



SHIRLEY N. WEBER, Ph.D. | SECRETARY OF STATE | STATE OF CALIFORNIA
ELECTIONS DIVISION

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August 9, 2021

County Clerk/Registrar of Voters (CC/ROV) Memorandum #21120

TO: All County Clerks/Registrars of Voters

FROM: /s/ Kirsten Larsen
Election Services Manager

RE: Ballot Design Advisory Committee: August 19, 2021, Meeting

Attached is the notice and agenda for the next Ballot Design Advisory Committee (BDAC) meeting to be held on Thursday, August 19, 2021, at 2:30 p.m. via videoconference.

County elections officials and members of the public are welcome to attend by calling in to the conference number listed on the agenda.

Please feel free to contact Reina Miller with any questions at (916) 695-1557 or rmiller@sos.ca.gov.

Thank you.



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August 9, 2021

Public Meeting Notice and Agenda

Ballot Design Advisory Committee
(BDAC)

Due to the ongoing concerns related to COVID-19, and consistent with Executive Order N-29-20, there will not be a public meeting location for this meeting. This meeting will be available to the public via videoconference.

Date and time: Thursday, August 19, 2021, 2:30 p.m.

Conference call number: +1-216-706-7005 or +1-866-434-5269

Conference Code: 979956

Videoconference Link: <https://zoomlink>

Videoconference Password: #Fy=e0Fj

Agenda

Ballot Design Advisory Committee
(BDAC)

Thursday, August 19, 2021, 2:30 p.m.

1. Welcome, Call to Order, Roll Call, and Declaration of Quorum
2. Co-chair Nominations and Appointment
3. California Elections Code Division 13
4. Public Comments and Future Agenda Items

Public comment period and opportunity to suggest future agenda items

5. Adjournment

Important Notices to the Public:

- This meeting is open to the public and is accessible to the physically disabled.
- In accordance with Title II of the Americans with Disabilities Act of 1990, reasonable accommodations are available. Providing accommodation requests at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.
- Any person who needs a disability-related accommodation or modification in order to participate in the meeting, or any person wanting to subscribe to future meeting notices and agendas, may make a request by contacting Reina Miller at (916) 695-1557, by emailing BDAC@sos.ca.gov or RMiller@sos.ca.gov, or by sending a written request to Reina Miller, 1500 11th Street, 5th Floor, Sacramento, CA 95814.
- Discussion and action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the committee and may be taken out of order.
- Persons interested in addressing the committee on any agenda item will be given an opportunity to speak. The committee may limit the time for each individual speaker.
- The committee may not discuss or take action on any matter raised that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. (Government Code sections 11125, 11125.7(a).)

Ballot Design Advisory Committee (BDAC)

Suggested step-by-step approach for the committee

1. Identify which provisions of the Elections Code are applicable to ballot design.
[We have identified that Division 13 of the Elections Code is applicable to ballot design.]
2. This document contains all the provisions of the Division 13 of the Elections Code. This will be a live document with tracked changes that will track all the changes suggested/recommended by the committee throughout the entire process.
3. Go through each section of this division and identify any legislative changes that need to be made in any provision.
4. Identify any provisions that would require more explanation or expansion through regulations.
5. After each meeting this document will be publicly shared on the Ballot Design Advisory Committee webpage of the Secretary of State's website.
6. At the end of the process, based on this document, the committee will be able to recommend any legislative changes it thinks are necessary to accomplish its goals to the Secretary of State and the Legislature, and also recommend language to the Secretary of State to promulgate regulations to streamline ballot design for California voters.

Division 13 of the California Elections Code Starts at the next page:

Ballot Design Advisory Committee (BDAC)

ELECTIONS CODE - ELEC

DIVISION 13. BALLOTS, SAMPLE BALLOTS, AND VOTER PAMPHLETS [13000 - 13502]

Division 13 enacted by Stats. 1994, Ch. 920, Sec. 2.)

CHAPTER 1. Purchasing Procedures [13000 - 13006]

(Chapter 1 enacted by Stats. 1994, Ch. 920, Sec. 2.)

13000.

The person in charge of elections for any county, city and county, city, or district shall provide ballots for any elections within his or her jurisdiction, and shall cause to be printed on them the name of every candidate whose name has been certified to or filed with the proper officer pursuant to law and who, therefore, is entitled to a place on the appropriate ballot.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

13001.

All expenses authorized and necessarily incurred in the preparation for, and conduct of, elections as provided in this code shall be paid from the county treasuries, except that when an election is called by the governing body of a city the expenses shall be paid from the treasury of the city. All payments shall be made in the same manner as other county or city expenditures are made. The elections official, in providing the materials required by this division, need not utilize the services of the county or city purchasing agent.

(Amended by Stats. 2008, Ch. 179, Sec. 74. Effective January 1, 2009.)

13002.

Ballot paper and ballot cards used by a jurisdiction holding an election pursuant to the laws of California shall be tinted and watermarked or overprinted with a design, to be furnished by the Secretary of State, so that the watermark or overprint is plainly discernible.

(Amended by Stats. 2010, Ch. 333, Sec. 1. (SB 1404) Effective January 1, 2011.)

13004.

(a) The Secretary of State shall adopt regulations governing the manufacture, finishing, quality standards, distribution, and inventory control of ballot cards and ballot on demand systems. For commercial ballot manufacturers and finishers, the Secretary of State shall require a biennial inspection of the certified manufacturing, finishing, and storage facilities. The Secretary of State shall also approve each ballot card manufacturer, finisher, and ballot on demand system before manufacturing or finishing ballot cards, or deploying a ballot on demand system, for use in California elections.

Ballot Design Advisory Committee (BDAC)

(b) Not later than five working days before the Secretary of State begins his or her initial inspection, the ballot card manufacturer, finisher, or ballot on demand system vendor shall disclose to the Secretary of State in writing any known flaw or defect in its ballot card manufacturing or finishing process, manufactured or finished ballot cards, or ballot on demand system that could adversely affect the future casting or tallying of votes. Once approved by the Secretary of State, the ballot card manufacturer, finisher, or ballot on demand system vendor shall notify the Secretary of State and the affected local elections officials in writing within two business days after it discovers any flaw or defect in its ballot card manufacturing or finishing process, manufactured or finished ballot cards, or ballot on demand system that could adversely affect the future casting or tallying of votes.

(Amended by Stats. 2015, Ch. 734, Sec. 4. (SB 439) Effective January 1, 2016.)

13004.5.

(a) A jurisdiction shall not purchase, lease, or contract for a ballot on demand system unless the ballot on demand system has been certified by the Secretary of State.

(b) A vendor, company, or person shall not sell, lease, or contract with a jurisdiction for the use of a ballot on demand system unless the ballot on demand system has been certified by the Secretary of State.

(c) This section does not preclude a jurisdiction from conducting research and development of a ballot on demand system. A ballot on demand system that is used for purposes of this subdivision shall not be used in an election conducted pursuant to this code unless the system has been certified by the Secretary of State.

(d) The Secretary of State shall promulgate regulations for purposes of certifying ballot on demand systems.

(Added by Stats. 2015, Ch. 734, Sec. 5. (SB 439) Effective January 1, 2016.)

13005.

(a) Before a user may purchase ballot cards, the user shall request in writing a release for a specific quantity of these ballot cards from the Secretary of State. If the request is in order, the Secretary of State shall issue a written release for that quantity to the manufacturer, or to the authorized warehouse, and to the user. The format, text, and use of the request and release shall be governed by regulations adopted by the Secretary of State.

(b) Nothing in this section prohibits a verbal request or verbal release, provided that this verbal request or verbal release is immediately confirmed in writing. The regulations shall expressly deny the manufacturing of ballot cards without a specific release.

(Amended by Stats. 2010, Ch. 333, Sec. 3. (SB 1404) Effective January 1, 2011.)

13006.

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A user, vendor, or manufacturer shall not warehouse for a subsequent election ballot paper or ballot cards furnished or released by the Secretary of State for a specific election without first obtaining authorization in writing from the Secretary of State for the storage. The authorization shall include the particular details of the amount to be stored so that audit controls may be established and maintained. Ballot paper or ballot cards not used in that election, not authorized to be retained for subsequent elections, and not returned to the Secretary of State, shall be destroyed. A certificate of destruction setting forth the date of destruction and the amount of the ballot paper or ballot cards destroyed shall be transmitted to the Secretary of State.

(Amended by Stats. 2010, Ch. 333, Sec. 4. (SB 1404) Effective January 1, 2011.)

CHAPTER 2. Forms of Ballots: Ballot Order [13100 - 13121]

(Chapter 2 enacted by Stats. 1994, Ch. 920, Sec. 2.)

13100.

All ballots used in all elections shall be governed by this chapter unless otherwise specifically provided.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

13101.

(a) In the case of the prevention of an election in any precinct by the loss or destruction of the ballots intended for that precinct, the inspector or other precinct officer for that precinct shall make an affidavit setting forth the fact and transmit it to the Governor. Upon receipt of the affidavit, the Governor may, and upon the application of any candidate for any office to be voted for by the voters of that precinct the Governor shall, order a new election in that precinct.

(b) This section does not apply to elections conducted using vote centers.

(Amended by Stats. 2017, Ch. 806, Sec. 41. (SB 286) Effective January 1, 2018.)

13102.

(a) All voting shall be by ballot. There shall be provided, at each polling place, at each election at which public officers are to be voted for, but one form of ballot for all candidates for public office, except that, for partisan primary elections, one form of ballot shall be provided for each qualified political party as well as one form of nonpartisan ballot, in accordance with subdivision (b).

(b) At partisan primary elections, each voter not registered disclosing a preference for any one of the political parties participating in the election shall be furnished only a nonpartisan ballot, unless the voter requests a ballot of a political party and that political party, by party rule duly noticed to the Secretary of State, authorizes a person who has declined to disclose a party preference to vote the ballot of that political party. The nonpartisan ballot shall contain only the names of all candidates

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for nonpartisan offices, voter-nominated offices, and measures to be voted for at the primary election. Each voter registered as preferring a political party participating in the election shall be furnished only a ballot for which the voter disclosed a party preference in accordance with Section 2151 or 2152 and the nonpartisan ballot, both of which shall be printed together as one ballot in the form prescribed by Section 13207.

(c) A political party may adopt a party rule in accordance with subdivision (b) that authorizes a person who has declined to disclose a party preference to vote the ballot of that political party at the next ensuing partisan primary election. The political party shall notify the party chair immediately upon adoption of that party rule. The party chair shall provide written notice of the adoption of that rule to the Secretary of State not later than the 135th day before the partisan primary election at which the vote is authorized.

(d) The county elections official shall maintain a record of which political party's ballot was requested pursuant to subdivision (b), or whether a nonpartisan ballot was requested, by each person who declined to disclose a party preference. The record shall be made available to any person or committee who is authorized to receive copies of the printed roster for primary and general elections pursuant to Section 2184. A record produced pursuant to this subdivision shall be made available in either a printed or electronic format, as requested by the authorized person or committee.

(Amended by Stats. 2019, Ch. 497, Sec. 106. (AB 991) Effective January 1, 2020.)

13103.

Every ballot shall contain all of the following:

(a) The title of each office, arranged to conform as nearly as practicable to the plan set forth in this chapter.

(b) The names of all qualified candidates, except that:

(1) Instead of the names of candidates for delegate to the national conventions, there shall be printed the names of the presidential candidates to whom they are pledged or the names of candidates for chairmen of party national convention delegations.

(2) Instead of the names of candidates for presidential electors, there shall be printed in pairs the names of the candidates of the respective parties for President and Vice President of the United States. These names shall appear under the title "President and Vice President."

(c) The titles and summaries of measures submitted to vote of the voters.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

13104.

If a candidate changes his or her name within one year of any election, the new name shall not appear upon the ballot unless the change was made by either of the following:

(a) Marriage.

(b) Decree of any court of competent jurisdiction.

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(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

13105.

(a) In the case of a candidate for a voter-nominated office in a primary election, a general election, or a special election to fill a vacancy in the office of United States Senator, Member of the United States House of Representatives, State Senator, or Member of the Assembly, immediately to the right of and on the same line as the name of the candidate, or immediately below the name if there is not sufficient space to the right of the name, there shall be identified, as specified by the Secretary of State, the designation made by the candidate pursuant to Section 8002.5. The identification shall be in substantially the following form:

(1) In the case of a candidate who designated a political party preference pursuant to Section 8002.5, "Party Preference: _____."

(2) In the case of a candidate who did not state a preference for a political party pursuant to Section 8002.5, "Party Preference: None."

(b) In the case of candidates for President and Vice President, the name of the party shall appear to the right of and equidistant from the pair of names of these candidates and on the same line as the name of the candidate for President, or immediately below the name of the vice presidential candidate if there is not sufficient space to the right of the name.

(c) If for a general election any candidate for President of the United States or Vice President of the United States has received the nomination of any additional party or parties, the name(s) shall be printed to the right of the name of the candidate's own party, or immediately below the name if there is not sufficient space to the right of the name. Party names of a candidate shall be separated by commas. If a candidate has qualified for the ballot by virtue of an independent nomination, the word "Independent" shall be printed instead of the name of a political party in accordance with the above rules.

(Amended by Stats. 2019, Ch. 863, Sec. 1. (AB 623) Effective January 1, 2020.)

13106.

No title or degree shall appear on the same line on a ballot as a candidate's name, either before or after the candidate's name, in the case of any election to any office.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

13107.

