

AMENDED IN ASSEMBLY APRIL 5, 2011  
AMENDED IN ASSEMBLY MARCH 24, 2011  
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 461**

---

---

**Introduced by Assembly Member Bonilla**

February 15, 2011

---

---

An act to ~~amend Section 15342~~ of *add Section 15342.5* to the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 461, as amended, Bonilla. Write-in candidates.

Existing law regulates the processing of write-in votes, including requiring that a ballot for a qualified write-in candidate be counted if, on specified voting systems, the candidate's name is written on the ballot in the blank space provided and the voting space next to the write-in space, if provided, is marked according to voting instructions. It further requires that, for other voting systems, a ballot for a write-in candidate, if otherwise qualified, be counted if the name is written in the manner described in the voting instructions.

This bill would require a liberal construction of these write-in vote processing provisions in the event of a manual recount conducted under specified circumstances to ensure that a ballot is counted if the voter's intent can be determined, regardless of whether the voter has complied with the voting instructions.

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

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

1     SECTION 1. Section 15342.5 is added to the Elections Code,  
2 to read:

3     15342.5. In the event of a manual recount conducted pursuant  
4 to Section 15610 or requested pursuant to Section 15620 or 15621,  
5 the process set forth in Section 15342 shall be liberally construed  
6 to ensure that each ballot is counted if the intent of the voter can  
7 be determined, regardless of whether the voter has complied with  
8 the voting instructions.

9     SECTION 1. Section 15342 of the Elections Code is amended  
10 to read:

11     15342. Any name written upon a ballot for a qualified write-in  
12 candidate, including a reasonable facsimile of the spelling of a  
13 name, shall be counted for the office, if it is written in the blank  
14 space provided and voted as specified below:

15     (a) For voting systems in which write-in spaces appear directly  
16 below the list of candidates for that office and provide a voting  
17 space, no write-in vote shall be counted unless the voting space  
18 next to the write-in space is marked or slotted as directed in the  
19 voting instructions.

20     (b) For voting systems in which write-in spaces appear  
21 separately from the list of candidates for that office and do not  
22 provide a voting space, the name of the write-in candidate, if  
23 otherwise qualified, shall be counted if it is written in the manner  
24 described in the voting instructions.

25     (c) The use of pressure-sensitive stickers, glued stamps, or any  
26 other device not provided for in the voting procedures for the  
27 voting systems approved by the Secretary of State to indicate the  
28 name of the write-in candidate are not valid, and a name indicated  
29 by these methods shall not be counted.

30     (d) Neither a vote cast for a candidate whose name appears on  
31 the ballot nor a vote cast for a write-in candidate shall be counted  
32 if the voter has indicated, by a combination of marking and writing,  
33 a choice of more names than there are candidates to be nominated  
34 or elected to the office.

35     (e) All valid write-in votes shall be tabulated and certified to  
36 the elections official on forms provided for this purpose, and the  
37 write-in votes shall be added to the results of the count of the

1 ~~ballots at the counting place and be included in the official returns~~  
2 ~~for the precinct.~~  
3 ~~(f) In the event of a manual recount conducted pursuant to~~  
4 ~~Section 15610 or requested pursuant to Section 15620 or 15621,~~  
5 ~~this section shall be liberally construed to ensure that each ballot~~  
6 ~~is counted if the intent of the voter can be determined, regardless~~  
7 ~~of whether the voter has complied with the voting instructions.~~

O