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**SENATE COMMITTEE ON  
ELECTIONS AND CONSTITUTIONAL AMENDMENTS**  
Senator Steven Glazer, Chair  
2023 - 2024 Regular

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**Bill No:** SB 437 **Hearing Date:** 03/21/23  
**Author:** Dodd  
**Version:** 2/13/23  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Karen French

**Subject:** Presidential elections: candidates

**DIGEST**

This bill requires qualified political parties to submit to the Secretary of State (SOS) the names of their nominees for President and Vice President by a specific deadline. This bill also clarifies the law when a candidate for elective office changes their name within one year of an election.

**ANALYSIS**

Existing law:

- 1) Provides for the statewide election of a slate of electors to vote in the Electoral College for the President and Vice President of the United States.
- 2) Requires the SOS to place the names of each qualified political party's candidates for President and Vice President on the ballot for the ensuing general election.

This bill:

- 1) Requires each qualified political party, on or before the 75th day before a presidential general election, to notify the SOS of the names of the party's nominees for President and Vice President or, if the party has not held its national convention by the 75th day before the election, the party's apparent nominees for President and Vice President.
- 2) Removes the President and Vice President nominees from provisions that apply to candidates for other offices regarding name changes. Provides that, if a candidate for elective office changes their name within one year of an election, existing law then prohibits printing the candidate's new name on the ballot for that election unless the name change was made by marriage or a court decree.

**BACKGROUND**

Lack of Clarity in Existing Law. Existing law specifies the existing procedure for political parties to use when providing the names of their respective nominees for President and Vice President. However, current law does not provide a deadline for political parties to submit the names of their nominees for the President and Vice President. In addition,

Elections Code Section 13104, specifically, lacks clarity that the limited exceptions for allowing changes to a candidate's name do not apply to nominees for President and Vice President.

Deadlines Necessary to Ensure Timely Compliance. Current law does not specify a deadline for political parties to submit to the SOS the names of their nominees for President and Vice President. This has the potential to require the SOS to devote staff time to contact political parties that do not submit this nominee information in a timely manner. Because the names of President and Vice President nominees are necessary to prepare and provide a statutorily required notice to candidates by the 73rd day before an election, the SOS is proposing to ensure that political parties report to the SOS by the 75th day before an election the name of their nominees for the highest offices in the land. This information is necessary, under existing law, to complete the notice to candidates referenced above, which is required by Elections Code Section 8121.

As noted above, the SOS Election Division staff aim to ensure that parties provide the names of President and Vice-President nominees in sufficient time to meet the requirements of Elections Code Section 8121. Under this section, the SOS is effectively required to notify each candidate for partisan office and voter-nominated office of the names, addresses, offices, occupations, and party preferences of all other persons who have filed for the same office 73 days before the Election (E-73). This notification must occur by E-73 so that the SOS can meet the requirement in Section 8121 to transmit the certified list of candidates to the county elections officials 5 days before the issuance of the certified list of candidates.

### COMMENTS

- 1) According to the author: SB 437 ensures that political parties provide timely notice of nominee names by requiring political parties to provide the SOS with the name of their nominees or apparent nominees for President and Vice President by E-75. This measure also eliminates confusion about the candidate name change process by specifically removing Presidential and Vice Presidential nominees from provisions that apply to candidates for other offices.
- 2) Argument in Support. In a letter supporting SB 437, the SOS states, in part, the following:

*SB 437 provides that political parties provide timely notice to the Secretary of State of the names of their official or apparent nominees for President and Vice President by the 75th day before a Presidential general election. This measure also eliminates confusion about the candidate name change process by amending statute to clarify that procedures for changing the names of candidates for offices other than President and Vice President do not apply to candidates for President or Vice President. Senate Bill 437 is necessary to avoid the potential for the SOS to receive multiple last-minute submissions of political party Presidential nominee names. In addition, SB 437 cuts down on potential submission delays by clarifying that parties may not use candidate name change procedures that are reserved by law for candidates who are not running for President or Vice President.*

**RELATED/PRIOR LEGISLATION**

SB 103 (Dodd), Chapter 216, Statutes of 2022, addressed, among other things, the procedures for replacing and providing notice to Presidential Electors. SB 103 provided for the automatic replacement of any presidential elector who does not cast their electoral vote for the candidates for President of the United States and Vice President of the United States that the elector is pledged to support. While this measure added reference to alternate electors, SB 103 did not address the issues that SB 437 seeks to solve.

**POSITIONS**

**Sponsor:** Secretary of State Shirley N. Weber, Ph.D.

**Support:** None received

**Oppose:** None received

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