(a) With the exception of candidates for Justice of the State Supreme Court or court of appeal, immediately under the name of each candidate, and not separated from the name by any line, unless the designation made by the candidate pursuant to Section 8002.5 must be listed immediately below the name of the candidate pursuant to Section 13105, and in that case immediately under the designation, may appear at the option of the candidate only one of the following designations:

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- (1) Words designating the elective city, county, district, state, or federal office which the candidate holds at the time of filing the nomination documents to which he or she was elected by vote of the people.
 - (2) The word "incumbent" if the candidate is a candidate for the same office which he or she holds at the time of filing the nomination papers, and was elected to that office by a vote of the people.
 - (3) No more than three words designating either the current principal professions, vocations, or occupations of the candidate, or the principal professions, vocations, or occupations of the candidate during the calendar year immediately preceding the filing of nomination documents.
 - (4) The phrase "appointed incumbent" if the candidate holds an office by virtue of appointment, and the candidate is a candidate for election to the same office, or, if the candidate is a candidate for election to the same office or to some other office, the word "appointed" and the title of the office. In either instance, the candidate may not use the unmodified word "incumbent" or any words designating the office unmodified by the word "appointed." However, the phrase "appointed incumbent" shall not be required of a candidate who seeks reelection to an office which he or she holds and to which he or she was appointed, as a nominated candidate, in lieu of an election, pursuant to Sections 5326 and 5328 of the Education Code or Section 7228, 7423, 7673, 10229, or 10515 of this code.
- (b) (1) Except as specified in paragraph (2), for candidates for judicial office, immediately under the name of each candidate, and not separated from the name by any line, only one of the following designations may appear at the option of the candidate:
- (A) Words designating the city, county, district, state, or federal office held by the candidate at the time of filing the nomination documents.
 - (B) The word "incumbent" if the candidate is a candidate for the same office that he or she holds at the time of filing the nomination papers.
 - (C) No more than three words designating either the current principal professions, vocations, or occupations of the candidate, or the principal professions, vocations, or occupations of the candidate during the calendar year immediately preceding the filing of nomination documents.
- (2) For a candidate for judicial office who is an active member of the State Bar employed by a city, county, district, state, or by the United States, the designation shall appear as one of the following:
- (A) Words designating the actual job title, as defined by statute, charter, or other governing instrument.
 - (B) One of the following ballot designations: "Attorney," "Attorney at Law," "Lawyer," or "Counselor at Law." The designations "Attorney" and "Lawyer" may be used in combination with one other current principal profession, vocation, or occupation of the candidate, or the principal profession, vocation, or occupation of the candidate during the calendar year immediately preceding the filing of nomination documents.
 - (3) A designation made pursuant to subparagraph (A) of paragraph (1) or paragraph (2) shall also contain relevant qualifiers, as follows:
 - (A) If the candidate is an official or employee of a city, the name of the city shall appear preceded by the words "City of."

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(B) If the candidate is an official or employee of a county, the name of the county shall appear preceded by the words "County of."

(C) If the candidate is an official or employee of a city and county, the name of the city and county shall appear preceded by the words "City and County."

(D) If the candidate performs quasi-judicial functions for a governmental agency, the full name of the agency shall be included.

(c) A candidate for superior court judge who is an active member of the State Bar and practices law as one of his or her principal professions shall use one of the following ballot designations as his or her ballot designation: "Attorney," "Attorney at Law," "Lawyer," or "Counselor at Law." The designations "Attorney" and "Lawyer" may be used in combination with one other current principal profession, vocation, or occupation of the candidate, or the principal profession, vocation, or occupation of the candidate during the calendar year immediately preceding the filing of nomination documents.

(d) For purposes of this section, all California geographical names shall be considered to be one word. Hyphenated words that appear in any generally available standard reference dictionary, published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted, shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.

(e) The Secretary of State and any other elections official shall not accept a designation of which any of the following would be true:

(1) It would mislead the voter.

(2) It would suggest an evaluation of a candidate, such as outstanding, leading, expert, virtuous, or eminent.

(3) It abbreviates the word "retired" or places it following any word or words which it modifies.

(4) It uses a word or prefix, such as "former" or "ex-," which means a prior status. The only exception is the use of the word "retired."

(5) It uses the name of any political party, whether or not it has qualified for the ballot.

(6) It uses a word or words referring to a racial, religious, or ethnic group.

(7) It refers to any activity prohibited by law.

(f) If, upon checking the nomination documents and the ballot designation worksheet described in Section 13107.3, the elections official finds the designation to be in violation of any of the restrictions set forth in this section, the elections official shall notify the candidate by registered or certified mail return receipt requested, addressed to the mailing address provided on the candidate's ballot designation worksheet.

(1) The candidate shall, within three days, excluding Saturday, Sunday, and state holidays, from the date he or she receives notice by registered or certified mail, or from the date the candidate receives actual notice of the violation, whichever occurs first, appear before the elections official or, in the case of the Secretary of State, notify the Secretary of State by telephone, and provide a designation that complies with subdivision (a) or (b).

(2) If a candidate fails to provide a designation that complies with subdivision (a) or (b) within the three-day period specified in paragraph (1), a designation shall not appear after the candidate's name.

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(g) A designation given by a candidate shall not be changed by the candidate after the final date for filing nomination documents, except as specifically requested by the elections official as specified in subdivision (f) or as provided in subdivision (h). The elections official shall maintain a copy of the ballot designation worksheet for each candidate that appears on the ballot in the county for the same period of time as applied to nomination documents pursuant to Section 17100.

(h) The designation shall remain the same for all purposes of both primary and general elections, unless the candidate, at least 98 days before the general election, requests in writing a different designation which the candidate is entitled to use at the time of the request.

(i) In all cases, the words so used shall be printed in a manner consistent with the space requirements of Sections 13207 and 13211.

(j) If a foreign language translation of a candidate's designation is required under the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.), as amended, to appear on the ballot in addition to the English language version, it shall be as short as possible, as consistent as is practicable with this section, and shall employ abbreviations and initials wherever possible in order to avoid undue length.

(Amended by Stats. 2018, Ch. 57, Sec. 3. (AB 2835) Effective January 1, 2019.)

13107.3.

(a) A candidate who submits a ballot designation pursuant to subdivision (a) of Section 13107 shall file a ballot designation worksheet that supports the use of that ballot designation by the candidate, in a format prescribed by the Secretary of State.

(b) The ballot designation worksheet shall be filed with the elections official at the same time that the candidate files his or her declaration of candidacy.

(c) In the event that a candidate fails to file a ballot designation worksheet in accordance with subdivision (a), no designation shall appear under the candidate's name on the ballot.

(Amended by Stats. 2009, Ch. 547, Sec. 3. (AB 1572) Effective January 1, 2010.)

13107.5.

(a) A candidate's ballot designation as "community volunteer" shall constitute a valid principal vocation or occupation for purposes of subdivision (a) of Section 13107, if not otherwise in violation of any of the restrictions set forth in that section, and subject to the following conditions:

(1) A candidate's community volunteer activities constitute his or her principal profession, vocation, or occupation.

(2) A candidate is not engaged concurrently in another principal profession, vocation, or occupation.

(3) A candidate may not use the designation of "community volunteer" in combination with any other principal profession, vocation, or occupation designation.

(b) The Secretary of State shall by regulation define what constitutes a community volunteer for purposes of this section.

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(Added by Stats. 2002, Ch. 364, Sec. 1. Effective January 1, 2003.)

13108.

(a) At the first elections for Representative in Congress, State Senator, Member of the Assembly, and Member of the Board of Equalization in each congressional, senatorial, Assembly, and Board of Equalization district following the adjustment of the boundary lines of the congressional, senatorial, Assembly, and Board of Equalization districts by the Citizens Redistricting Commission pursuant to Section 6 of Article IV, Section 17 of Article XIII, and Section 1 of Article XXI, of the California Constitution, that candidate who shall be deemed the incumbent in a given district for purposes of the election shall be that candidate who is running for the same office that he or she then holds, and who is running for reelection in a district that has the identical boundaries and number as the district from which he or she was last elected.

(b) In the event there is no candidate to whom subdivision (a) applies, the incumbent shall be that candidate who is running for the same office that he or she then holds, and who is running for reelection in a district that has the identical boundaries as the district from which he or she was last elected, but that has a different number.

(c) In the event there is no candidate to whom subdivision (a) or (b) apply, the incumbent shall be that candidate who is running for the same office that he or she then holds, and who is running for reelection in a district that contains some portion of the territory previously contained within the district from which he or she was last elected. However, in a new district that contains portions of the territory of more than one former district, the incumbent shall be that candidate the greater portion of the population, as determined by the most recent federal decennial census, of whose former district is included within the new district.

(d) In the event there is no candidate to whom subdivision (a), (b), or (c) apply, the incumbent shall be that candidate who is running for the same office that he or she then holds, and who is running for reelection in a district that has the identical number as the district from which he or she was last elected. However, a candidate for the office of Member of the Assembly shall be considered the incumbent in this case only if the district bearing the same number is located in the same county as the district that previously bore that number.

(e) If there is no candidate in a given district to which any of the above provisions apply, the incumbent shall be the person who is a candidate for the same office that he or she then holds who fulfills the residency requirements of law for candidacy within the district.

(Amended by Stats. 2014, Ch. 887, Sec. 1. (AB 1752) Effective January 1, 2015.)

13109.

The order of precedence of offices on the ballot shall be as listed below for those offices and measures that apply to the election for which this ballot is provided. Beginning in the column to the left:

(a) Under the heading, PRESIDENT AND VICE PRESIDENT:

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Nominees of the qualified political parties and independent nominees for President and Vice President.

(b) Under the heading, PRESIDENT OF THE UNITED STATES:

(1) Names of the presidential candidates to whom the delegates are pledged.

(2) Names of the chairpersons of unpledged delegations.

(c) Under the heading, STATE:

(1) Governor.

(2) Lieutenant Governor.

(3) Secretary of State.

(4) Controller.

(5) Treasurer.

(6) Attorney General.

(7) Insurance Commissioner.

(8) Member, State Board of Equalization.

(d) Under the heading, UNITED STATES SENATOR:

Candidates or nominees to the United States Senate.

(e) Under the heading, UNITED STATES REPRESENTATIVE:

Candidates or nominees to the House of Representatives of the United States.

(f) Under the heading, STATE SENATOR:

Candidates or nominees to the State Senate.

(g) Under the heading, MEMBER OF THE STATE ASSEMBLY:

Candidates or nominees to the Assembly.

(h) Under the heading, COUNTY COMMITTEE:

Members of the County Central Committee.

(i) Under the heading, JUDICIAL:

(1) Chief Justice of California.

(2) Associate Justice of the Supreme Court.

(3) Presiding Justice, Court of Appeal.

(4) Associate Justice, Court of Appeal.

(5) Judge of the Superior Court.

(6) Marshal.

(j) Under the heading, SCHOOL:

(1) Superintendent of Public Instruction.

(2) County Superintendent of Schools.

(3) County Board of Education Members.

(4) College District Governing Board Members.

(5) Unified District Governing Board Members.

(6) High School District Governing Board Members.

(7) Elementary District Governing Board Members.

(k) Under the heading, COUNTY:

(1) County Supervisor.

(2) Other offices in alphabetical order by the title of the office.

(l) Under the heading, CITY:

(1) Mayor.

(2) Member, City Council.

(3) Other offices in alphabetical order by the title of the office.

(m) Under the heading, DISTRICT:

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Directors or trustees for each district in alphabetical order according to the name of the district.

(n) Under the heading, MEASURES SUBMITTED TO THE VOTERS and the appropriate heading from subdivisions (a) through (m), above, ballot measures in the order, state through district shown above, and within each jurisdiction, in the order prescribed by the official certifying them for the ballot.

(o) In order to allow for the most efficient use of space on the ballot in counties that use a voting system, as defined in Section 362, the county elections official may vary the order of subdivisions (j), (k), (l), (m), and (n) as well as the order of offices within these subdivisions. However, the office of Superintendent of Public Instruction shall always precede any school, county, or city office, and state measures shall always precede local measures.

(Amended by Stats. 2002, Ch. 784, Sec. 99. Effective January 1, 2003.)

13109.5.

Notwithstanding anything in Section 13109 to the contrary, and to facilitate compliance with Section 13206, the elections official may list the offices specified in subdivision (h) of Section 13109 directly after the offices specified in subdivisions (a) and (b) of Section 13109, when the offices specified in those subsections are on the ballot, or at the end of the ballot in elections at which the offices specified in subdivisions (a) and (b) of Section 13109 are not listed on the ballot.

(Added by Stats. 2009, Ch. 1, Sec. 47. (SB 6) Effective January 1, 2010. Operative January 1, 2011, pursuant to Sec. 67 of Ch. 1.)

13109.7.

(a) Notwithstanding Section 13109, for a period of three years commencing with the date that the county elections official for the County of Los Angeles declares that the voting system modernization project underway in 2018 is complete and ready for operation, the county elections official for the County of Los Angeles shall conduct elections using the alternate ballot order described in Section 13109.8.

(b) The county elections official shall prepare a report regarding the effect of using the alternate ballot order for elections conducted during the time period described in subdivision (a). The report shall include, but not be limited to, the following information:

(1) Statistics and information on the cost of transitioning to the use of the alternate ballot order.

(2) The overall turnout of voters in the jurisdiction for each election conducted using the alternate ballot order.

