party, if any, with which the candidates are registered.

(f) A voter choice open primary will guarantee competition in the general election. California voters will be given two competitive choices in the general election, involving greater voter participation than in the primary election. This will replace the current system in which the political parties protect incumbents through reapportionment plans, making over 90 percent of all state legislative and congressional seats safe for incumbents or candidates of one or the other of the major parties.

(g) A voter choice open primary will result in greater voter participation. By allowing voters complete freedom of choice among many candidates for office, regardless of the candidates’ party registration, a voter choice open primary will encourage increased voter participation. In addition, some two million voters who have chosen not to register with a party, comprising some 15 percent of all California voters, will have a chance to participate fully in the voter choice open primary.

(h) A voter choice open primary will result in a greater number of candidates running for state elected offices and federal elected offices. Candidates who are not registered with a political party will now be able to compete in primary elections.

(i) A voter choice open primary will preserve the right of California’s political parties to endorse candidates for voter-nominated offices by any method selected by the parties.

(j) A voter choice open primary will not infringe on the constitutional rights of political parties. California political parties will continue to decide whether non-party members: (1) may participate in the selec-
The people of the State of California hereby declare their purpose and intent in enacting the "Voter Choice Open Primary Act" to be as follows:

(a) To amend the current primary election system in California, which limits voters' choices and has resulted in a steady decline in voter participation in this state.

(b) To establish an election system that allows all California voters to vote for candidates for state elected offices and federal elected offices on a primary election ballot, regardless of the party registration, if any, of the candidates or the voters.

(c) To ensure California voters more choice, greater participation, increased privacy, and a sense of fairness, without burdening political parties' constitutional rights.

(d) To increase voter participation by allowing California voters complete freedom of choice to select their most preferred candidate, regardless of his or her party registration.

(e) To give California voters a real choice by allowing them to vote for any candidate for any voter-nominated office in the primary election.

(f) To increase competition in the general election by giving California voters two competitive choices in the general election, where some two to four million additional voters vote, than in the primary election.

(g) To allow some two million California voters who have chosen not to register with a political party the chance to participate fully in a voter choice open primary.

(h) To encourage a greater number of candidates to run for voter-nominated offices.

(i) To preserve the right of California's political parties to endorse candidates for voter-nominated offices and to decide whether non-party members may participate in the selection of a party's presidential delegates or party county central committee members, or both.

(j) To protect the constitutional rights of political parties.

(k) To retain existing law and the power of the Legislature to alter existing law governing the means by which political parties select delegates to national political party conventions at which a party nominee for President is chosen, or elect or select members of political party state and county central committees, or both.

(l) A political party will have the right to determine whether or not the voter registration status of candidates registered as voters with that particular political party will be included on the ballot, sample ballot, voter pamphlet, and other related election materials intended for distribution to the voters.

SEC. 3. Purpose and Intent.

SEC. 4. Section 5 of Article II of the California Constitution is amended to read:

SEC. 5. (a) The State of California shall hold a voter choice open primary election for the offices specified in subdivisions (e) and (f).

(b) A voter choice open primary is a direct or special primary election in which each voter, whether registered or not registered with a political party, may vote for any qualified candidate, including qualified write-in candidates, for each office for which the voter is eligible to vote in the voter's respective political subdivision.

(c) All candidates shall be listed on a single voter choice open primary ballot. The candidates, regardless of party registration, including candidates registered with no party, who are the top two vote-getters for each office, shall be listed on the general election ballot.

(d) In special elections, all candidates shall be listed on a single special voter choice open primary ballot. If one candidate receives a majority of the votes on the special voter choice open primary ballot, that candidate shall be declared elected. If no candidate receives a majority of the votes on the special voter choice open primary ballot, the candidates, regardless of party registration, including candidates registered with no party, who are the top two vote-getters for each office shall be listed on the special general election ballot.

SEC. 6. Section 322.5 is added to the Elections Code, to read:

322.5. "Federal elected office" means any federal office in the Congress of the United States of America that is filled by the voters at an election, including specifically members of the House of Representatives and of the United States Senate, Members of the House of Representatives and of the United States Senate shall be considered voter-nominated offices. The offices of President and Vice President of the United States, for which candidates are chosen through the process of both (1) voters electing, at a direct presidential primary election, delegates to a national political party convention at which a nominee for President is chosen, and (2) the convening of the electoral college subsequent to the national general presidential election, shall not be considered to be federal elected office.

SEC. 7. Section 323 of the Elections Code is amended to read:

323. "Federal election" means any presidential election, general election, primary election, or special election held solely or in part for the purpose of selecting, nominating, or electing "legally qualified candidate" in this state for the purposes of administering Title 315 of Title 47 of the United States Code.

SEC. 8. Section 334 of the Elections Code is amended to read:
“Political party” means the office for which no party may nominate a candidate of the Superintendent of Public Instruction and judicial, school, county, and municipal offices, and includes the office of Superintendent of Public Instruction. “Nonpartisan office” means offices not otherwise defined in Sections 322.5 and 356.5. “Nonpartisan office” shall not mean any political party position as defined in Section 338.

SEC. 9. Section 334.5 is added to the Elections Code, to read:

334.5. “No party” means a voter who indicates on his or her affidavit of registration that he or she does not designate a political party with which he or she registers. The term “no party” shall also mean the status of any person registered as a voter, or who may register as a voter, with the designated category of “decline to state” a political party on his or her affidavit of registration, as described in subdivision (b) of Section 2153. The designation of “decline to state” shall include any person who registers as “no party” on his or her affidavit of registration. Any person who is a candidate with the designation of “no party” on the ballot shall be considered an officeholder independent of any political party once elected to office and at all times during which such person maintains his or her “no party” registration status while serving as the officeholder.

SEC. 10. Section 337 is added to the Elections Code, to read:

337. “Political party” means a political party or organization that has qualified for participation in any primary election pursuant to Division 5 (commencing with Section 5060). References in this code to “party” shall refer to a political party.

SEC. 11. Section 337.3 is added to the Elections Code, to read:

337.3. “Political affiliation” means the status of a voter as being registered with a qualified political party or as “no party.” Any references in this code to the affiliation of a voter shall mean the status of a voter as being registered with a particular qualified political party or as “no party” on the voter’s affidavit of registration. Notwithstanding this definition, any references to the affiliation of a voter in Division 7 (commencing with Section 13105) shall mean the registration status of a voter as being registered with a particular political party.

SEC. 12. Section 338 of the Elections Code is amended and renumbered to read:

338. “Partisan office” means offices for which a political party may nominate a candidate (a) any delegate to a national political convention who has qualified to vote with the designated category of “decline to state” a political party on his or her affidavit of registration, and may not be registered as a voter-nominated office for the voters’ informational purposes only, and does not indicate that the political party with which a candidate may be registered has nominated that candidate or that the party necessarily agrees with or endorses that candidate. The statement shall be printed in not less than 10-point boldface type on each page on a single voter choice open primary ballot and a sample ballot on which the political party registration status of any candidate is printed and in not less than 10-point boldface type on each page in a ballot pamphlet on which the political party registration status of any candidate is printed. The state elected offices in a voter choice open primary election shall include the offices of Governor, Lieutenant Governor, Attorney General, Insurance Commissioner, Controller, Secretary of State, Treasurer, Member of the State Legislature, and Member of the Board of Equalization. The federal elected offices in a voter choice open primary election shall include the offices of the Member of the United States House of Representatives and Member of the United States Senate.

(b) “Voter-nominated office” shall not mean offices as described in Section 334, any delegate to a national political party convention who shall choose a nominee for President, or (b) any political party central committee member who is elected only by voters registered with, or otherwise authorized by, the political party with which such delegate or member is registered.

SEC. 14. Section 338.5 is added to the Elections Code, to read:

338.5. “Political subdivision” means the area within which voters reside who are qualified to vote with respect to particular political party positions, federal elected offices, state elected offices, nonpartisan offices, or measures that qualify to be listed on the election ballot in that area.

SEC. 15. Section 356.5 is added to the Elections Code, to read:

356.5. “State elected office” means a state office that is filled by the voters at a voter choice open primary election or at a general election, including specifically the offices of Governor, Lieutenant Governor, Attorney General, Insurance Commissioner, Controller, Secretary of State, Treasurer, Superintendent of Public Instruction, Member of the Legislature, and Member of the State Board of Equalization. All of these offices shall be considered voter-nominated offices, with the exception of the Superintendent of Public Instruction, which shall be considered a nonpartisan office.

SEC. 16. Section 359.2 is added to the Elections Code, to read:

359.2. “Voter choice open primary” means a direct primary election or a special primary election in which each voter, regardless of party registration, including a voter not registered with a political party, may vote in the manner described in Section 2001 for any qualified candidate for each voter-nominated office for which the voter is eligible to vote in the relevant political subdivision, and in which all candidates for voter-nominated offices, regardless of party registration, including candidates not registered with a political party, shall be listed on a single voter choice open primary ballot.

SEC. 17. Section 359.3 is added to the Elections Code, to read:

359.3. (a) “Voter choice open primary ballot” means a ballot on which shall be listed the following:

(1) Candidates for voter-nominated offices;

(2) Candidates for non-partisan offices; and

(3) Measures.

(b) In the event that a county elections official determines that a voter choice open primary ballot will be larger than can be conveniently handled, the county elections official may create a separate ballot for voters, containing statewide nonpartisan offices and statewide measures, pursuant to Section 13230. This separate ballot shall be titled with the heading: “LOCAL ELECTED OFFICES AND MEASURES BALLOT.” Offices and statewide measures shall at all times be included on the “Voter Choice Open Primary Ballot” and not on the “Local Elected Offices and Measures Ballot.”

SEC. 18. Section 359.5 is added to the Elections Code, to read:

359.5. (a) “Voter-nominated office” means any state elected office or federal elected office for which a candidate is nominated or elected by the voters, regardless of the political party or “no party” registration status of both the candidate and the voters.

(1) Any election to a “voter-nominated office” shall not utilize a political party nomination process.

(2) The voter registration status of a candidate for voter-nominated office shall be stated, as described in Section 13105, either as with a qualified political party, subject to the political party’s consent as specified in Section 7631, or as “no party” on a ballot, a sample ballot, and the voter pamphlet. The following statement shall be included on the ballot and sample ballot and in the voter pamphlet: “The designation of the political party registration status on the ballot of a candidate for a voter-nominated office is for the voters informational purposes only, and does not indicate that the political party with which a candidate may be registered has nominated that candidate or that the party necessarily agrees with or endorses that candidate.” The statement shall be printed in not less than 10-point boldface type on each page on a single voter choice open primary ballot and in the voter pamphlet. The state elected offices in a voter choice open primary election shall include the offices of Governor, Lieutenant Governor, Attorney General, Insurance Commissioner, Controller, Secretary of State, Treasurer, Member of the State Legislature, and Member of the Board of Equalization. The federal elected offices in a voter choice open primary election shall include the offices of the Member of the United States House of Representatives and Member of the United States Senate.

(b) “Voter-nominated office” shall not mean offices as described in Section 334, any delegate to a national political party convention who shall choose a nominee for President, or any political party central committee member. Delegates to national political party conventions and county central committee members, which shall be considered political party positions and not voter-nominated offices, shall be selected or elected only by voters registered with, or otherwise authorized pursuant to subdivision (c) of Section 13102 by, the political party with which such delegates and members are registered.

SEC. 19. Section 2001 is added to the Elections Code, to read:

2001. (a) Each voter entitled to vote, whether registered or not registered with a political party, shall be able to vote for all state elected offices and federal elected offices in each voter’s respective political subdivision in every voter choice open primary election.

(b) All registered voters shall have the choice to vote for any of the candidates described in subdivision (a) regardless of the political party registration, if any, of the candidate.

(c) Subdivision (a) shall not apply to the choosing, selection or election of political party positions as defined in Section 338.

SEC. 20. Section 2150 of the Elections Code is amended to read:

2150. (a) The affidavit of registration shall show:

(1) The facts necessary to establish the affidavit as an elector.
(2) The affiant’s name at length, including his or her given name, and a middle name or initial, or if the initial of the given name is customarily used, then the initial and middle name. The affiant’s given name may be preceded, at affiant’s option, by the designation of Miss, Mrs., or Mr. No person shall be denied the right to register because of his or her failure to mark a prefix to the given name and shall be so advised on the voter registration card. This subdivision shall not be construed as requiring the printing of prefixes on an affidavit of registration.

