

AMENDED IN SENATE SEPTEMBER 2, 2011

AMENDED IN SENATE AUGUST 17, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1413

Introduced by ~~Committee on Elections and Redistricting (Fong (Chair), Logue (Vice Chair), Bonilla, Hall, Mendoza, Swanson, and Valadao)~~ Assembly Member Fong

March 14, 2011

~~An act to amend Sections 81008, 83109, and 84211 of the Government Code, relating to the Political Reform Act of 1974. An act to amend Sections 13, 300.5, 332.5, 334, 337, 359.5, 2026, 2150, 2151, 2152, 2154, 3006, 3007.5, 3205, 7100, 8002.5, 8025, 8040, 8041, 8062, 8068, 8081, 8106, 8121, 8124, 8141.5, 8148, 8300, 8600, 8606, 8803, 8805, 8807, 9083.5, 10704, 10706, 12104, 12108, 13102, 13105, 13107, 13206, 13207, 13212, 13230, 13300, 13302, 15340, 15402, 15560, and 19301 of, to repeal Sections 325, 7000, 9084.5, and 15451 of, to amend and renumber Section 6000a of, and to repeal Chapter 0.5 (commencing with Section 6000) of Part 1 of Division 6 of, the Elections Code, relating to elections.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1413, as amended, ~~Committee on Elections and Redistricting Fong. Political Reform Act of 1974. Elections.~~

Existing provisions of the California Constitution require a "voter-nominated primary election" for each state elective office and congressional office in California, in which a voter may vote at the primary election for any candidate for congressional or state elective office without regard to the political party preference disclosed by either

the candidate or the voter. The 2 candidates receiving the 2 highest vote totals for each office at the primary election, regardless of party preference, compete for the office at the general election. Existing provisions of the Elections Code implement the “voter-nominated primary election” of the California Constitution.

This bill would make technical revisions to provisions of the Elections Code to reflect the “voter-nominated primary election” process. The bill also would conform the procedures applicable if there is only one candidate affiliated with a particular political party who has declared candidacy for nomination at the primary, and that candidate dies before the primary election but after the last day to deliver nomination papers, as specified, to existing procedures applicable if a candidate for a partisan office dies under those same circumstances. The bill would conform the procedures applicable in case of a tie in the primary election for voter-nominated offices to the existing provisions applicable to specified partisan offices. The bill would impose requirements for forms relating to declaration of candidacy for voter-nominated offices.

Existing law also provides that a person’s residence for voting purposes means a person’s domicile, and that a person may only have one domicile. Existing law defines domicile to be the place in which a person’s habitation is fixed and where the person intends to remain or return to whenever absent. Existing law also provides that, for purposes of determining the domicile of a Member of the Legislature or a Representative in the Congress of the United States, it shall be conclusively presumed that the residence address indicated on that person’s currently filed affidavit of registration is that person’s domicile.

This bill would provide that, notwithstanding any other provision of law and notwithstanding any evidence or circumstance other than the affidavit of registration, the domicile of a Member of the Legislature or a Representative in the Congress of the United States is conclusively presumed to be the address indicated on that person’s currently filed affidavit of registration.

This bill would incorporate additional changes in Section 8600 of the Elections Code proposed by AB 362, to be operative only if AB 362 and this bill are both enacted and become effective on or before January 1, 2012, both bills amend Section 8600, and this bill is enacted after AB 362.

~~The Political Reform Act of 1974 requires that candidates for public office and committees file periodic campaign statements disclosing contributions received, expenditures made, and other specified~~

~~information. If a campaign statement is filed by a candidate, the act requires that the statement identify the name, street address, and treasurer of any committee of which the candidate has knowledge that has received contributions or made expenditures on behalf of the candidate's candidacy, and whether the committee is controlled by the candidate. The act also requires that campaign statements be available for public inspection from 9 a.m. to 5 p.m. on the Saturday preceding a statewide primary or statewide general election at the offices of the Secretary of State, the Registrar-Recorder of Los Angeles County, the Registrar of Voters of San Diego County, and the Registrar of Voters of the City and County of San Francisco.~~

~~This bill would require that if a candidate files a campaign statement that identifies a committee that has received contributions or made expenditures on behalf of his or her candidacy, the statement shall disclose the number assigned to the committee by the Secretary of State or, if no number has been assigned, the full name and street address of the treasurer of the committee. The bill would delete the requirement that campaign statements be available for public inspection on the Saturday preceding a statewide primary or general election at the Registrar-Recorder of Los Angeles County, the Registrar of Voters of San Diego County, and the Registrar of Voters of the City and County of San Francisco.~~

~~The bill would make nonsubstantive changes to provisions regarding the applicability of civil service laws to the Fair Political Practices Commission.~~

~~This bill would also incorporate additional changes in Section 84211 of the Government Code proposed by AB 1146, that would become operative only if AB 1146 and this bill are both chaptered and become effective on or before January 1, 2012, and this bill is chaptered last.~~

~~Existing law makes a knowing or willful violation of the Political Reform Act of 1974 a misdemeanor and subjects offenders to criminal penalties.~~

~~This bill would impose a state-mandated local program by creating additional crimes.~~

~~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 no reimbursement is required by this act for a specified reason.~~

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act’s purposes upon a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements:

This bill would declare that it furthers the purposes of the act.

Vote: $\frac{2}{3}$ -majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: *yes-no*.

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

1 SECTION 1. Section 13 of the Elections Code is amended to
2 read:

3 13. (a) ~~No~~A person shall *not* be considered a legally qualified
4 candidate for ~~any~~ *an* office, for party nomination for a partisan
5 office, or for nomination to participate in the general election for
6 ~~any~~ *a* voter-nominated office, under the laws of this state unless
7 that person has filed a declaration of candidacy or statement of
8 write-in candidacy with the proper official for the particular
9 election or primary, or is entitled to have his or her name placed
10 on a general election ballot by reason of having been nominated
11 at a primary election, or having been ~~selected~~ *named* to fill a
12 vacancy on the general election ballot as provided in Section 8806,
13 or having been selected as an independent candidate pursuant to
14 Section 8304.

15 (b) Nothing in this section shall be construed as preventing or
16 prohibiting any qualified voter of this state from casting a ballot
17 for ~~any~~ *a* person by writing the name of that person on the ballot,
18 or from having that ballot counted or tabulated, nor shall ~~any~~
19 ~~provision~~ of this section be construed as preventing or prohibiting
20 ~~any~~ *a* person from standing or campaigning for ~~any~~ *an* elective
21 office by means of a “write-in” campaign. However, nothing in
22 this section shall be construed as an exception to the requirements
23 of Section 15341.

24 (c) It is the intent of the Legislature, in enacting this section, to
25 enable the Federal Communications Commission to determine
26 who is a “legally qualified candidate” in this state for the purposes
27 of administering Section 315 of Title 47 of the United States Code.

28 SEC. 2. Section 300.5 of the Elections Code is amended to
29 read:

1 300.5. “Affiliated with a political ~~party~~ party,” “party
 2 affiliation,” or a similar designation as used in reference to a voter
 3 or to a candidate for a voter-nominated office means the party
 4 preference that the voter or candidate has disclosed on his or her
 5 affidavit of registration.

6 *SEC. 3. Section 325 of the Elections Code is repealed.*

7 325. ~~“Independent status” means a voter’s indication of “No
 8 Party Preference” as provided in Section 2151 and Section 2154.~~

9 *SEC. 4. Section 332.5 of the Elections Code is amended to
 10 read:*

11 332.5. “Nominate” means the selection, at a state-conducted
 12 primary election, of candidates who are entitled by law to
 13 participate in the general election for that office, but does not mean
 14 any other lawful mechanism that a political party may adopt for
 15 the purposes of choosing the candidate who is preferred by the
 16 party for a nonpartisan or ~~voter-nominated~~ voter-nominated office.

17 *SEC. 5. Section 334 of the Elections Code is amended to read:*

18 334. “Nonpartisan office” means an office, except for a
 19 voter-nominated office, for which no party may nominate a
 20 candidate. Judicial, school, county, and municipal offices, *including*
 21 *the Superintendent of Public Instruction*, are nonpartisan offices.

22 *SEC. 6. Section 337 of the Elections Code is amended to read:*

23 337. “Partisan office” or ~~“party-nominated~~ “party-nominated
 24 office” means ~~any~~ of the following offices:

25 (a) President of the United States, Vice President of the United
 26 States, and the delegates therefor.

27 (b) Elected member of a party committee.

28 *SEC. 7. Section 359.5 of the Elections Code is amended to
 29 read:*

30 359.5. (a) “Voter-nominated office” means ~~a congressional
 31 or state elective office for which any candidate may choose to have
 32 his or her party preference or lack of party preference indicated
 33 upon the ballot. A political party or party central committee shall
 34 not nominate a candidate at a state-conducted primary election for
 35 a voter-nominated office. The primary conducted for a
 36 voter-nominated office does not serve to determine the nominees
 37 of a political party but serves to winnow the number of candidates
 38 to a final list of two for the general election. The~~ the following
 39 offices are voter-nominated offices:

40 (1) Governor.

- 1 (2) Lieutenant Governor.
- 2 (3) Secretary of State.
- 3 (4) ~~State Treasurer-Controller.~~
- 4 (5) ~~Controller-Treasurer.~~
- 5 (6) ~~State Insurance Commissioner~~ *Attorney General.*
- 6 (7) ~~Member of the Board of Equalization-Insurance~~
- 7 *Commissioner.*
- 8 (8) ~~Attorney General~~ *Member of the State Board of Equalization.*
- 9 (9) ~~State-United States~~ Senator.
- 10 (10) Member of the ~~Assembly~~ *United States House of*
- 11 *Representatives.*
- 12 (11) ~~United States~~ *State* Senator.
- 13 (12) Member of the ~~United States House of Representatives~~
- 14 *Assembly.*
- 15 (b) *The primary election conducted for a voter-nominated office*
- 16 *does not serve to determine the nominees of a political party, but*
- 17 *serves to winnow the number of candidates to the top two*
- 18 *vote-getters for the general election.*
- 19 ~~(b)~~
- 20 (c) This section does not prohibit a political party or party central
- 21 committee from endorsing, supporting, or opposing a candidate
- 22 for a candidate an office listed in subdivision (a).
- 23 SEC. 8. *Section 2026 of the Elections Code is amended to read:*
- 24 2026. ~~The Notwithstanding Section 349 or any other provision~~
- 25 *of law, and notwithstanding any evidence or circumstance other*
- 26 *than the affidavit of registration, the domicile of a Member of the*
- 27 *Legislature or a Representative in the Congress of the United States*
- 28 *shall be conclusively presumed to be at the residence address*
- 29 *indicated on that person’s currently filed affidavit of registration*
- 30 *as his or her place of residence in accordance with paragraph (3)*
- 31 *of subdivision (a) of Section 2150 .*
- 32 SEC. 9. *Section 2150 of the Elections Code, as amended by*
- 33 *Section 8 of Chapter 1 of the Statutes of 2009, is amended to read:*
- 34 2150. (a) The affidavit of registration shall show:
- 35 (1) The facts necessary to establish the affiant as an elector.
- 36 (2) The affiant’s name at length, including his or her given
- 37 name, and a middle name or initial, or if the initial of the given
- 38 name is customarily used, then the initial and middle name. The
- 39 affiant’s given name may be preceded, at affiant’s option, by the
- 40 designation of Miss, Ms., Mrs., or Mr. A person shall not be denied

1 the right to register because of his or her failure to mark a prefix
2 to the given name and shall be so advised on the voter registration
3 card. This subdivision shall not be construed as requiring the
4 printing of prefixes on an affidavit of registration.

