

AMENDMENTS TO SENATE BILL NO. 696
AS AMENDED IN SENATE MARCH 27, 2019

Amendment 1

In the title, strike out lines 1 and 2 and insert:

An act to amend Section 5001 of, and to add Section 5201 to, the Elections Code, relating to elections.

Amendment 2

On page 1, before line 1, insert:

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) When a qualified political party's name includes the phrase "no party preference" or "decline to state" or the word "independent" it inherently misleads voters and creates voter confusion for voters who wish to not register with any political party and stay independent of political parties.

(2) The state has a compelling interest to avoid voter confusion in the electoral process.

(3) Voter education is ineffective in remedying this voter confusion and thus it is necessary for the Legislature to restrict the use of the phrase "no party preference" or "decline to state" or the word "independent" in the name of qualified political parties.

(b) It is the intent of the Legislature that this act be interpreted in a manner to reduce the burden on parties and voters to the maximum extent possible, without compromising this act's goal of eliminating voter confusion.

SEC. 2. Section 5001 of the Elections Code is amended to read:

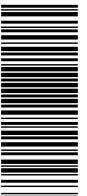
5001. Whenever a group of electors desires to qualify a new political party meeting the requirements of Section 5100 or 5151, that group shall form a political body by:

(a) Holding a caucus or convention at which temporary officers shall be elected and a party name designated. The designated name shall not be so similar to the name of an existing party so as to mislead the voters, shall not include the phrase "no party preference" or "decline to state" or the word "independent" or any variation of that word or those phrases, and shall not conflict with that of any existing party or political body that has previously filed notice pursuant to subdivision (b).

(b) Filing formal notice with the Secretary of State that the political body has organized, elected temporary officers, and declared an intent to qualify a political party pursuant to either Section 5100 or 5151, but not both. The notice shall include the names and addresses of the temporary officers of the political body.

SEC. 3. Section 5201 is added to the Elections Code, to read:

5201. (a) (1) The Secretary of State shall notify any party that is qualified under this division on the effective date of the act adding this section, but whose name includes any variation of the phrase "no party preference" or "decline to state" or the word "independent," that the party is legally required to change its name.



(2) The Secretary of State shall notify each voter registered to a party described in paragraph (1) that the voter is registered to a party whose name includes a word or phrase in violation of Section 5001 and informing the voter of the process described in this section for the party's name change.

(b) (1) A party that is qualified under this division on the effective date of the act adding this section, but whose name includes any variation of the phrase "no party preference" or "decline to state" or the word "independent," shall file, by December 1, 2019, a change of name notice with the Secretary of State that complies with the requirements in subdivision (a) of Section 5001.

(2) If the change of name is approved by the Secretary of State, the Secretary of State shall update, by January 1, 2020, any form, list, notice, ballot, publication, or database containing the names of qualified parties. A registration made on a form containing the prior name of the party shall continue to be accepted and a party preference expression made for the party using the prior name remains valid for the purposes of this division until rescinded by the voter.

(3) If the party fails to submit an appropriate change of name notice, the Secretary of State shall disqualify the party on January 1, 2020. Upon disqualification, the Secretary of State shall immediately remove the name of the party from any form, list, notice, ballot, publication, or database containing the names of qualified parties. Any voter registered to the party shall be reclassified as a no party preference voter until the voter provides another preference.

(c) The Secretary of State shall notify each voter registered to a party described in this section as follows:

(1) If the party lawfully changes its name as provided in this section, a notice shall be sent informing the voter of the party's new name and that the voter shall continue to be registered to the party, but under the new name.

(2) If the party does not lawfully change its name as provided in this section, a notice shall be sent informing the voter that the party has lost its qualification under the Elections Code and that the voter may select a new party preference, but if the voter fails to do so, the voter shall be considered a no party preference voter.

Amendment 3

On page 1, strike out lines 1 to 4, inclusive, and strike out pages 2 and 3

LEGISLATIVE COUNSEL'S DIGEST

SB 696, as amended, Umberg. ~~Elections: polling places.~~ Elections: political parties.

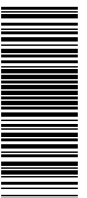
Under existing law, a group of electors may qualify a new political party by holding a caucus or convention at which temporary party officers are elected, by designating a party name, and by filing notice with the Secretary of State that the party has organized, elected temporary officers, and has declared its intent to qualify in a primary election. Existing law prohibits the name of a new party from being so similar to the name of an existing party so as to mislead the voters or from conflicting with the name of an existing political body that has previously filed notice with the Secretary of State.

This bill would prohibit the name of a party from including the phrase “no party preference” or “decline to state” or the word “independent” or a variation of that word or those phrases. The bill would require a party that is qualified on the effective date of the bill, but whose name includes a variation of the phrase “no party preference” or “decline to state” or the word “independent,” to file a change of name notice with the Secretary of State by December 1, 2019. The Secretary of State would be required to disqualify, by January 1, 2020, any party that fails to so submit an appropriate change of name notice. The Secretary of State would be required to send related notices, as provided.

