

## Requirements discussed, but no changes

2/4/2022 Removed from Round 2 with no recommended changes

2/20/2022 Round 3 discussions with no action.

Section	Topic	Notes
<a href="#">Div 18, Chap 5</a>	Legal/Penal	Correct ballot format
<a href="#">EC 303.5</a>	Definitions	Ballot Title
<a href="#">EC 14287</a>	Marking	Identifying marks
<a href="#">EC 7780</a>	Peace & Freedom	Title of office
<a href="#">EC 7999</a>	Peace & Freedom	Order of candidates Central Committee
<a href="#">Admin Code, Title 2, Division 7, Chapter 7</a>	Ballot Designation	This includes <a href="#">13106</a> , <a href="#">13107</a> and <a href="#">13107.5</a>
<a href="#">13215</a>	Stubs	Stubs may be used Exception for Ballot-On-Demand systems
<a href="#">13217</a>	Stubs	Stubs may be used
<a href="#">13209</a>	Layout and visual	Languages
<a href="#">13214</a>	Visual and layout	Bound or stitched
No section	VBM envelopes	Holes in envelopes

## Research discussed

### [EC 301 - Ballot](#)

Research: definitions from the VVSG

- *Ballot: presentation of the contest options for a particular voter*
- *Ballot data: A list of contests and associated options that may appear on a ballot for a particular election.*
- *Ballot display format: the concrete presentation of the contents of a ballot or other information for the voter or election official appropriate to the particular voting technology being used. The contents may be rendered using various methods of presentation (visual or audio), language, or graphics.*

- *Ballot style: Ballot data that has been put into contest order for a particular precinct or precinct split and considers a particular set of voter situations. Voter situations include party affiliation (for closed primaries), and age of the voter (in states that permit 17-year-olds to vote in primary elections), among others.*

[EC 15210](#) - reviewed for reference in [EC 14284](#)

In preparing the voted ballots for processing, any ballot that is torn, bent, or otherwise defective shall be corrected so that every vote cast by the voter shall be counted by the automatic tabulating equipment. If necessary, a true duplicate copy of the defective ballot shall be made and substituted therefor, following the intention of the voter insofar as it can be ascertained from the defective ballot. All duplicate ballots shall be clearly labeled "duplicate," and shall bear a serial number that shall be recorded on the damaged or defective ballot.

## **No changes**

This is a list of provisions that we looked at in the working group, but recommended making no changes.

[Div 18, Chap 5 - Ballot](#) - 18400 - 18403

18400.

A person who makes, uses, keeps, or furnishes to others, paper or cards watermarked or overprinted in imitation of ballot paper or ballot cards is punishable by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months, two or three years, or by both that fine and imprisonment.

*(Amended by Stats. 2011, Ch. 15, Sec. 69. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)*

18401

Every person who prints any ballot not in conformity with Chapter 2 (commencing with Section 13100) of Division 13, or who circulates or gives to another any ballot, knowing at the time that the ballot does not conform to Chapter 2 (commencing with Section 13100) of Division 13, is guilty of a misdemeanor.

*(Enacted by Stats. 1994, Ch. 920, Sec. 2.)*

18402. - Applications

Any individual, group, or organization that knowingly distributes any application for a vote by mail ballot that does not conform to Chapter 1 (commencing with Section 3000) of Division 3 is guilty of a misdemeanor.

*(Amended by Stats. 2007, Ch. 508, Sec. 114. Effective January 1, 2008.)*

## 18403 - Only officials examine ballots

Any person other than an elections official or a member of the precinct board who receives a voted ballot from a voter or who examines or solicits the voter to show his or her voted ballot is punishable by a fine not exceeding ten thousand dollars (\$10,000), by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months or two or three years, or in a county jail not exceeding one year, or by both that fine and imprisonment. This section shall not apply to persons returning a vote by mail ballot pursuant to Sections 3017 and 3021 or persons assisting a voter pursuant to Section 14282.

*(Amended by Stats. 2011, Ch. 15, Sec. 70. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)*

## [EC 303.5](#) - Ballot Measure Title

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

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

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

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

## [EC 14287](#) - Identifying information

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.

## [13209](#) Alternate languages

Whenever a foreign translation of the ballot is required by the federal Voting Rights Act of 1965, as amended by Public Law 94-73, to appear on the ballot as well as the English language version, the ballot, including a ballot reference page or pages as specified in Section 301, may be so designed as to place the foreign translation next to the voting target.