(3) For different contests listed on the ballot, including, but not limited to, local offices and local ballot measures, state offices and state ballot measures, and federal offices, the following information:

(A) The turnout of voters for each contest.

(B) The number of overvotes and undervotes for each contest.

(C) The dropoff rates for each contest.

(4) Legislative recommendations.

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(c) The report described in subdivision (b) shall, whenever possible, compare an election conducted pursuant to this section and using the alternate ballot order described in Section 13109.8 to similar elections conducted using the ballot order described in Section 13109 in the same jurisdiction or in a comparable jurisdiction.

(d) Three years after the declaration date described in subdivision (a), the county elections official shall submit the report described in subdivision (b) to the Secretary of State and to the Legislature in accordance with Section 9795 of the Government Code. The county elections official shall also post a publicly accessible copy of the report on the Internet Web site of the county elections official.

(e) Notwithstanding any other law, the county elections official may adjust ballot instructions to the extent necessary to comply with this section.

(f) Immediately after making the declaration described in subdivision (a), the county elections official shall post the declaration on his or her Internet Web site and send the declaration to the Secretary of State, the Secretary of the Senate, the Chief Clerk of the Assembly, and the Legislative Counsel.

(g) This section shall remain in effect only until the first January 1 that occurs at least four years after the declaration date described in subdivision (a), and as of that date is repealed.

(Added by Stats. 2018, Ch. 927, Sec. 1. (SB 25) Effective January 1, 2019. Repealed on date prescribed by its own provisions.)

13109.8.

For the purposes of Sections 13109.7 and 13109.9, the order of precedence of offices on the ballot shall be as listed below for those offices and measures that apply to the election for which the ballot is provided. Beginning in the column to the left:

(a) Under the heading, CITY/LOCAL:

- (1) Mayor.
- (2) Member, City Council.
- (3) Unified School District Board Members.
- (4) High School District Board Members.
- (5) Elementary School District Board Members.
- (6) College District Governing Board Members.
- (7) Other offices in alphabetical order by the title of the office.
- (8) Candidates or nominees to the State Senate.
- (9) Candidates or nominees to the State Assembly.
- (10) Candidates or nominees to the House of Representatives of the United States.
- (11) City local initiatives and ballot measures.
- (12) Local school district initiatives and ballot measures.

(b) Under the heading, DISTRICT:

(1) Directors or trustees for each district in alphabetical order according to the name of the district.

(2) District initiatives and ballot measures.

(c) Under the heading, COUNTY:

(1) County Supervisor.

(2) Sheriff.

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- (3) Assessor.
 - (4) County Superintendent of Schools.
 - (5) County Board of Education.
 - (6) Other offices in alphabetical order by the title of the office.
 - (7) Judge of the Superior Court.
 - (8) County Marshall.
 - (9) Members of the County Central Committee.
 - (10) County initiatives and ballot measures.
 - (d) Under the heading, STATE:
 - (1) Governor.
 - (2) Lieutenant Governor.
 - (3) Secretary of State.
 - (4) Controller.
 - (5) Treasurer.
 - (6) Attorney General.
 - (7) Insurance Commissioner.
 - (8) Member, State Board of Equalization.
 - (9) Superintendent of Public Instruction.
 - (10) Statewide initiatives and ballot measures.
 - (e) Under the heading, STATE JUDICIAL:
 - (1) Chief Justice of California.
 - (2) Associate Justice of the Supreme Court.
 - (3) Presiding Judge, Court of Appeal.
 - (4) Associate Justice, Court of Appeal.
 - (f) Under the heading, NATIONAL ELECTION:
 - (1) Under the subheading, PRESIDENT and VICE PRESIDENT:
 - (A) Nominees of the qualified political parties and independent nominees for President and Vice President.
 - (B) Names of the presidential candidates to whom the delegates are pledged.
 - (C) Names of the chairperson of unpledged delegations.
 - (2) Candidates or nominees to the United States Senate.
- (Added by Stats. 2018, Ch. 927, Sec. 2. (SB 25) Effective January 1, 2019.)*

13109.9.

Notwithstanding Section 13109, the county elections official for the County of Los Angeles may use the alternate ballot order described in Section 13109.8 for elections conducted after the completion of the pilot project described in Section 13109.7. Notwithstanding any other law, the county elections official may adjust ballot instructions to the extent necessary to conform to the alternate ballot order.

(Added by Stats. 2018, Ch. 927, Sec. 3. (SB 25) Effective January 1, 2019.)

13110.

The group of names of candidates for any partisan office, voter-nominated office, or nonpartisan office shall be the same on the ballots of all voters entitled to vote for candidates for that office, except that in partisan primary elections, the names of

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candidates for nomination to partisan office shall appear only on the ballots of the political party, the nomination of which they seek, and candidates for election to a political party committee shall appear only on the ballots of the political party for which the candidate seeks election.

(Amended by Stats. 2009, Ch. 1, Sec. 48. (SB 6) Effective January 1, 2010. Operative January 1, 2011, pursuant to Sec. 67 of Ch. 1.)

13111.

Candidates for each office shall be printed on the ballot in accordance with the following rules:

(a) The names of presidential candidates to whom candidates for delegate to the national convention are pledged, and the names of chairpersons of groups of candidates for delegate expressing no preference, shall be arranged on the primary election ballot by the Secretary of State by the names of the candidates in accordance with the randomized alphabet as provided for in Section 13112 in the case of the ballots for the First Assembly District. Thereafter, for each succeeding Assembly district, the name appearing first in the last preceding Assembly district shall be placed last, the order of the other names remaining unchanged.

(b) The names of the pairs of candidates for President and Vice President shall be arranged on the general election ballot by the Secretary of State by the names of the candidates for President in accordance with the randomized alphabet as provided for in Section 13112 in the case of the ballots for the First Assembly District. Thereafter, for each succeeding Assembly district, the pair appearing first in the last preceding Assembly district shall be placed last, the order of the other pairs remaining unchanged.

(c) In the case of all other offices, the candidates for which are to be voted on throughout the state, the Secretary of State shall arrange the names of the candidates for the office in accordance with the randomized alphabet as provided for in Section 13112 for the First Assembly District. Thereafter, for each succeeding Assembly district, the name appearing first in the last preceding Assembly district shall be placed last, the order of the other names remaining unchanged.

(d) If the office is that of Representative in Congress or member of the State Board of Equalization, the Secretary of State shall arrange the names of candidates for the office in accordance with the randomized alphabet as provided for in Section 13112 for that Assembly district that has the lowest number of all the Assembly districts in which candidates are to be voted on. Thereafter, for each succeeding Assembly district in which the candidates are to be voted on, the names appearing first in the last preceding Assembly district shall be placed last, the order of the other names remaining unchanged.

(e) If the office is that of State Senator or Member of the Assembly, the county elections official shall arrange the names of the candidates for the office in accordance with the randomized alphabet as provided for in Section 13112, unless the district encompasses more than one county, in which case the arrangement shall be made pursuant to subdivision (i).

(f) If the office is to be voted upon wholly within, but not throughout, one county, as in the case of municipal, district, county supervisor, and county central

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committee offices, the official responsible for conducting the election shall determine the order of names in accordance with the randomized alphabet as provided for in Section 13112.

(g) If the office is to be voted on throughout a single county, and there are not more than four Assembly districts wholly or partly in the county, the county elections official shall determine the order of names in accordance with the randomized alphabet as provided for in Section 13112 for the first supervisorial district. Thereafter, for each succeeding supervisorial district, the name appearing first for each office in the last preceding supervisorial district shall be placed last, the order of the other names remaining unchanged.

(h) If there are five or more Assembly districts wholly or partly in the county, an identical procedure shall be followed, except that rotation shall be by Assembly district, commencing with the Assembly district which has the lowest number.

(i) Except as provided in subdivision (d) of Section 13112, if the office is that of State Senator or Member of the Assembly, and the district includes more than one county, the county elections official in each county shall conduct a drawing of the letters of the alphabet, pursuant to the same procedures specified in Section 13112. The results of the drawing shall be known as a county randomized ballot and shall be used only to arrange the names of the candidates when the district includes more than one county.

(j) If the office is that of Justice of the California Supreme Court or a court of appeal, the appropriate elections officials shall arrange the names of the candidates for the office in accordance with the randomized alphabet as provided for in Section 13112. However, the names of the judicial candidates shall not be rotated among the applicable districts.

(Amended by Stats. 2002, Ch. 784, Sec. 100. Effective January 1, 2003.)

13112.

The Secretary of State shall conduct a drawing of the letters of the alphabet, the result of which shall be known as a randomized alphabet. The procedure shall be as follows:

(a) Each letter of the alphabet shall be written on a separate slip of paper, each of which shall be folded and inserted into a capsule. Each capsule shall be opaque and of uniform weight, color, size, shape, and texture. The capsules shall be placed in a container, which shall be shaken vigorously in order to mix the capsules thoroughly. The container then shall be opened and the capsules removed at random one at a time. As each is removed, it shall be opened and the letter on the slip of paper read aloud and written down. The resulting random order of letters constitutes the randomized alphabet, which is to be used in the same manner as the conventional alphabet in determining the order of all candidates in all elections. For example, if two candidates with the surnames Campbell and Carlson are running for the same office, their order on the ballot will depend on the order in which the letters M and R were drawn in the randomized alphabet drawing.

(b) (1) There shall be six drawings, three in each even-numbered year and three in each odd-numbered year. Each drawing shall be held at 11 a.m. on the date specified in this subdivision. The results of each drawing shall be mailed

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immediately to each county elections official responsible for conducting an election to which the drawing is applicable, who shall use it in determining the order on the ballot of the names of the candidates for office.

(A) The first drawing under this subdivision shall take place on the 82nd day before the April general law city elections of an even-numbered year, and shall apply to those elections and any other elections held at the same time.

(B) The second drawing under this subdivision shall take place on the 82nd day before the direct primary of an even-numbered year, and shall apply to all candidates on the ballot in that election.

(C) (i) The third drawing under this subdivision shall take place on the 82nd day before the November general election of an even-numbered year, and shall apply to all candidates on the ballot in the November general election.

(ii) In the case of the primary election and the November general election, the Secretary of State shall certify and transmit to each county elections official the order in which the names of federal and state candidates, with the exception of candidates for State Senate and Assembly, shall appear on the ballot. The elections official shall determine the order on the ballot of all other candidates using the appropriate randomized alphabet for that purpose.

(D) The fourth drawing under this subdivision shall take place on the 82nd day before the March general law city elections of each odd-numbered year, and shall apply to those elections and any other elections held at the same time.

(E) The fifth drawing under this subdivision shall take place on the 82nd day before the first Tuesday after the first Monday in June of each odd-numbered year, and shall apply to all candidates on the ballot in the elections held on that date.

(F) The sixth drawing under this subdivision shall take place on the 82nd day before the first Tuesday after the first Monday in November of the odd-numbered year, and shall apply to all candidates on the ballot in the elections held on that date.

(2) In the event there is to be an election of candidates to a special district, school district, charter city, or other local government body at the same time as one of the five major election dates specified in subparagraphs (A) to (F), inclusive, and the last possible day to file nomination papers for the local election would occur after the date of the drawing for the major election date, the procedure set forth in Section 13113 shall apply.

(c) Each randomized alphabet drawing shall be open to the public. At least 10 days prior to a drawing, the Secretary of State shall notify the news media and other interested parties of the date, time, and place of the drawing. The president of each statewide association of local officials with responsibilities for conducting elections shall be invited by the Secretary of State to attend each drawing or send a representative. The state chairman of each qualified political party shall be invited to attend or send a representative in the case of drawings held to determine the order of candidates on the primary election ballot, the November general election ballot, or a special election ballot as provided for in subdivision (d).

(d) In the case of any special election for State Assembly, State Senate, or Representative in Congress, on the first weekday after the close of filing of nomination papers for the office, the Secretary of State shall conduct a public drawing to produce a randomized alphabet in the same manner as provided for in subdivisions (a) and (c). The resulting randomized alphabet shall be used for

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determining the order on the ballot of the candidates in both the primary election for the special election and in the special election.

(Amended by Stats. 2006, Ch. 508, Sec. 7. Effective January 1, 2007.)

13113.

(a) In the case of an election of candidates in a special district, school district, charter city (whose charter does not provide to the contrary), or other local government body, occurring on other than one of the election dates specified in subdivision (b) of Section 13112, the official responsible for conducting the election shall, at the same time that the election is called, notify the Secretary of State by registered mail of the date of the election, the date of the close of filing, and the last possible date for filing in the event there is an extension of filing due to an incumbent failing to file. The Secretary of State shall conduct a randomized alphabet drawing pursuant to subdivision (a) of Section 13112 on the first weekday following the last possible day of filing in the event there is an extension for the election.

(b) Except as provided for runoff elections in subdivision (d), if two or more drawings for local government elections would occur on the same date, the Secretary of State may use a single randomized alphabet drawing for all of these elections. The Secretary of State shall communicate the results of the drawing by registered mail to each respective official responsible for conducting the election who shall use it to determine the order on the ballot of all candidates' names.

(c) All drawings held pursuant to this section shall be open to the public.

(d) If a charter city conducts a runoff election, it shall use the results of a randomized alphabet drawing separate from the results of the randomized alphabet drawing used for the initial election for that runoff election. The city shall, within three days following the initial election, notify the Secretary of State by registered mail of the date of the election and request that he or she conduct a randomized alphabet drawing for the runoff election. The Secretary of State shall immediately conduct a randomized alphabet drawing for the runoff election and communicate the results of the drawing to the elections official responsible for conducting the runoff election who shall use the results to determine the order of all the candidates' names on the ballot. The results of the randomized alphabet drawing shall be clearly labeled "FOR USE IN A RUNOFF ELECTION ONLY."

