
[Home](#)

Coordinating Committee on-line vote minutes April 23-29, Green Party Elections Code

Subject/Title: Green Party Elections Code

Sponsor: Mike Feinstein

Background and Purpose: The CC has placed a placeholder on the upcoming GA agenda to give the GA the chance to amend its draft Elections Code into a format that can pass the legislature this year. This agenda item is to give the CC the chance to approve text for that placeholder item in time.

An initial proposal to do this was placed before the CC for Discussion Monday, April 9 through Sunday, April 15, voting Monday April 16 through Sunday, April 22. However, attempts to reach the Secretary of State's office on a key aspect of the draft Code were only successful in a preliminary way on Friday, April 13, necessitating further clarification during the ensuing week before a draft revision can be completed.

In addition, a memo from Michael Wagaman (Speakers Office of Member Services, California State Assembly" was received on April 9 and raised a variety of issues that need fine tuning in revised language that could not be completed within the initial week of discussion during which a draft text should be presented to the CC for a week of voting.

For these reasons, this proposal effectively withdraws the proposal dated April 9 and sets a new one in place beginning April 16.

Proposal: That the Coordinating Committee approve the following draft revision below to place before the General Assembly.

Implementation/Timeline/Resources: Discussion Monday, April 9 through Sunday, April 22, voting Monday April 23 through Sunday, April 29

SPONSOR: Coordinating Committee

PRESENTERS: Mike Feinstein, Warner Bloomberg (on history of earlier Elections Code efforts)

SUBJECT: Amendments to draft GPCA Elections Code

EXECUTIVE SUMMARY: This is a proposal to update the GPCA's draft Elections Code (approved internally in 2006, but never enacted by the legislature), in order to enable some form to be enacted by the state legislature this year, and to seek sponsors for other portions to be enacted later. The proposal begins with a historical background, then explains the present opportunity the GPCA has to get a draft Elections Code passed this year and the specific changes recommended to the 2006 draft to facilitate it.

BACKGROUND AND PURPOSE: When a political party qualifies for the ballot in California, by state law it must choose to operate under the Elections Code of another ballot qualified party, until it can get its own passed by the legislature. The Code primarily addresses two topics: Presidential Primaries and Party structure.

When the Green Party of California (GPCA) qualified for the ballot in January 1992, it chose the elections code of the Peace & Freedom Party. At the same time it also won the right in the courts to have None of the Above (NOTA) in its party primaries, along with a few other electoral reforms that sought to embody Green values in the electoral process and the party's structure (<http://www.cagreens.org/history/election-rules-1992-1995>). However the GPCA lost NOTA upon appeal in 1995 in Green Party v. Jones (<http://www.cagreens.org/history/nota/gpca-v-jones>).

The GPCA's desire for its rules to reflect its core party values continues remains to this day Elections Code. However, there are a series of political and financial realities that will likely not permit the GPCA to get all of what it wants passed at the same time. Instead only the more perfunctory changes are likely to be passed in 2012, through work through the Elections Committees in the Assembly and Senate. Other more substantial policy changes that could apply to other parties will probably take longer and require different sponsors.

The GPCA's 2006 draft Elections Code came out of a multi-year internal process that started in 1999 and continued to 2006 (<http://www.cagreens.org/elections-code>), after which the GPCA General Assembly approved a draft Elections Code to be submitted to the California Legislature. However, the GPCA never found a sponsor for the bill. Then in January 2012 discussions with staff from the State Assembly Elections Committee and Speaker's Office of Member Services indicated their willingness to find a sponsor. As has also been confirmed by individuals associated with the legislature and the Secretary of State's office, that owing to the negative effects of Proposition 14 upon the state's smaller ballot qualified parties, there is a sentiment this year to consider legislation that might help them, but that same sentiment might not exist next year and thereafter. With this in mind the Coordinating Committee authorized a negotiations process with said staff to develop a version of the GPCA Elections Code that could pass this year and to return to the General Assembly for authorization.

As part of that process, the Assembly staff offered to provide initial review of the 2006 draft and made a series of suggestions along technical, fiscal and policy lines, with the underlying caveat that a bill that sought few policy changes and had little fiscal impact would have a greater chance of getting passing the legislature and being signed by the Governor this year. Institutionally, there is a dividing line between what would be able to be passed by relying upon the Elections committees in both houses, compared to what could be passed by one of the individual members of either house. Bills that rely upon the Elections Committee must be non-controversial -- for example, when making changes to bring parts of the elections code in alignment with other changes in state law. Hence a Green Party section of the code would pass via this route easily that differs little from what is in the code of other parties, and might only contain non-controversial changes (like referencing the GPCA's bylaws rather than specifying that certain text be in the code).

By contrast, a Green Party section that contains many substantial policy changes could simply not be introduced via the Elections Committees, and would have to rely upon an new, as-of-yet unidentified sponsor that might be willing to carry such changes (such as None-of-the-Above.)