(3) The affiant’s place of residence, residence telephone number, if furnished, and e-mail address, if furnished. No person shall be denied the right to register because of his or her failure to furnish a telephone number or e-mail address, and shall be so advised on the voter registration card.

(4) The affiant’s mailing address, if different from the place of residence.

(5) The affiant’s date of birth to establish that he or she will be at least 18 years of age on or before the date of the next election.

(6) The state or country of the affiant’s birth.

(7) The affiant’s California driver’s license number, California identification card number, or other identification number as specified by the Secretary of State. No person shall be denied the right to register because of his or her failure to furnish one of these numbers, and shall be so advised on the voter registration card.

(8) The affiant’s political party affiliation or “no party” registration. The word “Party” shall follow the listing of each qualified political party on the affidavit of registration.

(9) That the affiant is currently not imprisoned or on parole for the conviction of a felony.

(10) A prior registration portion indicating whether the affiant has been registered at another address, under another name, or as nationalized to affiliate registered with another party or as “no party.” If the affiant has been so registered, he or she shall give an additional statement giving that address, name, or party or “no party” registration status.

(b) The affiant shall certify the content of the affidavit as to its truth and correctness, under penalty of perjury, with the signature of his or her name and the date of signing. If the affiant is unable to write his or her name, he or she shall sign with a mark or cross.

(c) The affidavit of registration shall also contain a space that would enable the affiant to state his or her ethnicity or race, or both. An affiant may not be denied the ability to register because he or she declines to state his or her ethnicity or race.

(d) If any person, including a deputy registrar, assists the affiant in completing the affidavit of registration, that person shall sign and date the affidavit below the signature of the affiant.

SEC. 21. Section 2151 of the Elections Code is amended to read:

2151. (a) At the time of registering and of transferring registration, each voter may designate a political party on his or her affidavit of registration 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 appear on the voter registration card.

The voter registration card shall inform the affiant that any electoral may decline to affiliate designated “no party” instead of a political party affiliation, but no person shall be entitled to vote the ballot of any political party at any primary election unless he or she has stated the name of the political party with which he or she intends to affiliate. No person shall be denied the right to register because of his or her failure to mark the prefix “no party” on the affidavit of registration or unless he or she has declined to state a political party affiliation designated “no party” and the political party, by party rule duly noticed to the Secretary of State, authorizes a person who has declined to state a political party affiliation designated “no party” to vote the party ballot or for delegates to the party convention.

(b) All affidavits of registration on which persons have designated that they “decline to state” a political party shall be classified and treated by elections officials as a designation of “no party” consistent with the definition contained in Section 334.5. Elections officials may continue to use, distribute, and receive existing supplies of affidavits of registration that include the designation of “decline to state” and that may or may not contain the word “party” after the listing of each qualified political party. However, elections officials shall take all reasonable steps to reprint and provide new affidavits of registration that comply with subsection (a) as supplies of the prior affidavit format are fully utilized.

SEC. 22. Section 2152 of the Elections Code is amended to read:

2152. Whenever an affiant has declined to designate desired desires to change his or her political party or “no party” registration status affiliation prior to the close of registration for an election, he or she may either so designate or have a change recorded by executing a new affidavit of registration and completing the prior registration portion of the affidavit.

SEC. 23. Section 2154 of the Elections Code is amended to read:

2154. In the event that the county elections official receives an affidavit of registration that does not include portions of the information for which space is provided, the county elections official shall apply the following rebuttable presumptions:

(a) If no middle name or initial is shown, it shall be presumed that none exists.

(b) If the affiant has not designated a political party affiliation is shown, it shall be presumed that the affiant has no party affiliation designated “no party.”

(c) If no execution date is shown, it shall be presumed that the affidavit was executed on or before the 15th day prior to the election, provided that (1) the affidavit is received by the county elections official on or before the 15th day prior to the election, or (2) the affidavit is postmarked on or before the 15th day prior to the election and received by mail by the county elections official.

(d) If the affiant fails to identify his or her state of birth within the United States, it shall be presumed that the affiant was born in a state or territory of the United States if the birthplace of the affiant is shown as “United States,” “U.S.A.,” or other recognizable term designating the United States.

SEC. 24. Section 2155 of the Elections Code is amended to read:

2155. Upon receipt of a properly executed affidavit of registration or address correction notice or letter pursuant to Section 2119, Article 2 (commencing with Section 2220), or the National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg), the county elections official shall send the voter a voter notification by nonforwardable, first-class mail, or address correction request notice or letter. The voter notification shall state the party affiliation or “no party” status for which the voter has registered in the following format:

Party: (Name of political party, e.g., Libertarian, or No Party)

The voter notification shall be substantially in the following form:

VOTER NOTIFICATION

You are registered to vote. The party affiliation or “no party” status for which you have registered is shown on the reverse of this card. This card is being sent as a notification of:

1. Your recently completed affidavit of registration,

OR,

2. A correction to your registration because of an official notice that you have moved. If your residence address has not changed or if your move is temporary, please call or write the county elections office immediately.

________________________________________
(Signature of Voter)
SEC. 25. Section 2185 of the Elections Code is amended to read:

2185. Upon written demand of the chair or vice chair of a party state central committee or of the chair of a party county central committee, the county elections official shall furnish to each committee, without charge therefor, the index of registration for the primary and general elections or for any special election at which a nonqualified party or a political party position is to be filled. The index of registration shall be furnished to the committee demanding the index not less than 25 days prior to the day of the primary, general, or special election for which they are provided. Upon written demand, the county elections official shall also furnish to the committee the index of registration of voters who registered after the 54th day before the election, which shall be compiled and prepared by Assembly districts. The county elections official shall furnish either two printed copies or, if available, one copy in an electronic form of the indexes specified in this section.

SEC. 26. Section 2187 of the Elections Code is amended to read:

2187. (a) Each county elections official shall send to the Secretary of State, in a format described by the Secretary of State, a summary statement of the number of voters in the county. The statement shall show the total number of voters in the county, the number registered as affiliated with each qualified political party, the number registered in nonqualified parties, and the number who declined to state any party affiliation are registered as “no party.”The statement shall also show the number of voters, by political party or “no party” registration status, in each city, supervisorial district, Assembly district, Senate district, and congressional district located in whole or in part within the county.

(b) The Secretary of State, on the basis of the statements sent by the county elections officials and within 30 days after receiving those statements, shall compile a statewide list showing the number of voters, by party affiliations and registration status, in the state and in each county, city, supervisorial district, Assembly district, Senate district, and congressional district in the state. A copy of this list shall be made available, upon request, to any elector in this state.

(c) Each county that uses data processing equipment to store the information set forth in the affidavit of registration shall send to the Secretary of State one copy of the magnetic tape file with the information required by paragraphs (1), (4), and (5) of subdivision (a) shall be personal-ized by the voter.

(d) The application shall provide the voters with information concerning the procedure for establishing permanent absentee voter status, and the basis upon which permanent absentee voter status is claimed.

(e) The application shall be attested to by the voter as to the truth and correctness of its content, and shall be signed under penalty of perjury.

SEC. 28. Section 3007.5 of the Elections Code is amended to read:

3007. (a) The Secretary of State shall prepare and distribute to appropriate elections officials a uniform electronic application format for an absent voter’s ballot that conforms to this section.

(b) The uniform electronic application shall contain spaces for at least the following information:

(1) The name and residence address of the registered voter as it appears on the affidavit of registration.

(2) The address to which the ballot is to be mailed.

(3) The name and date of the election for which the request is made.

(4) The date the application must be received by the elections official.

(5) The date of birth of the registered voter.

(c) The uniform electronic application shall inform the voter that if he or she is not affiliated registered with a political party, in addition to receiving any other ballot or ballots to which the voter is entitled, the voter may request receive an absentee party ballot for a particular political party for the primary election, if that political party has adopted a party rule, duly noticed to the Secretary of State, authorizing that vote. The application shall contain a check-off box with a conspicuously printed statement that reads, as follows: “I am not presently affiliated registered with any political party. However, for this primary election only, I request an absentee ballot for the [Political Party].” The name of the political party shall be personally affixed by the voter.

(d) The application shall provide the voters with information concerning the procedure for establishing permanent absentee voter status, and the basis upon which permanent absentee voter status is claimed.

(e) The application shall be attested to by the voter as to the truth and correctness of its content, and shall be signed under penalty of perjury.
reads, as follows: “I am not presently affiliated registered with any political party. However, for this primary election only, I request an absentee ballot for the ______ Party.” The name of the political party shall be personally affixed by the voter.

(d) The uniform electronic application shall contain a conspicuously printed statement, as follows: “Only the registered voter himself or herself may apply for an absentee ballot. An application for an absentee ballot made by a person other than the registered voter is a criminal offense.”

(e) The uniform electronic application shall include the following statement: “A ballot will not be sent to you if this application is incomplete or inaccurate.”

(f) The uniform electronic application format shall not permit the form to be electronically submitted unless all of the information required to complete the application is contained in the appropriate fields.

SEC. 29. Section 3205 of the Elections Code is amended to read: 3205. (a) Absent voter ballots mailed to, and received from, voters on the permanent absent voter list are subject to the same deadlines and shall be processed and counted in the same manner as other absent voter ballots.

(b) Prior to each primary election, county elections officials shall mail to every voter not affiliated registered with a political party whose name appears on the permanent absent voter list a notice and application regarding voting in the primary election. The notice shall inform the voter that if he or she is not registered with a political party, in addition to receiving any other ballot or ballots to which the voter is entitled, he or she may request to receive an absentee party ballot for a particular political party for the primary election, if that political party adopted a party rule, duly noticed to the Secretary of State, authorizing voters to vote in their primary. The notice shall also contain a toll-free telephone number, established by the Secretary of State, that the voter may call to access information regarding which political parties have adopted such a rule. The application shall contain a statement with a political party, which caption shall be the name of the political party for the primary election only, I request an absentee ballot for the ______ Party.” The name of the political party shall be personally affixed by the voter.

SEC. 30. Section 5000 of the Elections Code is amended to read: 5000. (a) For purposes of this division, the definition of "political party" in Section 328.337.5 is applicable.

(b) This chapter shall apply to political bodies and to parties not otherwise provided for in Division 7 (commencing with Section 7030).

SEC. 31. Section 5100 of the Elections Code is amended to read: 5100. A party is qualified to participate in any primary election under any of the following conditions:

(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 2 percent of the entire vote of the state.

(b) If on or before the 135th 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 affiliation party registration transmitted to him or her by the county elections officials, that voters equal in number to at least one-third of 1 percent of the entire vote of the state at the last preceding gubernatorial election have declared their intention to affiliate registration with that party.

(c) If on or before the 135th day before any primary election, there is filed with the Secretary of State a petition signed by voters, equal in number to at least 5 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 in the petition, 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 on it shall be certified to and transmitted to the Secretary of State by the county elections officials substantially as provided for initiative petitions. Each page of the petition shall bear a caption in 18-point boldface type, which caption shall be the name of the proposed party followed by the words “Petition to participate in the primary election.”

SEC. 32. Part 1.5 (commencing with Section 7030) is added to Division 7 of the Elections Code, to read:

PART 1.5. GENERAL PROVISIONS

7030. Political parties qualifying pursuant to Division 5 (commencing with Section 5000) shall be entitled to participate in an election, as provided in this code, for the purpose of permitting voters who are registered with a particular party and any other voters pursuant to subdivision (c) of Section 13102 to select or elect political party positions as defined in Section 338. Any election pursuant to this section shall be conducted by means of a party ballot separate from the voter open primary ballot.

7031. Within 120 days after the effective date of this section, each qualified political party shall notify the Secretary of State whether or not it consents to inclusion on the ballot, sample ballot, voter pamphlet and other related election materials intended for distribution to voters, of the voter registration status of candidates registered as voters with that particular political party. The notice to the Secretary of State shall be on a form provided by the Secretary of State. Such consent, if given, shall apply uniformly to all offices listed in subdivisions (e) and (f) of Section 5 of Article II of the California Constitution for all direct and special primary and general elections. A party may notify the Secretary of State of its decision to change its consent at any time, to become effective for any elections held not less than 88 days after receipt of the notice by the Secretary of State. Within 120 days after a new political party qualifies pursuant to Division 5 (commencing with Section 5000), the party shall comply with the requirements of this section. For any qualified political party that does not provide a notice, it shall be deemed that the party does not consent to inclusion of the voter registration status of candidates registered with that party for the purposes described in this section.