## [13214](#) - voting targets and binding

The left-hand side of the first column of names on the ballot and the right-hand side of the last column of voting targets on the ballot shall be bordered. The binding or stitching of each package of ballots shall be along the top or head of the ballot. If

ballots are to be used on a ballot on demand system or another system that prints content onto ballots, ballots are not required to be bound or stitched.

[EC 7779](#) - Peace & Freedom - Order

The order of appearance of the names of the candidates for member of central committees on the ballot shall be determined by a public drawing held at the time, place, and manner prescribed for determining the order of names of county central committee members pursuant to Chapter 2 (commencing with Section 13100) of Division 13.

[EC 7780](#) - Peace & Freedom Central Committee

The office of member of central committees may be placed on the presidential primary ballot under the heading "Party Central Committees" in the place and manner designated for the office of county central committee pursuant to Chapter 2 (commencing with Section 13100) of Division 13. The subheading printed under party central committees on the presidential primary ballot shall be in substantially the following form:

Member of Peace and Freedom Party  
Central Committees, 55th Assembly District  
or  
Member of Peace and Freedom Party  
Central Committees, Alpine County

## **Ballot designations**

The working group discussed these sections, but decided that it was out of scope for the committee.

[13106](#) - No degree or title

No title or degree shall appear on the same line on a ballot as a candidate's name, either before or after the candidate's name, in the case of any election to any office.

[13107](#) - Long designations provision

(a) With the exception of candidates for Justice of the State Supreme Court or court of appeal, immediately under the name of each candidate, and not separated from the name by any line, unless the designation made by the candidate pursuant to Section 8002.5 must be listed immediately below the name of the candidate pursuant to Section 13105, and in that case immediately under the designation, may appear at the option of the candidate only one of the following designations: (long list follows)

[13107.3](#) - Worksheet

(a) A candidate who submits a ballot designation pursuant to subdivision (a) of Section 13107 shall file a ballot designation worksheet that supports the use of that ballot designation by the candidate, in a format prescribed by the Secretary of State.

(b) The ballot designation worksheet shall be filed with the elections official at the same time that the candidate files his or her declaration of candidacy.

(c) In the event that a candidate fails to file a ballot designation worksheet in accordance with subdivision (a), no designation shall appear under the candidate's name on the ballot.

### [13107.5](#) - Community volunteer

(a) A candidate's ballot designation as "community volunteer" shall constitute a valid principal vocation or occupation for purposes of subdivision (a) of Section 13107, if not otherwise in violation of any of the restrictions set forth in that section, and subject to the following conditions:

(short list follows)

## **Ballot stubs**

The working group looked at these sections and decided that unless all requirements for ballot stubs are to be removed, there are no other changes to recommend.

### [13215](#) - stubs and perforations

(a) The ballots may be printed on the same leaf with a stub not over one inch in depth. The stub may be separated from the ballot by a horizontal perforated line or rule from side to side. Upon this stub shall be printed only the number of the ballot.

(b) Stubs are not required on ballots to be used on a ballot on demand system or another system that prints content onto the ballot.

### [13216.5](#) - Stub may be used, with secrecy

A ballot stub may be used, but is not required, for a ballot produced on demand if the quantity of ballots produced for the election can be reconciled by the ballot processing method used by the system generating the ballot for use. The ballots may contain printed and distinguishing marks if secrecy in voting is protected.

### [13217](#) - Printing specs for numbers on stubs

(a) The number on each ballot shall be the same as that on the corresponding stub, and the ballots and stubs shall be numbered consecutively in each county, or the ballots and stubs may be numbered consecutively within each combination of congressional, senatorial, and Assembly districts in each county. In a partisan primary election, the sequence of numbers on the official ballots and stubs for each party within each county, or within each political subdivision in each county, shall begin with the number 1.

(b) In counties using vote centers, ballots may be serialized in the way that best promotes ballot accounting and with the greatest economic efficiency for the county.

## New requirement suggestions

### Holes in envelopes

Election officials have to consider the placement of holes in VBM envelopes, similar to the way creases in ballots are considered in ballot layout.

Should this be considered as a committee recommendation?

This was discussed with CA OVSTA

- Envelopes are not regulated by OVSTA.
- They vary by county, so this is election administration issue
- Ballot layout and mailing vendors often have guidance and tools to support elections offices.

### Candidate display on electronic marking interfaces

How long lists of candidates are displayed when there are too many to fit on one screen has been a topic of several discussions outside of BDAC.

