

Date of Hearing: June 7, 2023

ASSEMBLY COMMITTEE ON ELECTIONS
Isaac G. Bryan, Chair
SB 789 (Allen and Wiener) – As Amended March 22, 2023

SENATE VOTE: 39-0

SUBJECT: Elections: Senate Constitutional Amendment 2 of the 2021–22 Regular Session.

SUMMARY: Moves Senate Constitutional Amendment 2 (SCA 2) of the 2021-2022 Legislative Session from the March 5, 2024, statewide presidential primary election to the November 5, 2024, statewide presidential general election. Specifically, **this bill:**

- 1) Moves SCA 2 (Allen), Resolution Chapter 182, Statutes of 2022, from the March 5, 2024, statewide primary election to the November 5, 2024, statewide general election.
- 2) Calls a special election to be held throughout the state on November 5, 2024, for the purpose of submitting SCA 2 to the voters for their approval. Requires the election be consolidated with the statewide general election to be held on November 5, 2024, and requires the consolidated election to be held and conducted in all respects as if there were only one election and only one form of ballot to be used.
- 3) Calls an election within the meaning of California Constitution Article IV, Section 8, allowing this bill to take effect immediately upon enactment.

EXISTING LAW requires every constitutional amendment, bond measure, or other legislative measure submitted to the people by the Legislature to appear on the ballot of the first statewide election occurring at least 131 days after the adoption of the proposal by the Legislature. (Elections Code §9040)

FISCAL EFFECT: According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

COMMENTS:

- 1) **Purpose of the Bill:** According to the author, “Historical election data shows that a smaller subset of voters participates in primary elections than in general elections. SB 789 will move SCA 2 from the March 2024 primary election ballot to the November 2024 general election ballot to allow a larger portion of the electorate the opportunity to vote on the measure.”
- 2) **Previous Legislation:** During the 2021-22 legislative session, the Legislature adopted SCA 2 (Allen), Resolution Chapter 182, Statutes of 2022, which, if approved by the voters, repeals Article 34 of the California Constitution that requires majority approval by the voters of a city or county for the development, construction, or acquisition of a publicly funded affordable housing project. Because existing law requires every constitutional amendment, bond measure, or other legislative measure submitted to the people by the Legislature to appear on the ballot of the first statewide election occurring at least 131 days after the

adoption of the proposal by the Legislature, SCA 2 is set to appear on the ballot for the statewide presidential primary on March 5, 2024. In order to move this ballot measure to another election, legislation is needed. Accordingly, this bill moves SCA 2 from the March 5, 2024, statewide primary election to the November 5, 2024, statewide presidential general election.

- 3) **Voter Turnout:** According to historical voter participation statistics on the Secretary of State’s (SOS) website, data shows that more voters have participated in statewide general elections than in statewide primary elections in presidential election years. Below is a table with data from the 2012, 2016, and 2020 presidential elections in California.

Year	Primary Election Turnout – Number of Voters	General Election Turnout – Number of Voters	Difference
2012	5,328,296	13,202,158	+7,873,862 General
2016	8,548,301	14,610,509	+6,062,208 General
2020	9,687,076	17,785,151	+8,098,075 General

- 4) **Qualified and Eligible Ballot Measures:** According to the SOS’s website, SCA 2 is the only ballot measure qualified to appear on the ballot for the March 5, 2024, statewide primary election. In contrast, two referenda qualified and four initiative measures are eligible for the November 5, 2024, statewide general election.

- 5) **Technical Amendment:** Committee staff recommends the following technical amendment to this bill:

On page 2, in line 1, amend the bill as follows:

Notwithstanding Section 9040 of the Elections Code, a ~~A~~ special election is hereby called to be held throughout the state on November 5, 2024, for the purpose of submitting Senate Constitutional Amendment 2 of the 2021–22 Regular Session to the voters for their approval.

- 6) **Arguments in Support:** In support of this bill, the California Housing Partnership writes, “Amending the State Constitution is an important act. It is therefore appropriate to place proposed amendments before voters at a general election, which has higher voter participation, to better reflect the will of Californians.”

REGISTERED SUPPORT / OPPOSITION:

Support

California Housing Partnership

Opposition

None on file.

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