(Amended by Stats. 2006, Ch. 508, Sec. 8. Effective January 1, 2007.)

13114.

(a) At any regular meeting of a city council held prior to the date on which the Secretary of State conducts the randomized alphabet drawing applicable to the regular municipal election under Section 13112, or, under Section 13113, applicable to a special election called to fill a vacancy on the city council, the city council may, by resolution, provide for the rotation on the ballot of the names of candidates for any elective city office.

(b) A resolution adopted pursuant to subdivision (a) shall specify which regular statewide election precincts or, if precincts have been consolidated for purposes of

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the city election, which consolidated precincts, shall constitute each cluster of precincts for purposes of the rotation of candidates' names on the ballot.

(c) (1) As used in this section, a "cluster" shall consist of one or more precincts which need not be contiguous. The clusters of precincts shall be numbered in consecutive order for purposes of ballot rotation of candidates' names, and the resolution shall list the clusters by number and identify which precincts are in each cluster.

(2) No cluster of precincts shall contain a number of registered voters which is more than 10 percent greater or lesser than the average number of registered voters for a cluster as of the most recent estimate by the county elections official of the number of registered voters in each regular precinct in the city prior to the adoption of the resolution. The resolution shall set forth the total number of registered voters in each cluster.

(d) A resolution adopted pursuant to subdivision (a) shall specify that, in the cluster designated as cluster number one, the names shall appear on the ballot in the order determined by the Secretary of State's randomized alphabet drawing. For each successive cluster, the resolution shall specify the manner of determining the order of the candidates' names by applying the following:

(1) If the number of candidates for an office is equal to or less than the number of clusters, in cluster number two and each successive cluster, the name appearing first in the last preceding cluster shall be placed last, the order of the other names remaining unchanged.

(2) If the number of candidates for an office is greater than the number of clusters, the former shall be divided by the latter. If the resulting quotient is a mixed number and the fractional part of the mixed number is less than one-half, the fraction shall be discarded. If the fractional part of the mixed number is one-half or greater, the quotient shall be raised to the next largest whole number. The whole number that results from this process shall be the number of candidates that, in cluster number two and each successive cluster, shall be taken from the beginning of the list and placed at the end of the list, the order of the other names remaining unchanged.

(e) (1) No city may provide for rotation of candidates' names on the ballot for a particular election unless the resolution authorizing it, in accordance with this section, is adopted by the city council at a regular meeting, at which the city elections official has provided cost estimates of this rotation, prior to the date of the randomized alphabet drawing applicable to the election.

(2) A city council resolution that provides for rotation of candidates' names pursuant to this section for any election which is consolidated with any county or state election shall also provide for the payment of computer programming, formatting, preparation, and all similar related administrative costs associated with development of the ballot on which those names appear.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

13115.

The order in which all state measures that are to be submitted to the voters shall appear on the ballot is as follows:

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- (a) Bond measures, including those proposed by initiative, in the order in which they qualify.
- (b) Constitutional amendments, including those proposed by initiative, in the order in which they qualify.
- (c) Legislative measures, other than those described in subdivision (a) or (b), in the order in which they are approved by the Legislature.
- (d) Initiative measures, other than those described in subdivision (a) or (b), in the order in which they qualify.
- (e) Referendum measures, in the order in which they qualify.

(Amended by Stats. 2013, Ch. 76, Sec. 57. (AB 383) Effective January 1, 2014.)

13116.

- (a) In an election at which state, county, city, or other local measures are submitted to a vote of the voters, all state measures shall be numbered in numerical order, as provided in this chapter or division. All county, city, or other local measures shall be designated by a letter, instead of a figure, printed on the left margin of the square containing the description of the measure, commencing with the letter "A" and continuing in alphabetical order, one letter for each of these measures appearing on the ballot.
- (b) An elections official may commence designating local measures with any letter of the alphabet following the letter "A," and continuing in alphabetical order, in order to avoid voter confusion that might result from different local measures carrying the same letter designation in successive elections.
- (c) Where two or more counties or cities submitting measures to the voters are in close proximity, the elections officials of those counties or cities may mutually agree to use letter designation for ballot measures that will not conflict or confuse the voter.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

13117.

- (a) Commencing with the November 3, 1998, general election, all state measures in all elections at which state measures are submitted to a vote of the voters shall be numbered in a continuous sequence, commencing with the number "1" and continuing in numerical sequence for a period of 10 years from the year of commencement.
- (b) At the completion of a 10-year cycle, the numbering sequence shall recommence with the number "1" at the next election at which state measures are submitted to a vote of the voters.

(Amended by Stats. 1996, Ch. 58, Sec. 2. Effective January 1, 1997.)

13118.

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The following rules apply when a person who is a candidate for an office believes that another person with a name that is so similar that it may be confused with the candidate's name has filed or will file a nomination paper for the same office:

(a) The candidate may, at the time of filing the candidate's nomination paper, or within five days after the time for filing nomination papers has expired, file with the elections official a statement that shall be in substance as follows:

"I _____, believe that another person, whose name is so similar to mine that it may be confused with mine, has filed or will file a nomination paper for the same office for which I have filed a nomination paper, and I therefore request and direct that the elections official assign a number to each candidate with a similar name to be printed on the ballot as a distinguishing mark.

_____	_____ Name
	Candidate for the office of "

(b) The distinguishing mark shall be a number, commencing with the number "1" and continuing in numerical sequence until each candidate with a similar name has been assigned a distinguishing number, and shall be printed at the right of the name on the ballot.

(c) The first candidate who filed the candidate's nomination papers shall have the number "1" and each subsequent candidate, based on the time of filing the candidate's nomination papers, shall be assigned the next number in numerical sequence.

(d) In addition to the designated numbers that the elections official shall place on the ballot when the above conditions are met, the elections official shall place on the ballot, immediately preceding the names of the candidates to be voted upon, or on the contest header if there is not sufficient space immediately preceding the name, the following warning:

"Warning! There are two (or applicable number) candidates for this office with identical names."

This warning shall also be included, in a prominent manner, on any state voter information guide, county voter information guide, or other mailing sent by the elections official, before the election, to persons eligible to vote for this office.

(e) To determine the order on the ballot for the candidates with similar names, the elections official shall conduct a drawing of the numbers assigned to the candidates in a similar manner as provided for in Section 13112.

(Amended by Stats. 2019, Ch. 863, Sec. 2. (AB 623) Effective January 1, 2020.)

13119.

(a) The ballots used when voting upon a measure proposed by a local governing body or submitted to the voters as an initiative or referendum measure pursuant to Division 9 (commencing with Section 9000), including a measure authorizing the issuance of bonds or the incurrence of debt, shall have printed on them the words "Shall the measure (stating the nature thereof) be adopted?" To the right or below

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the statement of the measure to be voted on, the words "Yes" and "No" shall be printed on separate lines, with voting targets. If a voter marks the voting target next to the printed word "Yes," the voter's vote shall be counted in favor of the adoption of the measure. If the voter marks the voting target next to the printed word "No," the voter's vote shall be counted against its adoption.

(b) If the proposed measure imposes a tax or raises the rate of a tax, the ballot shall include in the statement of the measure to be voted on the amount of money to be raised annually and the rate and duration of the tax to be levied.

(c) The statement of the measure shall be a true and impartial synopsis of the purpose of the proposed measure, and shall be in language that is neither argumentative nor likely to create prejudice for or against the measure.

(d) For purposes of this section, the following terms have the following meanings:

(1) "Local governing body" means the governing body of a city, county, city and county, including a charter city or charter county, or district, including a school district.

(2) "Target" means an object designated as the aim for a voter to make a vote selection.

(Amended by Stats. 2019, Ch. 863, Sec. 3. (AB 623) Effective January 1, 2020.)

13120.

The ballots used when voting upon a state, county, city, or district statute or ordinance referred to the voters of the respective jurisdiction as a referendum measure pursuant to Division 9 (commencing with Section 9000) shall have printed on them the words "Shall the statute (or ordinance) (stating the nature thereof, including any identifying number or title) be adopted?" Opposite the statement of the statute or ordinance to be voted on and to its right, or immediately below if there is not sufficient space opposite the statement or ordinance and to its right, the words "Yes" and "No" shall be printed on separate lines, with voting targets. If a voter marks the voting target next to the printed word "Yes," the voter's vote shall be counted in favor of the adoption of the ordinance or statute. If the voter marks the voting target next to the printed word "No," the voter's vote shall be counted against its adoption.

(Amended by Stats. 2019, Ch. 863, Sec. 4. (AB 623) Effective January 1, 2020.)

13121.

Notwithstanding any other provision of this code, the county elections official conducting any school election shall not be required to provide more than one ballot to the same voter for the purpose of voting on separate propositions at the same election. However, no voter shall be presented with a ballot containing a proposition on which he or she is not entitled to vote by reason of not residing within the district or area affected by the proposition.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

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CHAPTER 3. Ballot Printing Specifications [13200 - 13282]

(Chapter 3 enacted by Stats. 1994, Ch. 920, Sec. 2.)

ARTICLE 1. General Provisions [13200 - 13220]

(Article 1 enacted by Stats. 1994, Ch. 920, Sec. 2.)

13200.

Ballots not printed in accordance with this chapter shall not be cast nor counted at any election.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

13201.

The ballots of each political party's central committee shall be designed so that each ballot may be easily and clearly distinguished from, and not confused with, a ballot of any other political party.

(Amended by Stats. 1998, Ch. 199, Sec. 43. Effective January 1, 1999.)

13202.

All ballots of the same sort prepared by any county elections official, clerk or secretary of a legislative body, or other person having charge of preparing ballots for the same polling place, shall be precisely the same size, arrangement, quality and tint of paper, and kind of type, and shall be printed with ink of the same tint, so that without the numbers on the stubs it is impossible to distinguish any one of the ballots from the other ballots of the same sort. The names of all candidates printed upon the ballot shall be in type of the same size and character. If there is not sufficient space for a candidate name, the size may be adjusted as close as possible to the size and character of all the other candidate names printed upon the ballot.

(Amended by Stats. 2019, Ch. 863, Sec. 5. (AB 623) Effective January 1, 2020.)

13203.

Across the top of the ballot shall be printed in boldface capital type not smaller than 30-point, the words "OFFICIAL BALLOT." Beneath this heading, in the case of a partisan primary election, shall be printed in 18-point boldface capital type the official party designation or the words "NONPARTISAN BALLOT" as applicable. Beneath the heading line or lines, there shall be printed, in boldface type as large as the width of the ballot makes possible, the number of the congressional, Senate, and Assembly district, the name of the county in which the ballot is to be voted, and the date of the election.

(Amended by Stats. 2019, Ch. 863, Sec. 6. (AB 623) Effective January 1, 2020.)

13204.

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(a) The instructions to voters shall be printed below the district designation. The instructions shall begin with the words "INSTRUCTIONS TO VOTERS:" in no smaller than 16-point capital type. Thereafter, there shall be printed in 10-point capital type all of the following directions that are applicable to the ballot:

"To vote for a candidate for Chief Justice of California; Associate Justice of the Supreme Court; Presiding Justice, Court of Appeal; or Associate Justice, Court of Appeal, mark the voting target next to the word "Yes," to the right of the name of the candidate. To vote against that candidate, mark the voting target next to the word "No," to the right of the name of that candidate."

"To vote for any other candidate of your selection, mark the voting target next to the candidate's name. [When justices of the Supreme Court or Court of Appeal do not appear on the ballot, the instructions referring to voting after the word "Yes" or the word "No" will be deleted and the above sentence shall read: "To vote for a candidate whose name appears on the ballot, mark the voting target next to the candidate's name."] Where two or more candidates for the same office are to be elected, place a mark next to the names of all candidates for the office for whom you desire to vote, not to exceed, however, the number of candidates to be elected."

"To vote for a qualified write-in candidate, write the person's name in the blank space provided for that purpose after the names of the other candidates for the same office."

"To vote on any measure, mark the voting target next to the word "Yes" or after the word "No."

"Marking the ballot outside of the designated space to vote for a candidate or measure may compromise the secrecy of the ballot."

"If you wrongly mark, tear, or deface this ballot, return it to the precinct board member and obtain another."

"On vote by mail ballots mark with pen or pencil."

(b) The instructions to voters shall be separated from the portion of the ballot that contains the various offices and measures to be voted on.

(Amended by Stats. 2019, Ch. 863, Sec. 7. (AB 623) Effective January 1, 2020.)

13205.

Additional instructions to voters shall appear on the ballot prior to those provided for in Section 13204 under the following conditions:

(a) In a primary election at which candidates for delegate to national convention are to be voted upon, the instructions shall read:

"To vote for the group of candidates preferring a person whose name appears on the ballot, mark the voting target next to the name of the person preferred. To vote for a group of candidates not expressing a preference for a particular candidate, mark the voting target next to the name of the chairman of the group."

(b) In elections when electors of President and Vice President of the United States are to be chosen, there shall be placed upon the ballot, in addition to the instructions to voters as provided in this chapter, an instruction as follows:

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"To vote for all of the electors of a party, mark the voting target next to the names of the presidential and vice presidential candidates of that party. A mark of the voting target next to the name of a party and its presidential and vice presidential candidate, is a vote for all of the electors of that party, but for no other candidates."

