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California Wants More Clout: Moving the Presidential Primary to February

Pritee K. Thakarsey

Code Sections Affected

Election Code §§ 1000, 1001, 1201, 1202 (amended).
SB 113 (Calderon); 2007 STAT. Ch. 2.

I. INTRODUCTION

For a long time, states have envied the attention that New Hampshire, Iowa, and other states with historically early presidential primaries receive from presidential candidates,¹ and, since the 1980s, states have vied to set the presidential campaign agenda.² But it was the California Legislature's decision in 2007 to move its presidential primary to the first Tuesday in February that prompted other states to take action.³ Now a record number of states plan to hold their presidential primaries on February 5th,⁴ creating a new "Super Tuesday"⁵ for the 2008 presidential primary elections.⁶

This is not California's first attempt to lure presidential candidates.⁷ The Legislature moved up California's presidential primary date for the 1996 election year and then again for the 2000 election year.⁸ Unfortunately, the change did not give California a greater influence over the presidential nomination process.⁹ In the past three election cycles, the presidential nominees for the major political parties were chosen well before California voters even had the opportunity to vote.¹⁰

1. Dan Nowicki, *Converging Primaries Affect Race: States Pushing up Dates Squeeze Out Dark Horses*, ARIZ. REPUBLIC, June 17, 2007, at F1, available at <http://www.azcentral.com/arizonarepublic/news/articles/0617primaries0617.html>.

2. Linda Fowler, Editorial, *Presidential Primary Shift Bodes Ill For Democracy*, CAPITAL TIMES (Madison, Wis.), May 23, 2007, at A9.

3. *Id.*

4. Jackie Calmes, *'Super-Duper Tuesday' May Be Too Big to Matter: Sheer Number of States, Timing Will Reinforce Impact of Opening Trio*, WALL ST. J., June 15, 2007, at A6.

5. Southern states established the original Super Tuesday, which was held in March. Fowler, *supra* note 2.

6. Calmes, *supra* note 4.

7. See ASSEMBLY COMMITTEE ON APPROPRIATIONS, COMMITTEE ANALYSIS OF SB 113, at 2 (Feb. 26, 2007) (stating that California has moved its presidential primary three times since 1993).

8. *Id.*

9. *Id.*

10. James P. Sweeney, *California Wants a Bigger Stake in Choosing Presidential Candidates*, COPLEYS NEWS SERV. (San Diego, Cal.), Feb. 13, 2007, at California Wire.

Nevertheless, the California Legislature is once again determined to give its voters the chance to vote in a meaningful and timely presidential primary election.¹¹ After all, California boasts the largest congressional delegation in the nation (ten percent of the Democratic delegates and seven percent of the Republican delegates).¹² Also, with the largest population in the nation,¹³ California is a cultural and ethnic melting pot.¹⁴ Therefore, California should be a major player in choosing the President of the United States.¹⁵ Governor Schwarzenegger believes that moving the presidential primary to February will ensure California's influence over the selection of presidential nominees.¹⁶

II. LEGAL BACKGROUND

A. History of California's Presidential Primary

Bifurcated primaries are common in California.¹⁷ Between 1912 and 1944, California's presidential primary was held in May, and the statewide direct primary was held in September.¹⁸ It was not until 1947 that the Legislature consolidated both primaries and moved them to June.¹⁹ Both primaries continued to be held in June for twelve consecutive presidential primary elections.²⁰

However, due to California's lack of influence on the nomination process, California made a one-time change allowing the presidential and statewide direct primary to be held on the fourth Tuesday in March for the 1996 presidential election.²¹ Unfortunately, California's influence on the presidential nominating

11. 2007 Cal. Stat. ch. 2, §1(b).

12. Larry N. Gerston, *California's Early Primary Plan Might Just Backfire*, SAN JOSE MERCURY, May 23, 2007, at 16A.

13. 2007 Cal Stat. ch. 2, §1(a).

