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

Bill No: SB 789 **Hearing Date:** 4/18/23
Author: Allen
Version: 3/22/23
Urgency: No **Fiscal:** Yes
Consultant: Scott Matsumoto

Subject: Elections: Senate Constitutional Amendment 2 of the 2021–22 Regular Session

DIGEST

This bill moves SCA 2 (Allen), Resolution Chapter 182, Statutes of 2022, from the March 5, 2024 statewide primary election to the November 5, 2024 statewide general election.

ANALYSIS

Existing law:

- 1) Requires every constitutional amendment, bond measure, or other legislative measure submitted to the people by the Legislature to appear on the ballot of the first statewide election occurring at least 131 days after the adoption of the proposal by the Legislature. (EC 9040)

This bill:

- 1) Moves SCA 2 from the March 5, 2024 statewide primary election to the November 5, 2024 statewide general election. Specifically,
 - a) Calls a special election to be held throughout the state on November 5, 2024, for the purpose of submitting SCA 2 to the voters for their approval.
 - b) Requires the election be consolidated with the statewide general election to be held on November 5, 2024.
 - c) Requires the consolidated election be held and conducted in all respects as if there were only one election and only one form of ballot shall be used.

BACKGROUND

SCA 2. Existing law provides that every constitutional amendment, bond measure, or other legislative measure submitted to the people by the Legislature shall appear on the ballot of the first statewide election occurring at least 131 days after the adoption of the proposal by the Legislature.

During the 2021-22 legislative session the Legislature adopted SCA 2. SCA 2 repeals Article 34 of the California Constitution which requires majority approval by the voters of a city or county for the development, construction, or acquisition of a publicly funded affordable housing project. Since this is an amendment to the California Constitution, the measure requires voter approval. The next statewide election is scheduled for March 5, 2024. In order to move the measure to another election, legislation is needed.

Voter Turnout. According to the author, there is a lower number of voters who participate in primary elections than in general elections. When looking at voter turnout data from the Secretary of State’s website, it shows that more voters participate in statewide general elections than in statewide primary elections in presidential election years. Below is a table with data from the 2012, 2016, and 2020 presidential elections in California.

Year	Primary Election Turnout – Number of Voters	General Election Turnout – Number of Voters	Difference
2012	5,328,296	13,202,158	+7,873,862 General
2016	8,548,301	14,610,509	+6,062,208 General
2020	9,687,076	17,785,151	+8,098,075 General

What Else is on the Ballot? According to the Secretary of State’s website, SCA 2 is the only ballot measure qualified for the March 5, 2024 statewide primary election. Additionally, two referenda qualified and four initiatives are eligible for the November 5, 2024 statewide general election.

COMMENTS

- 1) According to the author: Historical election data shows that smaller, less diverse subsets of voters participate in primary elections than in general elections. SB 789 will move SCA 2 from the March 2024 primary election ballot to the November 2024 general election ballot to allow a larger portion of the electorate the opportunity to vote on the measure.
- 2) Argument in Support. In a letter supporting SB 789, the California Housing Partnership stated, in part, the following:

Amending the State Constitution is an important act. It is therefore appropriate to place proposed amendments before voters at a general election, which has higher voter participation, to better reflect the will of Californians.

RELATED/PRIOR LEGISLATION

SCA 2 (Allen), Resolution Chapter 182, Statutes of 2022, if approved by voters, repeals Article 34 of the California Constitution which requires majority approval by the voters of a city or county for the development, construction, or acquisition of a publicly funded affordable housing project.

SB 300 (Umberg), Chapter 26, Statutes of 2020, called a special election to submit ACAs 4, 5, 6, 11, and 25 of the 2019-20 regular session and consolidated the election with the November 2020 general election.

POSITIONS

Sponsor: Author

Support: California Housing Partnership

Oppose: None received

-- END --