5 (3) The affiant's place of residence, residence telephone number,
6 if furnished, and e-mail address, if furnished. No person shall be
7 denied the right to register because of his or her failure to furnish
8 a telephone number or e-mail address, and shall be so advised on
9 the voter registration card.

10 (4) The affiant's mailing address, if different from the place of
11 residence.

12 (5) The affiant's date of birth to establish that he or she will be
13 at least 18 years of age on or before the date of the next election.

14 (6) The state or country of the affiant's birth.

15 (7) (A) In the case of an applicant who has been issued a current
16 and valid driver's license, the applicant's driver's license number.

17 (B) In the case of any other applicant, other than an applicant
18 to whom subparagraph (C) applies, the last four digits of the
19 applicant's social security number.

20 (C) If an applicant for voter registration has not been issued a
21 current and valid driver's license or a social security number, the
22 state shall assign the applicant a number that will serve to identify
23 the applicant for voter registration purposes. To the extent that the
24 state has a computerized list in effect under this subdivision and
25 the list assigns unique identifying numbers to registrants, the
26 number assigned under this subparagraph shall be the unique
27 identifying number assigned under the list.

28 (8) The affiant's political party ~~preference~~ *affiliation*.

29 (9) That the affiant is currently not imprisoned or on parole for
30 the conviction of a felony.

31 (10) A prior registration portion indicating whether the affiant
32 has been registered at another address, under another name, or as
33 ~~preferring~~ *intending to affiliate with* another party. If the affiant
34 has been so registered, he or she shall give an additional statement
35 giving that address, name, or party.

36 (b) The affiant shall certify the content of the affidavit as to its
37 truth and correctness, under penalty of perjury, with the signature
38 of his or her name and the date of signing. If the affiant is unable
39 to write he or she shall sign with a mark or cross.

1 (c) The affidavit of registration shall also contain a space that
2 would enable the affiant to state his or her ethnicity or race, or
3 both. An affiant may not be denied the ability to register because
4 he or she declines to state his or her ethnicity or race.

5 (d) If any person, including a deputy registrar, assists the affiant
6 in completing the affidavit, that person shall sign and date the
7 affidavit below the signature of the affiant.

8 (e) The affidavit of registration shall also contain a space to
9 permit the affiant to apply for permanent vote by mail status.

10 (f) The Secretary of State may continue to supply existing
11 affidavits of registration to county elections officials prior to
12 printing new or revised forms that reflect the changes made to this
13 section by the act that added this subdivision.

14 *SEC. 10. Section 2150 of the Elections Code, as amended by*
15 *Section 4.5 of Chapter 364 of the Statutes of 2009, is amended to*
16 *read:*

17 2150. (a) The affidavit of registration shall show:

18 (1) The facts necessary to establish the affiant as an elector.

19 (2) The affiant's name at length, including his or her given
20 name, and a middle name or initial, or if the initial of the given
21 name is customarily used, then the initial and middle name. The
22 affiant's given name may be preceded, at affiant's option, by the
23 designation of Miss, Ms., Mrs., or Mr. A person shall not be denied
24 the right to register because of his or her failure to mark a prefix
25 to the given name and shall be so advised on the voter registration
26 card. This subdivision shall not be construed as requiring the
27 printing of prefixes on an affidavit of registration.

28 (3) The affiant's place of residence, residence telephone number,
29 if furnished, and e-mail address, if furnished. No person shall be
30 denied the right to register because of his or her failure to furnish
31 a telephone number or e-mail address, and shall be so advised on
32 the voter registration card.

33 (4) The affiant's mailing address, if different from the place of
34 residence.

35 (5) The affiant's date of birth to establish that he or she will be
36 at least 18 years of age on or before the date of the next election.
37 In the case of an affidavit of registration submitted pursuant to
38 subdivision (d) of Section 2102, the affiant's date of birth to
39 establish that he or she is at least 17 years of age.

40 (6) The state or country of the affiant's birth.

1 (7) (A) In the case of an applicant who has been issued a current
2 and valid driver's license, the applicant's driver's license number.

3 (B) In the case of any other applicant, other than an applicant
4 to whom subparagraph (C) applies, the last four digits of the
5 applicant's social security number.

6 (C) If an applicant for voter registration has not been issued a
7 current and valid driver's license or a social security number, the
8 state shall assign the applicant a number that will serve to identify
9 the applicant for voter registration purposes. To the extent that the
10 state has a computerized list in effect under this subdivision and
11 the list assigns unique identifying numbers to registrants, the
12 number assigned under this subparagraph shall be the unique
13 identifying number assigned under the list.

14 (8) The affiant's political party ~~preference~~ *affiliation*.

15 (9) That the affiant is currently not imprisoned or on parole for
16 the conviction of a felony.

17 (10) A prior registration portion indicating whether the affiant
18 has been registered at another address, under another name, or as
19 ~~preferring~~ *intending to affiliate with* another party. If the affiant
20 has been so registered, he or she shall give an additional statement
21 giving that address, name, or party.

22 (b) The affiant shall certify the content of the affidavit as to its
23 truth and correctness, under penalty of perjury, with the signature
24 of his or her name and the date of signing. If the affiant is unable
25 to write he or she shall sign with a mark or cross.

26 (c) The affidavit of registration shall also contain a space that
27 would enable the affiant to state his or her ethnicity or race, or
28 both. An affiant may not be denied the ability to register because
29 he or she declines to state his or her ethnicity or race.

30 (d) If a person, including a deputy registrar, assists the affiant
31 in completing the affidavit, that person shall sign and date the
32 affidavit below the signature of the affiant.

33 (e) The affidavit of registration shall also contain a space to
34 permit the affiant to apply for permanent vote by mail status.

35 (f) The Secretary of State may continue to supply existing
36 affidavits of registration to county elections officials prior to
37 printing new or revised forms that reflect the changes made to this
38 section by the act that added this subdivision.

39 *SEC. 11. Section 2151 of the Elections Code is amended to*
40 *read:*

1 2151. (a) At the time of registering and of transferring
 2 registration, ~~each~~ *an* elector may ~~disclose state~~ the name of the
 3 political party ~~that with which~~ he or she ~~prefers intends to affiliate~~
 4 ~~at the ensuing primary election~~. The name of that political party
 5 shall be stated in the affidavit of registration and the index.

6 (b) (1) The voter registration card shall inform the affiant that
 7 ~~any~~ *an* elector may decline to state a political party ~~reference~~
 8 ~~affiliation~~, but ~~no~~ *a* person shall *not* be entitled to vote the ballot
 9 of ~~any~~ *a* political party at ~~any~~ *a* primary election for President of
 10 the United States or for a party committee unless he or she has
 11 ~~disclosed stated~~ the name of the party ~~that with which~~ he or she
 12 ~~prefers intends to affiliate~~ or unless he or she has declined to
 13 ~~disclose state~~ a party ~~preference~~ *affiliation* and the political party,
 14 by party rule duly noticed to the Secretary of State, authorizes a
 15 person who has declined to ~~disclose state~~ a party ~~preference~~
 16 ~~affiliation~~ to vote the ballot of that political party. ~~The voter~~
 17 ~~registration card shall further inform the affiant that any registered~~
 18 ~~voter may vote for any candidate at a primary election for state~~
 19 ~~elective office or congressional office, regardless of the disclosed~~
 20 ~~party preference of the registrant or the candidate seeking that~~
 21 ~~office or the refusal of the registrant or candidate to disclose a~~
 22 ~~party preference. This notice shall be printed in 12 point Times~~
 23 ~~New Roman font.~~

24 (2) The voter registration card shall include a listing of all
 25 qualified political parties. ~~The voter registration card shall include~~
 26 ~~a listing of all qualified political parties~~. As part of that listing, the
 27 voter registration card shall also contain an option ~~designated~~ *“No*
 28 ~~Party Preference.”~~ *that permits the affiant to state that he or she*
 29 *does not wish to affiliate with a political party*. This option shall
 30 be placed at the ~~beginning~~ *end* of the listing of qualified political
 31 parties.

32 (c) ~~No~~ *A* person shall *not* be permitted to vote the ballot of ~~any~~
 33 ~~a~~ party or for ~~any~~ delegates to the convention of ~~any~~ *a* party other
 34 than the party ~~disclosed as preferred stated~~ in his or her registration,
 35 except as provided by Section 2152 or unless he or she has declined
 36 to ~~disclose state~~ a party ~~preference~~ *affiliation* and the party, by
 37 party rule duly noticed to the Secretary of State, authorizes a person
 38 who has declined to state a party affiliation to vote the party ballot
 39 or for delegates to the party convention.

1 (d) ~~As of the effective date of the statute that added this~~
2 ~~subdivision, any~~ Any voter who previously ~~stated~~ *disclosed* a
3 political party ~~affiliation~~ *preference* when registering to vote shall
4 be deemed to have ~~disclosed~~ *stated* that same party as his or her
5 a political party ~~preference~~ *affiliation* unless the voter files a new
6 affidavit of registration disclosing a different political party
7 ~~preference~~ *affiliation* or no political party ~~preference~~ *affiliation*.
8 Any voter who previously declined to ~~state~~ *disclose* a party
9 ~~affiliation~~ shall be deemed to have ~~chosen~~ *preference* or who chose
10 the “No Party Preference” option *shall be deemed to have declined*
11 *to state a party affiliation* unless the voter files a new affidavit of
12 registration disclosing a different political party ~~preference~~
13 *affiliation*.

14 (e) *The Secretary of State may continue to supply existing*
15 *affidavits of registration prior to printing new or revised forms*
16 *that reflect the changes required pursuant to any amendment made*
17 *to this section.*

18 *SEC. 12. Section 2152 of the Elections Code is amended to*
19 *read:*

20 2152. Whenever ~~any~~ a voter has declined to ~~disclose~~ *state* or
21 has changed his or her party ~~preference~~ *affiliation* prior to the close
22 of registration for an election, he or she may either so ~~disclose~~
23 *state* or have a change recorded by executing a new affidavit of
24 registration and completing the prior registration portion of the
25 affidavit.

26 *SEC. 13. Section 2154 of the Elections Code is amended to*
27 *read:*

28 2154. In the event that the county elections official receives
29 an affidavit of registration that does not include portions of the
30 information for which space is provided, the county elections
31 official ~~voters~~ shall apply the following rebuttable presumptions:

32 (a) If no middle name or initial is shown, it shall be presumed
33 that none exists.

34 (b) If no party ~~preference~~ *affiliation* is shown, it shall be
35 presumed that the affiant has ~~chosen~~ the “No Party Preference”
36 ~~designation~~ *no party affiliation*.

37 (c) If no execution date is shown, it shall be presumed that the
38 affidavit was executed on or before the 15th day prior to the
39 election, provided that (1) the affidavit is received by the county
40 elections official on or before the 15th day prior to the election,

1 or (2) the affidavit is postmarked on or before the 15th day prior
2 to the election and received by mail by the county elections official.

3 (d) If the affiant fails to identify his or her state of birth within
4 the United States, it shall be presumed that the affiant was born in
5 a state or territory of the United States if the birthplace of the
6 affiant is shown as “United States,” “U.S.A.,” or other recognizable
7 term designating the United States.