7032. Any nomination of candidates for voter-nominated state elected offices and federal elected offices in a voter choice open primary election provided for in this code shall be made by the voters and not by political parties. Any candidate nominated by the voters for any voter-nominated office in any primary election shall not be considered the nominee or endorsed candidate of any political party by virtue of such nomination by the voters.

7033. Nothing in this code shall be construed to infringe in any way upon the legal rights of any political party, duly qualified under Division 5 (commencing with Section 5000), and as defined in Section 337.5, to endorse candidates listed on a voter open primary ballot for any voter-nominated office.

SEC. 33. Section 8000 of the Elections Code is amended to read: 8000. (a) This chapter shall apply to the following:

1. Nomination of candidates for voter-nominated state elected offices and federal elected offices, as defined in Section 359.5.

2. Any other candidates for any offices or political party positions described in this code who are not otherwise described in paragraph (1) of subdivision (a), or subdivision (b), of this section.

(b) This chapter does not apply to:

1. Recall elections.

2. Presidential primary.

3. Nomination of officers of cities or counties whose charters provide a system for nominating candidates for those offices.

4. Nomination of officers for any district not formed for municipal purposes.

5. Nomination of officers for general law cities.


SEC. 34. Section 8000.5 is added to the Elections Code, to read: 8000.5. (a) Each voter entitled to vote, whether registered or not registered with a political party, shall receive a ballot in each direct voter choice open primary election by any voting mechanism the state elections official for any such election that includes all candidates for voter-nominated state elected offices and federal elected offices, and nonpartisan office, in the voter’s political subdivision, as defined in this code. All candidates for voter-nominated office, whether registered with a political county party or not, shall appear on every such ballot. Each voter, entitled to vote, whether registered or not registered with a political party, shall be entitled to vote for any candidate on said ballot. The candidates, regardless of party registration, including candidates registered as “no party,” who are top two vote-getters for each voter-nominated office shall become the nominees of the voters and be listed on the ballot for the ensuing general election.
I hereby declare my intention to become a candidate for the "candidate's nomination" by the voters for the office of "office name" in "district name" at the direct voter choice open primary election. I am registered as a voter as "political party, if any." (Candidate check applicable statement)

(Name of political party)

(Address of candidate)

(Text of Proposed Laws)

Proposition 62 (cont.)

SEC. 35. Section 8001 of the Elections Code is amended to read:

8001. (a) No declaration of candidacy for a partisan voter-nominated state elected office or federal elected office, or for membership on a county central committee, shall be filed by a candidate whose affidavit of registration designates a particular political party unless (1) at the time of the filing of the declaration and continuously for not less than three months immediately prior to that time, or for as long as he has been eligible to register to vote in the state, the candidate is shown by his affidavit of registration to be affiliated with the political party the nomination of which he seeks designated in the declaration, and (2) the candidate has not been registered as affiliated with a qualified political party other than that political party the nomination of which he seeks designated in the declaration within 12 months, or, in the case of an election governed by Chapter 1 (commencing with Section 10700) of Part 6 of Division 10, within three months immediately prior to the filing of the declaration.

(b) The elections official shall attach a certificate to the declaration of candidacy showing the date on which the candidate registered as affiliated with the political party the nomination of which he seeks designated in the declaration, and indicating that the candidate has not been affiliated with any other qualified political party for the period specified in subdivision (a) or (c) immediately preceding the filing of the declaration. This section shall not apply to declarations of candidacy filed by a candidate as registered with a political party participating in its first direct primary election subsequent to its qualification as a political party pursuant to Section 5100.

(c) No declaration of candidacy for a voter-nominated state elected office or federal elected office shall be filed by a candidate whose affidavit of registration designates "no party" unless the candidate is not, and was not at any time during the 12 months preceding the filing of the declaration of candidacy, registered as a voter with any qualified political party, or, in the case of an election governed by Chapter 1 (commencing with Section 10700) of Part 6 of Division 10, at any time during the three months immediately preceding the filing of the declaration, registered as a voter with a political party qualified under Section 5100.

SEC. 36. Section 8003 of the Elections Code is repealed:

8003. This chapter does not prohibit the independent nomination of candidates for the office of Senator or Member of the Assembly, or for any state constitutional office, or for Insurance Commissioner, at the direct voter choice open primary election to be held in connection with a voter-nominated election to be held in the same county on the same day as the direct voter choice open primary election.

(b) No person may file nomination papers for a party nomination and an independent nomination for the same office, or for more than one office at the same election.

SEC. 37. Section 8022 of the Elections Code is amended to read:

8022. (a) Each candidate for a party nomination by the voters in a voter choice open primary election for the office of State Senator or Member of the Assembly, or for any state constitutional office, or for Insurance Commissioner, at the direct voter choice open primary election shall file a written and signed declaration of his or her intention to become a candidate for the office of the political party's nomination by the voters for that office. The declaration of intention shall be filed with the Secretary of State or the elections official of the county in which the candidate is a resident. The declaration of intention shall be filed on a form to be supplied by the elections official, not more than 14 nor less than five days prior to the first day on which nomination papers may be presented for filing. If the incumbent fails to file a declaration of intention by the end of that period, persons other than the incumbent may file declarations of intention no later than the first day for filing nomination papers. However, if the incumbent’s failure to file a declarative of intention is because he or she has already served the maximum number of terms permitted by the California Constitution for that office, there shall be no extension of the period for filing the declaration of intention. The filing fees and costs of all declarations of intention filed with the elections official in accordance with this article shall be immediately forwarded to the Secretary of State: The declaration of intention provided for in this section shall be in substantially the following form:

I hereby declare my intention to become a candidate for the "office name" in "district name" at the direct voter choice open primary election. I am registered as a voter as "political party, if any." (Candidate check applicable statement)

(Name of political party)

(Address of candidate)
TEXT OF PROPOSED LAWS

Proposition 62 (cont.)

NOMINATION PAPER
I, the undersigned signer for ______ for the ______ Party nomination to the office of ______, ______, to be voted for at the primary election to be held on the _____ day of ____, 20___, hereby assert as follows:

I am a resident of County and registered to vote at the address shown on this paper and affiliated registered with the ______ Party. I am not at this time a signer of any other nomination paper of any other candidate for the above-named office, or in case there are several places to be filled in the above-named office, I have not signed more nomination papers than there are places to be filled in the above-named office. My residence is correctly set forth after my signature hereto:

Name ____________________________
Residence ____________________________

(b) The nomination paper for candidates who are not county central committee member candidates shall be in substantially the following form:

NOMINATION PAPER
I, the undersigned signer for ______ for nomination to the office of ______, ______, to be voted for at the primary election to be held on the _____ day of ____, 20___, hereby assert as follows:

I am a resident of County and registered to vote at the address shown on this paper and affiliated registered with the ______ Party. I am not at this time a signer of any other nomination paper of any other candidate for the above-named office, or in case there are several places to be filled in the above-named office, I have not signed more nomination papers than there are places to be filled in the above-named office. My residence is correctly set forth after my signature hereto:

Name ____________________________
Residence ____________________________

(c) The affidavit of the circulator for nomination papers as described in subdivisions (a) and (b) shall read as follows:

AFFIDAVIT OF THE CIRCULATOR
I, _______, solemnly swear (or affirm) that the signatures on this section of the nomination paper were obtained between _____, 20___, and _____, 20___; that I circulated the petition and I saw the signatures on this section of the nomination paper being written; and that, to the best of my information and belief, each signature is the genuine signature of the person whose name it purports to be.

My voting residence is ____________________________
Signed ____________________________

Subscribed and sworn to before me this _____ day of ____, 20___
Notary Public (or other official) ____________________________
(SEAL)

Elections Official ____________________________

WARNING: Every person acting on behalf of a candidate is guilty of a misdemeanor who deliberately fails to file at the proper time and in the proper place any declaration of candidacy in his or her possession which is entitled to be filed under the provisions of the Elections Code Section 18202.

(b) A candidate for a judicial office may not be required to state his or her residential address on the declaration of candidacy. However, in cases where the candidate does not state his or her residential address on the declaration of candidacy, the elections official shall verify whether his or her address is within the appropriate political subdivision and add the notation “verified” where appropriate.

(c) For purposes of subparagraph (A) of paragraph (2) of subdivision (a), the use by a candidate of his or her political party registration status on the ballot is subject to the candidate’s registration status complying with the time limitations set forth in subdivision (a) of Section 8001 and, for candidates for voter-nominated offices, to the political party’s consent as specified in Section 7031.

(d) For purposes of subparagraph (B) of paragraph (2) of subdivision (a), the use by a candidate of his or her registration status as “no party” on the ballot is subject to the candidate’s registration status complying with the time limitations set forth in subdivision (c) of Section 8001.

(e) Notwithstanding any other provision of law, a person who intends to qualify as a candidate for a voter-nominated office, and who fails to comply with the requirements of subdivision (a) of Section 8001 for a reason other than a voluntary action by the candidate, has the right to be listed as a candidate for that office on the ballot and shall have his or her voter registration status printed on the ballot as “No Party,” provided that the person meets all other qualification requirements for candidacy for that office.

(f) Notwithstanding any other provision of law, a candidate who has met all qualification requirements for candidacy for a voter-nominated office, but who is found after such qualification not to be entitled to the application of paragraph (2) of subdivision (a) of Section 13105 for a reason other than a voluntary action by the candidate, has the right to be listed as a candidate for that office on the ballot and shall have his or her voter registration status printed on the ballot as “No Party.” Subdivision (d) of Section 13105 shall not be applicable to this subdivision.

SEC. 40. Section 8041 of the Elections Code is amended to read: 8041. (a) The nomination paper for a county central committee member candidate shall be in substantially the following form:
or district in which the election is to be held, one-tenth the number of voters of the party.

(5) When there are less than 150 voters in the county or district in which the election is to be held, not less than 10 nor more than 20.

(b) The number of registered voters required to sign a nomination paper for a candidate for the House of Representatives in Congress, California State Senate, or California State Assembly, to be voted for at a special election to fill a vacancy, shall comply with subdivision (a) of Section 8062 and must be filed in the manner prescribed in subdivision (a) of Section 10704.

(c) The provisions of this section are mandatory, not directory, and no nomination paper shall be deemed sufficient that does not comply with this section. However, this subdivision shall not be construed to prohibit withdrawal of signatures pursuant to Section 8067. This subdivision also shall not be construed to prohibit a court from validating a signature which was previously rejected upon showing of proof that the voter whose signature is in question is otherwise qualified to sign the nomination paper.

SEC. 42. Section 8068 of the Elections Code is amended to read:

8068. Signers shall be voters in the district or political subdivision in which the nomination is to be voted for. Signers shall not need to be registered affiliated with the any political party to be eligible to sign nomination papers for a candidate for a voter-nominated office in which the nomination is proposed, but must be registered with the appropriate political party to sign nomination papers for a candidate for a political party central committee.

SEC. 43. Section 8081 of the Elections Code is amended to read:

8081. Before any nomination document is filed in the office of the county elections official or forwarded for filing in the office of the Secretary of State, the county elections official shall verify (1) the signatures on each form, and (2) the political affiliations of the signers on the nomination paper with the registration affidavits on file in the office of the county elections official. The county elections official shall mark “not sufficient” any signature (a) that does not appear in the same handwriting as appears on the affidavit of registration in his or her office, or (b) in the case of a political party position, that is accompanied by a declaration of party affiliation that is not in accordance with the declaration of party affiliation in the affidavit of registration. The county elections official may cease to verify signatures once the minimum requisite number of signatures has been verified.

SEC. 44. Section 8106 of the Elections Code is amended to read:

8106. (a) Notwithstanding any other provision of this article, a candidate may submit a petition containing signatures of registered voters in lieu of a filing fee as follows:

(1) For the office of California State Assembly, 1,500 signatures.

(2) For the office of California State Senate and the United States House of Representatives, 3,000 signatures.

(3) For candidates running for statewide office, 10,000 signatures.

(4) For all other offices for which a filing fee is required, if the number of registered voters in the district in which he or she seeks nomination is 2,000 or more, a candidate may submit a petition containing four signatures of registered voters for each dollar of the filing fee, or 10 percent of the total of registered voters in the district in which he or she seeks nomination, whichever is less.

