

Ballot Design Advisory Committee

(Elections Code § 13218)

Report & Recommendations to the California Secretary of State



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Ballot Design Advisory Committee

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This document can be found online at:
<https://www.sos.ca.gov/elections/bdac>

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Executive Summary

This report contains findings and recommendations from the Ballot Design Advisory Committee (BDAC) to the Office of the Secretary of State. The BDAC is a panel of local elections officials, voting system vendors, ballot design experts, and state officials. The California State Legislature mandated the BDAC pursuant to Assembly Bill 623 in 2019 and was formed in 2021. The BDAC is charged with providing the California Secretary of State with recommendations for improved ballot design.

The BDAC found that elections officials require more flexibility in font size, especially for jurisdictions that offer elections materials in multiple languages. Committee members also discussed the constraints around required ballot instructions, which are not offered in plain language to help the voter fully understand the ballot. Based on its findings, the BDAC makes the following recommendations:

Recommendation 1: Engage the California State Legislature and the California Association of Clerks and Election Officials in adopting the BDAC's recommendations to increase readability and usability of ballots, and to provide elections officials with the flexibility needed to meet voter needs.

Recommendation 2: Engage the California State Legislature and the California Association of Clerks and Election Officials in eliminating obsolete sections of the Elections Code affecting ballot design.

Recommendation 3: Promulgate regulations and/or resources that provide elections officials and voting system vendors with guidance and best practices on ballot design.

Introduction

Designing a ballot is a key component of administering every election. Ballot design not only affects the visual presentation of voter choices, but also the voter's ability to know how to mark their ballot so that their vote will count. Legislative requirements and voting system programs provide elections officials with the parameters necessary to design a ballot. Ballot design considers elements like font size, paragraph alignment, word count limitations, paper size, column width, and voter instructions, among other things. To best serve voters, ballots must be easy to understand and use, visually comprehensive, and avoid jargon. They must also give elections officials the ability to adjudicate and count the voter choices.

Over the last 20 years, there have been numerous updates to Division 13 of the California Elections Code, which houses the vast majority of laws governing ballot design. Since the 2000 Presidential election, voting technology has shifted away from punch card technology, which was replaced with direct recording electronic systems, and have since been replaced again with paper-based voting systems. Every update to voting system technologies requires some changes to the Elections Code. Many of those changes have focused on sections of the Code that needed to be changed ahead of elections, with few opportunities to take a holistic approach to updating ballot design laws.

The Secretary of State established the Ballot Design Advisory Committee (BDAC) in April 2021 and solicited applications for prospective members. Committee members were notified of their appointments on June 23, 2021 and held the BDAC's first public meeting over Zoom on July 8, 2021. Committee members consist of local elections officials, voting system vendors, and experts from the nonprofit sector. Secretary of State staff were present at every meeting and supported BDAC's public meetings, working group meetings, and research.

What follows is a summary of eight public meetings and eight working group sessions held via Zoom. The BDAC report sets out the Committee's key findings and presents recommendations to the Secretary of State. This report includes recommended legislative changes, visual aids used in public discussions, and a survey administered to counties.

Legislative Mandate

Elections Code section 13218 provides that the Secretary of State "shall establish a ballot design advisory committee to assist the Secretary of State to promulgate regulations that prescribe ballot design and format." The committee members must consist of staff from the Office of the Secretary of State and appointed committee members who have demonstrated experience in ballot design and knowledge of presenting voters with elections materials in plain language.

This legislative mandate was made pursuant to Assembly Bill 623 in 2019¹, which made several changes to ballot design requirements. The bulk of the changes were deemed necessary to provide elections officials with flexibility in ballot design and timely given the concurrent decertification of voting systems.²

When the BDAC met in July 2021, committee members discussed the need for further legislative changes, based on the experience of local officials administering elections in 2020 and 2021. Specifically, committee members expressed the need for more flexibility than provided by AB 623 and the opportunity to include basic ballot instructions for recall elections. The Committee co-chairs agreed that the BDAC ought to pivot its attention toward concrete legislative changes, vetted by the BDAC, that would support future ballot design and plain language recommendations. Based on the legislative history of AB 623, the BDAC believes that providing the Secretary of State with legislative recommendations is consistent with the Committee's mandate.

Committee Findings

General Observations. The Ballot Design Advisory Committee (BDAC) finds that providing elections officials with more flexibility to design ballots than the current law provides will benefit voters in terms of increased usability and readability. While local elections offices work diligently to comply with all legal requirements, the BDAC finds that strict adherence has a negative the impact on ballot design and, consequently, voters who rely on officials to cut through the complexity of an election and explain, simply and concisely, how voting works.

One stark example of the rigidity of current state ballot design requirements appears at the top of Chapter 3 of Division 13, which states that “ballots not printed in accordance with this chapter shall not be cast nor counted at any election.”³ In effect, a minor administrative error or design characteristic of a state-certified voting system could potentially invalidate millions of ballots across the state. For instance, the Code's references to the “voting target” appearing at the right of the voter's selection, whether that be a candidate name or the words “yes” and “no.”⁴ Several state-certified systems place the target to the left of the voter's choice, as is

¹ For the text and other information related to AB 623, please refer to Bill Information from the California State Legislature, https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB623 (last visited July 22, 2022).

² For a direct link to bill analysis, please refer to the following link https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201920200AB623 (last visited July 22, 2022).

³ Cal. Elec. Code § 13200

⁴ There have been several good faith efforts made by the California Association of Clerks and Election Officials, as well as the state legislature, to identify all references to voting targets and ensure that they are generalized

consistent with best practices for ballot design. BDAC members believe that voters should not be wholly disenfranchised as a result of minor technical flaws in ballot design.

Ballot Instructions. The BDAC finds that the laws governing the placement and content of ballot instructions are also rigid and do not always align with voter needs or administrative reality. Ballot instructions must appear at the top of the ballot, which might work for elections with only one or a few contests. However, voting in California is complex and ballots can be very long. Instructions for party nominated, voter nominated, and nonpartisan contests all appear upfront but may not clearly communicate why the distinction matters for the voter or which candidate contests fall under those categories.

The required language for ballot instructions is unnecessarily wordy and uses jargon that makes the instructions onerous reading. County elections officials, for example, are not permitted to simply state “fill in the bubble” or “darken the square” when providing voters with instructions on how to mark a ballot—that is, not without violating EC 13200. Rather, elections officials are required to instruct voters to “mark the voting target” next to the candidate name or vote on a measure. While the language was undoubtedly intended to accommodate the variety of design options offered by certified voting system vendors, the BDAC believes that more flexibility for elections officials using different voting systems and clearer instructions to voters can easily be built into the Elections Code.

Required ballot instructions also direct voters to use particular kinds of writing instruments to mark their ballots, and even provides voters with different options for marking vote by mail ballots versus those administered in-person at voting locations. The required instructions to voters clearly state that the voter should use a pen or pencil to mark their vote by mail ballot.⁵ The BDAC finds that most elections officials actively encourage voters to use blue or black pens and discourage the use of pencils, even for vote by mail ballots. However, the Code also directs elections officials to tell voters that an in-person ballot marked in pencil will not be counted⁶—even though precinct scanners in several counties may accept and accurately record the voter’s choices if marked using pencil.

The problem is that, in most or all counties, the same instructions used to administer vote by mail ballots are the same instructions used to administer in-person voting. A similar issue arises in the ballot instructions that direct voters to get a replacement ballot from a precinct board

enough to allow voting system vendors to change the location of the target. Some references may not have been identified and updated yet.

⁵ Cal. Elec. Code § 13204

⁶ Cal. Elec. Code § 14284

member if the ballot is mismarked.⁷ If the voter is voting by mail, instead of asking for a replacement, the voter may indicate their actual intent by crossing out the mistake, marking their intended selection, and writing the word “yes” next to the selection the official ought to count—the flagged overvote is then resolved in adjudication.⁸ At least some voting systems used in California do not permit the elections official to create different sets of instructions within the same election, making any customized instructions for vote by mail and in-person voters infeasible.

The BDAC does not have any evidence showing that the Code as currently written leads to more voter errors or residual votes. The instructions can, however, lead to increased worries and concerns for voters who desire clear direction for how to mark a ballot and want guidance on what, if anything, might invalidate their choices. In the current political climate, lack of clarity can be discouraging for voters and might fuel further mis- and disinformation about the elections process.

During the September 14, 2021 Gubernatorial Recall Election, for example, the BDAC talked about how misinformation about the voting process left many voters wondering how a vote on Question 1 (whether Newsom should be recalled) could affect how county officials tabulated a choice on Question 2 (who should replace Newsom if recalled). Some BDAC members and their staffs fielded phone calls from concerned voters who were worried whether a “No” vote on the recall would preclude elections officials from counting a vote for a replacement candidate. Other voters believed that writing in “Gavin Newsom” on Question 2 would “cancel” the ballot altogether, as the current election laws prevent the subject of a recall from running as a replacement candidate. Though county elections officials had state guidance on what the recall ballot instructions should include, many on the BDAC felt that the instructions were not clear enough to address voters’ immediate concerns. Providing voters with simple, clear instructions may not address every voter’s concern, but can provide answers to common questions about the nature of an election and how to mark a ballot.

We recommended changes to the instructions at the top of the ballot but did not resolve a discussion for additional instructions to vote in both the recall and replacement elections. Instead, we propose a more general recommendation for recall election ballots that allows local elections officials to take into account the exact format of the ballot.

Design Elements. The BDAC finds that the visual clarity of a ballot can have a positive impact on its usability and readability. Current requirements affecting design make ballots less appealing

⁷ Cal. Elec. Code § 13204

⁸ 2 CCR § 20982

to look at. For example, the law requires that the ballot instructions and other parts of the ballot be capitalized. The Elections Code also requires that ballot stubs use capitalization and bolding for large sections of text. Research has shown that the use of all caps might be useful in some cases but overall is difficult to read and perhaps even inaccessible to some voters.⁹ Providing elections officials with the option to use sentence case for large sections of text will offer voters a ballot that is easier to read and understand.

The BDAC also finds that some ballot design requirements contained in the Elections Code are inconsistent with those articulated in version 2.0 of the Voluntary Voting System Guidelines (VVSG 2.0)¹⁰, most notably, font sizes. VVSG 2.0 recommends font sizes no smaller than 10-point font. However, several parts of the California Elections Code provide that some text may appear as small as 8-point font.¹¹ For voters with sight limitations, anything smaller than 10-point font might be inaccessible or discouraging.