8 *SEC. 14. Section 3006 of the Elections Code is amended to*
9 *read:*

10 3006. (a) A printed application that is to be distributed to a
11 voter for requesting a vote by mail voter’s ballot shall inform the
12 voter that the application for the vote by mail voter’s ballot must
13 be received by the elections official not later than seven days prior
14 to the date of the election and shall contain spaces for the
15 following:

16 (1) The printed name and residence address of the voter as it
17 appears on the affidavit of registration.

18 (2) The address to which the ballot is to be mailed.

19 (3) The voter’s signature.

20 (4) The name and date of the election for which the request is
21 to be made.

22 (b) (1) The information required by paragraphs (1) and (4) of
23 subdivision (a) may be preprinted on the application. The
24 information required by paragraphs (2) and (3) of subdivision (a)
25 shall be personally affixed by the voter.

26 (2) An address, as required by paragraph (2) of subdivision (a),
27 may not be the address of a political party, a political campaign
28 headquarters, or a candidate’s residence. However, a candidate,
29 his or her spouse, immediate family members, and any other voter
30 who shares the same residence address as the candidate may request
31 that a vote by mail ballot be mailed to the candidate’s residence
32 address.

33 (3) An application that contains preprinted information shall
34 contain a conspicuously printed statement substantially similar to
35 the following: “You have the legal right to mail or deliver this
36 application directly to the local elections official of the county
37 where you reside.”

38 (c) The application shall inform the voter that if he or she is not
39 affiliated with a political party, the voter may request a vote by
40 mail ballot for a particular political party for the *partisan* primary

1 election, if that political party has adopted a party rule, duly noticed
2 to the Secretary of State, authorizing that vote. The application
3 shall contain a toll-free telephone number, established by the
4 Secretary of State, that the voter may call to access information
5 regarding which political parties have adopted such a rule. The
6 application shall contain a checkoff box with a conspicuously
7 printed statement that reads substantially similar to the following:
8 “I am not presently affiliated with any *qualified* political party.
9 However, for this primary election only, I request a vote by mail
10 ballot for the _____ Party.” The name of the political party
11 shall be personally affixed by the voter.

12 (d) The application shall provide the voter with information
13 concerning the procedure for establishing permanent vote by mail
14 voter status, and the basis upon which permanent vote by mail
15 voter status is claimed.

16 (e) The application shall be attested to by the voter as to the
17 truth and correctness of its content, and shall be signed under
18 penalty of perjury.

19 *SEC. 15. Section 3007.5 of the Elections Code is amended to*
20 *read:*

21 3007.5. (a) The Secretary of State shall prepare and distribute
22 to appropriate elections officials a uniform electronic application
23 format for a vote by mail voter’s ballot that conforms to this
24 section.

25 (b) The uniform electronic application shall inform the voter
26 that the application for the vote by mail voter’s ballot must be
27 received by the elections official not later than seven days prior
28 to the date of the election and shall contain spaces for at least the
29 following information:

30 (1) The name and residence address of the registered voter as
31 it appears on the affidavit of registration.

32 (2) The address to which the ballot is to be mailed.

33 (3) The name and date of the election for which the request is
34 made.

35 (4) The date of birth of the registered voter.

36 (c) The uniform electronic application shall inform the voter
37 that if he or she is not affiliated with a political party, the voter
38 may request a vote by mail ballot for a particular political party
39 for the *partisan* primary election, if that political party has adopted
40 a party rule, duly noticed to the Secretary of State, authorizing that

1 vote. The application shall contain a toll-free telephone number,
2 established by the Secretary of State, that the voter may call to
3 access information regarding which political parties have adopted
4 such a rule. The application shall list the parties that have notified
5 the Secretary of State of the adoption of such a rule. The
6 application shall contain a checkoff box with a conspicuously
7 printed statement that reads substantially similar to the following:
8 “I am not presently affiliated with any *qualified* political party.
9 However, for this primary election only, I request a vote by mail
10 ballot for the ____ Party.” The name of the political party shall be
11 personally affixed by the voter.

12 (d) The uniform electronic application shall contain a
13 conspicuously printed statement substantially similar to the
14 following: “Only the registered voter himself or herself may apply
15 for a vote by mail ballot. An application for a vote by mail ballot
16 made by a person other than the registered voter is a criminal
17 offense.”

18 (e) The uniform electronic application shall include a statement
19 substantially similar to the following: “A ballot will not be sent to
20 you if this application is incomplete or inaccurate.”

21 (f) The uniform electronic application format shall not permit
22 the form to be electronically submitted unless all of the information
23 required to complete the application is contained in the appropriate
24 fields.

25 *SEC. 16. Section 3205 of the Elections Code is amended to*
26 *read:*

27 3205. (a) Vote by mail ballots mailed to, and received from,
28 voters on the permanent vote by mail voter list are subject to the
29 same deadlines and shall be processed and counted in the same
30 manner as all other vote by mail ballots.

31 (b) Prior to each *partisan* primary election, county elections
32 officials shall mail to every voter not affiliated with a political
33 party whose name appears on the permanent vote by mail voter
34 list a notice and application regarding voting in the primary
35 election. The notice shall inform the voter that he or she may
36 request a vote by mail ballot for a particular political party for the
37 primary election, if that political party adopted a party rule, duly
38 noticed to the Secretary of State, authorizing these voters to vote
39 in their primary. The notice shall also contain a toll-free telephone
40 number, established by the Secretary of State, that the voter may

1 call to access information regarding which political parties have
2 adopted such a rule. The application shall contain a checkoff box
3 with a conspicuously printed statement that reads substantially
4 similar to the following: “I am not presently affiliated with any
5 *qualified* political party. However, for this primary election only,
6 I request a vote by mail ballot for the ____ Party.” The name of
7 the political party shall be personally affixed by the voter.

8 *SEC. 17. Section 6000a of the Elections Code is amended and*
9 *renumbered to read:*

10 ~~6000a.~~

11 *6000* This chapter shall be known and may be cited as the
12 “Alquist Open Presidential Primary Act.”

13 *SEC. 18. Chapter 0.5 (commencing with Section 6000) of Part*
14 *1 of Division 6 of the Elections Code is repealed.*

15 *SEC. 19. Section 7000 of the Elections Code is repealed.*

16 ~~7000. All references to a voter’s or candidate’s party~~
17 ~~“registration” or “affiliation” in this division shall refer to the party~~
18 ~~preference or lack of party preference disclosed by the voter or~~
19 ~~candidate in accordance with Sections 2151 and 2152 and~~
20 ~~subdivision (b) of Section 2154.~~

21 *SEC. 20. Section 7100 of the Elections Code is amended to*
22 *read:*

23 7100. In each year of the general election at which electors of
24 President and Vice President of the United States are to be chosen,
25 ~~each congressional nominee~~ *the Democratic candidate in each*
26 *congressional district who received the largest number of votes*
27 *in the primary election among the candidates affiliated with the*
28 *Democratic Party* shall designate one presidential elector and shall
29 file his or her name; *and* residence and business address with the
30 Secretary of State by October 1 of the presidential election year.
31 ~~Each United States senatorial nominee, determined by~~ *The*
32 *Democratic candidate for United States Senate who received the*
33 *largest number of votes in the primary election among the*
34 *candidates affiliated with the Democratic Party in each of the last*
35 *two United States senatorial elections;* shall designate one
36 presidential elector and shall file his or her name; *and* residence
37 and business address with the Secretary of State by October 1 of
38 the presidential election year. In the event there is no ~~United States~~
39 ~~senatorial nominee or no congressional nominee in~~ *Democratic*
40 *candidate for United States Senate or for any particular*

1 congressional district, the state chairperson shall designate one
2 presidential elector for each vacancy and shall file his or her name;
3 and residence and business address with the Secretary of State by
4 October 1 of the presidential election year.

5 SEC. 21. Section 8002.5 of the Elections Code is amended to
6 read:

7 8002.5. (a) A candidate for a voter-nominated office may
8 indicate his or her party preference affiliation, or lack of party
9 preference affiliation, as disclosed stated upon the candidate's
10 most recent statement affidavit of registration, upon his or her
11 declaration of candidacy. If a candidate indicates his or her party
12 preference affiliation, or lack of party affiliation, on his or her
13 declaration of candidacy, it shall appear on the primary and general
14 election ballot in conjunction with his or her name. The candidate's
15 designated party preference affiliation, or lack of party affiliation,
16 on the ballot shall not be changed between the primary and general
17 election. A candidate for voter-nominated office may also choose
18 not to have the party preference disclosed affiliation or lack of
19 party affiliation declared upon the candidate's most recent affidavit
20 of registration indicated upon the ballot.

21 (b) Regardless of the disclosed party preference of the candidate
22 or the voter, any qualified voter may vote for any candidate for a
23 voter-nominated office if the voter is otherwise entitled to vote for
24 candidates for the office to be filled. Nothing in Section 2151,
25 3006, 3007.5, 3205, or 3102 shall be construed to limit the ability
26 of a voter to cast a primary election ballot for any candidate for a
27 voter-nominated office, regardless of the party preference, or lack
28 of party preference, designated by the candidate for inclusion upon
29 the ballot pursuant to this section, provided that the voter is
30 otherwise qualified to cast a ballot for the office at issue.

31 (c) A candidate designating a party preference pursuant to
32 subdivision (a) shall not be deemed to be the official nominee of
33 the party designated as preferred by the candidate. A candidate's
34 designation of party preference shall not be construed as an
35 endorsement of that candidate by the party designated. The party
36 preference designated by the candidate is shown for the information
37 of the voters only and may in no way limit the options available
38 to voters.

39 (d) All references to party preference or affiliation shall be
40 omitted from all forms required to be filed by a voter-nominated

1 candidate pursuant to this division in the same manner that such
2 references are omitted from forms required to be filed by
3 nonpartisan candidates pursuant to Section 8002, except that the
4 declaration of candidacy required by Section 8040 shall include
5 space for the candidate to list the party preference disclosed upon
6 the candidate's most recent affidavit of registration, in accordance
7 with subsection (a).

8 *SEC. 22. Section 8025 of the Elections Code is amended to*
9 *read:*

10 8025. (a) If only one candidate has declared a candidacy for
11 a partisan nomination at the direct primary election for a party
12 qualified to participate at that election, ~~or for nomination at the~~
13 ~~direct primary for a voter-nominated office,~~ and that candidate
14 dies after the last day prescribed for the delivery of nomination
15 documents to the elections official, as provided in Section 8020,
16 but not less than 83 days before the election, ~~any~~ a person qualified
17 under the provisions of Section 8001 may circulate and deliver
18 nomination documents for the office to the elections official up to
19 5 p.m. on the 74th day prior to the election. In that case, the
20 elections official shall, immediately after receipt of those
21 nomination documents, certify and transmit them to the Secretary
22 of State in the manner specified in this article.

23 (b) *If only one candidate who is affiliated with a particular*
24 *political party has declared a candidacy for nomination at the*
25 *direct primary election for a voter-nominated office and that*
26 *candidate dies after the last day prescribed for the delivery of*
27 *nomination documents to the elections official, as provided in*
28 *Section 8020, but not less than 83 days before the election, a person*
29 *qualified under the provisions of Section 8002.5, regardless of his*
30 *or her political party affiliation, may circulate and deliver*
31 *nomination documents for the office to the elections official up to*
32 *5 p.m. on the 74th day prior to the election. In that case, the*
33 *elections official shall, immediately after receipt of those*
34 *nomination documents, certify and transmit them to the Secretary*
35 *of State in the manner specified in this article.*

36 *SEC. 23. Section 8040 of the Elections Code is amended to*
37 *read:*

38 8040. (a) The declaration of candidacy by a candidate shall
39 be substantially as follows:

DECLARATION OF CANDIDACY

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I hereby declare myself a _____ Party candidate for nomination to the office of _____ District Number _____ to be voted for at the primary election to be held _____, 20____, and declare the following to be true:

My name is _____.