14. Press Release, Senator Art Torres, Statement From CDP Chairman Art Torres on Passage of SB 113 (Mar. 6, 2007), http://www.cadem.org/site/c.jrLZK2PyHmF/b.1846123/apps/nl/content3.asp?content_id=%7B47AFB245-2FB1-4B8B-9544-F153BE0218E0%7D¬oc=1 [hereinafter Torres Statement] (on file with the *McGeorge Law Review*).

15. Fact Sheet, Office of the Governor, Governor Elevates California's Influence in the 2008 Presidential Election, Setting Stage for Broader Political Reforms, <http://gov.ca.gov/index.php?fact-sheet/5646/> (last visited Dec. 9, 2007) [hereinafter Governor Elevates] (on file with the *McGeorge Law Review*).

16. Press Release, Office of the Governor, Governor Schwarzenegger Signs Legislation to Move California's Presidential Primary to February (Mar. 15, 2007), <http://gov.ca.gov/index.php?press-release/5649/> [hereinafter Governor Signs] (on file with the *McGeorge Law Review*).

17. SENATE APPROPRIATIONS COMMITTEE, COMMITTEE ANALYSIS OF SB 113, at 2 (Feb. 8, 2007).

18. 1911 Cal. Stat. ch. 17, § 2, at 67-68; 1911 Cal. Stat. ch. 18, § 1, at 85.

19. 1947 Cal. Stat. ch. 420, § 3-4, at 1037 (amending CAL. ELEC. CODE §§ 951, 953).

20. ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING, COMMITTEE ANALYSIS OF SB 113, at 2 (Feb. 22, 2007).

21. ASSEMBLY FLOOR, COMMITTEE ANALYSIS OF SB 113, at 2-3 (Feb. 28, 2007).

process was diluted²² because twenty-seven other states moved their primaries ahead of California's.²³

After the 1996 presidential election, California once again moved up its date for the presidential primary.²⁴ This time, California moved all future presidential primary elections to the first Tuesday in March but continued to keep it consolidated with the statewide direct primary elections.²⁵ However, California still did not have an impact on the presidential nominating process.²⁶ In 2000, California's primary election trailed after nine other states, and it ran concurrent with contests in thirteen other states.²⁷ Further, moving the presidential primary to the first Tuesday in March caused a record low turnout for the 2002 statewide direct primary.²⁸ It also lengthened the time period between the statewide direct primary and general elections to eight months, which increased the cost of campaigning.²⁹

In response to a low voter turnout and an increased cost of campaigning, the Legislature passed a bill that once again allowed bifurcated primaries.³⁰ The bill required that the statewide primary be held in June and the presidential primary be held in March.³¹ However, former Governor Davis vetoed the bill.³² Governor Davis feared that county officials could not effectively carry-out two primary elections within a ninety day time period, especially in those counties introducing new voting systems.³³ As a result, California's 2004 presidential primary election was held on the first Tuesday of March.³⁴ This time California's impact on the presidential nomination process was even more diluted than it was in 2002 because California's presidential primary followed after twenty other states, and it was conducted on the same day as nine other state contests.³⁵

Still frustrated with the March primary date, in 2004, California moved its presidential primary and the statewide primary back to June.³⁶ It slated both primaries for the first Tuesday following the first Monday of the month.³⁷

22. ASSEMBLY COMMITTEE ON APPROPRIATIONS, COMMITTEE ANALYSIS OF SB 113, at 2 (Feb. 26, 2007).

23. ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING, COMMITTEE ANALYSIS OF SB 113, at 2 (Feb. 22, 2007).

24. *Id.*

25. *Id.*

26. *Id.*

27. *Id.*

28. *Id.* at 3.