Therefore, this proposal would authorize the Coordinating Committee to pursue a multi-level strategy, of (1) getting something passed this summer so that the Green Party finally has its own code section, and then (2) pursuing the other more controversial parts separately by seeking to find sponsors for them and/or seeking to amend other existing legislation sponsored by others.

With this in mind, this provides the General Assembly with an opportunity to approve a revision of the GPCA's 2006 draft that retains as many aspects that the GPCA values, and still have a chance at passing the legislature and being signed this year, as well as identifying those additional changes that will likely need further work. Specifically a summary of the changes:

Primary changes to the Peace & Freedom text regarding Presidential Primaries, present in GPCA's 2006 draft

- 1) (6960.5) The process for designating delegates to the Green Party national presidential convention would not be placed in the Elections Code (as it is for Peace & Freedom). Instead the Code would reference GPCA's Bylaws and Rules and Procedures as the source. This would give the GPCA greater future freedom to make amendments without having to return to the legislature.
- 2) (6964) The process for candidates appearing on the GPCA's presidential primary ballot contains a new provision that mandates that, if the GPCA decides that someone's name should go on the presidential primary ballot, the Secretary of State shall place that name on the ballot. Under the current Peace & Freedom code, the voice of the party is advisory only and it leaves the choice solely up to the discretion of the Secretary of State.
- 3) (6964.4, 6964.5) Adds the use None-of-the-above for its Presidential Primary

Primary changes to the Peace & Freedom text regarding Party structure, present in GPCA's 2006 draft

- 4) (7901) Use 'County Council' instead of 'County Central Committee.'
- 5) (7929) Powers to appoint County Councils in some circumstances that are assigned to the State Central Committee in the Peace and Freedom Party are assigned to the Coordinating Committee within the GPCA.
- 6) (7918) Use this text "Notwithstanding any other provision of this code, a person may obtain and circulate nomination papers both for nomination to a public office and for election as a member of a county council." instead of this Peace and Freedom Party text "Each person

receiving a Peace and Freedom Party nomination for any partisan public office at the preceding direct primary election or at any special election subsequent thereto shall be declared elected as a member of central committees. Any members elected pursuant to this section shall be in addition to the number a county is entitled to elect pursuant to Section 7752."

In its text, the GPCA would make it clear one can run for both types of office at the same time, but not that necessarily running for public office automatically elections someone to the County Council.

7) (7923) Add the use None-of-the-above for County Council.

Note about None-of-the-Above: Discussions with the Secretary of State's Voting Systems staff reveals that almost all - or all - counties in the state already have a NOTA option in their voting software. That software has an on/off switch to allow the use of NOTA, meaning it could be activated for this use. The widespread existence of this option is in the process of being confirmed by the Voting Systems staff. In addition it appears from that staff that the software in question is also already programmed in almost all cases for NOTA to be the last choice following the candidates (as requested by the GPCA) and if there are a few exceptions to this, there are other easy fixes to ensure that NOTA can be listed last.

With this knowledge in hand, the GPCA's request to use NOTA should not entail prohibitive fiscal and implementation issues, although there would need to be work done by the county clerks statewide before the legislature would be comfortable with its feasibility. However, on the policy side, this will be a potentially controversial issue and hence disqualifies it from being carried in 2012 via the Elections committees route. The legislature must consider the implications in approving this for the Green Party, which would make it available to all ballot qualified parties, and hence must solicit input from those parties. Therefore finding a separate sponsor in either the Assembly or the Senate will be necessary for this legislation to move forward. State legislative staff has indicated their willingness to locate a sponsor for this legislation.

From a policy standpoint, the GPCA can argue that the option to use NOTA is an important and necessary tool in the democracy toolbox that should be available to all parties to chose . In this respect, it would be similar to the pre-Proposition 14 option where parties could chose to allow decline-to-state voters to vote in their party primaries. Both are acceptable tools in the democracy toolbox from which different parties may choose, depending upon their approach to democracy, but are not mandated for all.

As for the policy argument for the existence of NOTA itself, the GPCA can argue that (especially within the single seat, winner-take-all voting system practiced in California in state and federal races) NOTA gives voters a greater opportunity to express their preferences if they do not feel represented by the choices before them; and specifically that recording a NOTA vote is preferable to the same voter staying home or leaving a blank ballot for that race. Hence, this would give a greater sense of where the electorate is at, which can only improve democracy.

Additional Changes to GPCA's 2006 draft in Response to Legislative Staff memo of April 9 and phone conversation of April 17:

8) (7911) Clarify that the sub-county districts for County Council elections would be from a menu of Congressional, State Assembly, State Senate or Supervisorial districts, to address the request the concern that if there were boundaries that did not conform to existing legislative boundaries, that could lead to additional cost on the part of the state, and be refused by the legislature.

9) (7930) Provide language to clarify that the Coordinating Committee will communicate to the Secretary of State, the identify of the GPCA Liaison to the Secretary of State, to address the concern that it may not be clear to the Secretary of State who it should speak to.

10) Delete language from the GPCA's 2006 draft mandating certificates of election be awarded to elected county council (central committee) members. This would conform with AB1200 (February 2012), which eliminated such certificates for all parties.