Ballot presentation and interaction design is specified in OVSTA requirements.

This was discussed with CA OVSTA

- OVSTA is looking into this issue. This is a slow process, but allows all views to be heard.
- It is part of a broader discussion about updates to the CA certification requirements, including looking at new changes in the federal requirements in VVSG 2.0

### Consistency among voting systems

This was a discussion item about what we can do to promote consistent designs among ballots from counties using the same voting system.

This was discussed with CA OVSTA

- Vendors are required to have a working group meeting once a year with counties using their systems. This could be a topic for those meetings.
- California allows counties discretion in how they design their ballots, as long as it's within code. Local practice has to be considered.
- CACEO could facilitate county vendor-group discussions

## Review of comments from Richard Michael / CAElectionWatchDog

Comments are snipped for reference. Please see the full comment email for more details.

**EC 301 Ballot** - "However you decide to do this, a ballot should, simply, be a set of the instructions and ballot labels, however presented, for all elections consolidated on the same election day or for elections that are not consolidated."

- No change. The committee recommendation is more neutral and includes identification of different presentation modes that must be considered.

**EC 302 Ballot Card** - "In my opinion, your proposal is worse. The card is a piece of paper. In voting systems, there is a counter called 'cards counted.' A ballot card should be one side of a piece of paper containing instructions and ballot labels."

- There are current practice and other historical considerations.
- A "card" is a single sheet of paper. A ballot may be printed on both sides of the "card" for a two-page ballot. For example, a 3-page ballot will be printed on two cards.
- All ballots are now capable of being double-sided, unlike the original punchcards.
- This definition is also important for RLA.

**EC 303.5** - "Measures, in general, do not have titles. Only a state measure, which goes through a lengthy process, has a title and summary...The confusion caused by sloppy language in the code, in court decision, and in general use, gives cover to local agencies who wish to pass a measure by adding a title to the question. This is not permitted under EC 13119. The quoted language in EC 13119 had not changed since 1911 until the Measure M 'fix' where 'ordinance' was replaced with 'measure.'...EC 303.5(a) and (b) should be repealed. EC 9050 et seq. provide a complete description of what is required."

- Beyond the scope of the BDAC

**EC 13109 - Order on ballot** - "In my opinion, EC 13109 should specify the order of initiatives, referenda, and advisory questions. Additionally, each should have a separate heading. We already know that referenda are confusing because a no vote is a vote to repeal a legislative enactment. See Proposition 25 (2020). It should be clear to voters that initiatives are enactments of law, referenda are repeals, and advisory questions are neither."

- Beyond the scope of the BDAC
- 13109(n) and (o) already address the order of measures and allow room to adjust the order for efficient ballot layout while following other rules.

## **Comments on agenda documents**

- Several of these comments are aimed at an illustration meant to show the variety of contests and how they would be handled. These were early discussion items, not completed recommendations.

## **Ballot instructions:** "vote for two" and "vote for not more than two"

- Previously discussed

**Typography of ballot measures** - "No special attention should be granted to any text in a ballot label. Counties allow abuse of this on initiatives, whether by petition or by vote of local governing body."

This comment was illustrated with a large collection of links to 2020 General election ballots showing the use of text in bold, all caps, or both.

- Many counties print measures as they receive them, including titles and typography.
- Using typography to highlight the opening text or heading that summarizes the top of the measure is helpful to voters, both in understanding the question and easily identifying the beginning of each question on a long ballot.

**Don't overvote** - "Voters have a right to overvote in order to prevent a blank being changed by an enterprising person with physical access to the ballot."

- This is not in the recommendations
- "Enterprising" voters are free to ignore the instructions.
- Reducing unintentional overvotes makes election administration easier.

**Top 2 instructions** - ""All voters may vote for all contests and questions on this general election ballot." This is misleading. Because of differences between federal, state, and even local law, some "voters" may be permitted to vote in some state or local contests that are not permitted in federal contests."

- The original text also says "all voters"
- Voters should not be given ballots that contain contests they are not allowed to vote on.

**Question about designations** and complying with 13107

- Questions about a county's ballot should be taken up with that county

**Writing ballot labels for measures** - "If there is one fix that would likely universally benefit all voters in the state, it would be that the ballot label for a measure by petition should be set in stone at the same time as the petition is approved for circulation. The horror stories at the statewide level always make the

news. The horror stories at the local level deprive the voters of their reserved power to initiative and referendum.”

- Out of scope for BDAC