

Date of Hearing: March 5, 2012

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Paul Fong, Chair

AB 1200 (Ma) – As Amended: February 28, 2012

CONCURRENCE IN SENATE AMENDMENTS

ASSEMBLY: (June 2, 2011) SENATE: 31-1 (March 1, 2012)
(vote not relevant)

SUBJECT: Elections: central committees.

SUMMARY: Makes numerous substantive changes to state laws governing the conduct of central committee elections.

The Senate amendments delete the Assembly version of this bill, and instead:

- 1) Eliminate a requirement for elections officials to issue a certificate of election to each elected member of a political party's county central committee.
- 2) Permit the chairperson of the county central committee, his or her immediate predecessor, or a designee of the chairperson or his or her immediate predecessor, to administer the oath of office or affirmation to members of the county central committee for the Democratic, Republican, or American Independent Parties. Repeal a requirement that no fee be charged by any person before whom such an oath is taken or subscribed.
- 3) Repeal a provision of law that allows the county central committee for the Democratic Party in Sacramento County to provide, by resolution, for the election of 25 central committee members to represent individual central committee districts, as specified. Repeal a requirement that the county central committee in Sacramento County reapportion itself at least every 10 years, as specified.
- 4) Require the elected members of the county central committee for the Democratic Party in Sacramento County to be elected by supervisor districts with six members elected from each district. Require each member to be a resident of the county and supervisor district that he or she represents, and permit a voter to vote only for candidates seeking to represent the supervisor district in which the voter resides.
- 5) Provide that the number of members elected from each Assembly district in Alameda County to the county central committee for the Democratic Party shall be determined proportionally based on the number of votes cast in the portion of the district located in Alameda County for the Democratic candidate for Governor at the last gubernatorial election, as specified, instead of electing six members from each Assembly district. Provide that the central committee shall include at least 30 members.
- 6) Provide that of the 24 members of the county central committee for the Democratic Party in the City and County of San Francisco, 14 shall be elected from the Assembly district in San

Francisco that has a majority of registered Democrats in the city and county, and 10 shall be elected from the Assembly district that has the minority of registered Democrats, instead of requiring 12 members to be elected each from Assembly Districts 12 and 13. Define "registered Democrat," for these purposes, as a voter who has expressed a preference for the Democratic Party on his or her affidavit of registration as of the 154th day prior to the first direct primary election after any redistricting of Assembly district boundaries. Require the San Francisco Department of Elections, or a successor agency, to calculate the percentage of the total registered Democrats in each Assembly district in the city and county.

- 7) Provide that of the 25 members of the county central committee for the Republican Party in the City and County of San Francisco, the Assembly district that consists of the majority of the registered Republicans in the city and county shall elect 13 members plus one additional member for each four percent of the registered Republicans in the district above a majority of the registered Republicans in the city and county, and the remainder of the members shall be elected from the Assembly district that consists of the minority of the registered Republicans, instead of requiring 13 members to be elected from Assembly District 12 and 12 members from Assembly District 13. Define "registered Republican," for these purposes, as a voter who has expressed a preference for the Republican Party on his or her affidavit of registration as of the 154th day prior to the first direct primary election after any redistricting of Assembly district boundaries. Require the San Francisco Department of Elections, or a successor agency, to calculate the percentage of the total registered Republicans in each Assembly district in the city and county.
- 8) Repeal requirements that the person who is elected chairperson of a Republican county central committee at its organizational meeting notify the elections official of his or her name within five days of that meeting, and that the elections official mail a certificate to that effect to the Secretary of State (SOS).
- 9) Repeal a requirement that the county central committee for the American Independent Party in Los Angeles County meet at its county seat in a centrally located public auditorium sufficient to accommodate its membership. Repeal a requirement that county central committees for the American Independent Party in all other counties meet in the courthouse at the county seat. Transfer the responsibility for calling a meeting of each county central committee of the American Independent Party from the elections official of the county to the chairperson of the county central committee, or his or her immediate predecessor.
- 10) Repeal a requirement that the SOS, under specified circumstances, ascertain who the chairperson is of the state central committee of the Peace and Freedom Party and mail a certificate to that effect to the elections official of each county.
- 11) Provide, for the June 5, 2012 statewide primary election only, that a signer of a nomination paper for a candidate for the Sacramento Democratic Central Committee, the San Francisco Democratic Central Committee, or the San Francisco Republican Central Committee, need not reside in the district in which the candidate is to be voted on as long as the signer is a resident of the county and is registered as disclosing a preference for the political party of the central committee to which the candidate is seeking to be elected.
- 12) Add an urgency clause, allowing this bill to take effect immediately upon enactment.

