

ASSEMBLY BILL

No. 503

Introduced by Assembly Member Block

February 15, 2011

An act to amend Section 15342 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 503, as introduced, Block. Processing write-in votes.

Existing law prescribes the procedure for conducting an official canvass of election results, including the manner in which a name written upon a ballot for a qualified write-in candidate is to be counted for the office. Existing law, with regard to voting systems in which write-in spaces appear directly below the list of candidates for that office and provide a voting space, prohibits an elections official from counting a write-in vote unless the voting space next to the write-in space is marked or slotted as directed in the voting instructions.

This bill, as an exception to that prohibition, would require the elections official, after tallying all eligible votes but prior to completion of the official canvass and the issuance of the certified statement of the results, and upon the request of a qualified write-in candidate, including a write-in candidate for an office for which a voter may vote for multiple candidates, to hand tally the votes for the write-in candidate if the elections official makes a specified determination. The bill would require the elections official to include the results of a hand tally conducted pursuant to these provisions in the official canvass of the election. By requiring the elections official to perform additional duties, this bill would impose a state-mandated local program.

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. Section 15342 of the Elections Code is amended
 2 to read:
 3 15342. Any name written upon a ballot for a qualified write-in
 4 candidate, including a reasonable facsimile of the spelling of a
 5 name, shall be counted for the office, if it is written in the blank
 6 space provided and voted as specified below:
 7 (a) For voting systems in which write-in spaces appear directly
 8 below the list of candidates for that office and provide a voting
 9 space, no write-in vote shall be counted unless the voting space
 10 next to the write-in space is marked or slotted as directed in the
 11 voting instructions, *except as provided in subdivision (f)*.
 12 (b) For voting systems in which write-in spaces appear
 13 separately from the list of candidates for that office and do not
 14 provide a voting space, the name of the write-in candidate, if
 15 otherwise qualified, shall be counted if it is written in the manner
 16 described in the voting instructions.
 17 (c) The use of pressure-sensitive stickers, glued stamps, or any
 18 other device not provided for in the voting procedures for the
 19 voting systems approved by the Secretary of State to indicate the
 20 name of the write-in candidate are not valid, and a name indicated
 21 by these methods shall not be counted.
 22 (d) Neither a vote cast for a candidate whose name appears on
 23 the ballot nor a vote cast for a write-in candidate shall be counted
 24 if the voter has indicated, by a combination of marking and writing,
 25 a choice of more names than there are candidates to be nominated
 26 or elected to the office.
 27 (e) All valid write-in votes shall be tabulated and certified to
 28 the elections official on forms provided for this purpose, and the

1 write-in votes shall be added to the results of the count of the
2 ballots at the counting place and be included in the official returns
3 for the precinct.

4 (f) (1) *In an election that uses a voting system described in*
5 *subdivision (a), after tallying all eligible votes but prior to*
6 *completion of the official canvass and the issuance of the certified*
7 *statement of the results pursuant to this chapter, the elections*
8 *official, upon the request of a qualified write-in candidate for an*
9 *office being voted on in that election, shall hand tally the votes for*
10 *the write-in candidate for that office if the elections official*
11 *determines that the total number of votes cast for the write-in*
12 *candidate combined with the total number of undervotes cast for*
13 *the office is equal to or greater than the total number of votes cast*
14 *for the candidate receiving the highest or second highest number*
15 *of votes for that office.*

16 (2) *In the case of an office for which a voter may vote for more*
17 *than one candidate, a qualified write-in candidate may request a*
18 *hand tally pursuant to this subdivision if the elections official*
19 *determines that the total number of votes cast for the write-in*
20 *candidate combined with the total number of undervotes cast for*
21 *the office is equal to or greater than the total number of votes cast*
22 *for the candidate receiving the least number of votes that would*
23 *be sufficient in order to be elected.*

24 (3) *In conducting a hand tally pursuant to this subdivision, the*
25 *elections official shall count each ballot if the intent of the voter*
26 *can be determined. The elections official shall include the results*
27 *of a hand tally conducted pursuant to this subdivision in the official*
28 *canvass of the election.*

29 (4) *For purposes of this subdivision, “undervote” means a ballot*
30 *on which a voter failed to cast any vote for a specific office or*
31 *failed to cast the maximum number of votes permitted, as detected*
32 *by an electronic, mechanical, or other vote-tabulating device.*
33 *Notwithstanding Section 15624, a qualified write-in candidate is*
34 *not responsible for the costs of a hand tally requested pursuant to*
35 *this subdivision.*

36 SEC. 2. If the Commission on State Mandates determines that
37 this act contains costs mandated by the state, reimbursement to
38 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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