The BDAC spent considerable time talking about the decision to use multiple columns on a ballot page and how much the Elections Code ought to regulate their appearance. While the BDAC does not have any specific recommendations for the Secretary of State on the appearance, spacing, or bounding when officials choose to use multiple columns, we find generally that more flexibility will give elections officials more freedom to design ballots and will put fewer constraints on voting system vendors as they continue to iterate their software.

The BDAC also discussed the need for visual examples for elections officials to refer to as they design ballots for each election. These visual examples could be offered in a repository maintained by the Secretary of State or contained within the California Administrative Code. Doing so will provide elections officials with guidance on design decisions and can serve as a useful basis of comparison during the design process.

Multilingual Ballots. Most counties are required to offer non-English speaking voters with election materials in the voter's preferred language. Some counties must provide multilingual ballots under the provisions of Section 203 of the Voting Rights Act. Multilingual ballots are required to include English, and some counties have even offered ballots in all required languages.

⁹ See <https://www.eac.gov/election-officials/designing-polling-place-materials>, cited from Effective Design for the Administration of Federal Elections
https://www.eac.gov/sites/default/files/eac_assets/1/1/EAC_Effective_Election_Design.pdf

¹⁰ The most up-to-date version of the VVSG is available here (last visited May 28, 2022):
https://www.eac.gov/sites/default/files/TestingCertification/Voluntary_Voting_System_Guidelines_Version_2_0.pdf.

¹¹ See, e.g., Cal. Elec. Code §§ 12311, 13202, 13210.

The BDAC finds that designing ballots containing multiple languages is complicated by font size and can cause elections officials to make very different design choices than if they were only required to design ballots in English. Elections officials who design multilingual ballots have struggled with the current font size requirements and expressed a desire for more flexibility in the ballot design phase of elections. Providing multiple languages will likely force the elections official to use more than one card, with two pages printed per card. Adding languages and ballot cards increases the cost of election administration. The BDAC believes that more flexibility in font sizing will help control the cost of elections and provide voters with well-designed, user-friendly ballots.

BDAC members in counties that provide multilingual ballots reported at least two main challenges. First, some reported that the minimum font sizes as currently required by the Code force elections officials to add more ballot cards and believed that some font sizing could be smaller without sacrificing readability. On a second related point, some languages that use non-Latin based characters require elections officials to provide the transliteration of names and certain words, i.e., provide the voter with phonetic pronunciation using characters that they can actually read, which has the potential to increase the length of a body of text considerably. The more jargon used in the instructions potentially increases the length of a multilingual ballot while simultaneously decreases its readability.

Technical Updates. There were a variety of issues that the BDAC identified that may be considered technical in nature but that, if updated, can provide elections officials and the public with some clarity and consistency when reading and understanding the Code. One example of an easy, non-controversial technical update includes consistency of references within the Code. For example, “elections officials” are also referred to as “election official” and “the official in charge of the election.”

The BDAC spent some time clarifying the definitions for “ballot” and “ballot card.” The current definitions failed to distinguish between how ballots are presented versus the content within a ballot. Though we all agreed that ballots contain candidates and measures for a voter to vote on, the definition did not clearly account for ballots presented on paper, on touch screens, and when delivered to the voter via remote accessible vote by mail. Relatedly, the definition of “ballot card” included some unnecessary language. The BDAC determined that it would be more consistent for the definition to mimic that provided for in the Risk Limiting Audits section of the California Administrative Code.¹²

The BDAC also noted that the state requirements for size of the voting target does not match

¹² 2 CCR § 20111(a)-(b)

the current VVSG 2.0 recommendations. While the VVSG is, by definition, voluntary for states, the BDAC finds value in adopting many of its recommendations, including voting target sizing.

The BDAC also finds that some parts of the Elections Code are obsolete. Most notably, there are several laws that were enacted to support punch card and direct recording electronic (DRE) voting technologies that, in the opinion of this Committee, are obsolete in California and should be permanently removed. For example, within the definition of a ballot card, the Code refers to a process of providing separate write-in cards to voters, no doubt to provide an opportunity for voters using punch card technology to write in a candidate name.¹³ While county elections officials may provide voters with several options for casting a ballot, the BDAC finds that the inclusion of a write-in space for every contest where appropriate is probably sufficient to meet voter needs.

Recommendations to the Secretary of State

Recommendation 1: Engage the California State Legislature and the California Association of Clerks and Election Officials in adopting the BDAC’s recommendations to increase readability and usability of ballots, and to provide elections officials with the flexibility needed to meet voter needs.

- Allow elections officials to be in “substantial compliance” with Division 13 so that they may use their professional discretion without invalidating thousands, and perhaps millions, of cast ballots.
- Update font size requirements to provide flexibility for jurisdictions providing multilingual ballots.
- Provide ballot instructions in plain language so that voters may easily understand the nature of every election and how to mark a ballot.
- Codify ballot instructions for state and local recall elections, which are not currently part of the Elections Code.
- Replace “voting target” on the ballot instructions with instructions to voters on how to mark the ballot that is specific to county voting systems.
- Eliminate the required use of capitalization when presenting instructions to voters to increase readability and accessibility.

¹³ Cal. Elec. Code § 302

- Allow elections officials to place the instructions for party nominated, voter nominated, and nonpartisan contests immediately before the first contest of each type and make it clear what those definitions mean by using plain language explanations.
- Simplify instructions and required language included on a ballot stub for counties that use them.
- Update font size, voting target, and other requirements to provide consistency with VVSG 2.0.

Recommendation 2: Engage the California State Legislature and the California Association of Clerks and Election Officials in eliminating obsolete sections of the Elections Code affecting ballot design.

- Eliminate references to punch cards and DREs, as these types of voting systems are no longer certified for use in California.
- Eliminate the need for separate write-in ballots needed for voting on punch cards.

Recommendation 3: Promulgate regulations and/or resources that provide elections officials and voting system vendors with guidance and best practices on ballot design.

- Offer visual aids, including examples of ballots using multiple columns and multiple languages, as examples for elections officials and vendors. This can be accomplished in a repository offered by the Secretary of State or included in the California Administrative Code.
- Consider offering regulations that further define elections official’s discretion when making ballot design and related decisions, including and not limited to jurisdictions that use multiple languages on a single ballot.
- Clarify what “substantial compliance” (or, what substantial *non*-compliance) means if adopting the BDAC’s recommended change to EC 13200.

Summary of text size recommendations

Section	Text size - at least:	Text element	How this changed
Ballot header			
13203	16 point bold	Official Ballot	Was 30 point bold all caps
13261	12 point bold	Official Ballot [on the stub]	12 point all caps bold
13203	12 point bold	Name of election/party for primary	Was 18 point bold all caps
13203	12 point	Election date	As large a possible
13203	8 point	Name of county (if not a seal/logo)	As large as possible
13204	10 point	Instructions at top of ballot	Same - 10 point
Contest headings and candidate names			
13213	10 point bold	Contest group headings	No type listed Was bold all caps
13210	10 point bold	Presidential contest heading	Was 12 point bold
13210	10 point bold	Contests: office title heading and "Vote for"	Was 8 point bold
12311 13202	10 point bold Multilingual, if needed 8 point bold	Names of candidates	Was 8 point bold caps
13105	8 point	Designation	No type size given

Appendix A: Legislative Proposal

Legislative Proposal

This section contains all of the recommendations made by the committee, organized by the three rounds of work:

- Round 1 - approved on November 18, 2021 - includes instructions, text sizes and other recommendations for potential early consideration.
- Round 2 - approved on February 7, 2022 - includes additional recommendations suggested by the committee.
- Round 3 - approved on April 28, 2022 - includes a final small group of recommendations.

Underlined text indicates the BDAC's proposed amendments to the current Elections Code. Text with strikethroughs indicate the BDAC's proposed deletions to the Code.

Election Code Sections in the Recommendations

- 301 (round 2)
- 302 (round 2)
- 303 (round 3)
- 303.3 (round 3)
- 303.4 (round 2)
- 305 (round 3)
- 344 (round 2)
- 6821 (round 2)
- 10704 (round 2)
- 11320 (round 2)
- 11320/new (round 3)
- 11322 (round 2)
- 11323 (round 2)
- 12208 (round 1)
- 12310 (round 1)
- 13105 (round 1)
- 13200 (round 1)
- 13202 (round 1)
- 13203 (round 1)
- 13204 (round 1)
- 13205 (round 1)
- 13206 (round 1)
- 13206.5 (round 2)
- 13207 (round 2)
- 13208 (round 1 & 2)
- 13211 (round 1)
- 13211.5 (round 2)
- 13212 (round 2)
- 13213 (round 1)
- 13214 (round 1)
- 13216 (round 2)
- 13216 (round 3)
- 13216.5 (round 3)
- 13220 (round 2)
- 13233 (round 2)
- 13261 (round 1)
- 13266 (round 1)
- 14284 (round 2)
- 14285 (round 2)
- 14286 (round 2)
- 14443 (round 2)
- 15210 (round 2)
- 15211 (round 2)
- 15360 (round 2 & 3)

Election Code Sections Discussed with No Recommendation

- 13106
- 13107
- 13107.5
- 13209
- 13215
- 13217
- 13220
- 14287
- 18400
- 18401
- 18402
- 18403

Round 1 Recommendations

13105

(a) In the case of a candidate for a voter-nominated office in a primary election, a general election, or a special election to fill a vacancy in the office of United States Senator, Member of the United States House of Representatives, State Senator, or Member of the Assembly, immediately ~~to the right of and on the same line as~~ following the name of the candidate, or immediately below the name if there is not sufficient space on the same line ~~to the right of the name~~, there shall be identified in at least 8 point type, as specified by the Secretary of State, the designation made by the candidate pursuant to Section 8002.5. The identification shall be in substantially the following form: [continues without change]

Justification: Adding a minimum text size in a hierarchical relationship to the other type sizes.

13200

Ballots not printed in ~~accordance~~ substantial compliance with this chapter shall not be cast nor counted at any election.

Justification: Counties sometimes need to make technical changes that do not conform to Elections Code but that make ballots readable and understandable. Softening this requirement should reduce the chance of a lawsuit against counties.

13202

(a) All ballots of the same sort prepared by any county elections official, clerk or secretary of a legislative body, or other person having charge of preparing ballots for the same polling place, shall be precisely the same size, arrangement, quality and tint of paper, and kind of type, and shall be printed with ink of the same tint, so that without the numbers on the stubs it is impossible to distinguish any one of the ballots from the other ballots of the same sort.

