

SA2003KF0031,
AMDT.#1-S

CALIFORNIANS FOR AN OPEN PRIMARY

August 13, 2003

VIA FEDERAL EXPRESS

The Honorable Bill Lockyer
Attorney General of the State of California
c/o Tricia Knight, Initiative Coordinator
1300 I Street
Sacramento, CA 95814

RECEIVED
AUG 14 2003

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Re: Request for Title and Summary – Initiative Constitutional Amendment and Statute

Dear Attorney General Lockyer:

We, Nick Tobey, Susan Riegel Harding, and George David Kieffer, are the three proponents of a proposed measure entitled the “Voter Choice Open Primary Act.” We previously submitted our original measure to you under cover letter dated August 5, 2003. We have since made some substantive amendments to our prior version and have attached a copy of the revised proposed measure. This current revised version supersedes the prior version. Pursuant to Article II, Section 10(d) of the Constitution of the State of California and Section 9002 of the California Elections Code, we request that a title and summary be prepared for the attached proposed measure. We understand that we are entitled to file this submission under a 15-day window and it is covered by the check for \$200 we previously submitted.

We are each registered voters of California. Our addresses, as registered to vote, are set forth on an attachment page hereto. We each request that the addresses be used to verify our status as registered voters, but otherwise be kept confidential pursuant to your policy. We each have signed and attached hereto a Declaration required pursuant to Elections Code Section 9608.

You are hereby authorized to direct all inquiries or correspondence relative to this proposed measure to our attorneys, as follows:

1. Peter A. Bagatelos, Bagatelos Law Firm, 380 West Portal Avenue, Suite F, San Francisco, CA 94127. Telephone: 415-242-8830. Fax: 415-242-8838. Email: PABLawyer@aol.com
2. Barry Fadem, Law Office of Fadem & Associates, 3527 Mt. Diablo Blvd., #192, Lafayette, CA 94549. Telephone: 925-283-0581. Fax: 925-871-4016. Email: Bfadem1@aol.com

Thank you for your assistance.

SA2003RF0031,
AMOT.# 1-5

Sincerely,

Name: Nicholas Tobey
Proponent (310) 208-7331

Name:
Proponent

Name:
Proponent

Name:
Proponent

Name:
Proponent

Enclosures

SA2003/F0031,
AMDT. # 1-S

Sincerely,

Name: Susan Riegel Harding
Proponent

Name:
Proponent

Name:
Proponent

Name:
Proponent

Name:
Proponent

Enclosures

SA2003RF0031,
AMAT# 1-5

Sincerely,

Name: George David Kieffer
Proponent

Name:
Proponent

Name:
Proponent

Name:
Proponent

Name:
Proponent

Enclosures

S A2003RF0031,
AMAT. # 1-S

DECLARATION PURSUANT TO ELECTIONS CODE SECTION 9608

I, Nicholas Tobey, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

(Signature of Proponent)

Dated this 12th day of August, 2003

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AUG 14 2003

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

SA2003RF0031,
AMOT. # 1-9

DECLARATION PURSUANT TO ELECTIONS CODE SECTION 9608

I, Susan Riegel Harding, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

(Signature of Proponent)

Dated this 12th day of August, 2003

RECEIVED
AUG 14 2003

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

SA 2003RF0031,
AMAT. # 1-S

DECLARATION PURSUANT TO ELECTIONS CODE SECTION 9608

I, George David Kieffer, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

(Signature of Proponent)

Dated this 12th day of August, 2003

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INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

This measure amends a section of the California Constitution and adds to, deletes and amends sections of the Elections Code. Existing provisions proposed to be deleted are printed in ~~strikeout~~ type and new provisions proposed to be added are printed in ***bold underlined italic*** type to indicate they are new.

PROPOSED LAW

VOTER CHOICE OPEN PRIMARY ACT

SECTION 1. Title.

This measure shall be known and may be cited as the “Voter Choice Open Primary Act.”

SECTION 2. Findings and Declarations.

The people of the State of California hereby find and declare all of the following:

(a) The current system of primaries in California limits voters’ choices, and has resulted in a steady decline in voter participation in this state.

(b) The “Voter Choice Open Primary Act” will establish an election system in California that will allow all voters to vote for state elected offices and federal elected offices on a primary election ballot regardless of the party registration of the candidates or the voters.

(c) A voter choice open primary will ensure California voters more choice, greater participation, increased privacy, and a sense of fairness without burdening political parties’ constitutional rights. Encouraging California citizens to vote is a legitimate and essential objective of this State, and will preserve constitutional order by ensuring a strong, participatory democratic process.

(d) A voter choice open primary will permit California voters to select the candidate they most prefer, regardless of the candidate’s party registration. This type of primary will result in more competitive election contests in which candidates will be able to take positions on a wide range of issues.

(e) A voter choice open primary will give California voters a real choice. They will be able to vote for any candidate for any voter-nominated office in the primary election, and will not be limited to voting only for those candidates of the party, if any, with which the candidates are registered.

(f) A voter choice open primary will guarantee competition in the general election. California voters will be given two competitive choices in the general election, involving greater voter participation than in the primary election. This will replace the current system in which the political parties protect incumbents through reapportionment plans, making over 90% of all State legislative and Congressional seats safe for incumbents or candidates of one or the other of the major parties.

(g) A voter choice open primary will result in greater voter participation. By allowing voters complete freedom of choice among many candidates for office, regardless of the candidates’ party registration, a voter choice open primary will encourage increased voter participation. In addition, some two million voters who have chosen not to register with a party,

comprising some 15 percent of all California voters, will have a chance to participate fully in the voter choice open primary.

(h) A voter choice open primary will result in a greater number of candidates running for state elected offices and federal elected offices. Candidates who are not registered with a political party will now be able to compete in primary elections.

(i) A voter choice open primary will preserve the right of California's political parties to endorse candidates for voter-nominated offices by any method selected by the parties.

(j) A voter choice open primary will not infringe on the constitutional rights of political parties. California political parties will continue to decide whether non-party members: (i) may participate in the selection of delegates to a national political party convention at which a nominee for President is chosen; or (ii) may participate in the selection of members of political party county central committees; or both.

(k) A voter choice open primary will not affect the power of the legislature to alter existing law governing the means by which political parties select delegates to national political party conventions at which a party nominee for President is chosen or elect or select members of political party state and county central committees, or both.

(l) A political party will have the right to determine whether or not the voter registration status of candidates registered as voters with that particular political party will be included on the ballot, sample ballot, voter pamphlet, and other related election materials intended for distribution to the voters.

SECTION 3. Purpose and Intent.

The people of the State of California hereby declare their purpose and intent in enacting the "Voter Choice Open Primary Act" to be as follows:

(a) To amend the current primary election system in California, which limits voters' choices and has resulted in a steady decline in voter participation in this state.

(b) To establish an election system that allows all California voters to vote for candidates for state elected offices and federal elected offices on a primary election ballot, regardless of the party registration, if any, of the candidates or the voters.

(c) To ensure California voters more choice, greater participation, increased privacy, and a sense of fairness, without burdening political parties' constitutional rights.

(d) To increase voter participation by allowing California voters complete freedom of choice to select their most preferred candidate, regardless of his or her party registration.

(e) To give California voters a real choice by allowing them to vote for any candidate for any voter-nominated office in the primary election.

(f) To increase competition in the general election by giving California voters two competitive choices in the general election where some two to four million additional voters vote than in the primary election.

(g) To allow some two million California voters who have chosen not to register with a political party the chance to participate fully in a voter choice open primary.

(h) To encourage a greater number of candidates to run for voter-nominated offices.

(i) To preserve the right of California's political parties to endorse candidates for voter-nominated offices and to decide whether non-party members may participate in the selection of a party's Presidential delegates or party county central committee members, or both.

- (j) To protect the constitutional rights of political parties.
- (k) To retain existing law and the power of the Legislature to alter existing law governing the means by which political parties select delegates to national political party conventions or elect or select members of political party state and county central committees, or both.
- (l) To give each qualified political party the right to determine whether the voter registration status of candidates registered with the party will be included on the ballot and other related election materials intended for distribution to the voters.

SECTION 4. Article II, Section 5 of the California Constitution is hereby amended to read:

(a) The State of California shall hold a voter choice open primary election for the offices specified in subsections (e) and (f).

(b) A voter choice open primary is a direct or special primary election in which each voter, whether registered or not registered with a political party, may vote for any qualified candidate, including qualified write-in candidates, for each office for which the voter is eligible to vote in the voter's respective political subdivision.

(c) All candidates shall be listed on a single voter choice open primary ballot. The candidates, regardless of party registration, including candidates registered with no party, who are the top two vote getters for each office, shall be listed on the general election ballot.

(d) In special elections, all candidates shall be listed on a single special voter choice open primary ballot. If one candidate receives a majority of the votes on the special voter choice open primary ballot, that candidate shall be declared elected. If no candidate receives a majority of the votes on the special voter choice open primary ballot, the candidates, regardless of party registration, including candidates registered with no party, who are the top two vote getters for each office shall be listed on the special general election ballot.

(e) The state elected offices in a voter choice open primary election shall include the offices of Governor, Lieutenant Governor, Attorney General, Insurance Commissioner, Controller, Secretary of State, Treasurer, Member of the State Legislature, and Member of the Board of Equalization.

(f) The federal elected offices in a voter choice open primary election shall include the offices of Member of the United States House of Representatives and Member of the United States Senate.

(g) The Legislature shall provide for primary elections on a ballot separate from the voter choice open primary ballot for partisan offices delegates to a national political party convention at which a nominee for President is chosen, including an open presidential primary whereby the candidates on the ballot are those found by the Secretary of State to be recognized candidates throughout the nation or throughout California for the office of President of the United States, and those whose names are placed on the ballot by petition, but excluding any candidate who has withdrawn by filing an affidavit of noncandidacy.

(h) Nothing in this section shall be construed to alter the law governing recall elections.

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.

(b) In the event that a county elections official determines that a voter choice open primary ballot will be larger than can be conveniently handled, the county elections official may create a separate ballot for voters, containing non statewide nonpartisan offices and non statewide measures, pursuant to Section 13230. This separate ballot shall be titled with the heading: "LOCAL ELECTED OFFICES AND MEASURES BALLOT." Statewide nonpartisan offices and statewide measures shall at all times be included on the "Voter Choice Open Primary Ballot" and not on the "Local Elected Offices and Measures Ballot."

SECTION 18. Section 359.5 of the Elections Code is added to read:

359.5 (a) "Voter-nominated office" means any state elected office or federal elected office for which a candidate is nominated or elected by the voters, regardless of the political party or "no party" registration status of both the candidate and the voters.

(1) Any election to a "voter-nominated office" shall not utilize a political party nomination process.

(2) The voter registration status of a candidate for voter-nominated office shall be stated, as described in Section 13105, either as with a qualified political party, subject to the political party's consent as specified in Section 7031, or as "no party" on a ballot, a sample ballot, and the voter pamphlet. The following statement shall be included on the ballot and sample ballot and in the voter pamphlet: "The designation of the political party registration status on the ballot of a candidate for a voter-nominated office is for the voters' informational purposes only, and does not indicate that the political party with which a candidate may be registered has nominated that candidate or that the party necessarily agrees with or endorses that candidate." The statement shall be printed in not less than 8 point boldface type on each page of a ballot and a sample ballot on which the political party registration status of any candidate is printed and in not less than 10 point boldface type on each page in a ballot pamphlet on which the political party registration status of any candidate is printed. The state elected offices in a voter choice open primary election shall include the offices of Governor, Lieutenant Governor, Attorney General, Insurance Commissioner, Controller, Secretary of State, Treasurer, Member of the State Legislature, and Member of the Board of Equalization. The federal elected offices in a voter choice open primary election shall include the offices of Member of the United States House of Representatives and Member of the United States Senate.

(b) "Voter-nominated office" shall not mean offices as described in Section 334, any delegate to a national political party convention who shall choose a nominee for President, or any political party central committee member. Delegates to national political party conventions and county central committee members, which shall be considered political party positions and not voter-nominated offices, shall be selected or elected only by voters registered with, or otherwise authorized pursuant to Section 13102(c) by, the political party with which such delegates and members are registered.

SECTION 19. Section 2001 of the Elections Code is added to read:

2001. (a) Each voter entitled to vote, whether registered or not registered with a political party, shall be able to vote for all state elected offices and federal elected offices in each voter's respective political subdivision in every voter choice open primary election.

(b) All registered voters shall have the choice to vote for any of the candidates described in subsection (a) regardless of the political party registration, if any, of the candidate.

(c) Subsection (a) shall not apply to the choosing, selection or election of political party positions as defined in Section 338.

SECTION 20. Section 2150 of the Elections Code is amended to read:

2150. (a) The affidavit of registration shall show:

(1) The facts necessary to establish the affiant as an elector.

(2) The affiant's name at length, including his or her given name, and a middle name or initial, or if the initial of the given name is customarily used, then the initial and middle name. The affiant's given name may be preceded, at affiant's option, by the designation of Miss, Ms., Mrs., or Mr. No person shall be denied the right to register because of his or her failure to mark a prefix to the given name and shall be so advised on the voter registration card. This subdivision shall not be construed as requiring the printing of prefixes on an affidavit of registration.

(3) The affiant's place of residence, residence telephone number, if furnished, and e-mail address, if furnished. No person shall be denied the right to register because of his or her failure to furnish a telephone number or e-mail address, and shall be so advised on the voter registration card.

(4) The affiant's mailing address, if different from the place of residence.

(5) The affiant's date of birth to establish that he or she will be at least 18 years of age on or before the date of the next election.

(6) The state or country of the affiant's birth.

(7) The affiant's California driver's license number, California identification card number, or other identification number as specified by the Secretary of State. No person shall be denied the right to register because of his or her failure to furnish one of these numbers, and shall be so advised on the voter registration card.

(8) The affiant's political party affiliation or "no party" registration. The word "Party" shall follow the listing of each qualified political party on the affidavit of registration.

(9) That the affiant is currently not imprisoned or on parole for the conviction of a felony.

(10) A prior registration portion indicating whether the affiant has been registered at another address, under another name, or as ~~intending to affiliate~~ registered with another party or as "no party." If the affiant has been so registered, he or she shall give an additional statement giving that address, name, or party or "no party" registration status.

(b) The affiant shall certify the content of the affidavit as to its truth and correctness, under penalty of perjury, with the signature of his or her name and the date of signing. If the affiant is unable to write he or she shall sign with a mark or cross.

(c) If any person, including a deputy registrar, assists the affiant in completing the affidavit, that person shall sign and date the affidavit below the signature of the affiant.