~~Existing law requires elections officials to provide each polling place with specified materials, including not fewer than 6 nor more than 12 instruction cards to guide voters in obtaining and marking their ballots.~~

~~This bill would eliminate the maximum limit of 12 instruction cards.~~

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



[AMENDED IN...]

SENATE BILL

No. 696

Introduced by Senator Umberg

[Date introduced]

[Title will go here]

LEGISLATIVE COUNSEL'S DIGEST

SB 696, as amended, Umberg. ~~Elections: polling places.~~
Elections: political parties.

[Text of Legislative Counsel's Digest will go here]

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

THIS PAGE IS A MOCKUP OF THE MEASURE AS IT WILL BE PUBLISHED

PROPOSED AMENDMENTS TO SENATE BILL NO. 696

AMENDED IN SENATE MARCH 27, 2019

SENATE BILL

No. 696

Introduced by Senator Umberg

February 22, 2019



RN1917785

~~An act to amend Section 14105 of the Elections Code, relating to elections.~~ *An act to amend Section 5001 of, and to add Section 5201 to, the Elections Code, relating to elections.*

Amendment 1

LEGISLATIVE COUNSEL'S DIGEST

SB 696, as amended, Umberg. ~~Elections: polling places.~~ *Elections: political parties.*

Under existing law, a group of electors may qualify a new political party by holding a caucus or convention at which temporary party officers are elected, by designating a party name, and by filing notice with the Secretary of State that the party has organized, elected temporary officers, and has declared its intent to qualify in a primary election. Existing law prohibits the name of a new party from being so similar to the name of an existing party so as to mislead the voters or from conflicting with the name of an existing political body that has previously filed notice with the Secretary of State.

This bill would prohibit the name of a party from including the phrase "no party preference" or "decline to state" or the word "independent" or a variation of that word or those phrases. The bill would require a party that is qualified on the effective date of the bill, but whose name includes a variation of the phrase "no party preference" or "decline to state" or the word "independent," to file a change of name notice with the Secretary of State by December 1, 2019. The Secretary of State would be required to disqualify, by January 1, 2020, any party that fails

to so submit an appropriate change of name notice. The Secretary of State would be required to send related notices, as provided.

~~Existing law requires elections officials to provide each polling place with specified materials, including not fewer than 6 nor more than 12 instruction cards to guide voters in obtaining and marking their ballots.~~

~~This bill would eliminate the maximum limit of 12 instruction cards.~~

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

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

+ SECTION 1. (a) *The Legislature finds and declares all of the following:*

+ (1) *When a qualified political party's name includes the phrase "no party preference" or "decline to state" or the word "independent" it inherently misleads voters and creates voter confusion for voters who wish to not register with any political party and stay independent of political parties.*

+ (2) *The state has a compelling interest to avoid voter confusion in the electoral process.*

+ (3) *Voter education is ineffective in remedying this voter confusion and thus it is necessary for the Legislature to restrict the use of the phrase "no party preference" or "decline to state" or the word "independent" in the name of qualified political parties.*

+ (b) *It is the intent of the Legislature that this act be interpreted in a manner to reduce the burden on parties and voters to the maximum extent possible, without compromising this act's goal of eliminating voter confusion.*

+ SEC. 2. *Section 5001 of the Elections Code is amended to read:*

+ 5001. *Whenever a group of electors desires to qualify a new political party meeting the requirements of Section 5100 or 5151, that group shall form a political body by:*

+ (a) *Holding a caucus or convention at which temporary officers shall be elected and a party name designated. The designated name shall not be so similar to the name of an existing party so as to mislead the voters, shall not include the phrase "no party preference" or "decline to state" or the word "independent" or any variation of that word or those phrases, and shall not conflict*

