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SB-714 Democratic Party: county central committees: appointment and election. (2021-2022)

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CALIFORNIA LEGISLATURE— 2021-2022 REGULAR SESSION

SENATE BILL**NO. 714**

Introduced by Senator Caballero
(Coauthors: Assembly Members Carrillo and Lorena Gonzalez)

February 19, 2021

An act to amend Section 7209 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 714, Caballero. Democratic Party: county central committees: appointment and election.

Existing law provides procedures for the election or appointment of members of county central committees of the Democratic Party. Existing law provides that a person is not eligible for appointment or election to a committee if the person is not registered as affiliated with the party at the time of the appointment or election. Existing law requires an elections official to attach a certificate to the declaration of candidacy for a person who seeks membership on a county central committee that certifies the person's eligibility for such membership.

This bill would instead provide that a person is not eligible for election to a county central committee if the person's affidavit of registration does not state a political party preference for the Democratic party. The bill would make a person who is not a United States citizen, but who would be able to register to vote if the person were a United States citizen, eligible for election to a county central committee if the person meets all other specified eligibility requirements, the committee's bylaws permit such a person to be elected to the committee, the committee notifies the county elections official that its bylaws permit such a person to be elected, and the committee provides the county elections official with a copy of the eligibility requirements specified in its bylaws. The bill would require a candidate to complete a declaration of eligibility, which the county elections official would

attach to the candidate’s declaration of candidacy in lieu of the certificate described above. By increasing the duties of local elections officials relative to determining the eligibility of candidates for county central committees, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 7209 of the Elections Code is amended to read:

7209. (a) A person is not eligible for election to a committee if the person’s affidavit of registration does not state a political party preference for this party at the time of the person’s election.

(b) Notwithstanding subdivision (a) or Section 8001, a person who is not a United States citizen, but who would be eligible to register to vote if the person were a United States citizen, is eligible for election to a committee if all of the following conditions are met:

(1) The bylaws of the committee permit a person who is not a United States citizen, but who would be eligible to register to vote if the person were a United States citizen, to serve as a member of the committee.

(2) The person meets all other eligibility requirements for election to the committee that are imposed by the bylaws of the committee or this code.

(3) The committee, not later than the 172nd day preceding the presidential primary election, does both of the following:

(A) Notifies the county elections official that its bylaws permit a person who is not a United States citizen, but who would be eligible to register to vote if the person were a United States citizen, to be elected to, and to serve as a member of, the committee.

(B) Provides the county elections official with a list of the eligibility requirements in its bylaws for a person to be elected to, and to serve on, the committee.

(4) At the time the person files a declaration of candidacy, the person also files a declaration of eligibility with the county elections official. The county elections official shall attach the list of eligibility requirements provided by the committee in accordance with subparagraph (B) of paragraph (3) to the blank declaration of eligibility. The declaration of eligibility shall be substantially as follows:

DECLARATION OF ELIGIBILITY

I hereby declare that I have filed a declaration of candidacy for nomination to the office of _____ to be voted for at the primary election to be held _____, 20__, and declare the following to be true:

My name is .

I have reviewed the attached list of eligibility requirements to be elected to, and to serve on, the county central committee, and I meet those requirements.

Dated this ____ day of _____, 20__

Signature of candidate

State of California)

County of) ss.

)

Subscribed and sworn to before me this _____ day of _____, 20_____.

Notary Public (or other official)

Examined and certified by me this _____ day of _____, 20_____.

County Elections Official

(c) (1) The county elections official shall accept a completed declaration of eligibility filed by a candidate pursuant to subdivision (b) as a certification that the person is eligible for election to the committee. This section shall not be construed to permit or require the elections official to verify independently whether a candidate who has filed a declaration of eligibility satisfies the eligibility requirements provided by the committee in accordance with subparagraph (B) of paragraph (3) of subdivision (b).

(2) In lieu of attaching a certificate to a candidate's declaration of candidacy in accordance with subdivision (b) of Section 8001, the elections official shall attach a candidate's completed declaration of eligibility to the candidate's completed declaration of candidacy, and shall preserve both documents in accordance with Section 17100.

SEC. 2. If the Commission on 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.