

AMENDED IN SENATE FEBRUARY 9, 2007

SENATE BILL

No. 113

Introduced by Senators Calderon, *Ashburn*, Battin, Migden, and Oropeza

(Coauthor: Senator Padilla)

(Coauthors: Assembly Members Horton and Lieu)

January 22, 2007

An act to amend Sections 1000, 1001, 1201, and 1202 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 113, as amended, Calderon. Elections: presidential primary elections.

Existing law specifies that the presidential primary election be held on the first Tuesday after the first Monday in June in any year evenly divisible by the number 4. Existing law also specifies that the statewide direct primary election be held on the first Tuesday after the first Monday in June of each even-numbered year, and be consolidated with the presidential primary election in any year in which the statewide direct primary election is in a year evenly divisible by the number 4.

This bill would require that the presidential primary election be held on the first Tuesday in February in any year evenly divisible by the number 4. By increasing the duties on county elections officials due to the presidential primary election in February, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions:~~

~~*This bill would state the intent of the Legislature to fully reimburse the counties for the costs of these new elections in an expeditious manner upon certification of those costs.*~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.~~

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) California has the largest population and largest
4 congressional delegation of any state in the union yet California's
5 current June presidential primary election date virtually ensures
6 the presidential nominees for the major political parties will be
7 determined before California voters have an opportunity to cast
8 their ballots.

9 (b) It is vital to restore to California voters the opportunity to
10 vote in a presidential primary election that is timely and meaningful
11 in choosing presidential candidates.

12 (c) Conducting the California presidential primary election on
13 the first Tuesday in February will encourage presidential candidates
14 to campaign in California, and to debate and discuss issues and
15 policies important to the people of California.

16 (d) Conducting the California presidential primary election on
17 the first Tuesday in February will encourage voter registration,
18 voter interest, and voter participation in the 2008 presidential
19 primary election and subsequent presidential primary elections in
20 California.

21 SEC. 2. Section 1000 of the Elections Code is amended to read:
22 1000. The established election dates in each year are as follows:

23 (a) The second Tuesday of April in each even-numbered year.

24 (b) The first Tuesday after the first Monday in March of each
25 odd-numbered year.

26 (c) The first Tuesday after the first Monday in June in each year.

27 (d) The first Tuesday after the first Monday in November of
28 each year.

1 (e) The first Tuesday in February of each year evenly divisible
2 by the number four.

3 SEC. 3. Section 1001 of the Elections Code is amended to read:
4 1001. Elections held in June and November of each
5 even-numbered year and held the first Tuesday in February of each
6 year evenly divisible by the number four are statewide elections
7 and these dates are statewide election dates.

8 SEC. 4. Section 1201 of the Elections Code is amended to read:
9 1201. The statewide direct primary shall be held on the first
10 Tuesday after the first Monday in June of each even-numbered
11 year.

12 SEC. 5. Section 1202 of the Elections Code is amended to read:
13 1202. The presidential primary shall be held on the first
14 Tuesday in February in any year evenly divisible by the number
15 four, and shall not be consolidated with the statewide direct primary
16 held in that year.

17 ~~SEC. 6. If the Commission on State Mandates determines that~~
18 ~~this act contains costs mandated by the state, reimbursement to~~
19 ~~local agencies and school districts for those costs shall be made~~
20 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
21 ~~4 of Title 2 of the Government Code.~~

22 *SEC. 6. It is the intent of the Legislature to fully reimburse*
23 *counties for costs resulting from the presidential primary elections*
24 *added by this act in an expeditious manner upon certification of*
25 *those costs.*



February 6, 2007

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The Honorable Ron Calderon
Chair, Senate Elections, Reapportionment and
Constitutional Amendments Committee
State Capitol, Room 2203
Sacramento, CA 95814

**Re: SB 113 (Calderon) – Elections: presidential primary elections
As Introduced -- CONCERNS
Set for hearing February 7, 2007 – Senate Elections,
Reapportionment and Constitutional Amendments Committee**

Dear Senator Calderon:

On behalf of the California State Association of Counties (CSAC), I write to express several concerns with SB 113, your bill to move California's presidential primary from June to February, thus creating the scenario of three statewide elections in 2008.

The top concern for counties is the possible fiscal impact of a stand-alone presidential primary, not only in February of 2008, but for each presidential election year thereafter. Initial cost estimates for a February 2008 presidential primary election range from \$60 to \$90 million.

To many, the above figures may seem high for a statewide election, given that the state's share of costs for the November 2005 special election was nearly \$40 million. Before that, counties were not reimbursed for the 2003 recall special election, which totaled nearly \$55 million and placed a significant strain on local budgets.

However, both the 2003 recall election and the 2005 special election were classified as special elections, which allowed some of the larger counties to consolidate precincts. Counties cannot do the same in a presidential primary, which significantly boosts the costs associated with a stand-alone statewide presidential primary election. Also, local elections cannot be consolidated with a presidential primary election (as was done during the 2005 special election) and therefore cannot help blunt the total cost of such an election. Add to that the additional cost of recruiting poll workers, programming electronic voting machines, and finding polling places for a third statewide election in 2008, and the \$60 to \$90 million cost estimate becomes feasible.

CSAC is working with counties and the Secretary of State's office to gather local cost data to better estimate the price tag of any February presidential primary election. However, it should be assumed that the local cost for an election will be significantly higher than previous two special elections.



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CSAC is also concerned about the lack of a reliable mechanism in SB 113 for reimbursing the counties for a stand-alone presidential primary election. Counties must budget for elections in advance and cannot again carry the costs for such an election.

Given these concerns, CSAC respectfully requests that this measure not be moved until an adequate and reliable "up-front" funding mechanism is tied to its passage. I would welcome the opportunity to discuss our position further at your convenience. Please do not hesitate to contact me at 916/327-7500 ext. 511.

Sincerely,

A handwritten signature in black ink that reads "Karen Keene".

Karen Keene
Legislative Representative

cc: Members and Consultant, Senate Elections, Reapportionment and
Constitutional Amendments Committee
Assembly Member George Plescia
The California Association of Clerks and Elections Officials