



## Chapter 3 **Voters, Primaries, and General Elections**



[www.ss.ca.gov](http://www.ss.ca.gov) (Secretary of State)  
[www.calvoter.org](http://www.calvoter.org) (Nonpartisan)  
[www.smartvoter.org](http://www.smartvoter.org) (League/Women Voters)

## I. Voting Guidelines

### A. WHO MAY VOTE?

You are eligible to register to vote in California if you meet the following criteria:

1. You are 18 years old or older by election day.
2. You are a U.S. Citizen.
3. You are a resident of California.
4. You are not in prison or on parole for a felony.
5. You haven't been found mentally incompetent by a judge.

Source: *A Guide for Voter Registration in California*, prepared by the the Secretary of State's office in Sacramento.

### B. REGISTER TO VOTE (WE ALL ENCOURAGE THIS)

In order to vote you must be a registered voter. A **REGISTERED VOTER** is an eligible voter who has filled out an affidavit of registration and delivered it to the county clerk's office or registrar of voters at least 15 days before an election.

*The Secretary of State oversees the voting process, but the actual administering of the voting is a county and city function.*

#### 1. Online Voter Registration (Available Summer 2012 – Fill-in Online and Mail Now)

To fill out a voter registration form online, go to the "Elections" section of the California Secretary of State's website at [www.sos.ca.gov/elections/elections\\_vr.htm](http://www.sos.ca.gov/elections/elections_vr.htm). Follow the steps, filling in the information requested on the form. Finally, print, sign, and mail it directly to the county elections office address that is pre-printed on the form. If you



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have any questions or would like more information, you may contact the Elections Division at [elections@sos.ca.gov](mailto:elections@sos.ca.gov) or (800) 345-8683.

To use this form to register to vote, you will need:

1. Adobe Acrobat® PDF Free Document Reader to be able to open and complete the form.
2. Your California driver license or identification number, if you have one, or the last four digits of your social security number, if you have one. If you do not have any of these numbers, the state will assign you a unique identification number.
3. A paper printer so you can print the voter registration form, sign it, and mail it to your county elections official.

### 2. Pick Up a Voter Registration Form

You can pick up a voter registration form at your county elections office, library, or U.S. Post Office. It is important that your voter registration form be filled out completely and be postmarked or hand-delivered to your county elections office at least 15 days before the election.

*If you are enrolled in California's Confidential Address Program, Safe At Home, please do not attempt to register to vote using this site. To register to vote, contact the Safe At Home program toll free at (877) 322-5227 or by email at [safeathome@sos.ca.gov](mailto:safeathome@sos.ca.gov).*

### 3. Voting By Mail

*Any registered voter, including military and overseas personnel, may vote using a vote-by-mail ballot instead of going to the polls on Election Day. The application form required to receive a vote-by-mail ballot must be received by your county elections office no later than 7 days before the election.*

All valid vote-by-mail ballots are counted in every election in California, regardless of the outcome or closeness of any race.

Once your application is processed by your county elections official, your ballot will be sent to you. After you have voted, insert your ballot in the envelope provided, making sure you complete all required information on the envelope. You may return your voted vote-by-mail ballot by 1) mailing it to your county elections official; 2) returning it in person to a polling place or the elections office in your county on Election Day; or 3) authorizing a relative or person living in the same household as you to return the ballot on your behalf. Regardless of how the ballot is returned, it MUST be received by the county elections office by the time polls close at 8:00 p.m. on Election Day. Late-arriving vote-by-mail ballots will not be counted.



<b>California Voter Registration Deadlines for Presidential Primary Elections</b>	
<b>Election Date</b>	<b>Your registration must be postmarked no later than:</b>
June 5, 2012 (Presidential Primary Election) (TBA by Legislature 2016)	May 21, 2012 (TBA by Legislature 2016)

**C. FOR YOUR INFORMATION**

The registration of a voter is permanent, unless canceled by the registrar of voters. If you move into a new precinct, change your name, or change your political party, you should correct this information with your county registrar of voters as soon as possible. All of the information on your voter registration form is public information that can be obtained by anyone for his or her own personal use.

**D. MUST A PERSON READ ENGLISH TO VOTE?**

NO! Prior to 1970, a Californian had to demonstrate that he or she could read the U.S. Constitution in English before being eligible to register. The Federal Voting Rights Act Amendment, as well as certain California Supreme Court decisions, allows citizens to vote who speak or write only in a language other than English. A person who cannot speak or write at all may also vote.

## II. Primary Elections (3 Primaries on 1 Ballot)

In California the primary ballot election is made up of three different elections, all on the same ballot. See **Figure 3-1** for a breakdown of three primary elections on one ballot.

