

CONCURRENCE IN SENATE AMENDMENTS

AB 292 (Pellerin)

As Amended June 12, 2023

Majority vote

SUMMARY

Requires a nonpartisan ballot provided to a voter who has declined to disclose a political party preference (commonly referred to as a No Party Preference (NPP) voter) for use in voting during a presidential primary election to have specified information that advises how a voter may request and vote a partisan ballot (also known as a crossover ballot). Permits an NPP voter to send a text message to request the ballot of a political party that has authorized a NPP voter to vote in its partisan primary election, as specified.

Senate Amendments

Make minor and clarifying modifications to the notice that would be printed on a nonpartisan ballot provided to an NPP voter for use in voting during a presidential primary election that provides specified information regarding how a voter may request and vote a partisan ballot.

COMMENTS

Since January 1, 2001, California has had a "modified" closed primary system for presidential primaries that permits an NPP voter to participate in a party's primary election if authorized by the individual party's rules and duly noticed to the Secretary of State (SOS). If authorized by a party, NPP voters are allowed to vote for the office of US President for that party. This is commonly referred to as a "crossover" ballot. The SOS maintains a list of the history of the political parties who adopted a party rule permitting NPP voters to request a party ballot in recent primary elections for partisan offices on its website. For the March 3, 2020, presidential primary election and the June 7, 2016, presidential primary election the following parties allowed NPP voters to obtain a crossover ballot: American Independent Party, Democratic Party, and Libertarian Party.

The Senate amendments modify specified information required to be included on a nonpartisan ballot provided to an NPP voter, as specified. This bill, as amended in the Senate, is generally consistent with Assembly actions.

According to the Author

"Voters who are registered to vote as No Party Preference (NPP) voters often do not realize that they cannot vote in a presidential primary without requesting a partisan ballot from a political party which allows crossover voting. Despite current requirements for notices to be sent to NPP voters prior to a Presidential Primary election, many voters fail to request a party ballot. With the statewide expansion of vote-by-mail, more voters are waiting until Election Day to open, vote, and return the ballot mailed to them. This means that many NPP voters will not realize that their ballot does not have the option to vote in a Presidential Primary until Election Day. Our bill would ensure that NPP voters who wish to crossover vote are not prevented from doing so by the lack of the appropriate ballot."

Arguments in Support

With a support position, California Common Cause writes, "With all voters now receiving a mail ballot, the potential for confusion by an NPP voter has only increased. NPP voters up to and on

Elections Day can still go to an in-person voting location to request a crossover ballot or update their party registration. However, if they fail to act ahead of time, they will only have available the nonpartisan mail ballot with no listed candidates, which will keep the voter from expressing their preferences in the presidential race and may lead to misimpressions of voter disenfranchisement.

"AB 292 would further help connect NPP voters with their available options of how to vote in a presidential primary by including [a] notice along with the nonpartisan ballot regarding how to request a partisan crossover ballot and how to update their political party preference to vote in the primary of a political party which does not allow for crossover voting. As of October 2022, there were over 4.9 million Californians registered to vote with no party preference, according to the Secretary of State, meaning that AB 292 will help millions of Californians more easily vote for their candidate of choice in our presidential primaries."

Arguments in Opposition

With an oppose position to a prior version of this bill, the Election Integrity Project California, INC. writes, "Under current CA statute and procedures, NPP voters already receive multiple mailings and notifications from their county elections office in advance of the vote by mail ballot mailing, giving them ample opportunity to request the legal ballot of their choice – at substantial cost to the taxpayers. NPP voters who fail to make such a request and consequently receive an NPP ballot in the mail also receive notification that they have the right to call their elections office to request the replacement ballot of their choice should they wish to vote a crossover ballot – again with taxpayers footing the bill for all subsequent mailings and ballot printing."

FISCAL COMMENTS

According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

VOTES:

ASM ELECTIONS: 6-1-1

YES: Bryan, Bennett, Lee, Low, Pellerin, Blanca Rubio

NO: Essayli

ABS, ABST OR NV: Lackey

ASM APPROPRIATIONS: 11-4-1

YES: Holden, Bryan, Calderon, Wendy Carrillo, Mike Fong, Hart, Lowenthal, Papan, Pellerin, Weber, Ortega

NO: Megan Dahle, Dixon, Mathis, Sanchez

ABS, ABST OR NV: Robert Rivas

ASSEMBLY FLOOR: 59-15-6

YES: Addis, Alvarez, Arambula, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Juan Carrillo, Wendy Carrillo, Cervantes, Connolly, Mike Fong, Friedman, Gabriel, Garcia, Gipson, Grayson, Haney, Hart, Holden, Irwin, Jackson, Jones-Sawyer, Kalra, Lee, Low, Lowenthal, Maienschein, McCarty, McKinnor, Muratsuchi, Stephanie Nguyen, Ortega, Pacheco, Pellerin, Petrie-Norris, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez,

Blanca Rubio, Santiago, Schiavo, Soria, Ting, Valencia, Villapudua, Ward, Weber, Wicks, Wilson, Wood, Zbur, Rendon

NO: Alanis, Chen, Megan Dahle, Davies, Dixon, Essayli, Flora, Vince Fong, Gallagher, Hoover, Joe Patterson, Sanchez, Ta, Waldron, Wallis

ABS, ABST OR NV: Aguiar-Curry, Lackey, Mathis, Papan, Jim Patterson, Quirk-Silva

SENATE FLOOR: 32-8-0

YES: Allen, Alvarado-Gil, Archuleta, Ashby, Atkins, Becker, Blakespear, Bradford, Caballero, Cortese, Dodd, Durazo, Eggman, Glazer, Gonzalez, Hurtado, Laird, Limón, McGuire, Menjivar, Min, Newman, Padilla, Portantino, Roth, Rubio, Skinner, Smallwood-Cuevas, Stern, Umberg, Wahab, Wiener

NO: Dahle, Grove, Jones, Nguyen, Niello, Ochoa Bogh, Seyarto, Wilk

UPDATED

VERSION: June 12, 2023

CONSULTANT: Nichole Becker / ELECTIONS / (916) 319-2094

FN: 0001644