(b) The names of all candidates printed upon the ballot shall be in type of the same size and character. If there is not sufficient space for a candidate name, the size may be adjusted as close as possible to the size and character of all the other candidate names printed upon the ballot.

(c) For multilingual ballots, if there is not sufficient space for candidate names in all languages at the size required in 13211, the size be uniformly adjusted to be to a minimum of 8 points.

Justification: Adjusting the type sizes to work for multilingual ballots, when necessary, while still being easy to read.

13203

~~Across~~ At the top of the first page of the ballot shall be printed in boldface capital type not smaller than 30 point, in at least 16 point bold type, the words “OFFICIAL BALLOT.” “Official Ballot.” Beneath this heading, the name of the election shall be printed in at least 12 point bold type and, in the case of a partisan primary election, shall be printed in 18 point boldface capital type the official party designation or the words “NONPARTISAN BALLOT” “Nonpartisan Ballot” as applicable. After the heading line or lines, there shall be printed, in boldface type as large as the width of the ballot makes possible, the number of the congressional, Senate, and Assembly district, the name of the county in which the ballot is to be voted, and the date of the election, in at least 12 point type, the date of the election and in at least 8 point type, the name of the county in which the ballot is to be voted. The county name may alternatively be displayed in the county seal or logo. In addition, the ballot shall have printed at the top or bottom of each card, a ballot style identifier or some other means of identifying the number of the congressional, Senate, and Assembly district.

(Amended by Stats. 2019, Ch. 863, Sec. 6. (AB 623) Effective January 1, 2020.)

Justification: Adjusting the type sizes to work for multilingual ballots and other ballot designs in use, while still being easy to read.

13204

(a) The instructions to voters shall be printed below the ballot identification and above the contests to be voted on, or the first column of the ballot with no contests placed below the instructions. The instructions shall be in at least 10 point type and be in an area clearly separated from the ballot contests.

(b) The instructions shall be written in plain language to communicate the following information: How to vote for a candidate or in a contest with Yes/No options, how to write in a candidate, and what to do if you make a mistake.

The instructions may also include warnings and checks to help voters mark their ballot correctly and avoid errors. Instructions for specific types of contests are only required if a contest of that type appears on the ballot.

(c) The following text for these instructions is recommended and may be adapted to be accurate to the administration and voting system or ballot format in each county:

Instructions for voting

To vote for a candidate, completely fill in the [voting target] next to their name or the word Yes or No.

To vote for a qualified write-in candidate, write the name in the blank space provided

and fill in the [voting target]

If you make a mistake, [instructions for making a correction] [or ask for a new ballot].

Make sure your vote counts

Use a [blue or black ballpoint pen].

Do not select more candidates than the number to be elected.

You may vote in as many or as few contests as you want.

A mistake in one contest does not affect the rest of the ballot.

(d) The instructions may be accompanied by illustrations, customized to the ballot design in each county, that show the correct way of marking a selection on the ballot, writing in a candidate name, or correcting a mistake.

~~(a) The instructions to voters shall be printed below the district designation. The instructions shall begin with the words "INSTRUCTIONS TO VOTERS:" in no smaller than 16-point capital type. Thereafter, there shall be printed in 10-point 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, mark the voting target next to the word "Yes," to the right of the name of the candidate. To vote against that candidate, mark the voting target next to the word "No," to the right of the name of that candidate."~~

~~"To vote for any other candidate of your selection, mark the voting target next to 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, mark the voting target next to the candidate's name."] Where two or more candidates for the same office are to be elected, place a mark next to 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, mark the voting target next to 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 mark, tear, or deface this ballot, return it to the precinct board member and obtain another."~~

~~"On vote by mail ballots mark with pen or pencil."~~

~~(b) The instructions to voters shall be separated from the portion of the ballot that contains the~~

~~various offices and measures to be voted on.~~

Justification: Making the text shorter and clearer so it is more helpful for voters. Giving counties the flexibility to make the instructions accurate for their voting systems and procedures while providing a recommended sample text. Clarifying what instructions are required vs. recommended or optional.

Note: Examples of illustrations, originally created for California voter guides are included in the collection: <https://www.electiontools.org/tool/civic-icons-and-images/> with versions for all different marking targets.

13205

Additional instructions to voters shall appear on the ballot prior to those provided for in Section 13204 under the following conditions:

(a) In a primary election at which candidates for delegate to national convention are to be voted upon, the instructions shall read:

“To vote for a candidate for the party’s nomination for President fill in the [voting target] next to their name.”

~~“To vote for the group of candidates preferring a person whose name appears on the ballot, mark the voting target next to the name of the person preferred. To vote for a group of candidates not expressing a preference for a particular candidate, mark the voting target next to the name of the chairman of the group.”~~

(b) In elections when electors of President and Vice President of the United States are to be chosen, there shall be placed upon the ballot, in addition to the instructions to voters as provided in this chapter, an instruction as follows:

“To vote for President and Vice President, fill in the [voting target] next to their names. This is a vote for electors pledged to those candidates.”

~~“To vote for all of the electors of a party, mark the voting target next to the names of the presidential and vice presidential candidates of that party. A mark of the voting target next to the name of a party and its presidential and vice presidential candidate, is a vote for all of the electors of that party, but for no other candidates.”~~

~~(c) If a group of candidates for electors has been nominated under Chapter 3 (commencing with Section 8400) of Division 8, and has under Chapter 1 (commencing at Section 8300) of Division 8 designated the names of the candidates for President and Vice President of the United States for whom those candidates have pledged themselves to vote, the instructions to voters shall~~

~~also contain the following:-~~

~~“To vote for those electors who have pledged themselves to vote for a candidate for President and Vice President not supported by any particular party mark the voting target next to the names of those presidential and vice presidential candidates.”~~

~~(d) If a group of candidates for electors has been nominated by a party not qualified to participate in the election, the instructions to voters shall also contain the following:-~~

~~“To vote for those electors who have pledged themselves to vote for a candidate for President and for Vice President of any party not qualified to participate in the election write in the names and party of those presidential and vice presidential candidates in the blank space provided for that purpose.”~~

Justification: Making the text shorter and clearer so it is more helpful for voters, while still meeting the meaning of the original text.

13206

(a) On the partisan ballot used in a direct primary election, immediately before or above the contest for President, the following words shall be printed on ballots of parties that require registration in their party to vote in their primary:

“Party-Nominated Offices

Only voters registered in the [name of party] may vote in this primary election for President and party committee.”

In the same location, the following words shall be printed on ballots of parties that allow “crossover” voting by voters with no party preference,

“Party-Nominated Offices

Voters registered in the [name of party] may vote in this primary election for President and party committee. Some parties may allow voters with no party preference to vote in their primary election for President”

For voting systems that do not allow variance in instructions, the following words shall be printed:

“Party-Nominated Offices

Voters registered in the same party as the candidates may vote in this primary election for President and party committee. Some parties may allow voters with no party preference to vote in their primary election for President”

~~below the instructions to voters, there shall be a box. Within the box shall be printed the words “Party-Nominated Offices.” Immediately below that phrase within the same box shall be printed the following: “Only voters who disclosed a preference upon registering to vote for the same party as the candidate seeking the nomination of any party for the Presidency or election to a party committee may vote for that candidate at the primary election, unless the party has adopted a rule to permit non-party voters to vote in its primary elections.”~~

(b) Before or above the first voter-nominated contest, the following words shall be printed:

“Voter-Nominated Offices

All voters may vote in these contests.

Candidates display a party preference (or None) for the information of voters. This is not a party endorsement or approval.”

(c) Before or above the first nonpartisan contest, or in the same area as the notice for voter-nominated offices, the following words shall be printed:

“Nonpartisan Offices

All voters may vote in all of these contests.

Candidates for these offices do not display a party preference.”

~~The same style of box described in subdivision (a) shall also appear over the columns of the nonpartisan part of the ballot and within the box in the same style and point size of type shall be printed “Voter-Nominated and Nonpartisan Offices.” Immediately below that phrase within the same box~~

~~“All voters, regardless of the party preference they disclosed upon registration, or refusal to disclose a party preference, may vote for any candidate for a voter-nominated or nonpartisan office. The party preference, if any, designated by a candidate for a voter-nominated office is selected by the candidate and is shown for the information of the voters only. It does not imply that the candidate is nominated or endorsed by the party or that the party approves of the candidate. The party preference, if any, of a candidate for a nonpartisan office does not appear on the ballot.”~~

Justification: Making the text shorter and clearer so it is more helpful for voters, while still meeting the meaning of the original text.

13210

(a) In the case of candidates for delegate to national convention, there shall be printed ~~in boldface type, not smaller than 12-point~~ in at least 10-point bold type, across the column above the names of the persons preferred by the groups of candidates for delegates, the words,

~~“President of the United States.” The words and “Vote for one group only.” shall extend to the extreme right hand margin of the column.~~

(b) In the case of candidates for President and Vice President, the words “Vote for One Party” shall appear just below the heading “President and Vice President” and shall be printed so as to appear above the voting targets for that office. The heading “President and Vice President” shall be printed in at least 10 point bold type. ~~boldface 12 point type.~~

(c) In that section of the ballot designated for judicial offices, next to the heading “judicial” shall appear the instruction:

“Vote yes or no for each office.”

(d) In the case of candidates for Justice of the Supreme Court and court of appeal, within the rectangle provided for each candidate, and immediately above each candidate’s name, there shall appear the following:

“For (designation of judicial office).”

There shall be as many of these headings as there are candidates for these judicial offices. No heading shall apply to more than one judicial office.

Underneath each heading shall appear the words

“Shall (title and name of Justice) be elected to the office for the term provided by law?”

(e) In the case of all other candidates, each group of candidates to be voted on shall be preceded by the designation of the office for which they are running, and the words “vote for one” or “vote for no more than two,” or more, according to the number to be nominated or elected.

The designation of the office and the words “vote for _____” shall be printed ~~flush with the left-hand margin in at least 9 point bold type boldface type not smaller than 8 point.~~ The words, ~~“vote for _____” shall extend to the extreme right hand margin of the column. The number of candidates to be nominated or elected shall be printed in boldface type.~~ The designation of the office and the directions for voting shall be separated from the candidates by a light line. There shall be no line between the headings for federal or legislative offices and the designation of the office and the directions for voting.

