

State of California  
COMMISSION ON STATE MANDATES  
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CSM 1 (2 91)

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JAN 27 2004

**COMMISSION ON  
STATE MANDATES**

TEST CLAIM FORM - amended

Claim No.

Local Agency or School District Submitting Claim

**County of Sacramento**

Contact Person

Telephone No.

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Representative Organization to be Notified

**California State Association of Counties**

This test claim alleges the existence of a reimbursable state mandated program within the meaning of section 17514 of the Government Code and section 6, article XIII B of the California Constitution. This test claim is filed pursuant to section 17551(a) of the Government Code.

Identify specific section(s) of the chaptered bill or executive order alleged to contain a mandate, including the particular statutory code section(s) within the chaptered bill, if applicable.

**Chapter 920, Statutes of 1994; Chapter 724, Statutes of 1996; Chapter 918, Statutes of 2001;**

**Chapter 922, Statutes of 2001; Chapter 664, Statutes of 2002; Chapter 347, Statutes of 2003**

**Elections Code, Sections 3100 through 3206**

**IMPORTANT: PLEASE SEE INSTRUCTIONS AND FILING REQUIREMENTS FOR COMPLETING A TEST CLAIM ON THE REVERSE SIDE.**

Name and Title of Authorized Representative

Telephone No.

**Julie Valverde, Assistant Auditor-Controller**

Signature of Authorized Representative

Date: *1/20/04*

**BEFORE THE  
COMMISSION ON STATE MANDATES**

Amended Test Claim of:  
County of Sacramento

PERMANENT ABSENT VOTERS II

Chapter 920, Statutes of 1994  
Chapter 724, Statutes of 1996  
Chapter 918, Statutes of 2001  
Chapter 922, Statutes of 2001  
Chapter 664, Statutes of 2002  
Chapter 347, Statutes of 2003  
Elections Code, Sections 3100 through 3206

STATEMENT OF THE CLAIM

**A. MANDATE SUMMARY**

Previously, on September 21, 1989, the Commission on State Mandates determined that Chapter 1422, Statutes of 1982, which added Sections 1450 through 1465 to the Elections Code, which established the Permanent Absent Voter program constituted a reimbursable mandate. Thereafter, Chapter 920, Statutes of 1994 revised the numbering of the Elections Code sections pertaining to this program to Elections Code, Sections 3200 through 3206.

At the time the initial Permanent Absent Voter mandate was enacted, it applied to those voters who provided evidence of physical disability and thus were allowed on the initial Permanent Absent Voter roll.

Since the adoption of the original decision on the aforementioned test claim, the Elections Code has been amended substantially. The purpose of this test claim is to reflect changes in the election law pertaining to Permanent Absent Voters since the first test claim was filed.

The first major change was the renumbering of the Elections Code provisions pertaining to the Permanent Absent Voter program, as set forth in Chapter 920, Statutes of 1994. The Claiming Instructions on this program, issued by the State Controller's Office, reflects the fact that this program was renumbered.<sup>1</sup>

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<sup>1</sup> See copy of Claiming Instructions, dated September 1997, attached hereto and incorporated herein as Exhibit 6.

It should first be noted that other than renumbering, Elections Code, Section 3200 has not changed; thus, any voter who qualifies by the terms of this chapter shall become a permanent absent voter.

Section 3201 has been substantially amended since it was originally enacted. This section now allows any voter to apply for absent voter status. This provision eliminates the qualifications that limited the application of permanent absent voter status when the original test claim was originally approved. At the time this test claim was originally filed, this provision stated:

**§ 3201. Prerequisites for permanent absent voter status; application**

Any voter may apply for permanent absent voter status. Application for permanent absent voter status shall be made in accordance with Section 3001. The voter shall complete an application, which shall be available from the county elections official, and which shall contain all of the following:

- (a) The applicant's name at length.
- (b) The applicant's residence address.
- (c) The address where the ballot is mailed, if different from the place of residence.
- (d) The signature of the applicant.

New amendments added to this section pursuant to AB 188, Chapter 347, Statutes of 2003 to this section now cause it to read as follows:

Any voter may apply for permanent absent voter status. Application for permanent absent voter status shall be made in accordance with Section 3001, 3100-, or 3304. The voter shall complete an application, which shall be available from the county elections official, and which shall contain all of the following:

- (a) The applicant's name at length.
- (b) The applicant's residence address.
- (c) The address where the ballot is mailed, if different from the place of residence.
- (d) The signature of the applicant.

Thus, anyone who is a voter who completes the foregoing on an application furnished by the elections office is entitled to be a permanent absent voter.

Section 3202 allows anyone who makes a written application, which contains the information required in Section 3201, may be a permanent absent voter, and the elections

office is required to process the written request in the manner provided in Section 3203. At the time of the filing of this test claim, that section read as follows:

**§ 3203. Procedure for processing application**

- (a) Upon receipt of an application for permanent absent voter status, the county elections official shall process the application in the same manner as an application for a regular absent voter's ballot.
- (b) In addition to processing applications in accordance with Chapter 1 (commencing with Section 3000), if it is determined that the applicant is a registered voter, the county elections official shall do the following:
  - (1) Place the voter's name upon a list of those to whom an absentee ballot is sent each time there is an election within their precinct.
  - (2) Include in all absentee ballot mailings to the voter an explanation of the absentee voting procedure and an explanation of Section 4306.
  - (3) Maintain a copy of the absentee ballot voter list on file open to the public inspection for election and governmental purposes.

Since the initial filing of the within test claim, said section has been amended pursuant to the passage of AB 188, Chapter 347, Statutes of 2003, and now reads as follows:

**§ 3203. Procedure for processing application**

- (a) Upon receipt of an application for permanent absent voter status, the county elections official shall process the application in the same manner as an application made for a regular absent voter's ballot, or, in the case of an application made pursuant to Section 3100 or 3304, in the same manner as an application for a special absent voter ballot or overseas ballot.
- (b) In addition to processing applications in accordance with chapter 1 (commencing with Section 3000), if it is determined that the applicant is a registered voter, the county elections official shall do the following:
  - (1) Place the voter's name upon a list of those to whom an absentee ballot is sent each time there is an election within their precinct.
  - (2) Include in all absentee ballot mailings to the voter an explanation of the absentee voting procedure and an explanation of Section 3206.

- (3) Maintain a copy of the absentee ballot voter list on file open to the public inspection for election and governmental purposes.

The county elections official is required to send a copy of the list of all voters who qualify as permanent absent voters to each city elections official or district elections official who have the duty to conduct an election within the jurisdiction. That requirement is to be performed by the sixth day before an election. Elections Code, Section 3204.

Section 3205 requires that the ballots from permanent absentee voters be counted and processed in the same manner as absentee ballots. That section further has additional requirements for allowing those voters who decline to state their party affiliation to request an absentee ballot for a particular party.<sup>2</sup>

The last provision, Section 3206, requires the purging of permanent absent voters from the voting list if the voter fails to return an executed ballot for any statewide direct primary or general election.

In order to execute the requirements of the program, the elections department must print applications for permanent absent voter status. The elections department, once the request to be placed on the permanent absent voter roll is received, must verify that the person is a voter, and place such person on the roll.

Each and every sample ballot must contain the required information as set forth in Section 3203.

Six days prior to the election, the roll must be provided to cities and special district election officials. Additionally, the permanent absent voter roll must be kept available for public inspection.

The roll of permanent absent voters must be maintained, and purged once someone has failed to vote in the elections specified above. Additionally, those individuals must be reinstated upon the roll upon their request.

There is increased postage for automatically mailing out the ballots to the permanent absent voter roll.

Additionally, with the passage of AB 188, Chapter 347, Statutes of 2003, there is a new absent voter, the "special absentee voter" under Section 3100. Pursuant to section 3103(e), said person may register to vote by fax, and elections materials may be sent via e-mail, fax or other electronic transmission. However, if the person requests permanent absentee status, the application is to be transmitted pursuant to Section 3101.

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<sup>2</sup> Please note that a test claim has been already filed regarding this provision, which is commonly referred to as Modified Primary. That test claim, and all filings pertaining thereto, is incorporated herein by reference as though set forth herein in its entirety.

There may be other activities required by the amendment to this program through the test claim legislation, and claimant reserves the right to amend this test claim to insert such additional activities as they become known.

**B. SPECIFIC STATUTORY SECTIONS THAT CONTAIN THE MANDATED ACTIVITIES**

The mandated activities are contained in Elections Code, Sections 3100, 3191, 3103, 3104, 3106, 3108, 3110, 3200, 3201, 3202, 3203, 3204, 3205 and 3206.

**C. COST ESTIMATES**

There are substantial costs required by this mandated program. It is impossible to segregate the costs for this program from those in Permanent Absent Voter program, as the essence of this test claim legislation has been to expand those who are eligible for enrollment in the Permanent Absent Voter program. However, the costs are far in excess of \$1,000 per year. Additionally, because this is an amendment to the existing Permanent Absent Voter program, we request that the changes wrought by this legislation, after this test claim has been found to be a reimbursable state mandated program, be amended into the existing Parameters and Guidelines for Permanent Absent Voters.

**REIMBURSABLE COSTS MANDATED BY THE STATE**

The costs incurred by the claimant as a result of the statutes on which this test claim is based are all reimbursable costs as such costs are "costs mandated by the State" under Article XIII B (6) of the California Constitution, and Government Code § 17500 *et al.* of the Government Code. Section 17514 defines "costs mandated by the state", and specifies the following three requirements:

1. There are "increased costs which a local agency is required to incur after July 1, 1980."
2. The costs are incurred "as a result of any statute enacted on or after January 1, 1975.:"
3. The costs are as a result of "a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

All three of the above requirements for finding costs mandated by the State are met as described previously herein.

**D. MANDATE MEETS BOTH SUPREME COURT TESTS**

The mandate created by this statute clearly meets both tests that the Supreme Court in the *County of Los Angeles v. State of California* (1987) created for determining what constitutes a reimbursable state mandated local program. Those two tests, which the

Commission on State Mandates relies upon to determine if a reimbursable mandate exists are the “unique to government” and the “carry out a state policy” tests. Their application to this test claim is discussed below.

Mandate is Unique to Local Government

Only local government conducts elections for national, state and local offices.

Mandate Carries Out a State Policy

This mandate carries out the state policy of making voting accessible and easy for all voters, to encourage voter participation.

**STATE FUNDING DISCLAIMERS ARE NOT APPLICABLE**

There are seven disclaimers specified in Government Code § 17556 which could serve to bar recovery of “costs mandated by the State”, as defined in Government Code § 17556. None of the seven disclaimers apply to this test claim:

1. The claim is submitted by a local agency or school district which requests legislative authority for that local agency or school district to implement the Program specified in the statutes, and that statute imposes costs upon the local agency or school district requesting the legislative authority.
2. The statute or executive order affirmed for the State that which had been declared existing law or regulation by action of the courts.
3. The statute or executive order implemented a federal law or regulation and resulted in costs mandated by the federal government, unless the statute or executive order mandates costs which exceed the mandate in that federal law or regulation.
4. The local agency or school district has the authority to levy service charges, fees or assessments sufficient to pay for the mandated program or increased level of service.
5. The statute or executive order provides for offsetting savings to local agencies or school districts which result in no net costs to the local agencies or school districts, or includes additional revenue that was specifically intended to fund the costs of the State mandate in an amount sufficient to fund the cost of the State mandate.
6. The statute or executive order imposed duties which were expressly included in a ballot measure approved by the voters in a Statewide election.
7. The statute created a new crime or infraction, eliminated a crime or infraction, or changed the penalty for a crime or infraction, but only for that portion of the statute relating directly to the enforcement of the crime or infraction.

## **CONCLUSION**

The purpose of this test claim is to reflect the changes in the original Permanent Absent Voter test claim and bring it up to reflect amendments in the statutes since it was originally found to be a reimbursable state mandated program. This filing has been necessitated by the passage of AB 3000, which sets a statutory deadline for bringing existing mandates into current compliance. This is clearly a reimbursable state mandated program.

### **E. CLAIM REQUIREMENTS**

The following elements of this test claim are provided pursuant to Section 1183, Title 2 of the California Code of Regulations:


- Exhibit 1: Chapter 920, Statutes of 1994
- Exhibit 2: Chapter 724, Statutes of 1996
- Exhibit 3: Chapter 918, Statutes of 2001
- Exhibit 4: Chapter 922, Statutes of 2001
- Exhibit 5: Chapter 664, Statutes of 2002
- Exhibit 6: Chapter 347, Statutes of 2003
- Exhibit 7: Claiming Instructions, Permanent Absent Voter



## CLAIM CERTIFICATION

The foregoing facts are known to me personally and if so required, I could and would testify to the statements made herein. I declare under penalty of perjury under the laws of the State of California that the statements made in this document are true and complete to the best of my personal knowledge except as to those matters stated upon information and belief, and as to those matters I believe them to be true.

Executed this 20<sup>th</sup> day of January, 2004, at Sacramento, California, by:

  
\_\_\_\_\_  
Julie Valverde  
Assistant Auditor-Controller

**DECLARATION OF JULIE VALVERDE**

I, Julie Valverde, make the following declaration under oath:

I am the Assistant Auditor-Controller for the County of Sacramento. As part of my duties, I am responsible for the complete and timely recovery of costs mandated by the State.

I declare that I have examined Sacramento County's mandated duties and resulting costs in implementing the subject law and guidelines, and find that such costs are, in my opinion, "costs mandated by the State", as defined in Government Code, Section 17514:

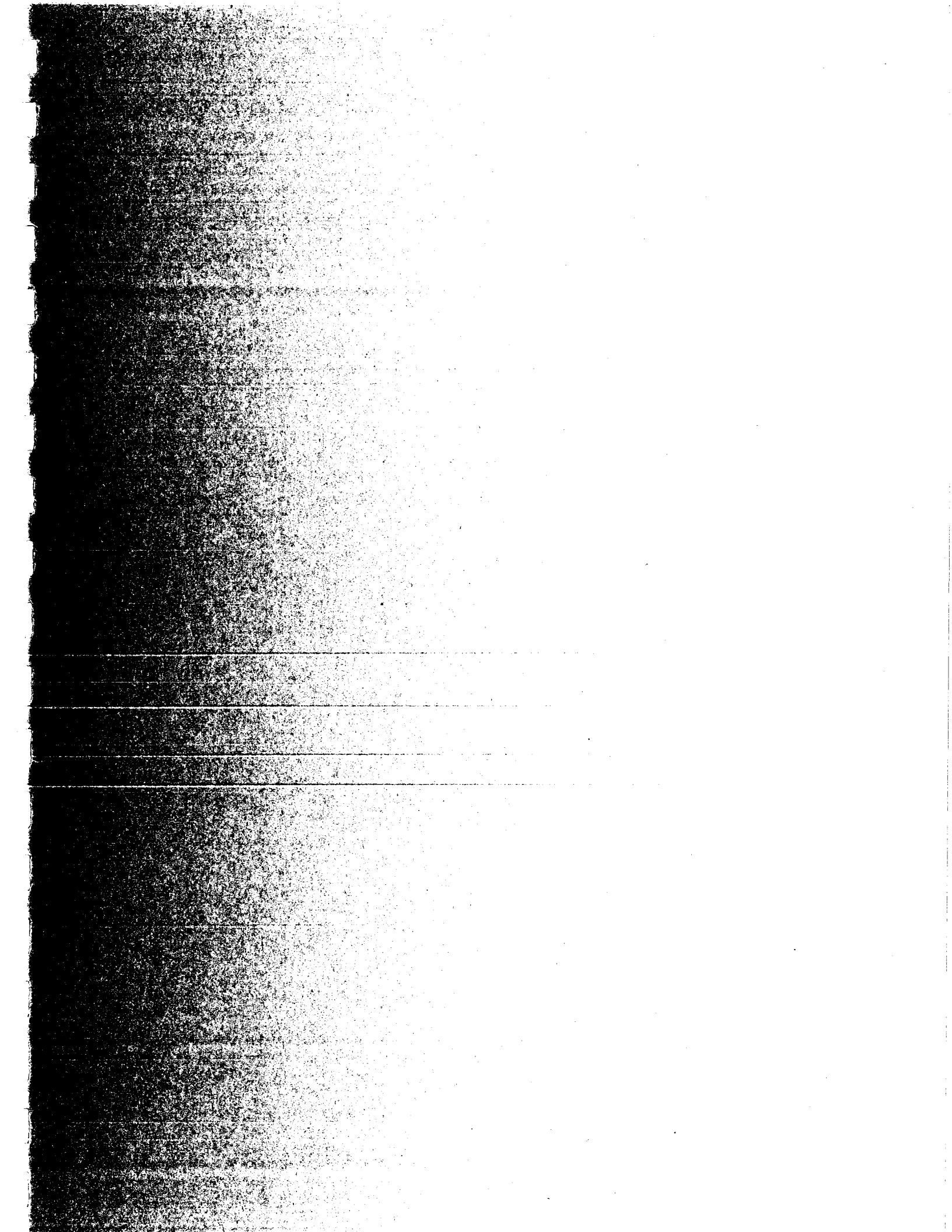
"Costs mandated by the State' means any increased costs which a local agency or school district is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, which mandates a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

I am personally conversant with the foregoing facts, and if so required, I could and would testify to the statements made herein.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge, except as to the matters which are stated upon information or belief, and as to those matters, I believe them to be true.

Executed this 20<sup>th</sup> day of January 2004, at Sacramento, California.

  
Julie Valverde  
Assistant Auditor-Controller  
County of Sacramento



BILL NUMBER: SB 1547      CHAPTERED 09/28/94  
BILL TEXT

CHAPTER 920  
FILED WITH SECRETARY OF STATE      SEPTEMBER 28, 1994  
APPROVED BY GOVERNOR      SEPTEMBER 27, 1994  
PASSED THE SENATE      AUGUST 23, 1994  
PASSED THE ASSEMBLY      AUGUST 16, 1994  
AMENDED IN ASSEMBLY      JUNE 6, 1994

INTRODUCED BY Committee on Elections and Reapportionment  
(Senators Marks (Chair), Beverly, Boatwright, Craven, Rosenthal,  
and Torres)

FEBRUARY 17, 1994

An act to repeal and add the Elections Code, relating to  
elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 1547, Senate Committee on Elections and Reapportionment.  
Elections Code: reorganization.