29. *Id.*

30. *Id.*

31. *Id.*

32. *Id.*

33. *Id.*

34. *Id.*

35. *Id.*

36. *Id.*

37. CAL. ELEC. CODE § 1202 (West 2003 & Supp. 2007).

Consequently, the 2006 statewide direct primary was held in June, and, before Chapter 2 was enacted, the next presidential primary was set for June 5, 2008.³⁸

B. Rules of the Democratic National Committee and Republican National Committee

The Democratic National Committee (DNC) and the Republican National Committee (RNC) have established rules for conducting presidential primaries.³⁹ Each party sets a time period, known as the “window,” in which states are permitted to hold the presidential primary.⁴⁰ The Republican Party rules specify that a presidential primary, caucus, or convention cannot be held prior to the first Tuesday in February of a presidential election year.⁴¹ As a result, for the 2008 presidential primary election, the Republican Party window will open on February 5th.⁴² Similarly, the Democratic Party rules specify that the window for the 2008 presidential primary will also open on February 5th.⁴³ However, an exception under the Democratic Party rules allows Iowa, Nevada, New Hampshire, and South Carolina to hold their presidential primaries before February 5, 2008.⁴⁴

A state may receive sanctions at the national party convention for violating party rules.⁴⁵ Specifically, the Republican Party may reduce the number of its delegates by fifty or ninety percent if a state violates rules relating to the timing of presidential primaries.⁴⁶ The Democratic Party has even harsher sanctions for violating timing rules. Under the Democratic Party rules, not only will a state that violates timing rules face losing a significant amount of its delegates (half of the pledged and all of the unpledged),⁴⁷ but also a presidential candidate who

38. ASSEMBLY FLOOR, COMMITTEE ANALYSIS OF SB 113, at 3 (Feb. 28, 2007).

39. See ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING, COMMITTEE ANALYSIS OF SB 113, at 4 (Feb. 22, 2007) (“The national Democratic and Republican party rules establish a time period during which state parties are permitted to select delegates to the national convention.”).

40. *Id.* at 4.

41. GOP.com, Republican National Committee, Party Rules R. 15(b)(1)(i), <http://www.gop.com/About/AboutRead.aspx?AboutType=4&Section=16> (last visited Dec. 9, 2007) [hereinafter Party Rules] (on file with the *McGeorge Law Review*).

42. ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING, COMMITTEE ANALYSIS OF SB 113, at 4 (Feb. 22, 2007).

43. *Id.*

44. *Id.*

45. *Id.*

46. Party Rules, *supra* note 41, at R. 16(a)(1)-(2).

47. ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING, COMMITTEE ANALYSIS OF SB 113, at 4 (Feb. 22, 2007). Unpledged delegates generally include party leaders who do not have to support any one candidate and can change their votes. However, pledged delegates announce who they are supporting and pledge their vote to a specific candidate. *Tradition Remains Strong*, CHARLOTTE OBSERVER, July 25, 2004, at 4P. Unpledged delegates are also known as “superdelegates.” CNN.com, The Delegate Selection Process, <http://www.cnn.com/ELECTION/2004/primaries/pages/misc/more.html> (last visited Dec. 9, 2007) (on file with the *McGeorge Law Review*).

campaigns in any state that violates timing rules will forfeit all delegate votes from that state.⁴⁸ In contrast, the DNC debated adopting a proposal that would award a state up to thirty percent more delegates for holding its presidential primary later in the 2008 election year.⁴⁹ The DNC hoped this incentive would convince California to maintain its presidential primary in June.⁵⁰

C. Other States

Currently, twenty-one states are scheduled to hold their presidential primaries on February 5, 2008.⁵¹ Among those are New York and New Jersey, which individually hold a large number of delegates.⁵² Seven states are also scheduled to hold presidential primaries before February 5th.⁵³ Wyoming will be the first to hold its presidential primary on January 5th.⁵⁴ Within the month, Iowa, Michigan, Nevada, South Carolina, New Hampshire, and Florida are all set to hold presidential primaries.⁵⁵ The calendar, however, is expected to change.⁵⁶ Both Iowa and New Hampshire's election laws require each state to hold presidential primaries before any other state.⁵⁷ As a result, presidential primaries may be held as early as December 2007.⁵⁸

All seven states scheduled to hold presidential primaries before the Republican window opens on February 5th are in violation of Republican Party rules.⁵⁹ But the RNC has not yet taken any action to penalize these states.⁶⁰ In contrast, only those states that do not fall within the DNC exception are in

48. ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING, COMMITTEE ANALYSIS OF SB 113, at 4 (Feb. 22, 2007).

