

Date of Hearing: June 19, 2012

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Paul Fong, Chair

SB 1272 (Kehoe) – As Amended: June 12, 2012

SENATE VOTE: 30-4

SUBJECT: Political party organization: county central committees.

SUMMARY: Makes changes to the timing of county central committee elections and makes other party-specific changes. Specifically, this bill:

- 1) Deletes the requirement that county central committee members of the Democratic Party of California, the California Republican Party, the American Independent Party of California, and the Peace and Freedom Party of California be elected at every statewide direct primary election.
- 2) Permits county central committee members of the parties listed above to be elected at every presidential primary election.
- 3) Permits county central committee members of the Democratic Party of California, in accordance with the rules and regulations adopted by the committee, to select its members at any time by holding a caucus or convention, or by using any other method of selection approved by the committee.
- 4) Permits county central committee members of the California Republican Party, in accordance with the rules and regulations adopted by the committee, to determine the number, the district allocation, and the manner of election of its members at any time by holding a caucus or convention, or by using any other method approved by the committee. Provides that these provisions cannot be construed to permit a county central committee to remove an ex officio member of the committee.
- 5) Permits county central committee members of the American Independent Party of California to select its members at any time by holding a caucus or convention in accordance with the rules and regulations adopted by the county central committee and the state central committee, or by using any other method of selection approved by the state central committee.
- 6) Permits county central committee members of the Peace and Freedom Party of California, in accordance with the rules and regulations adopted by the committee and subject to the bylaws of the state central committee, to select its members at any time by holding a caucus or convention, or by using any other method of selection approved by the committee.
- 7) Permits county central committees to determine the length of time that a candidate for membership on that committee must be shown by his or her affidavit of registration to be affiliated with the political party of that committee. Permits a county central committee to determine the length of time that a candidate for membership on that committee must not have been registered as affiliated with a qualified political party other the political party of

that committee.

- 8) Requires nomination documents to be available to candidates for membership on a county central committee beginning on the 158th day prior to the primary election.

EXISTING LAW:

- 1) Establishes the political party organization of the Democratic Party of California, the California Republican Party, the American Independent Party of California, and the Peace and Freedom Party of California. Requires the members of a county central committee of each of those parties to be elected in each county at every statewide direct primary election.
- 2) Requires, until otherwise provided for by statute, that a newly qualified political party carries on its activities in accordance with procedures applicable to any other political party that has detailed statutory provisions applicable to its operation.
- 3) Requires a candidate for membership to a political party's county central committee to be affiliated with that political party at the time of presentation of the declaration of candidacy and continuously for not less than three months immediately prior to that time, or for as long as he or she has been eligible to be register to vote in the state. Prohibits a candidate for membership to a political party's county central committee from having been registered with any other political party during the 12 months prior to filing the declaration of candidacy.
- 4) Requires nomination documents for candidates for county central committee to be available beginning on the 113th day prior to the direct primary election.

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:

County elections offices are experiencing the same significant funding challenges that all county departments are experiencing. This provides elections officers with measured fiscal relief regarding elections for private political parties. State law requires that county central committee elections for political parties be conducted during each statewide primary, which amounts to requiring taxpayers to spend public dollars on private political party elections every two years. Additionally, Proposition 14 – the Open Primary Law – requires that nonpartisan ballots for state and federal candidates be provided to all voters for primary elections. But central committee elections are partisan races and elections officials must also provide ballots for those contests – at taxpayer expense. Therefore, elections officers from throughout California are collectively on the hook for millions of dollars to develop and furnish partisan ballots for central committee elections under current law. This bill reduces county expenses by holding central committee elections every four years – not every two years – during direct presidential primaries. Political parties that need to hold elections more often would retain authority to have as many elections as deemed necessary using by holding elections outside of the state process using internal party means.

- 2) County Central Committees: County central committees and county councils are non-public offices comprised of members of political parties who are involved in party fund-raising and candidate-endorsement activities. County election officials are required to conduct elections for these non-public offices in all statewide direct primary elections.

Unlike other candidates, county central committee candidates do not pay filing fees. The cost of their elections is completely subsidized by county government. According to a survey conducted by the San Diego County Registrar of Voters, in the June 2008 primary election, county central committee/county council costs reported by 20 of the 58 counties totaled \$2.8 million statewide.

- 3) "Top Two" Primary: Prior to the "top two" primary system, the state had a "modified open" primary election system. Under the "modified open" primary, candidates running for partisan office appeared only on their party's ballot, and voters were restricted to the ballot of the party with which they chose to affiliate. Those voters who were not affiliated with a qualified political party were able to select the ballot of any party that allowed them to participate, however political parties generally did not allow voters who were not affiliated with the party to participate in the party's county central committee elections.

In February 2009, the Legislature approved SCA 4 (Maldonado), Res. Chapter 2, Statutes of 2009, which was enacted by the voters as Proposition 14 on the June 2010 statewide primary election ballot. Proposition 14 implemented a "top two" primary election system in California for most elective state and federal offices.