I want my name and occupational designation to appear on the ballot as follows: _____.

Addresses:

Residence _____

Business _____

Mailing _____

Telephone numbers: Day _____ Evening _____

Web site: _____

I meet the statutory and constitutional qualifications for this office (including, but not limited to, citizenship, residency, and party affiliation, if required).

I am at present an incumbent of the following public office (if any) _____.

If nominated, I will accept the nomination and not withdraw.

Signature of candidate

A candidate for voter-nominated office shall also complete the following two sections:

*1. I hereby certify that:
(a) At the time of presentation of this declaration, as shown by my current affidavit of registration, I am affiliated with the following political party, if any: _____.*

(b) My complete voter registration and party affiliation history, from [10 years prior to current year] through the date of signing this document, is as follows:

<i>Party Affiliation</i>	<i>County</i>	<i>Timeframe (by year)</i>
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_____	_____	_____
_____	_____	_____

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2. Pursuant to Elections Code Section 8002.5 (select one):

___ Preference: _____ Party (insert name of the qualified political party as stated upon your affidavit of registration),

___ Preference: None selected (if you have declined to state an affiliation with a qualified political party upon your affidavit of registration),

___ Preference: Withheld by candidate (if you have stated or declined to state an affiliation with a qualified political party, but choose to not have that information indicated on the ballot).

Dated this ___ day of ___, 20__

Candidate

State of California)
County of _____) ss.
)

Subscribed and sworn to before me this ___ day of ___, 20__.

Notary Public (or other official)

Examined and certified by me this ___ day of ___, 20__.

County Elections Official

WARNING: Every person acting on behalf of a candidate is guilty of a misdemeanor who deliberately fails to file at the proper time and in the proper place any declaration of candidacy in his or her possession which is entitled to be filed under the provisions of the Elections Code Section 18202.

(b) A candidate for a judicial office may not be required to state his or her residential address on the declaration of candidacy. However, in cases where the candidate does not state his or her residential address on the declaration of candidacy, the elections

1 official shall verify whether his or her address is within the
2 appropriate political subdivision and add the notation “verified”
3 where appropriate.

4 SEC. 24. Section 8041 of the Elections Code is amended to
5 read:

6 8041. (a) The nomination paper shall be in substantially the
7 following form:

8

9

NOMINATION PAPER

10

11 I, the undersigned signer for _____ for the _____ Party nomination to the
12 office of _____, to be voted for at the primary election to be held on the _____
13 day of _____, 20____, hereby assert as follows:

14 I am a resident of _____ County and registered to vote at the address shown
15 on this paper and affiliated with the _____ Party. I am not at this time a signer
16 of any other nomination paper of any other candidate for the above-named
17 office, or in case there are several places to be filled in the above-named office,
18 I have not signed more nomination papers than there are places to be filled in
19 the above-named office. My residence is correctly set forth after my signature
20 hereto:

21

22 Name _____

23

24 Residence _____

25

26 (b) The affidavit of the circulator shall read as follows:

27

28

AFFIDAVIT OF THE CIRCULATOR

29

30 I, _____, solemnly swear (or affirm) that the signatures on this section of
31 the nomination paper were obtained between _____, 20____, and _____, 20____;
32 that I circulated the petition and I saw *witnessed* the signatures on this section
33 of the nomination paper being written; and that, to the best of my information
34 and belief, each signature is the genuine signature of the person whose name
35 it purports to be.

36 My voting residence is _____.

37

38 Signed _____

39 Subscribed and sworn to before me this _____ day of _____,

40 20____.

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(SEAL)

Notary Public (or other official)

Examined and certified by me this _____ day of _____,
20__.

Elections Official

WARNING: Every person acting on behalf of a candidate is guilty of a misdemeanor who deliberately fails to file at the proper time and in the proper place any nomination paper in his or her possession which is entitled to be filed under Section 18202 of the Elections Code.

SEC. 25. Section 8062 of the Elections Code is amended to read:

8062. (a) The number of registered voters required to sign a nomination paper for the respective offices are as follows:

(1) State office or United States Senate, not ~~less~~ *fewer* than 65 nor more than 100.

(2) House of Representatives in Congress, State Senate or Assembly, *State* Board of Equalization, or any office voted for in more than one county, and not statewide, not ~~less~~ *fewer* than 40 nor more than 60.

(3) Candidacy in a single county or any political subdivision of a county, other than State Senate or Assembly, not ~~less~~ *fewer* than 20 nor more than 40.

(4) With respect to a candidate for a political party committee, *if* any political party has ~~less~~ *fewer* than 50 voters in the state or in the county or district in which the election is to be held, one-tenth the number of voters of the party.

(5) ~~When~~ *If* there are ~~less~~ *fewer* than 150 voters in the county or district in which the election is to be held, not ~~less~~ *fewer* than 10 nor more than 20.

(b) The provisions of this section are mandatory, not directory, and no nomination paper shall be deemed sufficient that does not

1 comply with this section. However, this subdivision shall not be
 2 construed to prohibit withdrawal of signatures pursuant to Section
 3 8067. This subdivision also shall not be construed to prohibit a
 4 court from validating a signature which was previously rejected
 5 upon showing of proof that the voter whose signature is in question
 6 is otherwise qualified to sign the nomination paper.

7 *SEC. 26. Section 8068 of the Elections Code is amended to*
 8 *read:*

9 8068. Signers shall be *registered* voters in the district or
 10 political subdivision in which the candidate is to be voted on. With
 11 respect to ~~any~~ a candidacy for partisan office, signers shall be
 12 ~~affiliated registered voters who disclosed a preference, pursuant~~
 13 ~~to Section 2151, for~~ *with* the party, if any, in which the nomination
 14 is proposed. Signers need not be registered voters who ~~disclosed~~
 15 ~~a preference for~~ *are affiliated with* any party when signing
 16 candidacy papers for a candidate seeking nomination to a
 17 voter-nominated office.

18 *SEC. 27. Section 8081 of the Elections Code is amended to*
 19 *read:*

20 8081. Before ~~any~~ a nomination document is filed in the office
 21 of the county elections official or forwarded for filing in the office
 22 of the Secretary of State, the county elections official shall verify
 23 ~~the signatures~~ *signature* and the political ~~preferences~~ *affiliation*,
 24 if required, of ~~the signers~~ *each signer* on the nomination paper
 25 with the registration ~~affidavits~~ *affidavit* on file in the office of the
 26 county elections official. The county elections official shall mark
 27 “not sufficient” ~~any~~ *for a* signature that does not appear in the
 28 same handwriting as appears on the affidavit of registration in his
 29 or her office, or that is accompanied by a declaration of party
 30 ~~preference~~ *affiliation* that is not in accordance with the declaration
 31 of party ~~preference~~ *affiliation* in the affidavit of registration. The
 32 county elections official may cease to verify signatures once the
 33 minimum requisite number of signatures has been verified.

34 *SEC. 28. Section 8106 of the Elections Code is amended to*
 35 *read:*

36 8106. (a) Notwithstanding any other provision of this article,
 37 a candidate may submit a petition containing signatures of
 38 registered voters in lieu of a filing fee as follows:

39 (1) For the office of California State Assembly, 1,500 signatures.

1 (2) For the office of California State Senate and the United
2 States House of Representatives, 3,000 signatures.

3 (3) For candidates running for statewide office, 10,000
4 signatures.

5 (4) For all other offices for which a filing fee is required, if the
6 number of registered voters in the district in which he or she seeks
7 nomination is 2,000 or more, a candidate may submit a petition
8 containing four signatures of registered voters for each dollar of
9 the filing fee, or 10 percent of the total of registered voters in the
10 district in which he or she seeks nomination, whichever is less.

11 (5) For all other offices for which a filing fee is required, if the
12 number of registered voters in the district in which he or she seeks
13 nomination is less than 2,000, a candidate may submit a petition
14 containing four signatures of registered voters for each dollar of
15 the filing fee, or 20 percent of the total of registered voters in the
16 district in which he or she seeks nomination, whichever is less.

17 ~~(6) Notwithstanding any other provision of this section, a~~
18 ~~candidate seeking the nomination of a qualified party with whom~~
19 ~~he or she is registered, the registered voters of which who were~~
20 ~~eligible to vote at the last statewide election constituted less than~~
21 ~~5 percent of all registered voters eligible to vote at the last statewide~~
22 ~~election, may submit a petition containing signatures of 10 percent~~
23 ~~of the registered voters of that party in the district in which he or~~
24 ~~she seeks nomination, or 150 signatures, whichever is less.~~

25 (7)

26 (6) A voter may sign both a candidate's nomination papers and
27 his or her in-lieu-filing-fee petition. However, if signatures
28 appearing on the documents are counted towards both the
29 nomination paper and the in-lieu-filing-fee petition signature
30 requirements, a person may only sign one of the documents.

31 (b) The Secretary of State or an elections official shall furnish
32 to each candidate, upon request, and without charge therefor, forms
33 for securing signatures. The number of forms which the elections
34 official shall furnish a candidate shall be a quantity that provides
35 the candidates with spaces for signatures sufficient in number to
36 equal the number of signatures that the candidate is required to
37 secure pursuant to subdivision (a) if the candidate desires that
38 number of forms. However, the elections official, rather than
39 provide the candidate with the number of forms set forth in the
40 preceding sentence, or upon the request of a candidate, may provide

1 the candidate with a master form that may be duplicated by the
2 candidate at the candidate's expense for the purpose of circulating
3 additional petitions. The Secretary of State shall provide the master
4 form. The elections official may provide candidates a form other
5 than the master form provided by the Secretary of State. However,
6 that form shall meet all statutory requirements, and the elections
7 official shall also make available and accept the master form
8 provided by the Secretary of State. All forms shall be made
9 available commencing 45 days before the first day for circulating
10 nomination papers. However, in cases of vacancies for which a
11 special election is authorized or required to be held to fill the
12 vacancy, and where the prescribed nomination period would
13 commence less than 45 days after the creation of the vacancy, the
14 forms shall be made available within five working days after the
15 creation of the vacancy. No other form except the form furnished
16 by the Secretary of State or the elections official or forms
17 duplicated from a master form shall be used to secure signatures.
18 Each petition section shall bear an affidavit signed by the circulator,
19 in substantially the same form as set forth in Section 8041. The
20 substitution of signatures for fees shall be subject to the following
21 provisions:

22 (1) Any registered voter may sign an in-lieu-filing-fee petition
23 for any candidate for whom he or she is eligible to vote.

24 (2) If a voter signs more candidates' petitions than there are
25 offices to be filled, the voter's signatures shall be valid only on
26 those petitions which, taken in the order they were filed, do not
27 exceed the number of offices to be filled.

28 (3) In-lieu-filing-fee petitions shall be filed at least 15 days prior
29 to the close of the nomination period. Upon receipt of the minimum
30 number of in-lieu-filing-fee signatures required, or a sufficient
31 combination of signatures and pro rata filing fee, the elections
32 official shall issue nomination papers provisionally. Within 10
33 days after receipt of a petition, the elections official shall notify
34 the candidate of any deficiency. The candidate shall then, prior to
35 the close of the nomination period, either submit a supplemental
36 petition, or pay a pro rata portion of the filing fee to cover the
37 deficiency.

