

10-25-2017

Repeals Current Primary Election System in State and Congressional Elections. Initiative Constitutional Amendment.

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

**REPEALS CURRENT PRIMARY ELECTION SYSTEM IN STATE AND
CONGRESSIONAL ELECTIONS. INITIATIVE CONSTITUTIONAL AMENDMENT.**

Repeals the current primary elections system which provides for all candidates for an office to appear on a single primary ballot and for the two candidates with the most votes in the primary to advance to the general election, irrespective of party. Creates a primary election system based on political party for congressional, state legislative, and most statewide offices. Gives political parties that participate in the primary election for a partisan office the right to participate in the general election for that office. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: **No significant net change in state and local government costs to administer elections.** (17-0020.)

**FOUNDATION TO STOP TOP 2**

**P.O. Box 2413
Rancho Cucamonga, CA 91729**



**REPEAL THE TOP TWO CANDIDATES OPEN PRIMARY LAW
www.stoptop2.com**

August 10, 2017

Ms. Ashley Johansson
Initiative Coordinator
P.O. Box 944255
Sacramento, CA 94244-2550

RECEIVED

AUG 21 2017

**INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE**

Dear Ms. Johansson:

I'm submitting the enclosed draft of an Initiative Measure to Repeal the Top Two Candidates Open Primary Law. I'm requesting a review by the Attorney General and a Unique Numeric Identifier, Circulating Title and Circulating Summary as they are to appear on the petitions for circulation.

I'm also requesting that the Attorney General display the information on the AG's website.

Enclosed please find the \$2,000 fee required (Check #3010) .

Sincerely,

A handwritten signature in black ink that reads "Thomas E. Palzer". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Thomas E. Palzer
Chairman & State Coordinator
Foundation to Stop Top 2

60461

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RN 17 12035 PAGE 1

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

12-point
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Type

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

(Here set forth the unique numeric identifier provided by the Attorney General and circulating title and summary prepared by the Attorney General. Both the Attorney General's unique numeric identifier and the circulating title and summary must also be printed across the top of each page of the petition whereon signatures are to appear.)

TO THE HONORABLE SECRETARY OF STATE OF CALIFORNIA

Type: Roman
Boldface not
smaller than
12-point

We, the undersigned, registered, qualified voters of California, residents of San Bernardino County, hereby propose amendments to the Constitution of California, and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to that general election or as otherwise provided by law. The proposed constitutional amendment reads as follows:

SECTION 1. Section 5 of Article II of the California Constitution is amended to read:

~~SEC. 5. (a) A voter-nomination primary election shall be conducted to select the candidates for congressional and state elective offices in California. All voters may vote at a voter-nominated primary election for any candidate for congressional and state elective office without regard to the political party preference disclosed by the candidate or the voter, provided that the voter is otherwise qualified to vote for candidates for the office in question. The candidates who are the top two vote-getters at a voter-nominated primary election for a congressional or state elective office shall, regardless of party preference, compete in the ensuing general election.~~

~~(b) Except as otherwise provided by Section 6, a candidate for a congressional or state elective office may have his or her political party preference, or lack of political party preference, indicated upon the ballot for the office in the manner provided by statute. A political party or party central committee shall not nominate a candidate for any congressional or state elective office at the voter-nominated primary. This subdivision shall not be interpreted to prohibit a political party or party central committee from endorsing, supporting, or opposing any candidate for a congressional or state elective office. A political party or party central committee shall not have the right to have its preferred candidate participate in the general election for a voter-nominated office other than a candidate who is one of the two highest vote-getters at the primary election, as provided in subdivision (a).~~

~~(c) The~~

SEC. 5. (a) The Legislature shall provide for partisan primary elections for presidential candidates, and political party and party central committees, partisan offices, including an open presidential primary whereby the candidates on the ballot

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

(d)

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



AP17:088

FOR IMMEDIATE RELEASE

October 26, 2017

CONTACT:

SOS Press Office

(916) 653-6575

Proposed Initiative Enters Circulation
REPEALS CURRENT PRIMARY ELECTION SYSTEM IN STATE AND
CONGRESSIONAL ELECTIONS. INITIATIVE CONSTITUTIONAL AMENDMENT.

SACRAMENTO – Secretary of State Alex Padilla announced the proponent of a new initiative was cleared to begin collecting petition signatures yesterday.