(5) For all other offices for which a filing fee is required, if the number of registered voters in the district in which he or she seeks nomination is 1,000 or less, a candidate may submit a petition containing four signatures of registered voters for each dollar of the filing fee, or 20 percent of the total of registered voters in the district in which he or she seeks nomination, whichever is less.

(6) Notwithstanding any other provision of this section, a candidate seeking the nomination of a qualified party, with whom he or she is registered, the registered voters of which were eligible to vote at the last statewide election constituted less than 5 percent of all registered voters eligible to vote at the last statewide election, may submit a petition containing the signatures of 10 percent of the registered voters of that party in the district in which he or she seeks nomination, or 150 signatures whichever is less.

(c) A voter may sign both a candidate's nomination papers and his or her in-lieu-filing-fee petition. However, if signatures appearing on the documents are counted towards both the nomination paper and the in-lieu-filing-fee petition signature requirements, a person may only sign one of the documents.

(b) The Secretary of State or an elections official shall furnish to each candidate, upon request, and without charge therefor, forms for securing signatures. The number of forms which the elections official shall furnish a candidate shall be a quantity that provides the candidates with spaces for signatures sufficient in number to equal the number of signatures that the candidate is required to secure pursuant to subdivision (a) of the candidate declares that number of forms. However, the elections official, rather than provide the candidate with the number of forms set forth in the preceding sentence, or upon the request of a candidate, may provide the candidate with a master form that may be duplicated by the candidate at the candidate's own expense for the purpose of circulating additional petitions. The Secretary of State shall provide the master form. The elections official may provide candidates a form other than the master form provided by the Secretary of State. However, that form shall meet all statutory requirements, and the elections official shall also make available and accept the master form provided by the Secretary of State. All forms shall be made available commencing 45 days before the first day for circulating nomination papers. However, in cases of vacancies for which a special election is authorized or required to be held to fill the vacancy, and where the prescribed nomination period would commence less than 45 days after the creation of the vacancy, the forms shall be made available within five working days after the creation of the vacancy. No other form except the form furnished by the Secretary of State or the elections official or forms duplicated from a master form shall be used to secure signatures. Each petition section shall bear an affidavit signed by the circulator, in substantially the same form as set forth in Section 8041. The substitution of signatures for fees shall be subject to the following provisions:

(1) Any registered voter may sign an in-lieu-filing-fee petition for any candidate for whom he or she is eligible to vote.

(2) If a voter signs more candidates' petitions than there are offices to be filled, the voter's signatures shall be valid only on those petitions which were taken in the order they were filed, do not exceed the number of offices to be filled.

(3) In-lieu-filing-fee petitions shall be filed at least 15 days prior to the close of the nomination period. Upon receipt of the minimum number of in-lieu-filing-fee signatures required, or a sufficient combination of signatures and pro rata filing fee, the elections official shall issue nomination papers provisionally. Within 10 days after receipt of a petition, the elections official shall notify the candidate of any deficiency. The candidate shall then, prior to the close of the nomination period, either submit a supplemental petition, or pay a pro rata portion of the filing fee to cover the deficiency.

(4) If the petition is circulated for an office in more than one county, the candidate shall submit the signatures to the elections official in the county in which the petition was circulated. The elections official shall at least two days after verifying the signatures on the petition, notify the Secretary of State of the total number of valid signatures. If the number of signatures is insufficient, the Secretary of State shall notify the candidate and the elections officials of the fact. The candidate may submit the necessary number of valid signatures at any time prior to the close of the period for circulating nomination papers. Each circulator of an in-lieu-filing-fee petition shall be a registered voter of the district or political subdivision in which the candidate is to be voted on. The circulator shall serve within the county in which he or she resides.

(5) Each candidate may submit a greater number of signatures to allow for subsequent losses due to invalidity of some signatures. The elections official shall not be required to determine the validity of a greater number of signatures than that required by this section.

(c) For the purposes of this section, the requisite number of signatures shall be computed from the latest registration figures forwarded to the Secretary of State pursuant to Section 2187 prior to the first day on which petitions are available.

(d) All valid signatures obtained pursuant to this section shall be counted towards the number of voters required to sign a nomination paper in accordance with Section 8061 or 8065.
TEXT OF PROPOSED LAWS

Proposition 62 (cont.)

SEC. 46. Section 8124 of the Elections Code is amended to read:

8124. The certified list of candidates sent to each county elections official by the Secretary of State shall show:

(a) The name of each candidate.

(b) The office for which each person is a candidate.

(c) The political party, if any, with which each person is a candidate; or (2) in the case of justices of the Supreme Court or the courts of appeal, the designation of the candidate’s political party registration status on the ballot is subject to the provisions of Section 7031.

SEC. 47. Section 8125 of the Elections Code is amended to read:

8125. The certified list of candidates sent to each county elections official by the Secretary of State shall be in substantially the following form:

CERTIFIED LIST OF CANDIDATES FOR NOMINATION
SECRETARY OF STATE

To the County Elections Official of _________________ County:

I,____________________, Secretary of State, do hereby certify that the following list contains the names of each person for whom nomination papers have been filed in my office and who is entitled to be voted for in the above-named county at the direct primary election to be held on the ________ day of ______, 20___, the designation of the office for which each person is a candidate, his or her name being stated under the name of the political party if any, with which he or she represents is registered, except in the case of a nonpartisan office, and that each person is entitled to be voted for in your county at that election by any registered qualified elector of your county, whether registered with any political party or not. Each candidate who is registered as “no party” is designated as “No Party” on the following list. The listing of a candidate’s political party registration status on the ballot is subject to the provisions of Section 7031.

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PARTY, VOTER-NOMINATED OFFICES

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CONGRESSIONAL OFFICES

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NONPARTISAN OFFICES

SUPERINTENDENT OF PUBLIC INSTRUCTION

Dated at Sacramento, California, this ______ day of ______, 20___.

(SEAL) ______________ Secretary of State

8124. Not less than 68 days before the general election, the Secretary of State shall deliver to the appropriate county elections official a certificate showing:

(a) The name of every person entitled to receive votes within the county at the general election who has received the nomination by the voters in a voter choice open primary election as a candidate for public office pursuant to this chapter.

(b) For each nominee of the voters the name of the party that has nominated him or her, if any, with which each candidate who has been nominated is registered, or that the nominee is registered as “no party.”

(c) The designation of the public office for which he or she has been nominated.

SEC. 49. Section 8150 of the Elections Code is amended to read:

8150. The certificate of the Secretary of State showing candidates nominated or selected at a primary election, and justices of the Supreme Court and courts of appeal to appear on the general elections ballot, shall be substantially in the following form:

CERTIFICATE OF SECRETARY OF STATE
SHOWING CANDIDATES NOMINATED OR SELECTED AT PRIMARY ELECTION
SECRETARY OF STATE

To the County Elections Official of _________________ County:

I,____________________, Secretary of State, do hereby certify that below are stated the names of those persons entitled to receive votes within your county at the general election who have (1) received nominations for voter-nominated state elected offices and federal elected offices, or have been selected as candidates for nonpartisan office at the primary election or (2) in the case of justices of the Supreme Court or the courts of appeal, are the justices who are subject to confirmation by the voters at the general election. These nominations and selections are evidenced by the compilation and statement required to be made by me and filed in my office. Set forth along with their respective names, other than the names of justices of the Supreme Court or the courts of appeal, there is shown the candidate’s designation of his or her office, profession, vocation or occupation, and there is also shown separately and respectively for each nominee the name of the political party or organization, if any, that has nominated him or her, with which the nominee of the voters is registered, and the designation of the public office for which he or she is so nominated. Each candidate who is not registered with a party is designated as “No Party” on the following list. The listing of a candidate’s political party registration status on the ballot is subject to the provisions of Section 7031.

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SUPERINTENDENT OF PUBLIC INSTRUCTION

Dated at Sacramento, California, this ______ day of ______, 20___.

(SEAL) ______________ Secretary of State
I also certify that at the state conventions that met, according to law, at the State Capitol on the ___ day of ___, 20__, the following persons were nominated as electors of President and Vice President of the United States, for the party respectively hereinafter placed at the head of the column containing their respective names, and you are hereby directed to print the names of the candidates for President and Vice President for whom those electors have pledged themselves to vote, upon the official ballots to be used at the general election, as representing the candidates of their respective parties for that office.

**Proposition 62 (cont.)**

(b) All nomination nomination documents that are required to be filed in the office of the Secretary of State shall, within 24 days after being left with the county elections official in compliance with paragraphs (a) or (c) of subdivision (a), be forwarded by the county elections official to the Secretary of State, who shall receive and file them.

(c) If the total number of signatures submitted to a county elections official for an office, as determined by the county elections official, is less than the number of signatures required by the constitution for the office, the county elections official shall declare the petition void and not be required to verify the signatures. If the district fails within two or more counties, the county elections officials shall within two working days report in writing to the Secretary of State the total number of signatures submitted.

(d) If the Secretary of State finds that the total number of signatures submitted in the district or state is less than the minimum number required to qualify the candidate he or she shall within one working day notify in writing the counties involved that they need not verify the signatures.

**SEC. 56.** Section 8404 of the Elections Code is amended to read:

8404. (a) Each signer of a nomination paper shall sign but one paper for the same office, except that in case two or more persons are to be elected to the same office at the same election, an elector may sign the nomination papers of as many persons as there are persons to be elected to the same office, and that act on the part of an elector shall not be deemed in conflict with the signature statement prescribed in this chapter. The signer shall state his or her place of residence, giving his or her street and number, if any.

(b) If the in-lieu-filing fee petition does not contain the requisite number of signatures, required under Section 8400, the candidate shall be entitled to file, within the time period allowed for filing nomination papers, a nomination paper in order to obtain the requisite number of valid signatures required to be submitted to the elections official pursuant to this chapter.

**SEC. 57.** Section 8405 of the Elections Code is amended to read:

8405. Notwithstanding any other provision of law to the contrary, if an independent candidate submits an in-lieu-filing fee petition pursuant to Section 8106, the county elections official, upon the request of the candidate, shall accept all valid signatures appearing on the candidate’s in-lieu-filing fee petition toward the number of signatures required to be submitted on an in-lieu-filing fee petition and on a nomination paper.

**SEC. 58.** Section 8409 of the Elections Code is amended to read:

8409. (a) Each candidate or group of candidates shall submit a nomination paper that shall be substantially in the following form prescribed in subdivision (b) and (c) of Section 8041.

(b) Each candidate or group of candidates shall submit a nomination paper that shall be substantially in the following form prescribed in subdivision (b) and (c) of Section 8041.

(c) Each candidate or group of candidates shall submit a nomination paper that shall be substantially in the following form prescribed in subdivision (b) and (c) of Section 8041.
TEXT OF PROPOSED LAWS

Proposition 62 (cont.)

My residence address is ____________________________________________

(Signed) ___________________________________________________________________________________________

Circulator

Subscribed and sworn to before me this ______ day of ________, ________

(SEA) ________________________________

Notary Public (or other official)

SEC. 59. Section 8451 of the Elections Code is amended to read: 8451. Circulators shall be residents of the State of California within a district or political subdivision in which the candidate is to be voted on and shall serve only in that district or political subdivision.

SEC. 60. Section 8454 of the Elections Code is amended to read: 8454. (a) Circulators obtaining signatures to the nomination papers of any candidate may, at any time not more than 118 nor less than 88 days prior to the election, obtain signatures to the nomination paper of the candidate.

(b) Circulators obtaining signatures to the nomination paper of any candidate for presidential elector may, at any time not more than 193 nor less than 88 days prior to the election, obtain signatures to the nomination paper of the candidate.

SEC. 61. Section 8550 of the Elections Code is amended to read: 8550. At least 88 days prior to the election, each independent candidate for presidential elector shall leave with the officer with whom his or her nomination papers are required to be left, a declaration of candidacy which states all of the following:

(a) The candidate’s residence, with street and number, if any.
(b) That the candidate is a voter in the precinct in which he or she resides.
(c) The name of the office for which he or she is a candidate.
(d) That the candidate will not withdraw as a candidate before the election.
(e) That, if elected, the candidate will qualify for the office.
(f) That the candidate is not, and was not at any time during the 12 months preceding the general election at which a candidate for the office mentioned in the declaration of candidacy shall be elected, or in the case of an election governed by Chapter 1 (commencing with Section 15200) of Part 6 of Division 4, at any time during the three months immediately preceding the filing of the declaration, registered as affiliated with a political party qualified under Section 5100. The statement required by this subdivision shall be omitted for a candidate for the presidential elector.

