
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anna Caballero, Chair
2025 - 2026 Regular Session

SB 46 (Umberg) - Presidential elections: qualifications for office

Version: January 5, 2026

Urgency: No

Hearing Date: January 20, 2026

Policy Vote: E. & C.A. 4 - 1, JUD. 11 - 2

Mandate: Yes

Consultant: Robert Ingenito

Bill Summary: SB 46 would establish a process to allow the Secretary of State (SOS) to bar presidential candidates from the ballot if they fail to meet constitutional eligibility requirements, as specified.

Fiscal Impact: SOS administrative costs have yet to be identified, but could exceed \$50,000 annually (General Fund).

Background: The process of electing the President and Vice President in California differs from how individuals to other federal and state offices are elected. The process is generally partisan, as each political party conducts a primary to provide direction for the state party's delegation at, typically, a national convention.

Candidates need to be recognized by 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 a specified deadline, each political party in California notifies SOS of their nominees and submit a slate of electors for that political party's nominee; SOS then publishes a certified list of candidates.

However, 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, in actuality they 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). After the 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.

The 22nd Amendment, added to the U.S. Constitution in 1951, enacted a 2-year term limit for the presidency.

Proposed Law: This bill, among other things, would do the following:

- Provide that a candidate for President or Vice President of the United States in a presidential primary or general election is eligible only if that person has the qualifications to be elected to or hold that office as set forth in the U. S. Constitution on the date the term of that office begins.
- Prohibit SOS from certifying the name of any candidate for the office of President or Vice President of the United States, and placing the candidate's name on the ballot, if the candidate does not affirm, under oath, that the candidate will fully meet the qualifications to be elected to and hold the office of President or Vice President of the United States.
- Require SOS to investigate the candidate's qualifications and permit the SOS to request the candidate provide proof of their constitutional eligibility to be elected to and hold office before placing their name on the ballot if the SOS has reasonable suspicion based on articulable fact that a candidate does not meet the qualifications to be elected to or hold office as set forth in the U.S. Constitution.

Related Legislation:

- AB 1539 (Addis) would require, before SOS may place candidates on the ballot, that a representative of each political party to certify, under penalty of perjury, that the party's nominees for President and Vice President are qualified under the 22nd Amendment to the U.S. Constitution to be President. The bill has yet to be referred to a policy committee.
- SB 929 (Min, 2024) would have required SOS, before placing the name of a candidate for President or Vice President on the ballot for the general election, to determine whether the candidate satisfies the qualifications for the office described in the U.S. Constitution. The bill also would have prohibited the SOS from placing on the ballot the name of any candidate who the SOS determines is not eligible in accordance with these provisions. The bill was referred to the Senate Committee on Elections and Constitutional Amendments but was not heard.
- SB 637 (Min, 2023) stated it was the intent of the Legislature to enact legislation authorizing SOS to disqualify a candidate from the ballot if the candidate is prohibited from holding office under Section 3 of the 14th Amendment of the U.S. Constitution. The bill died in the Senate Committee on Rules without referral.
- SB 505 (Umberg, Chapter 149, Statutes of 2019) made various changes to the filing requirements for presidential candidates seeking to compete in California's presidential primary election.