(c) If a group of candidates for electors has been nominated under Chapter 3 (commencing with Section 8400) of Division 8, and has under Chapter 1 (commencing at Section 8300) of Division 8 designated the names of the candidates for President and Vice President of the United States for whom those candidates have pledged themselves to vote, the instructions to voters shall also contain the following:

"To vote for those electors who have pledged themselves to vote for a candidate for President and Vice President not supported by any particular party mark the voting target next to the names of those presidential and vice presidential candidates."

(d) If a group of candidates for electors has been nominated by a party not qualified to participate in the election, the instructions to voters shall also contain the following:

"To vote for those electors who have pledged themselves to vote for a candidate for President and for Vice President of any party not qualified to participate in the election write in the names and party of those presidential and vice presidential candidates in the blank space provided for that purpose."

(Amended by Stats. 2019, Ch. 863, Sec. 8. (AB 623) Effective January 1, 2020.)

13206.

(a) On the partisan ballot used in a direct primary election, immediately below the instructions to voters, there shall be a box. Within the box shall be printed the words "Party-Nominated Offices." Immediately below that phrase within the same box shall be printed the following: "Only voters who disclosed a preference upon registering to vote for the same party as the candidate seeking the nomination of any party for the Presidency or election to a party committee may vote for that candidate at the primary election, unless the party has adopted a rule to permit non-party voters to vote in its primary elections."

(b) The same style of box described in subdivision (a) shall also appear over the columns of the nonpartisan part of the ballot and within the box in the same style and point size of type shall be printed "Voter-Nominated and Nonpartisan Offices." Immediately below that phrase within the same box shall be printed the following: "All voters, regardless of the party preference they disclosed upon registration, or refusal to disclose a party preference, may vote for any candidate for a voter-nominated or nonpartisan office. The party preference, if any, designated by a candidate for a voter-nominated office is selected by the candidate and is shown for the information of the voters only. It does not imply that the candidate is nominated or endorsed by the party or that the party approves of the candidate. The party preference, if any, of a candidate for a nonpartisan office does not appear on the ballot."

(Amended by Stats. 2019, Ch. 863, Sec. 9. (AB 623) Effective January 1, 2020.)

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13206.5.

(a) (1) On the ballot used in a statewide general election in each year evenly divisible by the number four, immediately below the instructions to voters, there shall be a box. Within the box shall be printed the words "Party-Nominated Offices." Immediately below that phrase within the same box shall be printed the following: "The party label accompanying the name of a candidate for party-nominated office on the general election ballot means that the candidate is the official nominee of the party shown."

(2) On the ballot used in a statewide general election in each year evenly divisible by the number four, following the portion of the ballot for party-nominated offices, the same style of box described in paragraph (1) shall appear and within the box in the same style and point size of type shall be printed "Voter-Nominated and Nonpartisan Offices." Immediately below that phrase within the same box shall be printed the following: "All voters, regardless of the party preference they disclosed upon registration, or refusal to disclose a party preference, may vote for any candidate for a voter-nominated or nonpartisan office. The party preference, if any, designated by a candidate for a voter-nominated office is selected by the candidate and is shown for the information of the voters only. It does not imply that the candidate is nominated or endorsed by the party or that the party approves of the candidate. The party preference, if any, of a candidate for a nonpartisan office does not appear on the ballot."

(b) On the ballot used in a statewide general election in each even-numbered year that is not evenly divisible by the number four, immediately below the instructions to voters, there shall be a box. Within the box shall be printed the words "Voter-Nominated and Nonpartisan Offices." Immediately below that phrase within the same box shall be printed the following: "All voters, regardless of the party preference they disclosed upon registration, or refusal to disclose a party preference, may vote for any candidate for a voter-nominated or nonpartisan office. The party preference, if any, designated by a candidate for a voter-nominated office is selected by the candidate and is shown for the information of the voters only. It does not imply that the candidate is nominated or endorsed by the party or that the party approves of the candidate. The party preference, if any, of a candidate for a nonpartisan office does not appear on the ballot."

(Amended by Stats. 2019, Ch. 863, Sec. 10. (AB 623) Effective January 1, 2020.)

13207.

(a) There shall be printed on the ballot in parallel columns all of the following:

(1) The respective offices.

(2) The names of candidates with sufficient blank spaces to allow the voters to write in names not printed on the ballot, except that no spaces shall be printed for voter-nominated offices at a general election.

(3) Whatever measures have been submitted to the voters.

(b) In the case of a ballot which is intended for use in a party primary and which carries partisan offices, voter-nominated offices, and nonpartisan offices, a vertical solid black line shall divide the columns containing partisan offices, on the left, from

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the columns containing nonpartisan offices and voter-nominated offices, on the right.

(c) The standard width of columns containing partisan offices, nonpartisan offices, and voter-nominated offices, shall be three inches except that an elections official may vary the width of these columns by up to one inch. The column containing presidential and vice presidential candidates may be as wide as four inches.

(d) A measure that is to be submitted to the voters shall be printed in one or more parallel columns to the right of the columns containing the names of candidates and shall be of sufficient width to contain the title and summary of the measure. To the right of or below the title and summary shall be printed, on separate lines, the words "Yes" and "No."

(Amended by Stats. 2018, Ch. 57, Sec. 5. (AB 2835) Effective January 1, 2019.)

13208.

(a) In the right-hand margin of each column light vertical lines shall be printed in such a way as to create a voting target next to the name of each candidate for partisan office, voter-nominated office, nonpartisan office (except for Justice of the Supreme Court or justice of a court of appeal), or for chairperson of a group of candidates for delegate to a national convention who express no preference for a presidential candidate. In the case of Supreme Court or appellate justices and in the case of measures submitted to the voters, the lines shall be printed so as to create voting targets to the right of the words "Yes" and "No." The voting targets shall be used by the voters to express their choices as provided for in the instruction to voters.

(b) The standard voting target may be up to one-half inch wide. Voting targets for measures may be as tall as is required by the space occupied by the title and summary.

(c) As used in this section, "target" means an object designated as the aim for a voter to make a vote selection.

(Amended by Stats. 2019, Ch. 863, Sec. 11. (AB 623) Effective January 1, 2020.)

13209.

Whenever a foreign translation of the ballot is required by the federal Voting Rights Act of 1965, as amended by Public Law 94-73, to appear on the ballot as well as the English language version, the ballot, including a ballot reference page or pages as specified in Section 301, may be so designed as to place the foreign translation next to the voting target.

(Amended by Stats. 2019, Ch. 863, Sec. 12. (AB 623) Effective January 1, 2020.)

13210.

(a) In the case of candidates for delegate to national convention, there shall be printed in boldface type, not smaller than 12-point, across the column above the names of the persons preferred by the groups of candidates for delegates, the

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words, "President of the United States." The words "Vote for one group only" shall extend to the extreme right-hand margin of the column.

(b) In the case of candidates for President and Vice President, the words "Vote for One Party" shall appear just below the heading "President and Vice President" and shall be printed so as to appear above the voting targets for that office. The heading "President and Vice President" shall be printed in boldface 12-point type.

(c) In that section of the ballot designated for judicial offices, next to the heading "judicial" shall appear the instruction: "Vote yes or no for each office."

(d) In the case of candidates for Justice of the Supreme Court and court of appeal, within the rectangle provided for each candidate, and immediately above each candidate's name, there shall appear the following: "For (designation of judicial office)." There shall be as many of these headings as there are candidates for these judicial offices. No heading shall apply to more than one judicial office. Underneath each heading shall appear the words "Shall (title and name of Justice) be elected to the office for the term provided by law?"

(e) In the case of all other candidates, each group of candidates to be voted on shall be preceded by the designation of the office for which they are running, and the words "vote for one" or "vote for no more than two," or more, according to the number to be nominated or elected. The designation of the office shall be printed flush with the left-hand margin in boldface type not smaller than 8-point. The words, "vote for ____" shall extend to the extreme right-hand margin of the column. The number of candidates to be nominated or elected shall be printed in boldface type. The designation of the office and the directions for voting shall be separated from the candidates by a light line. There shall be no line between the headings for federal or legislative offices and the designation of the office and the directions for voting.

(Amended by Stats. 2019, Ch. 863, Sec. 13. (AB 623) Effective January 1, 2020.)

13211.

The names of the candidates shall be printed on the ballot, without indentation, in capital, boldface type not smaller than 8-point.

(Amended by Stats. 2019, Ch. 863, Sec. 14. (AB 623) Effective January 1, 2020.)

13211.5.

(a) Each group of names of candidates for a particular office shall be printed in immediate succession to another group of names of candidates for a particular office so as to avoid unnecessary spacing or gaps in the sequence in which each series of groups of names are listed on the ballot.

(b) If it is necessary to leave spaces on the ballot in order to provide for the most efficient and least costly process of printing ballots, the spaces shall be located at the end of a column, page, or ballot card wherever possible.

(c) If due to voting system constraints it is necessary to leave a space between offices on a column, page, or ballot card, and the space exceeds one inch, written instructions and a downward arrow or other visual indicator shall be printed on the ballot to direct the voter to the next voting space.

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(Added by Stats. 1996, Ch. 333, Sec. 1. Effective August 5, 1996.)

13211.7.

(a) (1) In jurisdictions required to provide translated ballot materials pursuant to Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503), as that section may be amended from time to time, any ballot that provides a translation of a candidate's name shall contain a phonetic transliteration of the candidate's name, except as provided in subdivision (b).

(2) This section applies only to character-based languages, including, but not limited to, Mandarin Chinese, Cantonese, Japanese, and Korean.

(3) If a candidate's name is to appear on the ballot in more than one jurisdiction in an election, all of those jurisdictions required to provide translated ballot materials pursuant to Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503) shall use the same phonetic transliteration or character-based translation of the name.

(4) (A) In a jurisdiction in which separate ballots containing translations of the candidates' names are printed in different languages, both the alphabet-based names and the translations of the candidates' names, for candidates that have translated names, shall appear on the translated ballot.

(B) If a jurisdiction is unable to comply with subparagraph (A) due to limitations of its existing voting system, any new voting system purchased by the jurisdiction after July 1, 2020, shall be able to accommodate the requirements of subparagraph (A).

(b) If a candidate has a character-based name by birth, that can be verified by birth certificate or other valid identification, the candidate may use that name on the ballot instead of a phonetic transliteration. A candidate who does not have a character-based name by birth, but who identifies by a particular character-based name and can demonstrate to the local elections official that the candidate has been known and identified within the public sphere by that name over the past two years, may use that name instead of a phonetic transliteration.

(Added by Stats. 2019, Ch. 82, Sec. 1. (AB 57) Effective January 1, 2020.)

13212.

Except for a voter-nominated office at a general election, under the designation of each office shall be printed as many blank spaces, defined by light lines.

(Amended by Stats. 2019, Ch. 863, Sec. 15. (AB 623) Effective January 1, 2020.)

13213.

Each group of names of candidates for a particular office shall be separated from the succeeding group. Each series of groups shall be headed by the caption "President of the United States," "President and Vice President," "State," "United States Senator," "United States Representative," "State Senator," "Member of the State Assembly," "County," or "City" or other proper general classification, as the

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case may be, printed in boldface capital type. Each caption shall be separated from the names of the candidates beneath.

(Amended by Stats. 2019, Ch. 863, Sec. 16. (AB 623) Effective January 1, 2020.)

13214.

The left-hand side of the first column of names on the ballot and the right-hand side of the last column of voting targets on the ballot shall be bordered. The binding or stitching of each package of ballots shall be along the top or head of the ballot. If ballots are to be used on a ballot on demand system or another system that prints content onto ballots, ballots are not required to be bound or stitched.

(Amended by Stats. 2019, Ch. 863, Sec. 17. (AB 623) Effective January 1, 2020.)

13215.

- (a) The ballots may be printed on the same leaf with a stub not over one inch in depth. The stub may be separated from the ballot by a horizontal perforated line or rule from side to side. Upon this stub shall be printed only the number of the ballot.
- (b) Stubs are not required on ballots to be used on a ballot on demand system or another system that prints content onto the ballot.

(Amended by Stats. 2019, Ch. 863, Sec. 18. (AB 623) Effective January 1, 2020.)

13216.

- (a) On each ballot a horizontal non-solid-ruled line shall extend across the top of the ballot below the horizontal perforated line. The same number appearing on the stub shall be printed above the horizontal, non-solid-ruled line on the left side of the ballot. Above this number shall be printed in parentheses in small type as follows: "(This number shall be torn off by a precinct board member and handed to the voter.)". The words "I HAVE VOTED—HAVE YOU?" may also be printed immediately above or below the number.

- (b) (1) Next to the ballot number there shall be a short vertical perforated rule or line extending upward from the horizontal non-solid-ruled line to the horizontal perforated line. Immediately above this horizontal non-solid-ruled line shall be printed in boldface lowercase type, at least 12-point in size, enclosed in parentheses, the following: "Fold ballot to this line leaving top margin exposed."

- (2) Above this printed direction and midway between it and the top edge of the ballot shall be printed in boldface uppercase type, at least 12-point in size, the following: "Mark the ballot with pen or pencil."

- (3) Below this direction and midway between it and the next line shall be printed in boldface uppercase type, at least 12-point in size, enclosed in parentheses and with the first four and last five words underlined or otherwise made prominent, the following: "(VOTE BY MAIL BALLOTS MAY BE MARKED WITH PEN AND INK OR PENCIL.)"

- (c) A ballot stub is not required if the information listed in subdivisions (a) and (b) is presented to the voter on a separate form accompanying the ballot.

