

August 1, 2013

Hon. Kamala D. Harris  
Attorney General  
1300 I Street, 17<sup>th</sup> Floor  
Sacramento, California 95814

Attention: Ms. Ashley Johansson  
Initiative Coordinator

Dear Attorney General Harris:

Pursuant to Elections Code Section 9005, we have reviewed the proposed constitutional initiative concerning political parties and elections (A.G. File No. 13-0006).

## Background

***Primary and General Elections.*** California generally holds two statewide elections in even-numbered years to elect candidates to state and federal offices—a primary election (in June) and a general election (in November). Counties administer these statewide elections.

***“Voter-Nominated” Primaries for State Elective and Congressional Offices.*** The State Constitution requires a voter-nominated election for each state elective office and congressional office in California. In these elections, a voter may vote for any candidate for an office without regard to the political party preference disclosed by either the candidate or the voter. The top two candidates receiving the two highest vote totals for each voter-nominated office at a primary election, regardless of party preference, then compete for the office at the ensuing general election. For this reason, a voter-nominated primary is sometimes called a “top two” primary.

***Partisan Elections for President and Political Party and Party Central Committees.*** In contrast with the voter-nominated primary process described above, the Constitution requires the Legislature to provide for “partisan elections” for (1) the office of the President and (2) members of political party and party central committees. The Constitution specifies that political parties that participate in a primary election for the office President have the right to participate in the general election for that office and cannot be denied the ability to place on the general election ballot the candidate who received the highest vote among that party's candidates at the primary election.

## Proposal

The measure amends the Constitution to modify the election process for the office of the President and members of political party and party central committees. Specifically, the measure:

- Requires elections for office of the President to have a voter-nominated primary.
- Allows political parties participating in a presidential primary election to place on the general ballot any “candidate selected by the political party through its party-nomination procedures.”
- Eliminates the requirement that the Legislature provide for partisan elections for political party and party central committees.

**Fiscal Effects**

The fiscal effect of this measure would depend on how the Legislature interpreted its provisions, including the requirement for a voter-nominated presidential primary election followed by a partisan general election for the office. The fiscal effect also would depend on whether political party and party central committees were excluded from the statewide ballot.

Actions that the Legislature took to implement this measure could affect how elections officials prepare ballot materials and the length of these materials. For instance, if the Legislature eliminated elections for political party and party central committees, this could make ballots shorter and less expensive to print and mail. Conversely, if the Legislature interpreted the provision related to voter-nominated presidential primaries in a way that resulted in more names being listed on the ballot, this could increase costs. The net fiscal impact on the state and counties associated with this measure is not possible to determine, but probably would not be significant.

**Summary of Fiscal Effects**

- Unknown, but probably not significant fiscal impact on the state and county governments.

Sincerely,

---

Mac Taylor  
Legislative Analyst

---

Ana J. Matosantos  
Director of Finance