SECTION 21. Section 2151 of the Elections Code is amended to read:

2151. *(a)* At the time of registering and of transferring registration, each elector may designate a political party on his or her affidavit of registration ~~declare the name of the political party with which he or she intends to affiliate at the ensuing primary election.~~ The name of that political party shall be stated in the affidavit of registration and the index. The voter registration card shall inform the affiant that any elector may ~~decline to state~~ designate "no party" instead of a political party affiliation, but no person shall be entitled to vote the ballot of any political party at any primary election unless he or she has stated the name of the party ~~with which he or she intends to affiliate~~ on the affidavit of registration or unless he or she has ~~declined to state a party affiliation~~ designated "no party" and the political party, by party rule duly noticed to the Secretary of State, authorizes a person who has ~~declined to state a party affiliation~~ designated "no party" to vote the ballot of that political party. The voter registration card shall include a listing of all qualified political parties: and of "No Party" from which a person may designate a choice of either a political party or "no party." The word "Party" shall follow the listing of each qualified political party on the affidavit of registration. No person shall be permitted to vote the ballot of any party or for any delegates to the convention of any party other than the party designated in his or her registration, except as provided by Section 2152 or unless he or she has ~~declined to state a party affiliation~~ designated "no party" and the party, by party rule duly noticed to the Secretary of State, authorizes a person who has ~~declined to state a party affiliation~~ designated "no party" to vote the party ballot or for delegates to the party convention.

(b) All affidavits of registration on which persons have designated that they "decline to state" a political party shall be classified and treated by elections officials as a designation of "no party" consistent with the definition contained in Section 334.5. Elections officials may continue to use, distribute, and to receive existing supplies of affidavits of registration that include the designation of "decline to state" and that may or may not contain the word "Party" after the listing of each qualified political party. However, elections officials shall take all reasonable steps to reprint and provide new affidavits of registration that comply with subsection (a) as supplies of the prior affidavit format are fully utilized.

SECTION 22. Section 2152 of the Elections Code is amended to read:

2152. Whenever any voter ~~has declined to designate or has~~ desires to changed his or her political party or "no party" registration status ~~affiliation~~ prior to the close of registration for an election, he or she may either so designate or have a change recorded by executing a new affidavit of registration and completing the prior registration portion of the affidavit.

SECTION 23. Section 2154 of the Elections Code is amended to read:

2154. In the event that the county elections official receives an affidavit of registration that does not include portions of the information for which space is provided, the county elections official ~~voters~~ shall apply the following rebuttable presumptions:

(a) If no middle name or initial is shown, it shall be presumed that none exists.

(b) If ~~no~~ the affiant has not designated a political party affiliation is shown, it shall be presumed that the affiant has designated "no party." affiliation.

(c) If no execution date is shown, it shall be presumed that the affidavit was executed on or before the 15th day prior to the election, provided that (1) the affidavit is received by the county elections official on or before the 15th day prior to the election, or (2) the affidavit is postmarked on or before the 15th day prior to the election and received by mail by the county elections official.

(d) If the affiant fails to identify his or her state of birth within the United States, it shall be presumed that the affiant was born in a state or territory of the United States if the birthplace of the affiant is shown as "United States," "U.S.A.," or other recognizable term designating the United States.

SECTION 24. Section 2155 of the Elections Code is amended to read:

2155. Upon receipt of a properly executed affidavit of registration or address correction notice or letter pursuant to Section 2119, Article 2 (commencing with Section 2220), or the National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg), the county elections official shall send the voter a voter notification by nonforwardable, first-class mail, address correction requested. The voter notification shall state the party affiliation or "no party" status for which the voter has registered in the following format:

Party: (Name of political party, e.g., Libertarian, or No Party)

The voter notification shall be substantially in the following form:

VOTER NOTIFICATION

You are registered to vote. The party affiliation or "no party" status for which you have registered is shown on the reverse of this card. This card is being sent as a notification of:

1. Your recently completed affidavit of registration,

OR,

2. A correction to your registration because of an official notice that you have moved. If your residence address has not changed or if your move is temporary, please call or write the county elections official immediately.

You may vote in any election held 15 or more days after the date shown on the reverse side of this card.

Your name will appear on the index kept at the polls.

Please contact your county elections office if the information shown on the reverse side of this card is incorrect.

(Signature of Voter)

SECTION 25. Section 2185 of the Elections Code is amended to read:

2185. Upon written demand of the chair or vice chair of a party state central committee or of the chair of a party county central committee, the county elections official shall furnish to each committee, without charge therefor, the index of registration for the primary and general elections or for any special election at which a ~~partisan~~ voter-nominated office or a political party position is to be filled. The index of registration shall be furnished to the committee demanding the index not less than 25 days prior to the day of the primary, general, or special election for which they are provided. Upon written demand, the county elections official shall also furnish to the committee the index of registration of voters who registered after the 54th day before the election, which shall be compiled and prepared by Assembly districts. The county elections official shall furnish either two printed copies or, if available, one copy in an electronic form of the indexes specified in this section.

SECTION 26. Section 2187 of the Elections Code is amended to read:

2187. (a) Each county elections official shall send to the Secretary of State, in a format described by the Secretary of State, a summary statement of the number of voters in the county. The statement shall show the total number of voters in the county, the number registered as ~~affiliated~~ with each qualified political party, the number registered in nonqualified parties, and the number who ~~declined to state any party affiliation.~~ are registered as "no party." The statement shall also show the number of voters, by political party or "no party" registration status affiliations, in each city, supervisorial district, Assembly district, Senate district, and congressional district located in whole or in part within the county.

(b) The Secretary of State, on the basis of the statements sent by the county elections officials and within 30 days after receiving those statements, shall compile a statewide list showing the number of voters, by party ~~affiliations~~ registration and "no party" registration status, in the state and in each county, city, supervisorial district, Assembly district, Senate district, and congressional district in the state. A copy of this list shall be made available, upon request, to any elector in this state.

(c) Each county that uses data processing equipment to store the information set forth in the affidavit of registration shall send to the Secretary of State one copy of the magnetic tape file with the information requested by the Secretary of State. Each county that does not use data processing storage shall send to the Secretary of State one copy of the index setting forth that information.

(d) The summary statements and the magnetic tape file copy or the index shall be sent at the following times:

(1) On the 135th day before each presidential primary and before each direct primary, with respect to voters registered on the 154th day before the primary election.

(2) Not less than 50 days prior to the primary election, with respect to voters registered on the 60th day before the primary election.

(3) Not less than 10 days prior to the primary election, with respect to voters registered before the 28th day prior to the primary election.

(4) Not less than 50 days prior to the general election, with respect to voters registered on the 60th day before the general election.

(5) Not less than 10 days prior to the general election, with respect to voters registered before the 28th day prior to the general election.

(6) On or before March 1 of each odd-numbered year, with respect to voters registered as of February 10.

(e) The Secretary of State may adopt regulations prescribing the content and format of the magnetic tape file or index referred to in subdivision (c) and containing the registered voter information from the affidavits of registration.

(f) The Secretary of State may adopt regulations prescribing additional regular reporting times, except that the total number of reporting times in any one calendar year shall not exceed 12.

(g) The Secretary of State shall make the information from the magnetic tape files or the printed indexes available, under conditions prescribed by the Secretary of State, to any candidate for federal, state, or local office, to any committee for or against any proposed ballot measure, to any committee for or against any initiative or referendum measure for which legal publication is made, and to any person for election, scholarly or political research, or governmental purposes as determined by the Secretary of State.

SECTION 27. Section 3006 of the Elections Code is amended to read:

3006. (a) Any printed application that is to be distributed to voters for requesting absent voter ballots shall contain spaces for the following:

(1) The printed name and residence address of the voter as it appears on the affidavit of registration.

(2) The address to which the ballot is to be mailed.

(3) The voter's ~~signature~~.

(4) The name and ~~date~~ of the election for which the request is to be made.

(5) The date the application must be received by the elections official.

(b) (1) The information required by paragraphs (1), (4), and (5) of subdivision (a) may be preprinted on the application. The information required by paragraphs (2) and (3) of subdivision (a) shall be personally affixed by the voter.

(2) An address, as required by paragraph (2) of subdivision (a), may not be the address of any political party, a political campaign headquarters, or a candidate's residence. However, a candidate, his or her spouse, immediate family members, and any other voter who shares the same residence address as the candidate may request that an absentee ballot be mailed to the candidate's residence address.

(3) Any application that contains preprinted information shall contain a conspicuously printed statement, as follows: "You have the legal right to mail or deliver this application directly to the local elections official of the county where you reside."

(c) The application shall inform the voter that if he or she is not ~~affiliated~~ **registered** with a political party, **in addition to receiving any other ballot or ballots to which the voter is entitled**, the voter may request **to receive** an absentee **party** ballot for a particular political party for the primary election, if that political party has adopted a party rule, duly noticed to the Secretary of State, authorizing that vote. The application shall contain a toll-free telephone number, established by the Secretary of State, that the voter may call to access information regarding which political parties have adopted such a rule. The application shall contain a

check-off box with a conspicuously printed statement that reads, as follows: "I am not presently **affiliated registered** with any political party. However, for this primary election only, I request an absentee ballot for the _____ Party." The name of the political party shall be personally affixed by the voter.

(d) The application shall provide the voters with information concerning the procedure for establishing permanent absentee voter status, and the basis upon which permanent absentee voter status is claimed.

(e) The application shall be attested to by the voter as to the truth and correctness of its content, and shall be signed under penalty of perjury.

SECTION 28. Section 3007.5 of the Elections Code is amended to read:

3007.5.(a) The Secretary of State shall prepare and distribute to appropriate elections officials a uniform electronic application format for an absent voter's ballot that conforms to this section.

(b) The uniform electronic application shall contain spaces for at least the following information:

(1) The name and residence address of the registered voter as it appears on the affidavit of registration.

(2) The address to which the ballot is to be mailed.

(3) The name and date of the election for which the request is made.

(4) The date the application must be received by the elections official.

(5) The date of birth of the registered voter.

(c) The uniform electronic application shall inform the voter that if he or she is not **affiliated registered** with a political party, ***in addition to receiving any other ballot or ballots to which the voter is entitled***, the voter may request ***to receive*** an absentee ***party*** ballot for a particular political party for the primary election, if that political party has adopted a party rule, duly noticed to the Secretary of State, authorizing that vote. The application shall contain a toll-free telephone number, established by the Secretary of State, that the voter may call to access information regarding which political parties have adopted such a rule. The application shall list the parties that have notified the Secretary of State of the adoption of such a rule. The application shall contain a checkoff box with a conspicuously printed statement that reads, as follows: "I am not presently **affiliated registered** with any political party. However, for this primary election only, I request an absentee ballot for the _____ Party." The name of the political party shall be personally affixed by the voter.

(d) The uniform electronic application shall contain a conspicuously printed statement, as follows: "Only the registered voter himself or herself may apply for an absentee ballot. An application for an absentee ballot made by a person other than the registered voter is a criminal offense."

(e) The uniform electronic application shall include the following statement: "A ballot will not be sent to you if this application is incomplete or inaccurate."

(f) The uniform electronic application format shall not permit the form to be electronically submitted unless all of the information required to complete the application is contained in the appropriate fields.

SECTION 29. Section 3205 of the Elections Code is amended to read:

3205. (a) Absent voter ballots mailed to, and received from, voters on the permanent absent voter list are subject to the same deadlines and shall be processed and counted in the same manner as all other absent voter ballots.

(b) Prior to each primary election, county elections officials shall mail to every voter not ~~affiliated~~ **registered** with a political party whose name appears on the permanent absent voter list a notice and application regarding voting in the primary election. The notice shall inform the voter that **if he or she is not registered with a political party, in addition to receiving any other ballot or ballots to which the voter is entitled, he or she may request to receive an absentee party** ballot for a particular political party for the primary election, if that political party adopted a party rule, duly noticed to the Secretary of State, authorizing these voters to vote in their primary. The notice shall also contain a toll-free telephone number, established by the Secretary of State, that the voter may call to access information regarding which political parties have adopted such a rule. The application shall contain a check-off box with a conspicuously printed statement that reads as follows: "I am not presently ~~affiliated~~ **registered** with any political party. However, for this primary election only, I request an absentee ballot for the ____ Party." The name of the political party shall be personally affixed by the voter.

SECTION 30. Section 5000 of the Elections Code is amended to read:

5000. (a) For purposes of this division, the definition of "**political** party" in Section 338 ~~337.5~~ is applicable.

(b) This chapter shall apply to political bodies and to parties not otherwise provided for in Division 7 (commencing with Section 7050 ~~7030~~).

SECTION 31. Section 5100 of the Elections Code is amended to read:

5100. A party is qualified to participate in any primary election under any of the following conditions:

~~(a) If at the last preceding gubernatorial election there was polled for any one of its candidates for any office voted on throughout the state, at least 2 percent of the entire vote of the state.~~

~~(b)~~ **a** If on or before the 135th day before any primary election, it appears to the Secretary of State, as a result of examining and totaling the statement of voters and their political ~~affiliations~~ **party registrations** transmitted to him or her by the county elections officials, that voters equal in number to at least ~~1~~ **one third (1/3) of one** percent of the entire vote of the state at the last preceding gubernatorial election have declared their ~~intention to affiliate~~ **registration** with that party.

~~(c)~~ **b** If on or before the 135th day before any primary election, there is filed with the Secretary of State a petition signed by voters, equal in number to at least ~~10~~ **5** percent of the entire vote of the state at the last preceding gubernatorial election, declaring that they represent a proposed party, the name of which shall be stated in the petition, which proposed party those voters desire to have participate in that primary election. This petition shall be circulated, signed, verified and the signatures of the voters on it shall be certified to and transmitted to the

Secretary of State by the county elections officials substantially as provided for initiative petitions. Each page of the petition shall bear a caption in 18-point boldface type, which caption shall be the name of the proposed party followed by the words "Petition to participate in the primary election."

SECTION 32. PART 1.5 of Division 7 (commencing with Section 7030) of the Elections Code is added to read:

PART 1.5. GENERAL PROVISIONS.

7030. Political parties qualifying pursuant to Division 5 of this Code shall be entitled to participate in an election, as provided in this Code, for the purpose of permitting voters who are registered with a particular party and any other voters pursuant to Section 13102(c) to select or elect political party positions as defined in Section 338. Any election pursuant to this section shall be conducted by means of a party ballot separate from the voter choice open primary ballot.

7031. Within 120 days after the effective date of this section, each qualified political party shall notify the Secretary of State whether or not it consents to inclusion on the ballot, sample ballot, voter pamphlet and other related elections materials intended for distribution to voters, of the voter registration status of candidates registered as voters with that particular political party. The notice to the Secretary of State shall be on a form provided by the Secretary of State. Such consent, if given, shall apply uniformly to all offices listed in Article II, Sections 5(e) and (f), of the Constitution for all direct and special primary and general elections. A party may notify the Secretary of State of its decision to change its consent at any time, to become effective for any elections held not less than 88 days after receipt of the notice by the Secretary of State. Within 120 days after a new political party qualifies pursuant to Division 5 of this Code, the party shall comply with the requirements of this Section. For any qualified political party that does not provide a notice of its consent or lack of consent, it shall be deemed that the party does not consent to inclusion of the voter registration status of candidates registered with that party for the purposes described in this section.