49. Scott Keyes, DNC Fights Frontloading, Dec. 4, 2006, http://politicalinsider.com/2006/12/dnc_fights_frontloading.html (on file with the *McGeorge Law Review*).

50. Steven Harmon, *Early Primary Bill Advances in Senate*, PASADENA STAR-NEWS, Feb. 8, 2007, at N1.

51. Stateline.org, Presidential Primary and Caucus Dates, Sept. 4, 2007, http://archive.stateline.org/flash-data/Primary/2008_presidential_primaries.pdf (on file with the *McGeorge Law Review*).

52. *Alaska, Georgia Jump on the Feb. 5 Primary Bandwagon*, L.A. TIMES, May 30, 2007, at A16.

53. Stephen Ohlemacher, *States Poised to Flout GOP Primary Rule: Michigan Jumps Ahead, 7 States to File Primary Calendar Flouting GOP Rules*, ABC NEWS, Sept. 5, 2007, <http://abcnews.go.com/Politics/wireStory?id=3556182> (on file with the *McGeorge Law Review*).

54. *Id.*

55. *Id.*

56. Michael D. Shear, *Primary Season Getting Earlier: S.C. GOP's Move Could Push Votes for 2008 Into '07*, WASH. POST, Aug. 9, 2007, at A1.

57. IOWA CODE ANN. § 43.4 (West 1999) (stating that their caucus must be held "at least eight days earlier than . . . any meeting, caucus or primary which constitutes the first determining stage of the presidential nominating process in any other state"); N.H. REV. STAT. ANN. § 653:9 (2003) (stating that the date of New Hampshire's presidential primary must be "[seven] days or more immediately preceding the date on which any other state shall hold a similar election").

58. Ohlemacher, *supra* note 53.

59. *Id.*

60. *Id.*

violation of Democratic Party timing rules.⁶¹ These states include Florida, Michigan, and Wyoming.⁶² Unlike the RNC, the DNC has taken action to strip Florida of all its delegates unless the state reschedules its presidential primary after February 5th.⁶³ The DNC hopes that its actions against Florida will convince other states to conform to timing rules.⁶⁴

III. CHAPTER 2

Chapter 2 bifurcates the presidential and statewide primaries.⁶⁵ Chapter 2 moves the date for California's presidential primary from June to the first Tuesday in February of each presidential election year.⁶⁶ The statewide direct primary, however, will continue to be held in June of each even-numbered year.⁶⁷ Further, since Chapter 2 makes the presidential primary election a statewide election, state initiatives are eligible to appear on the February ballot.⁶⁸

IV. ANALYSIS

A. *Early Primary's Impact on California*

Supporters contend that moving the presidential primary to February will encourage presidential candidates to campaign in California and debate issues that are responsive to California's diversity and needs.⁶⁹ These issues include "the environment, global warming, stem cell research, traffic congestion, water and immigration."⁷⁰ Without a move in California's presidential primary, candidates might not address these issues.⁷¹ Supporters assert that now political candidates cannot afford to ignore California.⁷² The author of Chapter 2 believes that when presidential candidates come to California, voters will be encouraged to participate in the February 2008 elections, stimulating a record number of voter registrations.⁷³

61. *Id.*

62. *Id.*

63. Michael D. Shear, *DNC Strips Florida of 2008 Delegates: No Convention Slots Unless Later Primary is Set*, WASH. POST, Aug. 26, 2007, at A1.

64. *Id.*

65. CAL. ELEC. CODE § 1202 (amended by Chapter 2).

66. *Id.* (amended by Chapter 2).

67. *Id.* § 1201 (amended by Chapter 2).

68. ASSEMBLY FLOOR, COMMITTEE ANALYSIS OF SB 113, at 3 (Feb. 28, 2007).

69. Torres Statement, *supra* note 14.

70. *California May Finally Have Impact on Presidential Primaries*, SAN MATEO COUNTY TIMES, Mar. 18, 2007, at L5.

