

**Senate Bill No. 387**

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Passed the Senate May 14, 2009

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*Secretary of the Senate*

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Passed the Assembly July 13, 2009

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*Chief Clerk of the Assembly*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2009, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to amend Sections 13204, 14287, 15154, and 15208 of the Elections Code, relating to ballots.

## LEGISLATIVE COUNSEL'S DIGEST

SB 387, Hancock. Ballots: identifying information.

Existing law prohibits a voter from placing any mark upon a ballot that will make the ballot identifiable. Under existing law, a ballot that is not marked as provided by law or that is marked or signed by the voter so that the ballot can be identified by others is required to be rejected. If a ballot is marked in a manner so as to identify the voter, the ballot is required to be marked "Void" and placed in a container for void ballots.

This bill would instead prohibit a voter from placing personal information, as defined, upon a ballot that identifies the voter. The bill would provide that a ballot that contains personal information is not invalid. The bill would delete the requirement that a ballot marked in a manner so as to identify the voter is void and instead require a ballot that contains personal information to be segregated in a specified manner and would require that a duplicate ballot be prepared. By changing the duties of local elections officials, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

SECTION 1. Section 13204 of the Elections Code is amended to read:

13204. (a) The instructions to voters shall be printed at least three-eighths of an inch below the district designation. The

instructions shall begin with the words “INSTRUCTIONS TO VOTERS:” in no smaller than 16-point gothic condensed capital type. Thereafter, there shall be printed in 10-point gothic condensed capital type all of the following directions that are applicable to the ballot:

“To vote for a candidate for Chief Justice of California; Associate Justice of the Supreme Court; Presiding Justice, Court of Appeal; or Associate Justice, Court of Appeal, stamp a cross (+) in the voting square after the word “Yes,” to the right of the name of the candidate. To vote against that candidate, stamp a cross (+) in the voting square after the word “No,” to the right of the name of that candidate.”

“To vote for any other candidate of your selection, stamp a cross (+) in the voting square to the right of the candidate’s name. [When justices of the Supreme Court or Court of Appeal do not appear on the ballot, the instructions referring to voting after the word “Yes” or the word “No” will be deleted and the above sentence shall read: “To vote for a candidate whose name appears on the ballot, stamp a cross (+) in the voting square to the right of the candidate’s name.”] Where two or more candidates for the same office are to be elected, stamp a cross (+) after the names of all candidates for the office for whom you desire to vote, not to exceed, however, the number of candidates to be elected.”

“To vote for a qualified write-in candidate, write the person’s name in the blank space provided for that purpose after the names of the other candidates for the same office.”

“To vote on any measure, stamp a cross (+) in the voting square after the word “Yes” or after the word “No.”

“Marking the ballot outside of the designated space to vote for a candidate or measure may compromise the secrecy of the ballot.”

“If you wrongly stamp, tear, or deface this ballot, return it to the precinct board member and obtain another.”

“On vote by mail ballots mark a cross (+) with pen or pencil.”

(b) The instructions to voters shall be separated by no smaller than a 2-point rule from the portion of the ballot which contains the various offices and measures to be voted on.

SEC. 2. Section 14287 of the Elections Code is amended to read:

14287. No voter shall place personal information upon a ballot that identifies the voter. “Personal information” includes all of the following:

- (a) The signature of the voter.
- (b) The initials, name, or address of the voter.
- (c) A voter identification number.
- (d) A social security number.
- (e) A driver’s license number.

SEC. 3. Section 15154 of the Elections Code is amended to read:

15154. (a) Any ballot that is not marked as provided by law shall be rejected. The rejected ballots shall be placed in the package marked for voted ballots or in a separate container as directed by the elections official. All rejected ballots shall have written on the ballot the cause for rejection and be signed by a majority of processing board members who are assigned by the elections official to process ballots.

(b) The following ballot conditions shall not render a ballot invalid:

- (1) Soiled or defaced.
- (2) Two or more impressions of the voting stamp or mark in one voting square.
- (3) Contains personal information, as defined in Section 14287.
- (c) If a voter indicates, either by a combination of both marking and writing in, a choice of more names than there are candidates to be elected or nominated for any office, or if for any reason the choice of the voter is impossible to determine, the vote for that office shall not be counted, but the remainder of the ballot, if properly marked, shall be counted.
- (d) This section applies to all ballots counted pursuant to this chapter and Chapter 4 (commencing with Section 15300).

SEC. 4. Section 15208 of the Elections Code is amended to read:

15208. (a) Each container of ballots shall be opened and its contents removed. The ballots shall be checked to ascertain if the ballots are properly grouped and shall be arranged, if necessary, so that all similar ballots from the precinct are together.

(b) Any ballot that contains personal information, as defined in Section 14287, or is torn, bent, or mutilated shall be segregated in

the manner directed by the elections official and a duplicate shall be prepared as provided in Section 15210.

SEC. 5. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.





Approved \_\_\_\_\_, 2009

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*Governor*