The **PRIMARY ELECTION** includes the following:

1. A top two or open primary that selects partisan (political party) candidates for statewide offices;
2. A nonpartisan primary that selects county and judicial officials, county party officials, and the State Superintendent of Public Instruction; and
3. A presidential primary that selects state delegates, from each political party, to its national nominating convention for president and vice president.

***Read this carefully!***

***All this Primary Election information has recently changed! It may be more complicated than it appears and is of great consequence to the State!***

Figure 3-1

### 1. Top Two Candidates Open Primary - How It Works

*California voters approved Proposition 14, which created a “top two” open primary election system.*

The **TOP TWO PRIMARY** applies to most of the offices that were previously known as “partisan” and are now known as “voter-nominated” offices. In California these offices include the following state constitutional offices, legislature, and federal Congressman and Senators:

1. United States Senators
2. Congressional Representatives
3. State Senators
4. Assembly members
5. Governor
6. Lt. Governor
7. State Treasurer
8. Secretary of State
9. State Attorney General

Under that system, all candidates running for one of the statewide and congressional offices are listed on one ballot, regardless of their party preference, and all voters will see the same list of candidates, regardless their own party registration.

In a Top Two Primary, the purpose is simply to reduce the number of all candidates down to two, not to select each party’s nominee. The party preference information on the ballot for each candidate is for informational purposes only. It is possible that two candidates from the same party will go to the general election, if they are the top two vote getters.

The top two vote-getters for each office will advance to the general election, regardless their party preference. It doesn’t matter if one candidate receives a majority of the votes cast: the top two vote getters always advance to the general election.

Write-in candidates for “voter-nominated” offices can still run in the primary election. However, a write-in candidate can only advance to the general election if the candidate is one of the top two vote-getters in the primary.

The Top Two Primary does NOT apply to elections for: President and Vice President, or Political Party County Central Committees or County Councils. These offices are called “party nominated” offices. Therefore, only candidates running for State Superintendent of Public Instruction or candidates for voter nominated offices in special elections can win outright by getting a majority of the vote in the primary election.





## 2. Presidential Primary - How It Works

If you are registered to vote with a political party, you will be given a ballot for that party in a Presidential primary election.

If you are unaffiliated with any party (sometimes called “no party preference” or “decline to state”), you will be given a nonpartisan ballot, containing only the names of all candidates for nonpartisan offices and any ballot measures to be voted upon at the primary election.

But if you did not select a qualified political party when you registered to vote, only the Democratic and American Independent parties will allow you to request their party’s ballot. You may not request more than one party’s ballot, however. If you do not request a ballot of one of the above parties, you will be given a ballot that does not contain the contest for U.S. President.

## 3. Nonpartisan Primary (Election at Primaries)

### What is a nonpartisan office?

It is an office for which candidates’ names appear on the ballot without party designation. No party may nominate a candidate for nonpartisan office.

### Which offices are nonpartisan?

Local offices such as most city council members, county supervisors, all school boards, all judgeships, including the statewide office or a member of the California Supreme Court. The statewide offices of Superintendent of Public Instruction and Insurance Commissioner are nonpartisan.

### Are there nonpartisan primaries?

Yes. Some local nonpartisan primaries, such as those for judges, are usually held at the same time as the statewide regular primary. A candidate for a nonpartisan office who is on the primary ballot is selected if he or she wins more than 50% of the vote. If not, there is a runoff election in November between the top two candidates.

### Do all nonpartisan offices use primaries?

No, some nonpartisan offices, such as most city councils and school boards, do not use primaries. Candidates run as independents and the person with the most votes wins even if it is not a majority.

*Nonpartisan primary information source: League of Women Voters of California®*

### A. CALIFORNIA NOW USES A “TOP TWO” PRIMARY

California has its primary election on the first Tuesday after the first Monday in June of even-numbered years. It is top-two primary, which is also called a nonpartisan blanket primary (see Figure 3-1).

California uses a “modified” closed primary system. In a **CLOSED PRIMARY SYSTEM**, only voters registered in a political party could vote that party’s primary ballot. In a **MODIFIED CLOSED PRIMARY SYSTEM**, voters who decline to register with any political party are permitted to vote for a party’s candidates in a primary election if authorized by that party’s rules and duly noticed by the Secretary of State.

### B. THE PRESIDENTIAL PRIMARY

The **PRESIDENTIAL PRIMARY** is the direct election of delegates to the national party conventions that select nominees for the offices of president and vice president of the United States. The presidential primary is combined with the regular California primary that is held on the first Tuesday after the first Monday in June of each presidential election year (any year evenly divisible by the number four). The delegates selected go to the national party convention, which is usually held in July or August.

Remember, under the Top Two Candidates Open Primary Act (refer back to Figure 3-1), all candidates running in a primary election, regardless of their party preference, will appear on a single Primary Election ballot and voters can vote for any candidate. The top two overall vote-getters — not the top vote-getter from each qualified party and anyone using the independent nomination process — will move on to the General Election.