71. Steven Harmon, *Schwarzenegger Signs Bill Moving Up Primary Election*, DESERET MORNING NEWS (Salt Lake City, Utah), Mar. 16, 2007, at 1.

72. *Id.*

73. *Id.*

Supporters also believe that Chapter 2 will bring more money into California.⁷⁴ When California held its presidential primary in June, candidates only came to California to raise significant amounts of campaign contributions.⁷⁵ During the 2004 presidential elections, candidates raised \$182 million in California.⁷⁶ But candidates did not spend that money in the Golden State.⁷⁷ A February presidential primary would force candidates to spend at least some of that hundreds of millions of dollars in California.⁷⁸ Since the Legislature introduced the concept of moving the presidential primary to February, candidates started visiting California more often than in previous election years.⁷⁹

In addition, the author of Chapter 2 believes that since California is now an important state to presidential nominees, California will receive more federal dollars from Washington, D.C.⁸⁰ California receives only seventy-nine cents for every dollar that it gives to the federal government.⁸¹ By contrast, South Carolina, which historically holds early primaries,⁸² gets \$1.35 for every dollar it gives to the federal government.⁸³ And Iowa, which also holds early primaries, receives large subsidies for ethanol production.⁸⁴

While the exact cost of conducting the presidential primaries will not be known until after the February 2008 election,⁸⁵ California will have to reimburse counties a total between \$48 million and \$80 million.⁸⁶ Although Chapter 2 states the Legislature's intent to fully and expeditiously reimburse counties for the costs they will incur from the February elections,⁸⁷ some counties want more assurance.⁸⁸ The California State Association of Counties (CSAC) contends that

74. Torres Statement, *supra* note 14.

75. Governor Signs, *supra* note 16.

76. Torres Statement, *supra* note 14.

77. *Id.*

78. Harmon, *supra* note 50.

79. Governor Elevates, *supra* note 15 (stating that Senators Barack Obama, Hilary Clinton, John McCain, John Edwards, and former Governor Mitt Romney and Mayor Rudy Giuliani have visited California since the Legislature considered moving its presidential primary to February).

80. City Beat with Ron Calderon, Senator, Cal. State Senate, Feb. 22, 2007, <http://www.lacitybeat.com/article.php?id=5072&IssueNum=194> [hereinafter Calderon Interview] (on file with the *McGeorge Law Review*).

81. Frank D. Russo, The Arguments Against Moving the California Presidential Primary: The Debate in the State Assembly, Mar. 7, 2007, http://www.californiaprogessreport.com/2007/03/the_arguments_a.html (on file with the *McGeorge Law Review*).

82. See ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING, COMMITTEE ANALYSIS OF SB 113, at 4 (Feb. 22, 2007) (stating that the Democratic Party allows South Carolina, Iowa, Nevada, and New Hampshire to hold its primary before the other states).

83. Russo, *supra* note 81.

84. *Id.*

85. SENATE APPROPRIATIONS COMMITTEE, COMMITTEE ANALYSIS OF SB 113, at 1 (Feb. 8, 2007).

86. ASSEMBLY COMMITTEE ON APPROPRIATIONS, COMMITTEE ANALYSIS OF SB 113, at 1-2 (Feb. 26, 2007).

87. 2007 Cal Stat. ch. 2, §6.

88. Letter from Henry C. Veatch, Chair, Bd. of Supervisors, Alpine County, Cal., to Mark Leno, Cal. State Assembly (Mar. 6, 2007) (on file with the *McGeorge Law Review*).

the intent language in Chapter 2 does not ensure that the counties will get reimbursed because an uncodified expression of legislative intent cannot be enforced under the law.⁸⁹ CSAC also opposed moving the presidential primary to February unless Chapter 2 included language specifying the county's right to reimbursement and the procedure for such reimbursement.⁹⁰ Since the budget for the 2007-2008 fiscal year appropriated funds for conducting only two statewide elections,⁹¹ county officials are concerned that without timely compensation they will not be able to withstand holding a presidential primary in February.⁹²

