



**PEACE & FREEDOM PARTY
OF CALIFORNIA**

State Central Committee

PO Box 24764, Oakland, CA 94623

(510) 465-9414 www.peaceandfreedom.org

March 31, 2015

Hon. Kevin Mullin
State Capitol, Room 3160
Sacramento, CA 94249-0022

Subject: AB 44 Automatic Recounts – OPPOSE UNLESS AMENDED

Dear Assembly Member Mullin,

I am writing to you on behalf of the Peace and Freedom Party of California to oppose AB 44 unless it is amended. We support automatic recounts in concept, because we don't believe that assuring very close elections are counted accurately should depend on the financial resources available to the campaign that appears to have narrowly lost. We would like to be able to support this bill. However, we strongly oppose discrimination against candidates of smaller political parties, and thus we must oppose the bill unless its provisions pertaining to presidential primary elections are removed or changed.

The point of holding an automatic recount is that when results are so close that it is uncertain based on the initial count which candidate(s) would be nominated or elected, or whether or not a ballot measure would be approved, the ballots should be recounted. However, the language for presidential primary elections doesn't serve this purpose. As described more fully in the attachment to this letter, there are at least four specific problems:

- (1) Recounts are only triggered by close races in the two largest parties' presidential primaries.
- (2) Presidential primaries nominate neither the leading nor the leading two candidates.
- (3) It is unclear whether automatic recounts would be of all parties' presidential primaries or only of the party's which triggered the recount.
- (4) Many candidates whose names appear on California presidential primary ballots are no longer running by the time recounts would happen.

We would also prefer that this bill address local and district elections, but would not withhold support because of that limitation.

For these reasons, we oppose AB 44 unless it is amended. We hope to work with you and your staff to resolve these problems so that we can support the passage of an amended bill. To discuss our position on AB 44 further, please contact me at 916-320-9186 (mobile) or ctwebervoters@att.net, or our State Chair, Debra Reiger, at 916-698-8131 (mobile) or debra.reiger@earthlink.net.

Sincerely,

C. T. Weber
Legislative Committee Chairperson
Peace and Freedom Party of California

cc: Assembly Committee on Elections and Redistricting
Hon. Sebastian Ridley-Thomas, Chair
Hon. Shannon L. Grove, Vice-Chair
Hon. Travis Allen

Hon. Kevin Mullin

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Hon. Mike Gatto
Hon. Richard S. Gordon
Hon. Henry T. Perea

Attachment
Four Problems with AB 44's Presidential Primary Language

(1) The California presidential preference primary results for parties other than the two largest in the state can determine who those parties place on the California ballot in the general election, and even if none of these candidates wins in November, who they are may impact a close race in our state and/or nationally. Thus it is still important for all Californians, not just those in the smaller parties, that the results of those parties' primaries are correctly counted.

(2) No party automatically nominates the leading candidate in its California presidential primary, as the provision for triggering an automatic recount seems to assume. The provision for when automatic recounts are triggered doesn't take into account the different parties' differing delegate selection rules. Currently, only the Republican Party and the American Independent Party award all of their delegates to their parties' presidential nominating convention to the candidate with the most votes statewide in their presidential preference primary. The Democratic Party (for the 25% of its delegates elected at-large), the Green Party and the Peace and Freedom Party (in years in which it is affiliated with a national party) allocate their national convention delegates proportionally based on the statewide presidential preference vote (with a 15% minimum vote to receive any delegates for the Democrats), so that the difference between first and second place candidates' votes may affect fewer delegates than other close counts. The presidential preference primary is just a "beauty contest" for the Libertarian Party and (in years when it is not affiliated with a national party) the Peace and Freedom Party. Either recounts should be triggered whenever any statewide preference totals are close to values at which they might change the number of delegates a candidate will receive, or if the only trigger is between the first and second place candidates, they should only apply to the American Independent and Republican parties where the first place candidate gets all the delegates.

(3) The trigger for calling an automatic recount appears to be a close race for the top spot in the presidential preference primary of either of the two largest parties (presumably the Democratic and Republican parties), but the recount called appears to be of all ballots cast for president in all parties' presidential primaries. It is reasonable to recount all ballots, not just those in the presidential race of the party whose contest was close, because in partisan primaries one likely miscount is to count a ballot in the wrong party's primary, so reviewing all ballots, not just those initially counted as in the party with the close primary contest, would be necessary to catch such errors. Whether or not that is the intention, it should be made explicit whether ballots only from the party whose presidential primary contest is close are to be recounted or all presidential primary ballots.

(4) In presidential primary races, often candidates still appear on the California ballot after they have withdrawn from the race due to defeats in other states with earlier primaries. Even candidates who campaign in California may withdraw from the race by the time any recount would be conducted due to defeats in other states with primaries held at the same time as California's. Some provision should allow candidates who have already withdrawn from the race to waive a recount that would otherwise be called to determine whether they would receive more delegates.