



ASSEMBLYMEMBER DR. JOAQUIN ARAMBULA, 31ST DISTRICT

AB 2207– Elections: No Party Preference Voters: Presidential Primary Ballots

Summary

AB 2207 honors the desire of voters to participate in nonpartisan elections, while also protecting the rights of political parties. Under this bill, parties may continue to establish their own nomination proceedings by determining who may or may not participate in their processes.

Background

California ended its closed primary system in 1996 after the passage of Proposition 198 and established a “blanket” or “open” primary system, wherein every California voter received a ballot that listed every candidate regardless of political party affiliation. However, in the case of *California Democratic Party v. Jones*ⁱ, the Supreme Court held that California’s “open” presidential primary system was unconstitutional because it violated the political parties’ First Amendment right of non-association under the United States Constitution.

The California Legislature responded to this decision by passing SB 28 (2001), which created the “modified” semi-closed presidential primary that we use today.

California’s semi-closed presidential primary means that political parties decide whether non-member voters have the right to participate in their presidential nomination proceedings. This current semi-closed primary system conditions the individual citizen’s right to vote on the private decision-making authority of political parties.

In 2010, voters approved Proposition 14, creating the Top Two Candidates Open Primary Act. Now, all statewide primary elections allow voters to vote for the candidate of their choice, regardless of their party affiliation. The presidential primary election every four years is the one exception to this rule.

ⁱ *California Democratic Party v. Jones*, 530 U.S. 567 (2000).

With the passage of Propositions 198 and 14, California voters have demonstrated their intent to move away from partisan primary elections. The presidential primary election is inconsistent with the desire of voters to choose candidates irrespective of party affiliation.

This bill

Requires the Secretary of State to furnish NPP voters with a presidential primary ballot that lists all candidates. AB 2207 will require that, for primary elections, the Secretary of State furnish every No Party Preference (NPP) voter with a public presidential primary ballot listing the candidates for each registered political party, unless that voter requests a party ballot. NPP voters will be able to cast a vote for the candidate of their choice during partisan primary elections and political parties will retain the right to determine their own nomination processes.

Support

Independent Voter Project (sponsor)
FairVote Action
Independent Voting
National Association of Nonpartisan Reformers
Open Primaries
Take Back Our Republic
Unite America

Related Legislation

ACR 145, 2015 (Olsen)
AB 681, 2019 (Gonzalez)

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