7032. Any nomination of candidates for voter-nominated state elected offices and federal elected offices in a voter choice open primary election provided for in this Code shall be made by the voters and not by political parties. Any candidate nominated by the voters for any voter-nominated office in any voter choice open primary election shall not be considered the nominee or endorsed candidate of any political party by virtue of such nomination by the voters.

7033. Nothing in this Code shall be construed to infringe in any way upon the legal rights of any political party, duly qualified under Division 5 and as defined in Section 337.5, to endorse candidates listed on a voter choice open primary ballot for any voter-nominated office.

SECTION 33. Section 8000 of the Elections Code is amended to read:

8000. (a) This chapter shall apply to:

(1) Nomination of candidates for voter-nominated state elected offices and federal elected offices, as defined in Section 359.5; and

(2) Any other candidates for any other offices or political party positions described in this Code who are not otherwise described in subsections (a)(1) or (b) of this section.

(b) This chapter does not apply to:

(a1) Recall elections.

(b2) Presidential primary.

(e3) Nomination of officers of cities or counties whose charters provide a system for nominating candidates for those offices.

(d4) Nomination of officers for any district not formed for municipal purposes.

(e5) Nomination of officers for general law cities.

(f6) Nomination of school district officers.

SECTION 34. Section 8000.5 of the Elections Code is added to read:

8000.5.(a) Each voter entitled to vote, whether registered or not registered with a political party, shall receive a ballot in each direct voter choice open primary election by any voting mechanism the State deems official for any such election that includes all candidates for voter-nominated state elected offices and federal elected offices, and nonpartisan office, in the voter's political subdivision, as defined in this Code. All candidates for voter-nominated office, whether registered with a political party or not, shall appear on every such ballot. Each voter entitled to vote, whether registered or not registered with a political party, shall be entitled to vote for any candidate on said ballot. The candidates, regardless of party registration, including candidates registered as "no party," who are the top two vote getters for each voter-nominated office shall become the nominees of the voters and be listed on the ballot for the ensuing general election.

(b) Ballots for use in Presidential primaries and for political party positions shall be governed respectively by Divisions 6 and 7 and by other provisions of this Code relating to such ballots.

SECTION 35. Section 8001 of the Elections Code is amended to read:

8001. (a) No declaration of candidacy for a ~~partisan~~ **voter-nominated state elected office or federal elected** office, or for membership on a county central committee, shall be filed; by a candidate **whose affidavit of registration designates a particular political party** unless (1) at the time of presentation of the declaration and continuously for not less than three months immediately prior to that time, or for as long as he has been eligible to register to vote in the state, the candidate is shown by his affidavit of registration to be affiliated **registered** with the political party the nomination of which he seeks **designated in the declaration**, and (2) the candidate has not been registered as ~~affiliated~~ with a qualified political party other than that political party the nomination of which he seeks **designated in the declaration** within 12 months, or, in the case of an election governed by Chapter 1 (commencing with Section 10700) of Part 6 of Division 10, within three months immediately prior to the filing of the declaration.

(b) The elections official shall attach a certificate to the declaration of candidacy showing the date on which the candidate registered ~~as intending to affiliate~~ with the political party the nomination of which he seeks designated in the declaration, and indicating that the candidate has not been ~~affiliated~~ registered with any other qualified political party for the period specified in subdivision (a) or (c) immediately preceding the filing of the declaration. This section shall not apply to declarations of candidacy filed by a candidate ~~of~~ registered with a political party participating in its first direct primary election subsequent to its qualification as a political party pursuant to Section 5100.

(c) No declaration of candidacy for a voter-nominated state elected office or federal elected office shall be filed by a candidate whose affidavit of registration designates "no party" unless the candidate is not, and was not at any time during the 12 months preceding the filing of the declaration of candidacy, registered as a voter with any qualified political party, or in the case of an election governed by Chapter 1 (commencing with Section 10700) of Part 6 of Division 10, at any time during the three months immediately preceding the filing of the declaration, registered as a voter with a political party qualified under Section 5100.

SECTION 36. Section 8003 of the Elections Code is hereby repealed:

~~8003. This chapter does not prohibit the independent nomination of candidates under Part 2 (commencing with Section 8300), subject to the following limitations:~~

~~(a) A candidate whose name has been on the ballot as a candidate of a party at the direct primary and who has been defeated for that party nomination is ineligible for nomination as an independent candidate. He is also ineligible as a candidate named by a party central committee to fill a vacancy on the ballot for a general election.~~

~~(b) No person may file nomination papers for a party nomination and an independent nomination for the same office, or for more than one office at the same election.~~

SECTION 37. Section 8022 of the Elections Code is amended to read:

8022. (a) Each candidate for a party nomination by the voters in a voter choice open primary election for the office of State Senator or Member of the Assembly, or for any state constitutional office, or for Insurance Commissioner, at the direct voter choice open primary election shall file a written and signed declaration of his or her intention to become a candidate for his or her party's nomination by the voters for that office. The declaration of intention shall be filed with either the Secretary of State or the elections official of the county in which the candidate is a resident. The declaration of intention shall be filed, on a form to be supplied by the elections official, not more than 14 nor less than five days prior to the first day on which nomination papers may be presented for filing. If the incumbent fails to file a declaration of intention by the end of that period, persons other than the incumbent may file declarations of intention no later than the first day for filing nomination papers. However, if the incumbent's failure to file a declaration of intention is because he or she has already served the maximum number of terms permitted by the California Constitution for that office, there shall be no extension of the period for filing the declaration of intention. The filing fees and copies of all declarations of intention filed with the county elections official in accordance with this article

shall be immediately forwarded to the Secretary of State. The declaration of intention provided for in this section shall be in substantially the following form:

I hereby declare my intention to become a candidate for the _____ Party's nomination by the voters (Name of political party) for the office of _____ (Name of office and district, if any) at the direct voter choice open primary election. () I am registered as a voter with the _____ (Name of Political Party, if any); or () I am registered as a voter as "no party." (Candidate check applicable statement)

(Signature of candidate)

(Address of candidate)

(b) No person may be a candidate nor have his or her name printed upon any ballot as a candidate for a party nomination by the voters for the office of Senator or Member of the Assembly, or for any state constitutional office, or for Insurance Commissioner at the direct voter choice open primary election unless he or she has filed the declaration of intention provided for in this section. However, if the incumbent of the office who is affiliated registered with any qualified political party files a declaration of intention, but for any reason fails to qualify for nomination for the office by the last day prescribed for the filing of nomination papers, an additional five days shall be allowed for the filing of nomination papers for the office, and any person, other than the incumbent if otherwise qualified, may file nomination papers for the office during the extended period, notwithstanding that he or she has not filed a written and signed declaration of intention to become a candidate for the office as provided in subdivision (a).

SECTION 38. Section 8025 of the Elections Code is amended to read:

8025. If ~~only one~~ any candidate has declared a candidacy for a ~~partisan~~ nomination to a voter-nominated office at the direct voter choice open primary election for a ~~party~~ qualified to participate at that election, and that candidate dies after the last day prescribed for the delivery of nomination documents to the elections official, as provided in Section 8020, but not less than ~~83~~ 74 days before the election, any person qualified under the provisions of Section 8001 may circulate and deliver nomination documents for the office to the elections official up to 5 p.m. on the ~~74th~~ 68th day prior to the election. In that case, the elections official shall, immediately after receipt of those nomination documents, certify and transmit them to the Secretary of State in the manner specified in this article.

SECTION 39. Section 8040 of the Elections Code is amended to read:

8040. (a) The declaration of candidacy by a candidate shall be substantially as follows:

DECLARATION OF CANDIDACY

I hereby declare myself a _____ Party candidate for nomination to the office of _____ District Number _____ to be voted for at the primary election to be held _____, 20____, and declare the following to be true:

1. My name is _____.

2. ***(a) I am registered as a voter with the _____ (Name of Political Party, if any). (This statement is required for a candidate for voter-nominated state elected office or federal elected office using a party registration status on the ballot, as permitted by a political party pursuant to Section 7031, or for member of a political party county central committee); or***

(b) I am registered as a voter as "no party." (This statement is required for candidates who designate "no party" registration)

3. I want my name and occupational designation to appear on the ballot as follows:

4. Addresses:

(a) Residence _____

(b) Business _____

(c) Mailing _____

5. Telephone numbers: Day _____ Evening _____

6. ***Fax number:*** _____

7. ***Email address:*** _____

8. I meet the statutory and constitutional qualifications for this office (including, but not limited to, citizenship, residency, and party ~~affiliation~~ ***registration***, if required). ***(With respect to registration, candidates for voter-nominated offices or for county central committee members must comply with Section 8001(a) and candidates who register as "no party" must comply with Section 8001(c).***

9. I am at present an incumbent of the following public office (if any) _____.

10. If nominated, I will accept the nomination and not withdraw.

Signature of candidate

State of California }
County of _____ } ss.

Subscribed and sworn to before me this ____ day of ____, 20__.

Notary Public (or other official)

Examined and certified by me this _____ day of _____, 20__.

County Elections Official

WARNING: Every person acting on behalf of a candidate is guilty of a misdemeanor who deliberately fails to file at the proper time and in the proper place any declaration of candidacy in his or her possession which is entitled to be filed under the provisions of the Elections Code Section 18202.

(b) A candidate for a judicial office may not be required to state his or her residential address on the declaration of candidacy. However, in cases where the candidate does not state his or her residential address on the declaration of candidacy, the elections official shall verify whether his or her address is within the appropriate political subdivision and add the notation "verified" where appropriate.

(c) For purposes of subsection (a)2(a), the use by a candidate of his or her political party registration status on the ballot is subject to the candidate's registration status complying with the time limitations set forth in Section 8001(a) and, for candidates for voter-nominated offices, to the political party's consent as specified in Section 7031.

(d) For purposes of subsection (a)2(b), the use by a candidate of his or her registration status as "no party" on the ballot is subject to the candidate's registration status complying with the time limitations set forth in Section 8001(c).

(e) Notwithstanding any other provision of law, a person who intends to qualify as a candidate for a voter-nominated office, and who fails to comply with the requirements of Section 8001(a) for a reason other than the person's voluntary action, has the right to be listed as a candidate for that office on the ballot and shall have his or her voter registration status printed on the ballot as "No Party," provided that the person meets all other qualification requirements for candidacy for that office.

(f) Notwithstanding any other provision of law, a candidate who has met all qualification requirements for candidacy for a voter-nominated office, but who is found after such qualification not to be entitled to the application of Section 13105(a)(2) for a reason other than a voluntary action by the candidate, has the right to be listed as a candidate for that office on the ballot and shall have his or her voter registration status printed on the ballot as "No Party." Section 13105(d) shall not be applicable under this subsection.

SECTION 40. Section 8041 of the Elections Code is amended to read:

8041. (a) The nomination paper for a county central committee member candidate shall be in substantially the following form:

NOMINATION PAPER

I, the undersigned signer for _____ for the ____ Party nomination to the office county central committee of _____ County, to be voted for at the primary election to be held on the ____ day of _____, 20____, hereby assert as follows:

I am a resident of _____ County and registered to vote at the address shown on this paper and ~~affiliated~~ registered with the ____ Party. ~~I am not at this time a signer of any other nomination paper of any other candidate for the above named office, or in case there are several places to be filled in the above named office,~~ I have not signed more nomination papers than there are places to be filled in the above-named office county central committee. My residence is correctly set forth after my signature hereto:

Name _____
Residence _____

(b) The nomination paper for candidates who are not county central committee member candidates shall be in substantially the following form:

NOMINATION PAPER

I, the undersigned signer for _____ for nomination to the office of _____, to be voted for at the primary election to be held on the _____ day of _____, 20____, hereby assert as follows:

I am a resident of _____ County and registered to vote at the address shown on this paper. I am not at this time a signer of any other nomination paper of any other candidate for the above-named office, or in case there are several places to be filled in the above-named office, I have not signed more nomination papers than there are places to be filled in the above-named office. My residence is correctly set forth after my signature hereto:

Name _____
Residence _____

(b c) The affidavit of the circulator for nomination papers as described in subsections (a) and (b) shall read as follows:

AFFIDAVIT OF THE CIRCULATOR

I, _____, solemnly swear (or affirm) that the signatures on this section of the nomination paper were obtained between _____, 20____, and _____, 20____; that I circulated the petition and I saw the signatures on this section of the nomination paper being written; and that, to the best of

my information and belief, each signature is the genuine signature of the person whose name it purports to be.

My voting residence is _____.

Signed _____

Subscribed and sworn to before me this _____ day of _____, 20__.

(SEAL)

Notary Public (or other official)

Examined and certified by me this _____ day of _____, 20__.

Elections Official

WARNING: Every person acting on behalf of a candidate is guilty of a misdemeanor who deliberately fails to file at the proper time and in the proper place any nomination paper in his or her possession which is entitled to be filed under Section 18202 of the Elections Code.

SECTION 41. Section 8062 of the Elections Code is amended to read:

8062. (a) The number of registered voters required to sign a nomination paper for the respective offices ***and political party positions*** are as follows:

(1) ***Statewide Constitutional office, State Insurance Commissioner,*** or United States Senate, not less than 65 nor more than 100.

(2) House of Representatives in Congress, State Senate or Assembly, Board of Equalization, or any office voted for in more than one county, and not statewide, not less than 40 nor more than 60.

(3) Candidacy in a single county or any political subdivision of a county, other than State Senate or Assembly, not less than 20 nor more than 40.

(4) ***Political party county central committee member. ~~When~~*** any political party has less than 50 voters in the state or in the county or district in which the election is to be held, one-tenth the number of voters of the party.

(5) When there are less than 150 voters in the county or district in which the election is to be held, not less than 10 nor more than 20.

(b) The number of registered voters required to sign a nomination paper for a candidate for the House of Representatives in Congress, State Senate, or State Assembly, to be voted for at a special election to fill a vacancy, shall comply with Section 8062(a) and must be filed in the manner prescribed in Section 10704(a) of this Code.

(b c) The provisions of this section are mandatory, not directory, and no nomination paper shall be deemed sufficient that does not comply with this section. However, this subdivision shall not be construed to prohibit withdrawal of signatures pursuant to Section 8067.

This subdivision also shall not be construed to prohibit a court from validating a signature which was previously rejected upon showing of proof that the voter whose signature is in question is otherwise qualified to sign the nomination paper.