The existing Elections Code governs the conduct of statewide and local elections, and sets forth provisions governing the registration of voters, regular election dates, the qualification of initiative and referendum petitions, candidacy and nomination procedures, political party organization, the preparation and distribution of ballots, election procedures, the preservation of records, the declaration of results, election contests, consolidation of elections, the conduct of special elections, the recall of elected officials, penalties for prohibited acts, and reapportionment of state and local government election districts, among other things.

This bill would repeal the existing Elections Code, and would reenact the code in a reorganized format. It would repeal the statutes applicable to the 1983 redistricting of legislative, congressional, and State Board of Equalization districts that were superseded by the 1992 redistricting plans adopted by the California Supreme Court (*Wilson v. Eu*, 1 Cal. 4th 707).

This bill would state the intent of the Legislature to reorganize and clarify the Elections Code and thereby facilitate its administration. It would further state the Legislature's intent that the changes made to the Elections Code, as reorganized by this act, have only technical and nonsubstantive effect.

This bill would state the finding of the Legislature that the reorganization of the Elections Code pursuant to this act, in view of the nonsubstantive statutory changes made, will not result in new or additional costs to local agencies responsible for the conduct of elections or charged with any duties or responsibilities in connection therewith.

This bill would provide that any section of any act enacted by the Legislature during the 1994 calendar year that takes effect on or before January 1, 1995, and that amends, amends and renumbers, adds, repeals and adds, or repeals a section with the same number as a section repealed or added by this act,

shall prevail over this act, whether that act is enacted prior to, or subsequent to, this act.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Elections Code is repealed.

SEC. 2. The Elections Code is added, to read:

CHAPTER 1. GENERAL PROVISIONS

1. This act shall be known as the Elections Code.
2. The provisions of this code, insofar as they are substantially the same as existing statutory provisions relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments.
3. If any provision of this code or the application thereof to any person or circumstance is held invalid, the remainder of the code and the application of that provision to other persons or circumstances shall not be affected thereby.
4. Unless the provision or the context otherwise requires, these general provisions, rules of construction, and definitions shall govern the construction of this code.
5. Division, part, chapter, article, and section headings do not in any manner affect the scope, meaning, or intent of this code.
6. Whenever a power is granted to, or a duty is imposed upon, a public officer, the power may be exercised or the duty may be performed by a deputy of the officer or by a person authorized, pursuant to law, by the officer, unless this code expressly provides otherwise.
7. Writing includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by this code, it shall be made in writing in the English language unless it is expressly provided otherwise.
8. As used in this code, the present tense includes the past and future tenses, and the future the present; the masculine gender includes the feminine; and the singular includes the plural, and the plural, the singular.
9. (a) Counting of words, for purposes of this code, shall be as follows:
  - (1) Punctuation is not counted.
  - (2) Each word shall be counted as one word except as specified in this section.
  - (3) All geographical names shall be considered as one word; for example, "City and County of San Francisco" shall be counted as one word.
  - (4) Each abbreviation for a word, phrase, or expression shall be counted as one word.
  - (5) Hyphenated words that appear in any generally available dictionary shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.
  - (6) Dates consisting of a combination of words and digits shall be counted as two words. Dates consisting only of a combination of digits shall be counted as one word.
  - (7) Any number consisting of a digit or digits shall be considered as one word. Any number which is spelled, such as "one," shall be considered as a separate word or words. "One"

shall be counted as one word whereas "one hundred" shall be counted as two words. "100" shall be counted as one word.

(b) This section shall not apply to counting words for ballot designations under Section 13107.

10. The Secretary of State is the chief elections officer of the state, and has the powers and duties specified in Section 12172.5 of the Government Code.

11. On written call of the Secretary of State, the county elections officials, city elections officials, and registrars of voters of this state may meet with the approval of their legislative bodies, at the time and place within this state designated in the call, to discuss matters affecting the administration of the election laws and to promote uniformity of procedure in those matters. Meetings shall not exceed three in any calendar year. Any deputy of a county elections official, city elections official, or registrar of voters, designated for the purpose by his or her principal, may attend these meetings, alone or with his or her principal. The actual and necessary expenses of the county elections official, city elections official, or registrar of voters, and of a deputy, incurred in traveling to and from meetings and in attending the same, for each officer for any one meeting, shall be a charge of the county or city of the elections official or registrar, and payable as other county or city charges.

12. Whenever any candidate files a declaration of candidacy, nomination paper, or any other paper evidencing an intention to be a candidate for any public office at any election in this state with either the Secretary of State or a county elections official, the candidate shall by the filing irrevocably appoint the Secretary of State or the county elections official with whom the filing is made, and their successors in office, the candidate's attorneys upon whom all process in any action or proceeding against him or her concerning his or her candidacy or the election laws may be served with the same effect as if the candidate had been lawfully served with process. The appointment shall continue until the day of the election.

If in any action or proceeding arising out of or in connection with any matters concerning his or her candidacy or the election laws it is shown by affidavit to the satisfaction of a court or judge that personal service of process against the candidate cannot be made with the exercise of due diligence, the court or judge may make an order that the service be made upon the candidate by delivering by hand to the Secretary of State or the county elections official appointed as the candidate's attorney for service of process, or to any person employed in his or her office in the capacity of assistant or deputy, one copy of the process for the defendant to be served, together with a copy of the order authorizing the service. Service in this manner constitutes personal service upon the candidate. The Secretary of State and the county elections officials of all counties shall keep a record of all process served upon them under this section, and shall record therein the time of service and their action with reference thereto.

Upon the receipt of service of process the Secretary of State or the county elections official shall immediately give notice of the service of the process to the candidate by forwarding the copy of the process to the candidate at the address shown on his or her declaration, nomination paper, affidavit, or other evidence of intention to be a candidate filed with that officer, by special delivery registered mail with request for return

receipt.

13. No person shall be considered a legally qualified candidate for any office or party nomination for a partisan office under the laws of this state unless that person has filed a declaration of candidacy or statement of write-in candidacy with the proper official for the particular election or primary, or is entitled to have his or her name placed on a general election ballot by reason of having been nominated at a primary election, or having been selected to fill a vacancy on the general election ballot as provided in Section 8806, or having been selected as an independent candidate pursuant to Section 8504.

This section shall not be construed to prevent a voter from writing in the name of any person for an office at a primary or general election.

It is the intent of the legislature, in enacting this section, to enable the Federal Communications Commission to determine who is a "legally qualified candidate" in this state for the purposes of administering Section 315 of the Communications Act of 1934.

14. In case of a disaster in which a portion or all of the voting records of any county are destroyed, the Governor may appoint an election commission to outline and recommend procedures to be followed in the conduct of regular or special elections. The commission shall consist of the Governor, the Secretary of State, the Attorney General, and the county elections official of each county in which destruction occurs.

15. Notwithstanding any other provision of law, if the last day for the performance of any act provided for or required by this code shall be a holiday, as defined in Chapter 7 (commencing with Section 6700) of Division 7 of Title 1 of the Government Code, the act may be performed upon the next business day with the same effect as if it had been performed upon the day appointed.

For purposes of this section, the Friday in November immediately after Thanksgiving Day shall be considered a holiday.

16. A copy of Section 84305 of the Government Code shall be provided by the elections official to each candidate or his or her agent at the time of filing the declaration of candidacy and to the proponents of a local initiative or referendum at the time of filing the petitions.

## CHAPTER 2. PETITIONS AND PETITION SIGNERS

100. Notwithstanding any other provision of law, whenever any initiative, referendum, recall, nominating petition or paper, or any other petition or paper, is required to be signed by voters of any county, city, school district, or special district subject to petitioning, only a person who is an eligible registered voter at the time of signing the petition or paper is entitled to sign it. Each signer shall at the time of signing the petition or paper personally affix his or her signature, printed name, and place of residence, giving street and number, and if no street or number exists, then a designation of the place of residence which will enable the location to be readily ascertained. A space at least one inch wide shall be left blank after each name for the use of the elections official in verifying the petition or paper. The part

of a petition for the voters' signatures, printed names, and residence addresses and for the blank spaces for verification purposes shall be numbered consecutively commencing with the number one and continuing through the number of signature spaces allotted to each section. The petition format shall be substantially in the following form:

Official  
Use  
Only

(Print Name)	(Residence Address ONLY)
1. _____	_____
(Signature)	(City)
(Print Name)	(Residence Address ONLY)
2. _____	_____
(Signature)	(City)

101. Notwithstanding any other provision of law, any state or local initiative petition required to be signed by voters shall contain in 12-point type, prior to that portion of the petition for voters' signatures, printed names, and residence addresses, the following language:

"NOTICE TO THE PUBLIC

THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK."

102. Any person who is a voter may circulate an initiative, referendum or recall petition in accordance with this code.

103. Any voter who has signed an initiative, referendum or recall petition pursuant to the Constitution or laws of this state shall have his or her signature withdrawn from the



petition upon filing a written request therefor with the appropriate county elections official or city elections official prior to the day the petition is filed.

104. (a) Wherever any petition or paper is submitted to the elections official, each section of the petition or paper shall have attached to it a declaration signed by the circulator of the petition or paper, setting forth, in the circulator's own hand, the following:

(1) The printed name of the circulator.

(2) The residence address of the circulator, giving street and number, or if no street or number exists, adequate designation of residence so that the location may be readily ascertained.

(3) The dates between which all the signatures to the petition or paper were obtained.

(b) Each declaration submitted pursuant to this section shall also set forth the following:

(1) That the circulator circulated that section and witnessed the appended signatures being written.

(2) That according to the best information and belief of the circulator, each signature is the genuine signature of the person whose name it purports to be.

(c) The circulator shall certify to the content of the declaration as to its truth and correctness, under penalty of perjury under the laws of the State of California, with the signature of his or her name at length, including given name, middle name or initial, or initial and middle name. The circulator shall state the date and the place of execution on the declaration immediately preceding his or her signature.

105. For purposes of verifying signatures on any initiative, referendum, recall, nomination, or other election petition or paper, the elections official shall determine that the residence address on the petition or paper is the same as the residence address on the affidavit of registration. If the addresses are different, or if the petition or paper does not specify the residence address, or, in the case of an initiative or referendum petition, if the information specified in Section 9020 is not contained in the petition, the affected signature shall not be counted as valid.

Any signature invalidated pursuant to this section shall not affect the validity of other valid signatures on the particular petition or paper.

106. Notwithstanding any other provision of law:

(a) Any registered voter who is a candidate for any office may obtain signatures to and sign his or her own nomination papers. The candidate's signature shall be given the same effect as that of any other qualified signer.

(b) Any person engaged in obtaining signatures to the nomination papers of a candidate for any office or to any recall, initiative or referendum petition, may, if otherwise qualified to sign the papers or petition, sign the papers or petition. The signature of the person shall be given the same effect as that of any other qualified signer.

### CHAPTER 3. NOMINATIONS

200. Notwithstanding any provision of law to the contrary, there shall be set forth in full in the declaration of candidacy required for any primary or final election the oath or affirmation set forth in Section 3 of Article XX of the

Constitution, and this requirement shall satisfy Section 3 of Article XX of the Constitution with respect to any office or public trust.

201. Unless otherwise specifically provided, no person is eligible to be elected or appointed to an elective office unless that person is a registered voter and otherwise qualified to vote for that office at the time that nomination papers are issued to the person or at the time of the person's appointment.

#### CHAPTER 4. DEFINITIONS

300. (a) "Absent voter" means any voter casting a ballot in any way other than at the polling place.

(b) "Special absentee voter" means an elector who is any of the following:

(1) A member of the armed forces of the United States or any auxiliary branch thereof.

(2) A citizen of the United States temporarily living outside of the territorial limits of the United States or the District of Columbia.

(3) Serving on a merchant vessel documented under the laws of the United States.

(4) A spouse or dependent of a member of the armed forces or any auxiliary branch thereof.

301. "Ballot" means a single card or a number of cards upon which are printed the names of candidates and the ballot titles of measures to be voted on by a punching or slotting device at the election and includes a card upon which is printed the instructions to voters.

In addition to, or in lieu thereof, "ballot" may mean a reference page or pages upon which are printed the instructions to voters, office titles, names of candidates, and ballot titles of measures to be voted on by punching or slotting a separate card or a number of cards whereby the vote for each candidate and on each measure is registered in direct relation to the reference page or pages.

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 subdivisions (c) through (g) 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 through 13007 shall not apply to the preparation and composition of separate write-in ballots authorized by this section. Sections 14403 and 14406 shall not apply to separate write-in ballots used in an election in which a punchcard voting system is used.

303. "Ballot label," means that portion of cardboard, paper or other material placed on the front of a voting machine, containing the names of the candidates or a statement of a measure.

304. "Campaign advertising or communication" means a communication authorized by a candidate or a candidate's controlled committee, as defined in Section 82016 of the Government Code, or by a committee making independent expenditures, as defined in Section 82031 of the Government Code, or by a committee formed primarily to support or oppose a ballot measure, as defined in Section 82047.5 of the Government Code, for the purpose of advocating the election or defeat of a qualified candidate or ballot measure through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general, public, political advertising.

305. (a) "Candidate," for purposes of Section 2184, includes any person who declares in writing, under penalty of perjury that he or she is a candidate, naming the office.

(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 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) "Candidate for public office," as used in Chapter 5 (commencing with Section 20400) of Division 20, means an individual who has qualified to have his or her name listed on the ballot of any election, or who has qualified to have written votes on his or her behalf counted by election officials, for nomination for, or election to, any state, regional, county, municipal, or district office which is filled at an election.

306. "City measure" includes any proposed city charter, any proposed amendment to a city charter, any proposition for the issuance of bonds by the city, any advisory question, or any other question or proposition submitted to the voters of a city.

307. "Clerk" means county clerk, registrar of voters, city clerk, or other officer or board charged with the duty of conducting any election.

308. "District elections official," for the purposes of initiative and referendum under Article 1 (commencing with Section 9300) of Chapter 4 of Division 9, includes the county clerk or other officer or board charged with performing the

duties required of the clerk of the district by that chapter.

309. "Committee," as used in Article 1 (commencing with Section 20200) of Chapter 3 of Division 20, means any person or combination of persons who, directly or indirectly, receive contributions or make expenditures or contributions for the purpose of influencing or attempting to influence the action of voters for or against the nomination or election of one or more candidates, or the passage, or defeat of any measure, and who is required to file campaign reports or statements under Chapter 4 (commencing with Section 84100) of Title 9 of the Government Code.

310. "County" and "city" both include "city and county."

311. "County clerk" means "registrar of voters," in those counties in which the latter office has been established. In those counties in which the office of "registrar of voters" has not been established the "county clerk" may also be known as "ex officio registrar of voters."

312. "County measure" includes any proposed county charter, any proposed amendment to a county charter, any proposition for the issuance of funding or refunding bonds of the county, any other question or proposition submitted to the voters of a county at any election held throughout an entire single county, any advisory question, or any bond proposal or any advisory question submitted to the voters of any public district although the boundaries of the district may be coterminous with those of the county.

313. "County office" means the office filled by any county officer.

314. "County officer" means any elected officer enumerated in Division 2 (commencing with Section 24000) of Title 3 of the Government Code.

315. "Demonstrator" means a model or facsimile of the voting device or the portion of the face of the voting machine that shows the voter how to operate the machine.

316. "Direct primary" is the primary election held on the first Tuesday after the first Monday in June in each even-numbered year, and on the fourth Tuesday in March in any year that is evenly divisible by the number four, to nominate candidates to be voted for at the ensuing general election or to elect members of a party central committee.

This section shall remain in effect only until January 1, 1998, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1998, deletes or extends that date.

316. "Direct primary" is the primary election held on the first Tuesday after the first Monday in June in each even-numbered year, to nominate candidates to be voted for at the ensuing general election or to elect members of a party central committee.

This section shall become operative on January 1, 1998.

317. "District," for purposes of initiative and referendum under Chapter 4 (commencing with Section 9300) of Division 9, includes any regional agency that has the power to tax, to regulate land use, or to condemn and purchase land.

318. "Election" means any election including a primary that is provided for under this code.

319. "Election board" means the board of supervisors of each county, the city council or other governing body of a city, or any board or officer to whom similar powers and duties are given by any charter.

320. "Elections official" means any of the following:

(a) A clerk or any person who is charged with the duty of conducting an election.

(b) A county clerk, city clerk, registrar of voters, elections supervisor, or governing board having jurisdiction over elections within any county, city, or district within the state.

321. "Elector" means any person who is a United States citizen 18 years of age or older and a resident of an election precinct at least 29 days prior to an election.

322. "Electoral jurisdiction," as used in Division 11 (commencing with Section 11000), means the area within which the voters reside who are qualified to vote for the officer sought to be recalled.

323. "Federal election" means any presidential election, general election, primary election, or special election held solely or in part for the purpose of selecting, nominating, or electing any candidate for the office of President, Vice President, presidential elector, Member of the United States Senate, or Member of the United States House of Representatives.

324. (a) "General election" means either of the following:

(1) The election held throughout the state on the first Tuesday after the first Monday of November in each even-numbered year.

(2) Any statewide election held on a regular election date as specified in Section 1000.

(b) At each general election there shall be elected to the Congress of the United States:

(1) One Representative for each congressional district.

(2) One Senator, when the general election immediately precedes the commencement of a full term.

325. "Judicial district" includes municipal court district and justice court district.

326. "Judicial office" means the office filled by any judicial officer.

327. "Judicial officer" means any Justice of the Supreme Court, justice of a court of appeal, judge of the superior court, judge of a municipal court, or judge of a justice court.

328. "Local election" is a municipal, county, or district election.

329. "Measure" means any constitutional amendment or other proposition submitted to a popular vote at any election.

330. "Municipal election" means elections in general law cities and where applicable in chartered cities.

331. "New citizen" means any person who meets all requirements of an elector of, and has established residency in, the State of California, except that he or she will become a United States citizen after the 29th day prior to an election but on or before the seventh day prior to that election.

332. "New resident" means a person who meets all requirements of an elector of the State of California except that his or her residency was established subsequent to the 29th day prior to the election.

The new resident is eligible to vote for President and Vice President and for no other office.

333. "Nomination documents" means declaration of candidacy and nomination papers.

334. "Nonpartisan office" means an office for which no party

may nominate a candidate. Judicial, school, county, and municipal offices are nonpartisan offices.

335. "Oath" includes affirmation.