11) Delete text (6964) which would've given the GPCA the ability to mandate names upon its presidential primary ballot. The GPCA has been advised that this requirement would not be accepted by the legislature, because it imposes no limits upon the number of candidates the GPCA could chose to designate be placed upon the ballot. Unless/until an alternative approach can be negotiated with the Secretary of State, this approach is being eliminated from the proposed new draft.

12) Delete text relating to the use of Ranked Choice Voting and Limited Voting, to address the following concerns:

12a) The GPCA has been advised that legislature will not approve language in the Elections Code that is dependent upon the speculative future approval of voting equipment to use alternative voting systems.

12b) Currently only two out of California's 58 counties have voting equipment that runs ranked choice voting. With the costs involved in tight budget times, it's unlikely that widespread changes to ranked choice voting are on the near horizon. At the same time, statewide elections using ranked choice voting (instant run-off voting) are not possible under the current county-by-county system, as the algorithm to transfer the votes has to apply to a single voting pool, not county-by-county, because of the nature of the transfers of voters' preferences. The same would apply to multi-county legislative districts. Hence significant practical issues must be resolved before ranked choice voting will be used beyond the city or county level. Therefore it would be difficult for the GPCA to argue that use of this equipment is pending or can even be anticipated in the near term.

13) Delete text that would require that uncontested County Council elections to be on the ballot and their votes be counted, in response to a law already passed by the state legislature that mandated the opposite, i.e. that only contested elections would go on the ballot. It is highly unlikely the legislature would now make an exception now for the Green Party, especially when it would involve more cost.

Additional Changes to the GPCAs 2006 to preserve flexibility by placing certain processes within the GPCA bylaws and referencing them in the Elections Code, rather than having to return to the legislature each time the party wanted to amend its procedure.

14) (7903) The manner in which the number of seats per County Council district would be determined is placed in the GPCA Bylaws, except a minimum and maximum would be placed in the code to guarantee that the GPCA could not decide to place a large, unreasonable number of seats on the ballot. Additionally a date by which this information would need to be communicated to the Secretary of State would be established, and this text is left blank on that date, with the request that the Secretary of State's office make a recommendation.

15) (7908) The manner in which an elected County Council member could be removed for cause would be placed in the GPCA bylaws.

Additional Changes to GPCA's 2006 draft in Response to Proposition 14, AB1200 and SB1272:

Note: at the time of this writing, the GPCA has submitted the following two changes to the sponsor of SB1272 (Kehoe, R-SD), a bill that would amend the state elections code for how county council elections are conducted for all parties. The author's staff has indicated a willingness to consider these changes, and they will specifically be considered when the bill goes before the Assembly Elections Committee in June. An oral report on the amendments' prospects will be presented when this overall proposal is heard at the San Francisco General Assembly.

16) (7917) Expand the period for nomination signature gathering for County Council to begin at the same time as candidates seeking partisan state and federal office.

In lieu of deleting the requirement that uncontested County Council races be placed upon the ballot, this alternative approach is put forth by the GPCA that would enable more Greens to qualify for the ballot in the first place. This approach originally was authorized by the Coordinating Committee in response to a draft of AB1200 that would have eliminated write-in candidacies for County Council in certain circumstances, with the idea that if the safety valve of the write-in candidacy was taken away at the back end, then more time to qualify on the front end should be provided.

One of the efficiencies of beginning the signature gathering at the same time as candidates for state and federal office is it also allows people who are gathering signatures for higher office to gather signatures for county council and vice-versa, creating a synergy of effort and organization.

Starting earlier also addresses the different way in which the existing law disproportionately affects the smaller parties compared to the larger parties, in that in many places members of California's smaller parties are often few and far between, and there are not often widely attended, in-person meetings where large numbers of party members are available to sign petitions. Together with the constraints of 9-5 work days and the cost of obtaining voter lists, the challenge to qualify within the given time frame is arguably more difficult for members of the smaller parties (except perhaps small self-perpetuating groups of party insiders, and clearly the effect of the design of elections should not be just to perpetuate such groups.)

By contrast, simply extending the signature gathering period would go a long way towards addressing the issues that face smaller parties. This extension would not make much of a relative difference for the larger parties, as they already have a lot of participation. But it would meaningfully aid participation in the smaller parties. That would be good for democracy and present a relatively simple way of doing it by taking incorporating existing deadlines where elections staff is already doing similar work.

In terms of cost, in the few instances where this expanded signature gathering period would result in an additionally contested race, this change is relatively minimal in the scheme of things and certainly pales in comparison to the funds already saved by eliminating central committee elections entirely in non-presidential years. Therefore the Green Party believes whatever minimal additional costs may be involved

with the expanded signature gathering period are justified by redressing the disproportionate impact the existing timing has on the smaller parties. The GPCA also believes this is an option that could be open to all parties, rather than something being mandated for them.

