



DEBRA BOWEN | SECRETARY OF STATE
STATE OF CALIFORNIA | ELECTIONS

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January 23, 2012

County Clerk/Registrar of Voters (CC/ROV) Memorandum # 12035

TO: All County Clerks/Registrars of Voters

FROM: 
Robbie Anderson
Elections Counsel

RE: Presidential Primary Election: The Americans Elect Party

On January 18, 2012, the Americans Elect Party provided the Secretary of State's office with a letter (attached) that includes the following notifications:

- o Americans Elect will not be participating in the June 5, 2012, Presidential Primary Election.
- o Americans Elect will not be organizing any county central committees.
- o Americans Elect will conduct its affairs under the statutory procedures used by the Peace and Freedom Party set forth in Elections Code section 7700 et seq., which can be found in Part 5 of Division 7 of the Elections Code.

As the Americans Elect Party will not be placing any candidates on the June 5, 2012, Presidential Primary Election ballot, there is no need to print ballots for voters who have disclosed a preference for the Americans Elect Party.

The Secretary of State's office reached this conclusion based on a combined reading of Elections Code sections 301, 8000, 8004, and 13102.

Elections Code section 8004(a), which was added in 2006, provides that if no candidates have filed for a party's nomination for a partisan office, "the elections official shall do both of the following:

- (1) Refrain from printing a partisan ballot for that party ...
- (2) Send notification to those voters ... together with a nonpartisan ballot ..."

Elections Code section 8000(b), which pre-dated the addition of Section 8004, states that the entire Elections Code chapter on the Direct Primary does not apply to presidential primary elections.

However, Elections Code section 13102(a) states that at partisan primary elections:

"... one form of ballot shall be provided for each qualified political party as well as one form of nonpartisan ballot ..."

Elections Code section 301 defines the term "ballot" as containing, among other things, "the names of candidates." As noted above and in the attached letter from the Americans Elect Party, the Party will not be participating in the June 5, 2012, Presidential Primary Election.

Finally, Elections Code section 13102(b) provides that at partisan primary elections:

"... each voter not registered disclosing a preference with any one of the political parties participating in the election shall be furnished only a nonpartisan ballot ..."

Therefore, pursuant to Elections Code section 8004(a), you may wish to send to registered voters in your jurisdiction who have stated a preference for the Americans Elect Party a notification that because the Americans Elect Party will not have any candidates at the June 5, 2012, Presidential Primary Election, they will simply receive a ballot (at the polling place or if they request a vote-by-mail ballot) containing all ballot measures and candidates for nonpartisan and voter-nominated offices.

If you have any questions, please feel free to contact me at (916) 653-1690 or robbie.anderson@sos.ca.gov.

Attachment

January 18, 2012

BY E-MAIL AND EXPRESS MAIL

Jana M. Lean
Chief, Elections Division
California Secretary of State
1500 11th Street, 5th Floor
Sacramento, CA 95814
Jana.Lean@sos.ca.gov

Daniel B. Winslow
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Re: Americans Elect

Dear Ms. Lean:

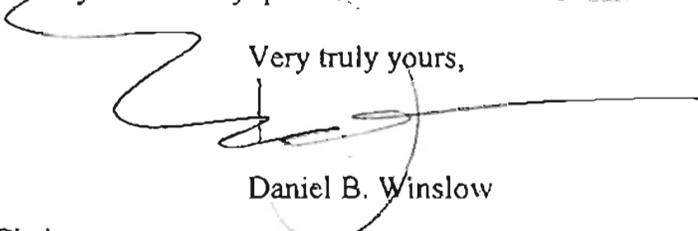
As you know, we represent Americans Elect. Thank you for your letter dated December 21, 2011 confirming that Americans Elect has obtained ballot access as a qualified political party in California. Americans Elect has organized in California for purposes of ballot access in the 2012 presidential election, and not for any other local, county, state or federal offices. We enclose for your records a copy of the Bylaws and Convention Rules of Americans Elect, as most recently amended.

This letter confirms that Americans Elect does not wish to participate in the June 5, 2012 Presidential Primary Election. The Americans Elect delegates will nominate the Americans Elect presidential ticket by convention in June 2012. Thereafter, Americans Elect promptly will notify your office of the presidential and vice-presidential ticket to be placed on the General Election ballot in November 2012.

Pursuant to California Elections Code section 5005, to the extent required by law and pending enactment of legislation governing the conduct of Americans Elect's activities and elections, Americans Elect intends to follow the statutory provisions of the Peace and Freedom Party of California for the operation of its activities. Please note that Americans Elect does not intend to hold county central committee elections.

Americans Elect in California intends to affiliate only with Americans Elect, which is pending national formation, and not with any other national party. Americans Elect will conduct its state convention as soon as practicable to select permanent officers and make decisions concerning its operations. Please do not hesitate to contact me if you have any questions or we can be of further assistance.

Very truly yours,



Daniel B. Winslow

cc: Peter Ackerman, Chair
Kahlil Byrd, Vice Chair
Robbie Anderson (Robbie.Anderson@sos.ca.gov)
Rachelle Delucchi (Rachelle.Delucchi@sos.ca.gov)