336. The "official summary date" is the date a summary of a proposed initiative measure is delivered or mailed by the Attorney General to the proponents for a proposed initiative measure. The Attorney General shall immediately notify the Secretary of State of that date and send the Secretary of State a copy of the summary. The Secretary of State immediately shall notify the proponents and county elections official of each county of the official summary date and mail a copy of the summary to each county elections official. This notification shall also include a complete schedule showing the maximum filing deadline, and the certification deadline by the counties to the Secretary of State.

No petitions for a proposed initiative measure shall be circulated for signatures prior to the official summary date. Petitions with signatures on a proposed initiative measure shall be filed with the county elections official not later than 150 days from the official summary date, and no county elections official shall accept petitions on the proposed initiative measure after that period.

337. "Partisan office" means an office for which a party may nominate a candidate.

338. "Party" means a political party or organization that has qualified for participation in any primary election.

339. (a) "Precinct board" is the board appointed by the elections official to serve at a single precinct or a consolidated precinct.

(b) "Precinct board," when used in relation to proceedings taking place after the polls have closed, likewise includes any substitutive canvassing and counting board that may have been appointed to take the place of the board theretofore serving.

340. "Presidential primary" is the primary election that is held on the fourth Tuesday in March in any year which is evenly divisible by the number four, and at which delegations to national party conventions are to be chosen.

This section shall remain in effect only until January 1, 1998, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1998, deletes or extends that date.

340. "Presidential primary" is the primary election that is consolidated with the direct primary held in any year which is evenly divisible by the number four, and at which delegations to national party conventions are to be chosen.

This section shall become operative on January 1, 1998.

341. "Primary election" includes all primary nominating elections provided for by this code.

342. "Proponent or proponents of an initiative or referendum measure" means, for statewide initiative and referendum measures, the person or persons who submit a draft of a petition proposing the measure to the Attorney General with a request that he or she prepare a title and summary of the chief purpose and points of the proposed measure; or for other initiative and referendum measures, the person or persons who publish a notice or intention to circulate petitions, or, where publication is not required, who file petitions with the elections official or legislative body.

343. "Proponent or proponents of a recall petition" means the person or persons who have charge or control of the

circulation of, or obtaining signatures, to such petitions.

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

345. "Punching" includes marking a ballot card to record a vote.

346. "Rebuttable presumption" shall be deemed a presumption which affects the burden of producing evidence.

347. "Register" means the affidavits of registration, prepared and bound by the county elections official.

348. "Regular election" is an election, the specific time for the holding of which is prescribed by law.

349. (a) "Residence" for voting purposes means a person's domicile.

(b) The domicile of a person is that place in which his or her habitation is fixed, wherein the person has the intention of remaining, and to which, whenever he or she is absent, the person has the intention of returning. At a given time, a person may have only one domicile.

(c) The residence of a person is that place in which the person's habitation is fixed for some period of time, but wherein he or she does not have the intention of remaining. At a given time, a person may have more than one residence.

350. "School measure" means any proposition, including but not limited to, a proposal for the issuance of bonds by a school district or community college district, an increase in the maximum tax rate of a school district or community college district, or the acceptance, expenditure, and repayment of state funds by a school district or community college district to enable the district to construct buildings and other facilities, submitted to the voters of the district at any election held in the district.

351. "School office" means the office filled by any school officer.

352. "School officer" means the Superintendent of Public Instruction and the superintendent of schools of a county.

353. "Section" means a section of this code unless some other statute is specifically mentioned.

354. "Shall" is mandatory and "may" is permissive.

355. "Software" includes all programs, voting devices, cards, ballot cards or papers, operating manuals or instructions, test procedures, printouts, and other nonmechanical or nonelectrical items necessary to the operation of a voting system.

356. "Special election" is an election, the specific time for the holding of which is not prescribed by law.

357. "Statewide election" is an election held throughout the state.

358. "Vote tabulating device" means any piece of equipment, other than a voting machine, that compiles a total of votes cast by means of ballot card sorting, ballot card reading, paper ballot scanning, electronic data processing, or a combination of that type of equipment.

359. "Voter" means any elector who is registered under this code.

360. "Voting device" means any device used in conjunction with a ballot card or cards to indicate the choice of the voter by marking, punching, or slotting the ballot card.

361. "Voting machine" means any device upon which a voter may register his or her vote, and which, by means of counters, embossing, or printouts, furnishes a total of the number of

votes cast for each candidate or measure.

362. "Voting system" means any mechanical, electromechanical, or electronic system and its software, or any combination of these used to cast or tabulate votes, or both.

DIVISION 1. ESTABLISHED ELECTION DATES  
CHAPTER 1. ELECTION DATES

1000. The regular election dates in each year are as follows:

- (a) The second Tuesday of April of each even-numbered year.
- (b) The first Tuesday after the first Monday in March of each odd-numbered year.
- (c) The fourth Tuesday in March in any year which is evenly divisible by the number four.
- (d) The first Tuesday after the first Monday in June of each year.
- (e) The first Tuesday after the first Monday in November of each year.

This section shall remain in effect only until January 1, 1998, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1998, deletes or extends that date.

1000. Three regular election dates shall be established in each year as follows:

- (1) The second Tuesday of April of each even-numbered year.
- (2) The first Tuesday after the first Monday in March of each odd-numbered year.
- (3) The first Tuesday after the first Monday in June of each year.
- (4) The first Tuesday after the first Monday in November of each year.

This section shall become operative on January 1, 1998.

1001. Elections held in June and November of each even-numbered year, and in March of any year evenly divisible by the number four, shall be statewide elections and these dates shall be considered statewide election dates.

This section shall remain in effect only until January 1, 1998, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1998, deletes or extends that date.

1001. Elections held in June and November of each even-numbered year shall be statewide elections and these dates shall be considered statewide election dates.

This section shall become operative on January 1, 1998.

1002. Except as provided in Section 1003, notwithstanding any other provisions of law, all state, county, municipal, district, and school district elections shall be held on the established election date nearest to the date on which they would be held in the absence of this chapter. If the election is held on a statewide election date it shall be consolidated with the statewide election according to Part 3 (commencing with Section 10400) of Division 10 except that, in counties of the first class, the board of supervisors may deny any request for consolidation if it finds that the ballot style, voting equipment, or computer capacity is such that additional elections or materials cannot be handled. The procedural requirements prescribed for that type of election shall be construed as if this section were specifically set forth in the



provisions relating to that election.

1003. This chapter shall not apply to the following:

- (1) Any special election called by the Governor.
- (2) Elections held in chartered cities or chartered counties in which the charter provisions are inconsistent with this chapter.
- (3) School governing board elections consolidated pursuant to Section 5006 of the Education Code or initiated by petition pursuant to Section 5091 of the Education Code.
- (4) Elections of any kind required or permitted to be held by a school district located in a chartered city or county when the election is consolidated with a regular city or county election held in a jurisdiction that includes 95 percent or more of the school district's population.
- (5) County, municipal, district, and school district initiative, referendum, or recall elections.
- (6) Any election conducted solely by mailed ballot pursuant to Division 4 (commencing with Section 4000).

## CHAPTER 2. ELECTION DAY

1100. Except as provided in Sections 1500 and 1501, no election shall be held on any day other than a Tuesday, nor shall any election be held on the day before, the day of, or the day after a state holiday.

## CHAPTER 3. STATEWIDE ELECTIONS

1200. The statewide general election shall be held on the first Tuesday after the first Monday of November in each even-numbered year.

1201. (a) The statewide direct primary shall be held on the first Tuesday after the first Monday in June in each even-numbered year.

(b) Notwithstanding subdivision (a), in any year that is evenly divisible by the number four, the statewide direct primary shall be held on the fourth Tuesday in March and shall be consolidated with the presidential primary held in that year.

This section shall remain in effect only until January 1, 1998, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1998, deletes or extends that date.

1201. The statewide direct primary shall be held on the first Tuesday after the first Monday in June in each even-numbered year.

This section shall become operative on January 1, 1998.

1202. The presidential primary shall be held on the fourth Tuesday in March any year evenly divisible by the number four.

This section shall remain in effect only until January 1, 1998, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1998, deletes or extends that date.

1202. The presidential primary shall be consolidated with the statewide direct primary held in any year evenly divisible by the number four.

This section shall become operative on January 1, 1998.

## CHAPTER 4. LOCAL ELECTIONS

1300. Except as otherwise provided in the Government Code, an election to select county officers shall be held with the statewide primary at which candidates for Governor are nominated. In the event that county officers are not elected pursuant to Sections 8140 and 8141, this election shall be deemed a primary election and a county general election shall be held with the statewide general election to select county officers.

1301. (a) Except as provided in Sections 35443, 36503.5, and 36504 of the Government Code, a general municipal election shall be held on the second Tuesday in April of even-numbered years, or on the first Tuesday after the first Monday in March of odd-numbered years.

(b) A city council may enact an ordinance to move the date of its general municipal election from the second Tuesday in April of even-numbered years to the first Tuesday after the first Monday in March of odd-numbered years.

(c) As the result of the adoption of an ordinance pursuant to this section, no term of office shall be increased or decreased by more than 12 months. As used in this subdivision, "12 months" means the period between the day upon which the term of office otherwise would have commenced and the first Tuesday after the first Monday in March of the odd-numbered year in which the election is held, inclusive.

(d) If an election is held pursuant to subdivision (a) and the election is consolidated with another election, Part 3 (commencing with Section 10400) of Division 10, except Section 10403, shall govern the consolidation, and, if the county elections official is requested to conduct the municipal election, Section 10002 shall be applicable to that election.

(e) Within 30 days after the ordinance becomes operative pursuant to subdivision (a), the city elections official shall cause a notice to be mailed to all registered voters informing the voters of the change in the election date. The notice shall also inform the voters that as a result in the change in election date, elected city officeholders' terms in office will be changed.

(f) If a city adopts an ordinance pursuant to subdivision (a), the municipal election following the adoption of the ordinance and each municipal election thereafter shall be conducted on the date specified by the city council, in accordance with subdivision (a), unless the ordinance in question is later repealed by the city council.

(g) If the date of a general municipal election is changed pursuant to this section, at least one election shall be held before the ordinance may be subsequently repealed or amended.

1302. Except as otherwise provided, the regular election to select governing board members in any school district or community college district shall be held on the first Tuesday after the first Monday in November of each odd-numbered year.

1303. A general district election to elect members of the governing board shall be held in each special district subject to Division 10 (commencing with Section 10000) on the first Tuesday following the first Monday in November of each odd-numbered year.

1304. Unless the principal act of a district provides that an election shall be held on one of the other dates specified in Chapter 1 (commencing with Section 1000) of Division 1, a general district election shall be held in each district on the first Tuesday after the first Monday in November in each

odd-numbered year to choose a successor for each elective officer the term of whose office will expire on the following first Friday in December.

#### CHAPTER 5. SPECIAL ELECTIONS

1400. Each special election shall be held on one of the established election dates set by this division or on the date of any statewide special election except as provided in Section 1003.

#### CHAPTER 6. MAIL BALLOT ELECTIONS

1500. If any election to choose members of the governing board of a special district is to be totally conducted by mailed ballot, it shall be held on the first Tuesday following the first Monday in September of each odd-numbered year, except as provided in Section 1501.

1501. The general district election, if conducted by all-mailed ballot, shall be held on the first Tuesday following the first Monday in September of odd-numbered years. However, if permitted by the county elections official or county elections officials of the county or counties affected by the use of all-mailed ballots, the general district election may be held on the first Tuesday after the first Monday in November in each odd-numbered year. All other district elections conducted by mailed ballot may be held in accordance with the dates set forth in the district enabling act or may be consolidated with the general district election.

1502. A mailed-ballot election may not be consolidated with any other election unless the other election is also being conducted by all-mailed ballot and no mailed-ballot election may be held on one of the regular election days set forth in Chapter 1 (commencing with Section 1000) of Division 1, except as provided in Section 1501.

#### DIVISION 2. VOTERS

##### CHAPTER 1. VOTER QUALIFICATIONS

##### Article 1. General Provisions

2000. (a) Every person who qualifies under Section 2 of Article II of the California Constitution and who complies with this code governing the registration of electors may vote at any election held within the territory within which he or she resides and the election is held.

(b) Any person who will be at least 18 years of age at the time of the next election is eligible to register and vote at that election.

##### Article 2. Determination of Residence and Domicile

2020. The term of domicile is computed by including the day on which the person's domicile commenced and by excluding the day of the election.

2021. (a) A person who leaves his or her home to go into another state or precinct in this state for temporary purposes merely, with the intention of returning, does not lose his or her domicile.

(b) A person does not gain a domicile in any precinct into which he or she comes for temporary purposes merely, without the

intention of making that precinct his or her home.

2022. If a person moves to another state with the intention of making it his or her domicile, the voter loses his or her domicile in this state.

2023. If a person moves to another state as a place of permanent residence, with the intention of remaining there for an indefinite time, he or she loses his or her domicile in this state, notwithstanding that he or she intends to return at some future time.

2024. The mere intention to acquire a new domicile, without the fact of removal avails nothing, neither does the fact of removal without the intention.

2025. A person does not gain or lose a domicile solely by reason of his or her presence or absence from a place while employed in the service of the United States or of this state, nor while engaged in navigation, nor while a student of any institution of learning, nor while kept in an almshouse, asylum or prison. This section shall not be construed to prevent a student at an institution of learning from qualifying as an elector in the locality where he or she domiciles while attending that institution, when in fact the student has abandoned his or her former domicile.

2026. The domicile of a Member of the Legislature or a Representative in the Congress of the United States shall be conclusively presumed to be at the residence address indicated on that person's currently filed affidavit of registration.

2027. The place where a person's family is domiciled is his or her domicile unless it is a place for temporary establishment for his or her family or for transient objects.

Residence in a trailer or vehicle or at any public camp or camping ground may constitute a domicile for voting purposes if the registrant complies with the other requirements of this article.

2028. If a person has a family fixed in one place, and he or she does business in another, the former is his or her place of domicile, but any person having a family, who has taken up an abode with the intention of remaining and whose family does not so reside with him or her, is a domiciliary where he or she has so taken up the abode.

2029. The domicile of one spouse shall not be presumed to be that of the other, but shall be determined independently in accordance with this article.

2030. A domiciliary of this state who marries a person employed temporarily in this state in the service of the United States government, may elect to retain his or her domicile for the purpose of qualifying as an elector only, except that his or her domicile in this state shall terminate if the domiciliary qualifies as an elector in any other state or any territory.

2031. If a person has more than one residence and that person maintains a homeowner's property tax exemption on the dwelling of one of the residences pursuant to Section 218 of the Revenue and Taxation Code, there shall be a rebuttable presumption that the residence subject to the homeowner's property tax exemption is that person's domicile. However, this presumption shall not apply in the event any other residence is listed as the person's current residence address on any driver's license, identification card or vehicle registration issued to that person by, and on file with, the Department of Motor Vehicles.

If a person has more than one residence and that person

claims a renter's tax credit for one of the residences pursuant to Section 17053.5 of the Revenue and Taxation Code, there shall be a rebuttable presumption that the residence subject to the renter's tax credit is that person's domicile. However, this presumption shall not apply in the event any other residence is listed as the person's current residence address on any driver's license, identification card, or vehicle registration issued to that person by, and on file with, the Department of Motor Vehicles.

This section shall not be applicable to state or federal elected officials.

2032. Except as provided in this article, if a person has more than one residence and that person has not physically resided at any one of the residences within the immediate preceding year, there shall be a rebuttable presumption that those residences in which he or she has not so resided within the immediate preceding year are merely residences as defined in subdivision (c) of Section 349 and not his or her domicile.

2033. Whenever the house number or the mailing address of a voter has been changed and the voter's domicile is the same, the public agency authorizing the change shall notify the county elections official in writing of the change and the county elections official shall make the change on the voter's affidavit of registration and a new affidavit shall not be required.

2034. A person domiciled in a house or apartment lying in more than one precinct shall be registered as domiciled in the precinct designated by the county elections official on the basis of the street address or other precinct the county elections official considers appropriate unless the person requests, either by letter or in person at the office of the county elections official, that he or she wishes to be domiciled for registration purposes in another precinct in which his or her house or apartment lies. In order to fulfill the requirements of this section, the letter of request shall include the name, signature, and residence address of the requester.

2035. A person duly registered as a voter in any precinct in California who removes therefrom within 28 days prior to an election shall, for the purpose of that election, be entitled to vote in the precinct from which the person so removed until the close of the polls on the date of that election.

### Article 3. Visually Impaired Voters

2050. This article shall be known, and may be cited, as the Visually Impaired Voter Assistance Act of 1989.

2051. As used in this article, "visually impaired" means a person having central visual acuity not to exceed 20-200 in the better eye, with corrected lenses, or visual acuity greater than 20-200, but with a limitation in the field of vision such that the widest diameter of the visual field subtends at an angle of not greater than 20 degrees.

2052. It is the intent of the Legislature to promote the fundamental right to vote of visually impaired individuals, and to make efforts to improve public awareness of the availability of ballot pamphlet cassette tapes and improve their delivery to these voters.

2053. (a) The Secretary of State shall establish a Visually Impaired Voter Assistance Advisory Board. This board shall

consist of the Secretary of State or his or her designee and the following membership, appointed by the Secretary of State:

(1) A representative from the State Advisory Council on Libraries.

(2) One member from each of three private organizations. Two of the organizations shall be representative of organizations for blind persons in the state.

(b) The board shall do all of the following:

(1) Establish guidelines for reaching as many visually impaired persons as practical.

(2) Make recommendations to the Secretary of State for improving the availability and accessibility of ballot pamphlet cassette tapes and their delivery to visually impaired voters. The Secretary of State may implement the recommendations made by the board.

(3) Increase the distribution of public service announcements identifying the availability of ballot pamphlet cassette tapes at least 45 days before any federal, state, and local election.

(4) Promote the Secretary of State's toll-free voter registration telephone line for citizens needing voter registration information, including information for those who are visually handicapped, and the toll-free telephone service regarding the California State Library and regional library service for the visually impaired.

(c) No member shall receive compensation, but each member shall be reimbursed for his or her reasonable and necessary expenses in connection with service on the board.

## CHAPTER 2. REGISTRATION

### Article 1. General Provisions

2100. No person shall be registered except as provided in this chapter except upon the production and filing of a certified copy of a judgment of the superior court directing registration to be made.

2101. A person entitled to register to vote shall be a United States citizen, a resident of California, not in prison or on parole for the conviction of a felony, and at least 18 years of age at the time of the next election.

