

ASSEMBLY BILL

No. 2911

Introduced by Committee on Elections and Redistricting

March 15, 2016

An act to amend Sections 303.5, 2052, 2053, 2155.3, 2157.2, 2223, 2224, 2300, 3007, 3019.5, 3021.5, 3022, 3023, 4101, 9050, 9054, 9067, 9068, 9069, 9081, 9082, 9082.5, 9082.7, 9083, 9083.5, 9084, 9085, 9086, 9087, 9088, 9089, 9090, 9092, 9093, 9094, 9094.5, 9095, 9096, 9160, 9162, 9163, 9280, 9282, 9285, 9286, 9312, 9313, 9314, 9315, 9316, 9402, 9501, 10531, 11324, 11325, 11327, 13118, 13244, 13263, 13300, 13300.5, 13300.7, 13302, 13303, 13305, 13306, 13307, 13307.5, 13312, 13314, 13315, 13316, 13317, 14219, 18301, 18390, 19321, 19323, and 20009 of, to amend the heading of Article 7 (commencing with Section 9080) of Chapter 1 of Division 9 of, and to amend the heading of Chapter 4 (commencing with Section 13300) of Division 13 of, the Elections Code, relating to voting.

LEGISLATIVE COUNSEL'S DIGEST

AB 2911, as introduced, Committee on Elections and Redistricting. Voting: voter information guides.

Under existing law, numerous provisions related to voting refer to ballot pamphlets, state ballot pamphlets, voter pamphlets, statewide voter pamphlets, and sample ballots.

This bill would replace these terms with state voter information guide, county voter information guide, and voter information guide, as appropriate, and make necessary conforming changes. The bill would also make technical, nonsubstantive changes to these provisions.

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

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

1 SECTION 1. Section 303.5 of the Elections Code is amended
2 to read:

3 303.5. (a) “Ballot title” is the name of a statewide measure
4 included in the ballot label and the ballot title and summary.

5 (b) “Ballot title and summary” means the summary of the chief
6 purpose and points including the fiscal impact summary of any
7 measure that appears in the ~~state ballot pamphlet~~. *state voter*
8 *information guide*. The ballot title and summary shall include a
9 statement of the measure’s fiscal impact. ~~This~~ *The ballot title and*
10 *summary shall not exceed 100 words, not including the fiscal*
11 *impact statement.*

12 (c) (1) “Circulating title and summary” means the text that is
13 required to be placed on a petition for signatures that is either one
14 of the following:

15 (A) The summary of the chief purpose and points of a proposed
16 initiative measure that affects the Constitution or laws of the state,
17 and the fiscal impact of the proposed initiative measure.

18 (B) The summary of the chief purpose and points of a
19 referendum measure that affects a law or laws of the state.

20 (2) The circulating title and summary shall not exceed 100
21 words, not including the fiscal impact summary.

22 SEC. 2. Section 2052 of the Elections Code is amended to read:

23 2052. It is the intent of the Legislature to promote the
24 fundamental right to vote of visually impaired individuals, and to
25 make efforts to improve public awareness of the availability of
26 ~~ballot pamphlet~~ *state voter information guide* audio recordings
27 and improve their delivery to these voters.

28 SEC. 3. Section 2053 of the Elections Code is amended to read:

29 2053. The Secretary of State shall establish a Voting
30 Accessibility Advisory Committee. The Secretary of State shall
31 consult with the committee and consider the committee’s
32 recommendations related to improving the accessibility of elections
33 for voters with disabilities. The Secretary of State may implement
34 the committee’s recommendations as he or she deems appropriate.

35 (a) The committee shall consist of the Secretary of State, his or
36 her designees, and additional members appointed by the Secretary
37 of State. The appointees shall have demonstrated experience with

1 accessibility requirements for voters with disabilities or be a county
2 elections official.

3 (b) The committee shall serve in an advisory capacity to the
4 Secretary of State and shall do all of the following:

5 (1) Establish guidelines for reaching as many voters with
6 disabilities as practical.

7 (2) Make recommendations for improving the availability and
8 accessibility of election materials, including, but not limited to,
9 ~~sample ballots, voter information pamphlets, state voter~~
10 *information guides, county voter information guides*, and
11 vote-by-mail ballots, and their delivery in print or alternative
12 formats to voters with disabilities.

13 (3) Increase the distribution of public service announcements
14 identifying the availability of election materials for voters with
15 disabilities at least 45 days before any federal, state, and local
16 election.

17 (4) Make recommendations for improving the accessibility of
18 election materials made available on Internet Web sites that are in
19 compliance with the most current, ratified standards under Section
20 508 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec.
21 794d), as amended, and the Web Content Accessibility Guidelines
22 2.0 adopted by the World Wide Web Consortium for accessibility.

23 (5) Promote the Secretary of State's toll-free voter registration
24 telephone line for citizens needing voter registration information,
25 including information for individuals with disabilities, and the
26 California State Library and regional library services for individuals
27 who are unable to read conventional print due to a visual,
28 intellectual, learning, physical, or any other disability.

29 (6) Make recommendations for providing voters with disabilities
30 the same access and participation as is provided to other voters
31 who are not disabled, including the ability to vote privately and
32 independently.

33 (7) Establish subcommittees to further the scope and purposes
34 of the committee as they relate to improving voter services and
35 access for individuals with disabilities, including, but not limited
36 to, visually impaired voters and deaf or hard of hearing voters.

37 (8) Promote the use of plain language and alternative formats
38 for election materials.

1 (9) Make recommendations for materials to train poll workers
2 on issues related to serving voters with disabilities and providing
3 accessible voting locations.

4 (c) A member shall not receive compensation, but each member
5 shall be reimbursed for his or her reasonable and necessary
6 expenses in connection with service on the committee.

7 SEC. 4. Section 2155.3 of the Elections Code, as added by
8 Section 4 of Chapter 619 of the Statutes of 2014, is amended to
9 read:

10 2155.3. (a) In lieu of the voter notification required by Section
11 2155, a person under 18 years of age who submits an affidavit of
12 registration pursuant to Section 2101 or subdivision (d) of Section
13 2102, as amended by ~~the act adding this section~~ *Chapter 619 of*
14 *the Statutes of 2014*, shall be sent a voter preregistration notice
15 upon a determination that the affidavit of registration is properly
16 executed and that the person otherwise satisfies all eligibility
17 requirements to vote, except that he or she is under 18 years of
18 age. The county elections official shall send the voter
19 preregistration notice by nonforwardable, first-class mail, address
20 correction requested.

21 (b) The voter preregistration notice required by subdivision (a)
22 shall be substantially in the following form:

23
24 VOTER PREREGISTRATION NOTICE

25
26 Thank you for registering to vote. You may vote in any election
27 held on or after your 18th birthday.

28 Your party preference is: (Name of political party)

29 Before any election in which you are eligible to vote, you will
30 receive a ~~sample ballot and voter pamphlet~~ *state voter information*
31 *guide and county voter information guide* by mail.

32 If the information on this card is incorrect, please contact our
33 office or update your registration at the Internet Web site of the
34 Secretary of State.

35
36 SEC. 5. Section 2155.3 of the Elections Code, as amended by
37 Section 29 of Chapter 728 of the Statutes of 2015, is amended to
38 read:

39 2155.3. (a) In lieu of the voter notification required by Section
40 2155, a person under 18 years of age who submits an affidavit of

1 registration pursuant to Section 2101 or subdivision (d) of Section
 2 2102, as amended by ~~the act adding this section~~ *Chapter 619 of*
 3 *the Statutes of 2014*, shall be sent a voter preregistration notice
 4 upon a determination that the affidavit of registration is properly
 5 executed and that the person otherwise satisfies all eligibility
 6 requirements to vote, except that he or she is under 18 years of
 7 age. The county elections official shall send the voter
 8 preregistration notice by nonforwardable, first-class mail, address
 9 correction requested.

10 (b) The voter preregistration notice required by subdivision (a)
 11 shall be substantially in the following form:

12
 13 VOTER PREREGISTRATION NOTICE

14
 15 Thank you for preregistering to vote. You may vote in any
 16 election held on or after your 18th birthday.

17 Your party preference is: (Name of political party)

18 Before any election in which you are eligible to vote, you will
 19 receive a ~~sample ballot and voter pamphlet~~ *state voter information*
 20 *guide and county voter information guide* by mail.

21 If the information on this card is incorrect, please contact our
 22 office or update your preregistration at the Internet Web site of
 23 the Secretary of State.

24
 25 SEC. 6. Section 2157.2 of the Elections Code is amended to
 26 read:

27 2157.2. In order that a voter be fully informed of the
 28 permissible uses of personal information supplied by him or her
 29 for the purpose of completing a voter registration affidavit, local
 30 elections officials shall post on any local elections official's
 31 Internet Web site relating to voter information, and the Secretary
 32 of State shall print in the ~~state ballot pamphlet~~ *voter information*
 33 *guide* and post on his or her Internet Web site, a statement identical
 34 or substantially similar to the following:

35 "Information on your voter registration affidavit will be used by
 36 elections officials to send you official information on the voting
 37 process, such as the location of your polling place and the issues
 38 and candidates that will appear on the ballot. Commercial use of
 39 voter registration information is prohibited by law and is a
 40 misdemeanor. Voter information may be provided to a candidate

1 for office, a ballot measure committee, or other persons for election,
2 scholarly, journalistic, political, or governmental purposes, as
3 determined by the Secretary of State. Driver's license and social
4 security numbers, or your signature as shown on your voter
5 registration card, cannot be released for these purposes. If you
6 have any questions about the use of voter information or wish to
7 report suspected misuse of such information, please call the
8 Secretary of State's Voter Protection and Assistance Hotline.

9 "Certain voters facing life-threatening situations may qualify
10 for confidential voter status. For more information, please contact
11 the Secretary of State's Safe At Home program or visit the
12 Secretary of State's Web site."

13 SEC. 7. Section 2223 of the Elections Code is amended to read:

14 2223. (a) In lieu of mailing a residency confirmation postcard
15 to each registered voter in the county, the county elections official
16 may include the return address of the county elections official's
17 office on the outside portion of the ~~sample ballot county voter~~
18 ~~information guide~~ or ~~sample ballot county voter information guide~~
19 envelope mailed to the voter for an election conducted within the
20 last six months preceding the start of the confirmation process,
21 along with the statements "Address Correction Requested" and
22 "Notice: If the person named on the ~~sample ballot county voter~~
23 ~~information guide~~ is not at the address, please help keep the voter
24 rolls current and save taxpayer dollars by returning this ~~sample~~
25 ~~ballot county voter information guide~~ to your mail carrier."

26 (b) A voter not eligible for an election during the last six months
27 preceding the start of the confirmation process, or a voter not
28 mailed a ~~sample ballot county voter information guide~~ with an
29 address correction requested, shall have his or her address
30 confirmed by either a residency confirmation postcard or an address
31 verification mailing conducted pursuant to this article using
32 NCOA/Operation Mail data pursuant to Section 2222 or consumer
33 credit reporting agency data pursuant to Section 2227.

34 SEC. 8. Section 2224 of the Elections Code, as amended by
35 Section 54 of Chapter 76 of the Statutes of 2013, is amended to
36 read:

37 2224. (a) If a voter has not voted in an election within the
38 preceding four years, and his or her residence address, name, or
39 party affiliation has not been updated during that time, the county
40 elections official may send an alternate residency confirmation

1 postcard. The use of this postcard may be sent subsequent to NCOA
2 or ~~sample ballot~~ *county voter information guide* returns, but shall
3 not be used in the residency confirmation process conducted under
4 Section 2220. The postcard shall be forwardable, including a
5 postage-paid and preaddressed return form to enable the voter to
6 verify or correct the address information, and shall be in
7 substantially the following form:

8 “If the person named on the postcard is not at this address,
9 PLEASE help keep the voter rolls current and save taxpayer dollars
10 by returning this postcard to your mail carrier.”

11 “IMPORTANT NOTICE”

12 “According to our records you have not voted in any election
13 during the past four years, which may indicate that you no longer
14 reside in ____ County. If you continue to reside in this county you
15 must confirm your residency address in order to remain on the
16 active voter list and receive election materials in the mail.”

17 “If confirmation has not been received within 15 days, you may
18 be required to provide proof of your residence address in order to
19 vote at future elections. If you no longer live in ____ County, you
20 must reregister at your new residence address in order to vote in
21 the next election. California residents may obtain a mail registration
22 form by calling the county elections office or the Secretary of
23 State’s office.”

24 (b) The use of a toll-free number to confirm the old residence
25 address is optional. ~~Any~~ A change to a voter’s address shall be
26 received in writing.

27 (c) A county using the alternate residency confirmation
28 procedure shall notify all voters of the procedure in the ~~sample~~
29 ~~ballot pamphlet~~ *county voter information guide* or in a separate
30 mailing.

