

Date of Hearing: April 26, 2017

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Marc Berman, Chair

AB 84 (Mullin) – As Amended April 19, 2017

**SUBJECT:** Primary elections: election date.

**SUMMARY:** Moves California's primary election from June to March in presidential election years. Specifically, **this bill:**

- 1) Makes the first Tuesday after the first Monday in March in each year evenly divisible by the number four an established “presidential primary” election date.
- 2) Requires the presidential primary to be held on the first Tuesday after the first Monday in March in every year that is evenly divisible by the number four, and requires the presidential primary be consolidated with the statewide direct primary.
- 3) Declares the intent of the Legislature to implement the provisions in this bill beginning with the presidential primary elections in 2020, and to not change the date of the statewide direct primary election in 2018.
- 4) Makes corresponding changes.

**EXISTING LAW** requires the presidential primary to be held on the first Tuesday after the first Monday in June in any year evenly divisible by the number four, and requires that the presidential primary be consolidated with the statewide direct primary held on that date.

**FISCAL EFFECT:** None. This bill is keyed non-fiscal by the Legislative Counsel.

**COMMENTS:**

- 1) **Purpose of the Bill:** According to the author:

AB 84 will make California more politically relevant in presidential elections. With our current June primary date, California is often treated as a political ATM where candidates come to fundraise, but campaign in other states across the nation. Often, it is clear who the presidential nominees will be even before California has its primary election, making California an afterthought for candidates throughout their campaign process and less politically relevant. Moving California’s presidential primary to Super Tuesday will enable our state to be part of the first real test for presidential candidates. An earlier primary election will ensure that candidates pay attention to voters in our state as well as issues of importance throughout California such as transportation infrastructure, housing, climate change, and immigration.

- 2) **Competing with other States:** California has moved the date of its presidential primary elections several times in the past in order to move ahead of other states’ primaries, in an effort to have more impact in the presidential nominating process. However, past efforts at moving up the dates of the presidential primary have not necessarily resulted in California

having a larger role in deciding the presidential nominations.

From 1946 to 1994, California's primary election was held in June of every even-numbered year. AB 2196 (Costa), Chapter 828, Statutes of 1993, moved the presidential primary to the fourth Tuesday in March for the 1996 election cycle. After AB 2196 was enacted, however, several states moved their primaries or caucuses ahead, and by the time that California voters cast their ballots on March 26, 1996, 27 states had already held presidential primaries or caucuses.

SB 1999 (Costa), Chapter 913, Statutes of 1998, moved the date for all future primary elections—not just presidential primary elections—to the first Tuesday in March. When voters went to the polls on March 7, 2000, California's presidential primary came after nine other states had held their primaries or caucuses, and was held on the same day as 13 other state contests. In California's primary election in 2004, many states leapfrogged ahead of California, and by the time the polls opened in California on March 2, 2004, twenty other states had already apportioned their delegates in primaries or caucuses. Furthermore, California shared its March 2nd primary date with nine other states.

SB 113 (Calderon), Chapter 2, Statutes of 2007, sought to correct California's lack of influence in presidential primaries by moving the state's primary to an even earlier date: February 5 in 2008 – the earliest vote in state history. By the time California voters went to the polls on election day, 33 other states had also moved up their presidential primaries and 15 states held their primary on the same day as California – giving February 5th the title of 'Super Tuesday.'

- 3) **Voter Confusion:** AB 84 will move the primary election to March in presidential election years only. Hence, the primary election date will change every other year, which could create voter confusion as to the timing of the election. The California Association of Clerks and Elections Officials (CACEO), which has not taken an official position on this bill, nonetheless has raised the concern that “Counties already see voter confusion when voters call to say they have not received information for elections in June or November during odd election years. To change the date every other year would likely lead to increased confusion resulting in disenfranchised voters.”
- 4) **Effect on Campaigns:** Changing the statewide primary to March in presidential election years will create an eight-month gap between the primary and general election for congressional candidates, legislative candidates, and local candidates whose elections are consolidated with the statewide elections. That eight-month gap could increase campaign costs and may impose a burden on candidates who may need to maintain campaign infrastructure (offices, staff, consultants, etc.) between the March primary and the November general election. Furthermore, CACEO notes that “For those offices that appear on the ballot every two years (including United States Congressional, State Assembly, and County Supervisorial seats), the candidates would have a different candidate filing time – November/December for candidates on the March election ballot and February/March for candidates on the June election ballot. Accordingly these different deadlines for each election cycle would likely lead to increased candidate confusion.”
- 5) **Party Rules:** When a state holds a presidential primary or caucus, it is actually selecting delegates who are pledged to support a specified presidential candidate to represent the state

at the political party national conventions. Those delegates then vote at the party convention to choose the party's presidential nominee. While a state is free to schedule its presidential primary election or caucus whenever it wants, it is prudent to keep in mind that the state may face sanctions at the national convention if its primary election or caucus is held at a time or in a manner that violates the national party rules.

- 6) **Previous Legislation:** AB 2196 (Costa), Chapter 828, Statutes of 1993, required the statewide direct primary election to be moved to the fourth Tuesday in March, and to remain consolidated with the presidential primary election, but only for the 1996 election. SB 1999 (Costa), Chapter 913, Statutes of 1998, required the statewide direct primary election to be held on the first Tuesday in March, and to be consolidated with the presidential primary in presidential election years.

SB 1730 (Johnson), Chapter 817, Statutes of 2004, moved California's statewide direct primary election to the first Tuesday after the first Monday in June and required it to be consolidated with the presidential primary election in presidential election years.

AB 2949 (Umberg) of 2006, would have required the Secretary of State to schedule California's presidential primary election before, or on the same day as, the earliest presidential primary election held in any other state. AB 2949 was held on the Assembly Appropriations Committee's suspense file.

SB 113 (Calderon), Chapter 2, Statutes of 2007, moved California's presidential primary election to the first Tuesday in February of any year evenly divisible by the number four while maintaining the statewide direct primary election in June. It also required that the two elections be held separately during presidential election years.

AB 80 (Fong), Chapter 138, Statutes of 2011, moved the presidential primary election from February back to June in presidential election years, and consolidated it with the statewide direct primary election.

- 7) **Related Legislation:** SB 568 (Lara), which is pending in the Senate Appropriations Committee, provides for the Presidential Primary to be held on the third Tuesday in March, but also gives the Governor the authority to move the primary earlier in the year by issuing a proclamation calling for the election at least 240 days in advance of the election. SB 568 was approved by the Senate Elections and Constitutional Amendments Committee by a 5-0 vote.

- 8) **Arguments in Support:** In support of this bill, Secretary of State Alex Padilla writes:

California's traditionally late June primary dilutes our impact and influence in the presidential nominating process. Too often we are relegated to merely serving as the nation's political ATM. Candidates should have to consider the issues relevant to the largest and most diverse state in the nation. Let's give power to the voices of California voters and move our presidential primary to earlier in the process...

As the most diverse state in the nation, we reflect the future. People of color comprise 61.5% of California's 39 million residents. Los Angeles County is home to more Latinos, Asian-Americans, and American Indians than any other county in the nation. With a June presidential primary, however, our state is too often an

afterthought in the presidential nominating process. AB 84 will make sure California voters are relevant during the presidential nominating process.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

California Immigrant Policy Center  
Secretary of State Alex Padilla

**Opposition**

None on file.

**Analysis Prepared by:** Bish Paul / E. & R. / (916) 319-2094