



SHIRLEY N. WEBER, Ph.D.

CALIFORNIA SECRETARY OF STATE

California Elections Division | 1500 11th Street, 5th Floor | Sacramento, CA 95814
Tel 916.657.2166 | Fax 916.653.3214 | www.sos.ca.gov

January 18, 2022

County Clerk/Registrar of Voter (CC/ROV) Memorandum # 22014

TO: All County Clerks/Registrar of Voters

FROM: /s/ Rachelle Delucchi
Elections Counsel

RE: Primary Election: Incumbents and Senate Bill 594

Senate Bill (SB) 594 (Chapter 320 of the Statutes of 2021) addresses issues specific to the June 7, 2022, Statewide Direct Primary Election resulting from the delayed release of federal census data that in turn extended the state redistricting process. SB 594 also addresses local redistricting issues.

The focus of this memorandum is on SB 594's changes related to incumbents for the following offices that will appear on the June 7, 2022, Statewide Direct Primary Election ballot: United States Representative in Congress, Member of the State Board of Equalization, State Senator, and Member of the Assembly. In that regard, SB 594:

- Revises the 5-day nomination incumbent extension period, and
- Prohibits the use of "incumbent" as a ballot designation.

5-Day Nomination Extension Period

Normally and pursuant to Elections Code section 8022, if nomination documents for an incumbent State Senator, Member of the Assembly, state constitutional officer, Insurance Commissioner, Member of the United States House of Representatives, or United States Senator are not delivered by 5:00 p.m. on the 88th day before the direct primary election, any person other than the person who was the incumbent on the 88th day shall have until 5:00 p.m. on the 83rd day before the election to file nomination documents for the elective office.

SB 594 changes this process for the June 7, 2022, Statewide Direct Primary Election and only as it pertains to these offices: United States Representative in Congress,

Member of the State Board of Equalization, State Senator, and Member of the Assembly. (Elec. Code, § 8168(b)(1).)

Instead, a person shall have until 5:00 p.m. on March 16, 2022 (E-83), to file nomination documents for the following offices in the following circumstances:

- Representative in Congress: no person who currently holds the office of Representative in Congress delivered nomination documents for that district by 5:00 p.m. on March 11, 2022 (E- 88).
- Member of the State Board of Equalization: no person who currently holds the office of Member of the State Board of Equalization delivered nomination documents for that district by 5:00 p.m. on March 11, 2022 (E- 88).
- State Senator: no person who currently holds the office of State Senator delivered nomination documents for that district by 5:00 p.m. on March 11, 2022 (E- 88).
- Member of the Assembly: no person who currently holds the office of Member of the Assembly delivered nomination documents for that district by 5:00 p.m. on March 11, 2022 (E- 88).

(Elec. Code, § 8168(b)(2)(A)-(D).)

Elections Code section 8022 is still in effect for the following offices: Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, Insurance Commissioner, and Superintendent of Public Instruction.

The Secretary of State will issue a memorandum with a list of offices where the nomination filing deadline will be extended to March 16, 2022 (E-83). This memorandum will be issued on March 11, 2022 (E-88), which is the close of the nomination period.

“Incumbent” as a Ballot Designation

For the June 7, 2022, Statewide Direct Primary Election only, candidates for the office of United States Representative in Congress, Member of the State Board of Equalization, State Senator, or Member of the Assembly shall not choose the word “incumbent” as a ballot designation. (Elec. Code, § 8168(a).)

The above-identified candidates may still choose a designation of the elective office which the candidate holds at the time of filing the nomination documents, to which the candidate was elected by a vote of the people. (See, Elec. Code, § 13107(a)(1).)

As always, the review of proposed ballot designations is conducted at the Secretary of State's office. Any issues or concerns that may arise concerning SB 594's changes will be addressed by Elections Division legal counsel.

The text of SB 594 can be found at:

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB594

If you have any questions, please contact me at rdelucch@sos.ca.gov, or Robbie Anderson at aanderso@sos.ca.gov.