31 SEC. 9. Section 2224 of the Elections Code, as amended by
32 Section 67 of Chapter 728 of the Statutes of 2015, is amended to
33 read:

34 2224. (a) If a voter has not voted in an election within the
35 preceding four years, and his or her residence address, name, or
36 party preference has not been updated during that time, the county
37 elections official may send an alternate residency confirmation
38 postcard. The use of this postcard may be sent subsequent to NCOA
39 or ~~sample ballot~~ *county voter information guide* returns, but shall
40 not be used in the residency confirmation process conducted under

1 Section 2220. The postcard shall be forwardable, including a
 2 postage-paid and preaddressed return form to enable the voter to
 3 verify or correct the address information, and shall be in
 4 substantially the following form:

5 “If the person named on the postcard is not at this address,
 6 PLEASE help keep the voter rolls current and save taxpayer dollars
 7 by returning this postcard to your mail carrier.”

8 “IMPORTANT NOTICE”

9 “According to our records you have not voted in any election
 10 during the past four years, which may indicate that you no longer
 11 reside in ____ County. If you continue to reside in California you
 12 must confirm your residency address in order to remain on the
 13 active voter list and receive election materials in the mail.”

14 “If confirmation has not been received within 15 days, you may
 15 be required to provide proof of your residence address in order to
 16 vote at future elections.”

17 (b) The use of a toll-free number to confirm the old residence
 18 address is optional. ~~Any~~ A change to a voter’s address shall be
 19 received in writing.

20 (c) A county using the alternate residency confirmation
 21 procedure shall notify all voters of the procedure in the ~~sample~~
 22 ~~ballot pamphlet~~ *county voter information guide* or in a separate
 23 mailing.

24 SEC. 10. Section 2300 of the Elections Code is amended to
 25 read:

26 2300. (a) All voters, pursuant to the California Constitution
 27 and this code, shall be citizens of the United States. There shall
 28 be a Voter Bill of Rights for voters, available to the public, which
 29 shall convey all of the following to voters:

30 (1) (A) You have the right to cast a ballot if you are a valid
 31 registered voter.

32 (B) A valid registered voter means a United States citizen who
 33 is a resident in this state, who is at least 18 years of age and not in
 34 prison or on parole for conviction of a felony, and who is registered
 35 to vote at his or her current residence address.

36 (2) You have the right to cast a provisional ballot if your name
 37 is not listed on the voting rolls.

38 (3) You have the right to cast a ballot if you are present and in
 39 line at the polling place ~~prior to~~ *before* the close of the polls.

1 (4) You have the right to cast a secret ballot free from
2 intimidation.

3 (5) (A) You have the right to receive a new ballot if, ~~prior to~~
4 *before* casting your ballot, you believe you made a mistake.

5 (B) If at any time before you finally cast your ballot, you feel
6 you have made a mistake, you have the right to exchange the
7 spoiled ballot for a new ballot. Vote by mail voters may also
8 request and receive a new ballot if they return their spoiled ballot
9 to an elections official ~~prior to~~ *before* the closing of the polls on
10 election day.

11 (6) You have the right to receive assistance in casting your
12 ballot, if you are unable to vote without assistance.

13 (7) You have the right to return a completed vote by mail ballot
14 to any precinct in the county.

15 (8) You have the right to election materials in another language,
16 if there are sufficient residents in your precinct to warrant
17 production.

18 (9) (A) You have the right to ask questions about election
19 procedures and observe the election process.

20 (B) You have the right to ask questions of the precinct board
21 and elections officials regarding election procedures and to receive
22 an answer or be directed to the appropriate official for an answer.
23 However, if persistent questioning disrupts the execution of their
24 duties, the *precinct* board or election officials may discontinue
25 responding to questions.

26 (10) You have the right to report any illegal or fraudulent
27 activity to a local elections official or to the Secretary of State's
28 office.

29 (b) Beneath the Voter Bill of Rights there shall be listed a
30 toll-free telephone number to call if a person has been denied a
31 voting right or to report election fraud or misconduct.

32 (c) The Secretary of State may do both of the following:

33 (1) Develop regulations to implement and clarify the Voter Bill
34 of Rights set forth in subdivision (a).

35 (2) Revise the wording of the Voter Bill of Rights as necessary
36 to ensure the use of clear and concise language free from technical
37 terms.

38 (d) The Voter Bill of Rights set forth in subdivisions (a) and (b)
39 shall be made available to the public before each election and on
40 election day, at a minimum, as follows:

1 (1) The Voter Bill of Rights shall be printed in the ~~statewide~~
 2 ~~state voter pamphlet, information guide~~, pursuant to Section 9084,
 3 in a minimum of 12-point type. Subparagraph (B) of paragraph
 4 (1) of subdivision (a), subparagraph (B) of paragraph (5) of
 5 subdivision (a), and subparagraph (B) of paragraph (9) of
 6 subdivision (a) may be printed in a smaller point type than the rest
 7 of the Voter Bill of Rights.

8 (2) Posters or other printed materials containing the Voter Bill
 9 of Rights shall be included in precinct supplies pursuant to Section
 10 14105.

11 SEC. 11. Section 3007 of the Elections Code is amended to
 12 read:

13 3007. The Secretary of State shall prepare and distribute to
 14 appropriate elections officials a uniform application format for a
 15 vote by mail voter’s ballot that conforms to this chapter. This
 16 format shall be followed by all individuals, organizations, and
 17 groups who distribute applications for a vote by mail voter’s ballot.
 18 The uniform format need not be ~~utilized~~ *used* by elections officials
 19 in preparing a vote by mail voter’s ballot application to be included
 20 with the ~~sample ballot~~ *county voter information guide*.

21 SEC. 12. Section 3019.5 of the Elections Code is amended to
 22 read:

23 3019.5. (a) A county elections official shall establish a free
 24 access system that allows a vote by mail voter to learn if his or her
 25 vote by mail ballot was counted and, if not, the reason why the
 26 ballot was not counted. For each election, the elections official
 27 shall make the free access system available to a vote by mail voter
 28 upon completion of the official canvass and for 30 days after
 29 completion of the official canvas.

30 (b) For purposes of establishing the free access system for vote
 31 by mail ballots required by subdivision (a), a county elections
 32 official may use the free access system for provisional ballots
 33 established by the county pursuant to Section 302 of the federal
 34 Help America Vote Act of 2002 (52 U.S.C. Sec. 21082).

35 (c) If a county elections official elects not to mail a ~~sample ballot~~
 36 *county voter information guide* to a voter pursuant to Section
 37 13305, the elections official shall use any savings achieved to
 38 offset the costs associated with establishing the free access system
 39 for vote by mail ballots required by subdivision (a).

1 SEC. 13. Section 3021.5 of the Elections Code is amended to
2 read:

3 3021.5. (a) Upon the declaration of an out-of-state emergency
4 by the Governor and the issuance of an executive order authorizing
5 an out-of-state emergency worker to cast a ballot outside of his or
6 her home precinct, a county elections official shall, upon request
7 of an out-of-state emergency worker pursuant to this chapter, issue
8 a vote by mail ballot to the out-of-state emergency worker using
9 a process to be determined by that elections official. The process
10 shall include all of the following:

11 (1) Authorization for an out-of-state emergency worker to
12 request a vote by mail ballot after the close of the vote by mail
13 ballot application period specified in Section 3001.

14 (2) Authorization for a vote by mail ballot and accompanying
15 voting materials to be sent to an out-of-state emergency worker
16 by mail, facsimile transmission, or electronic transmission, as
17 requested by the out-of-state emergency worker. An elections
18 official may use reasonable facsimiles of the ~~sample ballots~~ *county*
19 *voter information guides* sent to voters as vote by mail ballots.

20 (3) A requirement that an out-of-state emergency worker mark
21 the vote by mail ballot provided to him or her, place it in the vote
22 by mail ballot identification envelope, and return the vote by mail
23 ballot to the elections official from whom it was obtained. If no
24 identification envelope is provided, the envelope used to return
25 the vote by mail ballot to the elections official shall include the
26 information required by subdivision (a) of Section 3011 and a
27 statement signed under penalty of perjury that the voter is an
28 out-of-state emergency worker.

29 (b) In order to be counted, a vote by mail ballot cast pursuant
30 to this section shall be received in compliance with Section 3020.

31 (c) An elections official shall receive and canvass vote by mail
32 ballots cast pursuant to this section by the same procedure as for
33 all other vote by mail ballots cast pursuant to this chapter.

34 SEC. 14. Section 3022 of the Elections Code is amended to
35 read:

36 3022. The elections official shall include with the ~~sample ballot~~
37 *county voter information guide* an application for a vote by mail
38 ballot.

39 SEC. 15. Section 3023 of the Elections Code is amended to
40 read:

1 3023. Each ballot that is delivered pursuant to this chapter shall
2 be accompanied by a ~~ballot pamphlet~~, *state voter information*
3 *guide*, unless the voter has already been provided a ~~ballot pamphlet~~.
4 *state voter information guide*.

5 SEC. 16. Section 4101 of the Elections Code is amended to
6 read:

7 4101. Notwithstanding Sections 13300 and 13303, the elections
8 official shall not commence to mail the combined ~~sample ballot~~
9 *county voter information guide* and mail ballot ~~prior to~~ *before* the
10 29th day before the election and shall complete the mailing by the
11 10th day before the election.

12 SEC. 17. Section 9050 of the Elections Code is amended to
13 read:

14 9050. After the Secretary of State determines that a measure
15 will appear on the ballot at the next statewide election, the
16 Secretary of State shall promptly transmit a copy of the measure
17 to the Attorney General. The Attorney General shall provide and
18 return to the Secretary of State a ballot title and summary and
19 ballot label for each measure submitted to the voters of the whole
20 state by a date sufficient to meet the ~~ballot pamphlet~~ *state voter*
21 *information guide* public display deadlines.

22 SEC. 18. Section 9054 of the Elections Code is amended to
23 read:

24 9054. (a) Whenever a city, county, or city and county is
25 required by Section 203 (52 U.S.C. Sec. 10503) or Section 4(f)(4)
26 (52 U.S.C. Sec. 10303(f)(4)) of the federal Voting Rights Act of
27 1965 to provide a translation of ballot materials in a language other
28 than English, the Secretary of State shall provide a translation of
29 the ballot title and summary prepared pursuant to Sections 9050
30 and 9051 and of the ballot label prepared pursuant to Section 13247
31 in that language to the city, county, or city and county for each
32 state measure submitted to the voters in a statewide election not
33 later than 68 days before that election.

34 (b) When preparing a translation in a language other than
35 English pursuant to subdivision (a), the Secretary of State shall
36 consult with an advisory body consisting of language experts and
37 nonpartisan organizations that advocate on behalf of, or provide
38 services to, individuals that speak that language.

39 (c) All translations prepared pursuant to this section shall be
40 made available for public examination in the same time and manner

1 as the ~~ballot pamphlet~~ *state voter information guide* is made
2 available for public examination in accordance with Section 88006
3 of the Government Code and Section 9092 of this code.

4 (d) The local elections official shall use that translation of the
5 ballot label on the ~~sample ballot~~ *state voter information guide* and
6 the official ballot and may not select or contract with another
7 person to provide translations of the same text.

8 SEC. 19. Section 9067 of the Elections Code is amended to
9 read:

10 9067. If more than one argument ~~for~~ *for*, or more than one
11 argument ~~against any~~ *against, a* measure is filed within the time
12 prescribed, the Secretary of State shall select one of the arguments
13 for printing in the ~~ballot pamphlets~~. *county voter information*
14 *guides*. In selecting the argument the Secretary of State shall give
15 preference and priority in the order named to the arguments of the
16 following:

17 (a) In the case of a measure submitted by the Legislature,
18 Members of the Legislature.

19 (b) In the case of an initiative or referendum measure, the
20 proponent of the ~~petition~~. *measure*.

21 (c) Bona fide associations of citizens.

22 (d) Individual voters.

23 SEC. 20. Section 9068 of the Elections Code is amended to
24 read:

25 9068. (a) No more than three signatures shall appear with ~~any~~
26 *an* argument printed in the ~~ballot pamphlet~~. *state voter information*
27 *guide*. In case ~~any~~ *an* argument is signed by more than three
28 persons the signatures of the first three shall be printed.

29 (b) The Secretary of State shall provide, upon request, the name
30 of, and a telephone number for, each signer of a ballot argument
31 printed in the ~~ballot pamphlet~~. *state voter information guide*.

32 SEC. 21. Section 9069 of the Elections Code is amended to
33 read:

34 9069. When the Secretary of State has received the arguments
35 that will be printed in the ~~ballot pamphlet~~, *state voter information*
36 *guide*, the Secretary of State, within five days of receipt ~~thereof,~~
37 *of the arguments*, shall send copies of the arguments in favor of
38 the proposition to the authors of the arguments against and copies
39 of the arguments against to the authors of the arguments in favor.
40 The authors may prepare and submit rebuttal arguments not

1 exceeding 250 words, or may authorize in writing ~~any other~~
 2 *another* person or persons to prepare, submit, or sign the rebuttal
 3 argument. The rebuttal arguments shall be filed with the Secretary
 4 of State no later than a date to be designated by the Secretary of
 5 State.