Justification: Adjusting the minimum text size to be consistent with the overall text size requirements and make the ballot easier to read.

13211

The names of the candidates shall be printed on the ballot, without indentation, in at least 10 point bold type. ~~in capital, boldface type not smaller than 8 point.~~

(Amended by Stats. 2019, Ch. 863, Sec. 14. (AB 623) Effective January 1, 2020.)

Justification: Adjusting the minimum type size to be easier to read. See 13202 for adjustments to smaller type for multilingual ballots. Note that 10 points is in the VVSG 2.0 requirements.

13213

Each group of names of candidates for a particular office shall be separated from the succeeding group. Each series of groups shall be headed by ~~the~~ a caption "President of the United States," "President and Vice President," "State," "United States Senator," "United States Representative," "State Senator," "Member of the State Assembly," "County," or "City" or other proper general classification, as the case may be, printed in at least 10 point bold type. ~~– boldface capital type.~~ Each caption shall be separated from the names of the candidates beneath.

Justification: Remove all caps and simplify the text

13214

~~The left hand side of the first column of names on the ballot and the right hand~~ All side sides of the ~~last column of voting targets~~ columns 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.

Justification: CACEO has successfully made updates to the Code to eliminate reference to voting targets being to the right of candidates' names or to the right of the words "Yes" and "No." This is the same kind of change that we all apparently missed in past legislative sessions.

ARTICLE 4.

~~Punchcards~~ Ballot Cards

Justification: Removing the word punchcards

13261

(a) Each ballot card ~~shall~~ may have two stubs attached. The stubs shall be separated ~~from the ballot card and from each other~~ by perforated lines so that they may be readily detached from

the ballot card.

(b) (1) One stub shall have the serial ballot number printed on it, and shall be detached from the remainder of the ballot before it is handed to the voter.

(2) The second stub shall have printed on it all of the following:

(A) The same ballot serial number.

(B) The words "This ballot stub shall be removed and retained by the voter."

(C) The words ~~"OFFICIAL BALLOT"~~ "Official Ballot" in ~~uppercase~~ boldface type no smaller than 12 point.

(D) In primary elections, the party name, e.g., "Democratic Party," or the words "Nonpartisan Ballot," as applicable.

(E) The name of the county.

(F) The date of the election.

(G) Where not otherwise provided, instructions to the voter on how to mark the ballot with the marking device, how to vote for a candidate whose name is not printed on the ballot, and how to secure an additional ballot card if the ballot card is spoiled or marked erroneously.

(3) If the information listed in subparagraphs (A) to (G), inclusive, of paragraph (2) must also appear in one or more languages other than English under the provisions of the federal Voting Rights Act of 1965 as extended by Public Law 94-73, and there is insufficient room for all the information to be set forth in all the required languages while at the same time appearing in a type size sufficiently large to be readable, the official in charge of the election may delete information set forth in subparagraphs (E) and (F) of paragraph (2), in the order listed, until there is sufficient room.

(c) In addition to the instructions to voters printed on the ballot or ballot stub, there shall be displayed in each voting booth instructions to voters substantially in the same form and wording as appears on paper ballots.

Precinct numbers may also be placed on the ballot.

Justification: EC 13215, 13216, 13216.5, and 13267 make it clear that ballot stubs aren't actually required if counties meet other conditions; most of these sections of Code were updated recently. (Stubs also have design elements included. Nevada County doesn't use ballot

stubs, so I have no informed opinion to offer the BDAC.) Other changes included that conform with BDAC's recommendations on capitalization. EC 13261 was last updated in 1997.

13266

~~If punchcard ballots are used for vote by mail voting, the ballots shall be marked by pencil, or by a marking device that enables the voter to register his or her vote by punching or slotting the ballot card. Counting of punchcard ballots marked by pencil may be as with paper ballots, or a true duplicate copy of each ballot may be prepared using the same procedure as provided by Section 15271. Vote by mail voter ballots so prepared shall be counted by the counting device.~~

Justification: As far the committee is aware, counties don't use punchcard technology anymore.

Round 2 Recommendations

301

A ballot is the presentation of the contests consisting of offices and measures, and the candidates and options to be voted on. The contents may be rendered using various methods of presentation (visual or audio), language, or graphics.

The ballot presentations may include:

A “ballot” means any of the following:

~~(a) The combination of a card with number positions that is marked by the voter and the accompanying reference page or pages containing the names of candidates and the ballot titles of measures to be voted on with numbered positions corresponding to the numbers on the card.~~

~~(b) One or more cards upon which are printed the names of the candidates and the ballot titles of measures to be voted on by punching or marking in the designated area.~~

~~(a) (c) One or more sheets of paper upon which are printed the names of candidates for each contest and the ballot titles of measures to be voted on by marking the designated area and that are tabulated manually or by optical scanning equipment.~~

~~(d) (1) An electronic touchscreen upon which appears the names of candidates and ballot titles of measures to be voted on by touching the designated area on the screen for systems that do not contain a paper ballot.~~

(b) (1) An electronic device on which the names of the candidates for each contest and the ballot titles of measures to be voted on are selected by touching the screen or using other physical controls.

(2) The printed ballot produced by a ballot marking device may be a list of voter selections or may be a facsimile of a marked pre-printed ballot.

~~(2) An electronic touchscreen may qualify as a ballot even for systems that contain paper ballots if the votes are tabulated manually or by optical scanning equipment.~~

Justification: the original Section (a) and (b) are descriptions of punchcards. Update the definition of ballot to separate content and presentation and re-letter

302

“Ballot card” means a card or a number of cards upon which are printed, or identified by

reference to the ballot, the names of candidates for nomination or election to one or more offices or the ballot titles of one or more measures.

~~The ballot card shall also contain proper blank spaces to allow the voter to write in names not printed on the ballot unless a separate write in ballot is used. The separate write in ballot may be a paper ballot, a card, or the envelope used to enclose a ballot card. Determination of the format of a separate write in ballot shall be within the discretion of the elections board. The separate write in ballot shall provide a blank space followed by the word "office" and a second blank space followed by the word "name" for purposes of facilitating write in votes for offices for which write in votes may be cast, or may provide a space for writing in the name followed by a space for punching or slotting in order that the vote may be tabulated. All separate write in ballots may, in the discretion of the elections board, have attached thereto two stubs that comply with Section 13261 regarding the stubs attached to a ballot card, except that the information required under subparagraphs (C) to (G), inclusive, of paragraph (2) of subdivision (b) of Section 13261 and instructions to voters on how to vote for persons whose names do not appear on the ballot may be printed on the write in ballot and not upon a stub. Any serial numbers appearing on the write in ballot stubs need not be identical to the serial numbers appearing on the stubs attached to the ballot card or cards handed to the voter. Sections 13002 to 13006, inclusive, shall not apply to the preparation and composition of separate write in ballots authorized by this section. Sections 14403 and 14404 shall not apply to separate write in ballots used in an election in which a punchcard voting system is used.~~

Justification: Clarification. Possibly: remove section on write-in cards as no longer part of current election practice.

303.5

(a) "Ballot measure title" is the name of a statewide measure included in the ballot label and the ballot title and summary.

(b) "Ballot title and summary" means the summary of the chief purpose and points including the fiscal impact summary of any measure that appears in the state voter information guide. The ballot title and summary shall include a statement of the measure's fiscal impact. The ballot title and summary shall not exceed 100 words, not including the fiscal impact statement.

(rest of section unchanged)

Justification: Clarification that it is the title of a measure

344

"Punchcard" means a tabulating card on which the voter may record his or her vote by punching, marking, or slotting.

Justification: Kept for reference in case any other code sections refer to punchcards

6821

For the presidential primary election, the format of the Peace and Freedom Party ballot shall be governed by Chapter 2 (commencing with Section 13100) of Division 13, with the following exceptions:

(skipping (a) - (d))

(e) The instructions to voters shall be the same as provided for in Chapter 2 (commencing with Section 13100) of Division 13, except that they shall begin with the words,

“To express your preference for a candidate for nomination for President, completely [fill in] the [voting target] next to their name ~~stamp a cross (+) in the square opposite the name of the candidate.~~ Your vote in this portion of the ballot is advisory only.

Delegates to the national convention will be elected in the delegate selection portion of the ballot.”

Justification: Consistency across code sections - see 13206

11320

The following shall appear on the ballots at every recall election, except in the case of a landowner voting district, with respect to each officer sought to be recalled:

(a) ...(no change)

(b) ~~To the right of the foregoing~~ Next to the question, the words “Yes” and “No” on separate lines with an enclosed voting space to the right a voting target next to each.

Justification: Consistency across code sections - see 13206

11322

(b) Following each list of candidates, the ballot shall provide one blank line for the voter to write in a name not printed on the ballot with a voting target next to it ~~voting space to the right of it.~~

Justification: Consistency across code sections - see 13206

11323

A voter shall indicate, ~~by using the stamp or other marking device to place a mark in the voting~~

~~space opposite either~~ by completely selecting the voting target next to either "Yes" or "No", his
their vote for or against the recall proposal, respectively.

Justification: Consistency across code sections - see 13206

10704

(e) On the ballot for a special election, immediately ~~below the instructions to voters, there shall be a box not less than one half inch high enclosed by a heavy ruled line the same as the~~
~~borderline. This box shall be as long as there are columns for the ballot and shall be set directly~~
~~above these columns.~~ before or above the first voter-nominated contest the following words
shall be printed:

"Voter-Nominated Offices

All voters may vote in these contests.

Candidates display a party preference (or None) for the information of voters. This is not
a party endorsement or approval."

~~Within the box shall be printed the words "Voter Nominated Office." Immediately below that~~
~~phrase within the same box shall be printed the following:~~

~~"All voters, regardless of the party preference they disclosed upon registration, or refusal to~~
~~disclose a party preference, may vote for any candidate for a voter nominated office. The party~~
~~preference, if any, designated by a candidate is selected by the candidate and is shown for the~~
~~information of the voters only. It does not imply that the candidate is nominated or endorsed~~
~~by the party or that the party approves of the candidate."~~

Justification: Consistency across code sections - see 13206

13206.5

(a) (1) On the ballot used in a statewide general election in each year evenly divisible by the
number four, immediately before or above the contest for President, the following words shall
be printed:

"Party-Nominated Offices

Candidates for these offices are the official nominee of the party displayed with their
name."

~~below the instructions to voters, there shall be a box. Within the box shall be printed the words~~
~~"Party Nominated Offices." Immediately below that phrase within the same box shall be~~
~~printed the following: "The party label accompanying the name of a candidate for party-~~
~~nominated office on the general election ballot means that the candidate is the official nominee~~

of the party shown.”