SECTION 42. Section 8068 of the Elections Code is amended to read:

8068. Signers shall be voters in the district or political subdivision in which the candidate is to be voted on. Signers and shall need not be registered affiliated with the any political party to be eligible to sign nomination papers for a candidate for a voter-nominated office, if any, in which the nomination is proposed, but must be registered with the appropriate party to sign nomination papers for a candidate for a political party central committee.

SECTION 43. Section 8081 of the Elections Code is amended to read:

8081. Before any nomination document is filed in the office of the county elections official or forwarded for filing in the office of the Secretary of State, the county elections official shall verify (1) the signatures in each case, and (2) the political affiliations party registration in the case of a person seeking a political party position, of the signers on the nomination paper with the registration affidavits on file in the office of the county elections official. The county elections official shall mark "not sufficient" any signature (a) that does not appear in the same handwriting as appears on the affidavit of registration in his or her office, or, (b) in the case of a political party position, that is accompanied by a declaration of party affiliation registration that is not in accordance with the declaration of party affiliation registration in the affidavit of registration. The county elections official may cease to verify signatures once the minimum requisite number of signatures has been verified.

SECTION 44. Section 8106 of the Elections Code is amended to read:

8106. (a) Notwithstanding any other provision of this article, a candidate may submit a petition containing signatures of registered voters in lieu of a filing fee as follows:

- (1) For the office of California State Assembly, 1,500 signatures.
- (2) For the office of California State Senate and the United States House of Representatives, 3,000 signatures.
- (3) For candidates running for statewide office, 10,000 signatures.
- (4) For all other offices for which a filing fee is required, if the number of registered voters in the district in which he or she seeks nomination is 2,000 or more, a candidate may submit a petition containing four signatures of registered voters for each dollar of the filing fee, or 10 percent of the total of registered voters in the district in which he or she seeks nomination, whichever is less.
- (5) For all other offices for which a filing fee is required, if the number of registered voters in the district in which he or she seeks nomination is less than 2,000, a candidate may submit a petition containing four signatures of registered voters for each dollar of the filing fee, or 20 percent of the total of registered voters in the district in which he or she seeks nomination, whichever is less.

~~(6) Notwithstanding any other provision of this section, a candidate seeking the nomination of a qualified party with whom he or she is registered, the registered voters of which who were eligible to vote at the last statewide election constituted less than 5 percent of all registered voters eligible to vote at the last statewide election, may submit a petition containing signatures of 10 percent of the registered voters of that party in the district in which he or she seeks nomination, or 150 signatures, whichever is less.~~

~~(7)~~ (6) A voter may sign both a candidate's nomination papers and his or her in-lieu-filing-fee petition. However, if signatures appearing on the documents are counted towards both the nomination paper and the in-lieu-filing-fee petition signature requirements, a person may only sign one of the documents.

(b) The Secretary of State or an elections official shall furnish to each candidate, upon request, and without charge therefor, forms for securing signatures. The number of forms which the elections official shall furnish a candidate shall be a quantity that provides the candidates with spaces for signatures sufficient in number to equal the number of signatures that the candidate is required to secure pursuant to subdivision (a) if the candidate desires that number of forms. However, the elections official, rather than provide the candidate with the number of forms set forth in the preceding sentence, or upon the request of a candidate, may provide the candidate with a master form that may be duplicated by the candidate at the candidate's expense for the purpose of circulating additional petitions. The Secretary of State shall provide the master form. The elections official may provide candidates a form other than the master form provided by the Secretary of State. However, that form shall meet all statutory requirements, and the elections official shall also make available and accept the master form provided by the Secretary of State. All forms shall be made available commencing 45 days before the first day for circulating nomination papers. However, in cases of vacancies for which a special election is authorized or required to be held to fill the vacancy, and where the prescribed nomination period would commence less than 45 days after the creation of the vacancy, the forms shall be made available within five working days after the creation of the vacancy. No other form except the form furnished by the Secretary of State or the elections official or forms duplicated from a master form shall be used to secure signatures. Each petition section shall bear an affidavit signed by the circulator, in substantially the same form as set forth in Section 8041. The substitution of signatures for fees shall be subject to the following provisions:

(1) Any registered voter may sign an in-lieu-filing-fee petition for any candidate for whom he or she is eligible to vote.

(2) If a voter signs more candidates' petitions than there are offices to be filled, the voter's signatures shall be valid only on those petitions which, taken in the order they were filed, do not exceed the number of offices to be filled.

(3) In-lieu-filing-fee petitions shall be filed at least 15 days prior to the close of the nomination period. Upon receipt of the minimum number of in-lieu-filing-fee signatures required, or a sufficient combination of signatures and pro rata filing fee, the elections official shall issue nomination papers provisionally. Within 10 days after receipt of a petition, the elections official shall notify the candidate of any deficiency. The candidate shall then, prior to the close of the nomination period, either submit a supplemental petition, or pay a pro rata portion of the filing fee to cover the deficiency.

(4) If the petition is circulated for an office in more than one county, the candidate shall submit the signatures to the elections official in the county in which the petition

was circulated. The elections official shall at least two days after verifying the signatures on the petition, notify the Secretary of State of the total number of valid signatures. If the number of signatures is insufficient, the Secretary of State shall notify the candidate and the elections officials of the fact. The candidate may submit the necessary number of valid signatures at any time prior to the close of the period for circulating nomination papers. Each circulator of an in-lieu-filing-fee petition shall be a registered voter of the district or political subdivision in which the candidate is to be voted on. The circulator shall serve within the county in which he or she resides.

(5) Each candidate may submit a greater number of signatures to allow for subsequent losses due to invalidity of some signatures. The elections official shall not be required to determine the validity of a greater number of signatures than that required by this section.

(c) For the purposes of this section, the requisite number of signatures shall be computed from the latest registration figures forwarded to the Secretary of State pursuant to Section 2187 prior to the first day on which petitions are available.

(d) All valid signatures obtained pursuant to this section shall be counted towards the number of voters required to sign a nomination paper in accordance with Section 8061~~or 8405~~.

SECTION 45. Section 8121 of the Elections Code is amended to read:

8121. Not less than five days before he or she transmits the certified list of candidates to the county elections officials, as provided in Section 8120, the Secretary of State shall notify each candidate for ~~partisan~~ voter-nominated office and political party position of the names, addresses, offices, occupations, and party ~~affiliations~~ registration status of all other persons who have filed for the same office or party position.

SECTION 46. Section 8124 of the Elections Code is amended to read:

8124. The certified list of candidates sent to each county elections official by the Secretary of State shall show:

- (a) The name of each candidate.
- (b) The office for which each person is a candidate.
- (c) The political party, if any, with which each person represents candidate is registered, or that the candidate designated "no party" registration, unless the office is nonpartisan.

SECTION 47. Section 8125 of the Elections Code is amended to read:

8125. The certified list of candidates sent to each county elections official by the Secretary of State shall be in substantially the following form:

CERTIFIED LIST OF CANDIDATES FOR NOMINATION

SECRETARY OF STATE

To the County Elections Official of _____ County:

I, _____, Secretary of State, do hereby certify that the following list contains the name of each person for whom nomination papers have been filed in my office and who is entitled to be voted for in the above-named county at the direct primary election to be held on the _____ day of _____, 19 20, the designation of the office for which each person is a candidate, his or her name being stated under with the name of the political party if any, with which he or she represents is registered, except in the case of a nonpartisan office, and that each person is entitled to be voted for in your county at that election by any registered qualified elector of your county, whether registered with any political party or not. Each candidate who is registered as "no party" is designated as "No Party" on the following list. The listing of a candidate's political party registration status on the ballot is subject to the provisions of Elections Code Section 7031.

_____ **PARTY VOTER-NOMINATED OFFICES**

STATE (AND DISTRICT) OFFICES

(Title of office)	(Name of candidate)	<u>(Registered Political Party or No Party)</u>
_____	_____	_____
_____	_____	_____
_____	_____ District	_____

CONGRESSIONAL OFFICES
(Including United States Senator, if any)

_____	_____	_____
_____	_____ District	_____

LEGISLATIVE OFFICES

_____	_____	_____
_____	_____ District	_____
	_____ District	_____

_____ **PARTY**

STATE (AND DISTRICT) OFFICES

I further certify the following list contains the name of each person for whom nomination papers have been filed in my office, together with a designation of the office for which each person is a candidate, and that each person is entitled to be voted for in your county at that election by any registered qualified elector of your county, whether registered ~~as intending to affiliate~~ with any political party or not.

NONPARTISAN OFFICES

SUPERINTENDENT OF PUBLIC INSTRUCTION

Dated at Sacramento, California, this ____ day of _____, 1920.

(SEAL)

Secretary of State

SECTION 48. Section 8148 of the Elections Code is amended to read:

8148. Not less than 68 days before the general election, the Secretary of State shall deliver to the appropriate county elections official a certificate showing:

(a) The name of every person entitled to receive votes within that county at the general election who has received the nomination by the voters in a voter choice open primary election as a candidate for public office pursuant to this chapter.

(b) For each nominee of the voters the name of the party ~~that has nominated him or her, if any-,~~ with which each candidate who has been nominated is registered, or that the nominee is registered as "no party."

(c) The designation of the public office for which he or she has been nominated.

SECTION 49. Section 8150 of the Elections Code is amended to read:

8150. The certificate of the Secretary of State showing candidates nominated or selected at a primary election, and justices of the Supreme Court and courts of appeal to appear on the general elections ballot, shall be substantially in the following form:

CERTIFICATE OF SECRETARY OF STATE SHOWING CANDIDATES NOMINATED
OR SELECTED AT PRIMARY ELECTION

SECRETARY OF STATE

To the County Elections Official of ____ County:

I, _____, Secretary of State, do hereby certify that below are stated the names of those persons entitled to receive votes within your county at the general election who have (1) received ~~partisan~~ nominations for voter-nominated state elected offices and federal elected offices, or have been selected as candidates for nonpartisan office at the primary election or (2) in the case of justices of the Supreme Court or the courts of appeal, are the justices who are subject to confirmation by the voters at the general election. These nominations and selections are evidenced by the compilation and statement required to be made by me and filed in my office. Set forth along with their respective names, other than the names of justices of the Supreme Court or the courts of appeal, there is shown the candidate's designation of his or her office,

profession, vocation or occupation, and there is also shown separately and respectively for each nominee the name of the political party or organization, if any, ~~that has nominated him or her~~ with which the nominee of the voters is registered, and the designation of the public office for which he or she is so nominated. Each candidate who is not registered with a party is designated as "No Party" on the following list. The listing of a candidate's political party registration status on the ballot is subject to the provisions of Elections Code Section 7031.

STATE (AND DISTRICT) OFFICES

(Name of candidate)	(Candidate's designation of office, occupation, etc.)	<u>(Registered Political Party or No Party)</u>	(Office)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

_____ District

CONGRESSIONAL OFFICES

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

_____ District

LEGISLATIVE OFFICES

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

_____ District

SUPERINTENDENT OF PUBLIC INSTRUCTION

_____	_____	_____
_____	_____	_____
_____	_____	_____

I also certify that at the state conventions that met, according to law, at the State Capitol on the ____ day of ____, 20__, the following persons were nominated as electors of President and Vice President of the United States, for the parties respectively hereinafter placed at the head of the column containing their respective names, and you are hereby directed to print the names of the candidates for President and Vice President for whom those electors have

pledged themselves to vote, upon the official ballots to be used at the general election, as representing the candidates of their respective parties for that office.

PRESIDENTIAL ELECTORS

_____ Party	_____ Party
_____ President	_____ President
_____ Vice President	_____ Vice President
1 _____	1 _____
2 _____	2 _____
3 _____	3 _____
etc.	etc.

Dated at Sacramento, California, this ____ day of ____, 20__.

Secretary of State

(SEAL)

SECTION 50. Section 8300 of the Elections Code is amended to read:

8300. (a) A candidate for any public office, including that of presidential elector, for which no nonpartisan candidate has been nominated or elected at any primary election, may be nominated subsequent to or in lieu of a primary election pursuant to this chapter. ***A candidate for presidential elector whose name has been on the ballot as a candidate of a party at the direct primary and who has been defeated for that party nomination for presidential elector is ineligible for nomination as an independent candidate for presidential elector.***

(b) The provisions for independent nominations in Part 2 of Division 8 (commencing with section 8300) shall apply only to any candidate for presidential elector.

SECTION 51. Section 8301 of the Elections Code is hereby repealed:

~~8301. A candidate for whom a nomination paper has been filed as a partisan candidate at a primary election, and who is defeated for his or her party nomination at the primary election, is ineligible for nomination as an independent candidate.~~

SECTION 52. Section 8302 of the Elections Code is amended to read:

8302. For the purposes of this chapter, Chapter 1 (commencing with Section 8000) of Part 1, and Part 4 (commencing with Section 8800), so far as consistent with this chapter, shall apply to all offices for which ***independent*** nominations ***for presidential electors*** are made at the presidential primary and direct primary elections, as well as to elections for any other office to which those provisions would not ordinarily apply.