6 Rebuttal arguments shall be printed in the same manner as the
 7 direct arguments. Each rebuttal argument shall immediately follow
 8 the direct argument ~~which~~ *that* it seeks to rebut.

9 SEC. 22. The heading of Article 7 (commencing with Section
 10 9080) of Chapter 1 of Division 9 of the Elections Code is amended
 11 to read:

12
 13 Article 7. ~~Ballot Pamphlet~~ *State Voter Information Guide*

14
 15 SEC. 23. Section 9081 of the Elections Code is amended to
 16 read:

17 9081. There shall be a state ~~ballot pamphlet~~, *voter information*
 18 *guide*, that the Secretary of State shall prepare.

19 SEC. 24. Section 9082 of the Elections Code is amended to
 20 read:

21 9082. The Secretary of State shall cause to be printed as many
 22 ~~ballot pamphlets~~ *state voter information guides* as needed to
 23 comply with this code.

24 The ~~ballot pamphlets~~ *state voter information guides* shall be
 25 printed in the Office of State Printing unless the Director of General
 26 Services determines that the printing of the ~~pamphlets~~ *guides* in
 27 the Office of State Printing cannot be done adequately,
 28 competently, or satisfactorily, in which case the Secretary of State,
 29 subject to the approval of the Director of General Services, shall
 30 contract with a private printing concern for the printing of all or a
 31 part of the ~~pamphlets~~. *guides*.

32 Copy for preparation of the ~~ballot pamphlets~~ *state voter*
 33 *information guides* shall be furnished to the Office of State Printing
 34 at least 40 days ~~prior to~~ *before* the date for required delivery to the
 35 elections officials as provided in Section 9094.

36 SEC. 25. Section 9082.5 of the Elections Code is amended to
 37 read:

38 9082.5. The Secretary of State shall cause to be produced an
 39 audio recorded version of the state ~~ballot pamphlet~~. *voter*
 40 *information guide*. This audio recorded version shall be made

1 available in quantities to be determined by the Secretary of State
2 and shall contain an impartial summary, arguments for and against,
3 rebuttal arguments, and other information concerning each measure
4 that the Secretary of State determines will make the audio recorded
5 version of the state ~~ballot pamphlet~~ *voter information guide* easier
6 to understand or more useful to the average voter.

7 SEC. 26. Section 9082.7 of the Elections Code is amended to
8 read:

9 9082.7. (a) The Secretary of State shall make available the
10 complete state ~~ballot pamphlet~~ *voter information guide* over the
11 Internet. The online version of the state ~~ballot pamphlet~~ *voter*
12 *information guide* shall contain all of the following:

13 (1) For each candidate listed in the ~~pamphlet~~, *guide*, a means
14 to access campaign contribution disclosure reports for the candidate
15 that are available online.

16 (2) For each state ballot measure listed in the ~~pamphlet~~, *guide*,
17 a means to access the consolidated information specified in
18 subdivision (b).

19 (b) The Secretary of State shall create an Internet Web site, or
20 use other available technology, to consolidate information about
21 each state ballot measure in a manner that is easy for voters to
22 access and understand. The information shall include all of the
23 following:

24 (1) A summary of the ballot measure's content.

25 (2) The total amount of reported contributions made in support
26 of and opposition to the ballot measure, calculated and updated as
27 follows:

28 (A) (i) The total amount of contributions in support of the ballot
29 measure shall be calculated by adding together the total amounts
30 of contributions made in support of the ballot measure and reported
31 in semiannual statements required by Section 84200 of the
32 Government Code, preelection statements required by Section
33 84200.5 of the Government Code, campaign statements required
34 by Section 84202.3 of the Government Code, and late contribution
35 reports required by Section 84203 of the Government Code that
36 are reported within 16 days of the election at which the measure
37 will appear on the ballot.

38 (ii) The total amount of contributions in opposition to the ballot
39 measure shall be calculated by adding together the total amounts
40 of contributions made in opposition to the ballot measure and

1 reported in semiannual statements required by Section 84200 of
2 the Government Code, preelection statements required by Section
3 84200.5 of the Government Code, campaign statements required
4 by Section 84202.3 of the Government Code, and late contribution
5 reports required by Section 84203 of the Government Code that
6 are reported within 16 days of the election at which the measure
7 will appear on the ballot.

8 (iii) For purposes of determining the total amount of reported
9 contributions pursuant to this subparagraph, the Secretary of State
10 shall, to the extent practicable with respect to committees primarily
11 formed to support or oppose a ballot measure, do both of the
12 following:

13 (I) Ensure that transfers of funds between primarily formed
14 committees are not counted twice.

15 (II) Treat a contribution made to a primarily formed committee
16 that supports or opposes more than one state ballot measure as if
17 the total amount of that contribution was made for each state ballot
18 measure that the committee supports or opposes.

19 (B) The total amount of reported contributions calculated under
20 this paragraph for each state ballot measure shall be updated not
21 later than five business days after receipt of a semiannual statement,
22 campaign statement, or preelection statement and not later than
23 two business days after receipt of a late contribution report within
24 16 days of the election at which the measure will appear on the
25 ballot.

26 (C) The total amount of reported contributions calculated under
27 this paragraph for each state ballot measure shall be accompanied
28 by an explanation that the contribution totals may be overstated
29 due to the inclusion of contributions made to committees
30 supporting or opposing more than one state ballot measure, as
31 required by subclause (II) of clause (iii) of subparagraph (A).

32 (3) A current list of the top 10 contributors supporting and
33 opposing the ballot measure, if compiled by the Fair Political
34 Practices Commission pursuant to subdivision (e) of Section 84223
35 of the Government Code.

36 (4) (A) A list of each committee primarily formed to support
37 or oppose the ballot measure, as described in Section 82047.5 of
38 the Government Code, and a means to access information about
39 the sources of ~~funding~~ *contributions* reported for each committee.

1 (B) Information about the sources of contributions shall be
2 updated as new information becomes available to the public
3 pursuant to the Political Reform Act of 1974 (Title 9 (commencing
4 with Section 81000) of the Government Code).

5 (C) If a committee identified in subparagraph (A) receives one
6 million dollars (\$1,000,000) or more in contributions for an
7 election, the Secretary of State shall provide a means to access
8 online information about the committee’s top 10 contributors
9 reported to the Fair Political Practices Commission pursuant to
10 subdivision (a) of Section 84223 of the Government Code.

11 (D) Notwithstanding paragraph (1) of subdivision (c) of Section
12 84223 of the Government Code, the Fair Political Practices
13 Commission shall automatically provide any list of top 10
14 contributors created pursuant to Section 84223 of the Government
15 Code, and any subsequent updates to that list, to the Secretary of
16 State for purposes of compliance with this section.

17 (5) Any other information deemed relevant by the Secretary of
18 State.

19 (c) Information made available over the Internet pursuant to
20 this section shall meet or exceed the most current, ratified standards
21 under Section 508 of the federal Rehabilitation Act of 1973 (29
22 U.S.C. Sec. 794d), as amended, and the Web Content Accessibility
23 Guidelines 2.0 adopted by the World Wide Web Consortium for
24 accessibility. The Secretary of State may also implement
25 recommendations of the Voting Accessibility Advisory Committee
26 made pursuant to paragraph (4) of subdivision (b) of Section 2053.

27 SEC. 27. Section 9083 of the Elections Code is amended to
28 read:

29 9083. If the ballot contains a question as to the confirmation
30 of a justice of the Supreme Court or a court of appeal, the Secretary
31 of State shall include in the state ballot pamphlet *voter information*
32 *guide* a written explanation of the electoral procedure for justices
33 of the Supreme Court and the courts of appeal. The explanation
34 shall state the following:

35 “Under the California Constitution, justices of the Supreme Court
36 and the courts of appeal are subject to confirmation by the voters.
37 The public votes “yes” or “no” on whether to retain each justice.

38 “These judicial offices are nonpartisan.

39 “Before a person can become an appellate justice, the Governor
40 must submit the candidate’s name to the Judicial Nominees

1 Evaluation Commission, which is comprised of public members
2 and lawyers. The commission conducts a thorough review of the
3 candidate's background and qualifications, with community input,
4 and then forwards its evaluation of the candidate to the Governor.

5 "The Governor then reviews the commission's evaluation and
6 officially nominates the candidate, whose qualifications are subject
7 to public comment before examination and review by the
8 Commission on Judicial Appointments. That commission consists
9 of the Chief Justice of California, the Attorney General of
10 California, and a senior Presiding Justice of the Courts of Appeal.
11 The Commission on Judicial Appointments must then confirm or
12 reject the nomination. Only if confirmed does the nominee become
13 a justice.

14 "Following confirmation, the justice is sworn into office and is
15 subject to voter approval at the next gubernatorial election, and
16 thereafter at the conclusion of each term. The term prescribed by
17 the California Constitution for justices of the Supreme Court and
18 courts of appeal is 12 years. Justices are confirmed by the
19 Commission on Judicial Appointments only until the next
20 gubernatorial election, at which time they run for retention of the
21 remainder of the term, if any, of their predecessor, which will be
22 either four or eight years."

23 SEC. 28. Section 9083.5 of the Elections Code is amended to
24 read:

25 9083.5. (a) If a candidate for nomination or election to a
26 partisan office will appear on the ballot, the Secretary of State shall
27 include in the state ~~ballot pamphlet~~ *voter information guide* a
28 written explanation of the election procedure for such offices. The
29 explanation shall read substantially similar to the following:
30

31 PARTY-NOMINATED/PARTISAN OFFICES

32 Under the California Constitution, political parties may formally
33 nominate candidates for party-nominated/partisan offices at the
34 primary election. A candidate so nominated will then represent
35 that party as its official candidate for the office in question at the
36 ensuing general election and the ballot will reflect an official
37 designation to that effect. The top votegetter for each party at the
38 primary election is entitled to participate in the general election.
39 Parties also elect officers of official party committees at a partisan
40 primary.

1 No voter may vote in the primary election of any political party
2 other than the party he or she has disclosed a preference for upon
3 registering to vote. However, a political party may authorize a
4 person who has declined to disclose a party preference to vote in
5 that party's primary election.
6

7 (b) If any candidate for nomination or election to a
8 voter-nominated office will appear on the ballot, the Secretary of
9 State shall include in the ~~state ballot pamphlet~~ *voter information*
10 *guide* a written explanation of the election procedure for such
11 offices. The explanation shall read substantially similar to the
12 following:
13

14 VOTER-NOMINATED OFFICES

15 Under the California Constitution, political parties are not entitled
16 to formally nominate candidates for voter-nominated offices at the
17 primary election. A candidate nominated for a voter-nominated
18 office at the primary election is the nominee of the people and not
19 the official nominee of any party at the following general election.
20 A candidate for nomination or election to a voter-nominated office
21 shall have his or her party preference, or lack of party preference,
22 reflected on the primary and general election ballot, but the party
23 preference designation is selected solely by the candidate and is
24 shown for the information of the voters only. It does not constitute
25 or imply an endorsement of the candidate by the party designated,
26 or affiliation between the party and candidate, and no candidate
27 nominated by the qualified voters for any voter-nominated office
28 shall be deemed to be the officially nominated candidate of any
29 political party. The parties may list the candidates for
30 voter-nominated offices who have received the official endorsement
31 of the party in the ~~sample ballot~~ *county voter information guide*.
32

33 All voters may vote for any candidate for a voter-nominated
34 office, provided they meet the other qualifications required to vote
35 for that office. The top two votegetters at the primary election
36 advance to the general election for the voter-nominated office,
37 even if both candidates have specified the same party preference
38 designation. ~~No~~ A party is *not* entitled to have a candidate with its
39 party preference designation participate in the general election
40 unless such candidate is one of the two highest votegetters at the
primary election.

1
 2 (c) If any candidate for nomination or election to a nonpartisan
 3 office, other than judicial office, shall appear on the ballot, the
 4 Secretary of State shall include in the ~~state ballot pamphlet~~ *state voter*
 5 *information guide* a written explanation of the election procedure
 6 for such offices. The explanation shall read substantially similar
 7 to the following:

8
 9 **NONPARTISAN OFFICES**

10 Under the California Constitution, political parties are not entitled
 11 to nominate candidates for nonpartisan offices at the primary
 12 election, and a candidate nominated for a nonpartisan office at the
 13 primary election is not the official nominee of any party for the
 14 office in question at the ensuing general election. A candidate for
 15 nomination or election to a nonpartisan office may NOT designate
 16 his or her party preference, or lack of party preference, on the
 17 primary and general election ballot. The top two votegetters at the
 18 primary election advance to the general election for the nonpartisan
 19 office.

20
 21 (d) Posters or other printed materials containing the notices
 22 specified in subdivisions (a) to (c), inclusive, shall be included in
 23 the precinct supplies pursuant to Section 14105.

