October 10, 2017

Hon. Xavier Becerra
Attorney General
1300 I Street, 17th Floor
Sacramento, California 95814

Attention: Ms. Ashley Johansson
              Initiative Coordinator

Dear Attorney General Becerra:

Pursuant to Elections Code Section 9005, we have reviewed the proposed constitutional initiative (A.G. File No. 17-0020) related to primary elections.

Background

In California, the chief elections officer is the Secretary of State and county governments administer statewide elections. California generally holds two statewide elections in even-numbered years to elect candidates to state and federal offices—a primary election and the general election. The primary election is used to narrow the field of candidates who will appear on the general election ballot. California has two systems of primary elections, described below.

"Top Two" Primary. In June 2010, California voters approved Proposition 14 establishing a top two primary system for state elected offices, Members of the U.S. House of Representatives, and United States Senators. Under the top two primary system (1) all candidates for an office are listed on the same primary ballot and (2) each voter casts his or her vote using this single primary ballot. For example, a voter registered with the Republican Party is able to vote in the primary election for a candidate registered as a Democrat, a candidate registered as a Republican, or any other candidate for the office. The two candidates with the highest number of votes in the primary election—regardless of their party preference—advance to compete in the general election.

Partisan Primary. The primary election for presidential candidates (and political party offices) is a partisan primary. Elections officials print primary ballots for each political party listing the candidates registered with that party. The winning candidate becomes the party's nominee at the general election. Political parties may allow voters with no party preference to receive their party's primary ballot or may restrict the primary only to those registered with the particular party. In the general election, voters choose among all of the parties' nominees, as well as any independent candidates.

Proposal

End Top Two Primary System. The proposal removes from the Constitution the language that voters approved under Proposition 14 that established the top two primary. Under the proposal, the primary election for all statewide elected offices, Members of the U.S. House of Representatives, and United States Senators would use a partisan primary.

Fiscal Effect

Minor Offsetting Costs and Savings. This measure would change how elections officials prepare, print, and mail ballot materials. In some cases, these changes could increase these state and county costs. For instance, under this measure, counties would print distinct primary ballots for each party. In other cases, the measure would reduce election costs. For example, using partisan party ballots would shorten the list of candidates included on each primary ballot. For general election ballots, the measure would increase the number of candidates (by having a nominee from each political party on the ballot). This would make these ballots longer. The direct costs and savings resulting from this measure would be relatively minor and would tend to offset each other. Accordingly, we estimate that the measure's net fiscal effects would not be significant for state and local governments.

Indirect Fiscal Effects Impossible to Estimate. In some cases, this measure would result in different individuals being elected to offices than under current law. Different officeholders would make different decisions about state and local government spending and revenues. These indirect fiscal effects of the measure are unknown and impossible to estimate.

Summary of Fiscal Effect

We estimate that the measure would have the following fiscal effect:

- No significant net change in state and local government costs to administer elections.

Sincerely,

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Mac Taylor
Legislative Analyst

_____
Michael Cohen
Director of Finance