38 (4) If the petition is circulated for an office in more than one
39 county, the candidate shall submit the signatures to the elections
40 official in the county in which the petition was circulated. The

1 elections official shall, at least two days after verifying the
2 signatures on the petition, notify the Secretary of State of the total
3 number of valid signatures. If the number of signatures is
4 insufficient, the Secretary of State shall notify the candidate and
5 the elections officials of the fact. The candidate may submit the
6 necessary number of valid signatures at any time prior to the close
7 of the period for circulating nomination papers. Each circulator of
8 an in-lieu-filing-fee petition shall be a registered voter of the district
9 or political subdivision in which the candidate is to be voted on.
10 The circulator shall serve within the county in which he or she
11 resides.

12 (5) Each candidate may submit a greater number of signatures
13 to allow for subsequent losses due to invalidity of some signatures.
14 The elections official shall not be required to determine the validity
15 of a greater number of signatures than that required by this section.

16 (c) For the purposes of this section, the requisite number of
17 signatures shall be computed from the latest registration figures
18 forwarded to the Secretary of State pursuant to Section 2187 prior
19 to the first day on which petitions are available.

20 (d) All valid signatures obtained pursuant to this section shall
21 be counted ~~towards~~ *toward* the number of voters required to sign
22 a nomination paper in accordance with Section 8061 or 8405.

23 *SEC. 29. Section 8121 of the Elections Code is amended to*
24 *read:*

25 8121. (a) Not less than five days before he or she transmits
26 the certified list of candidates to the county elections officials, as
27 provided in Section 8120, the Secretary of State shall notify each
28 candidate for partisan office and voter-nominated office of the
29 names, addresses, offices, occupations, and party ~~preferences~~
30 *affiliations* of all other persons who have filed for the same office.

31 (b) (1) Beginning not less than five days before he or she
32 transmits the certified list of candidates to the county elections
33 officials, as required by Section 8120, the Secretary of State shall
34 post, in a conspicuous place on his or her Internet Web site, the
35 party ~~preference~~ *affiliation* history of each candidate for
36 voter-nominated office for the preceding 10 years, *or for as long*
37 *as he or she has been eligible to vote in the state, if less than 10*
38 *years*. The candidates' party ~~preference~~ *affiliation* history shall be
39 continuously posted until such time as the official canvass is
40 completed for the general or special election at which a candidate

1 is elected to the voter-nominated office sought, except that, in the
 2 case of a candidate who participated in the primary election and
 3 who was not nominated to participate in the general election, the
 4 candidate's party ~~preference~~ *affiliation* history need not continue
 5 to be posted following the completion of the official canvass for
 6 the primary election in question.

7 (2) For purposes of this subdivision, the phrase "party ~~preference~~
 8 *affiliation* history" also refers to the candidate's history of party
 9 ~~registration~~ *preference* during the 10 years preceding the effective
 10 date of this section.

11 (3) The Secretary of State shall also conspicuously post on the
 12 same ~~web page~~ *Internet Web site* as that containing the candidates'
 13 party ~~preference~~ *affiliation* history the notice specified by ~~of~~
 14 ~~subdivision (b) of Section 9083.5.~~

15 *SEC. 30. Section 8124 of the Elections Code is amended to*
 16 *read:*

17 8124. The certified list of candidates sent to each county
 18 elections official by the Secretary of State shall show all of the
 19 following:

20 (a) The name of each candidate.

21 (b) The office for which each person is a candidate.

22 (c) With respect to candidates for partisan offices, the party
 23 each person represents.

24 (d) With respect to candidates for voter-nominated offices, the
 25 ~~party preference designation specified in accordance with~~
 26 *designation made by the candidate pursuant to Section 8002.5.*

27 (e) *If applicable, the ballot designation specified in accordance*
 28 *with Section 13107.*

29 *SEC. 31. Section 8141.5 of the Elections Code is amended to*
 30 *read:*

31 8141.5. ~~Only~~ *Except as provided in subdivision (b) of Section*
 32 *8142, only* the two candidates for a voter-nominated office who
 33 receive the highest and ~~second-highest~~ *second highest* numbers of
 34 votes cast at the primary shall appear on the ballot as candidates
 35 for that office at the ensuing general election. ~~More than one~~
 36 ~~candidate with the same party preference designation may~~
 37 ~~participate in the general election pursuant to this subdivision.~~
 38 *Notwithstanding the designation made by the candidate pursuant*
 39 *to Section 8002.5, no candidate for a voter-nominated office shall*
 40 *be deemed to be the official nominee for that office of any political*

1 ~~party, and no party is entitled to have a candidate with its party~~
2 ~~preference designation participate in the general election unless~~
3 ~~such candidate is one of the two candidates receiving the highest~~
4 ~~or second-highest numbers of votes cast at the primary election.~~

5 *SEC. 32. Section 8148 of the Elections Code is amended to*
6 *read:*

7 8148. Not less than 68 days before the general election, the
8 Secretary of State shall deliver to the appropriate county elections
9 official a certificate showing:

10 (a) The name of every person entitled to receive votes within
11 that county at the general election who has received the nomination
12 as a candidate for public office pursuant to this chapter, ~~and~~ the
13 designation of the public office for which he or she has been
14 nominated, *and, if applicable, the ballot designation specified in*
15 *accordance with Section 13107.*

16 (b) For each nominee for a partisan office, the name of the party
17 that has nominated him or her.

18 (c) For each nominee for a voter-nominated office, ~~the name of~~
19 ~~the party preference, or lack of party preference, as designated~~
20 *designation made by the candidate in accordance with pursuant*
21 *to Section 8002.5.*

22 *SEC. 33. Section 8300 of the Elections Code is amended to*
23 *read:*

24 8300. A candidate for ~~any public~~ *a partisan* office, including
25 that of presidential elector, ~~for which no nonpartisan candidate or~~
26 ~~candidate for voter-nominated office has been nominated or elected~~
27 ~~at any primary election,~~ may be nominated subsequent to, or ~~in~~
28 ~~lieu of~~ *by other means than,* a primary election pursuant to this
29 chapter. *A candidate for nonpartisan office or for voter-nominated*
30 *office may be nominated subsequent to, or by other means than,*
31 *a primary election pursuant to this chapter only if a candidate was*
32 *not nominated or elected at the primary election for that office.*

33 *SEC. 34. Section 8600 of the Elections Code is amended to*
34 *read:*

35 8600. Every person who desires to be a write-in candidate and
36 have his or her name as written on the ballot of an election counted
37 for a particular office shall file:

38 (a) A statement of write-in candidacy that contains the following
39 information:

40 (1) Candidate's name.

1 (2) Residence address.

2 (3) A declaration stating that he or she is a write-in candidate.

3 (4) The title of the office for which he or she is running.

4 (5) The party nomination which he or she seeks, if running in
5 a partisan primary election.

6 (6) The date of the election.

7 (7) *A certification of the candidate's party affiliation history*
8 *for the preceding 10 years, or for as long as he or she has been*
9 *eligible to vote in the state, if less than 10 years, if running for a*
10 *voter-nominated office.*

11 (b) The requisite number of signatures on the nomination papers,
12 if any, required pursuant to Sections 8062, 10220, and 10510, or,
13 in the case of a special district not subject to the Uniform District
14 Election Law (Part 4 (commencing with Section 10500) of Division
15 10), the number of signatures required by the principal act of the
16 district.

17 *SEC. 34.5. Section 8600 of the Elections Code is amended to*
18 *read:*

19 8600. Every person who desires to be a write-in candidate and
20 have his or her name as written on the ballot of an election counted
21 for a particular office shall file:

22 (a) A statement of write-in candidacy that contains the following
23 information:

24 (1) Candidate's name.

25 (2) Residence address.

26 (3) A declaration stating that he or she is a write-in candidate.

27 (4) The title of the office for which he or she is running.

28 (5) The party nomination which he or she seeks, if running in
29 a partisan primary election.

30 (6) The date of the election.

31 (7) *A certification of the candidate's party affiliation history*
32 *for the preceding 10 years, or for as long as he or she has been*
33 *eligible to vote in the state, if less than 10 years, if running for a*
34 *voter-nominated office.*

35 (8) *For any of the offices described in Section 13.5, a statement*
36 *that the candidate meets the statutory and constitutional*
37 *requirements for that office as described in that section.*

38 (b) The requisite number of signatures on the nomination papers,
39 if any, required pursuant to Sections 8062, 10220, and 10510, or,
40 in the case of a special district not subject to the Uniform District

1 Election Law (Part 4 (commencing with Section 10500) of Division
2 10), the number of signatures required by the principal act of the
3 district.

4 *SEC. 35. Section 8606 of the Elections Code is amended to*
5 *read:*

6 8606. ~~A~~ *Notwithstanding any other provision of law, a person*
7 ~~whose name has been written on the ballot as may not be~~ a write-in
8 candidate at the general election for a voter-nominated office ~~shall~~
9 ~~not be counted.~~

10 *SEC. 36. Section 8803 of the Elections Code is amended to*
11 *read:*

12 8803. (a) No vacancy on the ballot for a *nonpartisan office at*
13 *a general election shall be filled except if the candidate dies and*
14 *that fact has been ascertained by the officer charged with the duty*
15 *of printing the ballots at least 68 days before the date of the next*
16 *ensuing general election.*

17 (b) *No vacancy on the ballot for a voter-nominated office at a*
18 *general election shall be filled. If a candidate who is entitled to*
19 *appear on the general election ballot dies, the name of that*
20 *candidate shall appear on the general election ballot.*

21 *SEC. 37. Section 8805 of the Elections Code is amended to*
22 *read:*

23 8805. (a) Whenever a candidate for nomination for a
24 ~~nonpartisan or voter-nominated~~ office at a primary election dies
25 on or before the day of the election, and a sufficient number of
26 ballots are marked as being voted for him or her to entitle him or
27 her to nomination if he or she had lived until after the election, a
28 vacancy exists on the general election ballot, which shall be filled
29 in the manner provided in Section 8807 for filling a vacancy caused
30 by the death of a candidate.

31 (b) *Whenever a candidate for nomination for a voter-nominated*
32 *office at a primary election dies on or before the day of the election,*
33 *and a sufficient number of ballots are marked as being voted for*
34 *him or her to entitle him or her to nomination if he or she had*
35 *lived until after the election, the name of the deceased candidate*
36 *shall appear on the general election ballot.*

37 *SEC. 38. Section 8807 of the Elections Code is amended to*
38 *read:*

39 8807. If the vacancy occurs among candidates chosen at the
40 direct primary to go on the ballot for the succeeding general

1 election for a nonpartisan or voter-nominated office, the name of
 2 that candidate receiving at the primary election the next highest
 3 number of votes shall ~~go upon~~ *appear on* the ballot to fill the
 4 vacancy.