24 SEC. 29. Section 9084 of the Elections Code is amended to
 25 read:

26 9084. The ~~ballot pamphlet~~ *state voter information guide* shall
 27 contain all of the following:

- 28 (a) A complete copy of each state measure.
- 29 (b) A copy of the specific constitutional or statutory provision,
 30 if any, that each state measure would repeal or revise.
- 31 (c) A copy of the arguments and rebuttals for and against each
 32 state measure.
- 33 (d) A copy of the analysis of each state measure.
- 34 (e) Tables of contents, indexes, art work, graphics, and other
 35 materials that the Secretary of State determines will make the ~~ballot~~
 36 ~~pamphlet~~ *state voter information guide* easier to understand or
 37 more useful for the average voter.
- 38 (f) A notice, conspicuously printed on the cover of the ~~ballot~~
 39 ~~pamphlet~~, *state voter information guide*, indicating that additional

1 copies of the ~~ballot pamphlet~~ *state voter information guide* will
2 be mailed by the county elections official upon request.

3 (g) A written explanation of the judicial retention procedure as
4 required by Section 9083.

5 (h) The Voter Bill of Rights pursuant to Section 2300.

6 (i) If the ballot contains an election for the office of United
7 States Senator, information on candidates for United States Senator.
8 A candidate for United States Senator may purchase the space to
9 place a statement in the ~~state ballot pamphlet~~ *voter information*
10 *guide* that does not exceed 250 words. The statement ~~may~~ *shall*
11 not make any reference to any opponent of the candidate. The
12 statement shall be submitted in accordance with timeframes and
13 procedures set forth by the Secretary of State for the preparation
14 of the ~~state ballot pamphlet~~ *voter information guide*.

15 (j) If the ballot contains a question on the confirmation or
16 retention of a justice of the Supreme Court, information on justices
17 of the Supreme Court who are subject to confirmation or retention.

18 (k) If the ballot contains an election for the offices of President
19 and Vice President of the United States, a notice that refers voters
20 to the Secretary of State’s Internet Web site for information about
21 candidates for the offices of President and Vice President of the
22 United States.

23 (l) A written explanation of the appropriate election procedures
24 for party-nominated, voter-nominated, and nonpartisan offices as
25 required by Section 9083.5.

26 (m) A written explanation of the top 10 contributor lists required
27 by Section 84223 of the Government Code, including a description
28 of the Internet Web sites where those lists are available to the
29 public.

30 SEC. 30. Section 9085 of the Elections Code is amended to
31 read:

32 9085. (a) The ~~ballot pamphlet~~ *state voter information guide*
33 shall also contain a section, located near the front of the ~~pamphlet~~,
34 *guide*, that provides a concise summary of the general meaning
35 and effect of “yes” and “no” votes on each state measure.

36 (b) The summary statements required by this section shall be
37 prepared by the Legislative Analyst. These statements are not
38 intended to provide comprehensive information on each measure.
39 The Legislative Analyst shall be solely responsible for determining

1 the contents of these statements. The statements shall be available
2 for public examination and amendment pursuant to Section 9092.

3 SEC. 31. Section 9086 of the Elections Code is amended to
4 read:

5 9086. The ballot pamphlet *state voter information guide* shall
6 contain as to each state measure to be voted upon, the following,
7 in the order set forth in this section:

8 (a) (1) Upon the top portion of the first page, and not exceeding
9 one-third of the page, shall appear:

10 (A) Identification of the measure by number and title.

11 (B) The official summary prepared by the Attorney General.

12 (C) The total number of votes cast for and against the measure
13 in both the State Senate and Assembly, if the measure was passed
14 by the Legislature.

15 (2) The space in the title and summary that is used for an
16 explanatory table prepared pursuant to paragraph (2) of subdivision
17 (e) of Section 9087 and Section 88003 of the Government Code
18 shall not be included when measuring the amount of space the
19 information described in paragraph (1) has taken for purposes of
20 determining compliance with the restriction prohibiting the
21 information described in paragraph (1) from exceeding one-third
22 of the page.

23 (b) Beginning at the top of the right page shall appear the
24 analysis prepared by the Legislative Analyst, ~~provided that~~ *Analyst*
25 *if* the analysis fits on a single page. If it does not fit on a single
26 page, the analysis shall begin on the lower portion of the first left
27 page and shall continue on subsequent pages until it is completed.

28 (c) Immediately below the analysis prepared by the Legislative
29 Analyst shall appear a printed statement that refers voters to the
30 Secretary of State's Internet Web site for a list of committees
31 primarily formed to support or oppose a ballot measure, and
32 information on how to access the committee's top 10 contributors.

33 (d) Arguments for and against the measure shall be placed on
34 the next left and right pages, respectively, following the final page
35 of the analysis of the Legislative Analyst. The rebuttals shall be
36 placed immediately below the arguments.

37 (e) If no argument against the measure has been submitted, the
38 argument for the measure shall appear on the right page facing the
39 analysis.

1 (f) The complete text of each measure shall appear at the back
2 of the ~~pamphlet~~ *guide*. The text of the measure shall contain the
3 provisions of the proposed measure and the existing ~~provisions of~~
4 ~~law~~ *laws* repealed or revised by the measure. The provisions of
5 the proposed measure differing from the existing ~~provisions of~~
6 ~~law~~ *laws* affected shall be distinguished in print, so as to facilitate
7 comparison.

8 (g) The following statement shall be printed at the bottom of
9 each page where arguments appear: “Arguments printed on this
10 page are the opinions of the authors, and have not been checked
11 for accuracy by any official agency.”

12 SEC. 32. Section 9087 of the Elections Code is amended to
13 read:

14 9087. (a) The Legislative Analyst shall prepare an impartial
15 analysis of the measure describing the measure and including a
16 fiscal analysis of the measure showing the amount of any increase
17 or decrease in revenue or cost to state or local government. If it is
18 estimated that a measure would result in increased cost to the state,
19 an analysis of the measure’s estimated impact on the state shall be
20 provided, including an estimate of the percentage of the General
21 Fund that would be expended due to the measure, using visual aids
22 when appropriate. An estimate of increased cost to the state or
23 local governments shall be set out in boldface print in the ~~ballot~~
24 ~~pamphlet~~ *state voter information guide*.

25 (b) The analysis shall be written in clear and concise terms, so
26 as to be easily understood by the average voter, and shall avoid
27 the use of technical terms wherever possible. The analysis may
28 contain background information, including the effect of the
29 measure on existing law and the effect of enacted legislation which
30 will become effective if the measure is adopted, and shall generally
31 set forth in an impartial manner the information the average voter
32 needs to adequately understand the measure. To the extent
33 practicable, the Legislative Analyst shall ~~utilize~~ *use* a uniform
34 method in each analysis to describe the estimated increase or
35 decrease in revenue or cost of a measure, so that the average voter
36 may draw comparisons among the fiscal impacts of measures. The
37 condensed statement of the fiscal impact summary for the measure
38 prepared by the Attorney General to appear on the ballot shall
39 contain the uniform estimate of increase or decrease in revenue or
40 cost of the measure prepared pursuant to this subdivision.

1 (c) The Legislative Analyst may contract with a professional
2 writer, educational specialist, or another person for assistance in
3 writing an analysis that fulfills the requirements of this section,
4 including the requirement that the analysis be written so that it
5 will be easily understood by the average voter. The Legislative
6 Analyst may also request the assistance of a state department,
7 agency, or official in preparing his or her analysis.

8 (d) ~~Prior to~~ *Before* submitting the analysis to the Secretary of
9 State, the Legislative Analyst shall submit the analysis to a
10 committee of five persons, appointed by the Legislative Analyst,
11 for the purpose of reviewing the analysis to confirm its clarity and
12 easy comprehension to the average voter. The committee shall be
13 drawn from the public at large, and one member shall be a
14 specialist in education, one member shall be bilingual, and one
15 member shall be a professional writer. Members of the committee
16 shall be reimbursed for reasonable and necessary expenses incurred
17 in performing their duties. Within five days of the submission of
18 the analysis to the committee, the committee shall make
19 recommendations to the Legislative Analyst as it deems appropriate
20 to guarantee that the analysis can be easily understood by the
21 average voter. The Legislative Analyst shall consider the
22 committee's recommendations, and he or she shall incorporate in
23 the analysis those changes recommended by the committee that
24 he or she deems to be appropriate. The Legislative Analyst is solely
25 responsible for determining the content of the analysis required
26 by this section.

27 (e) (1) The title and summary of any measure that appears on
28 the ballot shall be amended to contain a summary of the Legislative
29 Analyst's estimate of the net state and local government fiscal
30 impact.

31 (2) For state bond measures that are submitted to the voters for
32 their approval or rejection, the summary of the Legislative
33 Analyst's estimate described in paragraph (1) shall include an
34 explanatory table of the information in the summary.

35 SEC. 33. Section 9088 of the Elections Code is amended to
36 read:

37 9088. (a) At each statewide election at which state bond
38 measures will be submitted to the voters for their approval or
39 rejection, the ~~ballot pamphlet~~ *state voter information guide* for

1 that election shall include a discussion, prepared by the Legislative
2 Analyst, of the state's current bonded indebtedness situation.

3 (b) This discussion shall include information as to the dollar
4 amount of the state's current authorized and outstanding bonded
5 indebtedness, the approximate percentage of the state's General
6 Fund revenues which are required to service this indebtedness,
7 and the expected impact of the issuance of the bonds to be approved
8 at the election on the items specified in this subdivision. In cases
9 where a bond measure allocates funds for programs, the discussion
10 shall also include, to the extent practicable, the proportionate share
11 of funds for each major program funded by the measure.

12 (c) The discussion required by this section shall appear on a
13 separate page in the ~~ballot pamphlet~~ *state voter information guide*
14 immediately following the rebuttal to the argument against the last
15 ballot measure included in the ~~ballot pamphlet~~. *state voter*
16 *information guide*.

17 SEC. 34. Section 9089 of the Elections Code is amended to
18 read:

19 9089. Measures shall be printed in the ~~ballot pamphlet~~, *state*
20 *voter information guide*, so far as possible, in the same order,
21 manner and form in which they are designated upon the ballot.

22 SEC. 35. Section 9090 of the Elections Code is amended to
23 read:

24 9090. The ~~ballot pamphlet~~ *state voter information guide* shall
25 be printed according to the following specifications:

26 (a) The ~~pamphlet~~ *guide* shall be printed in clear readable type,
27 no less than 10-point, except that the text of any measure may be
28 set forth in eight-point type.

29 (b) The ~~pamphlet~~ *guide* shall be of a size and printed on a quality
30 and weight of paper which, in the judgment of the Secretary of
31 State, best serves the voters.

32 (c) The ~~pamphlet~~ *guide* shall contain a certificate of correctness
33 by the Secretary of State.

34 SEC. 36. Section 9092 of the Elections Code is amended to
35 read:

36 9092. Not less than 20 days before he or she submits the copy
37 for the ~~ballot pamphlet~~ *state voter information guide* to the State
38 Printer, the Secretary of State shall make the copy available for
39 public examination. Any elector may seek a writ of mandate
40 requiring ~~any~~ a copy to be amended or deleted from the ~~ballot~~

1 ~~pamphlet~~. *state voter information guide*. A peremptory writ of
2 mandate shall issue only upon clear and convincing proof that the
3 copy in question is false, misleading, or inconsistent with the
4 requirements of this code or Chapter 8 (commencing with Section
5 88000) of Title 9 of the Government Code, and that issuance of
6 the writ will not substantially interfere with the printing and
7 distribution of the ~~ballot pamphlet~~ *state voter information guide*
8 as required by law. Venue for a proceeding under this section shall
9 be exclusively in Sacramento County. The Secretary of State shall
10 be named as the respondent and the State Printer and the person
11 or official who authored the copy in question shall be named as
12 real parties in interest. If the proceeding is initiated by the Secretary
13 of State, the State Printer shall be named as the respondent.

14 SEC. 37. Section 9093 of the Elections Code is amended to
15 read:

16 9093. Notwithstanding Section 81012 of the Government Code,
17 the Legislature may without restriction amend this article to add
18 to the ~~ballot pamphlet~~ *state voter information guide* information
19 regarding candidates or any other information.

20 SEC. 38. Section 9094 of the Elections Code is amended to
21 read:

22 9094. (a) The Secretary of State shall mail ~~ballot pamphlets~~
23 *state voter information guides* to voters, in those instances in which
24 the county elections official uses data processing equipment to
25 store the information set forth in the affidavits of registration,
26 before the election at which measures contained in the ~~ballot~~
27 ~~pamphlet~~ *state voter information guide* are to be voted on unless
28 a voter has registered fewer than 29 days before the election. The
29 mailing shall commence not less than 40 days before the election
30 and shall be completed no later than 21 days before the election
31 for those voters who registered on or before the 60th day before
32 the election. The Secretary of State shall mail one copy of the
33 ~~ballot pamphlet~~ *state voter information guide* to each registered
34 voter at the postal address stated on the voter's affidavit of
35 registration, or the Secretary of State may mail only one ~~ballot~~
36 ~~pamphlet~~ *state voter information guide* to two or more registered
37 voters having the same postal address.