Amendment 2

- + with that of any existing party or political body that has previously
- + filed notice pursuant to subdivision (b).
- + (b) Filing formal notice with the Secretary of State that the
- + political body has organized, elected temporary officers, and
- + declared an intent to qualify a political party pursuant to either
- + Section 5100 or 5151, but not both. The notice shall include the
- + names and addresses of the temporary officers of the political
- + body.
- + *SEC. 3. Section 5201 is added to the Elections Code, to read:*
- + *5201. (a) (1) The Secretary of State shall notify any party that*
- + *is qualified under this division on the effective date of the act*
- + *adding this section, but whose name includes any variation of the*
- + *phrase “no party preference” or “decline to state” or the word*
- + *“independent,” that the party is legally required to change its*
- + *name.*
- + *(2) The Secretary of State shall notify each voter registered to*
- + *a party described in paragraph (1) that the voter is registered to*
- + *a party whose name includes a word or phrase in violation of*
- + *Section 5001 and informing the voter of the process described in*
- + *this section for the party’s name change.*
- + *(b) (1) A party that is qualified under this division on the*
- + *effective date of the act adding this section, but whose name*
- + *includes any variation of the phrase “no party preference” or*
- + *“decline to state” or the word “independent,” shall file, by*
- + *December 1, 2019, a change of name notice with the Secretary of*
- + *State that complies with the requirements in subdivision (a) of*
- + *Section 5001.*
- + *(2) If the change of name is approved by the Secretary of State,*
- + *the Secretary of State shall update, by January 1, 2020, any form,*
- + *list, notice, ballot, publication, or database containing the names*
- + *of qualified parties. A registration made on a form containing the*
- + *prior name of the party shall continue to be accepted and a party*
- + *preference expression made for the party using the prior name*
- + *remains valid for the purposes of this division until rescinded by*
- + *the voter.*
- + *(3) If the party fails to submit an appropriate change of name*
- + *notice, the Secretary of State shall disqualify the party on January*
- + *1, 2020. Upon disqualification, the Secretary of State shall*
- + *immediately remove the name of the party from any form, list,*
- + *notice, ballot, publication, or database containing the names of*

+ *qualified parties. Any voter registered to the party shall be reclassified as a no party preference voter until the voter provides another preference.*

+ *(c) The Secretary of State shall notify each voter registered to a party described in this section as follows:*

+ *(1) If the party lawfully changes its name as provided in this section, a notice shall be sent informing the voter of the party's new name and that the voter shall continue to be registered to the party, but under the new name.*

+ *(2) If the party does not lawfully change its name as provided in this section, a notice shall be sent informing the voter that the party has lost its qualification under the Elections Code and that the voter may select a new party preference, but if the voter fails to do so, the voter shall be considered a no party preference voter.*

Page 1 1 ~~SECTION 1. Section 14105 of the Elections Code is amended to read:~~

Amendment 3

2
3 ~~14105. The elections official shall furnish to each polling place all of the following:~~

Page 2 1 ~~(a) At least one accessible copy of the voter list.~~

2 ~~(b) Necessary printed blanks for the roster, tally sheets, voter list, declarations, and returns.~~

3 ~~(c) At least six instruction cards for the guidance of voters in obtaining and marking their ballots. On each card shall be printed necessary instructions and the provisions of Sections 14225, 14279, 14280, 14287, 14291, 14295, 15271, 15272, 15273, 15276, 15277, 15278, 18370, 18380, 18403, 18563, and 18569.~~

10 ~~(d) A digest of the election laws with any further instructions the county elections official may desire to make.~~

12 ~~(e) An American flag of sufficient size to adequately assist the voter in identifying the polling place. The flag is to be erected at or near the polling place.~~

15 ~~(f) A ballot container, properly marked on the outside indicating its contents. If it is necessary to supply additional ballot containers, these additional containers shall also be marked on the outside indicating their contents.~~

19 ~~(g) At least one copy of the certified write-in list, if applicable.~~

20 ~~(h) A sufficient number of cards containing the telephone number of the office to which a voter may call to obtain information about the voter's polling place. The card shall state that the voter may call collect during polling hours.~~

Page 2 24 ~~(i) An identifying badge or insignia for each member of the~~
25 ~~precinct board. The member shall print their name on the badge~~
26 ~~or insignia, and shall wear the badge or insignia at all times in the~~
27 ~~performance of duties, so as to be readily identified as a member~~
28 ~~of the precinct board by all persons entering the polling place.~~
30 ~~(j) Facsimile copies of the ballot containing ballot measures and~~
31 ~~ballot instructions printed in Spanish or other languages as provided~~
32 ~~in Section 14201.~~
33 ~~(k) Sufficient copies of the notices to be posted on the voter list~~
34 ~~used at the polls. The notice shall read as follows: "This voter list~~
35 ~~shall not be marked in any manner except by a member of the~~
36 ~~precinct board acting pursuant to Section 14297. Any person who~~
37 ~~removes, tears, marks, or otherwise defaces this voter list with the~~
38 ~~intent to falsify or prevent others from readily ascertaining the~~
39 ~~name, address, or political affiliation of any voter, or the fact that~~
40 ~~a voter has or has not voted, is guilty of a misdemeanor."~~

Page 3 1 ~~(l) A roster in the form prescribed in Section 14107.~~
3 ~~(m) Printed copies of the Voter Bill of Rights, as supplied by~~
4 ~~the Secretary of State. The Voter Bill of Rights shall be~~
5 ~~conspicuously posted both inside and outside every polling place.~~
6 ~~(n) For a partisan primary election, printed copies of the posters~~
7 ~~or other materials described in Section 14105.2. The posters or~~
8 ~~other materials shall be conspicuously posted both inside and~~
9 ~~outside every polling place.~~