

Hi, this is Chris Micheli with the Sacramento governmental relations firm of Aperia & Micheli and an adjunct professor at McGeorge School of Law. Today we're going to talk briefly about voting rights in California and specifically your rights under the California Constitution. The state constitution provides a number of voting rights for its residents. These are found in Article II, which was most recently amended by Prop 14, June 9, 1976. Article II includes several sections related to voters and voting. Article II is mainly focused on the forms of direct democracy initiative, referendum, and recall.

Section 2 of Article II provides that a U.S. Citizen, 18 years of age or older, who is a resident of California may vote. Section 2.5 specifies that a voter who cast a vote in an election that follows the laws of the state shall have his or her vote counted. Section 3 of Article II provides that the Legislature shall define residents and provide for registration for voters, and to provide for free elections. Section 4 states that the Legislature must prohibit the improper practices that affect elections as well as provide for the disqualification of electors while mentally incompetent or imprisoned or on parole for the conviction of a felony.

Section 5 of Article II provides that a voter-nomination primary election be conducted. This is for the purpose of selecting candidates for congressional seats, as well as state elected offices in California. All voters may vote at a voter-nominated primary election for any candidate for congressional, and state elected office without regard to their political party preference provided that the voter is qualified to vote for candidates. The candidates then who are the top two vote-getters at this voter-nominated primary election for the congressional and state elected offices shall compete in the ensuing general election in November, and again, this is regardless of party preference of the candidates.

Section 6 states that all judicial, school, county, and city offices, as well as the statewide Superintendent of Public Instruction, shall be non-partisan races. And then Section seven requires that voting be done in secret.

In addition to these constitutional provisions, California's extensive Elections Code has literally thousands of statutory sections. What are some of the major areas of law covered in the Elections Code? Well, election dates, voters, vote by mail, new residents, new citizens to vote, mailing of ballot elections, political party qualifications, sections on presidential elections, political party organization and the central committees, nominations by the parties, measures that are submitted to the voters, local, special, vacancy, consolidated elections, recalls, any pre-election procedures, sections on ballots, sample ballots in the voter pamphlets. There's a whole section on election day procedures, canvassing, both the official and semifinal, as well as recounts, what to do when there are tied votes, election contests, retention elections for judges, penal code provisions, certification of voting systems, and reapportionment.

So you can see how extensive California's Elections Codes are that add greatly to the voting rights that are set forth in our state constitution. Thanks for joining today's podcast. I hope you enjoyed it.