The Attorney General prepares the legal title and summary that is required to appear on initiative petitions. When the official language is complete, the Attorney General forwards it to the proponent and to the Secretary of State, and the initiative may be circulated for signatures. The Secretary of State then provides calendar deadlines to the proponent and to county elections officials. The Attorney General's official title and summary for the measure is as follows:

REPEALS CURRENT PRIMARY ELECTION SYSTEM IN STATE AND CONGRESSIONAL ELECTIONS. INITIATIVE CONSTITUTIONAL AMENDMENT. Repeals the current primary elections system which provides for all candidates for an office to appear on a single primary ballot and for the two candidates with the most votes in the primary to advance to the general election, irrespective of party. Creates a primary election system based on political party for congressional, state legislative, and most statewide offices. Gives political parties that participate in the primary election for a partisan office the right to participate in the general election for that office. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: **No significant net change in state and local government costs to administer elections.** (17-0020.)

The Secretary of State's tracking number for this measure is 1816, and the Attorney General's tracking number is 17-0020.

The proponent of the measure, Thomas E. Palzer, must collect the signatures of 585,407 registered voters (eight percent of the total votes cast for Governor in the November 2014 general election) in order to qualify it for the ballot. The proponent has 180 days to circulate petitions for the measure, meaning the signatures must be submitted to county elections officials no later than April 23, 2018. The proponent can be reached at P.O. Box 2413 Rancho Cucamonga, CA 91729

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October 10, 2017

RECEIVED

OCT 10 2017

Hon. Xavier Becerra
Attorney General
1300 I Street, 17th Floor
Sacramento, California 95814

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Attention: Ms. Ashley Johansson
Initiative Coordinator

Dear Attorney General Becerra:

Pursuant to Elections Code Section 9005, we have reviewed the proposed constitutional initiative (A.G. File No. 17-0020) related to primary elections.

Background

In California, the chief elections officer is the Secretary of State and county governments administer statewide elections. California generally holds two statewide elections in even-numbered years to elect candidates to state and federal offices—a primary election and the general election. The primary election is used to narrow the field of candidates who will appear on the general election ballot. California has two systems of primary elections, described below.

“Top Two” Primary. In June 2010, California voters approved Proposition 14 establishing a top two primary system for state elected offices, Members of the U.S. House of Representatives, and United States Senators. Under the top two primary system (1) all candidates for an office are listed on the same primary ballot and (2) each voter casts his or her vote using this single primary ballot. For example, a voter registered with the Republican Party is able to vote in the primary election for a candidate registered as a Democrat, a candidate registered as a Republican, or any other candidate for the office. The two candidates with the highest number of votes in the primary election—regardless of their party preference—advance to compete in the general election.

Partisan Primary. The primary election for presidential candidates (and political party offices) is a partisan primary. Elections officials print primary ballots for each political party listing the candidates registered with that party. The winning candidate becomes the party's nominee at the general election. Political parties may allow voters with no party preference to receive their party's primary ballot or may restrict the primary only to those registered with the particular party. In the general election, voters choose among all of the parties' nominees, as well as any independent candidates.

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California Legislature
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Proposal

End Top Two Primary System. The proposal removes from the Constitution the language that voters approved under Proposition 14 that established the top two primary. Under the proposal, the primary election for all statewide elected offices, Members of the U.S. House of Representatives, and United States Senators would use a partisan primary.

Fiscal Effect

Minor Offsetting Costs and Savings. This measure would change how elections officials prepare, print, and mail ballot materials. In some cases, these changes could increase these state and county costs. For instance, under this measure, counties would print distinct primary ballots for each party. In other cases, the measure would reduce election costs. For example, using partisan party ballots would shorten the list of candidates included on each primary ballot. For general election ballots, the measure would increase the number of candidates (by having a nominee from each political party on the ballot). This would make these ballots longer. The direct costs and savings resulting from this measure would be relatively minor and would tend to offset each other. Accordingly, we estimate that the measure's net fiscal effects would not be significant for state and local governments.

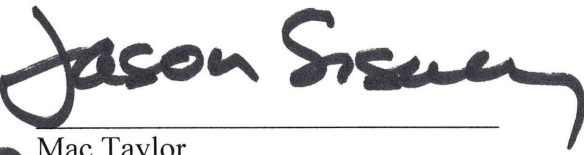
Indirect Fiscal Effects Impossible to Estimate. In some cases, this measure would result in different individuals being elected to offices than under current law. Different officeholders would make different decisions about state and local government spending and revenues. These indirect fiscal effects of the measure are unknown and impossible to estimate.

Summary of Fiscal Effect

We estimate that the measure would have the following fiscal effect:

- No significant net change in state and local government costs to administer elections.

Sincerely,


for Mac Taylor
Legislative Analyst


for Michael Cohen
Director of Finance