Other opponents of Chapter 2 are concerned because a bifurcated presidential primary and statewide primary will force county governments to conduct three or four separate elections within a nine month period, possibly causing problems in the election process.⁹³ The presidential primary will be held in February, followed by the statewide primary in June, and the general election in November.⁹⁴ In addition to the November general election, twenty-five counties will also hold city office, school board, and special district elections.⁹⁵ County officials stress that conducting elections is a very complex undertaking and having three elections in a nine month period will not leave election officials sufficient time to organize each election.⁹⁶ They fear that unforeseen problems will occur, which will lead the public to lose confidence in the voting process.⁹⁷ Opponents also believe that holding a February presidential primary could not only decrease voter turnout for the June statewide primary, but holding three elections could also cause voter fatigue.⁹⁸ Therefore, county officials urged the Legislature to

89. Letter from Karen A. Keene, Legislative Representative, Cal. State Ass'n of Counties to Mark Leno, Cal. State Assembly (Feb. 22, 2007) (on file with the *McGeorge Law Review*).

90. *Id.* CSAC encouraged the Legislature to include the following specific language in Chapter 2:
All expenses authorized and necessarily incurred by counties in preparation for and conduct of a presidential primary election held pursuant to Section 1202 of the Elections Code shall be paid by the state, with an amount included in the state budget for the following fiscal year in which the presidential primary is held. The appropriation shall be sufficient to cover all county costs following final certification of costs by the Secretary of State. If a presidential primary election is consolidated with a local election, only those additional expenses directly related to the presidential primary election shall be paid by the state.

Id.

91. Harmon, *supra* note 50.

92. Letter from James Stassi, Sacramento Advocates, Inc., to Cal. State Senate (Feb. 8, 2007) (on file with the *McGeorge Law Review*).

93. Letter from Helen K. Baumann, El Dorado County Bd. of Supervisors, to Senator Ron Calderon, Cal. State Senate (Feb. 27, 2007) (on file with the *McGeorge Law Review*); Letter from Walter F. Ekard, Chief Admin. Officer, County of San Diego, to Senator Ron Calderon, Cal. State Senate (Feb. 14, 2007) [hereinafter Ekard Letter] (on file with the *McGeorge Law Review*).

94. SENATE APPROPRIATIONS COMMITTEE, COMMITTEE ANALYSIS OF SB 113, at 1-2 (Feb. 8, 2007).

95. Jim Miller, *Early Presidential Primary Would Cost Counties Plenty*, PRESS-ENTER. (Riverside, Cal.), Mar. 6, 2007, http://www.pe.com/localnews/inland/stories/PE_News_Local_D_primary07.3ee3225.html (on file with the *McGeorge Law Review*).

96. Ekard Letter, *supra* note 93.

97. *Id.*

98. Jim Sanders, *Early Primary Plan is Sent to Governor: February Presidential Vote Could Spur Drive*

keep the presidential primary consolidated with the statewide primary, whether in February or in June.⁹⁹

The Foundation for Taxpayers and Consumer Rights (FTCR) believes that the presidential and statewide elections were bifurcated because lawmakers have a hidden agenda.¹⁰⁰ Since the February presidential primary is a statewide election, the ballot may include state initiatives.¹⁰¹ This will allow lawmakers to include an initiative that extends incumbents' term limits before they expire.¹⁰² If the initiative to change term limits passes in February, then those incumbents who would have reached their term limits will be able to run for office in June.¹⁰³ However, if the presidential primary and statewide elections were both held in June, it would be too late for incumbents to file for re-election, even if the term limits initiative passed.¹⁰⁴ Despite the criticism, the author of Chapter 2 claims that term limits were not an issue when the date for the presidential primary was moved in the past, and it continues to be a separate issue.¹⁰⁵ He further asserts that if term limits are changed, the decision will be made by voters, not by lawmakers.¹⁰⁶

With nearly half the states in the union moving the presidential primary to February 5th, critics argue that California's influence will be diminished.¹⁰⁷ First, candidates will have to spread their limited time and campaign money across multiple other states.¹⁰⁸ Second, a costly media market will curb the ability of candidates to buy television advertisements in California.¹⁰⁹ Third, some analysts predict that candidates will focus even harder on the earlier states, such as Iowa and New Hampshire, because the only thing February 5th voters will have had a chance to learn about candidates is who prevailed in January.¹¹⁰ Then again, supporters believe that California will have a greater influence over presidential nominations in February than it would in June.¹¹¹

to *Alter Term Limits*, SACRAMENTO BEE, Mar. 7, 2007, at A1.

