

Date of Hearing: June 14, 2017

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING
Marc Berman, Chair
SB 568 (Lara) – As Amended June 6, 2017

AS PROPOSED TO BE AMENDED

SENATE VOTE: 32-6

SUBJECT: Primary elections: election date.

SUMMARY: Moves California's primary elections from June to March, beginning with the 2020 election. Specifically, **this bill:**

- 1) Moves the primary election in non-Presidential years from the first Tuesday after the first Monday in June to the third Tuesday in March.
- 2) Moves the primary election in Presidential years from the first Tuesday after the first Monday in June to the third Tuesday in March, or to an earlier date selected by the Governor, as specified.
- 3) Gives the Governor the authority to move the presidential primary election to a Tuesday before the third Tuesday in March by issuing a proclamation calling for the election at least 240 days in advance of the date that the Governor selects if at least three states are scheduled to hold their primaries before the date that the Governor selects.
- 4) Makes the provisions of this bill operative on January 1, 2019.
- 5) Makes corresponding changes.

EXISTING LAW:

- 1) 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.
- 2) Requires the statewide direct primary to be held on the first Tuesday after the first Monday in June in any year evenly divisible by the number two, to nominate candidates to be voted for at the ensuing general election.

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Amendments:** After the committee's deadline for pre-committee author's amendments, the author proposed amendments to increase the number of states that have to schedule their primary before California from one, as proposed by the introduced version of

this bill, to three. This analysis reflects those proposed author's amendments.

2) **Purpose of the Bill:** According to the author:

California is the largest, most diverse state in the nation with one of the world's largest economies. The state makes up 12 percent of the nation's population, yet Californians voices have all but been silenced when it comes to choosing a presidential nominee. The state is one of the very last to hold primary elections in June. California voters have not played a decisive role in the presidential nomination process since 1980. Over the past 25 years, all of the presidential primaries for both the Republican and Democratic parties were effectively decided by June. The first three states to hold primary elections, Iowa, New Hampshire, and South Carolina are among the least diverse and have significantly older electorates than the rest of the country.

In 2008 California moved up its presidential primary and saw a dramatic increase in voter engagement, when 2.4 million more voters came out than the 2004 election, the highest participation rate (57.7% of registered voters) since 1980, when turnout reached 63%.... Despite record-high voter registration in 2016, only 47.7% of registered voters turned out, the lowest percentage since 1928 for a year with no incumbent president. Additionally, with the state's primary so late in the year, candidates do not have to respond to California's unique issues and challenges. The current primary election system stifles California's voice in the most important elections. SB 568 will ensure our most populous and diverse state's voice is heard.

3) **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.'

- 4) **Effect on Campaigns:** Changing the statewide primary to March 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.
- 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) **Arguments in Support:** In a letter sent in support of a prior version of this bill, the sponsor of this bill, Secretary of State Alex Padilla, wrote:

Unfortunately with a June presidential primary, California runs the risk of being irrelevant in the nominating process. California's June primary ensures that our voters rarely have a say in who will be a political party's choice for President. Over the last 25 years, all of the presidential primaries for both the Republican and Democratic parties were effectively decided by June. The winning candidate had either accumulated enough delegates to secure the nomination, the competition dropped out or the candidate was an incumbent.

SB 568 is similar to New Hampshire state law that ensures that their primary is held early in the nomination process. New Hampshire, by statute sets the date of their election to the second Tuesday in March, with flexibility to move it earlier. California is the world's 6th largest economy and is the nation's largest, most diverse state. 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. California's immense economy is also diverse and thriving in many sectors. Four of the largest companies in the world are based in California. California is the top state for agriculture, forestry and hunting as well as manufacturing. California produces over half of the United States' technology revenue. As the most populous and diverse state, California represents the ever changing face of our nation. With a June presidential primary, however, our state is too often an afterthought in the presidential nominating

process. SB 568 will establish an earlier presidential primary to ensure that the issues important to Californians are prioritized by presidential candidates from all political parties.

- 7) **Arguments in Opposition:** The Rural County Representatives of California (RCRC) and the California Association of Clerks and Election Officials (CACEO) have both submitted letters of opposition to a prior version of this bill. While recent amendments to the bill have addressed many of the concerns raised in their letters of opposition, RCRC and CACEO both expressed concern about the increasing length of time between the primary and the general election if the primary is moved to March. They write that candidates who are elected outright in March (those candidates for nonpartisan office who receive more than 50% of the vote and do not need a run-off) will have to wait till December or early January to assume office. Furthermore, incumbent candidates who were defeated in March would have nearly a year in office where they would serve as a lame-duck.
- 8) **Related Legislation:** AB 84 (Mullin), which is pending in the Senate Elections & Constitutional Amendments Committee, moves California's primary election from June to the first Tuesday after the first Monday in March, in presidential election years only. AB 84 was approved by this Committee by a 6-1 vote.
- 9) **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.

REGISTERED SUPPORT / OPPOSITION:

Support

Secretary of State Alex Padilla (sponsor) (prior version)
California Voter Foundation (prior version)
Rooted in Resistance Political Action Group (prior version)

Opposition

California Association of Clerks and Election Officials (prior version)
Rural County Representatives of California (prior version)
One individual (prior version)

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