SECTION 53. Section 8350 of the Elections Code is hereby repealed:

~~8350. (a) A candidate shall file a written and signed declaration of his or her intention to become a candidate for elective office. The declaration shall be left with the officer with whom his or her nomination papers are required to be left, on a form to be supplied by the county elections official, not more than 14 nor less than five days prior to the first day on which nomination papers may be presented by a candidate seeking a party nomination for that office. The declaration shall be substantially in the following form:~~

~~"I hereby declare my intention to become a candidate for the office of _____ (name of office and district, if any) at the November __, 19 __, general election."~~

~~(b) No person may be a candidate nor have his or her name printed upon any ballot as a candidate for elective office unless he or she has filed a declaration of intention pursuant to this section.~~

~~(c) This section shall not apply to any candidates for presidential elector, the United States House of Representatives, or the United States Senate.~~

SECTION 54. Section 8400 of the Elections Code is amended to read:

~~8400. Nomination papers for a statewide office for which the candidate is to be nominated presidential electors shall be signed by voters of the state equal to not less in number than 1 percent of the entire number of registered voters of the state at the time of the close of registration prior to the preceding general election. Nomination papers for an office, other than a statewide office, shall be signed by the voters of the area for which the candidate is to be nominated, not less in number than 3 percent of the entire number of registered voters in the area at the time of the close of registration prior to the preceding general election. Nomination papers for Representative in Congress, State Senator or Assembly Member, to be voted for at a special election to fill a vacancy, shall be signed by voters in the district not less in number than 500 or 1 percent of the entire vote cast in the area at the preceding general election, whichever is less, nor more than 1,000.~~

SECTION 55. Section 8403 of the Elections Code is amended to read:

~~8403. (a) (1) Nomination papers shall be prepared, circulated, signed, and delivered to the county elections official for examination no earlier than 148 days before the election and no later than 5 p.m. 88 days before the election.~~

~~(2) For offices for which no filing fee is required, nomination papers shall be prepared, circulated, signed, and delivered to the county elections official for examination no earlier than 193 days before the election and no later than 5 p.m. 88 days before the election.~~

~~(b) All nomination documents that are required to be filed in the office of the Secretary of State shall, within 24 days after being left with the county elections official in compliance with paragraph (1) or (2) of subdivision (a), be forwarded by the county elections official to the Secretary of State, who shall receive and file them.~~

~~(c) If the total number of signatures submitted to a county elections official for an office entirely within that county does not equal the number of signatures needed to qualify the~~

~~candidate, the county elections official shall declare the petition void and is not required to verify the signatures. If the district falls within two or more counties, the county elections official shall within two working days report in writing to the Secretary of State the total number of signatures submitted.~~

~~(dc) If the Secretary of State finds that the total number of signatures submitted in the district or state is less than the minimum number required to qualify the candidate he or she shall within one working day notify in writing the counties involved that they need not verify the signatures.~~

SECTION 56. Section 8404 of the Elections Code is amended to read:

~~8404. Each signer of a nomination paper shall sign but one paper for the same office, except that in case two or more persons are to be elected to the same office at the same election, an elector may sign the nomination papers of as many persons as there are persons to be elected to the office, and that act on the part of an elector shall not be deemed in conflict with the signer's statement prescribed in this chapter. The signer shall state his or her place of residence, giving his or her street and number, if any.~~

SECTION 57. Section 8405 of the Elections Code is hereby repealed:

~~8405. Notwithstanding any other provision of law to the contrary, if an independent candidate submits an in lieu filing fee petition pursuant to Section 8106, the county elections official, upon the request of the candidate, shall accept all valid signatures appearing on the candidate's in lieu filing fee petition toward the number of signatures required to be submitted on an in lieu filing fee petition and on a nomination paper.~~

~~If the in lieu filing fee petition does not contain the requisite number of signatures required under Section 8400, the candidate shall be entitled to file, within the time period allowed for filing nomination papers, a nomination paper in order to obtain the requisite number of valid signatures required to be submitted to the elections official pursuant to this chapter.~~

SECTION 58. Section 8409 of the Elections Code is amended to read:

~~8409. Each candidate or group of candidates shall submit a nomination paper that shall be substantially in the following form ***prescribed in Section 8041(b) and (c)***:~~

~~County of _____, Nomination paper of _____, candidate for the office of _____.~~

~~State of California)~~

~~County of _____) ss.~~

SIGNER'S STATEMENT

~~I, undersigned, am a voter of the County of _____, State of California. I hereby nominate _____, who resides at No. _____, _____ Street, City of _____, County of _____, State of California, as a candidate for the office of _____ to be voted for at the election to be held on the _____ day of _____, 20____. I have not signed the nomination paper of any other candidate for the same office.~~

SECTION 61. Section 8550 of the Elections Code is amended to read:

8550. At least 88 days prior to the election, each *independent* candidate *for presidential elector* shall leave with the officer with whom his or her nomination papers are required to be left, a declaration of candidacy which states all of the following:

- (a) The candidate's residence, with street and number, if any.
- (b) That the candidate is a voter in the precinct in which he or she resides.
- (c) The name of the office for which he or she is a candidate.
- (d) That the candidate will not withdraw as a candidate before the election.
- (e) That, if elected, the candidate will qualify for the office.

~~(f) That the candidate is not, and was not at any time during the 13 months preceding the general election at which a candidate for the office mentioned in the declaration of candidacy shall be elected, or in the case of an election governed by Chapter 1 (commencing with Section 10700) of Part 6 of Division 10, at any time during the three months immediately preceding the filing of the declaration, registered as affiliated with a political party qualified under Section 5100. The statement required by this subdivision shall be omitted for a candidate for the presidential elector.~~

The name of a candidate shall not be placed on the ballot unless the declaration of candidacy provided for in this section has been properly filed.

SECTION 62. Section 8600 of the Elections Code is amended to read:

8600. (a) Every person who desires to be a write-in candidate and have his or her name as written on the ballot of an election counted for a particular office shall file:

(a 1) A statement of write-in candidacy that contains the following information:

- (1 a) Candidate's name.
- (2 b) Residence address.
- (3 c) A declaration stating that he or she is a write-in candidate.
- (4 d) The title of the office for which he or she is running.
- ~~(5) The party nomination which he or she seeks, if running in a primary election.~~
- (6 e) The date of the election.

(b 2) The requisite number of signatures on the nomination papers, if any, required pursuant to Sections 8062, 10220, 10510 or, in the case of a special district not subject to the Uniform District Election Law (Part 4 (commencing with Section 10500) of Division 10), the number of signatures required by the principal act of the district.

(b) Any person eligible to be a candidate for a particular office may qualify and run as a write-in candidate at any election for that office pursuant to this chapter.

(c) Any person eligible to be a candidate for a particular office may qualify and run as a write-in candidate at any general election for that office, notwithstanding that such person may have run as a candidate or as a write-in candidate for such office in a direct or special voter choice open primary election immediately preceding said general election.

(d) Subsections (b) and (c) of this section shall not be applicable to a delegate to a national political party convention or to a presidential elector. This subsection is not intended

to restrict the application of any other write-in provisions of this Code to any delegate or elector.

SECTION 63. Section 8603 of the Elections Code is amended to read:

8603. Signers of nomination papers for write-in candidates shall be voters in the district or political subdivision in which the candidate is to be voted on. ~~In addition, if the candidate is seeking a party nomination for an office, the signers shall also be affiliated~~ Signers need not be registered with the *any political* party whose nomination is sought *to be eligible to sign nomination papers for any write-in candidate for a voter-nominated office.*

SECTION 64. Section 8605 of the Elections Code is amended to read:

8605. No person whose name has been written in upon a ballot for an office at the direct or special voter choice open primary election for a voter-nominated state elected office or federal elected office may have his or her name placed listed by the elections official upon the ballot as a candidate for that office for the ensuing general election unless one of the following is applicable:

(a) At that direct or special primary he or she received for that office votes equal in number to ~~1 percent of all votes cast for the office at the last preceding general election at which the office was filled. In the case of an office that has not appeared on the ballot since its creation, the requisite number of votes shall equal 1 percent of the number of all votes cast for the office that had the least number of votes in the most recent general election in the jurisdiction in which the write-in candidate is seeking office.~~ sufficient to qualify as one of the top two vote getters pursuant to Section 15451.

(b) ~~He or she is an independent nominee pursuant to Part 2 (commencing with Section 8300).~~

(~~eb~~) He or she has been designated by a party central committee qualified to fill a vacancy on the ballot for the general election pursuant to Section 8806 or Section 8807.

SECTION 65. Section 8802 of the Elections Code is hereby repealed:

~~8802. Any person nominated by a party at the direct primary election for a partisan office may be appointed to fill a vacancy on the general election ballot for any other partisan office, as provided in Section 8806, and in that case his or her appointment shall constitute a vacancy on the general election ballot for the office for which he or she was nominated. The vacancy thus arising shall be filled in the manner prescribed in Section 8806.~~

SECTION 66. Section 8805 of the Elections Code is amended to read:

8805. (a) Whenever a candidate for nomination for a voter-nominated office at a primary election dies not less than 74 days before the day of the election, the name of the candidate who has died shall be removed from the primary election ballot. The elections official shall declare the nomination process open and shall accept nomination documents from persons

seeking to be listed as candidates for that office on the primary election ballot in accordance with Section 8025.

(b) Whenever a candidate for nomination for a partisan voter-nominated office at a primary election dies ~~on or~~ less than 74 days before the day of the election, and a sufficient number of ballots are marked as being voted for him or her to entitle him or her to nomination if he or she had lived until after the primary election, a vacancy shall exist on the general election ballot, which shall be filled in the manner provided in Section 8806 for filling a vacancy caused by the death of a candidate.

SECTION 67. Section 8806 of the Elections Code is amended to read:

~~8806. Vacancies permitted to be filled may, in the case of legislative offices, be filled by the county central committee or committees of the party in which the vacancy occurs, in the county or counties comprising the legislative district of the deceased candidate. In the case of all other district or state offices requiring party nomination, except congressional offices, the vacancies may be filled by the state central committee of the party.~~

~~Vacancies permitted to be filled may, in the case of congressional offices, be filled by those members of the state central committee of the party who reside in the congressional district in which the vacancy occurs, and who were registered to vote in that district at the time the vacancy occurred, acting together with the members of the county central committee or committees of the party residing in that congressional district.~~

~~References in this section to state and county central committees shall be construed to refer to the newly elected or selected state and county central committees, unless the organizational meetings of those committees are held in January following the general election.~~

(a) If a vacancy occurs at least 68 days prior to the general election among the top two candidates nominated at the direct primary election to be listed on the ballot for the succeeding general election for a voter-nominated office, the name of the candidate receiving at the direct primary election the next highest number of votes shall be listed on the general election ballot to fill the vacancy.

(b) In the event that there is either only one candidate on the ballot for a specific voter-nominated office or there are two candidates who were the only candidates in the preceding voter choice open primary election, and a vacancy occurs 74 days or more prior to the general election as to a candidate who was nominated by the voters for that office, the name of that candidate shall be removed from the general election ballot. The elections official shall declare the nomination process open and shall accept through the 68th day prior to the general election all nomination documents from persons seeking to be listed as candidates for that office on the general election ballot. In the event that any candidate receives a majority of all votes cast for that office in the ensuing general election, that candidate shall be declared elected to the office. In the event that no candidate receives a majority of all votes cast for that office in the general election, the candidates, regardless of party registration, including candidates registered as "no party," who are the top two vote getters shall be listed as the nominees of the voters on a special run-off election to be held not less than 63 days and not more than 70 days after the general election. The top two vote getters shall be eligible to be listed on the run-off election ballot regardless of party registration, including candidates registered as "no party." The name of a write-in candidate shall not be listed on the special

run-off election ballot unless the write-in candidate was one of the top two vote getters in the general election or otherwise qualifies under Section 8605.

(c) In the event that there are two candidates on the ballot for a specific voter-nominated office, and a vacancy occurs less than 74 days prior to the general election as to either candidate nominated by the voters for that office, both names shall be listed on the general election ballot. In the event that the candidate occupying the non-vacant position wins a majority of the vote at the general election, that candidate shall be declared elected to that office. In the event that the candidate occupying the vacant position wins a majority of the vote at the general election, that candidate shall be declared elected to the office. The office to which the candidate occupying the vacant position was elected shall be vacant at the beginning of the term for which he or she was elected. In that event, a special election to fill the vacancy in the office shall be held pursuant to Part 6 (commencing with Section 10700) of Division 10.

(d) In the event that there is only one candidate on the ballot for a specific voter-nominated office, and a vacancy occurs less than 74 days prior to the general election as to the candidate who was nominated by the voters for that office, the name of the candidate occupying the vacant position shall be listed on the general election ballot. In the event that the candidate wins a majority of the vote at the general election, that candidate shall be declared elected to the office. The office to which the candidate was elected shall be vacant at the beginning of the term for which he or she was elected. In that event, a special election to fill the vacancy in the office shall be held pursuant to Part 6 (commencing with Section 10700) of Division 10.

SECTION 68. Section 8811 of the Elections Code is amended to read:

8811. Whenever, upon the death of any candidate, the vacancy created is filled ~~by a party committee~~ pursuant to section 8806 or section 8807, a certificate to that effect shall be filed with the officer with whom a declaration of candidacy for that office may be filed, and, upon payment of the filing fee applicable to the office, shall be accepted and acted upon by that officer as in the case of an original declaration certificate.

SECTION 69. Section 10704 of the Elections Code is amended to read:

10704. (a) A special voter choice open primary election shall be held in the ~~district~~ political subdivision in which the vacancy occurred on the eighth Tuesday or, if the eighth Tuesday is the day of or the day following a state holiday, the ninth Tuesday preceding the day of the special general election at which the vacancy is to be filled. Candidates at the special voter choice open primary election shall be nominated by the voters in the manner set forth in Chapter 1 (commencing with Section 8000) of Part 1 of Division 8, except that nomination papers shall not be circulated more than 63 days before the primary election, shall be left with the county elections official for examination not less than 43 ~~47~~ days before the primary election, and shall be filed by the county elections official with the Secretary of State not less than 39 ~~43~~ days before the primary election.

(b) Notwithstanding Section 3001, applications for absent voter ballots may be submitted not more than 25 days before the primary election, except that Section 3001 shall apply if the

special election or special voter choice open primary election is consolidated with a statewide election. Applications received by the elections official prior to the 25th day shall not be returned to the sender, but shall be held by the elections official and processed by him or her following the 25th day prior to the election in the same manner as if received at that time.

SECTION 70. Section 10705 of the Elections Code is amended to read:

10705. (a) All candidates shall be listed on one ballot for a particular office in a special voter choice open primary election and, considering any write-in candidates in such election and except as provided in subdivision (b), if any candidate receives a majority of all votes cast, he or she shall be declared elected; and no special general election shall be held. This subsection shall apply to multiple candidates listed on the special voter choice open primary election ballot or where one candidate is listed on such ballot.

(b) ~~If only one candidate qualifies to have his or her name printed on the special general election ballot, that candidate shall be declared elected, and no special general election shall be held, even if that candidate received less than a majority of the votes cast.~~ If no candidate in a special voter choice open primary election receives a majority of the votes cast, the provisions of section 10706 shall govern the holding of a special general election.

(c) Whenever a candidate for nomination by the voters at a special voter choice open primary election dies after being nominated at said election, a vacancy exists which shall be resolved substantially in a manner consistent with the provisions pertaining to voter nominated offices set forth in Part 4 of Division 8, except that nomination papers shall be left with the county elections official for examination not less than 47 days before the special voter choice open primary election, and shall be filed by the county elections official with the Secretary of State not less than 43 days before the election.

(d) Any ballot, sample ballot, or voter pamphlet prepared in connection with a special primary or special general election shall contain the following statement on each page on which the political party registration status of any candidate is printed, not smaller than 8 point boldface type on each ballot and sample ballot and not smaller than 10 point boldface type in any voter pamphlet, that: "The designation of the political party registration status on the ballot of a candidate for a voter-nominated office is for the voters' informational purposes only, and does not indicate that the political party with which a candidate may be registered has nominated that candidate or that the party necessarily agrees with or endorses that candidate." In addition, any such ballot, sample ballot, or voter pamphlet shall contain the following statement once in a conspicuous manner, in the same type sizes described in this subsection, that: "Where the registration status of a candidate has been left blank, the party with which the candidate is registered has not consented to use of party registration status on the ballot."

