

Round 3 - Additional items for discussion

4/14/2022 - Created

4/19/2022 - Added discussion notes for working group meeting

4/20/2022 - Items recommended for no action have been moved to a separate document.

4/21/2022 - Draft recommendations completed

In the markup text:

- ~~Text to be removed~~ and text to be added.
- Specified or recommended text is indented for clarity.

In this file

Section	Topic	Notes	Status / Notes
303	Ballot label	Correcting cross-references and simplifying text	Suggested in public comment
303.5	RAVBM	Definition updated	
305 and 15360	Definition	Updating election official to elections official	
New	Recalls	Instructions for voters	

[EC 303](#) - Ballot Label

~~“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

[EC 303.5](#) - RAVBM

“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.](#)

[EC 305](#) - Correcting term to “elections official”

(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 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: [consistency of terminology \(public comment\)](#)

[15360](#) - Correcting term to “elections official”

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

[no changes to the rest of the section]

Recall election instructions

[Division 11. Recall Elections. Chapter 4. General Procedures. Article 2. Ballots](#)

- In Round 2 we recommended a change in the instructions that accompany the marking target for consistency in [EC 11320](#) and [EC 11323](#)
- In Round 1, we recommended changes in the instructions for voters at the top of the ballot in EC 13204
- We discussed but did not resolve ideas for additional instructions to vote in both the recall and replacement election. The challenge is that variations in the exact format of the ballot and the number of candidates make it hard to recommend specific text. Instead, we suggest a more general recommendation for additional general voting instructions on a recall election ballot.
- This could be added to 11320, a new 11320.1 or a new section added near 13204 with other “top of ballot” instructions

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) (If needed) that the ballot is on two pages or sides of the ballot card. This message shall be on all pages of the ballot.