EXISTING LAW:

- 1) Requires each member of a county central committee for certain political parties to take an oath or affirmation before any officer authorized to administer oaths prior to entering upon the duties of office. Prohibits a fee from being charged by any person before whom the oath is taken or subscribed.
- 2) Entitles members elected to county central committees to receive a certificate of election prepared by the elections official.
- 3) Provides the manner in which members are elected to county central committees, which varies by political party and from county to county depending upon certain factors, such as the number of Assembly districts that exist within the county.
- 4) Requires signers of a candidate's nomination papers to be voters in the district or political subdivision in which the candidate is to be voted on, and requires, with respect to candidacy for partisan office, that that signers be registered voters who disclosed a preference for the political party in which the nomination is proposed.

AS PASSED BY THE ASSEMBLY, this bill required a local public agency operating a combined sewer and stormwater system to implement a notification plan to inform the public of a discharge from the system that occurred near a recreational beach.

FISCAL EFFECT: Keyed non-fiscal by the Legislative Counsel.

COMMENTS:

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

AB 1200 (Ma) makes various changes to the method of electing central committees in response to the impacts of the new top 2 primary process and recent redistricting.

In 2010, voters adopted Proposition 14 which created the new "top 2" primary system that will first be used statewide in June of this year. One of the lesser known components of Proposition 14 is that it put central committee elections in the state constitution. These often obscure offices were thus given added importance at the same time that local election officials are struggling with the additional challenges and burdens presented by the top 2 primary. County election officials have thus asked for several changes to the rules governing the conduct of central committee elections to reduce the challenges they present.

In addition, in 2008 voters adopted Proposition 11 which created the Citizens Redistricting Commission. Last year the Commission adopted new boundaries for California's Assembly, Senate, Congressional and Board of Equalization Districts. As many county central committees organize themselves by Assembly District, these new district boundaries for state offices directly impact the

organization of the political parties as well. In some situations, the new state boundaries conflict with existing statutes governing the organization of central committees. For example, current law states both the San Francisco Democratic and Republican central committees shall be organized by Assembly Districts 12 and 13. However, under the new boundaries, San Francisco will instead be represented by Assembly Districts 17 and 19.

AB 1200 makes several changes to ease the administrative challenges for local election officials. First, it eliminates certificates of election for central committees. These are ceremonial documents not required for the political parties to conduct their business. Second, it transfers the responsibility for swearing in their members from the local election officials to the parties themselves. Third, it eliminates a unique provision that places special responsibilities on local election officials to organize the first meetings of the American Independent Party.

AB 1200 also makes several changes to the organization of various county central committees in response to the new district boundaries. For San Francisco, AB 1200 changes references to Assembly Districts 12 and 13 to Assembly Districts 19 and 17 respectively, and makes changes to the proportional make-up. For Sacramento, AB 1200 changes the method of organizing the Democratic central committee from Assembly District to Supervisorial District. For Alameda, AB 1200 changes the method of organizing its central committees from having an equal number of members from each Assembly District to a proportional system.