Under the new "top two" primary system all candidates running, regardless of their party affiliation, appear on single combined ballot and voters can vote for any candidate from any political party. However, the "top two" primary system does not affect the election for president or county central committee (which are still party specific contests). As a result, voters who are not affiliated with a political party generally are unable to participate in county central committee contests.

Proponents of this bill argue that the "top two" primary system has created a more complex primary system in which it is more challenging for voters to understand the offices for which they are eligible to vote. Under current law, county central committees of the American Independent, Democratic, Green, Libertarian, Republican, and Peace and Freedom parties are elected at every statewide direct primary election (two year intervals). Due to the new "top two" primary system, county central committee contests end up being the only partisan contests listed on gubernatorial primary election ballots.

Proponents contend that consolidating county central committee elections with the presidential primary election will reduce voter confusion because offices that continue to be elected by party will be held every four years.

- 4) County Staff Time and Costs: As stated above, county central committees of the American Independent, Democratic, Green, Libertarian, Republican, and Peace and Freedom parties are elected every two years at statewide direct primary elections. A recent survey conducted by the California Association of Clerks and Elections Officials illustrates that a significant

proportion of candidates that file to run for office are county central committee candidates. For example, in the June 2010 statewide direct primary, 25 out of the 53 counties that provided data found that county central committee candidates represented 50 percent or more of the total number of candidates that filed for office. According to county representatives, many county central committee candidates are first time candidates and usually less experienced with the process, requiring more time and assistance from county election staff. Additionally, staff time is also spent on, among other tasks, checking signatures and, translating and proofing materials for county central committee contests, which typically do not end up on the ballot as there often are fewer candidates than the number of open seats. This bill, which proposes to change the frequency at which county central committee elections occur, will not only decrease the significant staff time spent on these candidate filings, but subsequently is expected to result in cost savings for county elections officials.

- 5) Nomination Timeframes: County central committee candidates have different filing requirements than federal or state legislative candidates. One major difference, as discussed above, is that county central committee candidates are not required to pay filing fees. As a result, county central committee elections are completely subsidized by the county governments. Moreover, since county central committee candidates are not required to pay a filing fee, consequently they do not have the option to collect signatures in-lieu of paying a filing fee, as federal and state legislative candidates do. Under existing law, any signatures collected on a petition for signatures in-lieu of paying a filing fee can be applied toward the number of signatures that the candidate needs to gather on nomination papers.

Critics have argued that the timeframe for county central committee candidates to collect signatures for their nomination papers is not a sufficient length of time and advocate to increase the length of time to match the starting time at which federal and state legislative candidates are able to begin circulating a petition for signatures in-lieu of paying a filing fee. In doing so, county central committee candidates would be able to begin collecting signatures on their nomination papers on the 158th day prior to the election until the 88th day prior to the election, instead of the current timeframe which begins on the 113th day prior the election and runs until the 88th day prior to the election.

- 6) Suggested Amendments: Recent amendments added to this bill made two changes to current law. The first change allows each county central committee to establish the length of time that a candidate for central committee must have been registered with the party and the length of time a candidate for a central committee must not have been affiliated with another qualified political party in order to run for that party's central committee. The second change, which is mentioned above, lengthens the timeframe for county central committee candidates to collect signatures for their nomination papers – allowing county central committee candidates to begin collecting signatures on the 158th day prior to the election, instead of the 113th day prior to the election. These two amendments, which add new administrative challenges to county elections officials, were requested by one of the political parties. That political party requested those amendments to mitigate the effects of another amendment that they anticipated would be added to this bill. That amendment would have eliminated the option for a county central committee to require the elections official to print the office and county central committee candidate names on the ballot when the number of candidates does not exceed the number of seats available, in order to allow for write-in candidates. However, the elimination of the write-in piece was not included in the most recent amendments. In order to achieve the original goal of providing county elections

officials with the highest level of fiscal relief and mitigating the effects of the elimination of the write-in option on county central committees, committee staff recommends amending the bill to either: 1) add the elimination of the write-in option for county central committees, as described above, or 2) eliminate the two accommodations that were added to the bill previously.

7) Arguments in Support: The California State Association of Counties writes in support:

First, under the new top two primary system, the only partisan races remaining on the ballot are for U.S. President and for central committee members. Therefore, in years of gubernatorial elections, with no presidential contest, central committees would be the sole partisan contests, and would force major cost increases associated with preparing and printing partisan ballots.

Second, central committee candidates constitute a disproportionately large percentage of the candidates to whom election officials must provide service. In most counties, they constitute at least half of candidates, and in several counties they are about two-thirds of the total. Many central committee contests do not end up on the ballot because the number of candidates is fewer than the number of available spots. However, the central committees still have the option of forcing the question on the ballot, requiring the space for listing the candidates and a number of write-in spaces.

REGISTERED SUPPORT / OPPOSITION:

Support

California Association of Clerks and Election Officials
California Republican Party Chairmen's Association
California State Association of Counties
Contra Costa County Clerk
Monterey County Board of Supervisors
Santa Cruz Clerk/Elections
Secretary of State Debra Bowen
Shasta County Clerk/Registrar of Voters

Opposition

Peace and Freedom Party of California

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