2102. No person shall be registered as a voter except by affidavit of registration. The affidavit shall be mailed or delivered to the county elections official and shall set forth all of the facts required to be shown by this chapter. A properly executed registration shall be deemed effective upon receipt of the affidavit by the county elections official or on the 29th day before an election to be held in the registrant's precinct if both (a) the affidavit is executed on or before the 29th day prior to the election, and (b) the affidavit is received by the county elections official by mail after the 29th day and by the fourth day after the 29th day before the election.

For purposes of verifying signatures on a recall, initiative, or referendum petition or signatures on a nomination paper or any other election petition or election paper, a properly executed affidavit of registration shall be deemed effective for verification purposes if both (a) the affidavit is signed on the same date or a date prior to the signing of the petition or paper, and (b) the affidavit is received by the county elections official on or before the date on which the petition or paper

is filed.

Notwithstanding any other provision of law to the contrary, the affidavit of registration required under this chapter shall not be taken under sworn oath, but the content of the affidavit shall be certified as to its truthfulness and correctness, under penalty of perjury, by the signature of the affiant.

2103. (a) It is the intent of the Legislature that the election board of each county, in order to promote and encourage voter registrations, shall establish a sufficient number of registration places throughout the county, and outside the county courthouse, for the convenience of persons desiring to register, to the end that registration may be maintained at a high level.

(b) It is also the intent of the Legislature that county elections officials, in order to promote and encourage voter registrations, shall enlist the support and cooperation of interested citizens and organizations, and shall deputize as registrars qualified citizens in such a way as to reach most effectively every resident of the county. The persons so deputized shall be permitted to register voters anywhere within the county, including at the places of residence of the persons to be registered, and the county elections official shall not deny deputy registrars the right to register voters anywhere in the county.

(c) It is also the intent of the Legislature that non-English-speaking citizens, like all other citizens, should be encouraged to vote. Therefore, appropriate efforts should be made to minimize obstacles to registration by citizens who lack sufficient skill in English to register without assistance.

(d) Where the county elections official finds that citizens described in subdivision (c) approximate 3 percent or more of the voting age residents of a precinct, or in the event that interested citizens or organizations provide information which the county elections official believes indicates a need for registration assistance for qualified citizens described in subdivision (c), the county elections official shall make reasonable efforts to recruit deputy registrars who are fluent in a language used by citizens described in subdivision (c) and in English. That recruitment shall be conducted through the cooperation of interested citizens and organizations and through voluntarily donated public service notices in the media, including newspapers, radio, and television, particularly those media that serve the non-English-speaking citizens described in subdivision (c). Deputy registrars so appointed shall facilitate registration in the particular precincts concerned and shall have the right to register voters anywhere in the county.

(e) In furtherance of the purposes of this section, the governing board of any county, city, city and county, district, or other public agency, may authorize and assign any of its officers or employees to become deputy registrars of voters and to register qualified citizens on any premises and facilities owned or controlled by those public agencies during the regular working hours of the officers or employees. With the exception of firemen, any compensation to which the officer or employee may be entitled in payment for the services of the officer or employee as a deputy registrar may be paid by the authority that appointed the officer or employee as a deputy registrar to the public agency that regularly employs the officer or employee.

(f) It is the intent of the Legislature that no limitation be

imposed on the number of persons appointed to act as deputy registrars of voters.

2104. It is the intent of the Legislature that the introduction of registration by mail shall not in any way lead to administrative limitations on the use of deputy registrars of voters for the purpose of assisting in the registration of persons who may continue to require such assistance.

It is the intent of the Legislature that registrars continue to be deputized by the county elections official pursuant to Section 2103, but that as the electorate becomes more conversant with mail registration procedures, the number of deputy registrars will naturally diminish due to a decrease in the demand for the services of the deputy registrars of voters.

2105. It is the intent of the Legislature that voter registration be maintained at the highest possible level. The Secretary of State shall adopt regulations requiring each county to design and implement programs intended to identify qualified electors who are not registered voters, and to register those persons to vote. The Secretary of State shall adopt regulations prescribing minimum requirements for those programs. If the Secretary of State finds that a county has not designed and implemented a program meeting the prescribed minimum requirements, the Secretary of State shall design a program for the county and report the violation to the Attorney General.

2106. Any program adopted by a county pursuant to Section 2103 or 2105, that is designed to encourage the registration of electors, shall, with respect to any printed literature or media announcements made in connection with these programs, contain this statement: "A person entitled to register to vote must be a United States citizen, a resident of California, not in prison or on parole for the conviction of a felony, and at least 18 years of age at the time of the election."

2107. (a) Except as provided in subdivision (b), the county elections official shall accept affidavits of registration at all times except during the 28 days immediately preceding any election, when registration shall cease for that election as to electors residing in the territory within which the election is to be held. Transfers of registration for an election may be made from one precinct to another precinct in the same county at any time when registration is in progress in the precinct to which the elector seeks to transfer.

(b) The county elections official or his or her deputy shall accept an affidavit of registration executed as part of a voter registration card in the forthcoming election if both (1) the affidavit is executed on or before the 29th day prior to the election, and (2) the affidavit is received by the county elections official or his or her deputy by mail after the 29th day and by the fourth day after the 29th day.

(c) Upon request, the county elections official may accept an affidavit of registration that was not received in accordance with subdivision (a) or (b) or a newly executed affidavit of registration when evidence supports that the affidavit was executed on or before the 29th day prior to the election and that the affidavit was mishandled by a third party, including the postal service. Evidence is limited to the postmark on the affidavit, or, for that election only, possession of a valid affidavit receipt or a photocopy of a properly executed affidavit. However, when the evidence consists only of possession of a valid affidavit receipt or a photocopy of a properly executed affidavit, the county elections official shall



not accept the affidavit of registration after the 27th day prior to the election.

2108. The county elections official shall keep and maintain a current file listing all persons appointed or deputized by the county elections official to register voters, which file shall be open to public inspection. The file shall include the party affiliation, if any, of each person listed.

2109. Any person who is a registered voter qualifies for appointment as a deputy registrar of voters.

2110. No county elections official may refuse to deputize any person to register voters because of race, creed, color, national origin, ancestry, sex, marital status, disability, religious or political affiliation, or age.

2111. A person may prove he or she is a citizen by his or her certification under penalty of perjury on the affidavit of registration.

2112. Notwithstanding any other provision of law to the contrary, the fact that a person certifies to his or her United States citizenship by signing his or her affidavit of registration shall be deemed evidence of citizenship for voting purposes only.

2113. Any elector absent from the county in which he or she claims residence may request a voter registration card from the county elections official of the county of residence. The county elections official shall furnish a voter registration card, to each elector requesting a card and showing that he or she will be temporarily absent from his or her home county. Upon receipt by the county elections official, the affidavit of registration shall be processed as required by this chapter.

2114. The county elections official of any county in this state may receive the affidavit of registration of any elector who resides or claims residence in another county in this state.

The affidavit shall be forwarded to the county elections official of the county in which the elector resides. The county elections official of the county in which the elector resides shall use the affidavit of registration from the other county as his or her permanent record.

Registration by this method shall be effective for all elections occurring 29 or more days after receipt of the affidavit of registration by the county elections official or his or her deputy to which the affidavit is mailed or delivered by the elector.

2115. Whenever a voter, between the time of that person's last registration and the time for the closing of registration for any given election in the same county, has lawfully changed his or her surname, the voter may reregister under the new or changed name. The voter shall make an additional statement at the time of reregistration, giving the name under which he or she was last registered in that county.

This additional statement shall be given in the prior registration portion of the affidavit of registration before the affidavit is signed, and shall be deemed a part of the affidavit. Upon reregistration, the last previous registration of the voter shall be canceled.

2116. Whenever a voter, between the time of that person's last voter registration and the time for the closing of registration for any given election, has changed his or her residence address by moving, the voter shall execute a new affidavit of registration or a notice or a letter of the change of address as permitted in Section 2119, in order to be eligible

to vote in the next election.

2117. Except as provided in Section 2119, if a voter reregisters or transfers his or her registration from one precinct to another, the former address shall be entered in the prior registration portion of the affidavit, and the former registration shall thereupon be canceled.

2118. No person shall register in one county when his or her registration in another remains uncanceled unless he or she complies with this section. Any person who is registered in one county may, if otherwise legally qualified, register in another county in which he or she then resides, at any time before the closing of registration for any election, if in the prior registration portion of the affidavit of registration he or she enters his or her former address.

The county elections official shall at once notify the county elections official of the county in which the old registration is still uncanceled that the voter has reregistered. Upon receipt of the notice of reregistration, the former registration shall be canceled immediately.

2119. (a) In lieu of executing a new affidavit of registration for a change of address within the county the county elections official shall accept a notice or letter of the change of address signed by a voter as he or she is registered.

(b) The county elections official shall accept notifications received by mail by the fourth day after the 29th day before an election, if the notice or letter is dated on or before the 29th day prior to the election, and shall change the address on the voter's affidavit of registration accordingly. Any requests for change of address received prior to an election, but after the day specified herein shall not be applicable to that election but shall apply to all subsequent elections.

(c) Upon request, the registrar of voters may accept a change of address notice that was not received by the county elections official in accordance with this section when evidence supports that the change of address notice was executed on or before the 29th day prior to the election and that the change of address notice was mishandled by a third party, including the postal service. Evidence is limited to the postmark on the notice.

2120. If the county elections official receives a letter from a voter stating that the voter has moved to a new address in another county in the state, the elections official shall immediately notify the elections official of the county to which the voter has moved. Upon receipt of the notice, the elections official of the county to which the voter has moved shall send to the voter a voter registration card, and shall instruct the voter that in order to record a change of address, the voter must reregister on a new affidavit of registration. The elections official shall cancel the old registration for any election occurring at least 29 days after the receipt of the letter.

2121. No fees may be charged for registration.

2122. The county elections official may cause to be written or printed upon the top margin, or in the body of the affidavit, in addition to any matter provided for in this code, any words necessary or convenient to designate the precinct, district, or political subdivision for which the affidavit is taken, or to indicate any removal or transfer of registration. Any other reasonable memoranda may be added that is necessary or convenient to enable the county elections official to perform

his or her duties in assorting or classifying or handling affidavits with correctness and dispatch. However, the memoranda shall not include notations, whether coded or not, that indicate that the registrant has signed a particular initiative, referendum, or recall petition unless the notations are made other than on the body of the affidavit of registration. Any memoranda, notations, devices, computer data, or other means or material employed by the elections official indicating which petition or petitions have been signed by any registrant shall be destroyed as soon as practicable after the certification of the results of the election for which the memoranda, notations, devices, computer data, or other means or material was used, or if no election is held, as soon as practicable after the final certification of the elections official showing the results of the examination of the petition.

In no event shall the memoranda, notations, devices, computer data, or other means or material be retained for more than 30 days.

The memoranda, notations, devices, computer data, or other means or material employed by the elections official indicating which petition or petitions have been signed by any registrant shall be available for the use of the elections official and his or her staff only and then only for the purposes for which they were prepared. Except as previously provided, they shall not be made available to any person or entity, public or private, for any purpose whatsoever.

Memoranda added to the body of the affidavit of registration, which are not applicable to the requirements of Section 2150, shall not be deemed a portion of the affidavit.

2123. In accordance with Section 11 of the initiative act approved by a majority of the voters at the general election held on November 4, 1930, (Statutes of 1931, p. lxxxiii) and entitled "An act to amend Sections 1083a, 1094, 1095a, 1097, 1103, 1105, 1106, 1115, 1120, and to repeal Sections 1228 and 1229 of the Political Code, relating to registration of electors and conduct of elections," no amendment by the Legislature shall provide for a general biennial or other periodic reregistration of voters.

## Article 2. Reimbursable Voter Outreach Costs

2130. From moneys appropriated by the Legislature, the Controller shall allocate and disburse to the counties the amounts necessary to reimburse them for net costs incurred by them in complying with the voter registration provisions, including the provisions authorizing voter registration by mail and voter outreach programs, as set forth in Chapter 704 of the Statutes of 1975, as amended. The Secretary of State, in consultation with the Controller, shall develop a formula for the reimbursement of these costs. The Controller shall prescribe the forms for filing claims pursuant to this section. These claims shall be submitted to the Controller by October 31 in the year following the fiscal year in which the costs were incurred.

## Article 3. Registration Procedures

2135. The county elections official shall provide voter registration forms for use in registration by deputy registrars of voters. The voter registration forms shall be bound into

books or pads. The affidavits included in the voter registration forms shall be numbered and shall have a stub attached as prescribed by Section 2160.

Each affidavit and stub shall bear the same number. The numbering shall begin with one and continue in a sequence until all of the blanks provided are numbered. The numbering shall begin anew with each 1,000,000 affidavits of registration numbered pursuant to this section. Each set of numbers shall be designated alphabetically as a series, beginning with series A, following the first 1,000,000.

2136. Each deputy registrar of voters shall be issued a receipt by the county elections official for all books or pads issued, specifying the numbers of the affidavits received. The deputy is responsible for them until they are returned to the county elections official.

2137. When any elector is registered, his or her name, residence, and residence telephone number, if furnished, shall be entered on the stub attached to the original affidavit. If for any cause the affidavit is spoiled in the course of execution or a mistake is made, the affidavit shall not be destroyed, but the name of the elector for whom it was intended, with his or her residence, shall be entered on the stub as in other cases, and the stubs and affidavits each marked with the word "spoiled."

2138. Individuals and organizations distributing voter registration cards pursuant to subdivision (b) of Section 2158 and who receive completed voter registration cards from voters shall return the completed cards to the county elections official or shall deposit the cards in the postal service within three days, excluding Saturdays, Sundays, and state holidays, of receipt from a voter.

2139. On the day of the close of registration for any election all deputy registrars of voters or individuals and organizations that have submitted plans for distribution shall immediately return all completed affidavits of registration in their possession to the county elections official. Unused affidavits shall be returned upon completion of the distribution plan.

2140. The county elections official shall report to the district attorney of the county, under oath, the name of any deputy registrar of voters who has not complied with this article.

2141. If the county elections official deems a duplicate file of voter registration cards to be necessary for administrative purposes, the county elections official may prepare, upon the receipt in his or her office of each original affidavit of registration, a reproduction thereof in compliance with the following conditions:

(a) The affidavit is photographed, microphotographed, or reproduced in a manner approved for permanent records by the National Bureau of Standards.

(b) The device used to reproduce the affidavit is one that accurately reproduces the original thereof in all details.

(c) The photographs, microphotographs, or other reproductions are placed in conveniently accessible files and provision is made for preserving, examining, and using the same.

Wherever in this code the term duplicate affidavit is used it shall be deemed to include the reproduced affidavit authorized by this section.

Any signature comparison required by this code may be made

against these duplicates.

2142. If the county elections official refuses to register any qualified elector in the county, the elector may proceed by action in the superior court to compel his or her registration. In an action under this section, as many persons may join as plaintiffs as have causes of action.

2143. Costs shall not be recovered against the county elections official in any action under this chapter, unless it is alleged in the complaint, and established on the trial, that the county elections official knowingly and willfully violated his or her duty.

#### Article 4. Forms

2150. The affidavit of registration shall show:

(a) The facts necessary to establish the affiant as an elector.

(b) The affiant's name at length, including his or her given name, and a middle name or initial, or if the initial of the given name is customarily used, then the initial and middle name. The affiant's given name may be preceded, at affiant's option, by the designation of Miss, Ms., Mrs., or Mr. No person shall be denied the right to register because of his or her failure to mark a prefix to the given name and shall be so advised on the voter registration card. This subdivision shall not be construed as requiring the printing of prefixes on an affidavit of registration.

(c) The affiant's place of residence, and residence telephone number, if furnished. No person shall be denied the right to register because of his or her failure to furnish a telephone number, and shall be so advised on the voter registration card.

(d) The affiant's mailing address, if different from the place of residence.

(e) The affiant's date of birth to establish that he or she will be at least 18 years of age on or before the date of the next election.

(f) The state or country of the affiant's birth.

(g) The affiant's occupation.

(h) The affiant's political party affiliation.

(i) That the affiant is currently not imprisoned or on parole for the conviction of a felony.

(j) A prior registration portion indicating whether the affiant has been registered at another address, under another name, or as intending to affiliate with another party. If the affiant has been so registered, he or she shall give an additional statement giving that address, name, or party.

The affiant shall certify the content of the affidavit as to its truth and correctness, under penalty of perjury, with the signature of his or her name and if affiant is unable to write he or she shall sign with a mark or cross.

The affiant shall date the affidavit immediately following the affiant's signature. If any person, including a deputy registrar, assists the affiant in completing the affidavit, that person shall sign and date the affidavit below the signature of the affiant.

2151. At the time of registering and of transferring registration, each elector may declare the name of the political party with which he or she intends to affiliate at the ensuing primary election. The name of that political party shall be

stated in the affidavit of registration and the index.

The voter registration card shall inform the affiant that any elector may decline to state a political affiliation, but no person shall be entitled to vote the ballot of any political party at any primary election unless he or she has stated the name of the party with which he or she intends to affiliate. The voter registration card shall include a listing of all qualified political parties.

No person shall be permitted to vote the ballot of any party or for any delegates to the convention of any party other than the party designated in his or her registration, except as provided by Section 2152.

2152. Whenever any voter has declined to designate or has changed his or her political affiliation prior to the close of registration for an election, he or she may either so designate or have a change recorded by executing a new affidavit of registration and completing the prior registration portion of the affidavit.

2153. (a) Except as provided in Section 2154, the affidavit of registration shall show all the facts required to be stated.

(b) If the affidavit does not contain all of the information required, but the telephone number of the affiant is legible, the county elections official shall telephone the affiant and attempt to collect the missing information.

(c) If the affidavit does not contain all of the information required, and the county elections official is not able to collect the missing information by telephone, but the mailing address of the affiant is legible, the county elections official shall inform the affiant of the reason for rejection and shall send to the affiant a new voter registration card.

2154. In the event that the county elections official receives an affidavit of registration that does not include portions of the information for which space is provided, the county elections official or registrar of voters shall apply the following rebuttable presumptions:

(a) If no middle name or initial is shown, it shall be presumed that none exists.

(b) If no occupation is shown, it shall be presumed that the affiant declined to state his or her occupation.

(c) If no party affiliation is shown, it shall be presumed that the affiant has no party affiliation.

