

Date of Hearing: May 19, 2021

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Lorena Gonzalez, Chair

AB 446 (Mayes) – As Amended May 4, 2021

Policy Committee: Elections

Vote: 6 - 0

Urgency: No

State Mandated Local Program: Yes

Reimbursable: Yes

SUMMARY:

This bill reduces the number of signatures needed on a petition to form a new political party from ten percent to three percent of the entire statewide vote at the last preceding gubernatorial election. Additionally, this bill:

- 1) Requires the SOS to notify the temporary officers of a political body, in writing, if the proposed party's name is rejected on the grounds that it is too similar to an existing party name. Allows a temporary officer of the rejected political party to request reconsideration from the SOS within 30 days of the notification.
- 2) Provides when a political body has not yet qualified as a political party, and is considered to have abandoned its attempt to qualify, the party name is eligible for use by a future political body with newly elected temporary officers, two years after the date on which the previous political body is considered to have abandoned its attempt.
- 3) Limits the situation in which previously filed voter registration affidavits can be counted for the purpose of the qualification of a political party by providing that a voter's registration will count toward a political body's qualification as a political party, only if the registration's declared affiliation with the political body is within two years prior to the date the political body filed notice it intended to qualify as a party.

FISCAL EFFECT:

- 1) Potential increased SOS costs associated with the delineated and time-limited appeals process, likely of less than \$250,000 annually. Costs of additional petitions to become a political party, due to the lower threshold for qualification are likely absorbable (General Fund).
- 2) This bill creates a reimbursable local state-mandate. Local costs are unknown, but likely significant (General Fund). Cost are not only due to the larger ballot necessary to accommodate more candidates representing additional political parties, but more significantly, the need to print variations of the ballot for party members in primaries and for additional central committee meetings. Costs would be even more if the new political parties allow cross over votes similar to what the Democratic Party allows for No Party Preference voters.

For every political party that qualifies, there is an additional one to two added variations of each ballot type, with the corresponding workload.

COMMENTS:

Background and Purpose. A political body may use one of two methods to qualify as a political party. The first method is the voter registration method. In order to qualify a new political party by the voter registration method, statute requires voters equal in number to at least 0.33% of the total number of registered voters (excluding voters whose party preference is recorded as “unknown”) to complete a voter registration affidavit declaring their preference for the political body intending to qualify as a political party by a specified deadline.

Any political body that sought to qualify via the voter registration method for the November 2020 presidential general election would have had to have 68,672 voters registered as disclosing a preference for that political body. While six political bodies filed paperwork in an attempt to qualify as political parties for the purposes of the November 2020 presidential general election, none of them qualified, and only one political body had more than 250 registrants (Common Sense Party, with 10,725 registrants).

While it is impossible to know until the 154th day before the 2022 statewide primary election the exact number of voters who must be registered as disclosing a preference for a political body in order for that political body to qualify as a political party for that primary election, based on the most recent statewide report of voter registration from the SOS, it appears likely that a political body seeking to qualify as a political party using the voter registration method will likely need between 70,000 and 75,000 voters to register as preferring that political body in order for the body to qualify as a political party for the 2022 statewide primary election, using this method.

The second method used to qualify as a new political party is by petition. In order to qualify as a new political party by petition, statute requires the SOS, no later than 135 days prior to the primary election or the presidential general election, to determine if a political body intending to qualify, collected petition signatures of registered voters equal to 10% of the votes cast at the last gubernatorial election.

A political body that sought to qualify via the petition method for the November 2020 presidential general election must have collected 1,271,255 valid petition signatures of registered voters.

This bill proposes to reduce the number of signatures a political body needs to qualify by the petition method to 3% of the votes cast at the last gubernatorial election.

For a political body seeking to qualify as a political party via the petition method for the 2022 statewide primary election, that mean the body will need 381,377 valid petition signatures, rather than the 1,271,255 valid signatures required under existing law.

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