5 *SEC. 39. Section 9083.5 of the Elections Code is amended to*
 6 *read:*

7 9083.5. (a) ~~If a candidate for nomination or election to a~~
 8 ~~partisan office will appear on the ballot~~ *In addition to the materials*
 9 *specified in Section 9084, the Secretary of State shall include in*
 10 *the state ballot pamphlet a written explanation of the electoral*
 11 *procedure for such offices, as follows: party-nominated office,*
 12 *voter-nominated office, and nonpartisan office. The Secretary of*
 13 *State need not include an explanation of the electoral procedure*
 14 *for any type of office that does not appear on the ballot at the*
 15 *ensuing election.*

16 **PARTY-NOMINATED/PARTISAN OFFICES**

17 ~~Under the California Constitution, political parties may formally~~
 18 ~~nominate candidates for party-nominated/partisan offices at the~~
 19 ~~primary election. A candidate so nominated will then represent~~
 20 ~~that party as its official candidate for the office in question at the~~
 21 ~~ensuing general election and the ballot will reflect an official~~
 22 ~~designation to that effect. The top vote-getter for each party at the~~
 23 ~~primary election is entitled to participate in the general election.~~
 24 ~~Parties also elect officers of official party committees at a partisan~~
 25 ~~primary.~~

26 ~~No voter may vote the ballot of any political party at any primary~~
 27 ~~election unless he or she has disclosed a preference for that party~~
 28 ~~upon registering to vote or unless he or she has declined to disclose~~
 29 ~~a party preference and the political party, by party rule duly noticed~~
 30 ~~to the Secretary of State, authorizes a person who has declined to~~
 31 ~~disclose a party preference to vote the ballot of that political party.~~

32 (b) ~~If any candidate for nomination or election to a~~
 33 ~~voter-nominated office will appear on the ballot, the Secretary of~~
 34 ~~State shall include in the state ballot pamphlet a written explanation~~
 35 ~~of the electoral procedure for such offices, as follows:~~

36 **VOTER-NOMINATED OFFICES**

37 ~~Under the California Constitution, political parties are not entitled~~
 38 ~~to formally nominate candidates for voter-nominated offices at the~~
 39 ~~primary election, and a candidate nominated for a voter-nominated~~
 40 ~~office at the primary election is not the official nominee of any~~

1 party for the office in question at the ensuing general election. A
2 candidate for nomination or election to a voter-nominated office
3 may, however, designate his or her party preference, or lack of
4 party preference, and have that designation reflected on the primary
5 and general election ballot, but the party designation so indicated
6 is selected solely by the candidate and is shown for the information
7 of the voters only. It does not constitute or imply an endorsement
8 of the candidate by the party designated, and no candidate
9 nominated by the qualified voters for any voter-nominated office
10 shall be deemed to be the officially nominated candidate of any
11 political party. The parties may have a list of candidates for
12 voter-nominated offices, who have received the official
13 endorsement of the party, printed in the sample ballot.

14 All voters, regardless of the party for which they have expressed
15 a preference upon registering, or of their refusal to disclose a party
16 preference, may vote for any candidate for a voter-nominated
17 office, provided they meet the other qualifications required to vote
18 for that office. The top two vote-getters at the primary election
19 advance to the general election for the voter-nominated office, and
20 both candidates may have specified the same party preference
21 designation. No party is entitled to have a candidate with its party
22 preference designation participate in the general election unless
23 such candidate is one of the two highest vote-getters at the primary
24 election.

25 (e) If any candidate for nomination or election to a nonpartisan
26 office, other than judicial office, shall appear on the ballot, the
27 Secretary of State shall include in the state ballot pamphlet a
28 written explanation of the electoral procedure for such offices, as
29 follows:

30 **NONPARTISAN OFFICES**

31 Under the California Constitution, political parties are not entitled
32 to nominate candidates for nonpartisan offices at the primary
33 election, and a candidate nominated for a nonpartisan office at the
34 primary election is not the official nominee of any party for the
35 office in question at the ensuing general election. A candidate for
36 nomination or election to a nonpartisan office may NOT designate
37 his or her party preference, or lack of party preference, on the
38 primary and general election ballot. The top two vote-getters at
39 the primary election advance to the general election for the
40 nonpartisan office.

1 ~~(d)~~
 2 (b) Posters or other printed materials containing the notices
 3 information specified in ~~subdivisions~~ subdivision (a) to (c),
 4 inclusive, shall be included in the precinct supplies pursuant to
 5 Section 14105.

6 SEC. 40. Section 9084.5 of the Elections Code is repealed.

7 ~~9084.5. In addition to the materials specified in Section 9084,~~
 8 ~~the ballot pamphlet shall contain a written explanation of the~~
 9 ~~appropriate election procedures for party-nominated,~~
 10 ~~voter-nominated, and nonpartisan offices as required by Section~~
 11 ~~9083.5.~~

12 SEC. 41. Section 10704 of the Elections Code is amended to
 13 read:

14 10704. (a) Except as provided in subdivision (b), a special
 15 primary election shall be held in the district in which the vacancy
 16 occurred on the eighth Tuesday or, if the eighth Tuesday is the
 17 day of or the day following a state holiday, the ninth Tuesday
 18 preceding the day of the special general election at which the
 19 vacancy is to be filled. Candidates at the primary election shall be
 20 nominated in the manner set forth in Chapter 1 (commencing with
 21 Section 8000) of Part 1 of Division 8, except that nomination
 22 papers shall not be circulated more than 63 days before the primary
 23 election, shall be left with the county elections official for
 24 examination not less than 43 days before the primary election, and
 25 shall be filed with the Secretary of State not less than 39 days
 26 before the primary election.

27 (b) A special primary election shall be held in the district in
 28 which the vacancy occurred on the ninth Tuesday preceding the
 29 day of the special general election at which the vacancy is to be
 30 filled if both of the following conditions apply:

31 (1) The ninth Tuesday preceding the day of the special general
 32 election is an established election date pursuant to Section 1000.

33 (2) A statewide or local election occurring wholly or partially
 34 within the same territory in which the vacancy exists is scheduled
 35 for the ninth Tuesday preceding the day of the special general
 36 election.

37 (c) Notwithstanding Section 3001, applications for vote by mail
 38 voter ballots may be submitted not more than 25 days before the
 39 primary election, except that Section 3001 shall apply if the special
 40 election or special primary election is consolidated with a statewide

1 election. Applications received by the elections official prior to
2 the 25th day shall not be returned to the sender, but shall be held
3 by the elections official and processed by him or her following the
4 25th day prior to the election in the same manner as if received at
5 that time.

6 *(d) The sample ballot for a special election shall contain a*
7 *written explanation of the electoral procedure for voter-nominated*
8 *office as specified in Section 9083.5.*

9 *(e) On the ballot for a special election, immediately below the*
10 *instructions to voters, there shall be a box not less than one-half*
11 *inch high enclosed by a heavy-ruled line the same as the*
12 *borderline. This box shall be as long as there are columns for the*
13 *ballot and shall be set directly above these columns. Within the*
14 *box shall be printed the words "Voter-Nominated Offices."*
15 *Immediately below that phrase within the same box shall be printed*
16 *the following:*

17 *"All voters, regardless of party affiliation, or declining to*
18 *affiliate with a political party, may vote for any candidate for a*
19 *voter-nominated office.*

20 *The party affiliation, if any, of a candidate is shown for the*
21 *information of the voters only.*

22 *A candidate's affiliation with a political party does not imply*
23 *that the candidate is nominated or endorsed by the party, or that*
24 *the party approves of that candidate."*

25 *SEC. 42. Section 10706 of the Elections Code is amended to*
26 *read:*

27 10706. If no candidate receives a majority of votes cast, the
28 names of the two candidates who receive the highest and second
29 highest number of votes cast at the special primary election shall
30 be placed on the special general election ballot. *In the case of a*
31 *tie vote, subdivision (b) of Section 8142 shall apply.*

32 *SEC. 43. Section 12104 of the Elections Code is amended to*
33 *read:*

34 12104. (a) A notice designating the offices for which
35 candidates are to be nominated shall be in substantially the
36 following form:

1 NOTICE BY SECRETARY OF STATE OF OFFICES FOR
2 WHICH CANDIDATES ARE TO BE NOMINATED AT THE
3 DIRECT PRIMARY

4
5 Secretary of State
6 Sacramento, ~~19~~ 20.

7 To the County Elections Official of the County of ____:

8 Notice is hereby given that the offices for which candidates are
9 to be nominated at the primary election to be held on the ____ day
10 of ~~19~~ 20, together with the names of the political parties
11 qualified to participate in the election, are as follows:

12
13 STATE AND DISTRICT OFFICES

14 _____
15 _____
16 _____
17 _____
18 _____

19
20 CONGRESSIONAL OFFICES

21 _____
22 _____
23 _____
24 _____
25 _____

26
27 LEGISLATIVE OFFICES

28 _____
29 _____
30 _____
31 _____
32 _____

33 Notice is also hereby given that at the primary election, candidates are to be
34 nominated for the following office:

35 SUPERINTENDENT OF PUBLIC INSTRUCTION

36 _____
37 _____
38 _____
39 _____
40 _____

1 Notice is also hereby given that at the primary election, in the
2 county first above mentioned, candidates are to be nominated for
3 any county offices or judicial offices to which candidates are to
4 be elected at the ensuing general election;

5 And notice is also hereby given that at the primary election there
6 shall be elected in each county a county central committee for each
7 political party above named pursuant to Division 7 (commencing
8 with Section ~~7000~~ 7050) of the Elections Code.

9
10 _____

11 (seal) Secre tary of State

12
13 (b) The notice designating the political parties qualified to
14 participate in this election for nomination of candidates shall be
15 in substantially the following form:

16
17 NOTICE BY SECRETARY OF STATE OF POLITICAL
18 PARTIES QUALIFIED TO PARTICIPATE IN THE DIRECT
19 PRIMARY ELECTION

20
21 Secretary of State
22 Sacramento, ~~19~~ 20.

23 To the County Elections Official of the County of _____:

24 Notice is hereby given that the political parties qualified to
25 participate in this election for nomination of candidates to partisan
26 offices are as follows:

27
28 _____

29 (seal) Secre tary of State

30
31 *SEC. 44. Section 12108 of the Elections Code is amended to*
32 *read:*

33 12108. ~~In any a case where~~ *in which* this chapter requires the
34 posting or distribution of a list of the names of precinct board
35 members, or a portion of the list, the officers charged with the duty
36 of posting shall ascertain the name of the political party, if any,
37 ~~for with~~ *with* which each precinct board member ~~has expressed a~~
38 ~~preference is affiliated~~, as shown in the affidavit of registration of
39 that person. When the list is posted or distributed, there shall be
40 printed the name of the board member's party ~~preference~~ or an

1 abbreviation of the name to the right of the name, or immediately
2 below the name, of each precinct board member. If a precinct board
3 member ~~has is~~ not expressed a preference for *affiliated with* a
4 political party, the words ~~“ “No Party Preference” “Decline to~~
5 *state*” shall be printed in place of the party name.

6 *SEC. 45. Section 13102 of the Elections Code is amended to*
7 *read:*

8 13102. (a) All voting shall be by ballot. There shall be
9 provided, at each polling place, at each election at which *a public*
10 ~~officers are~~ *officer is* to be voted for, but one form of ballot for all
11 candidates for public office, except that, for partisan primary
12 elections, one form of ballot shall be provided for each qualified
13 political party as well as one form of nonpartisan ballot, in
14 accordance with subdivision (b).