SECTION 71. Section 10706 of the Elections Code is amended to read:

10706. (a) If one candidate receives a majority of the votes in a special voter choice open primary election, that candidate shall be declared elected. If no candidate receives a majority of votes cast in a special voter choice open primary election as provided in Section 10705, the names of that the candidates of each qualified political party who receives the most are the top

~~two vote getters, votes cast for all candidates regardless of party registration, including candidates registered as "no party," of that party for that office at the special primary election shall be placed listed on the special general election ballot as the candidate of that party nominees of the voters. The name of a write-in candidate shall not be placed on the ballot unless he or she also meets the requirements of subdivision (a) of Section 8605.~~

~~(b) In addition to the candidates referred to in subdivision (a), each candidate who has qualified for the ballot by reason of the independent nomination procedure pursuant to Part 2 (commencing with Section 8300) of Division 8 shall be placed on the special general election ballot as an independent candidate. However, if two or more of these candidates are recorded on their affidavits of registration as being affiliated with the same political body, only the candidate with the greatest number of votes shall be placed on the special general election ballot.~~

SECTION 72. Section 12104 of the Elections Code is amended to read:

12104. (a) A notice designating the offices for which candidates are to be nominated shall be in substantially the following form:

NOTICE BY SECRETARY OF STATE OF OFFICES FOR WHICH CANDIDATES ARE TO BE NOMINATED AT THE DIRECT PRIMARY

Secretary of State
Sacramento, __, 19 20.

To the County Elections Official of the County of ____:

Notice is hereby given that the offices for which candidates are to be nominated by the voters at the primary election to be held on the ____ day of __, 19 20, ~~together with the names of the political parties qualified to participate in the election~~ are as follows:

STATE AND DISTRICT OFFICES

CONGRESSIONAL OFFICES

LEGISLATIVE OFFICES

Notice is also hereby given that at the primary election candidates are to be nominated for the following office:

SUPERINTENDENT OF PUBLIC INSTRUCTION

Notice is also hereby given that at the primary election, in the county first above mentioned, candidates are to be nominated for any county offices or judicial offices to which candidates are to be elected at the ensuing general election; ~~And notice is also hereby given that at the primary election there shall be elected in each county a county central committee for each political party above named pursuant to Division 7 (commencing with Section 7000) of the Elections Code.~~

(SEAL)

Secretary of State

(b) The notice designating the political parties qualified to participate in this election for ~~nomination of candidates~~ the purpose of selecting delegates to national political party conventions at which a nominee for President is chosen, or electing members of county central committees, or both, shall be in substantially the following form:

NOTICE BY SECRETARY OF STATE OF POLITICAL PARTIES
QUALIFIED TO PARTICIPATE IN THE DIRECT PRIMARY ELECTION
FOR POLITICAL PARTY POSITIONS

Secretary of State

Sacramento, . 1920.

To the County Elections Official of the County of :

Notice is hereby given that the political parties qualified to participate in this election for ~~nomination of candidates to partisan office~~ the purpose of selecting delegates to national political party conventions at which a nominee for President is chosen, or electing members of county central committees in each county pursuant to Division 7 (commencing with Section 7030), or both, are as follows:

(SEAL)

Secretary of State

SECTION 73. Section 12108 of the Elections Code is amended to read:

12108. In any case where this chapter requires the publication or distribution of a list of the names of precinct board members, or a portion of the list, the officers charged with the duty of publication shall ascertain the name of the political party, if any, with which each precinct board member is ~~affiliated~~ registered, as shown in the affidavit of registration of that person. When the list is published or distributed, there shall be printed the name of the board member's party or an abbreviation of the name to the right of the name, or immediately below the name, of each

precinct board member. If a precinct board member is not affiliated registered with a political party, the words "No party;" "Nonpartisan," or "~~Decline to state~~" shall be printed in place of the party name.

SECTION 74. Section 13102 of the Elections Code is amended to read:

13102. (a) All voting shall be by ballot. There shall be provided, at each polling place, at each election at which public officers are to be voted for, but one form of voter choice open primary ballot for all candidates for voter-nominated office, nonpartisan public office, and measures, except that, for ~~partisan~~ primary elections, one form of party ballot shall be provided for each qualified political party as well as one form of ~~nonpartisan~~ voter choice open primary ballot, in accordance with subdivision (b). The party ballot and the voter choice open primary ballot shall comply with the provisions of Section 13203.

(b) At ~~partisan~~ primary elections, each voter not registered as ~~intending to affiliate~~ with any one of the political parties participating in the election shall be furnished only a ~~nonpartisan~~ voter choice open primary ballot, unless he or she requests a ballot of a political party and that political party, by party rule duly noticed to the Secretary of State, authorizes a person who has ~~declined to state a party affiliation~~ designated "no party" on his or her affidavit of registration to vote the ballot of that political party. The ~~nonpartisan~~ voter choice open primary ballot shall contain ~~only~~ the names of all candidates for voter-nominated offices, nonpartisan offices and measures to be voted for at the primary election. Each party ballot shall list the candidates for President or the members to be elected for county central committees of that party, or both. Each voter registered as ~~intending to affiliate~~ with a political party participating in the election shall be furnished ~~only~~ a party ballot of the political party with which he or she is registered; and the ~~nonpartisan~~ a ballot containing candidates for voter-nominated offices, both each of which shall be printed ~~together as one ballot~~ in the form prescribed by Section 13207. Each voter shall also be furnished with a Local Elected Offices and Measures ballot if any.

(c) A political party may adopt a party rule in accordance with subdivision (b) that authorizes a person who has ~~declined to state a~~ designated "no party" affiliation on their affidavit of registration to vote the ballot of that political party at the next ensuing ~~partisan~~ primary election. The political party shall notify the party chairman immediately upon adoption of that party rule. The party chairman shall provide written notice of the adoption of that rule to the Secretary of State not later than the 135th day prior to the ~~partisan~~ primary election at which the vote is authorized.

(d) At all times while Section 13102(c) is in effect and at any time when at least one political party chooses in its discretion to comply with the procedures provided for in this section, elections officials shall print in sample voter choice open primary ballots and in voter information guides a list of all political parties that have adopted a party rule as described in Section 13102(c). In addition to this list, the elections officials shall print instructions to voters who have designated "no party" on their affidavits of registration informing them that they have the right at their option to vote, in addition to a voter choice open primary ballot, the ballot of a party shown on the list. The instructions shall specify how such voters may obtain such ballots. This information shall be printed on the first page of sample voter choice open primary ballots and in a prominent manner in voter pamphlets, including a listing in a table of contents and an index if any.

(d e) The county elections official shall maintain a record of which political party's ballot was requested pursuant to subdivision (b), or whether a nonpartisan voter choice open primary ballot was requested, by each person who ~~declined to state a~~ designated "no party" affiliation on his or her affidavit of registration. The record shall be made available to any person or committee who is authorized to receive copies of the printed indexes of registration for primary and general elections pursuant to Section 2184.

~~(e) This section shall become operative on March 6, 2002.~~

SECTION 75. Section 13103 of the Elections Code is amended to read:

13103. Every ballot shall ~~that~~ contains all any of the following shall comply with the provisions set forth below:

(a) The title of each office, shall be arranged to conform as nearly as practicable to the plan set forth in this chapter.

(b) The names of all qualified candidates shall be listed, except that:

(1) Instead of the names of candidates for delegate to the national conventions, there shall be printed the names of the presidential candidates to whom they are pledged or the names of candidates for chairmen of party national convention delegations.

(2) Instead of the names of candidates for presidential electors, there shall be printed in pairs the names of the candidates of the respective parties for President and Vice President of the United States. These names shall appear under the title "President and Vice President."

(c) The titles and summaries of measures submitted to vote of the voters shall be listed.

SECTION 76. Section 13105 of the Elections Code is amended to read:

13105. (a) In the case of candidates for ~~partisan~~ voter-nominated office in a primary election, a general election, or in a special election to fill a vacancy ~~in the office of Representative in Congress, State Senator, or Member of the Assembly~~, immediately to the right of and on the same line as the name of the candidate, or immediately below the name, if there is not sufficient space to the right of the name, there shall be printed in eight-point roman lowercase type either that (1) the candidate is registered as "No Party," or (2) the name of the qualified political party that has provided consent as specified in Section 7031 with which the candidate is registered affiliated.

(b) If a political party has provided consent as specified in Section 7031, the following words shall be printed on the ballot: "Registered as: (insert name of qualified party, e.g. Democrat, Republican or Green)." Any candidate using a party registration designation must comply with the requirements of Section 8001(a) and is subject to the political party's consent as specified in Section 7031. Any ballot prepared in connection with an election pursuant to this section shall contain the following statement, not smaller than 8 point boldface type, on each page on which the political party registration status of any candidate is printed, that: "The designation of the political party registration status on the ballot of a candidate for a voter-nominated office is for the voters' informational purposes only, and does not indicate that the political party with which a candidate may be registered has nominated that candidate or that the party necessarily agrees with or endorses that candidate."

(c) If a candidate has qualified for the ballot as a voter who designated “no party,” the words “Registered as: No Party” shall be printed instead of the name of a political party in accordance with the above rules. Any candidate using a “no party” registration designation must comply with the requirements of Section 8001(c).

(d) If a candidate is registered with a political party and that party does not provide consent as specified in Section 7031, the candidate shall not be permitted to have his or her party registration status printed on the ballot. In this case, the space in which the registration status of the candidate would otherwise be printed shall be left blank. Any ballot prepared in connection with an election pursuant to this section shall contain the following statement once in a conspicuous manner, not smaller than 8 point boldface type, that: “Where the registration status of a candidate has been left blank, the party with which a candidate is registered has not consented to use of party registration status on the ballot.”

(b e) In the case of candidates for President and Vice President, the name of the party (e.g., “Democrat,” “Republican,” or “Reform”) shall appear to the right of and equidistant from the pair of names of these candidates in the same type size as described in subsection (a).

~~(c) If for a general election any candidate has received the nomination of any additional party or parties, the name(s) shall be printed to the right of the name of the candidate's own party. Party names of a candidate shall be separated by commas. If a candidate has qualified for the ballot by virtue of an independent nomination the word “Independent” shall be printed instead of the name of a political party in accordance with the above rules.~~

SECTION 77. Section 13109 of the Elections Code is amended to read:

13109. Consistent with other provisions of this code that govern the content of ballots, the order of precedence of offices, *political party positions, and measures* on the ballot shall be as listed below for those offices, *political party positions, and measures* that apply to the election for which this *a particular type of* ballot is provided. Beginning in the column to the left:

(a) Under the heading, PRESIDENT AND VICE PRESIDENT: Nominees of the qualified political parties and independent nominees for President and Vice President.

(b) Under the heading, PRESIDENT OF THE UNITED STATES:

(1) Names of the presidential candidates to whom the delegates are pledged.

(2) Names of the chairpersons of unpledged delegations.

(h c) Under the heading, COUNTY COMMITTEE: Members of the County Central Committee.

(e d) Under the heading, STATE:

(1) Governor.

(2) Lieutenant Governor.

(3) Secretary of State.

(4) Controller.

(5) Treasurer.

(6) Attorney General.

(7) Insurance Commissioner.

(8) Member, State Board of Equalization.

(d e) Under the heading, UNITED STATES SENATOR: Candidates or nominees to the United States Senate.

(e) Under the heading, UNITED STATES REPRESENTATIVE: Candidates or nominees to the House of Representatives of the United States.

(f) Under the heading, STATE SENATOR: Candidates or nominees to the State Senate.

(g) Under the heading, MEMBER OF THE STATE ASSEMBLY: Candidates or nominees to the Assembly.

(i) Under the heading, JUDICIAL:

- (1) Chief Justice of California.
- (2) Associate Justice of the Supreme Court.
- (3) Presiding Justice, Court of Appeal.
- (4) Associate Justice, Court of Appeal.
- (5) Judge of the Superior Court.
- (6) Marshal.

(j) Under the heading, SCHOOL:

- (1) Superintendent of Public Instruction.
- (2) County Superintendent of Schools.
- (3) County Board of Education Members.
- (4) College District Governing Board Members.
- (5) Unified District Governing Board Members.
- (6) High School District Governing Board Members.
- (7) Elementary District Governing Board Members.

(k) Under the heading, COUNTY:

- (1) County Supervisor.
- (2) Other offices in alphabetical order by the title of the office.

(l) Under the heading, CITY:

- (1) Mayor.
- (2) Member, City Council.
- (3) Other offices in alphabetical order by the title of the office.

(m) Under the heading, DISTRICT: Directors or trustees for each district in alphabetical order according to the name of the district.

(n) Under the heading, MEASURES SUBMITTED TO THE VOTERS and the appropriate heading from subdivisions (a) through (m), above, ballot measures in the order, state through district shown above, and within each jurisdiction, in the order prescribed by the official certifying them for the ballot.

(o) In order to allow for the most efficient use of space on the ballot in counties that use a voting system, as defined in Section 362, the county elections official may vary the order of subdivisions (j), (k), (l), (m), and (n) as well as the order of offices within these subdivisions. However, the office of Superintendent of Public Instruction shall always precede any school, county, or city office, and state measures shall always precede local measures.

SECTION 78. Section 13110 of the Elections Code is amended to read:

13110. The group of names of candidates for any ~~partisan~~ voter-nominated office or nonpartisan office shall be the same on the ballots of all voters entitled to vote for candidates for that office, ~~except that in partisan~~ In direct primary elections involving (a) in any year which is evenly divisible by the number four, delegates to national political party conventions at which

a nominee for President is chosen or (b) nominees for the party's county central committee members, the names of candidates for nomination to partisan office *such candidates for President or members, or both*, shall appear only on the *party* ballots of the *respective* political party; the nomination of which they seek.

SECTION 79. Section 13111 of the Elections Code is amended to read:

13111. *Consistent with other provisions of this code that govern the content of ballots*, candidates for each office *and political party position* shall be printed on the ballot in accordance with the following rules:

(a) The names of presidential candidates to whom candidates for delegate to the national convention are pledged, and the names of chairpersons of groups of candidates for delegate expressing no preference, shall be arranged on the primary election ballot by the Secretary of State by the names of the candidates in accordance with the randomized alphabet as provided for in Section 13112 in the case of the ballots for the First Assembly District. Thereafter, for each succeeding Assembly district, the name appearing first in the last preceding Assembly district shall be placed last, the order of the other names remaining unchanged.

(b) The names of the pairs of candidates for President and Vice President shall be arranged on the general election ballot by the Secretary of State by the names of the candidates for President in accordance with the randomized alphabet as provided for in Section 13112 in the case of the ballots for the First Assembly District. Thereafter, for each succeeding Assembly district, the pair appearing first in the last preceding Assembly district shall be placed last, the order of the other pairs remaining unchanged.