Please note that the existing deadlines in 7912 (E-115) and 7913 (E-125) would need to be changed to reflect the earlier starting date in 7917 and the GPCA requests that what would be the appropriate new deadlines for 7912 and 7913 be reviewed by the appropriate elections officials.

17) (7915) Amend the eligibility deadline to qualify to run for County Council to being a party member 90 days before the beginning of the filing period. Under current state law, one has to be either a Green or Decline to State a year before the filing date for County Council (meaning February 2011 to be Green or Decline to State to take out papers in February 2012, to run for a seat in the June 2012 elections.) Then once one is Green or Decline to State, one must be Green by three months before the filing date.

This 'one year in advance' requirement is the most stringent in the United States, and was put into law in the 1960s to apply to partisan state and federal office, but then at some point got carried over for use in central committee elections as well, without there being the same nexus for them. However, with the passage of Proposition 14, there are no longer any in-advance party registration requirements for state and federal office. So now this extreme criteria only applies to central committee elections, without any rationale. In response to this change in Proposition 14 (and also to the change originally proposed to AB1200 to eliminate certain kinds of county council write-in options), the GPCA state Coordinating Committee originally authorized a position in February 2012 that it would be sufficient to change this criteria to simply require one to be a member of the Green Party 90 days in advance, regardless of one's previous affiliation in the year before that. That same position has now been carried forward in response to SB1272.

PROPOSAL: That the GPCA's 2006 draft Elections Code be amended as below in three parts, with the understanding that state legislative staff and the state Legislative Analyst will likely suggest phrasing and numbering changes, even while not changing meaning and/or intent:

Part One (for submission this year through the State Assembly Elections Committee)

Part Two (for submission this year through SB1272)

Part Three (for submission once a sponsor can be found)

Part One

DRAFT GPCA ELECTIONS CODE SECTIONS

April 2012 Revision 4

DIVISION 6. PRESIDENTIAL ELECTIONS

PART 1. PARTISAN PRESIDENTIAL PRIMARIES

CHAPTER 5. GREEN PARTY PRESIDENTIAL PRIMARY

Article 1 General Provisions

Article 2. Qualification of Candidates for Presidential Preference Portion of Primary Ballot

Article 4. Preparation, Circulation, and Filing of Nominating Papers

Article 5. Green Party Presidential Primary Ballot

Article 6. Certification of National Convention Delegates Election and Post election Proceedings

Article 7. Presidential Electors

DIVISION 7. POLITICAL PARTY ORGANIZATION AND CENTRAL COMMITTEE ELECTIONS

PART 6. GREEN PARTY OF CALIFORNIA

CHAPTER 1. GENERAL PROVISIONS

CHAPTER 2. MEMBERS OF COUNTY COUNCILS

CHAPTER 3. ELECTION OF COUNTY COUNCILS

CHAPTER 4. STATE COORDINATING COMMITTEE

DIVISION 6. PRESIDENTIAL ELECTIONS

PART 1. PARTISAN PRESIDENTIAL PRIMARIES

Chapter 5 (commencing with Section 6960) is added to Part 1 of Division 6 of the Elections Code, to read:

CHAPTER 5. GREEN PARTY PRESIDENTIAL PRIMARY

Article 1. General Provisions

6960 This chapter is applicable to the presidential primary ballot of the Green Party only. As used in this chapter, "Green Party" means the Green Party of California.

6960.5 The Green Party presidential primary ballot shall express the presidential preference of California voters who vote in the Green Party primary. National convention delegates shall be selected as provided for in the Bylaws and the Rules and Procedures of the Green Party and pursuant to the rules of the national political party with which the Green Party has affiliated.

6960.7 A filing fee shall not be required from any person to be voted for in any Green Party presidential primary.

Article 2. Qualification of Candidates for Presidential Preference Portion of Primary Ballot

6961 The Secretary of State shall place the name of a candidate upon the Green Party presidential preference ballot when the Secretary of State has determined that the candidate is generally advocated for or recognized throughout the United States or California as actively seeking the presidential nomination of the Green Party or the national political party with which the Green Party has affiliated.

6961.5 On or before the 150th day preceding a presidential primary election, the Secretary of State shall send a letter by first-class mail to the Green Party Liaison to the Secretary of State informing her or him that, while a response is not required, any information they wish to submit will be considered by the Secretary of State in the determination of candidates to be placed on the Green Party presidential preference primary ballot pursuant to Section 6961.

6962 On or before the 120th day preceding a presidential primary election, the Secretary of State shall publicly announce and distribute to the news media for publication a list of the candidates she or he intends to place on the ballot at the following presidential primary election. Following this announcement, the Secretary of State may add to her or his selection, but she or he may not delete any candidate whose name appears on the announced list. The Secretary of State shall mail a copy of the list and any subsequent additions thereto to the Green Party's Liaison to the Secretary of State.

6962.5 When the Secretary of State decides to place the name of a candidate on the ballot pursuant to Sections 6961 and 6962, the Secretary of State shall notify the candidate that her or his name will appear on the Green Party presidential preference primary ballot of this state.

