

has selected the Peace and Freedom Party rules for the conduct of their activities.)

We believe that the provisions of Elections Code section 7956 requiring that a political party adopt procedural rules of another political party with respect to conducting its presidential primary, even on an interim basis until statutes can be changed to accommodate a new political party, is an unconstitutional interference with the internal affairs of a political party and is unenforceable under Eu. v. Central Committee. We have no intention of attempting to enforce this section and we will advise the counties that no presidential primary will be conducted for the Green Party of California at the June election.

Selection of Nominees for Executive Office

Article XIV of Organizational Structure of the CPCC purports to limit the elections contests in which the party will participate at primary elections and limits the selection of nominees to those candidates who receive more votes than any other candidate and more votes than the total of ballots left blank for that office. These restrictions are in direct conflict with the state's direct primary law which applies to all qualified political parties. These provisions (Elections Code section 8400 et seq.) permit any member of a political party who is qualified for an office to seek his or her party's nomination for that office. It also permits a write-in candidate to seek the nomination of any party regardless of the candidate's party affiliation. Under these provisions of law, the candidate receiving the most votes wins the nomination. (A write-in candidate must also receive votes equal to at least 1% of the votes cast for the office at the last general election.)

The courts have repeatedly held that a state can significantly regulate the primary process. Sigler v. Cross (1974) 415 U.S. 124. The cases have traditionally been decided in the context of a challenge by a political party or candidate to the state's efforts to restrict ballot access. Interestingly, it is the reverse of this situation which is posed by the Green Party of California. The party desires to limit access to the ballot for Green Party members who may wish to seek the party's nomination.

Eu. v. Central Committee recognized the right of a party to directly influence the primary process and the selection of its members by endorsing and by otherwise participating in primary election campaigns. The party is free to promote favored candidates and to oppose unfavored ones. But it is a question leap beyond Eu. v. Central