(2) On the ballot used in a statewide general election in each year evenly divisible by the number four, following the portion of the ballot for party-nominated offices, the following words shall be printed:

“Voter-Nominated and Nonpartisan Offices

Candidates display a party preference (or None) for the information of voters. This is not a party endorsement or approval.”

~~the same style of box described in paragraph (1) shall appear and within the box in the same style and point size of type shall be printed “Voter Nominated and Nonpartisan Offices.” Immediately below that phrase within the same box shall be printed the following: “All voters, regardless of the party preference they disclosed upon registration, or refusal to disclose a party preference, may vote for any candidate for a voter-nominated or nonpartisan office. The party preference, if any, designated by a candidate for a voter-nominated office is selected by the candidate and is shown for the information of the voters only. It does not imply that the candidate is nominated or endorsed by the party or that the party approves of the candidate. The party preference, if any, of a candidate for a nonpartisan office does not appear on the ballot.”~~

(b) On the ballot used in a statewide general election in each even-numbered year that is not evenly divisible by the number four, immediately below the instructions to voters, the following words shall be printed:

“Voter-Nominated and Nonpartisan Offices

Candidates display a party preference (or None) for the information of voters. This is not a party endorsement or approval.”

~~there shall be a box. Within the box shall be printed the words “Voter Nominated and Nonpartisan Offices.” Immediately below that phrase within the same box shall be printed the following: “All voters, regardless of the party preference they disclosed upon registration, or refusal to disclose a party preference, may vote for any candidate for a voter-nominated or nonpartisan office. The party preference, if any, designated by a candidate for a voter-nominated office is selected by the candidate and is shown for the information of the voters only. It does not imply that the candidate is nominated or endorsed by the party or that the party approves of the candidate. The party preference, if any, of a candidate for a nonpartisan office does not appear on the ballot.”~~

Justification: Consistency across code sections - see 13206

13207

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

(1) The respective offices.

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

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

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

(c) The standard width of columns containing partisan offices, nonpartisan offices, and voter-nominated offices, shall be three inches except that an elections official may vary the width of these columns by up to one inch. The column containing presidential and vice presidential candidates may be as wide as four inches.

(d) A measure that is to be submitted to the voters shall be printed in one or more parallel columns to the right of the columns containing the names of candidates and shall be of sufficient width to contain the title and summary of the measure. To the right of or below the title and summary shall be printed, on separate lines, the words "Yes" and "No."

Justification: No change in text, but working group recommends an illustration for clarity

13208

~~a) In the right hand margin of each column light vertical lines shall be printed in such a way as to create a voting target next to the name of each candidate for partisan office, voter-nominated office, nonpartisan office (except for Justice of the Supreme Court or justice of a court of appeal), or for chairperson of a group of candidates for delegate to a national convention who express no preference for a presidential candidate. In the case of Supreme Court or appellate justices and in the case of measures submitted to the voters, the lines shall be printed so as to create voting targets to the right of the words "Yes" and "No."~~

A voting target shall be printed next to the name of each voting option. The voting targets shall be used by the voters to express their choices as provided for in the instruction to voters.

(b) The standard voting target must be at least 0.12 inches across in either dimension. ~~may be up to one half inch wide. Voting targets for measures may be as tall as is required by the space occupied by the title and summary.~~

(c) As used in this section, “target” means an object designated as the aim for a voter to make a vote selection.

Justification: Remove outdated description of a marking target and replace with simpler language. Adjust size to refer to the minimum size in VVSG 2.0 7.2-J. Similar to other updates made in the Code to eliminate references to voting targets being to the right of candidate names or the words “Yes” and “No”

13211.5

(a) Each group of names of candidates for a particular office shall be printed in immediate succession to another group of names of candidates for a particular office so as to avoid unnecessary spacing or gaps in the sequence in which each series of groups of names are listed on the ballot.

(b) It is acceptable to leave spaces on the ballot in order to keep an entire contest together in a single column or page, or to manage the arrangement of contests on the ballot.

(c) When a ballot has multiple pages or cards, an instruction shall be printed to direct the voter to continue to the next page or card.

~~(b) If it is necessary to leave spaces on the ballot in order to provide for the most efficient and least costly process of printing ballots, the spaces shall be located at the end of a column, page, or ballot card wherever possible.~~

~~(c) If due to voting system constraints it is necessary to leave a space between offices on a column, page, or ballot card, and the space exceeds one inch, written instructions and a downward arrow or other visual indicator shall be printed on the ballot to direct the voter to the next voting space.~~

Justification: simplification and clarification

13212

Except for a voter-nominated office at a general election, under the designation of each office shall be printed as many blank spaces, defined by light lines as there are candidates to be nominated or elected to the office.

Justification: restore omitted text

13216

(a) If the voting system includes stubs on vote-by-mail ballots, on each ballot a horizontal non-solid-ruled line shall extend across the top of the ballot below the horizontal perforated line. The same number appearing on the stub shall be printed above the horizontal, non-solid-ruled

line on the left side of the ballot. Above this number shall be printed in parentheses in small type as follows: "(This number shall be torn off by a precinct board member and handed to the voter.)". The words "I have voted - have you?" "~~I HAVE VOTED—HAVE YOU?~~" may also be printed immediately above or below the number.

~~(b) (1) Next to the ballot number there shall be a short vertical perforated rule or line extending upward from the horizontal non-solid ruled line to the horizontal perforated line. Immediately above this horizontal non-solid ruled line shall be printed in boldface lowercase type, at least 12-point in size, enclosed in parentheses, the following: "Fold ballot to this line leaving top margin exposed."~~

~~(2) Above this printed direction and midway between it and the top edge of the ballot shall be printed in boldface uppercase type, at least 12-point in size, the following: "Mark the ballot with pen or pencil."~~

~~(3) Below this direction and midway between it and the next line shall be printed in boldface uppercase type, at least 12-point in size, enclosed in parentheses and with the first four and last five words underlined or otherwise made prominent, the following: "(VOTE BY MAIL BALLOTS MAY BE MARKED WITH PEN AND INK OR PENCIL.)"~~

(c) A ballot stub is not required if the information listed in subdivisions (a) ~~and (b)~~ is presented to the voter on a separate form accompanying the ballot.

Justification: remove text referring to punch card systems

13233

In a municipal election, if the number of candidates for an office is such that all of the names will not fit in one column of reasonable length, a double column may be used, and all of the following provisions shall apply:

(a) The space between the two halves of the double column shall be less than that between the double column and any other columns on the ballot, and the lines separating the columns and the two halves of the double column shall be printed so as to emphasize the fact that the candidates in the double column are running for the same office.

(b) The designation of the office and any other words required to be at the top of the contest ~~of a single column~~ shall be printed across the top of the entire double column with no dividing line. The words "Vote for one," "Vote for two," or more, as the case may be, shall be centered over the entire double column and shall be printed below any other words at the top of the double column.

(c) The names of the candidates, including the blank space or spaces necessary to permit the voter to write in the names of persons not printed on the ballot, shall be apportioned as equally

as possible between the two columns. The odd space, if any, shall be included in the left-hand column.

(d) The double column shall be used for no more than one office and for no more than one term for any office.

(e) The order of names and blank spaces in the double column shall be the same as would apply to a single column with the left-hand side of the double column taken first.

Justification: simplification and clarification

14284

(a) All ballots, ~~except vote by mail voter ballots,~~ shall be marked only with the marking device provided or recommended for vote-by-mail ballots by the elections official. ~~Law.~~

(b) If a ballot cannot be tabulated because of the marking device used, it shall be processed as specified in EC 15210.

~~(b) To prevent voters from marking their ballots with a pen or pencil, at the time of delivering a ballot to a voter, the precinct officer shall distinctly state that the voter shall mark the ballot with the device provided by law or the ballot will not be counted.~~

Justification: Clarification and simplification of the text.

14285

~~Where two or more candidates for the same office are to be elected, and the voter desires to vote for candidates for that office, the voter shall, by using the provided marking device, place a mark in the voting square, rectangle, or other specific voting space following the names of the candidates for that office for whom the voter intends to vote, not exceeding, however, the number of candidates to be elected.~~

To vote in a contest where two or more candidates for the same office are to be elected, a voter shall mark the voting targets next to the names of the candidates of their choice, up to the number of candidates to be elected.

Justification: Clarification so the text works for all voting systems

14286

When a measure is submitted to the voters, the voter shall place a mark on the ballot in the appropriate space ~~opposite~~ next to the answer the voter desires to give as to that measure. The voter, in marking the ballot, shall use the marking device provided.

Justification: Clarification so the text works for all voting systems

15210

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 as a duplicate, "~~duplicate,~~" and shall bear a serial number that shall be recorded on the damaged or defective ballot.

Justification: Accommodating county variations with a neutral instruction.

Punchcards

~~13261 Ballot stubs required, content listed~~

~~13262 Printing, space for write-ins, measures may be abbreviated~~

~~13263 County voter information guide~~

~~13263 Tinted cards for sorting~~

~~13265 More than one card allowed~~

~~13266 Punchcards used for mail voting~~

~~13267 Stubs for vote by mail~~

Justification: remove text referring to punch card systems

14443

If ballots are counted by means of electronic or electromechanical, ~~or punchcard~~ device, the elections official may provide for early tabulation and announcement of the returns in a manner consistent with the use of the tabulating devices.

Justification: remove text referring to punch card systems

15211

~~If paper ballots are used for vote by mail voting, the canvass may be conducted in accordance with Chapter 1 (commencing with Section 15000), or the elections official may have a true duplicate copy of vote by mail voter paper ballots made on punchcard ballots that shall be verified in the presence of witnesses. After verification the punchcard ballots shall be counted~~

~~in the same manner as other punchcard ballots.~~

Justification: remove text referring to punch card systems

Round 3 Recommendations

303

~~“Ballot label” means that portion of the ballot containing the names of the candidates or a statement of a measure. For statewide measures, the ballot label shall contain no more than 75 words and shall be a condensed version of the ballot title and summary including the fiscal impact summary prepared pursuant to Section 9087 of this code and Section 88003 of the Government Code.~~

“Ballot label” means:

(a) for a candidate, the combination of candidate name and candidate designation;

(b) for a statewide measure, the abbreviated ballot title and summary specified in Section 9051; and

(c) for all other measures, the question specified in Section 13119 for an initiative, Section 13120 for a referendum, or Section 9603 for an advisory election.