38 (b) In those instances in which the county elections official does
39 not ~~utilize~~ *use* data processing equipment to store the information
40 set forth in the affidavits of registration, the Secretary of State shall

1 furnish ~~ballot pamphlets~~ *state voter information guides* to the
2 county elections official not less than 45 days before the election
3 at which measures contained in the ~~ballot pamphlet~~ *state voter*
4 *information guide* are to be voted on and the county elections
5 official shall mail ~~ballot pamphlets~~ *state voter information guides*
6 to voters, on the same dates and in the same manner provided by
7 subdivision (a).

8 (c) The Secretary of State shall provide for the mailing of ~~ballot~~
9 ~~pamphlets~~ *state voter information guides* to voters registering after
10 the 60th day before the election and before the 28th day before the
11 election, by either: (1) mailing in the manner as provided in
12 subdivision (a), or (2) requiring the county elections official to
13 mail ~~ballot pamphlets~~ *state voter information guides* to those voters
14 registering in the county after the 60th day before the election and
15 before the 28th day before the election pursuant to ~~the provisions~~
16 ~~of~~ this section. The second mailing of ~~ballot pamphlets~~ *state voter*
17 *information guides* shall be completed no later than 10 days before
18 the election. The county elections official shall mail a ~~ballot~~
19 ~~pamphlet~~ *state voter information guide* to any person requesting
20 a ~~ballot pamphlet~~ *state voter information guide*. Three copies, to
21 be supplied by the Secretary of State, shall be kept at every polling
22 place, while an election is in progress, so that they may be freely
23 consulted by the voters.

24 SEC. 39. Section 9094.5 of the Elections Code is amended to
25 read:

26 9094.5. (a) The Secretary of State shall establish processes to
27 enable a voter to do both of the following:

28 (1) Opt out of receiving by mail the state ~~ballot pamphlet~~ *voter*
29 *information guide* prepared pursuant to Section 9081.

30 (2) When the state ~~ballot pamphlet~~ *voter information guide* is
31 available, receive either the state ~~ballot pamphlet~~ *voter information*
32 *guide* in an electronic format or an electronic notification making
33 the ~~pamphlet~~ *guide* available by means of online access.

34 (b) The processes described in subdivision (a) shall become
35 effective only after the Secretary of State certifies that the state
36 has a statewide voter registration database that complies with the
37 federal Help America Vote Act of 2002 (52 U.S.C. Sec. 20901 et
38 seq.).

39 (c) The processes described in subdivision (a) shall not apply
40 where two or more registered voters have the same postal address

1 unless each voter who shares the same postal address has chosen
 2 to discontinue receiving the ~~ballot pamphlet~~ *state voter information*
 3 *guide* by mail.

4 (d) The Secretary of State shall also establish a procedure to
 5 permit a voter to begin receiving the ~~ballot pamphlet~~ *state voter*
 6 *information guide* by mail again after the voter has discontinued
 7 receiving it pursuant to subdivision (a).

8 SEC. 40. Section 9095 of the Elections Code is amended to
 9 read:

10 9095. Any costs incurred by a county for mailing the ~~ballot~~
 11 ~~pamphlets~~ *state voter information guides* pursuant to the provisions
 12 of subdivisions (b) and (c) of Section 9094 shall be reimbursed to
 13 the county by the Secretary of State.

14 SEC. 41. Section 9096 of the Elections Code is amended to
 15 read:

16 9096. (a) As soon as copies of the ~~ballot pamphlet~~ *state voter*
 17 *information guide* are available, the Secretary of State shall
 18 immediately mail the following number of copies to the listed
 19 persons and places:

20 (1) Five copies to each county elections official or registrar of
 21 voters.

22 (2) Six copies to each city elections official.

23 (3) Five copies to each Member of the Legislature.

24 (4) Five copies to the proponents of each ballot measure.

25 (b) The Secretary of State shall also mail:

26 (1) Two copies to each public library and branch ~~thereof.~~ *of*
 27 *each public library.*

28 (2) Twelve copies to each public high school or other public
 29 school teaching at least the 11th and 12th grades, and 25 copies
 30 to each ~~public institution of higher learning.~~ *postsecondary*
 31 *educational institution.* Upon request, and in the discretion of the
 32 Secretary of State, additional copies may be furnished to these
 33 persons and institutions.

34 SEC. 42. Section 9160 of the Elections Code is amended to
 35 read:

36 9160. (a) Whenever a county measure qualifies for a place on
 37 the ballot, the county elections official shall transmit a copy of the
 38 measure to the county auditor and to the county counsel or to the
 39 district attorney in a county that has no county counsel.

1 (b) The county counsel or district attorney shall prepare an
2 impartial analysis of the measure showing the effect of the measure
3 on the existing law and the operation of the measure. The analysis
4 shall include a statement indicating whether the measure was
5 placed on the ballot by a petition signed by the requisite number
6 of voters or by the board of supervisors. The analysis shall be
7 printed preceding the arguments for and against the measure. The
8 analysis may not exceed 500 words in length.

9 ~~In the event~~ If the entire text of the measure is not printed on the
10 ballot, nor in the ~~voter information portion of the sample ballot,~~
11 *county voter information guide* there shall be printed immediately
12 below the impartial analysis, in no less than 10-point boldface
13 type, a legend substantially as follows:

14 “The above statement is an impartial analysis of Ordinance or
15 Measure _____. If you desire a copy of the ordinance or measure,
16 please call the elections official’s office at (insert telephone
17 number) and a copy will be mailed at no cost to you.”

18 The elections official may, at his or her discretion, add the
19 following message: “You may also access the full text of the
20 measure on the county Web site at the following Web site address
21 (insert Web site address).”

22 (c) Not later than 88 days ~~prior to~~ *before* an election that includes
23 a county ballot measure, the board of supervisors may direct the
24 county auditor to review the measure and determine ~~whether~~ *if* the
25 substance ~~thereof,~~ *of the county ballot measure,* if adopted, would
26 affect the revenues or expenditures of the county. He or she shall
27 prepare a fiscal impact statement which estimates the amount of
28 any increase or decrease in revenues or costs to the county if the
29 proposed measure is adopted. The fiscal impact statement is
30 “official matter” within the meaning of Section 13303, and shall
31 be printed preceding the arguments for and against the measure.
32 The fiscal impact statement may not exceed 500 words in length.

33 SEC. 43. Section 9162 of the Elections Code is amended to
34 read:

35 9162. (a) The board of supervisors or any member or members
36 of the board, or ~~any~~ *an* individual voter who is eligible to vote on
37 the measure, or bona fide association of citizens, or ~~any~~ *a*
38 combination of these voters and associations may file a written
39 argument for or against any county measure. ~~No~~ *An* argument shall
40 *not* exceed 300 words in length. The county elections official shall

1 cause an argument for and an argument against the measure, and
 2 the analysis of the measure, to be printed, and shall enclose a copy
 3 of both arguments preceded by the analysis with each ~~sample~~
 4 ~~ballot~~ *county voter information guide*. The printed arguments and
 5 the analysis are “official matter” within the meaning of Section
 6 13303.

7 (b) The following statement shall be printed on the front cover,
 8 or if none, on the heading of the first page, of the printed
 9 arguments:

10 “Arguments in support of or in opposition to the proposed laws
 11 are the opinions of the authors.”

12 (c) Printed arguments submitted to voters in accordance with
 13 this section shall be titled either “Argument In Favor Of Measure
 14 ____” or “Argument Against Measure ____,” accordingly, the
 15 blank spaces being filled in only with the letter or number, if any,
 16 which designates the measure. At the discretion of the county
 17 elections official, the word “Proposition” may be substituted for
 18 the word “Measure” in the titles. Words used in the title shall not
 19 be counted when determining the length of ~~any~~ *an* argument.

20 SEC. 44. Section 9163 of the Elections Code is amended to
 21 read:

22 9163. Based on the time reasonably necessary to prepare and
 23 print the arguments, analysis, and ~~sample ballots~~ *county voter*
 24 *information guides* and to permit the 10-calendar-day public
 25 examination as provided in Article 5 (commencing with Section
 26 9190) for the particular election, the county elections official shall
 27 fix and determine a reasonable date ~~prior to~~ *before* the election
 28 after which no arguments for or against any county measure may
 29 be submitted for printing and distribution to the voters as provided
 30 in this article. Notice of the date fixed shall be published by the
 31 county elections official pursuant to Section 6061 of the
 32 Government Code. Arguments may be changed until and including
 33 the date fixed by the county elections official.

34 SEC. 45. Section 9280 of the Elections Code is amended to
 35 read:

36 9280. Whenever a city measure qualifies for a place on the
 37 ballot, the governing body may direct the city elections official to
 38 transmit a copy of the measure to the city attorney, unless the
 39 organization or salaries of the office of the city attorney are
 40 affected. The city attorney shall prepare an impartial analysis of

1 the measure showing the effect of the measure on the existing law
 2 and the operation of the measure. The analysis shall include a
 3 statement indicating whether the measure was placed on the ballot
 4 by a petition signed by the requisite number of voters or by the
 5 governing body of the city. If the measure affects the organization
 6 or salaries of the office of the city attorney, the governing board
 7 may direct the city elections official to prepare the impartial
 8 analysis. The analysis shall be printed preceding the arguments
 9 for and against the measure. The analysis shall not exceed 500
 10 words in length.

11 ~~In the event~~ If the entire text of the measure is not printed on the
 12 ballot, nor in the voter information ~~portion of the sample ballot,~~
 13 *guide*, there shall be printed immediately below the impartial
 14 analysis, in no less than 10-point bold type, a legend substantially
 15 as follows:

16 “The above statement is an impartial analysis of Ordinance or
 17 Measure _____. If you desire a copy of the ordinance or measure,
 18 please call the elections official’s office at (insert telephone
 19 number) and a copy will be mailed at no cost to you.”

20 SEC. 46. Section 9282 of the Elections Code is amended to
 21 read:

22 9282. (a) For measures placed on the ballot by petition, the
 23 persons filing an initiative petition pursuant to this article may file
 24 a written argument in favor of the ordinance, and the legislative
 25 body may submit an argument against the ordinance.

26 (b) For measures placed on the ballot by the legislative body,
 27 the legislative body, or ~~any~~ a member or members of the legislative
 28 body authorized by that body, or ~~any~~ an individual voter who is
 29 eligible to vote on the measure, or bona fide association of citizens,
 30 or ~~any~~ a combination of voters and associations, may file a written
 31 argument for or against any city measure.

32 (c) ~~No~~ An argument shall *not* exceed 300 words in length.

33 (d) The city elections official shall include the following
 34 statement on the front cover, or if none, on the heading of the first
 35 page, of the printed arguments:

36 “Arguments in support or opposition of the proposed laws are
 37 the opinions of the authors.”

38 (e) The city elections official shall enclose a printed copy of
 39 both arguments with each ~~sample ballot; provided, that voter~~
 40 *information guide, but only those arguments filed pursuant to this*

1 section shall be printed and enclosed with the ~~sample ballot~~. *voter*
 2 *information guide*. The printed arguments are “official matter”
 3 within the meaning of Section 13303.

4 (f) Printed arguments submitted to voters in accordance with
 5 this section shall be titled either “Argument In Favor Of Measure
 6 _____” or “Argument Against Measure _____,” accordingly, the
 7 blank spaces being filled in only with the letter or number, if any,
 8 designating the measure. At the discretion of the elections official,
 9 the word “Proposition” may be substituted for the word “Measure”
 10 in these titles.

11 SEC. 47. Section 9285 of the Elections Code is amended to
 12 read:

13 9285. (a) (1) When an argument in favor and an argument
 14 against a measure have been selected to be printed in the ~~ballot~~
 15 ~~pamphlet~~, *voter information guide*, the elections official shall send
 16 a copy of the argument in favor of the measure to the authors of
 17 the argument against the measure and a copy of an argument
 18 against the measure to the authors of the argument in favor of the
 19 measure.

20 (2) The author or a majority of the authors of an argument
 21 relating to a city measure may prepare and submit a rebuttal
 22 argument or may authorize in writing ~~any other~~ *another* person or
 23 persons to prepare, submit, or sign the rebuttal argument.

24 (3) ~~No~~ A rebuttal argument ~~may~~ *shall not* exceed 250 words.

25 (4) A rebuttal argument relating to a city measure shall be filed
 26 with the elections official no later than 10 days after the final filing
 27 date for primary arguments.

28 (5) A rebuttal argument relating to a city measure ~~may~~ *shall not*
 29 be signed by more than five ~~persons and~~ *persons*, shall be printed
 30 in the same manner as a direct ~~argument~~ *argument*, and shall
 31 immediately follow the direct argument which it seeks to rebut.

