



DEBRA BOWEN | SECRETARY OF STATE
STATE OF CALIFORNIA | ELECTIONS

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TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS (07059)

FROM:


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SUBJECT: Political Party Qualification and S.B. 113

In light of S.B. 113, Chapter 2, Statutes of 2007, the Secretary of State's office has determined that political parties may qualify 135 days before the February 2008 Presidential Primary and 135 days before the June 2008 Direct Primary. This is true since under Election Code section 5100, a political body may qualify prior to "any primary election," which under the relevant definitions in the code includes both. The provisions of the code, however, that detail the qualification procedure were clearly designed for an election cycle with only one primary election. Most problematic is Elections Code section 5004, which provides that a political body that does not qualify 135 days "before any primary election" is to be deemed "to have abandoned its attempt to qualify."

Thus, we have developed a procedure by which political bodies will notify us of whether they intend to qualify in time for the presidential primary, or if they would like to focus their efforts on the direct primary in June. If they intend to qualify for the presidential and have not done so by 135 days prior to that primary election, the political body will be deemed abandoned, but may submit a new notice of its intent to qualify under Elections Code section 5001. The body may not change its name, but would be given credit for all registrations under the "prior" effort under Section 5003. If the body selects the direct primary, they will have waived their right to qualify for the presidential primary and Section 5004 will not be applied.

We are currently in the process of contacting each political body to determine the primary election for which each is attempting to qualify. We will, of course, continue to inform you of the developments with each political body.

If you have additional questions regarding this issue, please contact me by telephone at (916) 653-7635, or by email at mkanotz@ss.ca.gov.