(d) If no execution date is shown, it shall be presumed that the affidavit was executed on or before the 29th day prior to the election, provided that (1) the affidavit is received by the county elections official on or before the 29th day prior to the election, or (2) the affidavit is received by mail by the county elections official no later than the fourth day after the 29th day prior to the election.

(e) If the affiant fails to identify his or her state of birth within the United States, it shall be presumed that the affiant was born in a state or territory of the United States if the birthplace of the affiant is shown as "United States," "U.S.A.," or other recognizable term designating the United States.

2155. Upon receipt of a properly executed affidavit of registration or address correction notice or letter pursuant to Section 2119 or Article 2 (commencing with Section 2220), the county elections official shall send the voter a voter notification by nonforwardable, first-class mail, address

correction requested. The voter notification shall be substantially in the following form:

VOTER NOTIFICATION

You are registered to vote. You will have to reregister whenever you move.

Your registration is based on either:

1. Your recently completed affidavit of registration,

OR,

2. Correction of your former registration because of a postal notice that you have moved. If your residence address has not changed or if your move is temporary, please call or write the county elections official immediately.

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You may vote in any election held 29 or more days after the date shown on the reverse side of this card provided your residence address has not changed.  
Your name will appear on the index kept at the polls.

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(Signature of Voter)

If a voter notification sent to a voter is returned by the postal authorities to the county elections official, and the postal authorities inform the county elections official that the voter has moved from the address to which the notification was sent, or that the voter is not known at the address to which the notification card was sent, or that the notification is undeliverable as addressed, the county elections official shall cancel the affidavit of registration upon receipt of that information from the postal authorities except for those voters entitled to vote pursuant to Section 2035.

2156. The Secretary of State shall print, or cause to be printed, the blank forms of the voter notification prescribed by Section 2155. The Secretary of State shall supply the forms to the county elections official in quantities and at times requested by the county elections official.

2157. Subject to this chapter, the affidavit of registration shall be in a form prescribed by regulations adopted by the Secretary of State. The affidavit shall:

(a) Contain the information prescribed in Section 2150.

(b) Be sufficiently uniform among the separate counties to allow for the processing and use by one county of an affidavit completed in another county.

(c) Allow for the inclusion of informational language to meet the specific needs of that county, including but not limited to, the return address of the elections official in that county, and a phone number at which a voter can obtain elections information in that county.

(d) Be included on one portion of a multipart card, to be known as a voter registration card, the other portions of which shall include information sufficient to facilitate completion

and mailing of the affidavit and to inform the voter that the voter should not consider himself or herself registered until a voter notification is received by return mail. The affidavit portion of the multipart card shall be numbered according to regulations adopted by the Secretary of State. For purposes of facilitating the distribution of voter registration cards as provided in Section 2158, there shall be attached to the affidavit portion a receipt. The receipt shall be separated from the body of the affidavit by a perforated line.

(e) Be returnable to the county elections official as a self-enclosed mailer with postage paid by the Secretary of State.

Nothing contained in this division shall prevent the use of voter registration cards and affidavits of registration in existence on the effective date of this section and produced pursuant to regulations of the Secretary of State, and all references to voter registration cards and affidavits in this division shall be applied to the existing voter registration cards and affidavits of registration.

2158. In addition to registration conducted by deputy registrars of voters, the county elections official shall, do all of the following:

(a) Provide voter registration cards for the registration of voters at his or her office and in sufficient number of locations throughout the county for the convenience of persons desiring to register, to the end that registration may be maintained at a high level.

(b) Provide voter registration cards in sufficient quantities to any citizens or organizations who wish to distribute the cards other than to persons who have been convicted of violating this section within the last five years. Citizens and organizations shall be permitted to distribute voter registration cards anywhere within the county.

(1) If, after completing his or her voter registration affidavit, an elector entrusts it to another person, the latter shall sign and date the attached, numbered receipt indicating his or her address and telephone number, if any, and give the receipt to the elector. Failure to comply with this paragraph shall not cause the invalidation of the registration of a voter.

(2) Any citizen or organization that distributes voter registration cards shall give a voter registration card to any elector requesting it, provided that the citizen or organization has a sufficient number of cards.

(3) If distribution of voter registration cards pursuant to this subdivision is undertaken by mailing cards to persons who have not requested the cards, the person mailing the cards shall enclose a cover letter or other notice with each card instructing the recipients to disregard the cards if they are currently registered voters.

(c) Mail a voter registration card immediately to any person who wishes to register to vote and requests a voter registration card.

2159. (a) Notwithstanding paragraph (1) of subdivision (b) of Section 2158, any person who, in exchange for money or other valuable consideration, assists another to register to vote by receiving the completed affidavit of registration from the elector, shall personally sign and affix directly on the affidavit of registration the telephone number of the person, company, or organization that agrees to pay money or other



valuable consideration for the completed affidavit of registration.

(b) Any person, company, or other organization that agrees to pay money or other valuable consideration to any person who assists another person to register to vote by receiving the completed affidavit of registration shall maintain a list of the names, addresses, and telephone numbers of all individuals that the person, company, or other organization has agreed to compensate for assisting others to register to vote.

(c) Failure to comply with subdivision (a) shall not cause the invalidation of the registration of the voter.

(d) No person, company, or other organization that agrees to pay money or other valuable consideration to any person to assist another to register to vote by receiving the completed affidavit of registration shall render the payment or promised consideration unless the information specified in subdivision (a) has been affixed personally on the affidavit by the person with whom the agreement for payment was made.

2160. Each affidavit of registration issued to a deputy registrar of voters shall meet the requirements prescribed by Section 2157, except that the voter registration card shall be modified, pursuant to regulations adopted by the Secretary of State, to reflect the use of a deputy registrar of voters in lieu of mail delivery. A stub, separated from the body of the voter registration card by a perforated line, shall be attached to each affidavit. Upon the stub shall be printed the number of the affidavit and blanks for the following:

(a) The name, residence, political affiliation, and signature of the voter.

(b) The signature of the deputy taking the registration.

(c) The date.

At the time of registering the voter, the deputy shall fill in the blanks in the stub, and require the voter to sign the stub in the place provided. The deputy shall then detach the stub and the informational portion of the voter registration form from the affidavit and hand the stub and information to the voter.

2161. The Secretary of State shall print, or cause to be printed, the blank forms of the affidavits of registration and voter registration cards prescribed by this code. The Secretary of State shall bind and number, or cause to be bound and numbered, affidavits of registration and voter registration cards as required by this code. The Secretary of State shall supply the forms to the county elections official in quantities and at times as requested by the county elections official.

2162. (a) No affidavits of registration other than those provided by the Secretary of State to the county elections officials shall be used for the registration of voters.

(b) No voter registration card shall be altered, defaced, or changed in any way, other than by the insertion of a mailing address and the affixing of postage, if mailed, or as otherwise specifically authorized by the Secretary of State, prior to distribution of the cards.

(c) The affidavit portion of a voter registration card shall not be marked, stamped, or partially or fully completed by any person other than an elector attempting to register to vote or by a person assisting the elector in completing the affidavit at the request of the elector.

2163. The Secretary of State shall prepare and print or cause to be printed an appropriate logo that may be displayed on

the windows of offices, stores, and other establishments indicating the availability of voter registration cards for the public. The Secretary of State, upon request, shall provide these logos free of charge to any person or organization that distributes voter registration cards.

2164. (a) The Secretary of State shall pay all postage for all of the following:

- (1) Mailing of the voter notification and the address correction service pursuant to Section 2153.
- (2) Return to the county elections official of the affidavits of registration pursuant to Section 2157.
- (3) Mailing of blank voter registration cards pursuant to subdivision (c) of Section 2158.
- (4) Any mailing of blank voter registration cards pursuant to programs adopted under Section 2105.

(b) All payments made pursuant to this section shall be made directly from funds appropriated to the Secretary of State for this purpose.

2165. Affidavits of registration for the whole of each county shall be filed, as fast as the registration progresses, in any orderly arrangement as prescribed by the county elections official. If the affidavits are not filed alphabetically without regard to precinct, the county elections official shall, by electronic, electromechanical, or other suitable means, provide, for general use in his or her office, a comprehensive, printed alphabetical index to the surnames of voters on all uncanceled affidavits for the whole of the county, whereby the affidavit of registration of any voter may be ascertained and produced. In the case of voters having the same surname, the classification of names appearing on the index shall extend to the given and, where necessary, the middle name or initial.

2166. (a) Affidavits of registration in possession of an elections official for purposes of filing pursuant to Section 2165 shall be maintained on file as a public record.

(b) Any person filing with the county elections official or registrar of voters a new affidavit of registration or reregistration may have the information relating to his or her residence address and telephone number appearing on the affidavit, or any list or roster or index prepared therefrom, declared confidential upon order of a superior court issued upon a showing of good cause that a life threatening circumstance exists to the voter or a member of the voter's household, and naming the county elections official or registrar of voters as a party.

(c) Any person granted confidentiality under subdivision (b) shall:

(1) Be considered an absent voter for all subsequent elections or until the county elections official or registrar of voters is notified otherwise by the court or in writing by the voter. A voter requesting termination of absent voter status thereby consents to placement of his or her residence address and telephone number in the roster of voters.

(2) In addition to the required residence address, provide a valid mailing address to be used in place of the residence address for election, scholarly, or political research, and government purposes. The elections official, in producing any list, roster, or index may, at his or her choice, use the valid mailing address or the word "confidential" or some similar designation in place of the residence address.

(d) No action in negligence may be maintained against any

government entity or officer or employee thereof as a result of disclosure of the information that is the subject of this section unless by a showing of gross negligence or willfulness.

2167. Upon the personal or written application of any person, the county elections official shall, at a fee not to exceed one dollar and fifty cents (\$1.50), provide the applicant with a certified copy of the entries upon the register relating to the applicant.

A certified copy of an uncanceled affidavit of registration is prima facie evidence that the person named in the entry is a voter of the county.

#### Article 5. Voter Registration Index

2180. (a) At least once, and more often if he or she deems it necessary, within each two-year period commencing on the first day of January in each odd-numbered year, the county elections official shall have printed a complete index, by precinct, to the affidavits of registration current at the date of printing.

(b) (1) The index shall contain the name, address, residence telephone number if furnished, and political affiliation of each voter, and also a ruled space to the left of each name, within which to write, in figures, the line number designating the position of the name of the voter on the roster of voters.

(2) The name shall include the given name and the middle name or initials, if any. At the affiant's option, the given name may be preceded by the designation "Miss," "Ms.," "Mrs.," or "Mr."

(c) The index shall be printed in a size no smaller than eight-point roman type on eight-point body and shall be arranged in alphabetical order in accordance with the surnames of the voters.

(d) A space of not less than one-quarter inch or one line of printing shall be left between the names of voters beginning with one letter of the alphabet and those starting with the next letter of the alphabet.

(e) Supplements of the same content and style may be printed as need for them appears.

2181. In addition to printing a complete index within and for each two-year period, as provided in Section 2180, the county elections official may print and maintain one complete and continuing index, by precinct, to the affidavits of registration and keep the index current by supplements and deletions as provided in Sections 2180 and 2183, and by reprinting portions of the index by precinct, as the need appears, the reprinted portions to contain the same information concerning each voter and to be in the same style, spacing, and type of print as provided in Section 2180.

2182. The number of copies of the precinct index printed shall be as many as in the judgment of the county elections official may be necessary for the business of the office. In counties where the precinct index is printed by means of a punched card or other high-speed data processing equipment, the number of copies of precinct indexes so prepared shall be the number required to be furnished by law and as many more as in the judgment of the county elections official may be necessary for the business of the office.

2183. The elections official shall supply copies of the

index and of supplements to the index, necessary to bring it up to date, for all elections to be held within the county. The county elections official shall also supply as many copies of the index and supplements, not to exceed four in number, as may be requested by the elections official of a city, school district or other body. The name of each voter whose affidavit of registration has been canceled shall be lined out of the index and supplement. The county elections official may charge an amount as will reimburse the county for the expense incurred in preparing and furnishing lined out indexes of registrations and supplements other than for those provided for by Sections 2180 and 2182.

In the case of a municipal election, an index provided pursuant to this section shall be supplied to the city elections official not less than 25 days prior to the day of the election for which it is provided. If the index does not contain the names of all people eligible to vote in the election, the county elections official shall supply a supplement to the index, including all voters who registered after the 54th day before the election, not less than seven days prior to the election for which it is provided.

2184. Upon demand of any Member of the Legislature, of Congress, or any candidate who is to be voted for in the county, in a city therein, or in a political subdivision of either, or upon written demand of his or her campaign committee, of any committee for or against any proposed ballot measure, or of any committee for or against any referendum or initiative measure for which legal publication has been made, the county elections official shall furnish to the Member of the Legislature, of Congress, or to either the candidate or his or her campaign committee or to the ballot measure committee no more than two copies of the printed indexes of the registration for the primary and general elections in which the Member of the Legislature or Congress may participate as a candidate, or for the election in which the candidate will participate, or the ballot measure will be voted upon, at a charge of fifty cents (\$0.50) per thousand names. All moneys collected shall be deposited in the county treasury to the credit of the general fund.

2185. Upon written demand of the chairman or vice chairman of a party state central committee or of the chairman of a party county central committee, the county elections official shall furnish to each committee, without charge therefor, no more than two copies of the printed indexes of registration for the primary and general elections or for any special election at which a partisan office is to be filled. The copies of the printed indexes of registration shall be furnished to the committee demanding the indexes not less than 25 days prior to the day of the primary, general, or special election for which they are provided. Upon written demand, the county elections official shall also furnish to the committee not less than seven days prior to the above-specified elections, two copies of the printed indexes of registration of voters who registered after the 54th day before the election, which shall be compiled and prepared by Assembly districts.

2186. The county elections official shall have bound together in one or more volumes a general index to the affidavits of registration, arranged alphabetically by precincts, and shall keep at least one copy of the general index in his or her office for public reference.

2187. (a) Each county elections official shall send to the Secretary of State, in a format described by the Secretary of State, a summary statement of the number of voters in the county. The statement shall show the total number of voters in the county, the number registered as affiliated with each qualified political party, the number registered in nonqualified parties, and the number who declined to state any party affiliation. The statement shall also show the number of voters, by political affiliations, in each city, supervisorial district, Assembly district, Senate district, and congressional district, located in whole or in part within the county.

(b) The Secretary of State, on the basis of the statements sent by the county elections officials and within 30 days after receiving those statements, shall compile a statewide list showing the number of voters, by party affiliations, in the state and in each county, city, supervisorial district, Assembly district, Senate district, and congressional district, in the state. A copy of this list shall be made available, upon request, to any elector in this state.

(c) Each county that uses data processing equipment to store the information set forth in the affidavit of registration shall send to the Secretary of State one copy of the magnetic tape file with the information requested by the Secretary of State. Each county that does not use data processing storage shall send to the Secretary of State one copy of the index setting forth that information.

(d) The summary statements and the magnetic tape file copy or the index shall be sent at the following times:

(1) On the 135th day before each presidential primary and before each direct primary, with respect to voters registered on the 154th day before the primary election.

(2) Not less than 50 days prior to the primary election, with respect to voters registered on the 60th day before the primary election.

(3) Not less than 10 days prior to the primary election, with respect to voters registered before the 28th day prior to the primary election.

(4) Not less than 50 days prior to the general election, with respect to voters registered on the 60th day before the general election.

(5) Not less than 10 days prior to the general election, with respect to voters registered before the 28th day prior to the general election.

(6) On or before March 1 of each odd-numbered year, with respect to voters registered as of February 10.

(7) On or before October 1 of each odd-numbered year, with respect to voters registered as of September 12.

(e) The Secretary of State may adopt regulations prescribing the context and format of the magnetic tape file or index referred to in subdivision (c) and containing the registered voter information from the affidavits of registration.

(f) The Secretary of State may adopt regulations prescribing additional regular reporting times, except that the total number of reporting times in any one calendar year shall not exceed 12.

(g) The Secretary of State shall make the information from the magnetic tape files or the printed indexes available, under conditions prescribed by the Secretary of State, to any candidate for federal, state, or local office, to any committee for or against any proposed ballot measure, to any committee for

or against any initiative or referendum measure for which legal publication is made, and to any person for election, scholarly or political research, or governmental purposes as determined by the Secretary of State.

2188. (a) Unless otherwise specifically provided, an application for voter registration information available pursuant to law and maintained by the Secretary of State or by the elections official of any county shall be made pursuant to this section.

(b) The application shall set forth all of the following:

(1) The printed or typed name of the applicant in full.

(2) The complete residence address and complete business address of the applicant, giving street and number. If no street or number exists, a postal mailing address as well as an adequate designation sufficient to readily ascertain the location.

(3) The telephone number of the applicant, if one exists.

(c) If the application is on behalf of a person other than the applicant, the applicant shall, in addition to the information required by subdivision (b), set forth all of the following:

(1) The name of the person, organization, company, committee, association, or group requesting the voter registration information, including their complete mailing address and telephone number.

(2) The name of the person authorizing or requesting the applicant to obtain the voter registration information.

(d) The application shall set forth a statement of the intended use of the information requested.

(e) The applicant shall certify to the truth and correctness of the content of the application, under penalty of perjury, with the signature of his or her name at length, including given name, middle name or initial, or initial and middle name. The applicant shall state the date and place of execution of the declaration.

(f) The Secretary of State may prescribe additional information to be included in the application for voter registration information.

2189. Before the day of any election held throughout the county, the county elections official shall deliver to the precinct board in each precinct three copies of the index to the affidavits of registration for that precinct, with canceled names lined out and with necessary supplements to bring the index up to date. The index and supplements shall constitute the register to be used at the election.

2190. If the county elections official maintains tabulating cards containing the information set forth in the affidavits of registration of voters, or sets forth that information on electronic data processing tape, he or she shall provide, upon request, not less than 30 days prior to each direct primary election and general election, one set of those cards or a copy of the tape to the county central committee of a party for all voters allowed to participate in the subsequent direct primary election or general election. The county elections official shall also furnish to the county central committee, not less than seven days prior to each direct primary election and general election, one set of those cards or a copy of the tape of those voters who registered after the 54th day before the election. The cards or tape shall be provided without charge, except that the county central committee shall provide a

replacement for the tape.

In addition to those provided to county central committees, the county elections official shall provide, upon request, a set of cards or a copy of a tape to any candidate or committee specified in Section 2184, provided that the candidate or committee reimburses the county for whatever actual costs are involved in providing this service.