Justification: clarity and consistency in cross references. Change proposed in a public comment

Public comment:

“GC 88003 is part of the Political Reform Act of 1974. It cannot be easily amended by the legislature. The section on the voter guide is repeated in the Elections Code, but cannot be amended unless the PRA is amended. Reference to both EC 9087 and GC 88003 is out of place. Both statutes refer to the voter guide. EC 9051 describes the ballot label for a statewide measure. EC 13119 (and EC 13120) describe the ballot label for all other measures”

Sections mentioned

- **Division 9- Measures, Article 5. Ballot titles [9051](#):** describes the ballot title and summary and length
- **Division 13, Chapter 2. Forms of Ballot: Ballot Order: [13119](#)** includes the question words for an initiative **13120** includes the question words for a referendum
- **Division 9. Measures, Chapter 7. General - [9603](#)** includes rules for other elections
- **Division 9- Measures, Article 7: State voter information guide. [9087](#)** refers to the Legislative Analyst’s impartial analysis in a voter guide

303.5

~~“Remote accessible vote by mail system” means a mechanical, electromechanical, or electronic system and its software that is used for the sole purpose of marking an electronic vote by mail ballot for a voter with disabilities or a military or overseas voter who shall print the paper cast vote record to be submitted to the elections official. A remote accessible vote by mail system~~

shall not be connected to a voting system at any time.

Justification: AB37 passed this term expanding to all voters.

305

(a) [no change]

(b) "Candidate," as used in Article 1 (commencing with Section 20200) of Chapter 3 of Division 20, means an individual listed on the ballot, or who has qualified to have write-in votes on his or her behalf counted by ~~election~~ elections officials, for nomination or for election to any elective state or local office, or who receives a contribution or makes an expenditure or gives his or her consent for any other person to receive a contribution or makes an expenditure with a view to bringing about his or her nomination or election to any elective state or local office, whether or not the specific elective office for which he or she will seek nomination or election is known at the time the contribution is received or the expenditure is made. The term "candidate" includes any officeholder who is subject to a recall election.

(c) [no change]

Justification: Correcting term to "elections official" - consistency of terminology (public comment)

15360

(a) During the official canvass of every election in which a voting system is used, the ~~official conducting the~~ elections official shall conduct a public manual tally of the ballots tabulated by those devices, including vote by mail ballots, using either of the following methods:

(omitted)

~~(b) If vote by mail ballots are cast on a direct recording electronic voting system at the office of an elections official or at a satellite location of the office of an elections official pursuant to Section 3018, the official conducting the election shall either include those ballots in the manual tally conducted pursuant to paragraph (1) or (2) of subdivision (a), or conduct a public manual tally of those ballots cast on no fewer than 1 percent of all the direct recording electronic voting machines used in that election chosen at random by the elections official.~~

(omitted)

(f) The ~~official conducting the~~ elections official shall include a report on the results of the 1 percent manual tally in the certification of the official canvass of the vote. This report shall identify any discrepancies between the machine count and the manual tally and a description of how each of these discrepancies was resolved. In resolving a discrepancy involving a vote

recorded by ~~means of a punchcard voting system or by~~ electronic or electromechanical vote tabulating devices, the voter verified paper audit trail shall govern if there is a discrepancy between it and the electronic record.

Justification: Simplification and consistency of terminology and removing references to DRE systems and consistency of terminology (public comment) to address counties with multiple officials but only one official running the election

Division 11. Recall Elections. Chapter 4. General Procedures. Article 2. Ballots

New - Recall instructions

In a recall election, additional instructions shall be added to the ballot (in addition to those required in 13204 - 13206). The exact wording of the instructions shall be written by the elections official to match the actions required by the layout of the ballot to communicate the following information:

- (a) That there are two contests on the ballot
- (b) That the two contests are separate and can be voted on independently. For example:
 - You can vote for the recall question regardless of whether you vote for a replacement candidate
 - You can vote for a replacement candidate regardless of whether or how you vote on the recall question

13216

A ballot stub may be used, but is not required, for a ballot. The ballots may contain printed and distinguishing marks if secrecy in voting is protected.

~~(a) If the voting system includes stubs on vote-by-mail ballots, on each ballot a horizontal non-solid ruled line shall extend across the top of the ballot below the horizontal perforated line. The same number appearing on the stub shall be printed above the horizontal, non-solid ruled line on the left side of the ballot. Above this number shall be printed in parentheses in small type as follows: "(This number shall be torn off by a precinct board member and handed to the voter.)". The words "I have voted—have you?" "I HAVE VOTED—HAVE YOU?" may also be printed immediately above or below the number.~~

~~(b) (1) Next to the ballot number there shall be a short vertical perforated rule or line extending upward from the horizontal non-solid ruled line to the horizontal perforated line. Immediately above this horizontal non-solid ruled line shall be printed in boldface lowercase type, at least~~

~~12-point in size, enclosed in parentheses, the following: "Fold ballot to this line leaving top margin exposed."~~

~~(2) Above this printed direction and midway between it and the top edge of the ballot shall be printed in boldface uppercase type, at least 12-point in size, the following: "Mark the ballot with pen or pencil."~~

~~(3) Below this direction and midway between it and the next line shall be printed in boldface uppercase type, at least 12-point in size, enclosed in parentheses and with the first four and last five words underlined or otherwise made prominent, the following: "(VOTE BY MAIL BALLOTS MAY BE MARKED WITH PEN AND INK OR PENCIL.)"~~

~~(c) A ballot stub is not required if the information listed in subdivisions (a) and (b) is presented to the voter on a separate form accompanying the ballot.~~

Justification: Simplification and flexibility for different voting systems

13216.5

~~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.~~

Justification: remove text referring to punch card systems Strike the whole section, leaving the use of stubs and their contents at the discretion of the county.

Appendix B: Visual Presentation of Committee Recommendations

California Ballot Design Advisory Committee

Visual presentation of committee recommendations

Contents

- 2 - Overall ballot layout
 - 3 – Ballot title header text size variations
 - 4 – Ballot general instructions at top
 - 5 – Ballot general instructions in left column
 - 6 – Contests with instructions, contest title, “Vote for...”, candidate names, designations, and two-sided ballot instructions
-

These drawings illustrate how the BDAC recommendations can be followed. It is just one interpretation, as the recommendations are intended to leave flexibility for counties to work with their voting system, language requirements, and other inputs to ballot design.

The layout for contests is based on the EAC best practices for designing polling place materials* rather than any specific voting system in use in California.

To print:

- The ballot layout sketches are drawn text sizes using the minimum sizes recommended.
 - Print at “full size” to see text at 100% scale
-

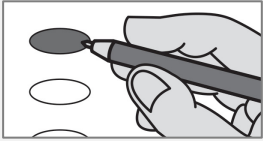
* EAC Clearinghouse Resources for Election Officials
Designing Polling Place Materials
<https://www.eac.gov/election-officials/designing-polling-place-materials>



Official Primary Election Ballot

November 6, 2012 Franklin County, California

Instructions for voting



To vote for a candidate, [completely fill in the oval] next to their name [in black or blue ink].



To vote for a qualified write-in candidate, write the name in the blank space provided and fill in the [oval].

Make sure your vote counts:

- Do not select more candidates than the number to be elected.
- If you make a mistake, ask for another ballot.
- Do not make marks outside of the [marking targets].
- You may vote in as many or as few contests as you want.
- A mistake in one contest does not affect the rest of the ballot.

Voter-Nominated Offices

All voters may vote for in these contests.

Candidates display a party preference (or None) for the information of voters. This does not mean that the candidate is endorsed by the party or that the party approves of the candidate.

US Representative

Vote for One

- Victor Martinez**
Party preference: Federalist
Businessman
- MayJun Lee**
Party preference: Whig
Mayor/CEO
- Write-in Candidate**
.....

Governor

Vote for One

- Andrea Solis**
Party preference: Federalist
Educator
- MayJun Lee**
Party preference: Whig
Mayor/CEO
- Write-in Candidate**
.....

Controller

Vote for One

- Roy D. Bernard**
Party preference: Federalist
CPA
- Carin Sarn**
Party preference: Whig
- Write-in Candidate**
.....

Judicial Offices

Associate Justice of the Supreme Court

Vote Yes or No

Shall Associate Justice **Harper Samuel** be elected to office?

- Yes**
- No**

Nonpartisan Offices

All voters may vote for in these contests.

No party preference, if any, is displayed for candidates for these offices.

County Offices

County Commissioner

Vote for One

- Wendell Quarles**
Community leader
- Marty Talarico**
County Commissioner

County Measures

A Franklin County Vehicle Removal Program

Vote Yes or No

Should the Franklin County Vehicle Removal Program for the removal of abandoned, wrecked, dismantled, or inoperative vehicles, be renewed for a ten-year term beginning July 1, 2017?

- Yes**
- No**

Continue to next side



Ballot header on first page

Proposed: 13203

At least

16 pts bold Official Ballot

14 pts bold Name of election with party for primary

12 pts Election date

8 pts Name of county (if not shown in a seal)

16 and 14 points



Official General Election Ballot

November 6, 2012 Franklin County, California

16 and 12 points



Official Nonpartisan Ballot Primary Election

June 6, 2012 Franklin County, California

18, 16 and 12 points



Official Ballot Federalist Party Primary

June 6, 2012 Franklin County, California

16 and 14 points



Official General Election Ballot Oficial Balota de la Elección General

June 6, 2012 Franklin County, California
6 de junio de 2012 Condado de Franklin, California

18 and 12 points



Official Ballot General Election

Franklin County, California
June 6, 2012

Oficial Balota Elección General

Condado de Franklin, California
6 de junio de 2012

Notes

County Seal

Not required.
Scaled to fit next to the
ballot title.

Aligned on left margin

Aligned on a left margin
(not centered).

Flexible arrangement

Ballot title can be broken
into two lines if needed.

Flexible arrangement of languages

Interspersed lines or side
by side

Ballot instructions at top of the first page

Proposed: 13203

At least

10 pts Instructions text



Official General Election Ballot

November 6, 2012 Franklin County, California

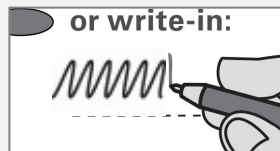
1/2

STYLE 17B

Instructions for voting



To vote for a candidate, completely fill in the [oval] next to their name, or the word Yes or No.