The name of a candidate shall not be placed on the ballot unless the declaration of candidacy provided for in this section has been properly filed.

SEC. 62. Section 8600 of the Elections Code is amended to read: 8600. (a) Every person who desires to be a write-in candidate and have his or her name as written on the ballot of an election counted for a particular office shall file:

(i) (1) A statement of write-in candidacy that contains the following information:

(1) (A) Candidate’s name.
(2) (B) Residence address.
(3) (C) A declaration stating that he or she is a write-in candidate.
(4) (D) The title of the office for which he or she is running.
(5) The party nomination which he or she seeks, if running in a primary election.
(6) The date of the election.
(7) The requisite number of signatures on the nomination papers, if any, required pursuant to Sections 8062, 10220, 10510 or, in the case of a special district not subject to the Uniform District Election Law (Part 4 (commencing with Section 10500) of Division 4), the number of signatures required by the principal act of the district.
(b) Any person eligible to be a candidate for a particular office may qualify and run as a write-in candidate at any election for that office pursuant to this chapter.
(c) Any person eligible to be a candidate for a particular office may qualify and run as a write-in candidate for any general election for that office, notwithstanding that such person may have run as a candidate or as a write-in candidate for such office in a direct or special voter choice open primary election immediately preceding said general election.
(d) Subparagraphs (B) and (C) of paragraph (1) of subdivision (a) shall not be applicable to a delegate to a national political party convention or to a presidential elector. This subdivision is not intended to restrict the application of any other write-in provisions of this code to any delegate or elector.

SEC. 63. Section 8603 of the Elections Code is amended to read: 8603. Signers of nomination papers for write-in candidates shall be voters in the district or political subdivision in which the candidate is to be voted on. In addition, if the candidate is seeking a party nomination for an office, the signers shall also be affiliated. Signers need not be registered with the any political party whose nomination is sought to be eligible to sign nomination papers for any write-in candidate for a voter-nominated office.

SEC. 64. Section 8605 of the Elections Code is amended to read: 8605. No person whose name has been written in upon a ballot for an office at the direct or special voter choice open primary election for a voter-nominated state elected office or federal elected office may have his or her name placed listed by the elections official upon the ballot as a candidate for that office for the ensuing general election unless one of the following is applicable:

(a) At that direct or special primary he or she received for that office votes equal in number to 1 percent of all votes cast for the office at the last preceding general election at which the office was filled. In the case of an office that has not appeared on the ballot since its creation, the requisite number of votes is equal to the number of all votes cast for the office that had the least number of votes in the most recent general election in the jurisdiction in which the write-in candidate is seeking office sufficient to qualify as one of the top two vote-getters pursuant to Section 15451.
(b) He or she is an independent nominee pursuant to Part 2 commencing with Section 8300.
(c) (b) He or she has been designated by a party central committee qualified to fill a vacancy on the ballot for the general election pursuant to Section 8006 or 8007.

SEC. 65. Section 8802 of the Elections Code is repealed: 8802. Any person nominated by a party at the direct primary election for a partisan office may be appointed to fill a vacancy on the general election ballot for any other partisan office, as provided in Section 8025, and in that case his or her appointment shall constitute a vacancy on the general election ballot for the office for which he or she was nominated.

The vacancy thus arising shall be filled in the manner prescribed in Section 8306.

SEC. 66. Section 8805 of the Elections Code is amended to read: 8805. (a) Whenever a candidate for nomination for a voter-nominated office at a primary election dies not less than 74 days before the day of the election, the name of the candidate who has died shall be removed from the primary election ballot. The elections official shall declare the nomination process open and shall accept nomination documents from persons seeking to be listed as candidates for that office on the primary election ballot in accordance with Section 8025.
(b) Whenever a candidate for nomination for a partisan voter-nominated office at a primary election dies not less than 74 days before the day of the election, and a sufficient number of ballots are marked as being voted for him or her to entitle him or her to nomination if he or she had lived until after the primary election, a vacancy shall exist on the general election ballot, which shall be filled in the manner provided in Section 8006 for filling a vacancy caused by the death of a candidate.

SEC. 67. Section 8806 of the Elections Code is amended to read: 8806. Vacancies permitted to be filled may, in the case of legislative offices, be filled by the county central committee or committee of the party in which the vacancy occurs, in the persons in counties electing the legislative district of the deceased candidate. In the case of all other district or state office requiring party nomination, except congressional offices, the vacancy may be filled by the state central committee of the party.

Vacancies permitted to be filled may, in the case of congressional offices, be filled by those members of the state central committee of the party who reside in the congressional district in which the vacancy occurs, and who were registered to vote in that district at
the time the vacancy occurred, acting together with the members of the county central committee or committees of the party existing in that congressional district.

References in this section to state and county central committees shall be construed to mean the state and county central committees, unless the organizational meetings of those committees are held in January following the general election.

(a) If a vacancy occurs at least 68 days prior to the general election among the top two candidates nominated at the direct primary election to be listed on the ballot for the succeeding general election for a voter-nominated office, the name of the candidate receiving at the direct primary election the next highest number of votes shall be listed on the general election ballot to fill the vacancy.

(b) In the event that there is either only one candidate on the ballot for a specific voter-nominated office or there are two candidates were the only candidates in the preceding voter choice open primary election, and a vacancy occurs 74 days or more prior to the general election as to a candidate who was nominated by the voters for that office, the name of that candidate shall be removed from the general election ballot. The elections official shall declare the nomination process open and shall accept through the 68th day prior to the general election all nomination documents from persons seeking to be listed as candidates for that office on the general election ballot. In the event that any candidate receives a majority of all votes cast for that office in the ensuing general election, that candidate shall be declared elected to the office. In the event that no candidate receives a majority of all votes cast for that office in the general election, the candidate, regardless of party registration, including candidates registered as “no party,” who are the top two vote-getters shall be listed as the nominees of the voters on a special run-off election to be held not less than 63 days after the general election. The top two vote-getters shall be eligible to be listed on the run-off election ballot regardless of party registration, including candidates registered as “no party.” The name of a write-in candidate shall not be listed on the special election ballot unless the write-in candidate was one of the top two vote-getters in the general election or otherwise qualifies under Section 8605.

(c) In the event that there are two candidates on the ballot for a specific voter-nominated office, and a vacancy occurs less than 74 days prior to the general election as to either candidate nominated by the voters for that office, both names shall be listed on the general election ballot. In the event that the candidate occupying the non-vacant position wins a majority of the vote at the general election, that candidate shall be declared elected to the office. The office to which the candidate occupying the vacant position was elected shall be vacant at the beginning of the term for which he or she was elected. In that event, a special election to fill the vacancy in the office shall be held pursuant to Part 6 (commencing with Section 10700) of Division 10.

(d) In the event that there is only one candidate on the ballot for a specific voter-nominated office, and a vacancy occurs less than 74 days prior to the general election as to the candidate who was nominated by the voters for that office, the name of the candidate occupying the vacant position shall be listed on the general election ballot. In the event that the candidate wins a majority of the vote at the general election, that candidate shall be declared elected to the office. The office to which the candidate occupying the vacant position was elected shall be vacant at the beginning of the term for which he or she was elected. In that event, a special election to fill the vacancy in the office shall be held pursuant to Part 6 (commencing with Section 10700) of Division 10.

SEC. 68. Section 8811 of the Elections Code is amended to read:

8811. Whenever, upon the death of any candidate, the vacancy created is filled by a party committee pursuant to Section 8806 or 8807, a certificate to that effect shall be filed with the officer with whom a declaration of candidacy for that office may be filed, and, upon payment of the filing fee applicable to the office, shall be accepted and acted upon by that officer as in the case of an original declaration certificate.

SEC. 69. Section 10704 of the Elections Code is amended to read:

10704. (a) A special voter choice open primary election shall be held in the district political subdivision in which the vacancy occurred on the eighth Tuesday or, if the eighth Tuesday is the day of or the day following a state holiday, the ninth Tuesday preceding the 25th day preceding the special general election at which the vacancy is to be filled. Candidates at the special voter choice open primary election shall be nominated by the voters in the manner set forth in Chapter 1 (commencing with Section 8000) of Part 1 of Division 8, except that nomination papers shall not be circulated more than 63 days before the election, and shall be filed by the county elections official for examination not less than 44 47 days before the primary election, and shall be filed by the county elections official with the Secretary of State not less than 43 days before the primary election.

(b) Notwithstanding Section 3001, applications for absent voter ballots may be submitted not more than 25 days before the primary election, except that Section 3001 shall apply if the special election or special voter choice open primary election is consolidated with a statewide general election, that candidate shall be declared elected to the office. The office to which the candidate was elected shall be vacant at the beginning of the term for which he or she was elected. In that event, a special election to fill the vacancy in the office shall be held pursuant to Part 6 (commencing with Section 10700) of Division 10. The elections official shall declare the nomination proceeding pursuant to Part 6 to be closed.

(c) If one candidate receives a majority of the vote at the special voter choice open primary election, that candidate shall be declared elected. If no candidate receives a majority of votes cast in a special voter choice open primary election, that candidate shall be declared elected. If no candidate receives a majority of votes cast in a special voter choice open primary election, the name of the candidate with the next highest number of votes cast shall be listed on the special general election ballot to fill the vacancy. In the event that the candidate with the next highest number of votes cast is listed on the special general election ballot, that candidate shall be declared elected to the office. The office to which the candidate occupying the vacant position shall be listed on the general election ballot. If the candidate nominated by the voters for that office dies after being nominated at said special election, the name of that candidate shall be removed from the general election ballot. In the event that the candidate nominated by the voters for that office wins a majority of the votes cast at the special election, the candidates, regardless of party registration, including candidates registered as “no party,” who are the top two vote-getters shall be listed as the nominees of the voters on a special general election ballot to fill the vacancy.

(d) In the event that the candidate nominated by the voters for that office is declared elected, the name of that candidate shall be removed from the general election ballot. In the event that the candidate nominated by the voters for that office wins a majority of the votes cast at the special election, the candidate with the next highest number of votes cast shall be listed on the special general election ballot to fill the vacancy. In the event that the candidate nominated by the voters for that office wins a majority of the votes cast at the special election, the candidate with the next highest number of votes cast shall be listed on the special general election ballot to fill the vacancy. In the event that the candidate nominated by the voters for that office wins a majority of the votes cast at the special election, the candidate with the next highest number of votes cast shall be listed on the special general election ballot to fill the vacancy.
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...as an independent candidate. However, if two or more of these candidates are recorded on their affidavit of registration as being affiliated with the same political party, only the candidate with the greatest number of votes shall be placed on the special general election ballot.

SEC. 72. Section 12104 of the Elections Code is amended to read:

12104. (a) A notice designating the offices for which candidates are to be nominated shall be in substantially the following form:

NOTICE BY SECRETARY OF STATE OF OFFICES FOR WHICH CANDIDATES ARE TO BE NOMINATED AT THE DIRECT PRIMARY

Secretary of State
Sacramento, ______ 7/20____

To the County Elections Official of the County of ______________:

Notice is hereby given that the offices for which candidates are to be nominated by the voters at the primary election to be held on the day of ______, ______ 7/20____, together with the names of the political parties qualified to participate in the election are as follows:

STATE AND DISTRICT OFFICES

____________________________________________________

____________________________________________________

____________________________________________________

____________________________________________________

____________________________________________________

____________________________________________________

____________________________________________________

____________________________________________________

CONGRESSIONAL OFFICES

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LEGISLATIVE OFFICES

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Notice is also hereby given that at the primary election candidates are to be nominated for the following office:

SUPERINTENDENT OF PUBLIC INSTRUCTION

____________________________________________________

____________________________________________________

____________________________________________________

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____________________________________________________

____________________________________________________

____________________________________________________

____________________________________________________

Notice is also hereby given that at the primary election, in the county first above mentioned, candidates are to be nominated for any county offices or judicial offices to which candidates are to be elected at the ensuing general election.*

And notice is also hereby given that at the primary election there shall be elected in each county a county central committee for each political party above named pursuant to Division 7 (commencing with Section 7000) of the Elections Code.