- 2) Internal Governance: In Eu v. San Francisco County Democratic Central Committee (1989), 489 U.S. 214, the United States Supreme Court examined the right of a state to impose laws relating to the internal affairs of political parties. The Court found that laws burdening the associational rights of political parties and their members must serve a compelling state interest. Therefore, because a state has a compelling interest in preserving the integrity of its election process, it may properly enact laws that interfere with a political party's internal affairs when necessary to ensure that elections are fair and honest. (For example, a state may properly impose certain eligibility requirements for voters in the general election, even though they limit the ability of political parties to garner support and members, where such requirements are necessary to ensure that elections are fair and honest.) However, a state cannot justify regulating a party's internal affairs without showing that such regulation is necessary to ensure an election that is orderly and fair.

In Eu, the Court reiterated that a political party's determination of the structure which best allows it to pursue its political goals is protected by the Federal Constitution (Tashjian v. Republican Party of Connecticut (1986), 479 U.S. 208 at 224) and further held that freedom of association also encompasses a political party's decisions about the identity of, and the process for electing, its leaders. Thus, unless the state can show that the particular internal party structure would interfere with the integrity of the electoral process or some other compelling state interest, the political parties have a constitutional right to be free from state regulations in the matter of their internal affairs.

In light of the constitutionally protected rights of political parties, the Legislature frequently has changed provisions of the Elections Code at the request of political parties to reflect

those parties' desired methods of electing members to party central committees (see "Previous Legislation" below).

- 3) Central Committee Elections and District Numbers: For both the Democratic and Republican Party central committees in San Francisco, existing state law requires a specified number of members to be elected from Assembly Districts 12 and 13. However, the new Assembly districts that were adopted by the California Citizens Redistricting Commission last August place Assembly District 12 in San Joaquin and Stanislaus Counties, and place Assembly District 13 in San Joaquin County. On the other hand, all of Assembly District 17 and most of Assembly District 19 are located in the city and county of San Francisco.

This bill updates provisions of state law governing central committee elections in San Francisco so that those provisions do not refer to specific Assembly district numbers. Additionally, this bill changes the allocation of seats and the method by which members are elected to the Democratic county central committees in Alameda, Sacramento, and San Francisco, and to the Republican county central committee in San Francisco. These changes to the allocation of seats and the method by which members are elected to county central committees all were requested by the relevant central committees.

- 4) Related Legislation: SB 1272 (Kehoe) provides that political party central committee elections will be conducted only every four years at the presidential primary election, instead of every two years at the statewide direct primary election, among other provisions. SB 1272 is awaiting referral to a policy committee in the Senate.
- 5) Previous Legislation: AB 1396 (Torres), Chapter 392, Statutes of 2009, repealed various provisions of the Elections Code governing the membership and operations of the state central committee of the Democratic Party of California, and instead required that the standing rules and bylaws of the Party govern the membership and operations of the state central committee.

AB 965 (Anderson), Chapter 60, Statutes of 2007, provided that the membership of the state central committee of the California Republican Party shall be as set forth in the standing rules and bylaws of the California Republican Party, among other provisions.

AB 1054 (Bogh), Chapter 65, Statutes of 2005, required that Republican central committee members in San Bernardino County be elected by county board of supervisor districts instead of Assembly districts and established a minimum of 30 members for the committee.

SB 1436 (Oller), Chapter 257, Statutes of 2002, required that Republican central committee members in Sacramento and Santa Clara counties be elected by county board of supervisor districts instead of Assembly districts.

- 6) Prior Version: The prior version of this bill, which was approved by the Assembly, dealt with notification to the public when a discharge occurred from a combined sewer and stormwater system near a recreational beach. Those provisions were removed from this bill in the Senate, and the current contents were added. As a result, this bill has been re-referred to this committee pursuant to Assembly Rule 77.2.

REGISTERED SUPPORT / OPPOSITION:

Support

Alameda County Democratic Central Committee
Butte County Clerk-Recorder/Registrar of Voters
California Association of Clerks and Election Officials
California Democratic Party Chair John Burton
Democratic Party of Sacramento County
San Francisco Democratic County Central Committee

Opposition

None on file.

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