

SENATE THIRD READING
SB 288 (Wiener)
As Amended July 9, 2019
Majority vote

SUMMARY:

Allows a person who is not registered as a Democrat to be appointed to serve on a Democratic county central committee, if permitted by the bylaws of the committee.

Major Provisions

- 1) Provides that a person who is not registered to vote as a Democrat is eligible to be appointed to a county central committee if such an appointment is permitted by the bylaws of that committee, notwithstanding a separate provision of law that provides that a person is not eligible for appointment or election to a Democratic county central committee if the person is not registered as affiliated with the Democratic party at the time of his or her appointment or election.
- 2) Declares the intent of the Legislature to enact legislation to permit a person who is not a United States (US) citizen to be elected to and to serve as a member of a county central committee of the Democratic Party, if permitted by that committee.

COMMENTS:

According to information provided by the author's office, this bill came about in part after a person who is not a US citizen was appointed to the San Francisco Democratic Central Committee in January of this year. While the action of appointing that person to the county central committee appears to be prohibited by existing state law (since state law provides that a person is not eligible to be appointed to a county central committee of the Democratic Party of California if the person is not registered as affiliated with the Democratic Party at the time of the person's appointment, and a person must be a US citizen in order to register to vote), the bylaws of the San Francisco Democratic Central Committee permit a person who is ineligible to vote to serve on the committee if the person "has declared [their] intention to register as a Democrat upon becoming eligible to register as a voter." In light of relevant case law, it could be argued that a state law requiring a person to be registered to vote with the Democratic Party in order to be *appointed* to a Democratic county central committee is unconstitutional or otherwise unenforceable where the county central committee wishes to permit individuals who are not eligible to register to vote to serve on the committee.

State law also requires a person to be registered with the Democratic Party in order for that person to be eligible to be *elected* to a county central committee. While this requirement has the potential to interfere with the county central committee's determination of the structure which best allows it to pursue its political goals, having statutory eligibility requirements for being elected to a county central committee also serves a necessary purpose. Specifically, county central committees typically do not run their own elections to elect central committee members; instead, county central committees generally choose to have those elections conducted by county elections officials. That being the case, county elections officials need a mechanism to determine whether a candidate for an office that will appear on the ballot is eligible to be elected to that office.

According to the Author:

"Senate Bill 288 will ensure that DREAMers and other undocumented immigrants are able to serve in official positions with the California Democratic Party (CDP), including as county central committee members... While existing law does not explicitly require that CDP delegates and central committee members be U.S. citizens, it does specify that, in order to be elected or appointed to a position with the CDP, a person must already be registered or affiliated with the party (Elections Code §7209)... Since the affidavit must show the facts necessary to establish voter eligibility, including that the registrant is a U.S. citizen, it is impossible for an undocumented immigrant to register, and, by extension, serve as a...central committee member... SB 288 simply allows DREAMers and other undocumented immigrants to take on...leadership roles in the CDP."

Arguments in Support:

In support of a prior version of this bill, the California Immigrant Policy Center wrote, "SB 288 is essential for providing qualified immigrants with the opportunity to serve their communities and ensure that outdated, discriminatory laws are updated to reflect California's values of inclusivity...By granting all Californians the right to serve in... leadership roles in the California Democratic Party, we can promote civic engagement and directly strengthen our democratic institutions."

Arguments in Opposition:

In opposition to a prior version of this bill, Election Integrity Project California, Inc. wrote, "SB 288 opens the very inner workings of one of the two major political parties to access by non-citizens and even illegal aliens. This is the very definition of 'foreign intervention.' While many non-citizens live and work in our society, until they become citizens they are not permitted by either the California or U.S. Constitution to vote. A person who cannot vote certainly cannot be elected to office."

FISCAL COMMENTS:

None. This bill is keyed non-fiscal by the Legislative Counsel.

VOTES:**SENATE FLOOR: 38-0-0**

YES: Allen, Archuleta, Atkins, Bates, Beall, Borgeas, Bradford, Caballero, Chang, Dodd, Durazo, Galgiani, Glazer, Grove, Hertzberg, Hill, Hueso, Hurtado, Jackson, Jones, Leyva, McGuire, Mitchell, Monning, Moorlach, Morrell, Nielsen, Pan, Portantino, Roth, Rubio, Skinner, Stern, Stone, Umberg, Wieckowski, Wiener, Wilk

ASM RULES: 12-0-0

YES: Cooley, Cunningham, Carrillo, Flora, Grayson, Kamlager-Dove, Maienschein, Mathis, Quirk-Silva, Ramos, Robert Rivas, Wicks

ASM ELECTIONS AND REDISTRICTING: 4-0-3

YES: Berman, Calderon, Mullin, Weber

ABS, ABST OR NV: Gallagher, Low, Mayes

UPDATED:

VERSION: July 9, 2019

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FN: 0001242