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(Amended by Stats. 2019, Ch. 863, Sec. 19. (AB 623) Effective January 1, 2020.)

13216.5.

A ballot stub may be used, but is not required, for a ballot produced on demand if the quantity of ballots produced for the election can be reconciled by the ballot processing method used by the system generating the ballot for use. The ballots may contain printed and distinguishing marks if secrecy in voting is protected.

(Amended by Stats. 2019, Ch. 863, Sec. 20. (AB 623) Effective January 1, 2020.)

13217.

(a) The number on each ballot shall be the same as that on the corresponding stub, and the ballots and stubs shall be numbered consecutively in each county, or the ballots and stubs may be numbered consecutively within each combination of congressional, senatorial, and Assembly districts in each county. In a partisan primary election, the sequence of numbers on the official ballots and stubs for each party within each county, or within each political subdivision in each county, shall begin with the number 1.

(b) In counties using vote centers, ballots may be serialized in the way that best promotes ballot accounting and with the greatest economic efficiency for the county.

(Amended by Stats. 2019, Ch. 863, Sec. 21. (AB 623) Effective January 1, 2020.)

13218.

(a) The Secretary of State shall establish a ballot design advisory committee to assist the Secretary of State to promulgate regulations that prescribe ballot design and format.

(b) The ballot design advisory committee shall consist of the Secretary of State, or the secretary's designee, and members to be appointed by the Secretary of State who are recognized ballot design experts and county elections officials or a designee of a county elections official. Each recognized ballot design expert shall have demonstrated experience with ballot design requirements and knowledge of presenting election materials to voters using plain language methods or another method that is easy for voters to access and understand.

(Added by Stats. 2019, Ch. 863, Sec. 22. (AB 623) Effective January 1, 2020.)

13219.

When printed, all ballots shall be bound in stub books, of such size as the clerk may determine. A record of the number of ballots printed shall be kept by the officer authorizing the printing. If stubs are not used pursuant to Section 13216, ballots may be bound by another method determined by the county elections official.

(Amended by Stats. 2019, Ch. 863, Sec. 23. (AB 623) Effective January 1, 2020.)

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13220.

If two or more officers are to be elected for the same office for different terms, the terms for which each candidate for the office is nominated shall be printed on the ballot as a part of the title of the office. If at a general election an office is to be filled for a full term and also for a vacancy in another term, the list of candidates for the full term shall be placed on the ballot under the designation of the office with the words "Full Term" printed immediately after that designation, and the list of candidates to fill the vacancy shall be placed on the ballot under the designation of the office with the words "Short Term" printed immediately after that designation.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

ARTICLE 2. Allowable Changes in Ballot Format and Printing [13230 - 13233]

(Article 2 enacted by Stats. 1994, Ch. 920, Sec. 2.)

13230.

(a) If the county elections official determines that, due to the number of candidates and measures that must be printed on the ballot, the ballot will be larger than may be conveniently handled, the county elections official may provide that a nonpartisan ballot shall be given to each partisan voter, together with his or her partisan ballot, and that the material appearing under the heading "Voter-Nominated and Nonpartisan Offices" on partisan ballots, as well as the heading itself, shall be omitted from the partisan ballots.

(b) If the county elections official so provides, the procedure prescribed for the handling and canvassing of ballots shall be modified to the extent necessary to permit the use of two ballots by partisan voters. The county elections official may, in this case, order the second ballot to be printed on paper of a different tint, and assign to those ballots numbers higher than those assigned to the ballots containing partisan offices.

(c) "Partisan voters," for purposes of this section, includes both persons who have disclosed a party preference pursuant to Section 2151 or 2152 and persons who have declined to disclose a party preference, but who have chosen to vote the ballot of a political party as authorized by that party's rules duly noticed to the Secretary of State.

(Amended by Stats. 2012, Ch. 3, Sec. 41. (AB 1413) Effective February 10, 2012.)

13231.

If the elections official of any county finds it necessary in connection with the use of any approved method of vote counting, the elections official may provide for any of the following changes in the format of ballots in one or more precincts at any election:

(a) Ballots may be bound and padded at the side.

(b) The left and right edge of ballots may be trimmed to the edge of printed material.

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- (c) A series of punched holes may be provided in the upper right-hand portion of each ballot.
- (d) The ballot number may be placed at any place along the top left-hand corner of the ballot.
- (e) A cutout section, not to exceed two inches in depth, commencing at the left-hand edge of the far right column of the ballot, may be provided along the top edge of the ballot.
- (f) Press perforations may be placed between columns of the ballot, from top to bottom, to permit the folding of the ballot at each perforation.
- (g) "Yes" and "No" columns where necessary, may be as narrow as one-quarter inch wide.
- (h) The instructions to voters may be placed at the bottom of the ballot instead of at the top of the ballot, and an appropriate reference to the location of the instructions may be printed in the upper right portion of the ballot.
- (i) The ballot serial number may be placed on any position of the ballot that does not impact other required text or voting targets on the ballot card.

(Amended by Stats. 2019, Ch. 863, Sec. 24. (AB 623) Effective January 1, 2020.)

13232.

Notwithstanding any other provision of law, for the purpose of conducting the Democratic Party Presidential Primary Election, the Secretary of State may, if it is reasonably necessary to accommodate the limitations of a voter system or vote tabulating device, authorize the county elections officials to do any or all of the following:

- (a) Vary the order of any office or measure listed in Section 13109, with the exception of President of the United States, United States Representative, State Senator, Member of the Assembly, and judicial offices.
- (b) Place any office listed in Section 13109 on a second ballot, with the exception of United States Representative, State Senator, Member of the State Assembly, judicial offices, County Superintendent of Schools, County Board of Education Members, and county officers.
- (c) Place any ballot measure, other than a state measure, on a separate ballot.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

13233.

In a municipal election, if the number of candidates for an office is such that all of the names will not fit in one column of reasonable length, a double column may be used, and all of the following provisions shall apply:

- (a) The space between the two halves of the double column shall be less than that between the double column and any other columns on the ballot, and the lines separating the columns and the two halves of the double column shall be printed so as to emphasize the fact that the candidates in the double column are running for the same office.
- (b) The designation of the office and any other words required to be at the top of a single column shall be printed across the top of the entire double column with no

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dividing line. The words "Vote for one," "Vote for two," or more, as the case may be, shall be centered over the entire double column and shall be printed below any other words at the top of the double column.

(c) The names of the candidates, including the blank space or spaces necessary to permit the voter to write in the names of persons not printed on the ballot, shall be apportioned as equally as possible between the two columns. The odd space, if any, shall be included in the left-hand column.

(d) The double column shall be used for no more than one office and for no more than one term for any office.

(e) The order of names and blank spaces in the double column shall be the same as would apply to a single column with the left-hand side of the double column taken first.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

ARTICLE 3. Vote Tabulating Devices [13240 - 13247]

(Article 3 enacted by Stats. 1994, Ch. 920, Sec. 2.)

13240.

Notwithstanding any other provisions of this code, the ballots to be counted by means of electronic or electromechanical devices may be of a size, composition, and texture that, and may be printed in any type of ink or combination of inks that, will be suitable for use in the counting devices in which they are intended to be placed.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

13241.

The names of the candidates and the respective offices shall be printed on the ballot in parallel columns at least 2 inches wide.

(Amended by Stats. 2018, Ch. 57, Sec. 8. (AB 2835) Effective January 1, 2019.)

13242.

Where electromechanical vote tabulating devices are used to count all or part of the ballots, the names of presidential candidates may be printed in the same column as the names of candidates for other offices.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

13243.

The ballots may contain printed code marks or punched holes that may be used for placing the ballots in correct reading position in the counting devices. The code marks or punched holes shall not be used in any way that will reveal the identity of the voters voting the ballots.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

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13244.

The county voter information guide provided pursuant to Chapter 4 (commencing with Section 13300) shall include a substantial facsimile of the official ballot, including instructions to voters.

(Amended by Stats. 2016, Ch. 422, Sec. 61. (AB 2911) Effective January 1, 2017.)

13246.

The device for marking the ballot may be of any size, shape, or form, and the impression made on the ballot may be in the form of a cross, square, circle, rectangle, or any other design that will clearly indicate the choice of the voter. Any type of ink or other substance that will clearly show the voter's choice may be used in or in conjunction with the marking device.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

13247.

The statement of all measures submitted to the voters shall be abbreviated on the ballot in a ballot label as provided for in Section 9051. The ballot label shall be followed by the words, "Yes" and "No."

(Amended by Stats. 2009, Ch. 373, Sec. 38. (AB 753) Effective January 1, 2010.)

ARTICLE 4. Punchcards [13260 - 13267]

(Article 4 enacted by Stats. 1994, Ch. 920, Sec. 2.)

13260.

In approving ballots and ballot cards, the Secretary of State shall not give his or her approval unless the following are true:

(a) The size, shape, and texture of the ballot card are suitable for use in the automatic device in which it is intended to be placed.

(b) The ballot cards are so designed that they can readily be arranged with a section or ballot stub containing the serial number of the ballot and a section with places for the voter to slot or punch holes indicating his or her choices of candidates and votes on measures.

(c) If the ballot is to consist of two or more series of cards, appropriate provision may be made for identifying the related series which comprise the ballot.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

13261.

(a) Each ballot card shall have two stubs attached. The stubs shall be separated from the ballot card and from each other by perforated lines so that they may be readily detached.

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- (b) (1) One stub shall have the serial ballot number printed on it, and shall be detached from the remainder of the ballot before it is handed to the voter.
- (2) The second stub shall have printed on it all of the following:
- (A) The same ballot serial number.
 - (B) The words "This ballot stub shall be removed and retained by the voter."
 - (C) The words "OFFICIAL BALLOT" in uppercase boldface type no smaller than 12 point.
 - (D) In primary elections, the party name, e.g., "Democratic Party," or the words "Nonpartisan Ballot," as applicable.
 - (E) The name of the county.
 - (F) The date of the election.
 - (G) Where not otherwise provided, instructions to the voter on how to mark the ballot with the marking device, how to vote for a candidate whose name is not printed on the ballot, and how to secure an additional ballot card if the ballot card is spoiled or marked erroneously.
- (3) If the information listed in subparagraphs (A) to (G), inclusive, of paragraph (2) must also appear in one or more languages other than English under the provisions of the federal Voting Rights Act of 1965 as extended by Public Law 94-73, and there is insufficient room for all the information to be set forth in all the required languages while at the same time appearing in a type size sufficiently large to be readable, the official in charge of the election may delete information set forth in subparagraphs (E) and (F) of paragraph (2), in the order listed, until there is sufficient room.
- (c) In addition to the instructions to voters printed on the ballot or ballot stub, there shall be displayed in each voting booth instructions to voters substantially in the same form and wording as appears on paper ballots. Precinct numbers may also be placed on the ballot.
- (Amended by Stats. 1996, Ch. 118, Sec. 1. Effective January 1, 1997.)*

13262.

- (a) The ballot shall contain the same material as to candidates and measures, and shall be printed in the same order as provided for paper ballots, and may be arranged in parallel columns on one or more ballot cards as required, except that the column in which the voter marks his or her choices may be at the left of the names of candidates and the designation of measures.
- (b) If there are a greater number of candidates for an office or for a party nomination for an office than the number whose names can be placed on one pair of facing ballot pages, a series of overlaying pages printed only on the same, single side shall be used, and the ballot shall be clearly marked to indicate that the list of candidates for the office is continued on the following page or pages. If the names of candidates for the office are not required to be rotated, they shall be rotated by groups of candidates in a manner so that the name of each candidate shall appear on each page of the ballot in approximately the same number of precincts as the names of all other candidates.
- (c) Space shall be provided on the ballot or on a separate write-in ballot to permit voters to write in names not printed on the ballot when authorized by law. The size

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of the voting square and the spacing of the material may be varied to suit the conditions imposed by the use of ballot cards, provided the size of the type is not reduced below the minimum size requirements set forth in Chapter 2 (commencing with Section 13100).

(d) The statement of measure submitted to the voters may be abbreviated if necessary on the ballot, provided that each and every statement of measures on that ballot is abbreviated. Abbreviation of matters to be voted on throughout the state shall be composed by the Attorney General.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

13263.

The county voter information guide provided pursuant to Chapter 4 (commencing with Section 13300) shall be printed in either of two formats: (a) booklet form, or (b) on one or more sheets on one or both sides. The county voter information guide shall be printed on white or tinted paper and shall include a substantial facsimile of the ballot, including instructions to voters.

(Amended by Stats. 2016, Ch. 422, Sec. 62. (AB 2911) Effective January 1, 2017.)

13264.

If more than one ballot card is used at an election, different tints of cardboard stock or other suitable means may be used for each series of ballot cards to facilitate the sorting of ballots.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

13265.

If the number of offices and measures to be voted upon at an election cannot be accommodated on one ballot card, the elections official may, at his or her discretion, place part of the ballot upon more than one ballot card. He or she may also place part of the ballot upon the ballot card or ballot cards and the remainder upon paper, provided that a single ballot measure or the candidates for a single office may not be so split.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

13266.

If punchcard ballots are used for vote by mail voting, the ballots shall be marked by pencil, or by a marking device that enables the voter to register his or her vote by punching or slotting the ballot card. Counting of punchcard ballots marked by pencil may be as with paper ballots, or a true duplicate copy of each ballot may be prepared using the same procedure as provided by Section 15271. Vote by mail voter ballots so prepared shall be counted by the counting device.

