

THIRD READING

Bill No: AB 1539
Author: Addis (D), et al.
Amended: 8/17/26 in Senate
Vote: 21

SENATE ELECTIONS & C.A. COMMITTEE: 4-1, 6/16/26
AYES: Wiener, Allen, Cervantes, Umberg
NOES: Choi

SENATE PUBLIC SAFETY COMMITTEE: 5-1, 6/30/26
AYES: Arreguín, Caballero, Cortese, Pérez, Wiener
NOES: Seyarto

SENATE APPROPRIATIONS COMMITTEE: 5-2, 8/13/26
AYES: Cervantes, Cabaldon, Grayson, Richardson, Wahab
NOES: Seyarto, Dahle

ASSEMBLY FLOOR: 75-0, 5/26/26 - See last page for vote

SUBJECT: Presidential elections: qualifications for office

SOURCE: Lieutenant Governor Eleni Kounalakis

DIGEST: This bill requires, before the California 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.

Senate Floor Amendments on 8/17/26 add Senator Umberg as a coauthor.

ANALYSIS: Existing law:

- 1) States, pursuant to Amendment XXII to the U.S. Constitution, that “[n]o person shall be elected to the office of the President more than twice, and no person

who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once.”

- 2) States, pursuant to Amendment XII to the U.S. Constitution, “no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.”
- 3) States, pursuant to the U.S. Constitution, that “[t]he executive power shall be vested in a President of the United States of America. He shall... be elected, as follows: Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the state may be entitled in the Congress....”
- 4) Permits, pursuant to the California Constitution, the Legislature to provide for partisan elections for presidential candidates, including a “presidential primary whereby the candidates on the ballot are those found by the Secretary of State to be recognized candidates throughout the nation or throughout California for the office of President of the United States, and those whose names are placed on the ballot by petition, but excluding any candidate who has withdrawn by filing an affidavit of noncandidacy.”
- 5) Provides specific procedures by which the Democratic Party, the Republican Party, the American Independent Party, the Peace and Freedom Party, and the Green Party to participate in a presidential primary election.
- 6) Requires by 5 p.m. on the 75th day before an election at which electors for President and Vice President will be chosen, that each of these parties notify the SOS of the party’s nominee for President and Vice President. If a party has not yet held its national convention, then the party may notify the SOS of its apparent nominee.
- 7) Requires the SOS to place on the general election ballot the names of the candidates for President and Vice President that the political parties have selected.
- 8) Provides a process to nominate candidates for partisan offices by means other than a partisan primary, including the nomination of a group of presidential electors.
- 9) Provides a process for presidential electors to be selected as write-in candidates.

This bill:

- 1) Requires by 5 p.m. on the 75th day before an election at which electors for President and Vice President will be chosen, a representative of each political party certify to the SOS in writing and under penalty of perjury the party's nominees for President and Vice President are qualified under Amendment XXII to the U.S. Constitution.
- 2) If a party does not make these certifications, then the SOS shall not place the names of the party's nominees for President and Vice President on the ballot.
- 3) Requires a representative of a group of independent presidential electors that are pledged to vote for a specific candidate for President and Vice President to make this same certification. If this certification is made, then the SOS shall place those candidates' names on the ballot.
- 4) Requires that a representative of a group of write-in candidates for presidential electors shall by 5 p.m. on the 14th day before the election make this same certification. If this certification is made, then the SOS shall include the group of write-in candidates for presidential electors on the SOS' certified list of write-in candidates.

Background

Presidential Elections in California. The process of electing the President and Vice President in California is different than electing individuals to other federal and state offices. For the most part, the process is partisan with each political party holding a primary to provide direction for the state party's delegation at, typically, a national convention.

In California, candidates need to be recognized by the SOS to be on a political party's presidential primary ballot. Voters, at the statewide primary election, receive a ballot based on their political party preference. Some, but not all, political parties in California allow "crossover" voting, which allow voters who are not affiliated with their political party preference to vote in their primary election.

Following the statewide presidential primary and after every state has their presidential primary or caucus, the delegations from each state convene at their national conventions to select their party's nominee for President and Vice President. When these conventions conclude and by 5 p.m. on the 75th day before the election, each political party in California notifies the SOS of their nominees and submit a slate of electors for that political party's nominee.

Voters do not directly elect the President and Vice President. Instead, the U.S. Constitution requires each state to appoint electors who have the responsibility of

choosing the President and Vice President. Each state is allocated a number of electors equal to the number of Senators and Representatives the state is entitled to in Congress. The electors from all the states are referred to as the “Electoral College.”

When Californians mark their ballots for President and Vice President, they actually are casting their votes for a slate of presidential elector candidates selected by the political party that nominated that presidential ticket (or, in the case of an independent presidential ticket not affiliated with a political party, for a slate of elector candidates that has pledged to vote for that ticket).

Following the statewide presidential general election, the winning slate of electors meet at the California State Capitol to officially vote for President and Vice President. The results are then submitted to Congress for certification.

Comments

Author’s Statement. The current federal administration has repeatedly tested constitutional guardrails and openly floated the idea of seeking a third term. This bill stops these abuses of power before they reach our ballot and protects Californians from bad faith attempts to game the U.S. Constitution and undermine our democracy.

Related/Prior Legislation

SB 46 (Umberg) prohibits the 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. This bill was held on the suspense file in the Assembly Committee on Appropriation.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Committee on Appropriations:

- The 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.

SUPPORT: (Verified 8/17/26)

Lieutenant Governor Eleni Kounalakis (source)

CFT – A Union of Educators & Classified Professionals, AFT, AFL-CIO

San Luis Obispo County Democratic Party Central Committee

Santa Cruz County Board of Supervisors

OPPOSITION: (Verified 8/17/26)

One individual

ARGUMENTS IN SUPPORT: Lieutenant Governor Eleni Kounalakis, the bill’s sponsor, writes in support saying the bill “strengthens constitutional safeguards by ensuring that candidates placed on the ballot for President and Vice President meet the eligibility requirements set forth in the United States Constitution.” Noting that Amendment XXII limits any individual from being elected President more than twice, and Amendment XII bars anyone ineligible to serve as President from serving as Vice President, she states “current law does not provide clear consequences if a political party attempts to place a constitutionally ineligible candidate on the ballot.” This bill addresses this gap.

ASSEMBLY FLOOR: 75-0, 5/26/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Fariás, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Elhawary, Flora, Fong, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Dixon, Ellis, Gabriel, Muratsuchi, Celeste Rodriguez

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8/18/26 16:11:33

**** **END** ****