32 (b) Subdivision (a) applies only if, not later than the day on
 33 which the legislative body calls an election, the legislative body
 34 adopts its provisions by majority vote, in which case subdivision
 35 (a) applies at the next ensuing municipal election and at each
 36 municipal election thereafter, unless later repealed by the legislative
 37 body in accordance with the procedures of this subdivision.

38 SEC. 48. Section 9286 of the Elections Code is amended to
 39 read:

1 9286. (a) Based on the time reasonably necessary to prepare
2 and print the arguments and ~~sample ballots~~ *voter information*
3 *guides* and to permit the 10-calendar-day public examination as
4 provided in Article 6 (commencing with Section 9295) for the
5 particular election, the city elections official shall fix a date 14
6 days from the calling of the election as a deadline, after which no
7 arguments for or against ~~any~~ a city measure may be submitted for
8 printing and distribution to the voters, as provided in this article.
9 Arguments may be changed or withdrawn by their proponents until
10 and including the date fixed by the city elections official during
11 the normal business hours of the elections official's office, as
12 posted.

13 (b) The requirement in subdivision (a) that the period for
14 submitting arguments for inclusion with the ~~sample ballot~~ *voter*
15 *information guide* materials must be 14 days from the calling of
16 the election ~~is not applicable~~ *does not apply* when the election is
17 consolidated with another election pursuant to Part 3 (commencing
18 with Section 10400) of Division 10.

19 SEC. 49. Section 9312 of the Elections Code is amended to
20 read:

21 9312. Whenever ~~any~~ an ordinance is required by this article
22 to be submitted to the voters of a district at ~~any~~ an election, the
23 district elections official shall cause the ordinance to be printed.
24 A copy of the ordinance shall be made available to any voter upon
25 request.

26 The district elections official shall mail with the ~~sample ballot~~
27 *voter information guide* to each voter the following notice printed
28 in no less than 10-point type.

29 "If you desire a copy of the proposed ordinance, please call the
30 district elections official's office at (insert telephone number) and
31 a copy will be mailed at no cost to you."

32 SEC. 50. Section 9313 of the Elections Code is amended to
33 read:

34 9313. Except as provided in Section 9314, whenever a district
35 measure is submitted to the voters, the district elections official
36 shall transmit a copy of the measure to the county counsel, or to
37 the district attorney if there is no county counsel, of the county
38 that contains the largest number of registered voters of the district.
39 The county counsel or district attorney shall prepare an impartial
40 analysis of the measure showing the effect of the measure on the

1 existing law and the operation of the measure. The analysis shall
 2 include a statement indicating whether the measure was placed on
 3 the ballot by a petition signed by the requisite number of voters
 4 or by the governing body of the district. The analysis shall be
 5 printed preceding the arguments for and against the measure. The
 6 analysis shall not exceed 500 words in length.

7 ~~In the event~~ If the entire text of the measure is not printed on the
 8 ballot nor in the voter information ~~portion of the sample ballot,~~
 9 *guide*, there shall be printed immediately below the impartial
 10 analysis, in no less than 10-point bold type, a legend substantially
 11 as follows:

12 “The above statement is an impartial analysis of Ordinance or
 13 Measure _____. If you desire a copy of the ordinance or measure,
 14 please call the district elections official’s office at (insert telephone
 15 number) and a copy will be mailed at no cost to you.”

16 SEC. 51. Section 9314 of the Elections Code is amended to
 17 read:

18 9314. (a) Whenever a district measure is submitted to the
 19 voters of a water district, the district elections official shall transmit
 20 a copy of the measure to the legal counsel for the water district,
 21 or to the county counsel if there is no legal counsel for the water
 22 district, of the county that contains the largest number of registered
 23 voters of the water district. Except as otherwise provided in
 24 subdivision (b), if there is a legal counsel for the water district, he
 25 or she shall prepare, subject to review and revision by the county
 26 counsel, an impartial analysis of the measure showing the effect
 27 of the measure on the existing law and the operation of the
 28 measure. The analysis shall include a statement indicating whether
 29 the measure was placed on the ballot by a petition signed by the
 30 requisite number of voters or by the governing body of the water
 31 district. The analysis shall be printed preceding the arguments for
 32 and against the measure. The analysis shall not exceed 500 words
 33 in length.

34 ~~In the event~~ If the entire text of the measure is not printed on the
 35 ballot nor in the voter information ~~portion of the sample ballot,~~
 36 *guide*, there shall be printed immediately below the impartial
 37 analysis, in no less than 10-point bold type, a legend substantially
 38 as follows:

39 “The above statement is an impartial analysis of Ordinance or
 40 Measure _____. If you desire a copy of the ordinance or measure,

1 please call the district elections official’s office at (insert telephone
2 number) and a copy will be mailed at no cost to you.”

3 (b) If there is no legal counsel for the water district, or if the
4 legal counsel for the water district and the county counsel so agree,
5 the county counsel shall prepare the impartial analysis.

6 (c) As used in this section:

7 (1) “Legal counsel for the water district” means the attorney
8 designated under the district’s conflict of interest code as its legal
9 officer pursuant to Article 3 (commencing with Section 87300) of
10 Chapter 7 of Title 9 of the Government Code.

11 (2) “County counsel” means the district attorney if there is no
12 county counsel.

13 (3) “Water district” means a water district as defined in Section
14 20200 of the Water Code.

15 SEC. 52. Section 9315 of the Elections Code is amended to
16 read:

17 9315. The persons filing an initiative petition pursuant to this
18 article may file a written argument in favor of the ordinance. The
19 district board may submit an argument against the ordinance.
20 Neither argument shall exceed 300 words in length, and both
21 arguments shall be printed and mailed to each voter with the ~~sample~~
22 ~~ballot~~ *voter information guide* for the election.

23 The following statement shall be printed on the front cover, or
24 if none, on the heading of the first page, of the printed arguments:

25 “Arguments in support of or in opposition to the proposed laws
26 are the opinions of the authors.”

27 Printed arguments submitted to voters in accordance with this
28 section shall be titled either “Argument In Favor Of Measure ____”
29 or “Argument Against Measure ____,” accordingly, the blank
30 spaces being filled in only with the letter or number, if any,
31 designating the measure. At the discretion of the district elections
32 official, the word “Proposition” may be substituted for the word
33 “Measure” in the titles. Words used in the title shall not be counted
34 when determining the length of any argument.

35 SEC. 53. Section 9316 of the Elections Code is amended to
36 read:

37 9316. Based on the time reasonably necessary to prepare and
38 print the arguments and ~~sample ballots~~, *voter information guides*,
39 and to permit the 10-calendar-day public examination as provided
40 in Article 4 (commencing with Section 9380) for the particular

1 election, the district elections official charged with the duty of
 2 conducting the election shall fix and determine a reasonable date
 3 ~~prior to~~ *before* the election for the submission to the district
 4 elections official of an argument in favor of and against the
 5 ordinance, and additional rebuttal arguments as provided in Section
 6 9317. Arguments may be changed or withdrawn by their
 7 proponents until and including the date fixed by the district
 8 elections official.

9 SEC. 54. Section 9402 of the Elections Code is amended to
 10 read:

11 9402. All official materials, including any ~~ballot pamphlet~~
 12 *voter information guide* prepared, sponsored, or distributed by the
 13 jurisdiction that has proposed the bond issue or that is financed in
 14 whole or part by funds furnished by that jurisdiction, directed at
 15 or including a bond issue proposal, but excluding a notice of
 16 election required by law to be posted or published, shall contain
 17 a statement of the tax rate data specified in Section 9401.

18 SEC. 55. Section 9501 of the Elections Code is amended to
 19 read:

20 9501. (a) The governing board of the *school* district or ~~any a~~
 21 member or members of the *governing* board, or ~~any an~~ individual
 22 voter who is eligible to vote on the measure, or bona fide
 23 association of citizens, or ~~any a~~ combination of such voters and
 24 associations may file a written argument for or against any school
 25 measure. ~~No~~ *An* argument shall *not* exceed 300 words in length.
 26 The elections official shall cause an argument for and an argument
 27 against the measure, if submitted, to be printed, and shall include
 28 the arguments, preceded by the analysis, in the *county* voter
 29 information ~~pamphlet that accompanies the sample ballot.~~ *guide*.

30 (b) Printed arguments submitted to voters in accordance with
 31 this section shall be titled either “Argument in Favor of Measure
 32 ____” or “Argument Against Measure ____,” accordingly, the
 33 blank spaces being filled in only with the letter or number, if any,
 34 designating the measure. At the discretion of the elections official,
 35 the word “Proposition” may be substituted for the word “Measure”
 36 in the titles. Words used in the title shall not be counted when
 37 determining the length of any measure.

38 SEC. 56. Section 10531 of the Elections Code is amended to
 39 read:

1 10531. Notwithstanding any ~~other provision~~ of law, vote by
2 mail voting shall be allowed in lieu of voting by proxy in ~~any an~~
3 landowner district election in which voting by proxy is ~~allowed,~~
4 ~~provided that,~~ *allowed if*, at least 110 days before the election, the
5 governing board of the district adopts this section. If a district
6 adopts this section, the voting shall be conducted as follows:

7 (a) The vote by mail ballot shall be available to any eligible
8 voter of the district.

9 (b) The form of application for the ballot shall be distributed to
10 each voter with the ~~sample ballot~~ *voter information guide* and shall
11 contain spaces for each of the following:

12 (1) The printed name and address of the voter.

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

14 (3) The voter's signature.

15 (4) The authorization of a legal representative, as defined in
16 Section 34030 of the Water Code, to receive the vote by mail
17 voter's ballot if the voter so chooses.

18 (5) The name and date of the election for which the request is
19 made.

20 (6) The date the application shall be received by the county
21 elections official, which date shall be at least seven days before
22 the election.

23 (7) The insertion of the ~~sample ballot~~ *voter information guide*
24 name and address label on the application.

25 (c) Upon receipt of vote by mail ballot application and
26 verification that it has been properly completed, the county
27 elections official shall mail vote by mail voter's ballot to the voter
28 or legal representative with an identification envelope, which shall
29 contain each of the following:

30 (1) A declaration under penalty of perjury stating that the voter
31 is entitled to vote in the election.

32 (2) Space for the signature of the voter or legal representative
33 and the date of signing.

34 (3) A notice that the envelope contains an official ballot and is
35 to be opened only by the appropriate elections officials.

36 (d) The voting shall be pursuant to those additional procedures,
37 if any, that the county elections official shall deem necessary to
38 the proper conduct of the election, provided that the overall
39 additional procedures shall substantially comply with Division 3
40 (commencing with Section 3000) and Chapter 1 (commencing

1 with Section 15000) of Division 15, and shall be consistent with
2 landowner voting requirements.

3 (e) Notwithstanding Section 10525, the list of voters for
4 landowner voting district elections in which vote by mail voting
5 is allowed shall be delivered to the county elections official at least
6 40 days ~~prior to~~ *before* the election.

7 (f) The ~~sample ballot voter information guide~~ for landowner
8 voting district elections in which vote by mail voting is allowed
9 shall be mailed at least 20 days before the election.

10 SEC. 57. Section 11324 of the Elections Code is amended to
11 read:

12 11324. The official responsible for preparing the ballot shall,
13 at least 10 days ~~prior to~~ *before* the recall election, mail a ~~sample~~
14 ~~ballot voter information guide~~ to each registered voter of the
15 electoral jurisdiction of the officer sought to be recalled.

16 SEC. 58. Section 11325 of the Elections Code is amended to
17 read:

18 11325. (a) With the ~~sample ballot voter information guide~~
19 there shall be mailed for each officer whose recall is sought, a
20 printed copy of the following:

21 (1) The statement of reasons for recall that appeared on the
22 notice of intent to recall that was filed by the proponents of the
23 recall with the elections official, or in the case of a state officer,
24 with the Secretary of State.

25 (2) The answer to the statement of reasons for recall that was
26 filed by the officer whose recall is sought with the elections official
27 or, in the case of a state officer, with the Secretary of State, if ~~any~~
28 *an* answer was filed.

29 (b) The printed copies of the statement and the answer to that
30 statement shall be mailed with the sample ballot either in a
31 document separate from the sample ballot or in the same document
32 in which the sample ballot appears. Both the statement and answer
33 shall be printed on the same page, or on facing pages of the
34 document, and shall be of equal prominence.

35 (c) If the recall of more than one officer is sought, the statement
36 and answer for each officer shall be printed together and shall be
37 clearly distinguished from those of any other officer.

38 SEC. 59. Section 11327 of the Elections Code is amended to
39 read:

1 11327. An officer whose recall is being sought may file a
 2 statement with the elections official in accordance with Section
 3 13307, to be sent to each voter, together with the ~~sample ballot~~
 4 *voter information guide*.

