

BILL ANALYSIS

SENATE RULES COMMITTEE	SB 6
Office of Senate Floor Analyses	
1020 N Street, Suite 524	
(916) 651-1520 Fax: (916)	
327-4478	

THIRD READING

Bill No: SB 6
 Author: Maldonado (R), et al
 Amended: 2/19/08
 Vote: 21

WITHOUT REFERENCE TO COMMITTEE OR FILE

SUBJECT : Elections: open primary
SOURCE : Author

DIGEST : This bill implements SCA 4 (Maldonado) the Top-Two Candidates Open Primary Act.

ANALYSIS : The California Constitution currently provides that a political party that participated in a primary election for a partisan office has the right to participate in the general election for that office and shall not be denied the ability to place on the general election ballot the candidate who received, at the primary election, the highest vote among that party's candidates.

SB 6 implements the statutory implementing language of SCA 4 as follows:

1. Permits voters to register as indicating "no party preference" in a manner similar to the current option of declining to state a party preference. Provides for various mechanisms to inform voters of this option and the ramifications thereof including notices on

CONTINUED

SB 6
Page

2

affidavits of registration, in the ballot pamphlet, ballots themselves, and at polling places.

2. Requires voters to indicate a party preference when registering in order to vote in primary elections for a party's Presidential nominee and for party officers (county central committees), unless the party in question otherwise permits unaffiliated voters to do so (similar to current law permitting "DTS" participation in partisan primaries at the discretion of the parties).
3. Provides that "independent" candidates must appear on the primary ballot and must be one of the two candidates who receive the greatest number of votes to appear on the general election ballot.
4. Repeals the provision of law prohibiting an "independent" candidate from being a member of a political party in the 13 months prior to a general election.
5. Prohibits candidates from switching their party preference between the primary and general elections.
6. Provides that any voters may sign a candidate's nomination papers for state or Congressional office.
7. Requires the Secretary of State to post on her website each affected candidates' party preference history for the 10 years preceding each relevant election.
8. Repeals the provision of law permitting party central committees to appoint a replacement candidate if their party's nominee dies prior to the general election.
9. Provides that in a special election to fill a legislative or congressional vacancy that if no candidate receives a majority of all votes cast in the special primary that the two candidates who receive the greatest number of votes shall appear on the special general ballot regardless of party affiliation. (Current law provides that if a special general election is necessary then the top "vote-getter" from each party represented in the special primary appears on the

_____3

special general ballot).

10.Requires county elections officials to print lists of party endorsed candidates if parties provide them.

FISCAL EFFECT : Appropriation: No Fiscal Com.: Yes
Local: No

DLW:do 2/19/09 Senate Floor Analyses

SUPPORT/OPPOSITION: NONE RECEIVED

**** END ****