99. ASSEMBLY COMMITTEE ON APPROPRIATIONS, COMMITTEE ANALYSIS OF SB 113, at 2 (Feb. 26, 2007).

100. Letter from Jamie Court, President, & Carmen Balber, Consumer Advocate, Found. for Taxpayer & Consumer Rights, to Senator Ron Calderon, Cal. State Senate (Feb. 12, 2007) (on file with the *McGeorge Law Review*).

101. ASSEMBLY FLOOR, COMMITTEE ANALYSIS OF SB 113, at 3 (Feb. 28, 2007).

102. Miller, *supra* note 95.

103. *Id.*; see also Sanders, *supra* note 98 (stating that both the Speaker of the California State Assembly, Fabian Núñez, and the Senate President Pro Tem, Don Perata, are facing their term limit next year).

104. Miller, *supra* note 95.

105. Calderon Interview, *supra* note 80.

106. *Id.*

107. Gerston, *supra* note 12.

108. Harmon, *supra* note 71.

109. *Id.*

110. Sweeney, *supra* note 10.

111. Greg Lucas, *State Senate Panel OKs Moving up Presidential Primary*, S.F. CHRON., Feb. 8, 2007, at B2.

B. *Early Primaries' Impact on the Nation*

Analysts presume that front-loading the presidential primaries is detrimental to the nominating process.¹¹² A former RNC chairman believes that this will create a “de facto national primary,”¹¹³ and other political science experts believe that voters will have less time to evaluate candidates.¹¹⁴ Early primaries could also reduce the pool of possible candidates because some rely on a series of wins in small states to build support.¹¹⁵ Candidates who do not have strong showings on February 5th will have difficulties raising money to continue campaigning.¹¹⁶ Further, if the presidential nominees are chosen in February, it would make for a nine month election season, which could depress voter turnout in November.¹¹⁷ On the other hand, there is a possibility that the February 5th presidential primaries may not result in a clear winner.¹¹⁸ If that is the case, states that have later primaries may decide the presidential nominees.¹¹⁹

V. CONCLUSION

California's decision to move its presidential primary from June to February has initiated many debates. Although supporters are optimistic that an earlier presidential primary will encourage candidates to address issues concerning California¹²⁰ and spend campaign money in the Golden State,¹²¹ opponents believe that with so many states holding their presidential primary on February 5th, California's influence will be minimal.¹²² Further, critics believe that bifurcating the presidential and statewide primaries will lead to low voter turnout,¹²³ voter fatigue,¹²⁴ and county officials making mistakes while conducting elections.¹²⁵ It is also possible that the new “Super Tuesday” will have a negative impact on the presidential nomination process.¹²⁶ Only time will tell if California's latest attempt to gain political attention will be successful.

112. Korey Clark, *Big States Could Reshape Presidential Races*, STATE NET CAPITOL J., Mar. 5, 2007, at 4.

113. Susan Milligan, *States May Force Megaprimary, Winnow the 2008 Field Early: 19 States Look to Have Early Say in '08 Race*, BOSTON GLOBE, Mar. 6, 2007, at A1.

114. Clark, *supra* note 112, at 4.

115. *Id.*

116. *Id.*

117. *Id.*

118. *Id.* at 5.

119. *Id.*

120. Torres Statement, *supra* note 14.

121. Harmon, *supra* note 50.

122. Gerston, *supra* note 12.

123. Sanders, *supra* note 98.

124. *Id.*

125. Ekard Letter, *supra* note 93.

126. Clark, *supra* note 112, at 4.