

**ASSEMBLY BILL**

**No. 895**

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**Introduced by Assembly Member Furutani**

February 26, 2009

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An act to amend Sections 14102 and 14272 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 895, as introduced, Furutani. Elections: primary election ballots.

(1) Existing law requires an elections official to provide a sufficient number of official ballots in each precinct to reasonably meet the needs of the voters in that precinct on election day using the precinct's voter turnout history as the criterion, but in no case shall the number of official ballots be less than 75% of registered voters in the precinct, and to provide the additional number of ballots that may be necessary for vote by mail and emergency purposes.

This bill would also require an elections official to provide a sufficient number of ballots of each qualified political party in each precinct to reasonably meet the needs of the voters not registered as intending to affiliate with any one of the political parties participating in the election who request a partisan ballot.

(2) Under existing law, before each voter enters the voting booth, the precinct board is required to inform him or her how to operate the voting device. If a marking or punching device is used, the voter must be instructed to use only that device. Also, the voter is instructed how to fold the ballot and place it in the envelope. If any voter, after entering the booth, asks for information regarding the operation of the machine or device, the precinct board must give him or her the information.

The bill would additionally require the precinct board, before each voter not registered as intending to affiliate with any one of the political parties participating in the election enters the voting booth, to provide a notice to the voter at a primary election that identifies those ballots that the voter is eligible to cast at that election and to provide the voter with any eligible ballot they request. The bill would also require that the notice given by the precinct board be translated into a language other than English in accordance with the federal Voting Rights Act of 1965 and existing state law.

(3) By requiring a higher level of service from local elections officials, the bill would impose a state-mandated local program.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
 State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. This act shall be known as the Elections Reform  
 2 Act of 2009.  
 3 SEC. 2. Section 14102 of the Elections Code is amended to  
 4 read:  
 5 14102. (a) (1) For each statewide election, the elections  
 6 official shall provide a sufficient number of official ballots in each  
 7 precinct to reasonably meet the needs of the voters in that precinct  
 8 on election day using the precinct’s voter turnout history as the  
 9 criterion, but in no case shall this number be less than 75 percent  
 10 of registered voters in the precinct, and for vote by mail and  
 11 emergency purposes shall provide the additional number of ballots  
 12 that may be necessary.  
 13 (2) The number of party ballots to be furnished to any precinct  
 14 for a primary election shall be computed from the number of voters  
 15 registered in that precinct as intending to affiliate with a party, and  
 16 the number of nonpartisan ballots to be furnished to any precinct  
 17 shall be computed from the number of voters registered in that

1 precinct without statement of intention to affiliate with any of the  
2 parties participating in the primary election.

3 *(3) The elections official shall also provide a sufficient number*  
4 *of ballots of each qualified political party in each precinct to*  
5 *reasonably meet the needs of the voters not registered as intending*  
6 *to affiliate with any one of the political parties participating in the*  
7 *election who request a ballot of a qualified political party pursuant*  
8 *to subdivision (b) of Section 14272.*

9 (b) For all other elections, the elections official shall provide a  
10 sufficient number of official ballots in each precinct to reasonably  
11 meet the needs of the voters in that precinct on election day, using  
12 the precinct's voter turnout history as the criterion, but in no case  
13 shall this number be less than 75 percent of the number of  
14 registered voters in the precinct, and for vote by mail and  
15 emergency purposes shall provide the additional number of ballots  
16 that may be necessary.

17 SEC. 3. Section 14272 of the Elections Code is amended to  
18 read:

19 14272. (a) Before each voter enters the voting booth, the  
20 precinct board shall inform him or her how to operate the voting  
21 device. If a marking or punching device is used, the voter shall be  
22 instructed to use only that device. The voter shall also be instructed  
23 how to fold the ballot and place ~~it~~ *the ballot* in the envelope. If  
24 any voter, after entering the booth, asks for information regarding  
25 the operation of the machine or device, the precinct board shall  
26 give him or her the information.

27 (b) *At a primary election, in addition to the requirements*  
28 *described in subdivision (a), before each voter not registered as*  
29 *intending to affiliate with any one of the political parties*  
30 *participating in the election enters the voting booth, the precinct*  
31 *board shall provide a written notice to the voter that identifies*  
32 *those ballots that the voter is eligible to cast at that election. The*  
33 *notice required by this subdivision shall be translated into a*  
34 *language other than English in accordance with Section 14201 of*  
35 *this code and Section 203 (42 U.S.C. Sec. 1973aa-1a) and Section*  
36 *4(f)(4) (42 U.S.C. Sec. 1973b(f)(4)) of the federal Voting Rights*  
37 *Act of 1965.*

38 (c) *At a primary election, each voter not registered as intending*  
39 *to affiliate with one of the political parties participating in the*  
40 *election may verbally, or in writing, request a partisan ballot that*

1 *he or she is eligible to vote on at that election, prior to entering*  
2 *the voting booth.*

3 SEC. 4. If the Commission on State Mandates determines that  
4 this act contains costs mandated by the state, reimbursement to  
5 local agencies and school districts for those costs shall be made  
6 pursuant to Part 7 (commencing with Section 17500) of Division  
7 4 of Title 2 of the Government Code.

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