(SEAL)

Secretary of State

(b) The notice designating the political parties qualified to participate in this election for nominated candidates the purpose of selecting delegates to national political party conventions at which a nominee for President is chosen, or electing members of county central committees, or both, shall be in substantially the following form:

NOTICE BY SECRETARY OF STATE OF POLITICAL PARTIES QUALIFIED TO PARTICIPATE IN THE DIRECT PRIMARY ELECTION FOR POLITICAL PARTY POSITIONS

Secretary of State
Sacramento, ______ 7/20____

To the County Elections Official of the County of ______________:

Notice is hereby given that the political parties qualified to participate in this election for nomination of candidates to partisan offices the purpose of selecting delegates to national political party conventions at which a nominee for President is chosen, or electing members of county central committees in each county pursuant to Division 7 (commencing with Section 7030), or both, are as follows:

(SEAL)

Secretary of State

SEC. 73. Section 12108 of the Elections Code is amended to read:

12108. In any case where this chapter requires the publication or distribution of a list of the names of precinct board members, or a portion of the list, the officers charged with the duty of publication shall ascertain the name of the political party, if any, with which each precinct board member is affiliated, as shown in the affidavit of registration of that person. When the list is published or distributed, there shall be printed the name of the board member’s party or an abbreviation of the name to the right of the name, or immediately below the name, of each precinct board member. If a precinct board member is not affiliated with a political party, the words “No party,” “Nonpartisan,” or “Decline to state” shall be printed in place of the party name.

SEC. 74. Section 13102 of the Elections Code is amended to read:

13102. (a) 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 voter choice open primary ballot for all candidates for voter-nominated office, nonpartisan public office, and measures, except that, for partisan primary elections, one form of party ballot shall be provided for each qualified political party as well as one form of nonpartisan voter choice open primary ballot, in accordance with subdivision (b). The party ballot and the voter choice open primary ballot shall comply with the provisions of Section 13203.

(b) At partisan primary elections, each voter not registered as independent shall vote only in a primary ballot, unless he or she requests a ballot of a political party and that political party, by rule duly noticed to the Secretary of State, authorizes a person who has indicated affiliation designating “no party” on his or her affidavit of registration to vote the ballot of that political party. The nonpartisan voter choice open primary ballot shall contain only the names of all candidates for voter-nominated office, nonpartisan offices, and measures to be voted for at the primary election. Each party ballot shall list the candidates for President or the members to be elected for county committees of that party, or both. Each voter registered as independent shall vote only in a ballot of the political party with which he or she is registered, and the nonpartisan ballot containing candidates for nonpartisan offices, both of which shall be printed together on one ballot in the form prescribed by Section 13207. Each voter shall also be furnished with a Local elected Offices and Measures ballot if any.

(c) A political party may adopt a party rule in accordance with subdivision (b) that authorizes a person who has declined to state a political party affiliation in his or her affidavit of registration to vote the ballot of that political party at the next ensuing 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 the partisan primary election at which the vote is authorized.

(d) At all times while subdivision (c) of Section 13102 is in effect and at any time when at least one political party chooses in its discretion to comply with the procedures provided for in this section, elections officials shall print in sample voter choice open primary ballots and in voter information guides a list of all political parties that have adopted a party rule as described in subdivision (c) of Section 13102. In addition to this list, the elections officials shall print instructions to voters who have designated “no party” on their affidavits of registration informing them that they have the right at their option to vote, in addition to a voter choice open primary ballot, the ballot of a party shown on the list. The instructions shall specify how such voters may obtain such ballots. This information shall be printed on the first page of sample voter choice open primary ballots and in a prominent manner in voter pamphlets, including a listing in a table of contents and an index if any.

(e) The county elections official shall maintain a record of which political party’s ballot was requested pursuant to subdivision (b), or whether a nonpartisan voter choice open primary ballot was requested, by each person who declined to state a political party affiliation in his or her affidavit of registration. The record shall be made available to any person authorized to receive copies of the printed indexes of registration for primary and general elections pursuant to Section 2184.

(f) This section shall become operative on March 6, 2002.
SEC. 75. Section 13103 of the Elections Code is amended to read:

13103. Every ballot shall contain all contains any of the following shall comply with the provisions set forth below:

(a) The title of each office shall be arranged to conform as nearly as practicable to the plan set forth in this chapter.

(b) The names of all qualified candidates shall be listed, except that:

(1) Instead of the names of candidates for delegate to the national conventions, there shall be printed the names of the presidential candidates to whom they are pledged or the names of candidates for chairmen of party national convention delegations.

(2) Instead of the names of candidates for presidential electors, there shall be printed in pairs the names of the candidates of the respective parties for President and Vice President of the United States. These names shall appear under the title “President and Vice President.”

(c) The titles and summaries of measures submitted to vote of the voters shall be listed .

SEC. 76. Section 13105 of the Elections Code is amended to read:

13105. (a) In the case of candidates for partisan voter-nominated office in a primary election, a general election, or in a special election to fill a vacancy in Congress, State Senator, or Member of the Assembly, immediately to the right of and on the same line as the name of the candidate, or immediately below the name if there is not sufficient space to the right of the name, there shall be printed in eight-point roman type either that (1) the candidate is registered as “No Party,” or (2) the name of the qualified political party that has provided consent as specified in Section 7031 with which the candidate is registered is certified .

(b) If a political party has provided consent as specified in Section 7031, the following words shall be printed on the ballot: “Registered as: (insert name of qualified party, e.g., Democrat, Republican, or Green).” Any candidate using a party registration designation must comply with the requirements of subdivision (a) of Section 8001 and is subject to the political party’s consent as specified in Section 7031. Any ballot prepared in connection with an election pursuant to this section shall contain the following statement, not smaller than eight-point boldface type, on each page on which the political party registration status of any candidate is registered as a “no party,” or (2) the name of the qualified political party that has provided consent as specified in Section 7031 with which the candidate is registered is certified.

(c) A candidate has qualified for the ballot as a voter who designated “no party,” the words “Registered as: No Party” shall be printed instead of the name of a political party, in accordance with the above rules. Any candidate using a party registration designation must comply with the requirements of subdivision (c) of Section 8001.

(d) If a candidate is registered with a political party and that party does not provide consent as specified in Section 7031, the candidate shall not be permitted to have his or her party registration status printed on the ballot. In this case, the space in which the registration status of the candidate would otherwise be printed shall be left blank. Any ballot prepared in connection with an election pursuant to this section shall contain the following statement once in a conspicuous manner, not smaller than eight-point boldface type, that: “Where the registration status of a candidate has been left blank, the party with which a candidate is registered has not consented to use of party registration status on the ballot.”

(e) In the case of candidates for President and Vice President, the name of the party (e.g., Democrat, Republican, or Reform) shall appear to the right of and equidistant from the pair of names of these candidates in the same type size as described in subdivision (a).

(f) If for a general election any candidate has received the nomination of more than one political party or parties, the name(s) shall be printed to the right of the name of the candidate’s own party. Party name(s) of a candidate shall be separated by commas. If a candidate has qualified for the ballot by virtue of an independent nomination the word “Independent” shall be printed instead of the name of a political party in accordance with the requirements of subdivision (a).

SEC. 77. Section 13109 of the Elections Code is amended to read:

13109. Consistent with other provisions of this code that govern the content of ballots, the order of precedence of offices, political party positions, and measures on the ballot shall be as listed below for those offices, political party positions, and measures that apply to the election for which a particular type of ballot is provided. Beginning in the column to the left:

(a) Under the heading, PRESIDENT AND VICE PRESIDENT: Nominees of the qualified political parties and independent nominees for President and Vice President.

(b) Under the heading, PRESIDENT OF THE UNITED STATES:

(1) Names of the presidential candidates to whom the delegates are pledged.

(2) Names of the chairpersons of unpledged delegations.

(c) Under the heading, COUNTY COMMITTEE: Members of the County Central Committee.

(d) Under the heading, STATE:

(1) Governor.

(2) Lieutenant Governor.

(3) Secretary of State.

(4) Controller.

(5) Treasurer.

(6) Attorney General.

(7) Insurance Commissioner.

(8) Member, State Board of Equalization.

(e) Under the heading, UNITED STATES SENATOR: Candidates or nominees to the United States Senate.

(f) Under the heading, UNITED STATES REPRESENTATIVE: Candidates or nominees to the House of Representatives of the United States.

(g) Under the heading, STATE SENATOR: Candidates or nominees to the State Senate.

(h) Under the heading, MEMBER OF THE STATE ASSEMBLY: Candidates or nominees to the Assembly.

(i) Under the heading, JUDICIAL:

(1) Chief Justice of California.

(2) Associate Justice of the Supreme Court.

(3) Presiding Justice, Court of Appeal.

(4) Associate Justice, Court of Appeal.

(5) Judge of the Superior Court.

(6) Marshal.

(j) Under the heading, SCHOOL:

(1) Superintendent of Public Instruction.

(2) County Superintendent of Schools.

(3) County Board of Education Members.

(4) College District Governing Board Members.

(5) Unified District Governing Board Members.

(6) High School District Governing Board Members.

(7) Elementary District Governing Board Members.

(k) Under the heading, COUNTY:

(1) County Supervisor.

(2) Other offices in alphabetical order by the title of the office.

(l) Under the heading, CITY:

(1) Mayor.

(2) Member, City Council.

(3) Other offices in alphabetical order by the title of the office.

(m) Under the heading, DISTRICT: Directors or trustees for each district in alphabetical order according to the name of the district.

(n) Under the heading, MEASURES SUBMITTED TO THE VOTERS and the appropriate heading from subdivisions (a) through (m), above, ballot measures in the order, state through district shown above, and within each jurisdiction, in the order prescribed by the official certifying them for the ballot.

(o) In order to allow for the most efficient use of space on the ballot in counties that use a voting system, as defined in Section 362, the county elections official may order the following subdivisions (j), (k), (l), (n),
and (n) as well as the order of offices within these subdivisions. However, the office of Superintendent of Public Instruction shall always precede any school, county, or city office, and state measures shall always precede local measures.

SEC. 78. Section 13110 of the Elections Code is amended to read:

13110. The group of names of candidates by political party for nomination to partisan primary elections for the party’s county central committee members , the names of candidates for nomination to partisan office such candidates for President or members, or both, shall appear only on the party ballots of the respective political party

13111. Consistent with other provisions of this code that govern the content of ballots, Candidates candidates for each office and political party position shall be printed on the ballot in accordance with the following rules:

(a) The names of presidential candidates to whom candidates for delegate to the national convention are pledged, and the names of chairpersons of groups of candidates for delegate expressing no preference shall be arranged on the primary election ballot by the Secretary of State by the names of the candidates in accordance with the randomized alphabet as provided for in Section 13112 in the case of the ballots for the First Assembly District. Thereafter, for each succeeding Assembly district, the name appearing first in the last preceding Assembly district shall be placed last, the order of the other names remaining unchanged.

(b) The names of the pairs of candidates for President and Vice President shall be arranged on the general election ballot by the Secretary of State by the names of the candidates for President in accordance with the randomized alphabet as provided for in Section 13112 in the case of the ballots for the First Assembly District. Thereafter, for each succeeding Assembly district, the pair appearing first in the last preceding Assembly district shall be placed last, the order of the other pairs remaining unchanged.

(c) In the case of all other offices, the candidates for which are to be voted on throughout the state, the Secretary of State shall arrange the names of the candidates for the office in accordance with the randomized alphabet as provided for in Section 13112 for the First Assembly District. Thereafter, for each succeeding Assembly district, the name appearing first in the last preceding Assembly district shall be placed last, the order of the other names remaining unchanged.

(d) If the office is that of Representative in Congress or member of the State Board of Equalization, the Secretary of State shall arrange the names of candidates for the office in accordance with the randomized alphabet as provided for in Section 13112 for that Assembly district that has the highest number of Assembly districts in which candidates are to be voted on. Thereafter, for each succeeding Assembly district in which the candidates are to be voted on, the names appearing first in the last preceding Assembly district shall be placed last, the order of the other names remaining unchanged.

(e) If the office is that of State Senator or Member of the Assembly, the county elections official shall arrange the names of the candidates for the office in accordance with the randomized alphabet as provided for in Section 13112, unless the district encompasses more than one county, in which case the arrangement shall be made pursuant to subdivision (i).

(f) If the office is to be voted upon wholly within, but not through-out, one county, as in the case of municipal, district, county supervisor, and county central committee offices, the official responsible for conducting the election shall determine the order of names in accordance with the randomized alphabet as provided for in Section 13112.

