

Assembly Bill No. 461

Passed the Assembly May 5, 2011

Chief Clerk of the Assembly

Passed the Senate July 14, 2011

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2011, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 15342.5 to the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 461, 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.

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

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

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

Approved _____, 2011

Governor