(c) In the case of all other offices, the candidates for which are to be voted on throughout the state, the Secretary of State shall arrange the names of the candidates for the office in accordance with the randomized alphabet as provided for in Section 13112 for the First Assembly District. Thereafter, for each succeeding Assembly district, the name appearing first in the last preceding Assembly district shall be placed last, the order of the other names remaining unchanged.

(d) If the office is that of Representative in Congress or member of the State Board of Equalization, the Secretary of State shall arrange the names of candidates for the office in accordance with the randomized alphabet as provided for in Section 13112 for that Assembly district that has the lowest number of all the Assembly districts in which candidates are to be voted on. Thereafter, for each succeeding Assembly district in which the candidates are to be voted on, the names appearing first in the last preceding Assembly district shall be placed last, the order of the other names remaining unchanged.

(e) If the office is that of State Senator or Member of the Assembly, the county elections official shall arrange the names of the candidates for the office in accordance with the randomized alphabet as provided for in Section 13112, unless the district encompasses more than one county, in which case the arrangement shall be made pursuant to subdivision (i).

(f) If the office is to be voted upon wholly within, but not throughout, one county, as in the case of municipal, district, county supervisor, and county central committee offices, the official responsible for conducting the election shall determine the order of names in accordance with the randomized alphabet as provided for in Section 13112.

(g) If the office is to be voted on throughout a single county, and there are not more than four Assembly districts wholly or partly in the county, the county elections official shall determine the order of names in accordance with the randomized alphabet as provided for in Section 13112 for the first supervisorial district. Thereafter, for each succeeding supervisorial district, the name appearing first for each office in the last preceding supervisorial district shall be placed last, the order of the other names remaining unchanged.

(h) If there are five or more Assembly districts wholly or partly in the county, an identical procedure shall be followed, except that rotation shall be by Assembly district, commencing with the Assembly district which has the lowest number.

(i) Except as provided in subdivision (d) of Section 13112, if the office is that of State Senator or Member of the Assembly, and the district includes more than one county, the county elections official in each county shall conduct a drawing of the letters of the alphabet, pursuant to the same procedures specified in Section 13112. The results of the drawing shall be known as a county randomized ballot and shall be used only to arrange the names of the candidates when the district includes more than one county.

(j) If the office is that of Justice of the California Supreme Court or a court of appeal, the appropriate elections officials shall arrange the names of the candidates for the office in accordance with the randomized alphabet as provided for in Section 13112. However, the names of the judicial candidates shall not be rotated among the applicable districts.

(k) All candidates who are listed on ballots and sample ballots, other than party ballots, shall not be arranged or grouped by political party registration status or any other category, except the office sought, and shall be organized randomly as provided in this section.

SECTION 80. Section 13203 of the Elections Code is amended to read:

13203. Across the top of the ballot shall be printed in heavy-faced gothic capital type not smaller than 30-point, the words "OFFICIAL BALLOT." However, if the ballot is no wider than a single column, the words "OFFICIAL BALLOT" may be as small as 24-point. Beneath this heading, in the case of a ~~partisan~~ primary election, shall be printed in 18-point boldface gothic capital type the official party designation, coupled with the word "BALLOT,(e.g. LIBERTARIAN PARTY BALLOT)" or the words "NONPARTISAN VOTER CHOICE OPEN PRIMARY BALLOT" as applicable. Beneath the heading line or lines, there shall be printed, in boldface type as large as the width of the ballot makes possible, the number of the congressional, Senate, and Assembly district, the name of the county in which the ballot is to be voted, and the date of the election. In the case of a separate ballot printed as provided in Sections 359.3(b) and 13230, the words "LOCAL ELECTED OFFICES AND MEASURES BALLOT" shall be printed in 18-point boldface gothic capital type beneath the words "OFFICIAL BALLOT" in the heading.

SECTION 81. Section 13206 of the Elections Code is amended to read:

13206. (a) On the ~~partisan~~ each ballot used in a direct primary election, immediately below the instructions to voters, there shall be a box one-half inch high enclosed by a heavy-ruled line the same as the borderline. This box shall be as long as there are columns for the ~~partisan~~ voter choice open primary ballot and shall be set directly above these columns. Within the box shall

be printed in 24-point boldface gothic capital type the words "Partisan Voter-Nominated Offices."

(b) The same style of box described in subdivision (a) shall also appear over the columns of the nonpartisan part of the ballot and within the box in the same style and point size of type shall be printed "Nonpartisan Offices."

(c) Any ballot prepared in connection with a direct primary election shall contain the following statement, not smaller than 8 point boldface type, on each page of a ballot on which the political party registration status of any candidate is printed, that: "The designation of the political party registration status on the ballot of a candidate for a voter-nominated office is for the voters' informational purposes only, and does not indicate that the political party with which a candidate may be registered has nominated that candidate or that the party necessarily agrees with or endorses that candidate." In addition, any such ballot shall contain the following statement once in a conspicuous manner, not smaller than 8 point boldface type, that: "Where the registration status of a candidate has been left blank, the party with which the candidate is registered has not consented to use of party registration status on the ballot."

SECTION 82. Section 13207 of the Elections Code is amended to read:

13207. (a) There shall be printed on the ballot in parallel columns all of the following:

- (1) The respective offices.
- (2) The names of candidates with sufficient blank spaces to allow the voters to write in names not printed on the ballot.
- (3) Whatever measures have been submitted to the voters.

(b) In the case of a party ballot which is intended for use in a party primary and which carries lists both partisan candidates for president and members to be elected to a county central committee offices and nonpartisan offices, a vertical solid black line shall divide the columns containing ~~partisan offices~~, candidates for president on the left, from the columns containing ~~nonpartisan offices~~ county central committee member candidates on the right.

(c) In the case of a voter choice open primary ballot, a vertical solid black line shall divide the columns containing candidates for voter-nominated offices, on the left, from the columns containing candidates for nonpartisan offices, to the right of the columns containing the candidates for voter-nominated offices.

(d) Any measures that are to be submitted to the voters on a ballot shall be printed in one or more parallel columns to the right of the columns containing the names of candidates and shall be of sufficient width to contain the title and summary of each measure. To the right of each title and summary shall be printed, on separate lines, the words "Yes" and "No."

(e) ~~e~~ The standard width of columns ~~containing partisan and nonpartisan offices~~ shall be three inches, but an elections official may vary the width of these columns up to 10 percent more or less than the three-inch standard. However, the column containing presidential and vice presidential candidates may be as wide as four inches.

(f) Any ballot prepared in connection with a general election shall contain the following statement, not smaller than 8 point boldface type, on each page on which the political party registration status of any candidate is printed, that: "The designation of the political party registration status on the ballot of a candidate for a voter-nominated office is for the voters' informational purposes only, and does not indicate that the political party with

which a candidate may be registered has nominated that candidate or that the party necessarily agrees with or endorses that candidate.” In addition, the ballot shall contain the following statement once in a conspicuous manner, not smaller than 8 point boldface type, that: “Where the registration status of a candidate has been left blank, the party with which the candidate is registered has not consented to use of party registration status on the ballot.”

SECTION 83. Section 13208 of the Elections Code is amended to read:

13208. (a) In the right-hand margin of each column light vertical lines shall be printed in such a way as to create a voting square after the name of each candidate for ~~partisan~~ voter-nominated office, for nonpartisan office (except for justice of the Supreme Court or court of appeal), for President and Vice President, for county central committee member candidates, or for chairman of a group of candidates for delegate to a national convention who express no preference for a presidential candidate. In the case of Supreme Court or appellate justices and in the case of measures submitted to the voters, the lines shall be printed so as to create voting squares to the right of the words "Yes" and "No." The voting squares shall be used by the voters to express their choices as provided for in the instruction to voters.

(b) The standard voting square shall be at least three-eighths of an inch square but may be up to one-half inch square. Voting squares for measures may be as tall as is required by the space occupied by the title and summary.

SECTION 84. Section 13217 of the Elections Code is amended to read:

13217. The number on each ballot shall be the same as that on the corresponding stub, and the ballots and stubs shall be numbered consecutively in each county, or the ballots and stubs may be numbered consecutively within each combination of congressional, senatorial, and Assembly districts in each county. ~~In a partisan primary election, the sequence of numbers on the official ballots and stubs for each party within each county, or within each political subdivision in each county, shall begin with the number 1.~~

SECTION 85. Section 13230 of the Elections Code is amended to read:

13230. (a) If the county elections official determines that, due to the number of candidates and measures that must be printed on the ballot, the ballot will be larger than may be conveniently handled, the county elections official may provide that a nonpartisan separate ballot, containing non statewide nonpartisan offices and non statewide measures for submission to the voters, shall be given to each partisan voter, together with his or her partisan ballot. Statewide nonpartisan offices and statewide measures shall at all times be included on the voter choice open primary ballot or general election ballot, and that the The separate ballot, if any, shall be titled with the heading: “LOCAL ELECTED OFFICES AND MEASURES BALLOT.” ~~material appearing under the heading "Nonpartisan Offices" on partisan ballots, as well as the heading itself, shall be omitted from the partisan ballots.~~ All material appearing regarding non statewide measures shall be omitted from the voter choice open primary ballots or general election ballots and shall be placed on separate ballots under the heading of “Non Statewide Measures.” In addition to the voter choice open primary ballots and the separate ballots, a

voter shall be given a separate party ballot, as defined in section 337, which the voter is entitled to receive pursuant to Section 13102(b).

(b) If the county elections official so provides, the procedure prescribed for the handling and canvassing of ballots shall be modified to the extent necessary to permit the use of ~~two~~ three ballots by partisan voters. The county elections official may, in this case, order the ~~second~~ local elected offices and measures ballots to be printed on paper of a different tint, and assign to those ballots numbers higher than those assigned to the party ballots containing political party positions or to the voter choice open primary ballots containing partisan voter-nominated offices.

(c) ~~"Partisan voters,"~~ for For purposes of this section, voters entitled to vote a "Party Ballot" includes persons who have ~~declined to state a party affiliation~~ designated "no party" on their affidavits of registration, but who have chosen to vote the ballot of a political party as authorized by that party's rules duly noticed to the Secretary of State.

SECTION 86. Section 13232 of the Elections Code is hereby repealed:

~~13232. Notwithstanding any other provision of law, for the purpose of conducting the Democratic Party Presidential Primary Election, the Secretary of State may, if it is reasonably necessary to accommodate the limitations of a voter system or vote tabulating device, authorize the county elections officials to do any or all of the following:~~

~~(a) Vary the order of any office or measure listed in Section 13109, with the exception of President of the United States, United States Representative, State Senator, Member of the Assembly, and judicial offices.~~

~~(b) Place any office listed in Section 13109 on a second ballot, with the exception of United States Representative, State Senator, Member of the State Assembly, judicial offices, County Superintendent of Schools, County Board of Education Members, and county officers.~~

~~(c) Place any ballot measure, other than a state measure, on a separate ballot.~~

SECTION 87. Section 13261 of the Elections Code is amended to read:

13261. (a) Each ballot card shall have two stubs attached. The stubs shall be separated from the ballot card and from each other by perforated lines so that they may be readily detached.

(b) (1) One stub shall have the serial ballot number printed on it, and shall be detached from the remainder of the ballot before it is handed to the voter.

(2) The second stub shall have printed on it all of the following:

(A) The same ballot serial number.

(B) The words "This ballot stub shall be removed and retained by the voter."

(C) The words "OFFICIAL BALLOT" in uppercase boldface type no smaller than 12 point.

(D) In primary elections, the party name coupled with the word "BALLOT," e.g., ~~"Democratic Party,"~~ "DEMOCRATIC PARTY BALLOT," or the words ~~"Nonpartisan Ballot,"~~ "VOTER CHOICE OPEN PRIMARY BALLOT," or the words "LOCAL ELECTED OFFICES AND MEASURES BALLOT," as applicable.

(E) The name of the county.

- (F) The date of the election.
- (G) Where not otherwise provided, instructions to the voter on how to mark the ballot with the marking device, how to vote for a candidate whose name is not printed on the ballot, and how to secure an additional ballot card if the ballot card is spoiled or marked erroneously.

(3) If the information listed in subparagraphs (A) to (G), inclusive, of paragraph (2) must also appear in one or more languages other than English under the provisions of the federal Voting Rights Act of 1965 as extended by Public Law 94-73, and there is insufficient room for all the information to be set forth in all the required languages while at the same time appearing in a type size sufficiently large to be readable, the official in charge of the election may delete information set forth in subparagraphs (E) and (F) of paragraph (2), in the order listed, until there is sufficient room.

(c) In addition to the instructions to voters printed on the ballot or ballot stub, there shall be displayed in each voting booth instructions to voters substantially in the same form and wording as appears on paper ballots.

(d) Precinct numbers may also be placed on the ballot.

SECTION 88. Section 13262 of the Elections Code is amended to read:

13262. (a) The ballot shall contain the same material as to candidates and measures, and shall be printed in the same order as provided for paper ballots, and may be arranged in parallel columns on one or more ballot cards as required, except that the column in which the voter marks his or her choices may be at the left of the names of candidates and the designation of measures.

(b) If there are a greater number of candidates for an office or for a ~~party~~ nomination by the voters in a voter choice open primary election for an office than the number whose names can be placed on one pair of facing ballot pages, a series of overlaying pages printed only on the same, single side shall be used, and the ballot shall be clearly marked to indicate that the list of candidates for the office is continued on the following page or pages. If the names of candidates for the office are not required to be rotated, they shall be rotated by groups of candidates in a manner so that the name of each candidate shall appear on each page of the ballot in approximately the same number of precincts as the names of all other candidates.

(c) Space shall be provided on the ballot or on a separate write-in ballot to permit voters to write in names not printed on the ballot when authorized by law. The size of the voting square and the spacing of the material may be varied to suit the conditions imposed by the use of ballot cards, provided the size of the type is not reduced below the minimum size requirements set forth in Chapter 2 (commencing with Section 13100).

(d) The statement of measure submitted to the voters may be abbreviated if necessary on the ballot, provided that each and every statement of measures on that ballot is abbreviated. Abbreviation of matters to be voted on throughout the state shall be composed by the Attorney General.

SECTION 89. Section 13300 of the Elections Code is amended to read:

13300. (a) By at least 29 days before the primary, each county elections official shall prepare a separate sample *party* ballots for each political party, and a separate sample nonpartisan *voter choice open primary* ballot, and if applicable a local elected offices and measures ballot, placing thereon in as applicable for each ease *respective type of ballot* in the order provided in Chapter 2 (commencing with Section 13100), and under the appropriate title of each office, the names of all candidates *seeking voter-nominated offices, political party positions, or statewide nonpartisan offices* for whom nomination papers have been duly filed with him or her or have been certified to him or her by the Secretary of State to be voted for in his or her county at the primary election, *local nonpartisan offices, and measures. The elections official shall list on ballots and sample ballots, for all voter-nominated offices, the names of all candidates organized randomly as provided in Chapter 2 (commencing with Section 13100) of Division 13.*

(b) All candidates who are listed on ballots and sample ballots, other than party ballots, shall not be arranged or grouped by political party registration status or any other category, except the office sought, and shall be organized randomly as provided in Chapter 2 of Division 13.

