

**SECTION 5. Section 13 of the Elections Code is amended to read:**

13. (a) No person shall be considered a legally qualified candidate for any office, ~~or party nomination for a partisan~~ voter-nominated office, or for a political party position under the laws of this state unless that person has filed a declaration of candidacy or statement of write-in candidacy with the proper official for the particular election or primary, or is entitled to have his or her name placed on a general election ballot by reason of having been nominated at a primary election, or having been selected to fill a vacancy on the general election ballot as provided in Section 8806, or having been selected as an independent candidate for presidential elector pursuant to ~~Section 8304~~ Part 2 (commencing with Section 8300) of Division 8.

(b) Nothing in this section shall be construed as preventing or prohibiting any qualified voter of this state from casting a ballot for any person by writing the name of that person on the ballot, or from having that ballot counted or tabulated, nor shall any provision of this section be construed as preventing or prohibiting any person from standing or campaigning for any elective office by means of a "write-in" campaign. However, nothing in this section shall be construed as an exception to the requirements of Section ~~15351~~ 15341.

(c) It is the intent of the Legislature, in enacting this section, to enable the Federal Communications Commission to determine who is a "legally qualified candidate" in this state for the purposes of administering Section 315 of Title 47 of the United States Code.

**SECTION 6. Section 322.5 of the Elections Code is added to read:**

322.5. "Federal elected office" means any federal office in the Congress of the United States of America that is filled by the voters at an election, including specifically members of the House of Representatives and of the United States Senate. Members of the House of Representatives and of the United States Senate shall be considered voter-nominated offices. The offices of President and Vice President of the United States, for which candidates are chosen through the process of both (1) voters electing, at a direct Presidential primary election, delegates to a national political party convention at which a nominee for President is chosen and (2) the convening of the electoral college subsequent to the national general Presidential election, shall not be considered to be federal elected offices.

**SECTION 7. Section 323 of the Elections Code is amended to read:**

323. "Federal election" means any presidential election, general election, primary election, or special election held solely or in part for the purpose of selecting, nominating, or electing: ~~any candidate for the office of President, Vice President, presidential elector, Member of the United States Senate, or Member of the United States House of Representatives~~

(a) in any year which is evenly divisible by the number four, any candidate for President or Vice President (1) whom delegates to a national political party convention choose as their nominee or (2) who may be selected by the electoral college system; or

(b) any candidate for federal elected office for the Congress of the United States.

**SECTION 8. Section 334 of the Elections Code is amended to read:**

**334. "Nonpartisan office" means an ~~the~~ office for which no party may nominate a candidate of the State Superintendent of Public Instruction and Judicial, school, county, and municipal offices are nonpartisan offices. ~~Nonpartisan office also means offices not otherwise defined in Sections 322.5 and 356.5. Nonpartisan office shall not mean any political party position as defined in Section 338.~~**

**SECTION 9. Section 334.5 of the Elections Code is added to read:**

**334.5. "No party" means a voter who indicates on his or her affidavit of registration that he or she does not designate a political party when registering to vote. The term "no party" shall also mean the status of any person registered as a voter, or who may register as a voter, with the designated category of "decline to state" a political party on his or her affidavit of registration, as described in Section 2151(b). The designation of "decline to state" shall include any person who registers as "no party" on his or her affidavit of registration. Any person who is a candidate with the designation of "no party" on the ballot shall be considered an officeholder independent of any political party once elected to office and at all times during which such person maintains his or her "no party" registration status while serving as the officeholder.**

**SECTION 10. Section 337 of the Elections Code is added to read:**

**337. "Party ballot" means a ballot for a particular political party, as defined in Section 337.5, on which shall be listed either or both of the following:**

**(a) In any year which is evenly divisible by the number four, the names of candidates for President from among whom delegates to a national political party convention of that party choose their nominee; and**

**(b) Political party positions relating to members to be elected for county central committees of that party.**

**SECTION 11. Section 337.3 of the Elections Code is added to read:**

**337.3. "Political affiliation" means the status of a voter as being registered with a qualified political party or as "no party." Any references in this code to the affiliation of a voter shall mean the status of a voter as being registered with a particular qualified political party or as "no party" on the voter's affidavit of registration. Notwithstanding this definition, any references to the affiliation of a voter in Division 7 of this code shall mean the registration status of a voter as being registered with a particular political party.**

**SECTION 12. Section 338 of the Elections Code is amended and recodified to read:**

**337.58 "Political Pparty" means a political party or organization that has qualified for participation in any primary election pursuant to Division 5 (commencing with Section 5000). References in this code to "party" shall refer to a political party.**

SECTION 13. Section 337 of the Elections Code is amended and recodified to read:

3387. "Partisan-office *Political party position*" means an office for which a party may nominate a candidate (a) any delegate to a national political party convention who shall choose a nominee for President, or (b) any political party central committee member, who is elected only by voters registered with, or otherwise authorized by, the political party with which such delegate or member is registered.

SECTION 14. Section 338.5 of the Elections Code is added to read:

338.5. "Political subdivision" means the area within which voters reside who are qualified to vote with respect to particular political party positions, federal elected offices, state elected offices, nonpartisan offices, or measures that qualify to be listed on the election ballot in that area.

SECTION 15. Section 356.5 of the Elections Code is added to read:

356.5. "State elected office" means state offices which are filled by the voters at a voter choice open primary election or at a general election, including specifically the offices of Governor, Lieutenant Governor, Attorney General, Insurance Commissioner, Controller, Secretary of State, Treasurer, Superintendent of Public Instruction, Member of the Legislature, and Member of the State Board of Equalization. All of these offices shall be considered voter-nominated offices, with the exception of Superintendent of Public Instruction, which shall be considered a nonpartisan office.

SECTION 16. Section 359.2 of the Elections Code is added to read:

359.2. "Voter choice open primary" means a direct primary election or a special primary election in which each voter, regardless of party registration, including a voter not registered with any political party, may vote in the manner described in Section 2001 for any qualified candidate for each voter-nominated office for which the voter is eligible to vote in the relevant political subdivision, and in which all candidates for voter-nominated offices, regardless of party registration, including candidates not registered with a political party, shall be listed on a single voter choice open primary ballot.

SECTION 17. Section 359.3 of the Elections Code is added to read:

359.3. (a) "Voter choice open primary ballot" means a ballot on which shall be listed the following:

- (1) candidates for voter-nominated offices;
- (2) candidates for non-partisan offices; and
- (3) measures.