

September 19, 2003

Hon. Bill Lockyer  
Attorney General  
1300 I Street, 17<sup>th</sup> Floor  
Sacramento, California 95814

Attention: Ms. Tricia Knight  
Initiative Coordinator

Dear Attorney General Lockyer:

Pursuant to Elections Code Section 9005, we have reviewed the proposed initiative measure entitled "Voter Choice Open Primary Act" (File No. SA2003RF0031 - Amendment #1-S).

## **Major Provisions**

This measure amends both the State Constitution and state statutes to make changes to primary election procedures.

*Current Law.* Under current law, in order to vote in primary elections for partisan offices, a voter must have identified a political party affiliation when registering to vote and can vote only for candidates of that party. Voters who have not identified a political party affiliation cannot vote for candidates running for partisan office in primary elections. These voters, however, can vote for candidates for nonpartisan offices and on propositions. For every primary election, each county prepares a partisan ballot (and related materials) for each political party and a nonpartisan ballot for voters who have not identified a political party affiliation. Each candidate winning a primary election then appears on the general election ballot.

*Proposal.* For most state and federal elected offices, this measure allows voters—including those not affiliated with a political party—to vote for a candidate regardless of the candidate's identified political party. The measure applies to the election of State Constitutional officers, members of the Legislature, and members of Congress. (The measure, however, does not apply to the election of the U.S. President or political party committees.) Each county would prepare a single primary ballot for most state and federal offices. In each primary, the top two vote-receiving candidates—regardless of party identification—would be placed on the general election ballot.

The measure also makes a number of other changes to the state's election procedures, including easing the requirements for political parties and candidates to participate in primary elections.

### **Fiscal Effect**

By eliminating in some instances the need for different ballots for each political party, counties could realize some savings, primarily due to the preparation of fewer ballots. These savings probably would be minor.

In addition, this measure would tend to increase the number of candidates on primary election ballots (from eased participation requirements and from including independent candidates). Consequently, the state and counties may experience increased costs for the preparation of primary election ballots and related materials. For instance, a greater number of candidates could increase the printing and mailing costs of ballots and informational materials. On the other hand, the measure would tend to reduce the number of candidates on general election ballots (by limiting candidates to the top two vote-getters from the primary). As a result, the state and counties may experience reductions in general election costs from the reduced number of candidates. It is likely that the increased primary costs and decreased general election costs generally would offset each other.

*Summary.* This measure would result in the following fiscal effect:

- No significant net fiscal effect on state or local governments.

Sincerely,

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Elizabeth G. Hill  
Legislative Analyst

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Steve Peace  
Director of Finance