

AMENDED IN ASSEMBLY JUNE 6, 2017

AMENDED IN SENATE MARCH 28, 2017

**SENATE BILL**

**No. 568**

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**Introduced by Senator Lara**

February 17, 2017

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An act to ~~amend~~ *amend, repeal, and add* Sections 316, 340, 1000, 1001, 1201, and 1202 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 568, as amended, Lara. Primary elections: election date.

*Existing law requires that the statewide direct primary be held on the first Tuesday after the first Monday in June in each even-numbered year. Existing law requires that the presidential primary be held on the first Tuesday after the first Monday in June in any year that is evenly divisible by the number 4, and requires that the presidential primary be consolidated with the statewide direct primary held in that year.*

*This bill ~~would~~ would, beginning in 2019, change the date of the statewide direct primary and the presidential primary to either (1) the 3rd Tuesday in March, or (2) a date selected by March and would continue the requirement that those elections be consolidated. However, in presidential election years, the bill would enable the Governor to select a date for the consolidated primary that is before the 3rd Tuesday in March, provided that (1) at least one state is scheduled to hold its primary before the date that the Governor selects and (2) the Governor issues a proclamation calling the election at least 240 days before the date the Governor selects: the date that he or she selects. The bill would also make conforming changes.*

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

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

1     *SECTION 1. Section 316 of the Elections Code is amended to*  
2 *read:*

3     316. (a) “Direct primary” is the primary election held on the  
4 first Tuesday after the first Monday in June in each even-numbered  
5 year, to nominate candidates to be voted for at the ensuing general  
6 election or to elect members of a party central committee.

7     (b) *This section shall remain in effect only until January 1, 2019,*  
8 *and as of that date is repealed.*

9     *SEC. 2. Section 316 is added to the Elections Code, to read:*

10     316. (a) “Direct primary” is the primary election held on the  
11 third Tuesday in March in each even-numbered year; or, as  
12 applicable in years evenly divisible by four, an earlier date selected  
13 by the Governor pursuant to subdivision (b) of Section 1202.

14     (b) *This section shall become operative January 1, 2019.*

15     *SEC. 3. Section 340 of the Elections Code is amended to read:*

16     340. (a) “Presidential primary” is the primary election that is  
17 held on the first Tuesday after the first Monday in June in any year  
18 that is evenly divisible by the number four, and at which  
19 delegations to national party conventions are to be chosen.

20     (b) *This section shall remain in effect only until January 1, 2019,*  
21 *and as of that date is repealed.*

22     *SEC. 4. Section 340 is added to the Elections Code, to read:*

23     340. (a) “Presidential primary” is the primary election that  
24 is held on the third Tuesday in March of any year that is evenly  
25 divisible by four or, as applicable, an earlier date selected by the  
26 Governor pursuant to subdivision (b) of Section 1202.

27     (b) *This section shall become operative January 1, 2019.*

28     *SEC. 5. Section 1000 of the Elections Code is amended to read:*

29     1000. The established election dates are as follows:

30     (a) The second Tuesday of April in each even-numbered year.

31     (b) The first Tuesday after the first Monday in March of each  
32 odd-numbered year.

33     (c) The first Tuesday after the first Monday in June in each year.

34     (d) The first Tuesday after the first Monday in November of  
35 each year.

36     (e) *This section shall remain in effect only until January 1, 2019,*  
37 *and as of that date is repealed.*

38     *SEC. 6. Section 1000 is added to the Elections Code, to read:*

1     1000. *The established election dates are as follows:*

2     (a) *The second Tuesday of April in each even-numbered year.*

3     (b) *The first Tuesday after the first Monday in March of each*  
4 *odd-numbered year.*

5     (c) *The first Tuesday after the first Monday in November of each*  
6 *year.*

7     (d) *The third Tuesday in March in each even-numbered year,*  
8 *or, as applicable in years evenly divisible by four, an earlier date*  
9 *selected by the Governor pursuant to subdivision (b) of Section*  
10 *1202.*

11     (e) *This section shall become operative January 1, 2019.*

12     SEC. 7. *Section 1001 of the Elections Code is amended to read:*

13     1001. (a) *Elections held in June and November of each*  
14 *even-numbered year are statewide elections and the dates of those*  
15 *elections are statewide election dates.*

16     (b) *This section shall remain in effect only until January 1, 2019,*  
17 *and as of that date is repealed.*

18     SEC. 8. *Section 1001 is added to the Elections Code, to read:*

19     1001. *The following are statewide elections and their dates*  
20 *are statewide election dates:*

21     (a) *An election held in November of an even-numbered year.*

22     (b) *An election held in March of an even-numbered year.*

23     (c) *An election held on a date set pursuant to subdivision (b) of*  
24 *Section 1202.*

25     (d) *This section shall become operative January 1, 2019.*

26     SEC. 9. *Section 1201 of the Elections Code is amended to read:*

27     1201. (a) *The statewide direct primary shall be held on the*  
28 *first Tuesday after the first Monday in June of each even-numbered*  
29 *year.*

30     (b) *This section shall remain in effect only until January 1, 2019,*  
31 *and as of that date is repealed.*

32     SEC. 10. *Section 1201 is added to the Elections Code, to read:*

33     1201. (a) *The statewide direct primary shall be held on the*  
34 *third Tuesday in March of each even-numbered year, or, as*  
35 *applicable in years evenly divisible by four, an earlier date selected*  
36 *by the Governor pursuant to subdivision (b) of Section 1202.*

37     (b) *This section shall become operative January 1, 2019.*

38     SEC. 11. *Section 1202 of the Elections Code is amended to*  
39 *read:*

1 1202. (a) The presidential primary shall be held on the first  
 2 Tuesday after the first Monday in June in any year that is evenly  
 3 divisible by the number four, and shall be consolidated with the  
 4 statewide direct primary held in that year.