(g) If the office is to be voted on throughout a single county, and there are not more than four Assembly districts wholly or partly in the county, the county elections official shall determine the order of names in accordance with the randomized alphabet as provided for in Section 13112.

(h) If there are five or more Assembly districts wholly or partly in the county, an identical procedure shall be followed, except that rotation shall be by Assembly district, commencing with the Assembly district which has the lowest number.

(i) Except as provided in subdivision (d) of Section 13112, if the office is that of State Senator or Member of the Assembly, and the district includes more than one county, the county elections official in each county shall conduct a drawing of the letters of the alphabet pursuant to the same procedures specified in Section 13112. The results of the drawing shall be known as a county randomized ballot and shall be used only to arrange the names of the candidates when the district includes more than one county.

(j) If the office is that of Justice of the California Supreme Court or a court of appeal, the appropriate elections officials shall arrange the names of the candidates for the office in accordance with the randomized alphabet as provided for in Section 13112. However, the names of the judicial candidates shall not be rotated among the applicable districts.

(k) All candidates who are listed on ballots and sample ballots, other than party ballots, shall not be arranged or grouped by political party registration status or any other category, except the office sought, and shall be organized randomly as provided in this section.

SEC. 80. Section 13203 of the Elections Code is amended to read:

13203. Across the top of the ballot shall be printed in heavy-faced gothic capital type the word "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 primary election, shall be printed in 18-point boldface gothic capital type the official party designation, coupled with the word "BALLOT, (e.g., LIBERTARIAN PARTY BAL-LOT)" or the words "NONPARTISAN VOTER CHOICE OPEN PRI-MARY 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. In the case of a separate ballot printed as provided in subdivision (b) of Section 359.3 and Section 13206, the words "LOCAL ELECTED OFFICES AND MEASURES BALLOT" shall be printed in 18-point boldface gothic capital type beneath the words "OFFICIAL BALLOT" in the heading.

SEC. 81. Section 13206 of the Elections Code is amended to read:

13206. (a) 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 borderline. This box shall be as long as there are columns for the partisan voter choice open primary ballot and shall be set directly above these columns. Within the box shall be printed in 24-point boldface gothic capital type the words "Partisan Voter-Nominated Candidates."

(b) The same style of box described in subdivision (a) shall also appear over the columns of the nonpartisan ballot and with-in the box in the same style and point size of type shall be printed "Nonpartisan Offices."

(c) Any ballot prepared in connection with a direct primary election shall contain the following statement, not smaller than eight-point boldface type, on each page of a ballot on which the political party registration status of any candidate is printed, that: "The designation of the political party registration status on the ballot of a candidate for a voter-nominated office is for the voters’ informational purposes only, and does not indicate that the political party with which a candidate may be registered has nominated that candidate or that the party nec-essarily agrees with or endorses that candidate." In addition, any such ballot shall contain the following statement once in a conspicuous manner, not smaller than eight-point boldface type, that: "Where the regis-tration status of a candidate has been left blank, the party with which the candidate is registered has not consented to use of party registra-tion status on the ballot."

SEC. 82. Section 13207 of the Elections Code is amended to read:

13207. (a) There shall be printed on the ballot in parallel columns all of the following:

(1) The respective offices.

(2) The names of candidates with sufficient blank spaces to allow the voters to write in names not printed on the ballot.

(3) Whatever measures have been submitted to the voters.

(b) In the case of a party ballot which is intended for use in a party primary and which lists both partisan candidates for president and members to be elected to a county central committee office and
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nonpartisan offices, a vertical solid black line shall divide the columns containing partisan offices, candidates for President on the left, from the columns containing nonpartisan offices county central committee member candidates on the right.

(c) In the case of a voter choice open primary ballot, a vertical solid black line shall divide the columns containing candidates for voter-nominated offices, on the left, from the columns containing candidates for nonpartisan offices, to the right of the columns containing the candidate offices.

(d) Any measures that are to be submitted to the voters on a ballot shall be printed in one or more parallel columns to the right of the columns containing the names of candidates and shall be of sufficient width to contain the title and summary of each measure. To the right of each title and summary shall be printed, on separate lines, the words “Yes” and “No.”

(e) The standard width of columns containing partisan and nonpartisan offices shall be three inches, but a on elections official may vary the width of these columns up to 10 percent more or less than the three-inch standard. However, the column containing presidential and vice presidential candidates may be as wide as four inches.

(f) Any ballot prepared in connection with a general election shall contain the following statement, not smaller than eight-point boldface type, on each page on which the political party registration status of any candidate is printed, that: “The designation of the political party registration status on the ballot of a candidate for a voter-nominated office is for the voters’ informational purposes only, and does not indicate that the political party with which a candidate may be registered has nominated that candidate or that the party necessarily agrees with or endorses that candidate.” In addition, the ballot shall contain the following statement once in a conspicuous manner, not smaller than eight-point boldface type, that: “Where the registration status of a candidate has been left blank, the party with which the candidate is registered has not consented to use of party registration status on the ballot.”

SEC. 83. Section 13208 of the Elections Code is amended to read:

13208. (a) In the right-hand margin of each column light vertical lines shall be printed in such a way as to create a voting square after the name of each candidate for partisan voter-nominated office, for nonpartisan office (except for justice of the Supreme Court or court of appeal), for President and Vice President, for county central committee member candidates, or for chairman of a group of candidates for delegate to a national convention who express no preference for a presidential candidate. In the case of Supreme Court or appellate justices and in the case of measures submitted to the voters, the lines shall be printed so as to create voting squares to the right of the words “Yes” and “No.” The voting squares shall be used by the voters to express their choices as provided for in the instruction to voters.

(b) The standard voting square shall be at least three-eighths of an inch square but may be up to one-half inch square. Voting squares for measures may be as tall as is required by the space occupied by the title and summary.

SEC. 84. Section 13217 of the Elections Code is amended to read:

13217. The number on each ballot shall be the same as that on the corresponding stub, and the ballots and stubs may be numbered consecutively in each county, or the ballots and stubs may be numbered consecutively within each combination of congressional, senatorial, and Assembly districts in each county. In a partisan primary election, the sequence of numbers on the official ballots and stubs for each party within each county, or within each political subdivision in each county, shall begin with the number 1.

SEC. 85. Section 13230 of the Elections Code is amended to read:

13230. (a) If the county elections official 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 elections official may provide that a nonpartisan separate ballot, containing non statewide nonpartisan offices and non statewide measures for submission to the voters, shall be given to each partisan voter, together with his or her partisan 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. Statewide nonpartisan offices and statewide measures shall at all times be included on the voter choice open primary ballot or general election ballot. The material appearing under the heading, “LOCAL ELECTED OFFICES AND MEASURES BALLOT,” shall be printed on separate ballots under the heading of “Non Statewide Measures.” In addition to the voter choice open primary ballots and the separate ballots, a voter shall be given a separate party ballot, as defined in Section 337, which the voter is entitled to receive pursuant to subdivision (b) of Section 13102.

(b) If the county elections official so provides, the procedure prescribed for the handling and canvassing of ballots shall be modified to the extent necessary to permit the use of two three ballots by partisan voters. The county elections official may, in this case, order the second ballot local elected offices and measures ballots to be printed on paper of a different tint, and assign to those ballots numbers higher than those assigned to the party ballots containing political party positions or to the voter choice open primary ballots containing partisan voter-nominated offices.

(c) “Partisan voters,” for purposes of this section, voters entitled to vote a “Party Ballot” includes persons who have declined to state a “Nonaffiliation designated ‘no party’ on their affidavits of registration, but shall have chosen to vote the ballot of a political party as authorized by that party’s rules duly noticed to the Secretary of State.

SEC. 86. Section 13232 of the Elections Code is repealed:

13232. Notwithstanding any other provision of law, for the purpose of conducting the Democratic Party Presidential Primary Election, the Secretary of State may, if it is reasonably necessary to accommodate the limitations of vote tabulating devices, authorize the county elections officials to do any or all of the following:

(a) Vary the order of any office or measure listed in Section 13100, with the exception of President of the United States, United States Representative, State Senator, Member of the Assembly, and judicial officers.

(b) Place any office listed in Section 13100 on a second ballot, with the exception of United States Representative, State Senator, Member of the State Assembly, judicial officers, County Superintendent of Schools, County Board of Education Members, and county officers.

(c) Place any ballot measure, other than a state measure, on a separate ballot.

SEC. 87. Section 13261 of the Elections Code is amended to read:

13261. (a) Each ballot shall card have two stubs attached. The stubs shall be separated from the ballot card and from each other by perforated lines so that they may be readily detached.

(b) (1) One stub shall have the serial ballot number printed on it, and shall be detached from the remainder of the ballot before it is handed to the voter.

(2) The second stub shall have printed on it all of the following:

(A) The same ballot serial number.

(B) The words “This ballot stub shall be removed and retained by the voter.”

(C) The words “OFFICIAL BALLOT” in uppercase boldface type no smaller than 12 point.

(D) In primary elections, the party name coupled with the word “BALLOT,” e.g., “Democratic Party,” “DEMOCRATIC PARTY BALLOT,” or the words “Nonpartisan Ballot,” “VOTER CHOICE OPEN PRIMARY BALLOT,” or the words “LOCAL ELECTED OFFICES AND MEASURES BALLOT,” as applicable.

(E) The name of the county.

(F) The date of the election.

(G) Where not otherwise provided, instructions to the voter on how to mark the ballot with the marking device, how to vote for a candidate whose name is not printed on the ballot, and how to secure an additional ballot card if the ballot card is spoiled or marked erroneously.

(3) If the information listed in subparagraphs (A) to (G), inclusive, of paragraph (2) must also appear in one or more languages other than English under the provisions of the federal Voting Rights Act of 1965 as extended by Public Law 94-73, and there is insufficient room for all the information to be set forth in all the required languages while at the same time appearing in a type size sufficiently large to be readable, the official in charge of the election may delete information set forth in sub subparagraphs (E) and (F) of paragraph (2), in the order listed, until there is sufficient room.

(c) In addition to the instructions to voters printed on the ballot or ballot stub, there shall be displayed in each voting booth instructions to voters substantially in the same form and wording as appears on paper ballots.
Proposition 62 (cont.)

(d) Precinct numbers may also be placed on the ballot.

SEC. 88. Section 13262 of the Elections Code is amended to read:
13262. (a) The ballot shall contain the same material as to candidates and measures, and shall be printed in the same order as provided for paper ballots, and may be arranged in parallel columns on one or more ballot cards as required, except that the column in which the voter marked his or her choices may be at the left of the names of candidates and the designation of measures.

(b) If there are a greater number of candidates for an office or for a nomination by the voters in a voter choice open primary election for an office than the number whose names can be placed on one pair of facing ballot pages, a series of overlaying pages of equal size shall be used on the same, single side shall be used, and the ballot shall be clearly marked to indicate that the list of candidates for the office is continued on the following page or pages. If the names of candidates for the office are not required to be rotated, they shall be rotated by groups of candidates in a manner so that the name of each candidate shall appear on each page of the ballot in approximately the same number of precincts as the names of all other candidates.

(c) Space shall be provided on the ballot or on a separate write-in ballot to permit voters to write in names not printed on the ballot when authorized by law. The size of the voting square and the spacing of the material may be varied to suit the conditions imposed by the use of ballot cards, provided the size of the type is not reduced below the minimum size requirements set forth in Chapter 2 (commencing with Section 13100).

(d) The statement of measure submitted to the voters may be abbreviated if necessary on the ballot, provided that each and every statement of measures on that ballot is abbreviated. Abbreviation of matters to be voted on throughout the state shall be composed by the Attorney General.

SEC. 89. Section 13300 of the Elections Code is amended to read:
13300. (a) By at least 29 days before the primary, each county elections official shall prepare a separate sample party ballot for each political party, and a separate sample nonpartisan voter choice open primary ballot, and, if applicable, a local elected office ballot and measures ballot, placing thereon as applicable for each respective type of ballot in the order provided in Chapter 2 (commencing with Section 13100), and under the appropriate title of each office, the names of all candidates seeking voter-nominated office, political party positions, or statewide nonpartisan offices for whom nomination papers have been duly filed with him or her or have been certified to him or her by the Secretary of State to be voted for in his or her county at the primary election and nonpartisan offices and measures. The election official shall list on ballots and sample ballots, for all voter-nominated offices; (d), "The designation of the political party registration status of any candidate is printed, that: "The designation of the political party registration status on the ballot of a candidate for a voter-nominated office is for the voter registration status of that candidate," and (e) "Where the registration status of the candidate has been left blank, the party with which the candidate is registered has not consented to use of party registration status on the ballot."