6963 If a selected candidate or an unselected candidate files with the Secretary of State, no later than the 68th day before the presidential primary, an affidavit stating without qualification that she or he is not a candidate for the office of President of the United States at the forthcoming presidential primary election, the name of that candidate shall be omitted from the list of names certified by the Secretary of State to the elections official for the ballot and the name of that candidate shall not appear on the presidential preference portion of the primary ballot.

6963.5 Any unselected candidate desiring to have her or his name placed on the presidential preference primary ballot shall have nomination papers circulated on her or his behalf. In order to qualify the name of that candidate for placement on the presidential preference

primary ballot, the nomination papers of the candidate shall be signed by voters registered as affiliated with the Green Party equal in number to not less than 1 percent of the number of persons registered as members of the Green Party as reflected in the report of registration issued by the Secretary of State on the 135th day preceding the presidential primary election.

6964 Notwithstanding any other provision of law, if the Secretary of State receives a written communication from the Green Party Liaison to the Secretary of State stating that, by decision of the Green Party, certain individuals have been approved to appear on the ballot, those persons shall be placed on the Green Party presidential preference primary ballot.

Article 4. Preparation, Circulation, and Filing of Nominating Papers

6966 This article applies to the nomination of a Green Party candidate for the presidential primary ballot.

6966.5 Nomination papers properly prepared, circulated, signed, and verified shall be left for examination with the elections official of the county in which they are circulated, at least 74 days prior to the presidential primary.

6967 Each signer of a nomination paper for the presidential primary ballot may sign only one paper. The signer shall add his or her printed name and place of residence indicating city and giving the street and number, if any.

6967.5 Any nomination paper may be presented in sections. Each section shall contain the name of the presidential preference candidate. Each section shall bear the name of the county in which it is circulated. Only voters of the county registered as affiliated with the Green Party are competent to sign.

6968 Each section shall be prepared with the lines for signatures numbered, and shall have attached the declaration of the circulator who obtained signatures to it, stating, under penalty of perjury, that he or she is a voter registered as affiliated with the Green Party, that all the signatures to the attached section were made in his or her presence, and that to the best of his or her knowledge and belief each signature to the section is the genuine signature of the person whose name it purports to be. No other declaration is required to be made.

6968.5 A verified nomination paper is prima facie evidence that the signatures are genuine and that the persons signing it are voters registered as affiliated with the Green Party until it is otherwise proven by comparison of the signatures with the affidavits of registration in the office of the elections official.

6969 The nomination paper for a candidate for the presidential preference ballot shall be in substantially the following form:

SECTION OF NOMINATION PAPER SIGNED BY VOTER ON BEHALF OF PRESIDENTIAL PREFERENCE PRIMARY CANDIDATE

Section _____ Page _____

County of _____

Nomination paper of a presidential preference candidate for the Green Party presidential primary ballot.

State of California)

) ss.

County of _____)

SIGNER'S STATEMENT

I, the undersigned, am a voter of the County of _____, State of California, and am registered as affiliated with the Green Party. I hereby nominate _____ for the presidential primary ballot of the Green Party, to be voted for at the presidential primary to be held on the ____ day of _____ 20____. I have not signed the nomination paper of any other candidate for the same office.

Number Signature Printed Name Residence Street Address City

2.

3.

Etc.

CIRCULATOR'S DECLARATION

I, _____, affirm that I am a voter registered as affiliated with the Green Party in _____ County, that I secured signatures in the County of _____ to the nomination paper of a candidate in the presidential preference primary of the Green Party, that all the signatures on this section of the nomination paper numbered from 1 to _____, inclusive, were made in my presence, that the signatures were obtained between _____, 20__ and _____, 20__, and that to the best of my knowledge and belief each signature is the genuine signature of the person whose name it purports to be.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at _____, California, this ____ day of _____, 20__.

[Signed] _____

Circulator

[Printed Name] _____

6969.5 Prior to filing, the sections of a nomination paper for any candidate shall be numbered in order.

6970 Nomination papers, properly assembled, may be consolidated and fastened together by counties, but nomination papers signed by voters in different counties shall not be fastened together.

6970.5 The elections official shall examine all nomination papers left with him or her for examination and shall disregard and mark "not sufficient" the name of any voter of that county that does not appear in the same handwriting on an affidavit of registration in the office of the elections official. The elections official shall also disregard and mark "not sufficient" the name of any voter of the county who is not registered as affiliated with the Green Party.

6971 Within five days after any nomination papers are left with the elections official for examination, the elections official shall do both of the following:

(a) Examine and affix to them a certificate reciting that he or she has examined them and stating the number of names that have not been marked "not sufficient."

(b) Transmit the papers with the certificate of examination to the Secretary of State, who shall file the papers.

6971.5 The certificate of the elections official to nomination papers of a candidate shall be in substantially the following form:

CERTIFICATE OF ELECTIONS OFFICIAL TO NOMINATION PAPERS OF CANDIDATE OR GROUP OF CANDIDATES

To the Secretary of State:

I, County Elections Official of the County of _____, hereby certify that I have examined the nomination papers to which this certificate is attached, of the presidential candidate at the ensuing presidential primary, and that the number of names which have not marked "not sufficient" is _____. The candidate or group of candidates named in the nomination papers comprise the following (state names of candidates):

Etc. Etc. Etc.