5 (b) *This section shall remain in effect only until January 1, 2019,*  
 6 *and as of that date is repealed.*

7 SEC. 12. Section 1202 is added to the Elections Code, to read:

8 1202. (a) *The presidential primary shall be consolidated with*  
 9 *the statewide direct primary in any year that is evenly divisible by*  
 10 *four, and the consolidated primary shall be held on the third*  
 11 *Tuesday in March or an earlier date selected by the Governor*  
 12 *pursuant to subdivision (b).*

13 (b) *Notwithstanding subdivision (a), the Governor may schedule*  
 14 *the consolidated primary for a Tuesday that is before the third*  
 15 *Tuesday in March, provided that both of the following occur:*

16 (1) *At least one state is scheduled to hold its primary before the*  
 17 *date that the Governor selects.*

18 (2) *The Governor issues a proclamation calling the election for*  
 19 *the consolidated primary at least 240 days before the date that the*  
 20 *Governor selects.*

21 (c) *This section shall become operative January 1, 2019.*

22 SECTION 1. Section 316 of the Elections Code is amended to  
 23 read:

24 316. ~~“Direct primary” is the primary election held on either~~  
 25 ~~the first Tuesday after the first Monday in June in an~~  
 26 ~~even-numbered year that is not evenly divisible by the number~~  
 27 ~~four, or on a date described in Section 340 in a year that is evenly~~  
 28 ~~divisible by the number four, to nominate candidates to be voted~~  
 29 ~~for at the ensuing general election or to elect members of a party~~  
 30 ~~central committee.~~

31 SEC. 2. Section 340 of the Elections Code is amended to read:

32 340. ~~“Presidential primary” is the primary election that is held~~  
 33 ~~in any year that is evenly divisible by the number four, and at~~  
 34 ~~which delegations to national party conventions are to be chosen.~~  
 35 ~~The presidential primary shall be held on either of the following~~  
 36 ~~dates:~~

37 (a) ~~The third Tuesday in March.~~

38 (b) ~~A date selected by the Governor that is before the third~~  
 39 ~~Tuesday in March, provided that the Governor issues a~~

1 proclamation calling the election at least 240 days before the date  
2 the Governor selects:

3 ~~SEC. 3. Section 1000 of the Elections Code is amended to read:~~

4 ~~1000. The established election dates are as follows:~~

5 ~~(a) The second Tuesday of April in each even-numbered year.~~

6 ~~(b) The first Tuesday after the first Monday in March of each~~

7 ~~odd-numbered year.~~

8 ~~(c) The first Tuesday after the first Monday in June in each year.~~

9 ~~(d) The first Tuesday after the first Monday in November of~~

10 ~~each year.~~

11 ~~(e) In a year that is evenly divisible by the number four, either~~

12 ~~of the following dates:~~

13 ~~(1) The third Tuesday in March.~~

14 ~~(2) A date selected by the Governor that is before the third~~

15 ~~Tuesday in March, provided that the Governor issues a~~

16 ~~proclamation calling the election at least 240 days before the date~~

17 ~~the Governor selects.~~

18 ~~SEC. 4. Section 1001 of the Elections Code is amended to read:~~

19 ~~1001. The following are statewide elections and their dates are~~

20 ~~statewide election dates:~~

21 ~~(a) An election held in November of an even-numbered year.~~

22 ~~(b) An election held in June of an even-numbered year that is~~

23 ~~not evenly divisible by the number four.~~

24 ~~(c) An election held on a date set pursuant to Section 1202.~~

25 ~~SEC. 5. Section 1201 of the Elections Code is amended to read:~~

26 ~~1201. The statewide direct primary shall be held on either the~~

27 ~~first Tuesday after the first Monday in June of an even-numbered~~

28 ~~year that is not evenly divisible by the number four, or on a date~~

29 ~~set pursuant to Section 1202 in a year that is evenly divisible by~~

30 ~~the number four.~~

31 ~~SEC. 6. Section 1202 of the Elections Code is amended to read:~~

32 ~~1202. The presidential primary shall be consolidated with the~~

33 ~~statewide direct primary held in that year, and shall be held in any~~

34 ~~year that is evenly divisible by the number four on either of the~~

35 ~~following dates:~~

36 ~~(a) The third Tuesday in March.~~

37 ~~(b) A date selected by the Governor that is before the third~~

38 ~~Tuesday in March, provided that the Governor issues a~~

- 1 ~~proclamation calling the election at least 240 days before the date~~
- 2 ~~the Governor selects.~~

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