



Elections Code section 301 states:

A "ballot" means any of the following:

- (a) A single card with prescored, number positions that is marked by the voter with a punching device 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.
- (c) One or more sheets of paper upon which are printed the names of candidates 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) A large sheet of paper upon which is printed the names of candidates and ballot titles of measures to be voted on by pressing the designated area on a direct-recording electronic device.
- (e) 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 of a direct-recording electronic device.

Elections Code section 13316 states:

Notwithstanding any other provision of law to the contrary, a county, city, city and county, or district using voting machines may use reasonable facsimiles of the sample ballots sent to the voters of the local jurisdiction as vote by mail ballots.

Elections Code section 13317 states:

Notwithstanding any other provision of law to the contrary, a county, city, city and county, or district using vote tabulating devices may use reasonable facsimiles of the sample ballots sent to the voters of the local jurisdiction as vote by mail ballots.

Following is a list of alternative procedures that have been approved by the Secretary of State for use in the November 4, 2008, General Election.

- Provisional ballots.
- Vote-by-mail ballots.
- Sample ballots.
- Reasonable facsimiles of polling place, vote-by-mail, and sample ballots.
- Ballots from neighboring precincts, provided the ballot types are identical.
- Emergency ballots or test ballots that many counties include in their regular precinct supply kits, provided these ballots contain the names of all of the candidates and titles of ballots measures, along with corresponding areas to allow voters to select their choices.

- A blank piece of paper upon which the names of all of the candidates and titles of ballots measures are printed, along with corresponding areas to allow voters to select their choices.

Any ballot cast using one of the above approved alternative procedures would have to be duplicated in accordance with the procedure set forth in Elections Code section 15210, which states:

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

If you have any questions or would like to discuss this further, please don't hesitate to call me at (916) 657-2166.