SEC. 90. Section 13302 of the Elections Code is amended to read:
13302. The county elections official shall forthwith submit the sample party ballot of each political party to the chairperson of the county central committee of that party, and shall mail a copy of the respective ballot to each candidate for whom nomination papers have been filed in his or her office or whose name has been certified to him or her by the Secretary of State, to the post office address as given in the nomination paper or certification. The county elections official shall mail a copy of each sample ballot in a conspicuous place in his or her office.

SEC. 91. Section 13312 of the Elections Code is amended to read:
13312. Each voter's pamphlet prepared pursuant to Section 13307 shall contain a statement in the heading of the first page in heavy-faced gothic type, not smaller than 10-point, that: (a), the pamphlet does not contain a complete list of candidates and that a complete list of candidates appears on the sample ballot (if any candidate is not listed in the pamphlet) sample ballot; (b), each candidate's statement in the pamphlet is volunteered by the candidate, and if printed at the candidate's expense, is printed at his or her expense - (c), explains in a clear manner to the voter the concept of a voter choice open primary involving voter-nominated offices; (d), "The designation of the political party registration status on the ballot of a candidate for a voter-nominated office is for the voter registration status of that candidate," and (e) "Where the registration status of the candidate has been left blank, the party with which the candidate is registered has not consented to use of party registration status on the ballot."

SEC. 92. Section 14102 of the Elections Code is amended to read:
14102. (a) (1) For each statewide election, the elections official shall provide a sufficient number of official ballots in each precinct to reasonably meet the needs of the voters in the precinct on election day using the precinct's voter turnout history as the criterion, but in no case shall this number be less than 75 percent of registered voters in the precinct, and for absentee and emergency purposes shall provide the additional number of ballots that may be necessary.

(b) The number of party ballots to be furnished to any precinct for a primary election shall be computed from the number of voters registered in that precinct as intending to affiliate with a party, and the number of nonpartisan voter choice open primary ballots to be furnished to any precinct shall be computed from the number of voters registered in that precinct as intending to affiliate with any of the parties participating in the primary election.

(b) For all other elections, the elections official shall provide a sufficient number of official ballots in each precinct to reasonably meet the needs of the voters in that precinct on election day, using the precinct's voter turnout history as the criterion, but in no case shall this number be less than 75 percent of the number of registered voters in the precinct, and for absentee and emergency purposes shall provide the additional number of ballots that may be necessary.

SEC. 93. Section 15104 of the Elections Code is amended to read:
15104. (a) The processing of absentee ballot return envelopes, and the processing and counting of absentee ballots shall be open to the public, both prior to and after the election.

(b) Any member of the county grand jury, and at least one member each of the Republican county central committee, the Democratic county central committee, and of any other party with a candidate registered with the county or on the ballot, and any other interested organization, shall be permitted to observe and challenge the manner in which the absentee ballots are handled, from the processing of absentee ballot return envelopes through the counting and disposition of the ballots.
The elections official shall notify absentee voter observers and the public at least 48 hours in advance of the dates, times, and places where absentee ballots will be processed and counted. 

(3) All persons voted for at the presidential primary. The results shall be published in the manner requested by the Secretary of State at intervals no greater than two hours, following commencement of the presidential primary election, as provided in Section 10705, and from voters who have declined to affiliate with any registered political party on their affidavits of registration. 

(c) Except for the results specified in paragraph (3) of subdivision (a), the elections official shall tabulate and transmit all election results specified in this section according to the actual numerical vote count according to the appropriate political subdivision, such as precinct or district, or according to the type of ballot, such as absentee ballot. The elections official shall not, for any purposes whatsoever, otherwise tabulate votes separately by any other categories including party registration.

(b) Except for results specified in paragraphs (3) and (4) of subdivision (a), the elections official shall tabulate and transmit all election results specified in this section according to the actual numerical vote count according to the appropriate political subdivision, such as precinct or district, or according to the type of ballot, such as absentee ballot. The elections official shall not, for any purposes whatsoever, otherwise tabulate votes separately by any other categories including party registration.

(c) The elections official shall transmit the results of the presidential primary to the Secretary of State in the manner provided for in subdivision (b) of Section 15451. 

(1) All candidates voted for statewide office.

(2) All candidates voted for the following offices: (A) State Assembly. (B) State Senate. (C) Member of the United States House of Representatives. (D) Member of the State Board of Equalization. (E) Justice of the Court of Appeals.

(3) All persons voted for at the presidential primary or for electors of President and Vice President of the United States. The results at the presidential primary for candidates for President to whom delegates of a political party are pledged shall be reported according to the number of votes each candidate received from all voters and separately according to the number of votes each candidate received from voters affiliated with designated “no party” instead of a qualified political party on their affidavits of registration. 

(1) (A) State Assembly. (B) State Senate. (C) Member of the United States House of Representatives. (D) Member of the State Board of Equalization. (E) Justice of the Court of Appeals.

(4) Statewide ballot measures.

(b) The elections official shall tabulate the party ballots separately by party affiliation registration. 

(c) Except for the results specified in paragraph (3) of subdivision (a), the elections official shall tabulate and transmit all election results specified in this section according to the actual numerical vote count according to the appropriate political subdivision, such as precinct or district, or according to the type of ballot, such as absentee ballot. The elections official shall not, for any purposes whatsoever, otherwise tabulate votes separately by any other categories including party registration.

(b) The candidate who receives a majority of the votes cast at a special voter choice open primary election, as provided in Section 10705, or the candidate who receives a majority of the votes cast at a special general election, as provided in Section 10706, shall be elected to the particular office at that special election.

(c) The candidates who are the top two vote-getters at a special voter choice open primary election, regardless of party registration, including candidates registered as “no party,” who are specified as being entitled to be listed on a general election ballot as a result of being nominated by the voters at a direct voter choice primary election.

(d) The nomination of any candidate by the voters in any special voter choice open primary election, as provided in subdivision (b), shall be the nominees of the voters. These nominees shall be listed on the ballot at the ensuing special general election in accordance with Section 10706.

(2) Duplicating accurately any damaged or defective ballots.

(3) Securing absentee ballots to prevent any tampering with them before they are counted on election day.

(c) Any absentee ballot observer shall interfere with the orderly processing of absentee ballot return envelopes or processing and counting of absentee ballots, including touching or handling of the ballots.

SEC. 94. Section 15151 of the Elections Code is amended to read:

15151. (a) The elections official shall transmit the semifinal official results to the Secretary of State in the manner and according to the schedule prescribed by the Secretary of State prior to each election, for the following:

(1) All candidates voted for statewide office.

(2) All candidates voted for the following offices: (A) State Assembly. (B) State Senate. (C) Member of the United States House of Representatives. (D) Member of the State Board of Equalization. (E) Justice of the Court of Appeals.

(3) All persons voted for at the presidential primary or for electors of President and Vice President of the United States. The results at the presidential primary for candidates for President to whom delegates of a political party are pledged shall be reported according to the number of votes each candidate received from all voters and separately according to the number of votes each candidate received from voters affiliated with designated “no party” instead of a qualified political party on their affidavits of registration.

(4) Statewide ballot measures.

(b) The elections official shall transmit the results to the Secretary of State at intervals no greater than two hours, following commencement of the presidential primary canvass.

(c) The candidates who are the top two vote-getters at a special voter choice open primary election, as provided in Section 10705, or the candidate who receives a majority of the votes cast at a special general election, as provided in Section 10706, shall be elected to the particular office at that special election.

(d) The nomination of any candidate by the voters in any direct voter choice open primary election for voter-nominated offices, as provided in subdivision (b), shall be the nominees of the voters. These nominees shall be listed on the ballot at the ensuing special general election in accordance with Section 10706.

(b) Except for results specified in paragraphs (3) and (4) of subdivision (a), the elections official shall tabulate and transmit all election results specified in this section according to the actual numerical vote count according to the appropriate political subdivision, such as precinct or district, or according to the type of ballot, such as absentee ballot. The elections official shall not, for any purposes whatsoever, otherwise tabulate votes separately by any other categories including party registration.

SEC. 96. Section 15450 of the Elections Code is amended to read:

15450. A Except as provided in Section 15451, a plurality of the votes given at any election shall constitute a choice where not otherwise directed in the California Constitution, provided that it shall be competent in all charters of cities, counties, or cities and counties framed under the authority of the California Constitution to provide the manner in which their respective elective officers may be elected and to prescribe a higher proportion of the vote therefor.

SEC. 9e. Section 15451 of the Elections Code is amended to read:

15451. (a) The person candidate, regardless of party registration, including candidates registered as “no party” who receive the highest number of votes are the top two vote-getters at a direct voter choice open primary election for a voter-nominated office as the candidate of a political party, for the nomination to an office is shall be the nominee(s) of that party, the voters for that office at the ensuing general election. Under no circumstances shall any candidate be elected outright to any office under this section in a direct voter choice open primary election. In the event that there is only one candidate listed on the direct voter choice open primary election ballot for nomination to any voter-nominated office, then such candidate shall be listed as the nominee of the voters for a vote at the ensuing general election. For purposes of this section, the word “plurality” shall encompass the choice by the voters of the single candidate or the top two vote-getting candidates, regardless of party registration, including candidates registered as “no party,” who are specified as being entitled to be listed on a general election ballot as a result of being nominated by the voters at a direct voter choice open primary election.

(b) The candidate who receives a majority of the votes cast at a special voter choice open primary election, as provided in Section 10705, or the candidate who receives a majority of the votes cast at a special general election, as provided in Section 10706, shall be elected to the particular office at that special election.

(c) The candidates who are the top two vote-getters at a special voter choice open primary election, regardless of party registration, including candidates registered as “no party,” who are specified as being entitled to be listed on a general election ballot as a result of being nominated by the voters at a special voter choice open primary election.

(d) The nomination of any candidate by the voters in any special voter choice open primary election for voter-nominated offices, as provided in subdivision (b) of Section 15451.
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 amends and adds sections to the Revenue and Taxation Code, and adds sections to the Welfare and Institutions Code; therefore, new provisions proposed to be added are printed in italic type to indicate that they are new.

PROPOSED LAW

MENTAL HEALTH SERVICES ACT

SECTION 1. Title.

This act shall be known and may be cited as the “Mental Health Services Act.”

SEC. 2. Findings and Declarations.

The people of the State of California hereby find and declare all of the following:

(a) Mental illnesses are extremely common; they affect almost every family in California. They affect people from every background and occur at any age. In any year, between 5 percent and 7 percent of adults have a serious mental illness as do a similar percentage of children—between 5 percent and 9 percent. Therefore, more than two million children, adults and seniors in California are affected by a potentially disabling mental illness every year. People who become disabled by mental illness deserve the same guarantee of care already extended to those who face other kinds of disabilities.

(b) Failure to provide timely treatment can destroy individuals and families. No parent should have to give up custody of a child and no adult or senior should have to become disabled or homeless to get mental health services as too often happens now. No individual or family should have to suffer inadequate or insufficient treatment due to language or cultural barriers to care. Lives can be devastated and families can be financially ruined by the costs of care. Yet, for too many Californians with mental illness, the mental health services and supports they need remain fragmented, disconnected and often inadequate, frustrating the opportunity for recovery.

(c) Untreated mental illness is the leading cause of disability and suicide and imposes high costs on state and local government. Many people left untreated or with insufficient care see their mental illness worsen. Children left untreated often become unable to learn or participate in a normal school environment. Adults lose their ability to work and to independently; many become homeless and are subject to frequent hospitalizations or jail. State and county governments are forced to pay billions of dollars each year in emergency medical care, long-term nursing home care, unemployment, housing, and law enforcement, including juvenile justice, jail and prison costs.

(d) In a cost cutting move 30 years ago, California drastically cut back its services in state hospitals for people with severe mental illness. Thousands ended up on the streets homeless and incapable of caring for themselves. Today thousands of adults and seniors in California are affected by a potentially disabling mental illness every year. People who become disabled by mental illness deserve the same guarantee of care already extended to those who face other kinds of disabilities.

Provision 62 (cont.)