To vote for a qualified write-in candidate, write the name in the blank space provided and fill in the [oval].

Make sure your vote counts:

- If you make a mistake, ask for another ballot.
- Use a [blue or black allpoint pen]
- Do not select more candidates than the number to be elected.
- You may vote in as many or as few contests as you want.
- A mistake in one contest does not affect the rest of the ballot.

Notes

For bilingual ballots, the second language can be placed below the English, making it easy for them to share an illustration.

Illustrations should be specific to each ballot marking target or other details.

Do not use real words in the write-in illustration (it may look like an endorsement for a candidate)

Ballot instructions in the first column

Proposed: 13203

At least

10 pts Instructions text



Official General Election Ballot

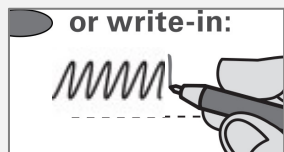
November 6, 2012 Franklin County, California

Instructions

Making selections



To vote for a candidate, completely fill in the [oval] next to their name, or the word Yes or No.



To vote for a qualified write-in candidate, write the name in the blank space provided and fill in the [oval]

Make sure your vote counts:

- If you make a mistake, ask for another ballot.
- Use a [blue or black allpoint pen]
- Do not select more candidates than the number to be elected.
- You may vote in as many or as few contests as you want.
- A mistake in one contest does not affect the rest of the ballot.

Notes

Placing instructions in the left column makes the ballot header shorter, allowing more room for candidates in long contests.

It also establishes a pattern of inline instructions that can be used for different contest types.

Ballot contest instructions and headings

Proposed: 13210, 13211, 13105

At least

10 pts bold

10 pts

10 pts bold

10 pts bold

8 pts

Headings

Instructions text

Contest names, "Vote for..."

Candidate names

Designation

Notes

- Instructions inline before relevant contests.
- For bilingual ballots, the second language follows the English.
- "Vote for..." instructions may use numerals or text

Voter-Nominated Offices

All voters may vote for in these contests.

Candidates display a party preference (or None) for the information of voters. This does not mean that the candidate is endorsed by the party or that the party approves of the candidate.

US Representative

Vote for One

Victor Martinez
Party preference: Federalist
Businessman

MayJun Lee
Party preference: Whig
Mayor/CEO

Write-in Candidate

Governor

Vote for One

Andrea Solis
Party preference: Federalist
Educator

Controller

Vote for One

Roy D. Bernard
Party preference: Federalist
CPA

Carin Sarn
Party preference: Whig

Write-in Candidate

Judicial Offices

Associate Justice of the Supreme Court

Vote Yes or No

Shall Associate Justice
Harper Samuel
be elected to office for the term
provided by law?

Yes

No

Associate Justice of the Court of Appeal

Nonpartisan Offices

All voters may vote for in these contests.

No party preference, if any, is displayed for candidates for these offices.

County Offices

County Commissioner

Wendell Quarles
Community leader

Marty Talarico
County Commissioner

County Measures

A Franklin County Vehicle Removal Program

Vote Yes or No

Should the Franklin County Vehicle Removal Program for the removal of abandoned, wrecked, dismantled, or inoperative vehicles, be renewed for a ten-year term beginning July 1, 2017?

Yes

No

Continue to next side



Alternate

Turn ballot over



Appendix C: Ballot Instructions Survey

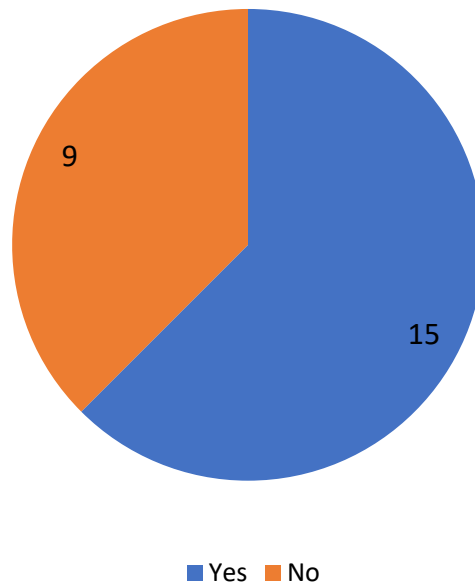
Ballot Instructions Survey

BDAC conducted a Ballot Instructions Survey of all counties. The Secretary of State sent this survey to all 58 counties and received responses from 24 counties. The survey was administered on Survey Monkey and included 10 open response questions. A link to the survey instrument is provided in this report.

Survey respondents were¹:

- Butte
- Calaveras
- El Dorado
- Glenn
- Imperial
- Kern
- Lake
- Los Angeles
- Marin
- Merced
- Nevada
- Orange
- Plumas
- San Bernardino
- San Diego
- San Luis Obispo
- San Mateo
- Santa Clara
- Sonoma
- Stanislaus
- Tehama
- Tulare
- Yolo
- Yuba

Q2: For the September 14, 2021, Gubernatorial Recall Election did you add or remove anything from the ballot instructions prescribed by the state and if so, the reason why? Please provide the instructions below or attach a copy of the ballot under Q8.



¹ Question 1 asked the respondent to identify their county.

Sample Question 2 answers from counties answering “yes” without referring to an attachment:

1. “Yes it was on the wording of where to mark "target" was changed to "oval" and also the location of the mark "right" was changed to "left".”
2. “ Yes. Minor wording changes to reflect the ballot. We also changed "...mark with pen or pencil." to "Use a ballpoint pen with dark ink (not red). Do not use pencil." The read heads on our ballot scanners are not fond of the pencil led transferred onto them by ballots marked in pencil. Our scanners also ignore any red marks on a ballot.”
3. “Instructions to voters: Marking your ballot
 - Use only black or blue ink pen to mark your choice on your ballot.
 - Fill in the circle to the left of your choice.
 - Don't vote for more choices than indicated.
 - You don't have to vote in every race.

Write-In Candidates

- A voter is entitled to cast a vote for a qualified write-in candidate for any party-nominated, voter-nominated or nonpartisan office by writing, on the write-in portion of the ballot, the name of the qualified candidate.
 - To add a candidate, fill in the circle to the left of "Write-in Candidate" and write the name on the dotted line.
 - A list of qualified write-in candidates is available eleven days before the election at lavote.net.
 - Do not write-in a candidate whose name already appears on the ballot. “
4. “All the prescribed instructions were on the ballot in some form. We modified them to shorten, for ease of reading and counting system limitations.”
 5. “We did not include “Marking the ballot outside of the designated space to vote for a candidate or measure may compromise the secrecy of the ballot.””
 6. “SOS: To vote on the recall question, mark the voting target to the right of the word “YES” or “NO”. Ours: To vote on the recall question, completely darken the oval next to the word “YES” or “NO”.

SOS: To vote for a candidate whose name appears on the ballot, mark the voting target next to the candidate’s name. Ours: To vote for a candidate whose name appears on the ballot, completely darken the oval next to the candidate’s name.

SOS: 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. Ours: 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 and completely darken the oval next to the written name.

SOS: On vote-by-mail ballots mark with pen or pencil. Ours: Use a pen with dark ink (not red ink or pencil).”

7. “Yes - write-in instructions were incomplete. Must also mark the target for the system to detect a write-in vote. We also instructed more specifically to use black or blue pen or pencil since red or pink ink is invisible to the system. And not sure why those instructions start with "On vote by mail ballots"?”
8. “We included all instructions provided by the state and added the following: "The use of blue or black ink is recommended. NO RED INK." and added to the write-in instructions: "FILL IN THE OVAL to the right".”
9. “We changed the instruction from "to vote on the recall question, darken the oval to the right of the word "YES" or "NO" to instruct the voter to darken the oval to the left of the word "YES or the word "NO". This was because our system provides the voting target to the left of measure/question choice. We also instructed our voters to "On vote by mail ballots mark with blue or black ink pen. NO RED INK OR PENCILS." This is because our tabulator doesn't pick up pencil well, and doesn't pick up red ink at all, and we don't want voters to use a felt-tip pen that could bleed through the ballot. And we added to the instructions for write-in voting additional instruction to "darken the oval to the left of your choice" because if the voter simply writes in a name on the write-in line but does not darken the oval, our tabulator likely wouldn't catch that there was a write-in vote to be adjudicated.”
10. “We were severely limited on ballot space by the number of candidates, language requirements, and the limitations of our ballot design software and print/mail vendor. We revised two bullet points for clarity and space. Please see our attachment on Question 8. In the second ballot question, we added the word (replace) so it would be plain language.”

11. “INSTRUCTIONS TO VOTERS HOW TO VOTE:

To vote on the recall question, mark the voting target to the left of the word “YES” or “NO”. To vote for a candidate whose name appears on the ballot, mark the voting target next to the candidate’s name.

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.

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

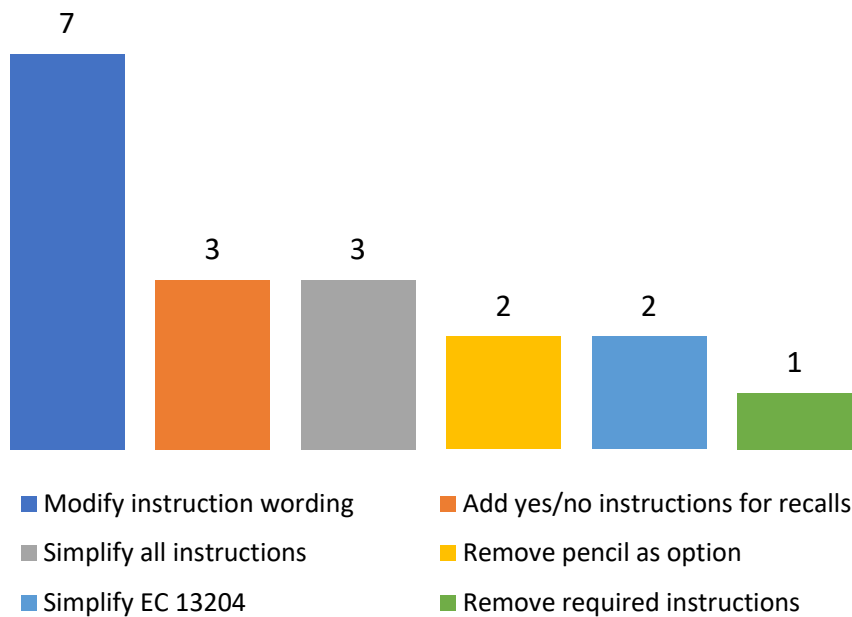
On vote by mail ballots mark with pen or pencil.”