### C. NONPARTISAN OFFICES IN THE PRIMARY

A **NONPARTISAN PRIMARY** is a primary election to nominate a candidate for which no political party may legally nominate a candidate, such as judges, school boards, county and municipal offices, and the State Superintendent of Public Instruction. The election of supreme court judges and appellate court judges is handled differently (see Chapter 8 on Courts). A person who wishes to seek the nomination for a nonpartisan office simply declares his or her candidacy and gathers the signatures required to get on the ballot.

A nonpartisan primary election differs greatly from a partisan primary election in one important aspect: **A nonpartisan primary candidate who receives a majority vote in a primary election wins the office instantly without the need of going on to a general election.** A **MAJORITY VOTE** means that more than fifty percent of the votes cast support one candidate. If no candidate receives a majority vote in the primary, a run-off election between the two individuals with the largest number of votes takes place in the upcoming general election.



### III. General Election

The *GENERAL ELECTION* is the election held throughout the nation on the first Tuesday after the first Monday of November in even-numbered years. Court decisions and federal laws have made voter qualifications and election days uniform across the country. More people vote in general elections because of the national media visibility of the candidates.

**The big distinction is that, in a primary election, the nominee wins only the right to advance, whereas in the “general election,” he or she wins the office.**

#### A. WHO VOTES IN CALIFORNIA?

Exit polls have shown over and over that the largest segment of the population that votes has many things in common. Here is what the typical voters in California have in common:

1. Over 80% are white,
2. Most are homeowners, not renters,
3. Most voters are older, with no children at home, and
4. Most have a post-high school education.

A high percentage of the younger adults and minorities do not register to vote, or vote as regularly as the older, white population. But it is only a matter of time until Asians, Hispanics, and younger people wake up and join the political process. This group of non-voters is like a sleeping giant just waiting for someone to wake it up and make it aware of its political power.

In states like Minnesota where people who normally don't vote showed up to the polls, a pro wrestler like Jessie “The Body Ventura” was elected to governor and comedian Al Franklin was elected as a U. S. Senator. Non-committal voters helped to get celebrity Arnold Schwarzenegger elected governor of California.

***Bottom line, your vote counts!***

### IV. Special Elections

A *SPECIAL ELECTION* is usually called by the governor to fill unexpired terms and to decide certain ballot measures. If there is a vacancy in a U.S. congressional or state legislative office, the governor must call for a special election. When a vacancy occurs in a U.S. Senate or U.S. House of Representative's position after the close of the nomination period in the final year of the congressional term, the governor may, at his or her discretion, decline to call a special election and appoint a replacement.

### A. ELECTIONS ARE CONSOLIDATED

*CONSOLIDATED ELECTIONS* mean that the elections for different levels of government are put together on the same ballot on the same election date in order to save money and effort. For example, the presidential primary, on the federal level, is consolidated with the statewide, direct, and nonpartisan primary. This happens only once every four years.

The regularly scheduled election dates for each year are:

#### 1. Local (Municipal) Election Dates

**April** (2nd Tuesday of even-numbered years) or **March** (1st Tuesday, after the 1st Monday of odd-numbered years)

#### 2. Statewide Election Dates

**June** (1st Tuesday, after the 1st Monday each year)

**November** (1st Tuesday, after the 1st Monday each year)

Elections held in June and November of each even-numbered year are considered California's statewide election dates.

## V. Precincts and Ballots

### A. PRECINCTS AND POLLING PLACES

The county registrar of voters divides the county into voting precincts. A *PRECINCT* is a geographical area made up of a group of voters from a low of 60 to a high of approximately 600, depending on the election and how the registrar of voters wants the voters grouped.

Each precinct has a precinct board. The board is made up of one inspector, two judges, and three clerks. Each board member must be a voter from that precinct or from a precinct in that area. Any voter may apply to be one of these precinct workers, who usually volunteer for the position. You, as students, can gain important political insight from being a precinct volunteer during a long election day. The *POLLING PLACE (POLL)* is the location within a precinct where the voting takes place. Schools and public buildings are popular polling places because these types of structures are available free of charge. A polling place can be just about anywhere, except a bar or liquor store.

### B. ELECTION DAY

On election day, the polls open at 7A.M. and close at 8P.M. This makes for a 13-hour voting period.

### C. ABSENTEE BALLOT

An *ABSENTEE BALLOT* is a ballot that is sent to you before the election, if you choose not to vote in person at the polling place on election day. It must be received back before the



## District vs. At-Large Elections



A continuing controversy in California involves the at-large versus the district method of electing local government officials. **AT-LARGE** is the process of electing local government officials from a group of candidates whose nominations are not based on where they reside, as is the case with district elections. Only about 5% of the cities and counties in California use the district method.