5 SEC. 60. Section 13118 of the Elections Code is amended to
 6 read:

7 13118. The following rules apply when a person who is a
 8 candidate for ~~any~~ an office believes that another person with a
 9 name that is so similar that it may be confused with his or her name
 10 has filed or will file a nomination paper for the same office:

11 (a) The candidate may, at the time of filing his or her nomination
 12 paper, or within five days after the time for filing nomination
 13 papers has expired, file with the elections official a statement that
 14 shall be in substance as follows:

15 “I _____, believe that another person, whose name is so similar
 16 to mine that it may be confused with mine, has filed or will file a
 17 nomination paper for the same office for which I have filed a
 18 nomination paper, and I therefore request and direct that the
 19 elections official assign a number to each candidate with a similar
 20 name to be printed on the ballot as a distinguishing mark.

21
 22 _____
 23 Name
 24 Candidate for the office
 25 of _____ ”
 26

27 (b) The distinguishing mark shall be a number, commencing
 28 with the number “1” and continuing in numerical sequence until
 29 each candidate with a similar name has been assigned a
 30 distinguishing number, and shall be printed at the right of the name
 31 on the ballot.

32 (c) The first candidate who filed his or her nomination papers
 33 shall have the number “1” and each subsequent candidate, based
 34 on the time of filing his or her nomination papers, shall be assigned
 35 the next number in numerical sequence.

36 (d) In addition to the designated numbers that the elections
 37 official shall place on the ballot when the above conditions are
 38 met, he or she shall place on the ballot, immediately preceding the
 39 names of the candidates to be voted upon, the following warning:
 40

1 “Warning! There are two (or applicable number) candidates for
2 this office with identical names.”

3
4 This warning shall also be included, in a prominent manner, on
5 any ~~sample ballot, ballot pamphlet,~~ *state voter information guide,*
6 *county voter information guide,* or other mailing sent by the
7 elections official, ~~prior to~~ *before* the election, to persons eligible
8 to vote for this office.

9 (e) To determine the order on the ballot for the candidates with
10 similar names, the elections official shall conduct a drawing of the
11 numbers assigned to the candidates in a similar manner as provided
12 for in Section 13112.

13 SEC. 61. Section 13244 of the Elections Code is amended to
14 read:

15 13244. The ~~sample ballot~~ *county voter information guide*
16 provided pursuant to Chapter 4 (commencing with Section 13300)
17 shall ~~be include~~ a substantial facsimile of the official ballot,
18 including instructions to voters.

19 SEC. 62. Section 13263 of the Elections Code is amended to
20 read:

21 13263. The ~~sample ballot~~ *county voter information guide*
22 provided pursuant to Chapter 4 (commencing with Section 13300)
23 shall be printed in either of two formats: (a) booklet form, or (b)
24 on one or more sheets on one or both sides. The ~~sample ballot~~
25 *county voter information guide* shall be printed on white or tinted
26 paper and shall ~~be include~~ a substantial facsimile of the ballot,
27 including instructions to voters.

28 SEC. 63. The heading of Chapter 4 (commencing with Section
29 13300) of Division 13 of the Elections Code is amended to read:

30
31 CHAPTER 4. ~~SAMPLE BALLOTS AND VOTER PAMPHLETS~~ *STATE*
32 *AND COUNTY VOTER INFORMATION GUIDES*
33

34 SEC. 64. Section 13300 of the Elections Code is amended to
35 read:

36 13300. (a) By at least 29 days before the partisan primary,
37 each county elections official shall prepare a separate ~~sample ballot~~
38 *county voter information guide* for each political party and a
39 separate ~~sample nonpartisan ballot.~~ *county voter information guide.*
40 The county elections official shall place ~~on~~ *in* each ~~ballot,~~ *guide,*

1 as applicable, in the order provided in Chapter 2 (commencing
2 with Section 13100), and under the appropriate title of each office,
3 the names of all candidates for whom nomination papers have been
4 duly filed with him or her, or have been certified to him or her by
5 the Secretary of State, to be voted for in his or her county at the
6 partisan primary election.

7 (b) ~~The sample ballots~~ *county voter information guides* shall be
8 ~~identical to include a substantial facsimile of the official ballots,~~
9 except as otherwise provided by law. ~~The sample ballots~~ *county*
10 *voter information guides* shall be printed on paper of a different
11 texture from the paper to be used for the official ballot.

12 (c) ~~One sample ballot~~ *county voter information guide* of the
13 party for which the voter has disclosed a preference, as evidenced
14 by his or her registration, shall be mailed not more than 40 nor
15 fewer than 10 days before the election to each voter entitled to
16 vote at the primary who registered at least 29 days ~~prior to before~~
17 the election. A nonpartisan ~~sample ballot~~ *county voter information*
18 *guide* shall be so mailed to each voter who is not registered as
19 preferring any of the parties participating in the primary election;
20 ~~provided that on election.~~ *On* election day the voter may, upon
21 request, vote the ballot of a political party if authorized by the
22 party's rules, duly noticed to the Secretary of State.

23 SEC. 65. Section 13300.5 of the Elections Code is amended
24 to read:

25 13300.5. In order to facilitate the timely production and
26 distribution of ~~sample ballots,~~ *county voter information guides,*
27 the county elections official may prepare a combined ~~sample ballot.~~
28 *county voter information guide.*

29 SEC. 66. Section 13300.7 of the Elections Code is amended
30 to read:

31 13300.7. Notwithstanding any other law, county and city
32 elections officials may establish procedures designed to permit a
33 voter to opt out of receiving his or her ~~sample ballot, voter~~
34 ~~pamphlet,~~ *county voter information guide, state voter information*
35 *guide,* notice of polling place, and associated materials by mail,
36 and instead obtain them electronically via email or by accessing
37 them on the county's or city's Internet Web site, ~~provided that if~~
38 all of the following conditions are met:

39 (a) The procedures establish a method of providing notice of
40 and an opportunity by which a voter can notify elections officials

1 of his or her desire to obtain ballot materials electronically in lieu
2 of receiving them by mail.

3 (b) The voter email address or any other information provided
4 by the voter under this section remains confidential pursuant to
5 Section 6254.4 of the Government Code and Section 2194 of this
6 code.

7 (c) The procedures provide notice and opportunity for a voter
8 who has opted out of receiving a ~~sample ballot~~ *county voter*
9 *information guide* and other materials by mail to opt back into
10 receiving them by mail.

11 (d) The procedures establish a process by which a voter can
12 apply electronically to become a vote by mail voter.

13 (e) A voter may only opt out of, or opt back into, receiving his
14 or her ~~sample ballot~~ *county voter information guide* and other
15 ballot materials by mail if the elections official receives the request
16 and can process it ~~prior to~~ *before* the statutory deadline for the
17 mailing of those materials for the next election, pursuant to Section
18 13303. If a voter misses this deadline, the request shall take effect
19 the following election.

20 (f) The procedures shall include a verification process to confirm
21 the voter's identity, either in writing with a signature card that can
22 be matched to the one on file with the elections official, or if the
23 request is submitted electronically, it shall contain the voter's
24 California driver's license number, California identification
25 number, or a partial social security number.

26 (g) Information made available over the Internet pursuant to
27 this section shall meet or exceed the most current, ratified standards
28 under Section 508 of the federal Rehabilitation Act of 1973 (29
29 U.S.C. Sec. 794d), as amended, and the Web Content Accessibility
30 Guidelines 2.0 adopted by the World Wide Web Consortium for
31 accessibility. Election officials may also implement
32 recommendations of the Voting Accessibility Advisory Committee
33 made pursuant to paragraph (4) of subdivision (b) of Section 2053,
34 and of any local Voting Accessibility Advisory Committee created
35 pursuant to the guidelines promulgated by the Secretary of State
36 related to the accessibility of polling places by the physically
37 handicapped.

38 SEC. 67. Section 13302 of the Elections Code is amended to
39 read:

1 13302. (a) The county elections official shall forthwith submit
2 ~~the sample ballot~~ *county voter information guide* of each political
3 party to the chairperson of the county central committee of that
4 party, and shall mail a copy to each candidate for whom nomination
5 papers have been filed in his or her office or whose name has been
6 certified to him or her by the Secretary of State, to the post office
7 address given in the nomination paper or certification. The county
8 elections official shall post a copy of each ~~sample ballot~~ *county*
9 *voter information guide* in a conspicuous place in his or her office.

10 (b) In connection with an election at which a candidate for a
11 voter-nominated office will appear on the ballot, a qualified
12 political party may submit to the county elections official a list of
13 all candidates for voter-nominated office who will appear on a
14 ballot in the county in question, and who have been endorsed by
15 the party by whatever lawful mechanism the party adopts for
16 endorsing candidates for voter-nominated office. If a political party
17 timely submits a list to the county elections official pursuant to
18 this subdivision, the county elections official shall print the names
19 of the candidates for voter-nominated office who were endorsed
20 by that political party in the voter information portion of the ~~sample~~
21 ~~ballot.~~ *county voter information guide*. The party chairperson shall
22 provide a written copy of the list of candidates endorsed by the
23 party not later than 83 days ~~prior to~~ *before* the election at which
24 the candidate for a voter-nominated office will appear on the ballot.

25 SEC. 68. Section 13303 of the Elections Code is amended to
26 read:

27 13303. (a) For each election, each appropriate elections official
28 shall cause to be printed, on plain white paper or tinted paper,
29 without watermark, at least as many copies of the form of ballot
30 provided for use in each voting precinct as there are voters in the
31 precinct. These copies shall be designated ~~“sample ballot”~~ *“county*
32 *voter information guide”* upon their face and shall ~~be identical to~~
33 *include a substantial facsimile of* the official ballots used in the
34 election, except as otherwise provided by law. A ~~sample ballot~~
35 *county voter information guide* shall be mailed, postage prepaid,
36 not more than 40 nor less than 21 days ~~before~~ *before* the election.
37 voter who is registered at least 29 days ~~prior to~~ *before* the election.

38 (b) The elections official shall send notice of the polling place
39 to each voter with the ~~sample ballot.~~ *county voter information*

1 *guide*. Only official matter shall be sent out with the ~~sample ballot~~
 2 *county voter information guide* as provided by law.

3 (c) The elections official shall send notice of the polling place
 4 to each voter who registered after the 29th day ~~prior to~~ *before* the
 5 election and is eligible to participate in the election. The notice
 6 shall also include information as to where the voter can obtain a
 7 ~~sample ballot and a ballot pamphlet prior to~~ *county voter*
 8 *information guide and a state voter information guide before* the
 9 election, a statement indicating that those documents will be
 10 available at the polling place at the time of the election, and the
 11 address of the Secretary of State's ~~website~~ *Internet Web site* and,
 12 if applicable, of the county ~~website~~ *Internet Web site* where a
 13 ~~sample ballot~~ *county voter information guide* may be viewed.

14 SEC. 69. Section 13305 of the Elections Code is amended to
 15 read:

16 13305. (a) Notwithstanding Sections 13300 and 13303, a
 17 county elections official may elect not to mail a ~~sample ballot~~
 18 *county voter information guide* to a voter if all of the following
 19 are satisfied:

20 (1) The voter is one of the following:

21 (A) A permanent vote by mail voter pursuant to Chapter 3
 22 (commencing with Section 3200) of Division 3.

23 (B) A voter in a mail ballot election conducted pursuant to
 24 Division 4 (commencing with Section 4000).

25 (C) A voter in a precinct in which an election is conducted
 26 pursuant to Section 3005.

27 (2) The county elections official prepares and mails to each
 28 voter a *state* voter information guide. The *state* voter information
 29 guide shall include all of the information required to be included
 30 in, and shall be accompanied by all the election materials required
 31 to accompany, the ~~sample ballot~~, *county voter information guide*,
 32 except for both of the following:

33 (A) An application for a vote by mail ballot.

34 (B) A notice that a vote by mail ballot application is enclosed.

35 (3) The voter is furnished with an official ballot pursuant to
 36 Section 3005 or 3010.

37 (b) Notwithstanding subdivision (a) of Section 13303, for each
 38 voter to whom the elections official elects not to mail a ~~sample~~
 39 ~~ballot~~ *county voter information guide* pursuant to subdivision (a),

1 the elections official may cause to be printed one less copy of the
2 ~~sample ballot~~ *county voter information guide*.

3 (c) If a county elections official elects not to mail a ~~sample ballot~~
4 *county voter information guide* to a voter pursuant to this section,
5 the elections official shall use any savings achieved to offset the
6 costs associated with establishing a free access system for vote by
7 mail ballots pursuant to Section 3019.5 before the savings may be
8 used for any other purpose.

9 SEC. 70. Section 13306 of the Elections Code is amended to
10 read:

11 13306. Notwithstanding Sections 13300, 13303, and 13307,
12 ~~sample ballots~~ *county voter information guides* and candidates'
13 statements need not be mailed to voters who registered after the
14 54th day before an election, but all of these voters shall receive
15 polling place notices and state ~~ballot pamphlets~~ *voter information*
16 *guides*. A state ~~ballot pamphlet~~ *voter information guide* is not
17 required to be mailed to a voter who registered after the 29th day
18 ~~prior to~~ *before* an election. Each of these voters shall receive a
19 notice in bold print that states: "Because you are a late registrant,
20 you are not receiving a ~~sample ballot~~ *county voter information*
21 *guide* or candidates' statements."