(c) The sample ballots shall be identical to the official ballots, except as otherwise provided by law. The sample ballots shall be printed on paper of a different texture from the paper to be used for the official ballots.

(d) One sample *voter choice open primary ballot, one sample party* ballot of the *political* party to *with* which the voter belongs, *is registered, and if applicable one sample local elected offices and measures ballot,* as evidenced by his or her registration, shall be mailed to each voter entitled to vote at the primary, who registered at least 29 days prior to the election, not more than 40 nor less than 10 days before the election. A nonpartisan sample *voter choice open primary* ballot and if applicable a sample local elected offices and measures ballot, shall be so mailed to each voter who is not registered as intending to affiliate with any of the parties participating in the primary election, provided that on election day any such person may, upon request, vote the *party* ballot of a political party if authorized by the party's rules, duly noticed to the Secretary of State.

(e) The county elections official may prepare sample ballot pamphlets in a manner that maximizes printing and mailing efficiencies, such as the combining of a separate political party ballot type with a separate voter choice open primary ballot type in one sample ballot pamphlet, provided that the separate nature of each ballot type is clearly delineated and preserved.

(f) Any sample ballot prepared in connection with a direct primary election shall contain the following statement, not smaller than 8 point boldface type, on each page on which the political party registration status of any candidate is printed, that: "The designation of the political party registration status on the ballot of a candidate for a voter-nominated office is for the voters' informational purposes only, and does not indicate that the political party with which a candidate may be registered has nominated that candidate or that the party necessarily agrees with or endorses that candidate." In addition, the sample ballot shall contain the following statement once in a conspicuous manner, not smaller than 8 point boldface type, that: "Where the registration status of a candidate has been left blank, the party

with which the candidate is registered has not consented to use of party registration status on the ballot.”

SECTION 90. Section 13302 of the Elections Code is amended to read:

13302. The county elections official shall forthwith submit the sample party ballot of each political party to the chairperson of the county central committee of that party, and shall mail a copy of the respective ballot to each candidate for whom nomination papers have been filed in his or her office or whose name has been certified to him or her by the Secretary of State, to the post office address as given in the nomination paper or certification. The county elections official shall post a copy of each sample ballot in a conspicuous place in his or her office.

SECTION 91. Section 13312 of the Elections Code is amended to read:

13312. Each voter's pamphlet prepared pursuant to Section 13307 shall contain a statement in the heading of the first page in heavy-faced gothic type, not smaller than 10-point, that: (a), the pamphlet does not contain a complete list of candidates and that a complete list of candidates appears on the sample ballot (if any candidate is not listed in the pamphlet); ~~and that~~ (b), each candidate's statement in the pamphlet is volunteered by the candidate, and (if printed at the candidate's expense) is printed at his or her expense; (c), explains in a clear manner to the voter the concept of a voter choice open primary involving voter-nominated offices; (d), “The designation of the political party registration status on the ballot of a candidate for a voter-nominated office is for the voters’ informational purposes only, and does not indicate that the political party with which a candidate may be registered has nominated that candidate or that the party necessarily agrees with or endorses that candidate;” and (e) “Where the registration status of the candidate has been left blank, the party with which the candidate is registered has not consented to use of party registration status on the ballot.”

SECTION 92. Section 14102 of the Elections Code is amended to read:

14102. (a) (1) For each statewide election, the elections official shall provide a sufficient number of official ballots in each precinct to reasonably meet the needs of the voters in that precinct on election day using the precinct's voter turnout history as the criterion, but in no case shall this number be less than 75 percent of registered voters in the precinct, and for absentee and emergency purposes shall provide the additional number of ballots that may be necessary.

(2) The number of party ballots to be furnished to any precinct for a primary election shall be computed from the number of voters registered in that precinct ~~as intending to affiliate with a party,~~ and the number of ~~nonpartisan~~ voter choice open primary ballots to be furnished to any precinct shall be computed from the number of voters registered in that precinct with a party or as “no party.” ~~without statement of intention to affiliate with any of the parties participating in the primary election.~~

(b) For all other elections, the elections official shall provide a sufficient number of official ballots in each precinct to reasonably meet the needs of the voters in that precinct on election day, using the precinct's voter turnout history as the criterion, but in no case shall this number be less than 75 percent of the number of registered voters in the precinct, and for

absentee and emergency purposes shall provide the additional number of ballots that may be necessary.

SECTION 93. Section 15104 of the Elections Code is amended to read:

15104. (a) The processing of absentee ballot return envelopes, and the processing and counting of absentee ballots shall be open to the public, both prior to and after the election.

(b) Any member of the county grand jury, and at least one member each of the Republican county central committee, the Democratic county central committee, and of any other party with a candidate registered with the party on the ballot, and any other interested organization, shall be permitted to observe and challenge the manner in which the absentee ballots are handled, from the processing of absentee ballot return envelopes through the counting and disposition of the ballots.

(c) The elections official shall notify absentee voter observers and the public at least 48 hours in advance of the dates, times, and places where absentee ballots will be processed and counted.

(d) Absentee voter observers shall be allowed sufficiently close access to enable them to observe and challenge whether those individuals handling absentee ballots are following established procedures, including all of the following:

(1) Verifying signatures and addresses by comparing them to voter registration information.

(2) Duplicating accurately any damaged or defective ballots.

(3) Securing absentee ballots to prevent any tampering with them before they are counted on election day.

(e) No absentee voter observer shall interfere with the orderly processing of absentee ballot return envelopes or processing and counting of absentee ballots, including touching or handling of the ballots.

SECTION 94. Section 15151 of the Elections Code is amended to read:

15151. (a) The elections official shall transmit the semifinal official results to the Secretary of State in the manner and according to the schedule prescribed by the Secretary of State prior to each election, for the following:

(1) All candidates voted for statewide office.

(2) All candidates voted for the following offices:

(A) State Assembly.

(B) State Senate.

(C) Member of the United States House of Representatives.

(D) Member of the State Board of Equalization.

(E) Justice of the Court of Appeals.

(3) All persons voted for at the presidential primary or for electors of President and Vice President of the United States. The results at the presidential primary for candidates for President to whom delegates of a political party are pledged shall be reported according to the number of votes each candidate received from all voters and separately according to the number of votes each candidate received from voters ~~affiliated~~ registered with each political party

qualified to participate in the presidential primary election, and from voters who have ~~declined to affiliate with~~ designated "no party" instead of a qualified political party on their affidavits of registration. The elections official shall adopt procedures required to tabulate the party ballots separately by party ~~affiliation~~ registration.

(4) Statewide ballot measures.

(b) The elections official shall transmit the results to the Secretary of State at intervals no greater than two hours, following commencement of the semifinal official canvass.

(c) Except for the results specified in subsection (a)(3), the elections official shall tabulate and transmit all election results specified in this section according to the actual numerical vote count according to the appropriate political subdivision, such as precinct or district, or according to the type of ballot, such as absentee ballot. The elections official shall not, for any purposes whatsoever, otherwise tabulate votes separately by any other categories including party registration.

SECTION 95. Section 15375 of the Elections Code is amended to read:

15375. (a) The elections official shall send to the Secretary of State within 35 days of the election in the manner requested one complete copy of all results as to all of the following:

(a 1) All candidates voted for statewide office.

(b 2) All candidates voted for the following offices:

(1 a) Member of the Assembly.

(2 b) Member of the Senate.

(3 c) Member of the United States House of Representatives.

(4 d) Member of the State Board of Equalization.

(5 e) Justice of the Court of Appeal.

(6 f) Judge of the superior court.

(7 g) Judge of the municipal court.

(e 3) All persons voted for at the presidential primary. The results for all persons voted for at the presidential primary for delegates to national conventions shall be canvassed and shall be sent within 28 days after the election. The results at the presidential primary for candidates for President to whom delegates of a political party are pledged shall be reported according to the number of votes each candidate received from all voters and separately according to the number of votes each candidate received from voters ~~affiliated~~ registered with each political party qualified to participate in the presidential primary election, and from voters who have ~~declined to affiliate with~~ designated "no party" instead of a qualified political party on their affidavits of registration.

(d 4) The vote given for persons for electors of President and Vice President of the United States. The results for presidential electors shall be endorsed "Presidential Election Returns."

(e 5) All statewide measures.

(b) Except for results specified in subsections (a)(3) and (a)(4), the elections official shall tabulate and transmit all election results specified in this section according to the actual numerical vote count according to the appropriate political subdivision, such as precinct or district, or according to the type of ballot, such as absentee ballot. The elections official shall

not, for any purposes whatsoever, otherwise tabulate votes separately by any other categories including party registration.

SECTION 96. Section 15450 of the Elections Code is amended to read:

15450. ~~A~~ Except as provided in Section 15451, a plurality of the votes given at any election shall constitute a choice where not otherwise directed in the California Constitution, provided that it shall be competent in all charters of cities, counties, or cities and counties framed under the authority of the California Constitution to provide the manner in which their respective elective officers may be elected and to prescribe a higher proportion of the vote therefor.

SECTION 97. Section 15451 of the Elections Code is amended to read:

15451. (a) The person candidates, regardless of party registration, including candidates registered as "no party" who receives the highest number of votes are the top two vote getters at a direct voter choice open primary election for a voter-nominated office as the candidate of a political party for the nomination to an office is shall be the nominee(s) of that party the voters for that office at the ensuing general election. Under no circumstances shall any candidate be elected outright to any office under this section in a direct voter choice open primary election. In the event that there is only one candidate listed on the direct voter choice open primary election ballot for nomination to any voter-nominated office, then such candidate shall be listed as the nominee of the voters for a vote at the ensuing general election. For purposes of this section, the word "plurality" shall encompass the choice by the voters of the single candidate or the top two vote-getting candidates, regardless of party registration, including candidates registered as "no party," who are specified as being entitled to be listed on a general election ballot as a result of being nominated by the voters at a direct voter choice open primary election.

(b) The candidate who receives a majority of the votes cast at a special voter choice open primary election, as provided in Section 10705, or the candidate who receives a majority of the votes cast at a special general election, as provided in Section 10706, shall be elected to the particular office at that special election.

(c) The candidates who are the top two vote getters at a special voter choice open primary election, regardless of party registration, including candidates registered as "no party," where no candidate has received a majority of the votes cast at such election as provided in subsection (b), shall be the nominees of the voters. These candidates shall be listed on the ballot at the ensuing special general election in accordance with Section 10706.

SECTION 98. Section 15452 of the Elections Code is amended to read:

15452. The person candidate who receives a plurality of the votes cast for any office is elected or nominated to that office in any election, except:

- (a) An election for which different provision is made by any city or county charter.
- (b) A municipal election for which different provision is made by the laws under which the city is organized.

(c) The election of local officials in primary elections as specified in Article 8 (commencing with Section 8140) of Part 1 of Division 8.

(d) The nomination of any candidate by the voters in any direct voter choice open primary election for voter-nominated offices, as provided in Section 15451(a).

(e) The election of any candidate by the voters in any special voter choice open election for voter-nominated offices, as provided in Section 15451(b).

(f) The nomination of any candidate by the voters in any special voter choice open primary election for voter-nominated offices, as provided in Section 15451(c).

SECTION 99. Section 19301 of the Elections Code is amended to read:

19301. A voting machine shall provide in the general election for grouping under the name of the office to be voted on, all the candidates for the office with the designation of the parties, if any, by with which they were each candidate is respectively nominated registered. The designation may be by usual or reasonable abbreviation of party names for all candidates for all offices, with the words "Registered as:" also appearing immediately before each party name for all candidates for voter-nominated offices. Any candidate using a political party registration designation must comply with the requirements of Section 8001(a) and is subject to the political party's consent as specified in Section 7031. If a candidate has qualified for the ballot as a voter who designates "no party," the words "Registered as: No Party" shall be printed instead of the name of a political party in accordance with the above rules. Any candidate using a registration designation of "no party" must comply with the requirements of Section 8001(c). If a candidate is registered with a political party and that party does not provide consent as specified in Section 7031, the candidate shall not be permitted to have his or her party registration status printed on the ballot. In this case, the space in which the registration status of a candidate would otherwise be printed shall be left blank.

SECTION 100. Broad Construction.

This act shall be broadly construed and applied in order to fully promote its underlying purposes and to be consistent with the United States Constitution and the California Constitution. If any provision of this act conflicts directly or indirectly with any other provision of law, or any other statute previously enacted by the Legislature, those other provisions shall be null and void to the extent that they are inconsistent with this act, and are hereby repealed.

SECTION 101. Amendment of Act

(a) Except as provided in subdivisions (b) and (c), no provision of this act may be amended except by a Constitutional amendment or statute, as appropriate, that becomes effective only when approved by the electorate.

(b) The Legislature may amend Elections Code Sections 2150, 2151(a), 2152, 2154, 2155, 2185, 2187, 3006, 3007.5, 3205, 5000, 5100, 8001(a) and (b), 8022, 8025, 8040 (a) and (b), 8041, 8062(a), 8106, 8121, 8124, 8125, 8148, 8150, 8300, 8302, 8400, 8403, 8404, 8409, 8451, 8454, 8811, 12104, 12108, 13103, 13105(e), 13109, 13111(a)-(j), 13203, 13206(a) and (b), 13207(a)-(e), 13208, 13217, 13230, 13261, 13262, 13300(a), (c) and (d), 13302, 14102, 15104,

15151(a) and (b), 15375(a), and 19301 to effect technical changes only and that are not inconsistent with the purposes of this Act.

(c) Nothing in this Act is intended to and shall not be construed to alter or to limit the existing power of the Legislature to alter existing law governing the means by which political parties either select delegates to national political party conventions at which a party nominee for President is chosen, or elect or select members of political party state and county central committees, or both.

SECTION 102. Conflicting Ballot Measures

(a) In the event that this measure and another measure or measures relating to direct primary elections, special primary elections or general elections in this state shall appear on the same statewide election ballot, the provisions of the other measures that would affect in whole or in part the field of such primary elections or general elections, or both, shall be deemed to be in conflict with this measure. In the event that this measure shall receive a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety and the provisions of the other measure or measures shall be null and void in their entirety. In the event that the other measure or measures shall receive a greater number of affirmative votes, the provisions of this measure shall take effect to the extent permitted by law.

(b) If this measure is approved by voters but superseded by any other conflicting ballot measure approved by the voters at the same election, and the conflicting ballot measure is later held invalid, this measure shall be self-executing and given full force of law.

SECTION 103. Severability

If any provision of this act or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the act that can be given effect in the absence of the invalid provision or application. To this end, the provisions of this act are severable.