**POINT:** With at-large elections, the interests of the whole are put ahead of individual neighborhoods. Being elected at-large does not prohibit the election of qualified candidates from the same residential area; the best qualified should be allowed to serve.

**COUNTERPOINT:** District election supporters claim that allowing more than one officeholder per neighborhood is unfair, mainly because the officeholders generally reside in the most affluent areas.

close of the polls. You must apply in writing in order to receive an absentee ballot. Any registered voter may apply for permanent absentee voter status. If you are a permanent absentee voter, you will automatically receive an absentee ballot for each election.

The absentee ballot has become very popular in recent years. In many campaigns part of the campaign strategy is to send absentee ballot request forms to anyone who supports a particular candidate, whether it is requested or not.

### D. CALIFORNIA DOES NOT PURGE

A **VOTER PURGE** is when the registrar of voters goes through the list of registered voters on a systematic basis and eliminates certain voters from the list. The usual reason is that the voter has not voted in the last general election. In California there is no annual purge of the voter registration roster.

### E. CALIFORNIA'S BALLOT FORMS

California uses a long ballot form. A **LONG BALLOT** is a complete list of the offices, items, and propositions to be decided upon by the voters. We have eleven state executives to elect other than the governor, as well as judges, county officials, and city officials, plus ballot propositions, bond issues, and maybe a charter amendment or two. We may complain about the length of the ballot, but we are reluctant to give up the privilege of deciding many issues ourselves.

California uses the office-block type of ballot. An **OFFICE-BLOCK BALLOT** presents all the competing candidates, by office, throughout the ballot. The voter makes his or her choice

in an office-by-office manner. In contrast, some other states use a *PARTY-COLUMN BALLOT*, which lists the candidates party-by-party. At the top of a party column ballot is a box where a single mark will cast a vote for all of the party candidates. In California, however, it is difficult to vote a party ticket. The office-block ballot forces voters to think of candidates as individuals rather than as part of a partisan ballot ticket.

### VI. Chapter Summary

Everything in California politics used to be structured around our two major political parties, Democratic and Republican, although minor political parties play an important role, often bringing new issues and ideas into the mainstream. When you register to vote, you are asked to choose a party, which is a factor in every step of the election process.

California uses a Top Two Primary system. It applies to most of the offices that were previously known as “partisan” and are now known as “voter-nominated” offices. Those offices include state constitutional offices, legislature, and federal Congressman and Senators.

Under the Top Two Primary system, all candidates running for one of the statewide and congressional offices are listed on one ballot, regardless of their party preference. The purpose is simply to reduce the number of all candidates down to two, not to select each party’s nominee. The top two vote-getters for each office will advance to the general election, regardless their party preference

However, the Top Two Primary does NOT apply to elections for: President and Vice President, or Political Party County Central Committees or County Councils. These offices are called “party nominated” offices.

In a presidential primary, the voters do not directly choose their party candidate. Instead, voters elect the delegates to the party convention, and these delegates choose the party candidate. If you want to see a certain candidate represent your party on the presidential ballot, you must vote for a delegate pledged to that candidate in the primary.

A non-partisan primary is held to select candidates for offices that are supposed to be non-party oriented, such as judges, school boards, and the State Superintendent of Instruction.

A general election is held every other year in California (on the first Tuesday after the first Monday in November in even-numbered years). In presidential election years, voters select from the party candidates nominated by delegates at the party convention the previous summer. In gubernatorial election years, voters choose from party candidates



elected directly in the primary election. Congressional candidates, senators, state representatives, judges, school boards, city councils—all types of elected positions that are available—as well as ballot initiatives, will be included in a consolidated election every two years.

A special election is an election other than the scheduled primary or general elections, called at any time by the governor. These are generally called to fill an office vacancy or to decide an important ballot measure.

The county registrar of voters divides the county into voting precincts. Each precinct has its precinct board (one inspector, two judges, three clerks) and a polling place where the voting takes place. Voters may vote by mail with an absentee ballot, which must be sent in before the polls close. On election day in California the polls open at 7A.M. and close at 8P.M.

If you are registered to vote with a political party, you will be given a ballot for that party in a Presidential primary election.

If you did not select a qualified political party when you registered to vote, only the Democratic and American Independent parties will allow you to request their party's ballot. You may not request more than one party's ballot, however. If you do not request a ballot of one of the above parties, you will be given a ballot that does not contain the contest for U.S. President.

## VII. Class Discussion Questions

1. How is a closed primary different from a blanket primary?
2. What is the presidential primary?
3. Are there more registered Democrats or Republicans in California?
4. What are the main reasons for voter apathy in California?
5. Discuss the three main types of ballots.