(Amended by Stats. 2007, Ch. 508, Sec. 75. Effective January 1, 2008.)

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13267.

If an official ballot consisting of one or more individual ballot cards upon which the names of candidates and measures are printed is used for vote by mail voting, the two stubs specified in Section 13261 may be eliminated from the ballot cards by printing a group style number on each card and by printing the information required by subparagraphs (C), (D), (E), (F), and (G) of paragraph (2) of subdivision (b) of Section 13261 on a separate form accompanying the official ballot. If the two stubs are not eliminated, the language required by subparagraph (B) of paragraph (2) of subdivision (b) of Section 13261 to be printed on the second stub may be omitted.

(Amended by Stats. 2007, Ch. 508, Sec. 76. Effective January 1, 2008.)

ARTICLE 5. Ballot Labels [13282- 13282.]

(Heading of Article 5 amended by Stats. 2014, Ch. 911, Sec. 3.)

13282.

Whenever the Attorney General prepares a ballot label, the Attorney General shall file a copy of the ballot label with the Secretary of State. The Secretary of State shall make a copy of the ballot label available for public examination prior to the printing of the ballot label on any ballot. The public shall be permitted to examine the ballot label for at least 20 days, and the Secretary of State may consolidate the examination requirement under this section with the public examination requirements set forth in Section 9092. A voter may seek a writ of mandate requiring a ballot label, or portion thereof, to be amended or deleted. The provisions set forth in Section 9092 concerning the issuance of the writ and the nature of the proceedings shall be applicable to this section.

(Amended by Stats. 2009, Ch. 373, Sec. 41. (AB 753) Effective January 1, 2010.)

CHAPTER 4. State and County Voter Information Guides [13300 - 13317]

(Heading of Chapter 4 amended by Stats. 2016, Ch. 422, Sec. 63.)

13300.

(a) By at least 29 days before the partisan primary, each county elections official shall prepare a separate county voter information guide for each political party and a separate nonpartisan county voter information guide. The county elections official shall place in each guide, as applicable, in the order provided in Chapter 2 (commencing with Section 13100), and under the appropriate title of each office, the names of all candidates for whom nomination papers have been duly filed with the county elections official or have been certified to the county elections official by the Secretary of State, to be voted for in the county elections official's county at the partisan primary election.

(b) The county voter information guides shall include a substantial facsimile of the official ballots, except as otherwise provided by law. The county voter information guides shall be printed on paper of a different texture from the paper to be used for the official ballot.

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(c) One county voter information guide of the party for which the voter has disclosed a preference, as evidenced by the voter's registration, shall be mailed no later than 10 days before the election to each voter entitled to vote at the primary who registered at least 29 days before the election. A nonpartisan county voter information guide shall be so mailed to each voter who is not registered as preferring any of the parties participating in the primary election. On election day the voter may, upon request, vote the ballot of a political party if authorized by the party's rules, duly noticed to the Secretary of State.

(Amended by Stats. 2019, Ch. 566, Sec. 2. (SB 151) Effective January 1, 2020.)

13300.5.

In order to facilitate the timely production and distribution of county voter information guides, the county elections official may prepare a combined county voter information guide.

(Amended by Stats. 2016, Ch. 422, Sec. 65. (AB 2911) Effective January 1, 2017.)

13300.7.

Notwithstanding any other law, county and city elections officials may establish procedures designed to permit a voter to opt out of receiving his or her county voter information guide, state voter information guide, notice of polling place, and associated materials by mail, and instead obtain them electronically via email or by accessing them on the county's or city's Internet Web site, if all of the following conditions are met:

- (a) The procedures establish a method of providing notice of and an opportunity by which a voter can notify elections officials of his or her desire to obtain ballot materials electronically in lieu of receiving them by mail.
- (b) The voter email address or any other information provided by the voter under this section remains confidential pursuant to Section 6254.4 of the Government Code and Section 2194 of this code.
- (c) The procedures provide notice and opportunity for a voter who has opted out of receiving a county voter information guide and other materials by mail to opt back into receiving them by mail.
- (d) The procedures establish a process by which a voter can apply electronically to become a vote by mail voter.
- (e) A voter may only opt out of, or opt back into, receiving his or her county voter information guide and other ballot materials by mail if the elections official receives the request and can process it before the statutory deadline for the mailing of those materials for the next election, pursuant to Section 13303. If a voter misses this deadline, the request shall take effect the following election.
- (f) The procedures shall include a verification process to confirm the voter's identity, either in writing with a signature card that can be matched to the one on file with the elections official, or if the request is submitted electronically, it shall contain the voter's California driver's license number, California identification number, or a partial social security number.

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(g) Information made available over the Internet pursuant to this section shall meet or exceed the most current, ratified standards under Section 508 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794d), as amended, and the Web Content Accessibility Guidelines 2.0 adopted by the World Wide Web Consortium for accessibility. Election officials may also implement recommendations of the Voting Accessibility Advisory Committee made pursuant to paragraph (4) of subdivision (b) of Section 2053, and of any local Voting Accessibility Advisory Committee created pursuant to the guidelines promulgated by the Secretary of State related to the accessibility of polling places by the physically handicapped.

(Amended by Stats. 2016, Ch. 422, Sec. 66. (AB 2911) Effective January 1, 2017.)

13302.

(a) The county elections official shall forthwith submit the county voter information guide of each political party to the chairperson of the county central committee of that party, and shall mail a copy to each candidate for whom nomination papers have been filed in his or her office or whose name has been certified to him or her by the Secretary of State, to the post office address given in the nomination paper or certification. The county elections official shall post a copy of each county voter information guide in a conspicuous place in his or her office.

(b) In connection with an election at which a candidate for a voter-nominated office will appear on the ballot, a qualified political party may submit to the county elections official a list of all candidates for voter-nominated office who will appear on a ballot in the county in question, and who have been endorsed by the party by whatever lawful mechanism the party adopts for endorsing candidates for voter-nominated office. If a political party timely submits a list to the county elections official pursuant to this subdivision, the county elections official shall print the names of the candidates for voter-nominated office who were endorsed by that political party in the voter information portion of the county voter information guide. The party chairperson shall provide a written copy of the list of candidates endorsed by the party not later than 83 days before the election at which the candidate for a voter-nominated office will appear on the ballot.

(Amended by Stats. 2016, Ch. 422, Sec. 67. (AB 2911) Effective January 1, 2017.)

13303.

(a) For each election, each appropriate elections official shall cause to be printed, on plain white paper or tinted paper, without watermark, at least as many copies of the form of ballot provided for use in each voting precinct as there are voters in the precinct. These copies shall be designated "county voter information guide" upon their face and shall include a substantial facsimile of the official ballots used in the election, except as otherwise provided by law. A county voter information guide shall be mailed, postage prepaid, no later than 21 days before the election to each voter who is registered at least 29 days before the election.

(b) The elections official shall send notice of the polling place, which includes vote centers, to each voter with the county voter information guide. Only official matter shall be sent out with the county voter information guide as provided by law.

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(c) The elections official shall send notice of the polling place, which includes vote centers, to each voter who registered after the 29th day before the election and is eligible to participate in the election. The notice shall also include information as to where the voter can obtain a county voter information guide and a state voter information guide before the election, a statement indicating that those documents will be available at the polling place at the time of the election, and the address of the Secretary of State's internet website and, if applicable, of the county internet website where a county voter information guide may be viewed.

(Amended by Stats. 2019, Ch. 566, Sec. 3. (SB 151) Effective January 1, 2020.)

13304.

The notice of the polling place which is sent to each voter as provided in Section 13303 may, at the option of the local elections official, inform the voter as to whether the polling place is accessible to the physically handicapped. In addition, this notice may inform the voter of his or her rights under Section 14282, if applicable.

(Amended by Stats. 2005, Ch. 72, Sec. 2. Effective July 19, 2005.)

13305.

(a) Notwithstanding Sections 3022, 13300, 13303, and 13315, a county elections official may elect not to mail a county voter information guide to a voter if all of the following are satisfied:

(1) The voter is one of the following:

(A) A permanent vote by mail voter pursuant to Chapter 3 (commencing with Section 3200) of Division 3.

(B) A voter in a mail ballot election conducted pursuant to Division 4 (commencing with Section 4000).

(C) A voter in a precinct in which an election is conducted pursuant to Section 3005.

(2) The county elections official prepares and mails to each voter a document that includes all of the information required to be included in, and shall be accompanied by all the election materials required to accompany, the county voter information guide, except for both of the following:

(A) An application for a vote by mail ballot.

(B) A notice that a vote by mail ballot application is enclosed.

(3) The voter is furnished with an official ballot pursuant to Section 3005 or 3010.

(b) Notwithstanding subdivision (a) of Section 13303, for each voter to whom the elections official elects not to mail a county voter information guide pursuant to subdivision (a), the elections official may cause to be printed one less copy of the county voter information guide.

(c) If a county elections official elects not to mail a county voter information guide to a voter pursuant to this section, the elections official shall use any savings achieved to offset the costs associated with establishing a free access system for vote by mail ballots pursuant to Section 3019.5 before the savings may be used for any other purpose.

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(Amended by Stats. 2018, Ch. 269, Sec. 5. (AB 3258) Effective January 1, 2019.)

13306.

Notwithstanding Sections 13300, 13303, and 13307, county voter information guides and candidates' statements need not be mailed to voters who registered after the 54th day before an election, but all of these voters shall receive polling place notices and state voter information guides. A state voter information guide is not required to be mailed to a voter who registered after the 29th day before an election. Each of these voters shall receive a notice in bold print that states: "Because you are a late registrant, you are not receiving a county voter information guide or candidates' statements."

(Amended by Stats. 2016, Ch. 422, Sec. 70. (AB 2911) Effective January 1, 2017.)

13307.

(a) (1) Each candidate for nonpartisan elective office in any local agency, including any city, county, city and county, or district, may prepare a candidate's statement on an appropriate form provided by the elections official. The statement may include the name, age, and occupation of the candidate and a brief description, of no more than 200 words, of the candidate's education and qualifications expressed by the candidate himself or herself. However, the governing body of the local agency may authorize an increase in the limitations on words for the statement from 200 to 400 words. The statement shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations.

(2) The statement authorized by this subdivision shall be filed in the office of the elections official when the candidate's nomination papers are returned for filing, if it is for a primary election, or for an election for offices for which there is no primary. The statement shall be filed in the office of the elections official no later than the 88th day before the election, if it is for an election for which nomination papers are not required to be filed. If a runoff election or general election occurs within 88 days of the primary or first election, the statement shall be filed with the elections official by the third day following the governing body's declaration of the results from the primary or first election.

(3) Except as provided in Section 13309, the statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5 p.m. of the next working day after the close of the nomination period.

(b) (1) The elections official shall send to each voter a county voter information guide that contains the written statements of each candidate that is prepared pursuant to subdivision (a). The statement of each candidate shall be printed in type of uniform size and darkness, and with uniform spacing.

(2) The elections official shall provide a Spanish translation to those candidates who wish to have one, and shall select a person to provide that translation who is one of the following:

(A) A certified and registered interpreter on the Judicial Council Master List.

(B) An interpreter categorized as "certified" or "professionally qualified" by the Administrative Office of the United States Courts.

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(C) From an institution accredited by a regional or national accrediting agency recognized by the United States Secretary of Education.

(D) A current voting member in good standing of the American Translators Association.

(E) A current member in good standing of the American Association of Language Specialists.

(c) (1) In addition to the statement prepared pursuant to subdivision (a), if the elections official who is conducting the election permits electronic distribution of a candidate's statement, the governing body of a local agency may permit each candidate for nonpartisan elective office in the local agency to prepare a candidate's statement for the purpose of electronic distribution pursuant to this subdivision.

(2) A statement prepared pursuant to this subdivision shall be posted on the Internet Web site of the elections official, and may be included in a voter's pamphlet that is electronically distributed by the elections official pursuant to Section 13300.7, but shall not be included in a voter's pamphlet that is printed and mailed to voters pursuant to subdivision (b).

(3) A statement that is printed in the voter's pamphlet and mailed to voters pursuant to subdivision (b) shall be included with the statement that is prepared and electronically distributed pursuant to this subdivision.

(4) A statement that is prepared and electronically distributed pursuant to this subdivision shall be displayed in type of uniform size and darkness, and with uniform spacing.

(5) The elections official shall provide a Spanish translation to those candidates who wish to have one, and shall select a person to provide that translation who is one of the persons listed in paragraph (2) of subdivision (b).

(d) The local agency may estimate the total cost of printing, handling, translating, mailing, and electronically distributing candidate's statements filed pursuant to this section, including costs incurred as a result of complying with the federal Voting Rights Act of 1965, as amended. The local agency may require each candidate filing a statement to pay in advance to the local agency his or her estimated pro rata share as a condition of having his or her statement included in the county voter information guide or electronically distributed. In the event the estimated payment is required, the receipt for the payment shall include a written notice that the estimate is just an approximation of the actual cost that varies from one election to another election and may be significantly more or less than the estimate, depending on the actual number of candidates filing statements. Accordingly, the local agency is not bound by the estimate and may, on a pro rata basis, bill the candidate for additional actual expense or refund any excess paid depending on the final actual cost. In the event of underpayment, the local agency may require the candidate to pay the balance of the cost incurred. In the event of overpayment, the local agency that, or the elections official who, collected the estimated cost shall prorate the excess amount among the candidates and refund the excess amount paid within 30 days of the election.

