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March 9, 2010

County Clerk/Registrar of Voters (CC/ROV) Memorandum # 10086

TO: All County Clerks/Registrars of Voters

FROM: 
Evelyn Mendez
Program Manager Candidates and Elections

RE: Statewide Direct Primary: Voters Registered with Unqualified Political Parties

On January 25, 2010, CC/ROV Memorandum #10032 stated that the Democratic and Republican parties have adopted a party rule to allow unaffiliated voters to request their party's ballot in the June 8, 2010, Statewide Direct Primary election.

A question has arisen as to whether this means people who are registered with an unqualified political party can, for the June 8, 2010, Statewide Direct Primary election, request a Democratic Party or Republican Party ballot so they can participate in one of those two parties' primary elections for partisan office.

The answer is yes – voters who decline to state a political party affiliation (DTS voters) and those who are affiliated with an unqualified political party can request a Democratic or a Republican party ballot (excluding central committee races) for the June 8, 2010, Statewide Direct Primary election.

This is pursuant to Elections Code section 13102(b), which reads:

(b) At partisan primary elections, *each voter not registered as intending to affiliate with any one of the political parties participating in the election shall be furnished only a nonpartisan ballot, unless he or she requests a ballot of a political party and that political party, by party rule duly noticed to the Secretary of State, authorizes a person who has declined to state a party affiliation to vote the ballot of that political party. The nonpartisan ballot shall contain only the names of all candidates for nonpartisan offices and measures to be voted for at the primary election. Each voter registered as intending to affiliate with a political party participating in the election shall be furnished only a ballot of the political party with which he or she is registered and the nonpartisan ballot, both of which shall be printed together as one ballot in the form prescribed by Section 13207. (Emphasis added).*

The qualified political parties that are participating in the June 8, 2010, Statewide Direct Primary election are the American Independent, Democratic, Green, Libertarian, Peace and Freedom, and Republican parties.

Therefore, pursuant to Elections Code section 13102(b), any registered voter who is not registered or affiliated with one of those six qualified political parties is allowed to request and vote the ballot of any political party that adopts a party rule to permit those voters to take part.

The Democratic and Republican parties have adopted such a party rule for the June 8, 2010, Statewide Direct Primary election.

If you have any questions about this or any other candidate filing or election reporting matters, please contact me at (916) 653-9155.