2191. The elections official shall compile an index, list, or file, by precinct, of all persons who voted in the previous statewide general election. This information shall be compiled in conjunction with the purge of voter registration files conducted pursuant to Article 2 (commencing with Section 2220) of Chapter 3.

Information compiled pursuant to this section shall include that information which is required to appear in the index as set forth in Section 2180.

Any person, candidate, or committee who is entitled to obtain a copy of any information contained in this article shall, upon written request to the elections official, be entitled to obtain the index, list, or file compiled pursuant to this section. The elections official shall inform any recipient of this information as to whether the index, list, or file includes a voting history of absent voters. The elections official may require the payment of a fee not to exceed the cost of duplicating the information or providing the tape as a condition to furnishing the information contained in this section.

If the elections official uses data processing equipment, he or she shall make the index available on a data processing tape file on request. The elections official shall be required to retain this file until the next November general election in an even-numbered year has been conducted.

2192. Notwithstanding anything contained in this article, in any county in which tabulating equipment is used to produce the indexes of registration, the indexes shall be furnished to persons, committees, and agencies as provided in this article by street addresses in numerical order, but the indexes may be maintained in alphabetical order. In the event the county contains precincts for which the majority of voters have no street addresses, the indexes for those precincts may be arranged and furnished for all purposes in alphabetical order in accordance with the surnames of voters.

2193. The Secretary of State shall, upon the request of a county elections official, compile, from the information furnished by the county elections officials pursuant to Section 2187, a file of potential duplicate voter registrations. The county elections official may immediately cancel those voter registrations which, upon investigation, are determined to be duplicates. The voter registration bearing the later date shall remain in effect.

2194. (a) With respect to a voter who registers or reregisters to vote by means of a confidential affidavit of registration pursuant to Section 6254.4 of the Government Code:

(1) The home address, telephone number, occupation, precinct number, and prior registration information of the voter shall be replaced by the word "confidential" on every computer terminal, list, affidavit, duplicate affidavit, or any other medium routinely available to the public at the office of the elections official.

(2) The home address, telephone number, occupation, precinct

number, and prior registration information of a person granted confidentiality pursuant to Section 6254.4 of the Government Code shall be provided to the following:

(A) An election official, candidate, proponent, person, or committee provided pursuant to Section 2180, 2183, 2184, 2185, 2187, 2190, or 2191, provided that the elections official, candidate, proponent, person, chair or vice chair of a party state central committee, or a party county central committee, or committee treasurer requests the index, cards, or tape in writing signed by the election official, candidate, proponent, person, chair or vice chair of a party state central committee, or a party county central committee, or committee treasurer.

(B) A faculty member or researcher with an accredited educational institution for the purpose of academic research, provided the information is requested in writing signed by the faculty member or researcher.

(3) Indexes prepared on or after January 1, 1992, pursuant to Section 2186 shall not include any information relating to voters registering or reregistering by means of a confidential affidavit of registration pursuant to Section 6254.4 of the Government Code.

(b) The home address of a voter to whom confidentiality is granted shall be released whenever the person's vote is challenged pursuant to Sections 15003, 15005 to 15007, inclusive, or 14240 to 14253, inclusive. The address shall be released pursuant to this section only to the challenger, to elections officials, and to other persons as necessary to make or defend against, or to adjudicate, the challenge.

(c) If a person who has registered or reregistered by means of a confidential affidavit files a declaration of candidacy, and during the filing period for that election, another person files a declaration of candidacy for the same office, the elections official shall immediately transfer the confidential information concerning that candidate to the public record, and from that time through the day following the date of the election for that office the candidate shall not be entitled to confidentiality pursuant to this section as to either current or past registration records.

(d) No action in negligence may be maintained against any governmental entity or officer or employee thereof as a result of disclosure of the information which is the subject of this section unless by a showing of gross negligence or willfulness.

(e) Nothing in this section shall require a change to or replacement of any information on any public record for an individual created prior to the date the individual registers by means of a confidential affidavit of registration.

### CHAPTER 3. CANCELLATION AND VOTER FILE MAINTENANCE

#### Article 1. General Provisions

2200. The registration of a voter is permanent for all purposes during his or her life, unless and until the affidavit of registration is canceled by the county elections official for any of the causes specified in this article.

2201. The county elections official shall cancel the registration in the following cases:

(a) At the signed, written request of the person registered.

(b) When the mental incompetency of the person registered is



legally established as provided in Sections 2208, 2209, 2210, and 2211.

(c) Upon proof that the person is presently imprisoned or on parole for conviction of a felony.

(d) Upon the production of a certified copy of a judgment directing the cancellation to be made.

(e) Upon the death of the person registered.

(f) Pursuant to Article 2 (commencing with Section 2220).

(g) Upon receipt of any mailing returned by the postal service as undeliverable.

(h) Upon official notification that the voter is registered to vote in another county or state.

A blank affidavit of registration shall immediately be mailed to the address from which a cancellation is effected pursuant to subdivision (g).

2202. (a) The county elections official shall preserve all uncanceled affidavits of registration.

The affidavits of registration shall constitute the register required to be kept by Article 5 (commencing with Section 2180) of Chapter 2.

(b) In lieu of maintaining uncanceled affidavits of registration, the county elections official may, following the first general election after the date of registration, microfilm, record on optical disc, or record on any other electronic medium that does not permit additions, deletions, or changes to the original document, the uncanceled affidavits of registration. The county elections official may dispose of any uncanceled affidavits of registration transferred pursuant to this section. Any medium utilized by the county elections official shall meet the minimum standards, guidelines, or both, as recommended by the American National Standards Institute, or the Association of Information and Image Management. For purposes of this section, a duplicate copy of an affidavit of registration shall be deemed an original.

2203. (a) Cancellation is made by writing or stamping on the affidavit of registration the word "canceled," the reason the affidavit was canceled, and the date of cancellation.

(b) Whenever a voter transfers his or her registration from one precinct to another precinct in the same county, or reregisters in another precinct in the same county as shown by the new affidavit of registration, the county elections official shall immediately cancel the affidavit of registration from the precinct in which the voter was first registered, and shall remove the affidavit from the file of uncanceled affidavits.

(c) Except as provided in Section 2119, whenever a voter removes from one county to another county and registers in the latter county, the county elections official of the county in which he or she was first registered, upon being informed of his or her removal either by the voter personally or by receipt of a notice of reregistration under Section 2118, shall likewise cancel his or her registration and remove the affidavit of registration in that county.

(d) The county elections official in distributing to each precinct the three indexes of registration, as required by Section 2189, shall cross out of those indexes the names of all voters whose affidavits of registration from the precinct have been canceled.

2204. Notwithstanding any other provision of law, whenever a voter changes his or her residence within the same precinct, the voter's affidavit of registration shall not be cancelled.

Whenever notified by the voter, the elections official shall change the voter's affidavit of registration to reflect the new residence address within the same precinct.

2205. The local registrar of births and deaths shall notify the county elections official not later than the 15th day of each month of all deceased persons 18 years of age and over, whose deaths were registered with him or her or of whose deaths he or she was notified by the state registrar of vital statistics during the preceding month. This notification shall include at least the name, sex, age, birthplace, birthdate, place of residence, date and place of death of each decedent.

The county elections official shall cancel the affidavit of registration of each deceased voter.

2206. The Secretary of State shall adopt regulations to facilitate the availability of death statistics from the State Department of Health Services. The data shall be used by county elections officials in canceling the affidavit of registration of deceased persons.

2207. On completion of the canvass of the returns for each election, the elections official shall compare the absent voters list with the roster of voters in each precinct to determine if any voter cast more than one ballot at that election.

2208. (a) A person shall be deemed mentally incompetent, and therefore disqualified from voting, if, during the course of any of the proceedings set forth below, the court finds that the person is not capable of completing an affidavit of voter registration in accordance with Section 2150 and any of the following apply:

(1) A conservator for the person or the person and estate is appointed pursuant to Division 4 (commencing with Section 1400) of the Probate Code.

(2) A conservator for the person or the person and estate is appointed pursuant to Chapter 3 (commencing with Section 5350) of Part 1 of Division 5 of the Welfare and Institutions Code.

(3) A conservator is appointed for the person pursuant to proceedings initiated under Section 5352.5 of the Welfare and Institutions Code, the person has been found not competent to stand trial, and the person's trial or judgment has been suspended pursuant to Section 1370 of the Penal Code.

(4) A person has plead not guilty by reason of insanity, has been found to be not guilty pursuant to Section 1026 of the Penal Code, and is deemed to be gravely disabled at the time of judgment as defined in paragraph (2) of subdivision (h) of Section 5008 of the Welfare and Institutions Code.

(b) If the proceeding under the Welfare and Institutions Code is heard by a jury, the jury shall unanimously find that the person is not capable of completing an affidavit of voter registration before the person shall be disqualified from voting.

(c) Whenever an order establishing a conservatorship is made and in connection with the order it is found that the person is not capable of completing an affidavit of voter registration, the court shall forward the order and determination to the county elections official of the person's county of residence.

2209. (a) For conservatorships established pursuant to Division 4 (commencing with Section 1400) of the Probate Code, the court investigator shall, during the yearly or biennial review of the conservatorship as required by Chapter 2 (commencing with Section 1850) of Part 3 of Division 4 of the

Probate Code, review the person's capability of completing an affidavit of voter registration in accordance with Section 2150.

(b) If the person had been disqualified from voting by reason of being incapable of completing an affidavit of voter registration, the court investigator shall determine whether the person has become capable of completing the affidavit, and, the investigator shall so inform the court.

If the investigator finds that the person is capable of completing the affidavit, the court shall hold a hearing to determine whether the person is in fact capable of completing the affidavit. If the person is found to be capable of completing the affidavit, the person's right to register to vote shall be restored and the court shall so notify the county elections official.

(c) If the person had not been found to be incapable of completing an affidavit of voter registration, and, the court investigator determines that the person is no longer capable of completing the affidavit, the investigator shall so notify the court. The court shall hold a hearing to determine whether the person is capable of completing an affidavit of voter registration, and, if the court determines that the person is not so able, the court shall order the person to be disqualified from voting and the court will so notify the county elections official.

2210. (a) If the person or the person and estate is under a conservatorship established pursuant to Chapter 3 (commencing with Section 5350) of Part 1 of Division 5 of the Welfare and Institutions Code, the person may contest his or her disqualification from voting pursuant to the procedure set forth in Section 5358.3 of the Welfare and Institutions Code.

(b) When the conservatorship described in subdivision (a) terminates after one year, the person's right to register to vote shall also be automatically restored and notification to the appropriate county elections official shall be made. If a petition is filed for the reappointment of the conservator, a new determination shall be made as to whether the person should be disqualified from voting.

(c) If the right to vote is restored pursuant to Section 5358.3 of the Welfare and Institutions Code or if the conservatorship is terminated in a proceeding held pursuant to Section 5364 of the Welfare and Institutions Code, the court shall notify the county elections official of the person's county of residence that the person's right to register to vote is restored.

2211. (a) Any person who (1) has plead not guilty by reason of insanity and who has been found to be not guilty pursuant to Section 1026 of the Penal Code, (2) has been found incompetent to stand trial and whose trial or judgment has been suspended pursuant to Section 1370 of the Penal Code, (3) has been convicted of a felony and who was judicially determined to be a mentally disordered sex offender pursuant to former Section 6300 of the Welfare and Institutions Code, as repealed by Chapter 928 of the Statutes of 1981, or (4) has been convicted of a felony and is being treated at a state hospital pursuant to Section 2684 of the Penal Code shall be disqualified from voting or registering to vote during that time that the person is involuntarily confined, pursuant to a court order, in a public or private facility.

(b) Upon the order of commitment to a treatment facility

referred to in subdivision (a), the court shall notify the elections official of the county of residence of the person and order the person to be disqualified from voting or registering to vote.

(c) If the person is later released from the public or private treatment facility, the court shall notify the county elections official of the county of residence of the person that the right of the person to register to vote is restored.

2212. (a) As used in this section, "county clerk" does not include "registrar of voters."

(b) The county clerk, on the basis of the records of courts in the county having jurisdiction of those offenses, shall furnish to the chief elections official of the county, not less frequently than the first day of April and the first day of September of each year, a statement showing the names, addresses, and dates of birth of all persons who have been convicted of felonies since the county clerk's last report, and who are currently imprisoned. The elections official shall, during the first week of April and the first week of September in each year, cancel the affidavits of registration of those persons who are currently imprisoned or on parole for the conviction of a felony. The county clerk shall certify the statement under the seal of his or her office.

2213. Any person may proceed by action in the superior court to compel the county elections official to cancel any registration made illegally or which should be canceled by reason of facts that have occurred subsequent to the registration. If the voter whose registration is sought to be canceled is not a party to the action, the court may order him or her to be made a party defendant.

The county elections official and as many persons against whom there are causes of action may be joined as defendants.

## Article 2. Residency Confirmation

2220. (a) The county elections official shall conduct a preelection residency confirmation procedure as provided in this article. That procedure shall be initiated by mailing a nonforwardable postcard to each registered voter of the county preceding the direct primary election. Postcards mailed pursuant to this article shall be sent "Address Correction Requested, Return Postage Guaranteed," and shall be in substantially the following form:

"We are requesting your assistance in correcting the addresses of voters who have moved and have not reregistered.

1. If you still live at the address noted on this postcard, your voter registration will remain in effect and you may disregard this notice.

2. If the person named on this postcard is not at this address, please return this postcard to your mail carrier."

(b) The county elections official, at his or her discretion, shall not be required to mail a residency confirmation postcard pursuant to subdivision (a), to any voter who has voted at an election held within the last six months preceding the start of the confirmation procedure.

(c) The county elections official, in lieu of mailing a residency confirmation postcard pursuant to subdivision (a) to conduct the preelection residency confirmation procedure as

provided in this article, may use the change-of-address data services of the United States Postal Service obtained pursuant to Section 2228.

2221. (a) In any county in which an election is held between September 1 and December 30 of an odd-numbered year, the county elections official may, in lieu of mailing a postcard to each registered voter in the county as provided for in Section 2220, include the return address of the county elections official's office on the outside portion of the sample ballot or sample ballot envelope mailed to the voter at the election, along with the statements "Address Correction Requested" and "Notice: if the person named on this sample ballot is not at this address, please return this sample ballot to your mail carrier."

(b) If elections are held on more than one date between September 1 and December 30 of the odd-numbered years and the territories covered by the elections do not overlap, the county elections official shall apply subdivision (a) to each election held in the county, if the county elections official elects to follow this section.

(c) If elections are held on more than one date between September 1 and December 30 of the odd-numbered years and the territories covered by the elections do overlap, the county elections official shall designate which elections shall be covered by subdivision (a).

2222. If a county adopts Section 2221, and the elections held between September 1 and December 30 of the odd-numbered years are not held throughout the county, the county elections official shall employ Section 2220 in the portions of the county in which no elections are held between September 1 and December 30 of the odd-numbered years.

2223. All address corrections and cancellations of affidavits of registration made pursuant to Sections 2221 and 2222 shall be reflected on the voter index as required by subdivision (a) of Section 2191.

2224. (a) Based on the postal notices on the returned residency confirmation postcards received pursuant to Section 2220 or the sample ballot received pursuant to Section 2221, the county elections official shall take the following actions:

(1) The affidavits of registration of persons whose residency confirmation postcards or sample ballots are returned by the post office as undeliverable and who have no forwarding address shall be canceled.

(2) The affidavits of registration of persons for whom forwarding addresses within the county are received shall be corrected to reflect the new address provided by the post office.

(3) The affidavits of registration of persons for whom forwarding addresses outside of the county are received shall be canceled. Such persons shall be sent a notice of the cancellation at their out-of-county address.

(b) Blank affidavits of registration shall immediately be mailed to the addresses from which voter registrations were canceled or changed pursuant to this section.

(c) All address corrections and cancellations of affidavits of registration made pursuant to this section shall be reflected on the voter index as required by subdivision (a) of Section 2191.

2225. If the county elections official conducted the preelection residency confirmation mailing provided for in this article, on completion of the canvass of the returns of the

general election the elections official shall:

(a) Examine the absent voters list and the roster of voters that was maintained by the precinct board in each precinct in the county at the general election.

(b) No later than the first week of the following January, mail a notice by means of first-class, nonforwardable postcard, prepaid by the elections official, to every person who failed to vote at the general election, stating substantially the following:

"We are requesting your assistance in correcting the addresses of voters who have moved and have not reregistered.

1. If you still live at the address noted on this postcard your voter registration will remain in effect.

2. If the person named on this postcard is not at this address, please return the postcard to your mail carrier."

2226. Within 30 days of the mailing of postcards pursuant to subdivision (b) of Section 2225, the county elections official shall take the following actions:

(a) Correct the address on the nonvoter's affidavit of registration if the nonvoter has moved to a different stated residence within the county.

(b) Cancel the affidavit of registration if the nonvoter has moved to an address outside the county. The nonvoter shall be sent a notice of the cancellation at his or her out-of-county residence.

(c) Cancel the affidavits of registration for all nonvoters for whom the nonvoter residency confirmation postcard is undeliverable.

Blank affidavits of registration shall immediately be mailed to the addresses for which the voter registrations were canceled or changed pursuant to this section.

The effective day of cancellation shall be the 30th day following the date the notice is mailed to the nonvoter. Upon the cancellations, an affidavit of registration shall immediately be mailed to the address at which the canceled nonvoters were registered. All address corrections and cancellations made pursuant to this section shall be reflected on the voter index within 60 days of the nonvoter residency confirmation mailing.

2227. Before every election and on election day the county elections official shall do each of the following:

(a) Assign a sufficient number of qualified persons in the office of the elections official to receive and verify claims of erroneous cancellations of affidavits of registration, and cause the affidavits to be immediately reinstated.

(b) Supply each polling place with a list of voters in the precinct whose affidavits of registration were canceled since the previous general election pursuant to this article.

At every election the elections official shall provide a page in the Roster of Voters for the signature, under oath, attesting to continuous residency in the precinct, of any voter whose affidavit may have been canceled because of erroneous postal notification. Canceled affidavits of registration of voters whose signatures appear on the roster page shall be reinstated by the elections official.

2228. The county elections official may contract with the United States Postal Service or its licensee to obtain use of postal service change-of-address data, such as the National

Change of Address System and Operation MAIL. The elections official shall send a notice in substantially the following form to registered voters who, based on the data obtained from the postal service, have changed their addresses:

"Important Voter Registration Information

You have recently filed a change-of-address notice with the United States Postal Service.