(e) This section shall not be deemed to make any statement, or the authors of any statement, free or exempt from any civil or criminal action or penalty because of any false, slanderous, or libelous statements offered for printing electronic distribution pursuant to this section or contained in the county voter information guide.

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(f) Before the nominating period opens, the local agency for that election shall determine whether a charge shall be levied against that candidate for the candidate's statement sent to each voter and, if authorized pursuant to subdivision (c), for the electronically distributed candidate's statement. This decision shall not be revoked or modified after the seventh day before the opening of the nominating period. A written statement of the regulations with respect to charges for handling, packaging, mailing, and electronic distribution shall be provided to each candidate or his or her representative, at the time he or she picks up the nomination papers. (g) For purposes of this section and Section 13310, the board of supervisors is the governing body of judicial elections.

(Amended by Stats. 2016, Ch. 422, Sec. 71.5. (AB 2911) Effective January 1, 2017.)

13307.5.

A candidate for United States Representative may purchase the space to place a statement in the voter information portion of the county voter information guide that does not exceed 250 words. The statement shall not refer to any opponent of the candidate. The statement shall be submitted in accordance with the timeframes and procedures set forth in this code for the preparation of the voter information portion of the county voter information guide.

(Amended by Stats. 2016, Ch. 422, Sec. 72. (AB 2911) Effective January 1, 2017.)

13307.7.

(a) If the elections official posts the form to be used by a candidate to submit a candidate statement pursuant to Section 13307, Section 13307.5, or subdivision (c) of Section 85601 of the Government Code, on the elections official's Internet Web site, the elections official shall accept the electronic submission of that form if it is submitted in accordance with the times and procedures set forth in this code for the preparation of the voter information portion of the county voter information guide. If the candidate is running in a multicounty district, the elections official of each county shall accept the form from the candidate's county of residence; however, the candidate shall provide a hard copy of the candidate statement form and payment of the requisite fee to each county. The elections official shall not require the candidate to submit any additional forms as a means of correcting Internet Web site posting errors made by the elections official.

(b) Notwithstanding subdivision (a), an elections official may require a candidate to provide additional information that the official needs to comply with state law and county voter information guide requirements.

(Added by Stats. 2018, Ch. 160, Sec. 1. (AB 666) Effective January 1, 2019.)

13308.

In addition to the restrictions set forth in Section 13307, any candidate's statement submitted pursuant to Section 13307 shall be limited to a recitation of the candidate's own personal background and qualifications, and shall not in any way

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make reference to other candidates for that office or to another candidate's qualifications, character, or activities. The elections official shall not cause to be printed, posted on an Internet Web site, or circulated any statement that the elections official determines is not so limited or that includes any reference prohibited by this section.

(Amended by Stats. 2016, Ch. 128, Sec. 2. (AB 2010) Effective January 1, 2017.)

13309.

(a) Notwithstanding Section 13307, if a candidate alleges to be indigent and unable to pay in advance the requisite fee for submitting a candidate statement, the candidate shall submit to the local agency a statement of financial worth to be used in determining whether or not he or she is eligible to submit a candidate statement without payment of the fee in advance.

(b) The statement of financial worth required by this section shall be submitted by the candidate together with his or her candidate statement in accordance with the deadline specified in Section 13307. The statement of financial worth form shall be furnished by the local agency, and may include questions relating to the candidate's employer, income, real estate holdings, tangible personal property, and financial obligations. The candidate shall certify the content of the statement as to its truth and correctness under penalty of perjury. The candidate shall also sign a release form of the candidate's most recent federal income tax report.

(c) Upon receipt of a statement of financial worth, a determination shall be made by the local agency of whether or not the candidate is indigent. The local agency shall notify the candidate of its findings.

(d) If it is determined that the candidate is not indigent, the candidate shall, within three days of the notification, excluding Saturdays, Sundays, and state holidays, withdraw the statement or pay the requisite fee. If the candidate fails to respond within the time prescribed, the local agency shall not be obligated to print and mail the statement.

(e) If the local agency determines that the candidate is indigent, the local agency shall print and mail the statement.

(f) Nothing in this section shall prohibit the local agency from billing the candidate his or her actual pro rata share of the cost after the election.

(Amended by Stats. 2013, Ch. 560, Sec. 11. (AB 1417) Effective January 1, 2014.)

13310.

Prior to the nomination period for an election, the governing body of the local agency conducting the election may determine that Section 13307 is inapplicable to that election. This section shall become operative only if the United States Supreme Court or the California Supreme Court rules that candidates (other than indigent candidates) may not be required to pay for candidates' statements authorized pursuant to Section 13307.

(Enacted by Stats. 1994, Ch. 920, Sec. 2. Section conditionally operative by its own provisions.)

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13311.

Notwithstanding the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code), the statements filed pursuant to Section 13307 shall remain confidential until the expiration of the filing deadline.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

13312.

(a) Each county voter information guide prepared pursuant to subdivision (b) Section 13307 shall contain a notice in the heading of the first page, not smaller than 10-point type, that specifies both of the following:

(1) That the county voter information guide does not contain a complete list of candidates and that a complete list of candidates appears on the sample ballot (if any candidate is not listed in the county voter information guide).

(2) That each candidate's statement in the county voter information guide is volunteered by the candidate and (if printed at the candidate's expense) is printed at his or her expense.

(b) If a local agency has authorized each candidate for nonpartisan elective office to prepare a candidate's statement for the purpose of electronic distribution pursuant to subdivision (c) of Section 13307, and if a candidate has submitted a statement for that purpose, the notice required by subdivision (a) shall specify that additional statements are available on the Internet Web site of the elections official and shall include the Internet Web site address at which the statements may be viewed.

(Amended by Stats. 2016, Ch. 422, Sec. 73.5. (AB 2911) Effective January 1, 2017.)

13313.

(a) The elections official shall make a copy of the material referred to in Section 13307 available for public examination in the elections official's office for a period of 10 calendar days immediately following the filing deadline for submission of those documents. Any person may obtain a copy of the candidate's statements from the elections official for use outside of the elections official's office. The elections official may charge a fee to any person obtaining a copy of the material, and the fee may not exceed the actual cost incurred by the elections official in providing the copy.

(b) (1) During the 10-calendar-day public examination period provided by this section, any voter of the jurisdiction in which the election is being held, or the elections official, himself or herself, may seek a writ of mandate or an injunction requiring any or all of the material in the candidates statements to be amended or deleted. The writ of mandate or injunction request shall be filed no later than the end of the 10-calendar-day public examination period.

(2) A peremptory writ of mandate or an injunction shall issue only upon clear and convincing proof that the material in question is false, misleading, or inconsistent with the requirements of this chapter, and that issuance of the writ or injunction will not substantially interfere with the printing or distribution of official election materials as provided by law.

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(3) The elections official shall be named as respondent and the candidate who authored the material in question shall be named as the real party in interest. In the case of the elections official bringing the mandamus or injunctive action pursuant to this subdivision, the board of supervisors of the county shall be named as the respondent and the candidate who authored the material in question shall be named as the real party in interest.

(Amended by Stats. 2002, Ch. 228, Sec. 12. Effective January 1, 2003.)

13314.

(a) (1) An elector may seek a writ of mandate alleging that an error or omission has occurred, or is about to occur, in the placing of a name on, or in the printing of, a ballot, county voter information guide, state voter information guide, or other official matter, or that any neglect of duty has occurred, or is about to occur.

(2) A peremptory writ of mandate shall issue only upon proof of both of the following:

(A) That the error, omission, or neglect is in violation of this code or the Constitution.

(B) That issuance of the writ will not substantially interfere with the conduct of the election.

(3) The action or appeal shall have priority over all other civil matters.

(4) The Secretary of State shall be named as a respondent or a real party in interest in any proceeding under this section concerning a measure or a candidate described in Section 15375, except for a candidate for judge of the superior court.

(b) Venue for a proceeding under this section shall be exclusively in Sacramento County in any of the following cases:

(1) The Secretary of State is named as a real party in interest or as a respondent.

(2) A candidate for statewide elective office is named as a party.

(3) A statewide measure that is to be placed on the ballot is the subject of the proceeding.

(Amended by Stats. 2016, Ch. 422, Sec. 74. (AB 2911) Effective January 1, 2017.)

13315.

(a) The officer charged with the duty of providing county voter information guides for an election at which vote by mail voter ballots may be cast shall cause to be printed on the envelope containing the county voter information guide in boldface type, not smaller than 12-point, the following:

Notice: Vote By Mail Ballot Application Enclosed.

(b) This section does not apply to the envelopes mailed to vote by mail voters.

(Amended by Stats. 2019, Ch. 863, Sec. 25. (AB 623) Effective January 1, 2020.)

13316.

Notwithstanding any other law to the contrary, a county, city, city and county, or district using voting machines may use reasonable facsimiles of the county voter

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information guides sent to the voters of the local jurisdiction as vote by mail ballots.

(Amended by Stats. 2016, Ch. 422, Sec. 76. (AB 2911) Effective January 1, 2017.)

13317.

Notwithstanding any other law to the contrary, a county, city, city and county, or district using vote tabulating devices may use reasonable facsimiles of the county voter information guides sent to the voters of the local jurisdiction as vote by mail ballots.

(Amended by Stats. 2016, Ch. 422, Sec. 77. (AB 2911) Effective January 1, 2017.)

CHAPTER 5. Facsimile Copies of Ballots [13400- 13400.]

(Chapter 5 added by Stats. 2017, Ch. 845, Sec. 7.)

13400.

(a) A vote by mail voter may request that a facsimile copy of his or her ballot in the language of his or her preference be sent to him or her by regular mail or electronic mail if the voter lives in a precinct that requires a facsimile copy of the ballot in that language pursuant to Section 14201. The county elections officer shall provide instructions to vote by mail voters in the county voter information guide and on the county elections Internet Web site on how to request a facsimile copy of a ballot, in all languages that the county is required to provide facsimile copies of ballots. A vote by mail voter may request a facsimile copy of a ballot by telephone, mail, online, or when requesting a vote by mail ballot from the county no later than seven days before election day.

(b) The county elections official shall prepare the requested facsimile copies described in subdivision (a) no later than 10 days before election day. Requests received by the county elections official 10 days or more before election day shall be processed by the 10th day prior to election day.

(c) This section does not limit an elections official from distributing facsimile copies of the ballot more widely than as required by subdivision (a) or earlier than required by subdivision (b).

(Added by Stats. 2017, Ch. 845, Sec. 7. (AB 918) Effective January 1, 2018.)

CHAPTER 6. Partisan Primary Elections [13500 - 13502]

(Chapter 6 added by Stats. 2017, Ch. 819, Sec. 1.)

13500.

This chapter applies only to partisan primary elections.

(Added by Stats. 2017, Ch. 819, Sec. 1. (AB 837) Effective January 1, 2018.)

13501.

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(a) The Secretary of State shall include in the state voter information guide the information specified in subdivision (a) of Section 9083.5, including a statement explaining that a voter who has declined to disclose a political party preference may not vote in a political party's primary election unless the political party has authorized a voter who has declined to disclose a political party preference to vote in its primary election.

(b) The Secretary of State shall make all of the following information available on the Secretary of State's Internet Web site:

(1) A statement that a voter who has declined to disclose a political party preference may vote in a political party's partisan primary election if the political party, by party rule duly noticed to the Secretary of State, authorizes a voter who has declined to disclose a political party preference to vote in the next ensuing partisan primary election.

(2) The name of each political party that authorizes a voter who has declined to disclose a political party preference to vote in the partisan primary election.

(3) A statement that a voter who has declined to disclose a political party preference may request the ballot of one of the political parties that authorizes a voter who has declined to disclose a political party preference to vote in the partisan primary election.

(c) A county elections official shall include all of the information described in paragraphs (1) to (3), inclusive, of subdivision (b) in the nonpartisan county voter information guide prepared pursuant to Section 13300 and shall make the information available on the official's Internet Web site. In addition, the county elections official shall send an email to the email address of a voter who has declined to disclose a political party preference notifying the voter that he or she may request a political party's ballot at the next ensuing partisan primary election if the political party has so authorized. The county elections official shall also provide the notice to a voter who has declined to disclose a political party preference by text message if the voter has provided written consent to receive text messages from the county elections official.

(Added by Stats. 2017, Ch. 819, Sec. 1. (AB 837) Effective January 1, 2018.)

13502.

(a) With each nonpartisan vote by mail ballot that is sent to a voter who has declined to disclose a political party preference, the county elections official shall include a notice informing the voter that he or she may request a political party's ballot at the next ensuing partisan primary election if the political party has so authorized.

(b) In addition to any other method permitted by law, a voter who has declined to disclose a political party preference may request the ballot of a political party that has authorized a voter who has declined to disclose a political party preference to vote in its partisan primary election as follows:

(1) In his or her vote by mail application pursuant to subdivision (c) of Section 3006.

(2) By telephone pursuant to Section 3007.8.

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(3) Over the Internet if available pursuant to Section 3007.7.

(4) By email or by facsimile transmission if permitted by the county elections official.

(c) No later than seven days before the date of a partisan primary election, a voter who has declined to disclose a political party preference and who has received a nonpartisan vote by mail ballot may return his or her unvoted ballot to the county elections official and request and receive the ballot for a political party if the political party has authorized a voter who has declined to disclose a political party preference to vote in its partisan primary election.

(Added by Stats. 2017, Ch. 819, Sec. 1. (AB 837) Effective January 1, 2018.)