Dated this ____ day of _____, 20__.

(SEAL) County Elections Official

By _____

Deputy

6972 Upon receipt of a sufficient number of signatures for the nomination of a candidate for the presidential preference primary ballot, the Secretary of State shall notify the candidate or his or her duly authorized representative of that fact.

Article 5. Green Party Presidential Primary Ballot

6973 Following the filing of nomination papers, the presidential preference primary candidates as well as the "None of the Above/No Other Choice" alternative shall be printed upon the ballot.

6973.5 For the presidential primary election, the format of the Green Party ballot shall be governed by Chapter 2 (commencing with Section 13100) of Division 13, with the following exceptions:

(a) The heading "Presidential or No Candidate Preference" shall be included.

(b) Selected and unselected presidential candidates and the "None of the Above/No Other Choice" alternative shall be listed below the heading specified in subdivision (a).

(c) The instruction to voters shall begin with the words "Vote for a candidate or 'None of the Above'" The instruction to voters shall also include the statement that "Delegates to the national convention will be selected after the primary election." See Article 3 of this Chapter for reference regarding instructions to the voters.

6974 Any person who believes his or her name may be used as a write-in candidate for President of the United States shall, not later than 21 days before the primary election, file an endorsement of his or her write-in candidacy with the Secretary of State, or no votes shall be counted for that write-in candidate.

Article 6. Certification of National Convention Delegates Election and Post election Proceedings

6975 The number of delegates to be selected following the presidential preference primary shall be the number established by the national political party with which the Green Party has affiliated.

6975.5 National convention delegates shall be selected as provided for in the Bylaws and Procedures of the Green Party and pursuant to the rules of the national political party with which the Green Party has affiliated.

6975.6 The Secretary of State shall, not later than the 30th day after the election, file in his or her office a statement of the canvassed returns for the Green Party presidential preferential primary, including votes for write-in candidates and the "None of the Above" alternative.

6975.7 SEC. 2. Notwithstanding Section 17610 of the Government Code, if the Commission of State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

Article 7. Presidential Electors

6975.8 In each year of the general election at which electors of President and Vice President of the United States are to be chosen, the Green Party of California also shall nominate as the candidates of its party as many electors of President and Vice President of the United States as the state is then entitled, 50 percent of whom shall be women and 50 percent men, unless an odd number of electors is to be chosen, in which case the difference between the number of women and men shall be not more than one. The Liaison to the Secretary of State of the Green Party of California shall certify the name of each elector nominated, and the elector's residence address to the Secretary of State.

DIVISION 7. POLITICAL PARTY ORGANIZATION AND CENTRAL COMMITTEE ELECTIONS

Part 6 (commencing with Section 7900) is added to Division 7 of the Elections Code, to read:

PART 6. GREEN PARTY OF CALIFORNIA

CHAPTER 1. GENERAL PROVISIONS

7900 This part applies to the organization, operations, and functions of the party known as the Green Party . As used in this part, "Green Party" means the Green Party of California.

CHAPTER 2. MEMBERS OF COUNTY COUNCILS

7901 At each direct primary election, members of central committees, which shall be termed "county councils," shall be elected in each county.

7902 For the purposes of this chapter, the registration figures used shall be those taken from the statement of voters and their political affiliations transmitted by the elections officials to the Secretary of State on the 135th day prior to the next direct primary election.

7903 The number of members of the county council to be elected in a county shall be a minimum of three and a maximum of fifty and the process in which each county's number shall be calculated shall be defined in the Green Party's bylaws and to be effective, shall be communicated to the Secretary of State by the Green Party Liaison to the Secretary of State no later than HOW MANY days prior to the next direct primary election.

7904 At its first meeting following the direct primary election and at subsequent meetings, a county council may appoint additional members to the county council to fill any vacancy.

7905 No person shall be appointed to membership on a county council who is registered with another party or registered as "Decline to State." Appointment of other persons who cannot register to vote shall be allowed under certain circumstances as described in state Green Party bylaws and any applicable county Green Party bylaws.

7906 The removal of residence by an elected or appointed member of a county council from the applicable county shall constitute automatic resignation from the county council.

7907 Any member of a county council who changes her or his voter registration to be no longer affiliated with the Green Party shall automatically be removed from office upon such registration.

7908 County Council members additionally may be removed for cause by procedures established in the Bylaws of the Green Party.

7909 Whenever any person is appointed to a county council, the county council shall file notices of the appointment with the county elections official and the Coordinating Committee of the Green Party of California within 30 days after it is made. The notices shall contain the name and address of the person appointed and shall indicate the date of the appointment.

7910 The Department of General Services shall permit any county council that desires to do so to hold meetings in a state building within the county, and a minimum of one meeting each month shall be without charge.

