

must be considered in light of this decision and we have done so.

Elections Code section 9955

Elections Code section 9955 requires a newly qualified political party to select procedures applicable to previously qualified political parties as set forth in some detail in the Elections Code. (See section 9900 et seq. for the Democratic Party, section 9980 et seq. for the Republican Party, section 9990 et seq. for the American Independent Party, section 9750 et seq. for the Peace and Freedom Party. The Libertarian Party has selected the Peace and Freedom Party rules for the conduct of their activities.) We believe that the provisions of Elections Code section 9955 requiring exclusively that a political party adopt procedural rules of another political party, 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 Bay v. Central Committee.

While we believe that the provisions of Elections Code section 9955 are not generally enforceable, we do not believe that the Green Party of California can, in the absence of statutory authority or an appropriate court order, dictate to the Secretary of State and to local elections officials procedures for the selection of members of county councils as proposed in Article VIII of the Organizational Structure of the GPOC. Elections officials must take their cues from the laws of this state and not from political parties. While the state may not interfere with the conduct of the internal affairs of political parties, neither can political parties, without statutory authority, interfere with the public's business by mandating procedures which often involve the expenditure of public funds and the allocation of staff and other resources. Thus, we will advise the counties not to participate in the conduct of any direct primary election activities regarding the selection of Green Party county central committee members or county council members.

Elections Code section 9956

Elections Code section 9956 requires a newly qualified political party to select procedures applicable to previously qualified political parties as set forth in some detail in the Elections Code with respect to conducting presidential primary elections. (See section 9900 et seq. for the Democratic Party, section 9980 et seq. for the Republican Party, section 9990 et seq. for the American Independent Party, see section 9750 et seq. for the Peace and Freedom Party. The Libertarian Party