We will reregister you at your new address unless, within 15 days, you notify us that your change of address is not a change of your permanent residence."

The notice shall include either a prepaid return notice to the elections official or a toll-free telephone number where the voter may notify the clerk that the change of address is not a change of permanent residence.

Article 3. Reimbursable File Maintenance

2240. From moneys appropriated by the Legislature, the Controller shall reimburse counties for additional costs incurred by counties for purging voter registration files pursuant to Article 2 (commencing with Section 2220).

2241. Any claim submitted to the Controller pursuant to this article shall state that the county had reimbursable costs and the number of registered voters in the county as determined by the Secretary of State under subdivisions (c) and (d) of Section 2187. The claims shall be made to the Controller by October 31 of the even-numbered year in which a direct primary and general election are held.

CHAPTER 4. MOTOR VOTER

DIVISION 3. ABSENTEE VOTING, NEW RESIDENT, AND NEW

CITIZEN VOTING

CHAPTER 1. ABSENTEE APPLICATION AND VOTING PROCEDURES

3000. This division shall be liberally construed in favor of the absent voter.

3001. Except as provided in Chapter 3 (commencing with Section 3200), application for an absent voter's ballot shall be made in writing to the elections official having jurisdiction over the election between the 29th and the 7th day prior to the election. The application shall be signed by the applicant and shall show his or her place of residence. Any applications received by the elections official prior to the 29th day shall be kept and processed during the application period.

3002. (a) Notwithstanding Section 3001, a person granted confidentiality pursuant to Section 2166 shall be considered an absent voter.

(b) The provisions of Chapter 3 (commencing with Section 3200) relating to permanent absent voters shall apply so far as they may be consistent with this section and Section 2166.

(c) All persons granted confidentiality pursuant to Section 2166 shall (1) be required to vote by mail ballot, and (2) in addition to the required residence address, provide a valid mailing address to the county elections official to be used in place of the residence address.

3003. The absentee ballot shall be available to any registered voter.

3004. The county elections official shall place a notice in any office within the county where applications are taken for federal passports or where military enlistments are received to inform potential special absentee voters of their right to an absent voter's ballot and where registration materials and application forms can be obtained.

3005. Whenever, on the 88th day before the election, there are 250 or less persons registered to vote in any precinct, the elections official may furnish each voter with an absentee ballot along with a statement that there will be no polling place for the election. The elections official shall also notify each voter of the location of the two nearest polling places in the event the voter chooses to return the ballot on election day. The voter shall not be required to file an application for the absentee ballot and the ballot shall be sent as soon as the ballots are available.

No precinct shall be divided in order to conform to this section.

3006. (a) Any printed application that is to be distributed to voters for requesting absent voter ballots shall contain spaces for the following:

(1) The printed name and residence address of the voter as it appears on the affidavit of registration.

(2) The address to which the ballot is to be mailed.

(3) The voter's signature.

(4) The name and date of the election for which the request is to be made.

(5) The date the application must be received by the elections official.

(b) (1) The information required by paragraphs (1), (4), and (5) of subdivision (a) may be preprinted on the application. The information required by paragraphs (2) and (3) of subdivision (a) shall be personally affixed by the voter.

(2) An address, as required by paragraph (2) of subdivision (a), may not be the address of any political party, a political campaign headquarters, or a candidate's residence. However, a candidate, his or her spouse, immediate family members, and any other voter who shares the same residence address as the candidate may request that an absentee ballot be mailed to the candidate's residence address.

(3) Any application which contains preprinted information shall contain a conspicuously printed statement, as follows: "You have the legal right to mail or deliver this application directly to the local elections official of the county where you reside."

(c) The application shall provide the voters with information concerning the procedure for establishing permanent absentee voter status, and the basis upon which permanent absentee voter status is claimed.

(d) The application shall be attested to by the voter as to the truth and correctness of its content, and shall be signed under penalty of perjury.

3007. The Secretary of State shall prepare and distribute to appropriate elections officials a uniform application format for an absent voter's ballot that conforms to chapter. This format shall be followed by all individuals, organizations, and groups who distribute applications for an absent voter's ballot.

The uniform format need not be utilized by elections officials in preparing an absent voter's ballot application to be included with the sample ballot.



3008. (a) Any individual, organization, or group that distributes applications for absent voter ballots and receives completed application forms shall return the forms to the appropriate elections official within 36 hours of receiving the completed forms, or before the deadline for application, whichever is sooner. The name, address, and telephone number of any organization that authorizes the distribution of the applications shall be included on the application.

(b) Any application for an absent voter's ballot that is sent by an individual, group, or organization to a voter shall be nonforwardable. Any absent voter's ballot that is returned to an elections official as undeliverable shall not be forwarded by the elections official.

3009. (a) Upon receipt of any absentee ballot application signed by the voter that arrives within the proper time, the elections official should determine if the signature and residence address on the ballot application appear to be the same as that on the original affidavit of registration. The elections official may make this signature check upon receiving the voted ballot, but the signature must be compared before the absent voter ballot is canvassed.

(b) If the elections official deems the applicant entitled to an absent voter's ballot he or she shall deliver by mail or in person the appropriate ballot. The ballot may be delivered to the applicant, his or her spouse, or his or her parent if the applicant is unmarried. The elections official shall deliver the absentee ballot to the applicant's spouse or parent only if the spouse or parent signs a statement attested to under penalty of perjury that provides the name of the applicant, his or her relationship to the applicant, and affirms that he or she is authorized by the applicant to deliver the absentee ballot.

(c) If the elections official determines that an application does not contain all of the information prescribed in Section 3001 or 3006, or for any other reason is defective, and the elections official is able to ascertain the voter's address, the elections official shall, within one working day of receiving the application, mail the voter an absent voter's ballot together with a notice. The notice shall inform the voter that the voter's absent voter's ballot shall not be counted unless the applicant provides the elections official with the missing information or corrects the defects prior to, or at the time of, receipt of the voter's executed absent voter's ballot. The notice shall specifically inform the voter of the information that is required or the reason for the defects in the application, and shall state the procedure necessary to remedy the defective application.

If the voter substantially complies with the requirements contained in the elections official's notice, the voter's ballot shall be counted.

In determining from the records of registration if the signature and residence address on the application appear to be the same as that on the original affidavit of registration, the elections official or registrar of voters may use the duplicate file of affidavits of registered voters or the facsimiles of voter's signatures, provided that the method of preparing and displaying the facsimiles complies with law.

3010. The elections official shall deliver to each qualified applicant:

(a) The ballot for the precinct in which he or she resides. In primary elections this shall be the ballot for the party with

which he or she is affiliated or, when appropriate, a nonpartisan ballot.

(b) All supplies necessary for the use and return of the ballot.

No officer of this state may make any charge for services rendered to any voter under this chapter.

3011. The identification envelope shall contain the following:

(a) A declaration, under penalty of perjury, stating that the voter resides within the precinct in which he or she is voting and is the person whose name appears on the envelope.

(b) The signature of the voter.

(c) The residence address of the voter as shown on the affidavit of registration.

(d) The date of signing.

(e) A notice that the envelope contains an official ballot and is to be opened only by the canvassing board.

(f) A warning plainly stamped or printed on it that voting twice constitutes a crime.

(g) A statement that the voter has neither applied, nor intends to apply, for an absent voter's ballot from any other jurisdiction for the same election.

3012. Whenever the elections official is required to mail an absent voter's ballot to any elector and the address to which the ballot is to be mailed is a point outside the territorial limits of the United States, the elections official shall mail the absent voter's ballot to the elector by airmail and, if under any law of the United States official election ballots may be mailed without the payment of postage, the elections official shall so mail them.

3013. Upon delivering or mailing an absent voter's ballot, the elections official shall enter on the application of the absent voter, or on the affidavit of registration, the type of ballot and the date of delivering or mailing. Before the election the elections official shall send to the inspector of each precinct in his or her county or city a list of the voters in that precinct applying for and receiving ballots under the provisions of this chapter.

3014. The elections official shall send a second absent voter ballot to any voter upon receipt of a statement under penalty of perjury that the voter has failed to receive, lost, or destroyed his or her original ballot.

The elections official shall keep a record of each absent voter ballot sent to and received from a voter and shall verify, prior to counting any duplicate ballot, that the voter has not attempted to vote twice. If it is determined that a voter has attempted to vote twice, both ballots shall be void.

3015. Absent voters who return to their home precincts on election day may vote only if they surrender their absent voter ballots to the inspector of the precinct board.

The precinct board shall return the unused absent voter's ballots to the elections official in an envelope designated for this purpose.

3016. Any absent voter who is unable to surrender his or her absent voter's ballot within the meaning of Section 3015 shall be issued a provisional ballot in accordance with Section 14310.

3017. All absentee ballots cast under this division shall be voted on or before the day of the election. After marking the ballot, the absent voter shall either: (1) return the ballot by

mail or in person to the elections official from whom it came or (2) return the ballot in person to any member of a precinct board at any polling place within the jurisdiction. However, an absent voter who, because of illness or other physical disability, is unable to return the ballot, may designate his or her spouse, child, parent, grandparent, grandchild, brother, or sister to return the ballot to the elections official from whom it came or to the precinct board at any polling place within the jurisdiction. The ballot must, however, be received by either the elections official from whom it came or the precinct board before the close of the polls on election day.

The elections official shall establish procedures to insure the secrecy of any ballot returned to a precinct polling place.

The provisions of this section are mandatory, not directory, and no ballot shall be counted if it is not delivered in compliance with this section.

3018. Any voter using an absentee ballot may, prior to the close of the polls on election day, vote the ballot at the office of the elections official. The voter shall vote the ballot in the presence of an officer of the elections official or in a voting booth, at the discretion of the elections official, but in no case may his or her vote be observed. Where voting machines are used the elections official may provide one voting machine for each ballot type used within the jurisdiction.

3019. Upon receipt of the absentee ballot the elections official shall compare the signature on the envelope with that appearing on the affidavit of registration and, if they compare, deposit the ballot, still in the identification envelope, in a ballot container in his or her office. A variation of the signature caused by the substitution of initials for the first or middle name, or both, shall not invalidate the ballot. If the ballot is rejected because the signatures do not compare, the envelope shall not be opened and the ballot shall not be counted. The cause of the rejection shall be written on the face of the identification envelope.

If the elections official has compared the signature of the voter's application with the affidavit pursuant to Section 3009, the application may be used rather than the affidavit to make the signature check required by this section.

No ballot shall be removed from its identification envelope until the time for processing. No ballot shall be rejected for cause after the envelope has been opened.

In determining from the records of registration if the signature and residence address on the identification envelope appear to be the same as that on the affidavit of registration, the elections official or registrar of voters may use the duplicate file of affidavits of registered voters or the facsimiles of voter's signatures, provided that the method of preparing and displaying the facsimiles complies with law.

3020. All absentee ballots cast under this division shall be received by the elections official from whom they were obtained or by the precinct board no later than the close of the polls on election day.

3021. After the close of the period for requesting absent voter ballots by mail any voter unable to go to the polls because of illness or disability resulting in his or her confinement in a hospital, sanatorium, nursing home, or place of residence, or any voter unable because of a physical handicap

to go to his or her polling place or because of that handicap is unable to vote at his or her polling place due to existing architectural barriers at his or her polling place denying him or her physical access to the polling place, voting booth, or voting apparatus or machinery, or any voter unable to go to his or her polling place because of conditions resulting in his or her absence from the precinct on election day may request in a written statement, signed under penalty of perjury that a ballot be delivered to him or her. This ballot shall be delivered by the elections official to any authorized representative of the voter who presents this written statement to the elections official.

Before delivering the ballot the elections official may compare the signature on the request with the signature on the voter's affidavit of registration, but in any event, the signature shall be compared before the absent voter ballot is canvassed.

The voter shall mark the ballot, place it in the identification envelope, fill out and sign the envelope and return the ballot, personally or through the authorized representative, to either the elections official or any polling place within the jurisdiction.

These ballots shall be processed and counted in the same manner as other absentee ballots.

3022. The elections official shall include with the sample ballot an application for an absent voter ballot.

3023. Each ballot that is delivered pursuant to this chapter shall be accompanied by a ballot pamphlet, unless the voter has already been provided a ballot pamphlet.

## CHAPTER 2. SPECIAL ABSENTEE APPLICATION AND VOTING PROCEDURES

3100. When a special absentee voter applies for an absent voter's ballot and the elections official determines that he or she is not registered to vote, the elections official shall send the affidavit of registration card with the ballot. The affidavit of registration must be completed by the voter and returned with the voted ballot or the ballot shall not be counted.

If the application has been made upon a federal form for absentee ballots the form shall be deemed an affidavit of registration and the applicant shall be considered registered for that election only. If the special absentee voter requests an absentee ballot for the ensuing primary election, the elections official shall also consider the request valid for the ensuing general election.

If the applicant is not a resident of the county to which he or she has applied, the elections official receiving the application shall forward it immediately to the proper county.

3101. Upon timely receipt of the affidavit of registration and the voted absentee ballot, the elections official shall examine the affidavit to ascertain that it is properly executed in accordance with this code and that the applicant is a qualified elector of the county. If the elections official is satisfied of these facts, the applicant shall be deemed a duly registered voter as of the date appearing on the affidavit to the same extent and with the same effect as though he or she had registered in proper time prior to the election.

3102. Applications for the ballots of special absentee voters shall be received, and the ballots shall be received and canvassed at the same time and under the same procedure as absent voter ballots, insofar as that procedure is not inconsistent with this chapter.

3103. (a) Notwithstanding any other provision of the law, a special absentee voter who qualifies pursuant to this section may apply for a special absentee voter ballot. Any application made pursuant to this section that is received by the elections official prior to the 60th day before the election shall be kept and processed on or after the 60th day before the election.

(b) If a special absentee voter submits an application containing a statement that provides that due to military or other contingencies that preclude normal mail delivery, as specified by the voter, the voter cannot vote an absentee ballot during the normal absentee voting period, and the voter is otherwise qualified to vote as a special absentee voter, the elections official shall immediately send the voter a ballot in a form prescribed and provided by the Secretary of State, or a ballot and voter registration card if required by Section 3100. The elections official shall send with the ballot a list of all candidates who have qualified for the ballot by the 60th day before the election and a list of all measures that are to be submitted to the voters and on which the voter is qualified to vote. The voter shall be entitled to write in the name of any specific candidate seeking nomination or election to any office listed on the ballot.

(c) Notwithstanding Section 15351 or any other provision of law, any name written upon a ballot for a particular office pursuant to subdivision (b) shall be counted for the office or nomination.

(d) The elections official shall receive and canvass special absentee voter ballots described in this section under the same procedure as absent voter ballots, insofar as that procedure is not inconsistent with this section, except that prior to election day, special absentee voter ballots shall be secured separately in a sealed ballot box reserved for that purpose.

(e) In the event that a voter executes a special absentee ballot pursuant to this section and the military or other contingency does not exist during the normal absentee voting period, that voter may make an application for an absentee ballot pursuant to Sections 3100 and 3101. If an application is made pursuant to this subdivision, the elections official shall reject the voted ballot previously cast and process the application in accordance with Chapter 1 (commencing with Section 3000).

(f) Notwithstanding any other provision of law, a special absentee voter who qualifies pursuant to this section may, by facsimile transmission, register to vote and apply for an absent voter's ballot. Upon request, the elections official shall send to the qualified special absentee voter either by mail or facsimile transmission the special absentee ballot or, if available, an absent voter's ballot pursuant to Chapter 1 (commencing with Section 3000).

3104. Any absentee voter ballot application by a qualified special absentee voter for a primary election shall also be deemed an application for a special absentee ballot for the subsequent general election.

3105. When an affidavit of registration is found to be insufficient both the affidavit and the voted ballot are to be

rejected. The word "rejected" and the date shall be written across the face of the affidavit and across the front of the ballot envelope. The words "not registered" shall also be written across the identification envelope.

If it appears the applicant is entitled to register and vote in some other city or county, the elections official shall immediately transmit the affidavit and the ballot to the proper city or county. The affidavit and ballot shall then be processed in accordance with this chapter.

3106. When the affidavit is received by an elections official, other than a county clerk, the elections official receiving it shall, after the election, transmit it to the county clerk who, if the affidavit is not subject to rejection, shall file the original. If an affidavit of registration is rejected, it shall be returned to the applicant with the reason for rejection endorsed on it, together with a new blank affidavit card.

3107. If any special absentee voter is released from service after the closing date of registration for an election and has returned to the county of his or her residence and is not a registered voter, he or she may apply in person to the elections official for permission to register. If the elector furnishes documentary proof of release from service after the closing date of registration for the election, the elections official shall allow him or her to be registered and to vote in the election. On or before the day of election the elections official shall deliver to the precinct board a list of special absentee voters registered under this section.

3108. If any special absentee voter to whom an absent voter's ballot has been mailed and which ballot has not been voted by him or her returns to the county in which he or she is registered on or before election day, he or she may apply to the elections official for permission to vote. The elections official shall require him or her to sign an authorization to cancel the absent voter's ballot previously issued when it is returned to the county elections official. The elections official shall then issue another absent ballot to the special absentee voter, to be voted in the elections official's office, or the elections official shall certify to the precinct board that the special absentee voter is eligible to vote in the precinct polling place of his or her residence upon complying with the other requirements of this code.

3109. If any special absentee voter returns to the county of his or her residence after the final day for making application for an absent voter ballot, he or she may appear before the elections official and make application for registration, absent voter ballot, or both. The elections official shall register the voter, if he or she is not registered, and deliver to him or her an absent voter ballot which may be voted in the elections official's office or voted outside the elections official's office on or before the close of the polls on the day of election and returned as are other absent voter ballots.

3110. If a registered special absentee voter is unable to appear at his or her polling place because of being recalled to service after the final day for making application for an absent voter's ballot, but before 5 p.m. on the day before the day of election, he or she may appear before the elections official and make application for an absent voter's ballot. The elections official shall deliver to him or her an absent voter's ballot

which may be voted in the elections official's office or voted outside the elections official's office on or before the close of the polls on the day of election and returned as are other absent voter's ballots.

3111. Whenever by any statute of the United States, provision is made for absentee voting, an application for an absent voter's ballot made under that law may be given the same effect as an application for an absent voter's ballot made under this code.