CHAPTER 3. ELECTION OF COUNTY COUNCILS

7911 Members of County Councils shall be elected from one or more multi-member districts. Multi-member districts shall conform to the county boundaries or recognized jurisdictional boundaries of Congressional, State Assembly, State Senate or Supervisorial districts within that county, in accordance with Green Party bylaws and Green Party county organization bylaws.

7912 The Secretary of State, no later than the 125th day before the direct primary election, shall compute the number of members of county councils to be elected in each county and shall mail a certificate to that effect to the elections official of each county and to the Liaison to the Secretary of State of the Green Party.

7913 The elections official, no later than the 115th day before the direct primary election, shall compute the number of members of county councils to be elected in each district if the election of the members is to be by district pursuant to this chapter.

7914 In each county, the name of each candidate for member of county councils shall appear on the ballot only if she or he is registered in the Green Party and has filed a nomination paper pursuant to Chapter 4 (commencing with Section 6700) of Division 6 signed in the candidate's behalf by Green Party voters of the county council election district in which she or he is a candidate.

7916 In counties where members of county councils are to be elected by district, a person seeking election as a member of a county council may seek election only in the district in which she or he resides.

7918 Notwithstanding any other provision of this code, a person may obtain and circulate nomination papers both for nomination to a public office and for election as a member of a county council.

7919 Notwithstanding any other provision of this code, the number of sponsors which shall be required of a person to be a candidate for member of a county council shall be either: (a) Not less than 20; or (b) Not less than 2 percent of the number of voters registered as affiliated with the Green Party in the county council election district -- whichever is less.

7920 Notwithstanding any other provision of this code, each sponsor is entitled to sponsor as many candidates as there are seats in the district. Candidate names listed on a single sponsor's certificate, and the signatures thereon shall be counted toward the sponsor requirement of each and every candidate whose name is listed on the certificate. However, in no case shall the number of candidates having their names on a sponsor's certificate exceed the number of members of a county council to be elected in the district.

7921 The elections official of each county shall include the office of member of county council and the candidates therefore in a place and manner similar to that for the office of county central committee of other political parties and the candidates therefore on the applicable official lists.

7922 The order of appearance of the names of the candidates for member of county council on the ballot shall be determined by a public drawing held at the time, place, and manner prescribed for determining the order of names of county central committee members pursuant to Chapter 2 (commencing with Section 13100) of Division 13.

7924 The office of member of county council shall be placed on the direct primary ballot under the heading "Party County Council" in the place and manner designated for the office of county central committee pursuant to Chapter 2 (commencing with Section 13100) of Division 13. The subheading printed under party central committees on the direct primary ballot shall be in substantially the following form: Member of Green Party County Council, ____ the _____ District or Member of the Green Party County Council, _____ County.

7925 Except as hereinafter otherwise provided, the votes cast for each candidate for member of county shall be included in the canvass and statement of results in a manner similar to the vote for each candidate for county central committees pursuant to Division 15 (commencing with Section 15000), and specifically:

(a) The final total of votes cast for each candidate for member of county council, including the name, address and ballot designation of each such candidate, and a specification as to which candidates were declared elected shall be certified to the Secretary of State forthwith upon completion of the official canvass. The county clerk shall simultaneously send one copy of this final certification to the Green Party Liaison to the Secretary of State.

(b) As soon as practicable after the direct primary election, the Secretary of State shall prepare a certified list by county of all elected Green Party members of county councils, including their addresses and primary election ballot designations. The Secretary of State shall send copies of the list to the registrar of voters in each county no later than 45 days following the direct primary election. This list shall be maintained for public inspection by said registrars of voters until a subsequent such list is received.

(c) The Secretary of State, no later than 45 days following the direct primary election, shall send a notice by mail to each of the elected members of county councils which shall inform that person that he or she has been elected as a member of the county council. The Secretary

of State shall send a copy of the certified list of all elected members of all county councils to the Green Party of California Liaison to the Secretary of State.

7926. Notwithstanding any other provision of this Code, no write-in candidate for member of county council shall be declared elected unless that candidate has received a number of first choice votes equal to or greater than 2 percent of the number of party members voting in the county council election district at the direct primary or 20 votes, whichever is less.

CHAPTER 4. STATE COORDINATING COMMITTEE

7926 The members of the state Coordinating Committee shall be elected as provided in the bylaws of the Green Party and shall have the responsibilities described in those bylaws.

7927 No person shall be a member of the state Coordinating Committee unless she or he is registered as a voter affiliated with the Green Party.

7928 The state Coordinating Committee shall hold meetings not less than once during each year.

7929 The state Coordinating Committee shall have the authority to certify, as provided by Green Party bylaws, county council members in the following counties:

(a) Counties in which no county council candidates qualified for the ballot in the preceding direct primary election;

(b) Counties in which all members of the county council have become disqualified from holding office.

County council members pursuant to this section shall meet the qualifications otherwise required for county council members. County council members confirmed under this section shall be reported by the state Coordinating Committee to the applicable county elections officials. County council members confirmed under this section shall have all the powers and privileges otherwise afforded to county councils.

