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ELECTIONS DIVISION

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County Clerk/Registrar of Voters (CC/ROV) Memorandum #16270

TO: All County Clerks/Registrars of Voters

FROM: /s/ Steven J. Reyes
Chief Counsel

RE: General Election: Ballot Layout Issues

We have received several inquiries regarding the ballot layout for the upcoming November 8, 2016, General Election due to the unusually large number of state propositions and as a result of the nomination of Trump/Pence by both the Republican and American Independent parties as their candidates for President and Vice President. As you are aware, the Elections Code contains very specific instructions for ballot layout (Division 13 of the Elections Code, commencing with Section 13000).

While we understand that many counties will need to utilize Elections Code section 13265 and have more than one ballot card, we want to remind you of some essential Elections Code sections that must be followed. The information below is a summary of questions received and our office's responses.

Can we modify the ballot order for the state and local measures in any way to save space?

No. Elections Code section 13109 provides the specific order of offices and measures on the ballot.

Since the November 8, 2016, General Election ballot will be so lengthy, can the ballot label provided by the Attorney General for the state ballot measures and/or the ballot wording describing party labels be shortened or removed all together?

No. Elections Code section 13247 requires that the statement of all measures submitted to the voters be abbreviated on the ballot in a ballot label as provided in Elections Code section 9051.

Elections Code section 13206.5 provides the exact language (in quotations) that must be included on the ballot for the description of party labels.

Since both the Republican Party and the American Independent Party have nominated Donald Trump and Michael Pence for President and Vice President, how should the parties be listed on the ballot?

Elections Code section 13105(c) provides that if any candidate for President of the United States or Vice President of the United States has received the nomination of any additional party, the name of the party shall be printed to the right of the name of the candidate's own party. The party identification after Donald Trump's name shall read as follows: Republican, American Independent.

In the event your voting system does not have the capability to print "Republican, American Independent" due to lack of space, the parties may be abbreviated. On February 10, 2012, this office issued CCROV #12059, which provided guidance for the implementation of the Top Two Candidates Open Primary Act of 2010. In 2012, some counties had expressed concerns about placing all of the required language regarding a candidate's party preference as required by Elections Code section 13105(a)(1). CCROV #12059 provided that, if ballot layout capacity necessitates abbreviating qualified political party names, the following approved abbreviations could be used:

- DEM – Democratic
- REP – Republican
- AI – American Independent
- GRN – Green
- LIB – Libertarian
- PF – Peace and Freedom
- REP, AI – Republican, American Independent (for Trump/Pence nomination only)

Please Note: If your county will be abbreviating the nominating party of presidential candidates, or the party preference of any other candidate on the ballot, the abbreviations **must** be used for **ALL candidates in every contest on your ballot**. Further, if abbreviations are used, you must include a list which defines the abbreviations in your sample ballot.

Elections Code section 13210(b) requires the ballot to state "Vote for One Party" for candidates for President and Vice President. Since two parties have nominated Donald Trump for President, is this instruction still required?

Yes. The "Vote for One Party" language is provided in quotations in Elections Code section 13210(b) and must be printed on the ballot.

Are the names of the presidential electors printed on the ballot?

No, the Elections Code does not require the names of the presidential electors to be placed on the ballot. The ballot must include the names of the candidates for President and Vice President.

How will Presidential and Vice Presidential electors be selected when more than one political party nominates the same candidate?

The Elections Code does not address the manner in which electors for President and Vice President of the United States are selected in situations where more than one party nominates the same candidate. We will address this issue if/when appropriate.

How should we list the voter instruction and voting question for Proposition 59?

Elections Code sections 13207(d) and 13247 require “Yes” and “No” boxes to be placed to the right of the title and summary and ballot label. The sample provided below, for illustrative purposes, demonstrates how Proposition 59 might be set in a ballot layout. Actual ballot layouts may differ.

<p>59 CORPORATIONS. POLITICAL SPENDING. FEDERAL CONSTITUTIONAL PROTECTIONS. LEGISLATIVE ADVISORY QUESTION. Asks whether California’s elected officials should use their authority to propose and ratify an amendment to the federal Constitution overturning the United States Supreme Court decision in <i>Citizens United v. Federal Election Commission</i>. <i>Citizens United</i> ruled that laws placing certain limits on political spending by corporations and unions are unconstitutional. Fiscal Impact: No direct fiscal effect on state or local governments.</p>	<p>YES</p>
<p>Shall California’s elected officials use all of their constitutional authority, including, but not limited to, proposing and ratifying one or more amendments to the United States Constitution, to overturn <i>Citizens United v. Federal Election Commission</i> (2010) 558 U.S. 310, and other applicable judicial precedents, to allow the full regulation or limitation of campaign contributions and spending, to ensure that all citizens, regardless of wealth, may express their views to one another, and to make clear that corporations should not have the same constitutional rights as human beings?</p>	<p>NO</p>

To help ensure voters and candidates are aware of this updated information, we recommend that:

- Your sample ballot, vote-by-mail ballots, and polling place materials include information regarding the large number of ballot measures and, if applicable, that your voters will receive two (or more) ballot cards;
- Your county’s website include information about the large number of ballot measures, and, if applicable, that your voters will receive two (or more) ballot cards; and
- Poll workers be appropriately trained on the large number of ballot measures and, if applicable, that voters will receive two (or more) ballot cards.

Additionally, our office will include similar information on our website.

Should you have additional questions regarding ballot layout issues, please contact Jana Lean, Chief of Elections, at 916-653-5144 or jana.lean@sos.ca.gov.