12. “We added verbiage on the location and shape of the voting target. We did not include the verbiage regarding using a pencil or asking the precinct board member for a new

ballot if the voter tea, deface etc. We have signs posted with this information in the polling locations and felt that having it on the ballot was repetitive and created more a chaos on the limited ballot area.”

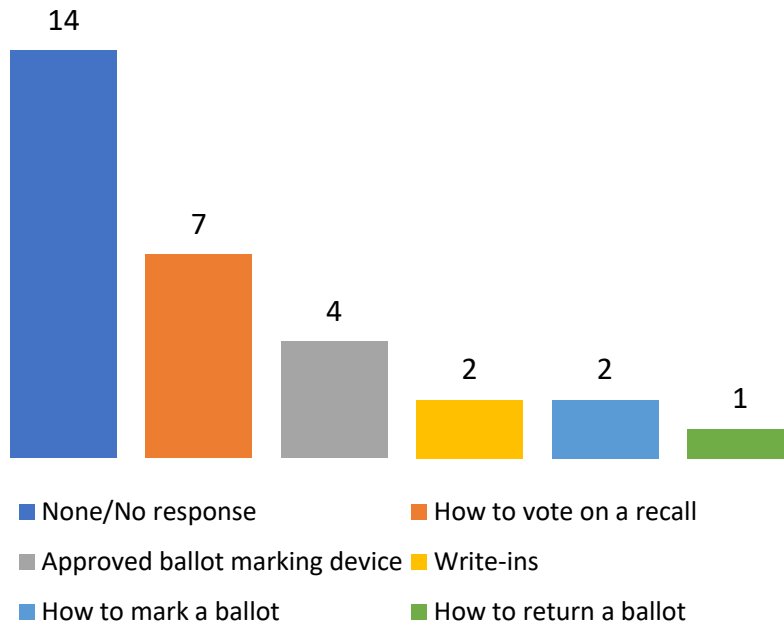
13. “We changed “On vote by mail ballots mark with pen or pencil” to “Use a dark color pen or pencil. Do NOT use red ink.””

Q3: What ballot instructions would you change or add to provide further assistance to voters?²

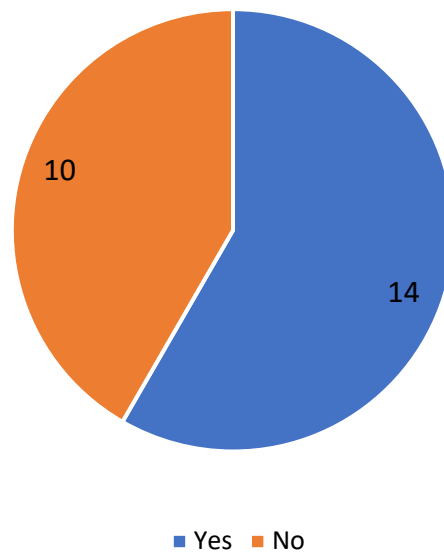


² Seven respondents skipped this question. Please note that the suggestion to add “yes/no instructions for recalls” refers to the confusion some voters experienced when voting on the 2021 Gubernatorial Recall ballot. Some voters believed, for example, that voting “no” on the recall and then selecting a replacement candidate might invalidate their entire ballot. Also note that the respondent suggesting removal of ballot instructions specifically referred to one instruction required by EC 13204, which states, “Marking the ballot outside of the designated space to vote for a candidate or measure may compromise the secrecy of the ballot.” The BDAC agreed that such instruction is unnecessary.

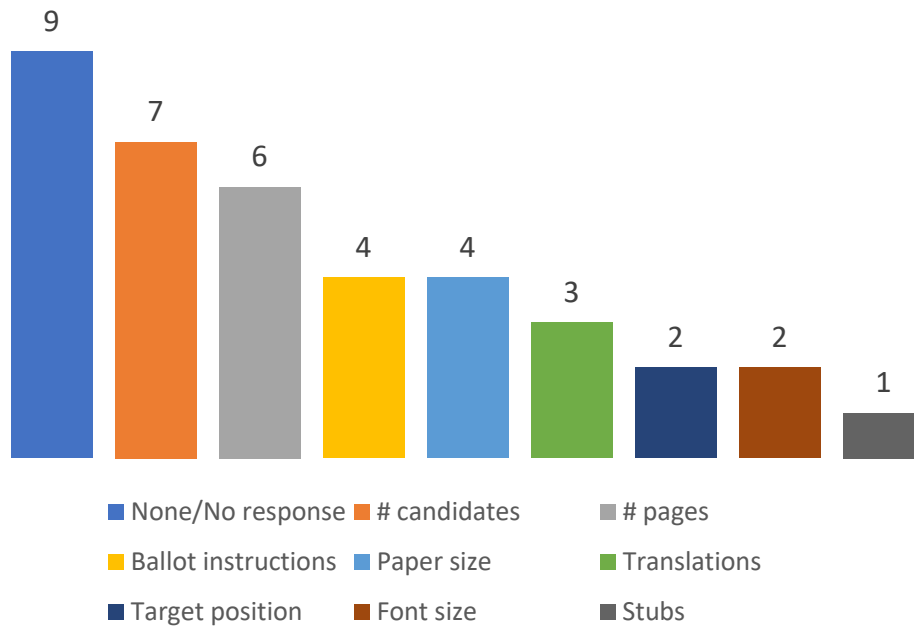
Q4: Did you receive any comments/complaints/questions regarding the ballot instructions? If so, please send a summary of the comments or the comments themselves.



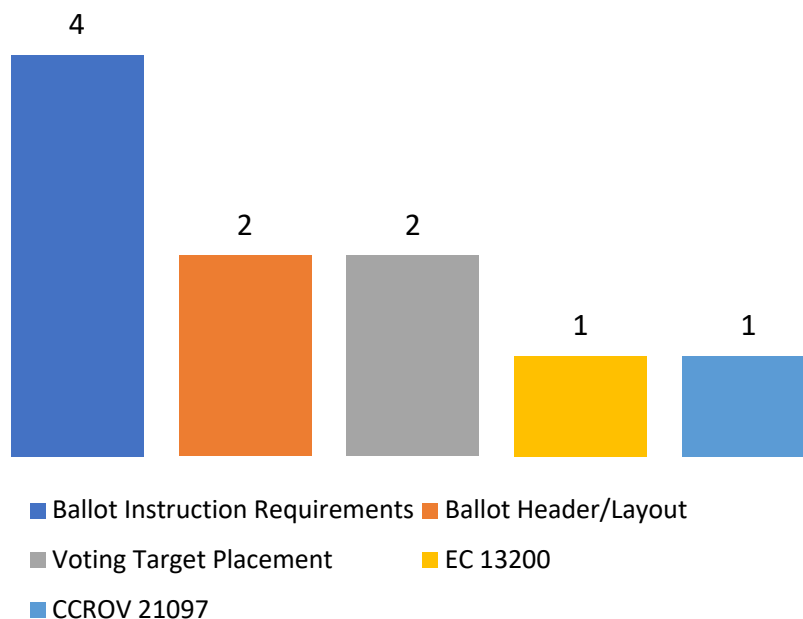
Q5: Did you provide any additional ballot instructions about how to vote on the recall questions or how to vote generally either on the ballot or in any other document (e.g., the County Voter Information Guide)? If so, please provide those instructions below or attach a copy of the document on which the ballot instructions were printed on Q9.



Q6: What were the most common issues you encountered when designing the recall ballot?

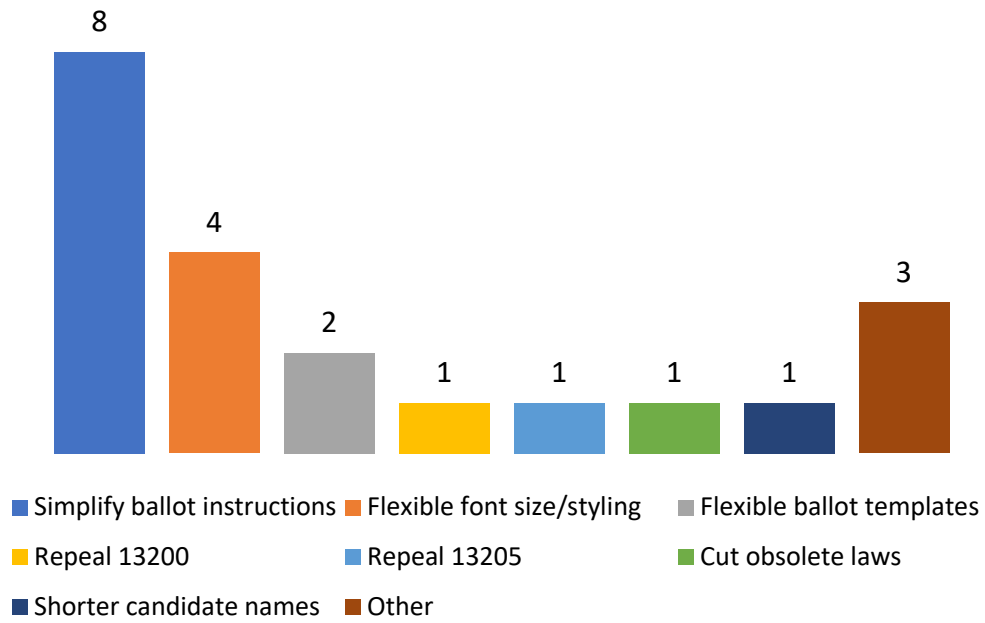


Q7: What Elections Code provision(s) or regulation(s) caused the issue(s) and prevented you from resolving it?³



³ Please note that 15 respondents answered “None,” “N/A,” or left the answer blank. Elections officials cited the following parts of the Code in their answers: EC 13200, 13203-05, 13207-08, 13210. Also note that CCROV 21097 can be found at <https://elections.cdn.sos.ca.gov/ccrov/2021/july/21097il.pdf> (last visited July 25, 2022).

Q8: What changes do you recommend that would remedy any problems you encountered during the recall election or any other election?



Complete Ballot Instruction Survey can be found here:

<https://www.sos.ca.gov/elections/bdac/bdac-meetings>

Appendix D: Committee Agenda & Transcripts

Ballot Design Advisory Committee (BDAC) Agendas and Transcripts can be found here:

<https://www.sos.ca.gov/elections/bdac/bdac-meetings>.