7930 The state Coordinating Committee shall communicate in writing to the Secretary of State, the identify of the Green Party of California Liaison to the Secretary of State.

Part Two

CHAPTER 3. ELECTION OF COUNTY COUNCILS

7915 Notwithstanding any other provision of this code, a person shall be eligible under 7914 if they become a voter registered as affiliated with the Green Party no later than 90 days before the beginning of the filing period.

7917 Notwithstanding any other of this code, the period during which a person may obtain and circulate nomination papers shall begin at the same time as the period for gathering signatures in lieu of filing fee petitions (E-158) and end at the close of the nomination period for all candidates (E-88).

Part Three

CHAPTER 5. GREEN PARTY PRESIDENTIAL PRIMARY

Article 3. None of the Above/ No Other Choice Voting

6964.4 (A) Notwithstanding any other provision of law, in addition to the name or names of a candidate or candidates designated to appear on the ballot of the Green Party presidential primary election, there shall also be listed as an alternative voting selection either the statement "None of the Above" or "No Other Choice" (as delineated in the following section), which shall be placed as the last voting option following

the names of the other candidate or candidates. Every vote for "None of the Above/No Other Choice" shall be processed, tabulated, counted, and reported in the same manner as the votes for all other candidates who appear on the ballot.

(B) When determining the winner of the Presidential Primary for reporting purposes, the "None of the Above/No Other Choice" option shall be declared the winner only if it receives the majority of votes. Otherwise, the candidate with the majority or highest plurality shall be declared the winner.

6964.5 The following language shall be included in each Green Party voter's ballot and upon the applicable internet publication of the Secretary of State: You may vote for "None of the Above" in the Green Party presidential primary. Selecting the "None of the Above" alternative means that you choose not to vote for any of the listed candidates or any write-in candidate. By this selection you are indicating that you prefer there be no Green Party candidate for this office in the General Election.

CHAPTER 5A. GREEN PARTY DIRECT PRIMARY PROCEDURES (THIS CHAPTER TO BE PURSUED ONCE PROPOSITION 14 IS OVERTURNED AND DIRECT PRIMARIES FOR OFFICES OTHER THAN PRESIDENT ARE REINSTATED IN CALIFORNIA)

Article 1. General Provisions

6976 This chapter is applicable to the direct primary election ballots of the Green Party only. As used in this chapter, "Green Party" means the Green Party of California.

Article 2. None of the Above / No Other Choice Voting

6976.2 Notwithstanding any other provision of law, in addition to the name or names of a candidate or candidates designated to appear on the ballot of the Green Party primary election, there also shall be listed as an alternative voting selection either the statement "None of the Above" or "No Other Choice" (as delineated in the preceding section), which shall be placed as the last voting option following the names of the other candidate or candidates and places on the ballot for write-in candidates. Votes for "None of the Above/No Other Choice" shall be processed, tabulated, counted, and reported in the same manner as the votes for all other candidates who appear on the ballot.

The following language shall be included in each voter's ballot in the Green Party direct primary elections for U.S. Senate, U.S. Congress, statewide offices, state legislature offices, and State Board of Equalization offices, and shall also be placed on any applicable internet publication of the Secretary of State:

You may vote for "No Other Choice" in this primary. Selecting the "No Other Choice" alternative means that you choose not to vote for a candidate. By doing this, you are indicating that you prefer no candidate be placed on the General Election ballot.

6976.4 For the offices of U.S. Senate, U.S. House of Representatives, statewide offices, state legislature offices, and State Board of Equalization offices, and those offices only, if the alternative "None of the Above/No Other Choice" receives votes in a number more than one half of the total number of votes cast for that office, no Green Party candidate will be nominated to appear on the ballot in the General Election for the applicable office.

DIVISION 7. POLITICAL PARTY ORGANIZATION AND CENTRAL COMMITTEE ELECTIONS

Part 6 (commencing with Section 7900) is added to Division 7 of the Elections Code, to read:

PART 6. GREEN PARTY OF CALIFORNIA

CHAPTER 2. MEMBERS OF COUNTY COUNCILS

7923 Notwithstanding any other provision of law, in addition to the name or names of a candidate or candidates designated to appear on the ballot of the Green Party county council election, there also shall be listed as an alternative voting selection either the statement "None of the Above" or "No Other Choice" which shall be placed as the last voting option following the names of the other candidate or candidates and places on the ballot for write-in candidates. Votes for "None of the Above/No Other Choice" shall be processed, tabulated, counted, and reported in the same manner as the votes for all other candidates who appear on the ballot.

The following language shall be included in each voter's ballot in the Green Party direct primary elections for county council, and shall also be placed on any applicable internet publication of the Secretary of State:

You may vote for “No Other Choice”. Selecting the “No Other Choice” alternative means that you choose not to vote for a candidate.

Vote

YES (9): Ashley, Bernstein, Daniel, Everette, Feinstein, Laidman, Luther, Shantz, Sinott

NO (0):

ABSTAIN (0):

PROPOSAL APPROVED 9-0-0