22 SEC. 71. Section 13307 of the Elections Code is amended to
23 read:

24 13307. (a) (1) Each candidate for nonpartisan elective office
25 in any local agency, including any city, county, city and county,
26 or district, may prepare a candidate's statement on an appropriate
27 form provided by the elections official. The statement may include
28 the name, age, and occupation of the candidate and a brief
29 description, of no more than 200 words, of the candidate's
30 education and qualifications expressed by the candidate himself
31 or herself. However, the governing body of the local agency may
32 authorize an increase in the limitations on words for the statement
33 from 200 to 400 words. The statement shall not include the party
34 affiliation of the candidate, nor membership or activity in partisan
35 political organizations.

36 (2) The statement authorized by this subdivision shall be filed
37 in the office of the elections official when the candidate's
38 nomination papers are returned for filing, if it is for a primary
39 election, or for an election for offices for which there is no primary.
40 The statement shall be filed in the office of the elections official

1 no later than the 88th day before the election, if it is for an election
2 for which nomination papers are not required to be filed. If a runoff
3 election or general election occurs within 88 days of the primary
4 or first election, the statement shall be filed with the elections
5 official by the third day following the governing body's declaration
6 of the results from the primary or first election.

7 (3) Except as provided in Section 13309, the statement may be
8 withdrawn, but not changed, during the period for filing nomination
9 papers and until 5 p.m. of the next working day after the close of
10 the nomination period.

11 (b) (1) The elections official shall send to each voter, together
12 ~~with the sample ballot, a voter's pamphlet which~~ *voter a county*
13 *voter information guide* that contains the written statements of
14 each candidate that is prepared pursuant to this section. The
15 statement of each candidate shall be printed in type of uniform
16 size and darkness, and with uniform spacing.

17 (2) The elections official shall provide a Spanish translation to
18 those candidates who wish to have one, and shall select a person
19 to provide that translation who is one of the following:

20 (A) A certified and registered interpreter on the Judicial Council
21 Master List.

22 (B) An interpreter categorized as "certified" or "professionally
23 qualified" by the Administrative Office of the United States Courts.

24 (C) From an institution accredited by a regional or national
25 accrediting agency recognized by the United States Secretary of
26 Education.

27 (D) A current voting member in good standing of the American
28 Translators Association.

29 (E) A current member in good standing of the American
30 Association of Language Specialists.

31 (c) The local agency may estimate the total cost of printing,
32 handling, translating, and mailing the candidate's statements filed
33 pursuant to this section, including costs incurred as a result of
34 complying with the federal Voting Rights Act of 1965, as amended.
35 The local agency may require each candidate filing a statement to
36 pay in advance to the local agency his or her estimated pro rata
37 share as a condition of having his or her statement included in the
38 ~~voter's pamphlet. In the event~~ *county voter information guide. If*
39 the estimated payment is required, the receipt for the payment shall
40 include a written notice that the estimate is just an approximation

1 of the actual cost that varies from one election to another election
2 and may be significantly more or less than the estimate, depending
3 on the actual number of candidates filing statements. Accordingly,
4 the local agency is not bound by the estimate and may, on a pro
5 rata basis, bill the candidate for additional actual expense or refund
6 any excess paid depending on the final actual cost. In the event of
7 underpayment, the local agency may require the candidate to pay
8 the balance of the cost incurred. In the event of overpayment, the
9 local agency which, or the elections official who, collected the
10 estimated cost shall prorate the excess amount among the
11 candidates and refund the excess amount paid within 30 days of
12 the election.

13 (d) ~~Nothing in this~~ *This section shall not be deemed to make*
14 *any statement, or the authors thereof, of any statement, free or*
15 *exempt from any civil or criminal action or penalty because of any*
16 *false, slanderous, or libelous statements offered for printing or*
17 *contained in the voter's pamphlet. county voter information guide.*

18 (e) Before the nominating period opens, the local agency for
19 that election shall determine whether a charge shall be levied
20 against that candidate for the candidate's statement sent to each
21 voter. This decision shall not be revoked or modified after the
22 seventh day ~~prior to~~ *before* the opening of the nominating period.
23 A written statement of the regulations with respect to charges for
24 handling, packaging, and mailing shall be provided to each
25 candidate or his or her representative at the time he or she picks
26 up the nomination papers.

27 (f) For purposes of this section and Section 13310, the board of
28 supervisors ~~shall be deemed~~ *is* the governing body of judicial
29 elections.

30 SEC. 72. Section 13307.5 of the Elections Code is amended
31 to read:

32 13307.5. A candidate for United States Representative may
33 purchase the space to place a statement in the voter information
34 portion of the ~~sample ballot~~ *county voter information guide* that
35 does not exceed 250 words. The statement ~~may shall not make~~
36 ~~reference refer~~ *refer* to any opponent of the candidate. The statement
37 shall be submitted in accordance with the timeframes and
38 procedures set forth in this code for the preparation of the voter
39 information portion of the ~~sample ballot~~ *county voter information*
40 *guide.*

1 SEC. 73. Section 13312 of the Elections Code is amended to
 2 read:

3 13312. Each ~~voter's pamphlet~~ *county voter information guide*
 4 prepared pursuant to Section 13307 shall contain a statement in
 5 the heading of the first page in heavy-faced gothic type, not smaller
 6 than 10-point, ~~that: (a), the pamphlet does not contain a complete~~
 7 ~~list of candidates and that a complete list of candidates appears on~~
 8 ~~the sample ballot (if any candidate is not listed in the pamphlet);~~
 9 ~~and that (b), that~~ each candidate's statement in the *pamphlet county*
 10 *voter information guide* is volunteered by the candidate, ~~and (if~~
 11 ~~and, if~~ printed at the candidate's ~~expense~~) *expense*, is printed at
 12 his or her expense.

13 SEC. 74. Section 13314 of the Elections Code is amended to
 14 read:

15 13314. (a) (1) An elector may seek a writ of mandate alleging
 16 that an error or omission has occurred, or is about to occur, in the
 17 placing of a name on, or in the printing of, a ballot, ~~sample ballot,~~
 18 ~~voter pamphlet,~~ *county voter information guide, state voter*
 19 *information guide*, or other official matter, or that any neglect of
 20 duty has occurred, or is about to occur.

21 (2) A peremptory writ of mandate shall issue only upon proof
 22 of both of the following:

23 (A) That the error, omission, or neglect is in violation of this
 24 code or the Constitution.

25 (B) That issuance of the writ will not substantially interfere with
 26 the conduct of the election.

27 (3) The action or appeal shall have priority over all other civil
 28 matters.

29 (4) The Secretary of State shall be named as a respondent or a
 30 real party in interest in any proceeding under this section
 31 concerning a measure or a candidate described in Section 15375,
 32 except for a candidate for judge of the superior court.

33 (b) Venue for a proceeding under this section shall be
 34 exclusively in Sacramento County in any of the following cases:

35 (1) The Secretary of State is named as a real party in interest or
 36 as a respondent.

37 (2) A candidate for statewide elective office is named as a party.

38 (3) A statewide measure that is to be placed on the ballot is the
 39 subject of the proceeding.

1 SEC. 75. Section 13315 of the Elections Code is amended to
2 read:

3 13315. The officer charged with the duty of providing ~~sample~~
4 ~~ballots~~ *county voter information guides* for ~~any~~ *an* election at which
5 vote by mail voter ballots may be cast shall cause to be printed on
6 the envelope containing the ~~sample ballot~~ *county voter information*
7 *guide* in heavy-faced gothic type, not smaller than 12-point, the
8 following:

9 Notice: Vote By Mail Ballot Application Enclosed.

10 SEC. 76. Section 13316 of the Elections Code is amended to
11 read:

12 13316. Notwithstanding any other ~~provision~~ of law to the
13 contrary, a county, city, city and county, or district using voting
14 machines may use reasonable facsimiles of the ~~sample ballots~~
15 *county voter information guides* sent to the voters of the local
16 jurisdiction as vote by mail ballots.

17 SEC. 77. Section 13317 of the Elections Code is amended to
18 read:

19 13317. Notwithstanding any other ~~provision~~ of law to the
20 contrary, a county, city, city and county, or district using vote
21 tabulating devices may use reasonable facsimiles of the ~~sample~~
22 ~~ballots~~ *county voter information guides* sent to the voters of the
23 local jurisdiction as vote by mail ballots.

24 SEC. 78. Section 14219 of the Elections Code is amended to
25 read:

26 14219. The precinct board shall provide, upon request, to ~~any~~
27 *a* voter for use in the voting booth or compartment, a copy of the
28 facsimile ballot containing ballot measures and instructions printed
29 in Spanish or in other languages, as required by Section 14201,
30 unless ~~sample ballots~~ *county voter information guides* and ballots
31 for voting are already being provided in that language under the
32 federal Voting Rights Act of 1965, as amended by Public Law
33 94-73.

34 SEC. 79. Section 18301 of the Elections Code is amended to
35 read:

36 18301. In addition to any other penalty, ~~any~~ *a* person who
37 prints or otherwise duplicates, or causes to be printed or duplicated,
38 a simulated ballot or simulated ~~sample ballot~~ *county voter*
39 *information guide* that does not contain the statement required by

1 Section ~~20009~~ 20009, or that uses an official seal or insignia in
 2 violation thereof, of Section 20009, is guilty of a misdemeanor.

3 SEC. 80. Section 18390 of the Elections Code is amended to
 4 read:

5 18390. ~~No~~ An agency or department of the state ~~may~~ shall not
 6 use its publications to advise state employees of ~~any~~ a
 7 constitutional officer’s choice of candidates for public office or
 8 for recommending positions on specific ballot propositions not
 9 related to the functions of that agency or department.

10 For purposes of this section “publications” means any written
 11 or printed matter including, but not limited to, agency or
 12 department memorandums or directives, but shall not include
 13 legislative newsletters or state ~~ballot pamphlets~~. *voter information*
 14 *guides*.

15 ~~Any~~ A state officer who violates this section is guilty of a
 16 misdemeanor.

17 SEC. 81. Section 19321 of the Elections Code is amended to
 18 read:

19 19321. The elections official shall affix ballot labels to the
 20 machines to correspond with the ~~sample ballot~~ *county voter*
 21 *information guide* for the election. He or she shall employ
 22 competent persons to assist him or her in affixing the labels and
 23 in putting the machines in order. Each machine shall be tested to
 24 ascertain ~~whether~~ if it is operating properly.

25 SEC. 82. Section 19323 of the Elections Code is amended to
 26 read:

27 19323. The elections official shall deliver to the polling place
 28 the supplies necessary to conduct the election, including two
 29 ~~sample ballots~~, *county voter information guides*, one envelope
 30 containing the seal for sealing the machine after the polls are
 31 closed, one envelope for the return of the keys, and as many copies
 32 of the statement of votes cast as are necessary.

33 SEC. 83. Section 20009 of the Elections Code is amended to
 34 read:

35 20009. (a) Every simulated ballot or simulated
 36 ~~sample ballot~~
 37 *county voter information guide*
 38 shall bear on each surface or page thereof, in type or lettering at
 39 least half as large as the type or lettering of the statement or words
 40 or in 10-point roman type, whichever is larger, in a printed or

1 drawn box and set apart from any other printed matter, the
2 following statement:

3 “NOTICE TO VOTERS

4 “(Required by Law)

5 “This is not an official ballot or an official ~~sample ballot~~ *county*
6 *voter information guide* prepared by the county elections official
7 or the Secretary of State.

8 “This is an unofficial, marked ballot prepared by ____ (insert
9 name and address of the person or organization responsible for
10 preparation thereof).”

11 ~~Nothing in this~~ *This* section shall *not* be construed to require *as*
12 *requiring* this notice in any editorial or other statement appearing
13 in a regularly published newspaper or magazine other than a paid
14 political advertisement.

15 (b) ~~No~~ A simulated ballot or simulated ~~sample ballot~~ *county*
16 *voter information guide* referred to in subdivision (a) shall *not* bear
17 ~~any~~ an official seal or the insignia of ~~any~~ a public entity, ~~nor shall~~
18 ~~and~~ that seal or insignia *shall not* appear upon the envelope in
19 which it is mailed or otherwise delivered.

20 (c) The superior court, in ~~any~~ a case brought before it by ~~any~~ a
21 registered voter, may issue a temporary or permanent restraining
22 order or injunction against the publication, printing, circulation,
23 posting, or distribution of any matter in violation of this section,
24 and all cases of this nature shall be in a preferred position for
25 purposes of trial and appeal, so as to assure the speedy disposition
26 ~~thereof.~~ *of cases of this nature.*

27 SEC. 84. Sections 5 and 9 of this act shall become operative
28 only if the Secretary of State certifies that the state has a statewide
29 voter registration database that complies with the requirements of
30 the federal Help America Vote Act of 2002 (52 U.S.C. Sec. 20901
31 et seq.).

O