15 (b) At partisan primary elections, ~~each~~ *a* voter not registered
16 ~~disclosing a preference as intending to affiliate~~ with any one of
17 the political parties participating in the election shall be furnished
18 only a nonpartisan ballot, unless he or she requests a ballot of a
19 political party and that political party, by party rule duly noticed
20 to the Secretary of State, authorizes a person who has declined to
21 ~~disclose state a party preference affiliation~~ to vote the ballot of
22 that political party. The nonpartisan ballot shall contain only the
23 names of all candidates for nonpartisan offices, voter-nominated
24 offices, and measures to be voted for at the primary election. Each
25 voter registered as ~~preferring~~ *intending to affiliate with* a political
26 party participating in the election shall be furnished only a ballot
27 ~~for of the political party with which he or she disclosed a party~~
28 ~~preference in accordance with Section 2151 or 2152~~ *registered*
29 and the nonpartisan ballot, both of which shall be printed together
30 as one ballot in the form prescribed by Section 13207.

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

1 (d) The county elections official shall maintain a record of which
 2 political party’s ballot was requested pursuant to subdivision (b),
 3 or whether a nonpartisan ballot was requested, by each person who
 4 declined to ~~disclose state a party preference affiliation~~. The record
 5 shall be made available to any person or committee ~~who~~ *that* is
 6 authorized to receive copies of the printed indexes of registration
 7 for primary and general elections pursuant to Section 2184. A
 8 record produced pursuant to this subdivision shall be made
 9 available in either a printed or electronic format, as requested by
 10 the authorized person or committee.

11 *SEC. 46. Section 13105 of the Elections Code is amended to*
 12 *read:*

13 13105. (a) In the case of ~~candidates~~ *a candidate* for a
 14 voter-nominated office in a primary election, a general election,
 15 or a special election to fill a vacancy in the office of United States
 16 Senator, Member of the United States House of Representatives,
 17 State Senator, or Member of the Assembly, immediately to the
 18 right of and on the same line as the name of the candidate, or
 19 immediately below the name if there is not sufficient space to the
 20 right of the name, there shall be identified, in eight-point ~~roman~~
 21 ~~lowercase~~ type, the ~~name of the political party designated~~
 22 *designation made* by the candidate pursuant to Section 8002.5.
 23 The identification shall be in substantially the following form:
 24 ~~“My party preference is the _____ Party.” If the candidate~~
 25 ~~designates no political party, the phrase “No Party Preference”~~
 26 ~~shall be printed instead of the party preference identification. If~~
 27 ~~the candidate~~

28 (1) *In the case of a candidate who designated a political party*
 29 *pursuant to Section 8002.5, “Preference: _____ Party.”*

30 (2) *In the case of a candidate who is not affiliated with a*
 31 *political party, “Preference: None selected.”*

32 (3) *In the case of a candidate who chooses not to have his or*
 33 *her party preference affiliation or lack of affiliation listed on the*
 34 *ballot, the space that would be filled with a party preference*
 35 *designation shall be left blank. “Preference: Withheld by*
 36 *candidate.”*

37 (b) In the case of candidates for President and Vice President,
 38 the name of the party shall appear to the right of and equidistant
 39 from the pair of names of these candidates *and on the same line*
 40 *as the name of the candidate for President, or immediately below*

1 *the name of the vice presidential candidate if there is not sufficient*
2 *space to the right of the name.*

3 (c) If for a general election ~~any~~ a candidate for President of the
4 United States or Vice President of the United States has received
5 the nomination of any additional party or parties, the name(s) shall
6 be printed to the right of the name of the candidate's own party.
7 Party names of a candidate shall be separated by commas. If a
8 candidate has qualified for the ballot by virtue of an independent
9 nomination, the word "Independent" shall be printed instead of
10 the name of a political party in accordance with the above rules.

11 *SEC. 47. Section 13107 of the Elections Code is amended to*
12 *read:*

13 13107. (a) With the exception of candidates for Justice of the
14 State Supreme Court or Court of Appeal, immediately under the
15 name of each candidate, and not separated from the name by any
16 line, *unless the selection made by the candidate pursuant to Section*
17 *8002.5 must be listed immediately below the name of the candidate*
18 *pursuant to Section 13105, and in that case immediately under the*
19 *selection, may appear at the option of the candidate only one of*
20 *the following designations:*

21 (1) Words designating the elective city, county, district, state,
22 or federal office which the candidate holds at the time of filing the
23 nomination documents to which he or she was elected by vote of
24 the people, or to which he or she was appointed, in the case of a
25 superior court judge.

26 (2) The word "incumbent" if the candidate is a candidate for
27 the same office which he or she holds at the time of filing the
28 nomination papers, and was elected to that office by a vote of the
29 people, or, in the case of a superior court judge, was appointed to
30 that office.

31 (3) No more than three words designating either the current
32 principal professions, vocations, or occupations of the candidate,
33 or the principal professions, vocations, or occupations of the
34 candidate during the calendar year immediately preceding the
35 filing of nomination documents. For purposes of this section, all
36 California geographical names shall be considered to be one word.
37 Hyphenated words that appear in any generally available standard
38 reference dictionary, published in the United States at any time
39 within the 10 calendar years immediately preceding the election
40 for which the words are counted, shall be considered as one word.

1 Each part of all other hyphenated words shall be counted as a
2 separate word.

3 (4) The phrase “appointed incumbent” if the candidate holds
4 an office other than a judicial office by virtue of appointment, and
5 the candidate is a candidate for election to the same office, or, if
6 the candidate is a candidate for election to the same office or to
7 some other office, the word “appointed” and the title of the office.
8 In either instance, the candidate may not use the unmodified word
9 “incumbent” or any words designating the office unmodified by
10 the word “appointed.” However, the phrase “appointed incumbent”
11 shall not be required of a candidate who seeks reelection to an
12 office which he or she holds and to which he or she was appointed,
13 as a nominated candidate, in lieu of an election, pursuant to
14 Sections 5326 and 5328 of the Education Code or Section 7228,
15 7423, 7673, 10229, or 10515 of this code.

16 (b) Neither the Secretary of State nor any other elections official
17 shall accept a designation of which any of the following would be
18 true:

19 (1) It would mislead the voter.

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

22 (3) It abbreviates the word “retired” or places it following any
23 word or words which it modifies.

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

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

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

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

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

39 (1) The candidate shall, within three days, excluding Saturday,
40 Sunday, and state holidays, from the date he or she receives notice

1 by registered or certified mail, or from the date the candidate
2 receives actual notice of the violation, whichever occurs first,
3 appear before the elections official or, in the case of the Secretary
4 of State, notify the Secretary of State by telephone, and provide a
5 designation that complies with subdivision (a).

6 (2) In the event the candidate fails to provide a designation that
7 complies with subdivision (a) within the three-day period specified
8 in paragraph (1), no designation shall appear after the candidate's
9 name.

10 (d) No designation given by a candidate shall be changed by
11 the candidate after the final date for filing nomination documents,
12 except as specifically requested by the elections official as specified
13 in subdivision (c) or as provided in subdivision (e). The elections
14 official shall maintain a copy of the ballot designation worksheet
15 for each candidate that appears on the ballot in the county for the
16 same period of time as applied to nomination documents pursuant
17 to Section 17100.

18 (e) The designation shall remain the same for all purposes of
19 both primary and general elections, unless the candidate, at least
20 98 days prior to the general election, requests in writing a different
21 designation which the candidate is entitled to use at the time of
22 the request.

23 (f) In all cases, the words so used shall be printed in 8-point
24 roman uppercase and lowercase type except that, if the designation
25 selected is so long that it would conflict with the space
26 requirements of Sections 13207 and 13211, the elections official
27 shall use a type size for the designation for each candidate for that
28 office sufficiently smaller to meet these requirements.

29 (g) Whenever a foreign language translation of a candidate's
30 designation is required under the Voting Rights Act of 1965 (42
31 U.S.C. Sec. 1971), as amended, to appear on the ballot in addition
32 to the English language version, it shall be as short as possible, as
33 consistent as is practicable with this section, and shall employ
34 abbreviations and initials wherever possible in order to avoid undue
35 length.

36 *SEC. 48. Section 13206 of the Elections Code is amended to*
37 *read:*

38 13206. (a) On the partisan ballot used in a direct primary
39 election, immediately below the instructions to voters, there shall
40 be a box not less than one-half inch high enclosed by a heavy-ruled

1 line the same as the borderline. This box shall be as long as there
 2 are columns for the partisan ballot and shall be set directly above
 3 these columns. Within the box shall be printed in ~~24-point boldface~~
 4 ~~gothic capital type~~ the words "Party-Nominated Offices."
 5 Immediately below that phrase within the same box shall be
 6 printed, in ~~8-point boldface gothic type~~, the following: "Only voters
 7 who ~~disclosed a preference~~ upon registering to vote for *stated their*
 8 *affiliation with* the same party as the candidate seeking the
 9 nomination of any party for the Presidency or election to a party
 10 committee may vote for that candidate at the primary election,
 11 unless the party has adopted a rule to permit non-party voters to
 12 vote in its primary elections."

13 (b) The same style of box described in subdivision (a) shall also
 14 appear over the columns of the nonpartisan part of the ballot and
 15 within the box in the same style and point size of type shall be
 16 printed "Voter-Nominated and Nonpartisan Offices." Immediately
 17 below that phrase within the same box shall be printed, in ~~8-point~~
 18 ~~boldface gothic type~~, the following:

19 "All voters, regardless of ~~the party preference they disclosed~~
 20 ~~upon registration affiliation, or refusal declining to disclose a party~~
 21 ~~preference affiliate with a political party,~~ may vote for any
 22 candidate for a voter-nominated or nonpartisan office.

23 Voter-Nominated Offices.: The party ~~preference affiliation,~~ if
 24 any, ~~designated by a candidate for a voter-nominated office is~~
 25 ~~selected by the candidate and of a candidate~~ is shown for the
 26 information of the voters only.

27 It does not constitute or imply an endorsement of the candidate
 28 by the party indicated, and no candidate nominated by the qualified
 29 voters for any voter-nominated office shall be deemed to be the
 30 ~~officially nominated candidate of any political party. A candidate's~~
 31 *affiliation with a political party does not imply that the candidate*
 32 *is nominated or endorsed by that party, or that that party approves*
 33 *of that candidate.*

34 "~~Nonpartisan Nonpartisan Offices. A: The party affiliation of a~~
 35 ~~candidate for a nonpartisan office may does not designate a party~~
 36 ~~reference appear on the ballot."~~

37 SEC. 49. Section 13207 of the Elections Code is amended to
 38 read:

39 13207. (a) There shall be printed on the ballot in parallel
 40 columns all of the following:

1 (1) The respective offices.

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

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

7 (b) In the case of a ballot which is intended for use in a party
 8 primary and which carries ~~both~~ partisan offices, voter-nominated
 9 offices, and nonpartisan offices, a vertical solid black line shall
 10 divide the columns containing partisan offices, on the left, from
 11 the columns containing nonpartisan offices and voter-nominated
 12 offices, on the right.

13 (c) The standard width of columns containing partisan offices,
 14 nonpartisan offices, and voter-nominated offices, shall be three
 15 inches, ~~but a~~ *except that an* elections official may vary the width
 16 of these columns *by up to 10 percent more or less than the*
 17 ~~three-inch standard~~ *three-tenths of an inch.* ~~However, the~~ *The*
 18 column containing presidential and vice presidential candidates
 19 may be as wide as four inches.

20 (d) ~~Any measures~~ *A measure* that ~~are~~ *is* to be submitted to the
 21 voters shall be printed in one or more parallel columns to the right
 22 of the columns containing the names of candidates and shall be of
 23 sufficient width to contain the title and summary of ~~each~~ *the*
 24 measure. To the right of ~~each~~ *the* title and summary shall be
 25 printed, on separate lines, the words “Yes” and “No.”

