
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

AB 1539 (Addis) - Presidential elections: qualifications for office

Version: June 17, 2026

Urgency: No

Hearing Date: August 10, 2026

Policy Vote: E. & C.A. 4 - 1, PUB. S. 5 - 1

Mandate: Yes

Consultant: Robert Ingenito

Bill Summary: AB 1539 would require, before the Secretary of State (SOS) may place candidates for President and Vice President on the general election ballot, a representative of each political party to certify, under penalty of perjury, that the party's nominees for those offices are qualified under Amendment XXII to the U.S. Constitution.

Fiscal Impact:

- The Secretary of State (SOS) would incur minor and absorbable costs resulting from the bill's certification requirements. However, the bill also could result in future litigation costs of an unknown, but potentially significant, amount to SOS (General Fund). Based on SOS's prior experience implementing laws that imposed additional requirements or preconditions for presidential and vice presidential candidates to qualify for the ballot, this bill could subject SOS to constitutional and other legal challenges, resulting in potentially significant litigation costs.
- The Department of Justice notes that the bill would not have a fiscal impact.

Background: Under existing law, California's process for selecting presidential candidates differs from the process used to elect candidates to other federal and state offices. Each qualified political party conducts a presidential primary election to select delegates who represent the party at its national nominating convention. To appear on a political party's presidential primary ballot in California, a candidate must be recognized by SOS pursuant to existing law. At the statewide presidential primary election, voters receive the ballot associated with their registered political party preference. Certain political parties also permit voters with no party preference to participate in their presidential primary through "crossover" voting.

Following the presidential primary elections and caucuses conducted nationwide, each political party convenes a national convention to formally nominate its candidates for President and Vice President. No later than 5:00 p.m. on the 75th day before the presidential general election, each qualified political party in California must certify its nominees to the SOS and submit a corresponding slate of presidential electors.

Under the United States Constitution, voters do not directly elect the President and Vice President. Instead, each state appoints a slate of presidential electors equal to the state's total representation in Congress. Collectively, these individuals comprise the Electoral College. Accordingly, when California voters cast a ballot for a presidential

ticket at the general election, they are voting for the slate of electors pledged to support that ticket.

Following the presidential general election, the slate of electors representing the winning presidential ticket in California convenes at the State Capitol to cast the state's official electoral votes for President and Vice President. The certified electoral votes are then transmitted to Congress for counting and certification in accordance with federal law.

Fiscal Impact: This bill would do the following:

- Require a representative of each qualified political party, and a representative of each independent presidential candidate or write-in presidential candidate, to certify to SOS, under penalty of perjury, that their nominees for President and Vice President are both qualified to be elected President under the Twenty-Second Amendment.
- Prohibit, if that certification is not made by the 75th day before the general election for the candidate of each qualified political party and an independent candidate, or by the 14th day before the general election for a write-in candidate, placing the names of those nominees for President and Vice President upon the ballot for the election.

Related Legislation: SB 46 (Umberg) would prohibit SOS from placing the name of a candidate for U.S. President or Vice President on a ballot, unless the candidate affirms, under oath, that the candidate meets the requirements for one of the aforementioned offices and the SOS does not have a reasonable suspicion the candidate is lying. This bill is currently pending in the Assembly Appropriations Committee.

Staff Comments: Any local government costs resulting from the mandate in this measure are not state-reimbursable because the mandate only involves the definition of a crime or the penalty for conviction of a crime.

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