26 *SEC. 50. Section 13212 of the Elections Code is amended to*
 27 *read:*

28 13212. ~~Under~~ *Except for a voter-nominated office at a general*
 29 *election, under* the designation of each office shall be printed as
 30 many blank spaces, defined by light lines or rules at least
 31 three-eighths of an inch apart but no more than one-half inch apart,
 32 as there are candidates to be nominated or elected to the office.

33 *SEC. 51. Section 13230 of the Elections Code is amended to*
 34 *read:*

35 13230. (a) If the county elections official determines that, due
 36 to the number of candidates and measures that must be printed on
 37 the ballot, the ballot will be larger than may be conveniently
 38 handled, the county elections official may provide that a
 39 nonpartisan ballot shall be given to each partisan voter, together
 40 with his or her partisan ballot, and that the material appearing

1 under the heading—~~“Voter-Nominated~~ “*Voter-Nominated* and
2 Nonpartisan Offices” on partisan ballots, as well as the heading
3 itself, shall be omitted from the partisan ballots.

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

11 (c) “Partisan voters,” for purposes of this section, includes ~~both~~
12 ~~persons who have disclosed a party preference pursuant to Section~~
13 ~~2151 or 2152 and~~ persons who have declined to ~~disclose~~ *state* a
14 party preference *affiliation*, but who have chosen to vote the ballot
15 of a political party as authorized by that party’s rules duly noticed
16 to the Secretary of State.

17 *SEC. 52. Section 13300 of the Elections Code is amended to*
18 *read:*

19 13300. (a) By at least 29 days before the *partisan* primary,
20 each county elections official shall prepare *a* separate sample
21 ~~ballots~~ *ballot* for each political party and a separate sample
22 nonpartisan ballot, ~~placing thereon in each case. The county~~
23 ~~elections official shall place on each ballot, as applicable, in the~~
24 order provided in Chapter 2 (commencing with Section 13100),
25 and under the appropriate title of each office, the names of all
26 candidates for whom nomination papers have been duly filed with
27 him or her, or have been certified to him or her by the Secretary
28 of State, to be voted for in his or her county at the *partisan* primary
29 election.

30 (b) The sample ~~ballot~~ *ballots* shall be identical to the official
31 ballots, except as otherwise provided by law. The sample ballots
32 shall be printed on paper of a different texture from the paper to
33 be used for the official ballot.

34 (c) One sample ballot of the party ~~for~~ *with* which the voter ~~has~~
35 ~~disclosed a preference~~ *is affiliated*, as evidenced by his or her
36 registration, shall be mailed *not more than 40 nor fewer than 10*
37 *days before the election* to each voter entitled to vote at the primary
38 who registered at least 29 days prior to the election ~~not more than~~
39 ~~40 nor less than 10 days before the election.~~ A nonpartisan sample
40 ballot shall be so mailed to each voter who is not registered as

1 ~~preferring~~ *intending to affiliate* with any of the parties participating
 2 in the primary election, provided that on election day ~~any person~~
 3 *the voter* may, upon request, vote the ballot of a political party if
 4 authorized by the party’s rules, duly noticed to the Secretary of
 5 State.

6 *SEC. 53. Section 13302 of the Elections Code is amended to*
 7 *read:*

8 13302. (a) The county elections official shall forthwith submit
 9 the sample ballot of each political party to the chairperson of the
 10 county central committee of that party, and shall mail a copy to
 11 each candidate for whom nomination papers have been filed in his
 12 or her office or whose name has been certified to him or her by
 13 the Secretary of State, to the post office address ~~as given in the~~
 14 nomination paper or certification. The county elections official
 15 shall post a copy of each sample ballot in a conspicuous place in
 16 his or her office.

17 (b) In connection with ~~any~~ *an* election at which a candidate for
 18 a voter-nominated office will appear on the ballot, ~~any~~ *a* qualified
 19 political party may submit to the county elections official a list of
 20 all candidates for voter-nominated office who will appear on ~~any~~
 21 *a* ballot in the county in question, and who have been endorsed by
 22 the party by whatever lawful mechanism the party adopts for
 23 endorsing candidates for voter-nominated office. ~~The~~ *If a political*
 24 *party timely submits a list to the county elections official pursuant*
 25 *to this subdivision, the county elections official shall print ~~any such~~*
 26 *list that is timely received the names of the candidates for*
 27 *voter-nominated office who were endorsed by that political party*
 28 *in the voter information portion of the sample ballot. The party*
 29 ~~chair~~ *chairperson* shall provide a written copy of the list of
 30 candidates endorsed ~~or nominated~~ by the party not later than 83
 31 days prior to the election at which the candidate for a
 32 voter-nominated office will appear on the ballot.

33 *SEC. 54. Section 15340 of the Elections Code is amended to*
 34 *read:*

35 15340. ~~Each~~ *Except for a voter-nominated office at a general*
 36 *election, each voter is entitled to write on the ballot the name of*
 37 *any candidate for any public office, including that of President*
 38 *and Vice President of the United States, ~~on the ballot of any~~*
 39 *election.*

1 *SEC. 55. Section 15402 of the Elections Code is amended to*
2 *read:*

3 15402. (a) Whenever a candidate whose name appears upon
4 the ballot at any election *for an office other than a voter-nominated*
5 *office* dies after the 68th day before the election, the votes cast for
6 the deceased candidate shall be counted in determining the results
7 of the election for the office for which the decedent was a
8 candidate. If the deceased candidate receives a majority of the
9 votes cast for the office, he or she shall be considered elected and
10 the office to which he or she was elected shall be vacant at the
11 beginning of the term for which he or she was elected. The vacancy
12 thus created shall be filled in the same manner as if the candidate
13 had died subsequent to taking office for that term.

14 (b) *Whenever a candidate whose name appears on the ballot*
15 *at any election for a voter-nominated office dies, the votes cast for*
16 *the deceased candidate shall be counted in determining the results*
17 *of the election for the office for which the decedent was a*
18 *candidate. If the deceased candidate receives a majority of the*
19 *votes cast for the office at the general election, he or she shall be*
20 *considered elected and the office to which he or she was elected*
21 *shall be vacant at the beginning of the term for which he or she*
22 *was elected. The vacancy thus created shall be filled in the same*
23 *manner as if the candidate had died subsequent to taking office*
24 *for that term.*

25 *SEC. 56. Section 15451 of the Elections Code is repealed.*

26 ~~15451. The nominees for a voter-nominated office shall be~~
27 ~~determined in accordance with Section 8141.5 and subdivision (b)~~
28 ~~of Section 8142.~~

29 *SEC. 57. Section 15560 of the Elections Code is amended to*
30 *read:*

31 15560. (a) The Secretary of State is authorized to establish a
32 postcanvass risk-limiting audit pilot program in five or more
33 counties to improve the accuracy of, and public confidence in,
34 election results. The Secretary of State is encouraged to include
35 urban and rural counties; counties from northern, central, and
36 southern California; and counties with various different voting
37 systems.

38 (b) The pilot program described in subdivision (a) shall be
39 conducted as follows:

1 (1) During the year 2011, each county that chooses to participate
2 in the pilot program shall conduct a postcanvass risk-limiting audit
3 of one or more contests after each election in that county.

4 (2) An elections official conducting an audit pursuant to this
5 section shall do all of the following:

6 (A) Provide at least a five-day public notice of the time and
7 place of the random selection of the audit units to be manually
8 tallied and of the time and place of the audit.

9 (B) Make available to the public a report of the vote tabulating
10 device results for the contest, including the results for each audit
11 unit in the contest, prior to the random selection of audit units to
12 be manually tallied and prior to the commencement of the audit.

13 (C) Conduct the audit upon tabulation of the unofficial final
14 results or upon completion of the official canvass for the election.

15 (D) Conduct the audit in public view by hand without the use
16 of electronic scanning equipment using the tally procedures
17 established by Section 15360 for conducting a manual tally.

18 (3) On or before March 1, 2012, the Secretary of State shall
19 report to the Legislature on the effectiveness and efficiency of
20 postcanvass risk-limiting audits conducted pursuant to this section.
21 The report shall include an analysis of the efficiency of postcanvass
22 risk-limiting audits, including the costs of performing the audits,
23 as compared to the 1-percent manual tallies conducted in the same
24 election pursuant to Section 15360.

25 (c) An audit shall not be conducted pursuant to this section with
26 respect to a state or multijurisdictional contest unless all of the
27 counties involved in the contest choose to participate in the pilot
28 program authorized by this section.

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

31 (1) "Audit unit" means a precinct, a set of ballots, or a single
32 ballot. A precinct, a set of ballots, or a single ballot may be used
33 as an audit unit for purposes of this section only if all of the
34 following conditions are satisfied:

35 (A) The relevant vote tabulating device is able to produce a
36 report of the votes cast in the precinct, set of ballots, or single
37 ballot.

38 (B) The elections official is able to match the report described
39 in subparagraph (A) with the ballots corresponding to the report
40 for purposes of conducting an audit pursuant to this section.

1 (C) Each ballot is assigned to not more than one audit unit.

2 (2) “Contest” means an election for an office or for a measure.

3 “Contest” shall not include either of the following:

4 (A) An election for a political party central committee, as
5 provided in Division 7 (commencing with Section ~~7000~~ 7050).

6 (B) An advisory election, as provided in Section 9603.

7 (3) “Risk-limiting audit” means a manual tally employing a
8 statistical method that ensures a large, predetermined minimum
9 chance of requiring a full manual tally whenever a full manual
10 tally would show an electoral outcome that differs from the
11 outcome reported by the vote tabulating device for the audited
12 contest. A risk-limiting audit shall begin with a hand tally of the
13 votes in one or more audit units and shall continue to hand tally
14 votes in additional audit units until there is strong statistical
15 evidence that the electoral outcome is correct. In the event that
16 counting additional audit units does not provide strong statistical
17 evidence that the electoral outcome is correct, the audit shall
18 continue until there has been a full manual tally to determine the
19 correct electoral outcome of the audited contest.

20 (4) “Unofficial final results” means election results tabulated
21 pursuant to an official canvass conducted pursuant to Chapter 4
22 (commencing with Section 15300) but not yet reported to the
23 governing board or the Secretary of State pursuant to subdivision
24 (h) of Section 15302.

25 *SEC. 58. Section 19301 of the Elections Code is amended to*
26 *read:*

27 19301. (a) A voting machine shall provide in the general
28 election for grouping under the name of the office to be voted on,
29 all the candidates for the office with the designation of the parties,
30 if any, by which they were respectively nominated or *with* which
31 they ~~designated pursuant to~~ *are affiliated in accordance with*
32 Section 8002.5.

33 (b) With respect to *a party-nominated-offices office*, the
34 designation may be by usual or reasonable abbreviation of party
35 names. With respect to *a voter-nominated-offices office*, the voting
36 machine shall conform to the format specified in subdivision ~~(b)~~
37 *(a)* of Section 13105.

38 *SEC. 59. Section 34.5 of this bill incorporates amendments to*
39 *Section 8600 of the Elections Code proposed by both this bill and*
40 *Assembly Bill 362. It shall only become operative if (1) both bills*

1 *are enacted and become effective on or before January 1, 2012,*
2 *(2) each bill amends Section 8600 of the Elections Code, and (3)*
3 *this bill is enacted after Assembly Bill 362, in which case Section*
4 *34 of this bill shall not become operative.*

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**All matter omitted in this version of the bill
appears in the bill as amended in the
Senate, August 17, 2011. (JR11)**