If, by any federal statute, provision is made for the transmission of applications for absent voter's ballots to the Secretary of State, he or she shall transmit the applications to the county elections official of the county in which the applicant claims residence.

3112. If by any act of Congress which is now or may become effective during the effective period of this section, provision is made for voting by special absent voter, that act shall control and be superior to any conflicting provisions of this code, and all state, county, municipal and district officers who are charged with the performance of duties with reference to the election laws of this state shall perform the duties and discharge the obligations placed upon them by that act of Congress. It is the purpose and intent of this section that full effect shall be given to ballots cast by special absentee voters under federal statutes in order that no person shall be deprived of his or her vote by virtue of having cast his or her ballot under any federal statute rather than under the laws of this state.

### CHAPTER 3. PERMANENT ABSENTEE APPLICATION AND VOTING PROCEDURES

3200. A voter who qualifies under this chapter shall be entitled to become a permanent absent voter.

3201. (a) Any voter who has any of the following impairments or conditions may apply for permanent absent voter status:

(1) Has lost one or more limbs or the use of one or more limbs.

(2) Has lost both hands or the use of both hands.

(3) Is unable to move about without the aid of an assistant device (e.g., canes, crutches, walker, wheelchair).

(4) Is suffering from lung disease, blindness, or cardiovascular disease.

(5) Has a significant limitation in the use of the lower extremities.

(6) Is suffering from a diagnosed disease or disorder that substantially impairs or interferes with his or her mobility.

(b) The following voters may also apply for permanent absent voter status:

(1) A spouse who resides with, and is the primary caregiver to, a voter described in subdivision (a).

(2) A nonspousal primary caregiver to a voter described in subdivision (a) who resides with the voter. As used in this subdivision, "nonspousal primary caregiver" means a blood relative or family member related by marriage who has primary responsibility for the care of the voter.

(c) Application for permanent absent voter status shall be made in accordance with Section 3001. The voter or other person described in subdivision (b) shall complete an application, which shall be available from the county elections official, and

which shall contain all of the following:

- (1) Applicant's name at length.
- (2) Applicant's residence address.
- (3) Address where ballot is to be mailed, if different from the place of residence.
- (4) Information which establishes the applicant's right to permanent absent voter status.
- (5) The signature of the applicant.

3202. In lieu of executing the application set forth in Section 3201, any voter may execute a request for permanent absent voter status by making a written request to the county elections official requesting the status. If a written request is received by the county elections official and it contains the information set forth in Section 3201, the elections official shall process that application in the manner provided in Section 3203.

3203. Upon receipt of an application for permanent absent voter status the county elections official shall process the application in the same manner as an application for regular absent voters' ballots. In addition to processing applications in accordance with Chapter 1 (commencing with Section 3000), if it is determined that the applicant is a registered voter, the county elections official shall place the voter's name upon a list of those to whom an absentee ballot is sent each time there is an election within their precinct. The elections official shall keep a copy of the list on file open to the public inspection for election and governmental purposes.

3204. The county elections official shall send a copy of the list of all voters who qualify as permanent absent voters to each city elections official or district elections official charged with the duty of conducting an election within the county. The list shall be sent by the sixth day before an election.

3205. Absent voter ballots mailed to, and received from, voters on the permanent absent voter list are subject to the same deadlines and shall be processed and counted in the same manner as all other absent voter ballots.

3206. A voter whose name appears on the permanent absent voter list shall remain on the list and shall be mailed an absentee ballot for each election conducted within his or her precinct. If the voter fails to return an executed absent voter ballot for any statewide direct primary or general election in accordance with Section 3017 the voter's name shall be deleted from the list.

#### CHAPTER 4. FEDERAL ABSENTEE APPLICATION AND VOTING PROCEDURES

3300. It is the intent and purpose of the Legislature that this chapter facilitate the federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (Public Law 99-410).

3301. Notwithstanding any other provision of law to the contrary, this chapter shall govern the voter registration and voting of a person in any federal election if that person resides outside of the United States and was domiciled in California immediately prior to his or her departure from the United States.

3302. Each citizen residing outside the United States shall have the right to register absentee for, and to vote by, an absentee ballot in any federal election in the state, or in any



precinct of the state in which he or she was last domiciled immediately prior to his or her departure from the United States and in which he or she would have met all qualifications to vote in federal elections under the laws of this state, even though while residing outside the United States he or she does not have a place of abode or other address in this state or in a precinct of this state, and his or her intent to return to this state or to a precinct in this state may be uncertain, if the person meets the following requirements:

- (a) He or she has complied with all applicable requirements that are consistent with this chapter concerning absentee registration for, and voting by, absentee ballots.
- (b) He or she does not maintain a domicile, is not registered to vote, and is not voting in any other state or precinct of a state or territory or in any territory or possession of the United States.
- (c) He or she has a valid passport or card of identity and registration issued under the authority of the Secretary of State of the United States.

3303. Any person described in Section 3302 who desires to register and vote under this chapter shall apply in writing to the elections official of the county in which the person was last domiciled prior to departure from the United States.

3304. (a) A voter described in Section 3302 may apply for an absent voter ballot. Any application made pursuant to this section that is received by the elections official prior to the 60th day before the election shall be kept and processed on or after the 60th day before the election.

(b) If the voter submits an application containing a statement that provides that due to contingencies that preclude normal mail delivery, as specified by the voter, the voter cannot vote an absentee ballot during the normal absentee voting period, and the voter is otherwise qualified to vote as provided in this chapter, the elections official shall immediately send the voter a ballot in a form prescribed and provided by the Secretary of State, or a ballot and voter registration card if required by Section 3307. The elections official shall send with the ballot a list of all candidates who have qualified for the ballot by the 60th day before the election and for whom the voter is qualified to vote. The voter shall be entitled to write in the name of any specific candidate seeking the nomination or election to any office listed on the ballot.

(c) Notwithstanding Section 15351 or any other provision of law, any name written upon a ballot for a particular office pursuant to subdivision (b) shall be counted for the office or nomination.

(d) The elections official shall receive and canvass the absent voter ballots described in this section under the same procedure as other absent voter ballots, insofar as that procedure is not inconsistent with this section, except that prior to election day, the absent voter ballots described in this section shall be secured separately in a sealed ballot box reserved for that purpose.

3305. Upon receipt of an application for registration or for an absent voter ballot by a person who meets the requirements of Section 3302 the county elections official shall determine the following:

- (a) That the last domicile of the applicant in the United States was in the county to which the person has applied. If

the last domicile of the applicant in the United States was in another county, the elections official shall forward the application to that county.

(b) That the applicant is not currently registered. If the applicant is registered as a resident of the county, the elections official shall cancel the affidavit of registration.

3306. Any absent voter ballot application by a qualified voter, as described in this chapter, for a primary election shall also be deemed an application for an absent voter ballot for the subsequent general election.

3307. (a) As soon as possible after the 60th day before the federal election, the county elections official shall mail or deliver a ballot to each person who has requested registration as an overseas voter since the last regularly scheduled federal election.

(b) If the overseas voter has not correctly completed and returned a federal application for an absentee ballot or a special affidavit of registration as an overseas voter since the last regularly scheduled federal election the elections official shall enclose an affidavit with the ballot.

(c) The overseas voter shall be informed of the following:

(1) That the affidavit must be correctly completed and returned with the ballot in order for the vote to be tallied.

(2) That the voter's registration will be valid through the next general election, and that the ballots for these elections will be sent to the voter at the mailing address provided by the voter, but that following the general election, the voter must reapply in order to again receive an overseas voter ballot.

(d) The affidavits of registration mailed or delivered pursuant to this section shall conform to Section 2157, except as modified pursuant to regulations adopted by the Secretary of State to reflect the requirements of this chapter.

(e) Absent voter ballots mailed or delivered pursuant to this section shall be modified pursuant to regulations adopted by the Secretary of State so as to show only those offices for which the overseas resident is entitled to vote.

3308. Upon timely receipt of the affidavit of registration and the voted absentee ballot, the county elections official shall examine the affidavit to ascertain that it is properly executed in accordance with this code and that the applicant is a qualified elector of the county. If the county elections official is satisfied of these facts, the applicant shall be deemed a duly registered voter as of the date appearing on the affidavit to the same extent and with the same effect as though he or she had registered in proper time prior to the election.

3309. If an overseas ballot is returned to the county elections official with an improperly completed affidavit or without the affidavit, and the voter has not completed an overseas voter affidavit or a federal absentee voter application since the last general election, the ballot shall be canceled and shall not be tallied.

3310. Applications for the ballots of overseas voters shall be received and their ballots shall be received and canvassed at the same time and under the same procedure as absent voter ballots, insofar as that procedure is not inconsistent with this chapter.

3311. All absentee ballots cast pursuant to this chapter shall be received by the county elections official not later

than 8 p.m. on the day of a federal election.

CHAPTER 5. NEW RESIDENTS APPLICATION AND VOTING PROCEDURES

3400. Registration for new residents shall be in progress beginning with the 28th day prior to an election and ending on the seventh day prior to election day.

This registration must be executed in the county elections office and the new resident shall vote a new resident's ballot in that office.

3401. The new residents' affidavits of registration shall be kept separate from the files of permanent affidavits of registration of voters, and they shall not be used in connection with the preparation of the index of voters prepared under Sections 2180 and 2181, until they are either canceled or become permanent pursuant to Section 3406.

3402. The Secretary of State shall have blank affidavits of registration prepared for new residents that contain the information required in Section 2157. The affidavit shall be the same as the regular affidavit of registration except that it shall have a removable portion with the caption "new resident."

3403. The envelope into which a new resident is to place the ballot shall bear upon its face the name and official title of the county elections official and upon the other side a printed affidavit in substantially the following form:

State of California )  
County of \_\_\_\_\_ ) ss.

I, \_\_\_\_\_, declare that I am a citizen of the United States, that on the day of the next election for federal offices shall be at least 18 years of age, a resident of this state prior to the election, and am a resident of the City or Town of \_\_\_\_\_, County of \_\_\_\_\_, State of California; I have not voted, nor shall I cast a vote on a ballot from the state from which I have removed.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Residence address)

3404. The new resident shall mark the ballot, place it in the identification envelope, and fill out and sign the declaration printed on the identification envelope.

3405. The ballots of new residents shall be received and canvassed at the same time and under the same procedure as

absent voter ballots, insofar as that procedure is not inconsistent with this chapter.

3406. After completing the official canvass, but no later than 60 days before the next regular election, the county elections official shall send a forwardable notice to each voter registered as a "new resident." The notice shall be a double postcard in substantially the following form:

(Part 1)

You are now registered in \_\_\_\_\_ County as a "new resident" and under California law your registration must be canceled unless the second portion of this form is returned to the county elections office within 30 days. Failure to return this form by \_\_\_\_\_ means

(Date)

you must reregister before being allowed to vote. Upon receipt of this form by the county elections official your affidavit of registration will become permanent and you will be eligible to vote in any election held within your precinct.

\_\_\_\_\_  
County Elections  
Official

\_\_\_\_\_  
County

\_\_\_\_\_  
Date

\* \* \* \* \*  
\*

(Part 2)

DECLARATION OF RESIDENCY

I, \_\_\_\_\_ am a resident of the state, of the

(Print name)  
county, and of the precinct. I reside at

\_\_\_\_\_  
(Street address) (City)

\_\_\_\_\_  
(County) (Zip code)

(this address must be within the county).

\_\_\_\_\_  
Signature of voter

\_\_\_\_\_  
Date

WARNING: This document is signed under penalty of perjury.

3407. Upon receipt of the signed declaration of residency the elections official shall compare the signature shown on the declaration with those shown on the "new resident" affidavit of registration. If it is the same, the elections official shall remove the part identifying the affidavit as that of a new resident, attach the declaration to the affidavit, make any necessary address change and file the affidavit in the manner prescribed by this code.

3408. The county elections official shall keep open to public inspection a list showing the names and addresses of all persons who have voted as new residents.

#### CHAPTER 6. NEW CITIZENS APPLICATION AND VOTING PROCEDURES

3500. Any new citizen is eligible to register and vote at the office of the county elections official at any time beginning on the 28th day before an election and ending on the seventh day prior to election day.

3501. A new citizen registering to vote after the close of registration shall provide the county elections official with proof of citizenship prior to voting, and shall declare that he or she has established residency in California. Upon receipt of proof of citizenship and California residency, the county elections official shall instate the affiant as a registered voter and include his or her affidavit of registration in the permanent file of affidavits.

3502. The ballots of new citizens shall be received and canvassed at the same time and under the same procedure as absent voter ballots, insofar as that procedure is not inconsistent with this chapter.

3503. The county elections official shall keep open to public inspection a list of all persons who have registered as new citizens.

#### DIVISION 4. MAIL BALLOT ELECTIONS CHAPTER 1. CONDITIONS FOR MAIL BALLOT ELECTION

4000. Any local, special, or consolidated election may be conducted wholly by mail provided that all of the following conditions apply:

(a) The governing body of the local agency authorizes the use of mailed ballots for the election.

(b) The election does not occur on the same date as a statewide direct primary election or statewide general election.

(c) The election is one of the following:

(1) An election in which no more than 1,000 registered voters are eligible to participate.

(2) A maximum property tax rate election as provided for in Section 2287 of the Revenue and Taxation Code.

(3) An election on a measure or measures restricted to (A) the imposition of special taxes, or (B) expenditure limitation overrides, or (C) both (A) and (B), in a city, county, or special district with 5,000 or less registered voters calculated as of the time of the last report of registration by the county elections official to the Secretary of State.

(4) An election on the issuance of a general obligation water bond in accordance with Section 12944.5 of the Water Code.

(5) An election of the Directors of the Monterey Peninsula

Water Management District as authorized in Section 122 of Chapter 527 of the Statutes of 1977, known as the Monterey Peninsula Water Management District Law.

(6) An election of the Aliso Water Management Agency, or its affected member agencies, pursuant to Sections 13416 and 13417 of the Water Code.

(7) An election of the San Jacinto Mountain Area Water Study Agency pursuant to Sections 13416 and 13417 of the Water Code.

(8) An election of the San Lorenzo Valley Water District pursuant to Sections 13416 and 13417 of the Water Code.

4001. (a) Notwithstanding Section 4000, any election in Placer County or Stanislaus County may be conducted as an all-mail ballot election, subject to the following conditions:

(1) The governing body of the city, county, or district may, by resolution, authorize the all-mail ballot election and shall notify the Secretary of State of its intent to conduct an all-mail ballot election at least 88 days prior to the date of the election.

(2) The election shall not occur on the same date as a statewide primary or general election.

(3) The election is not a special election to fill a vacancy in a state office, the State Legislature, or Congress.

(4) At least one polling place is provided in each city, with one additional polling place for each 30,000 registered voters.

(5) By December 15, 1994, the elections official shall report to the Legislature and the Governor on the cost, rate of participation, and incidence of fraud involved in implementing this section.

(6) The return of voted mail ballots are subject to Section 3017.

(b) This section shall remain in effect only until January 1, 1995, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1995, deletes or extends that date.

4002. Notwithstanding Section 4000, a special district may conduct its elections by mail in accordance with Sections 1501, 1502, 4104, 4105, and 4108.

4003. Notwithstanding any other provision of law, whenever any district has adopted the all-mailed ballot procedure for conducting general district elections pursuant to Section 4104 and any other election is scheduled to be held in territory that is the same or partly the territory of the district on the first Tuesday after the first Monday in November of the odd-numbered year, the district may, by resolution of the governing board, revoke the adoption of the all-mailed ballot procedure and order the general district election consolidated with the other election pursuant to Section 10402.

## CHAPTER 2. CONDUCT OF MAIL BALLOT ELECTIONS

4100. Except as otherwise provided in this chapter, mail ballot elections shall be conducted in accordance with Chapter 1 (commencing with Section 3000) of Division 3.

4101. Notwithstanding Sections 12111, 12117, 13300, and 13303, the elections official shall not commence to mail the combined sample ballot and mail ballot prior to the 29th day before the election and shall complete the mailing by the 10th day before the election.

4102. The elections official may include in the mailings set

forth in Section 4101 a printed notice to the voters informing the voters that they may return the voted ballot by certified or registered mail.

4103. Notwithstanding Section 3020, ballots cast under this chapter shall be returned to the elections official from whom they were obtained no later than 8 p.m. on election day.

4104. (a) At the first general district election conducted by all-mailed ballot the following question shall be printed on the ballot and boxes shall be provided for the voter to indicate "Yes" or "No":

"SHALL THE MAILED BALLOT BE USED TO CONDUCT ALL FUTURE GENERAL DISTRICT ELECTIONS?"

(b) If the majority of the voters favor the all-mailed ballot election it shall be adopted as the procedure for conducting future general district elections. If the question is rejected by the voters it may be resubmitted at any subsequent general district election in the manner provided for in Section 4105.

4105. The question set forth in Section 4104, as to whether an all-mailed ballot election is required to be used in the conduct of all future general district elections, shall be printed on the ballot of any general district election upon (a) the adoption of an appropriate resolution by the governing board, or (b) upon the submission

of an initiative petition to the governing board signed by voters not less in number than 10 percent of the voters in the district pursuant to the procedure set forth in Chapter 4 (commencing with Section 9300) of Division 9.

This section shall apply only to those districts in which an election by all-mailed ballots was conducted pursuant to a resolution adopted by the governing board of the district in the manner provided for by Section 4108.

4106. (a) Notwithstanding any other provision of law to the contrary, a governing board in the County of San Diego may adopt a resolution requiring its general district election to be held on the same day as the statewide direct primary election or the day of the statewide general election.

(b) If an election is held pursuant to subdivision (a), and the election is consolidated with another election, Part 3 (commencing with Section 10400) of Division 10 shall govern the consolidation and, if the county elections official is requested to conduct the election, Section 10002 shall apply to that election.

(c) If, pursuant to subdivision (a), a general district election is held on the same day as a statewide election, those officers whose four-year terms of office would have, prior to the adoption of the resolution, expired on the first Friday in December following the general district election in an odd-numbered year shall, instead, either continue in their offices until no later than the fourth Tuesday after the day of the general district election or, at the option of the governing board, cease to hold office prior to the expiration of their four-year term and upon the qualification of their successors at the time prescribed by the governing board.

4107. (a) Notwithstanding any other provision of law, the governing board of the Marina County Water District in the County of Monterey may adopt a resolution requiring its general district election to be held on the same day as the statewide direct primary election or the day of the statewide general

election.

(b) If an election is held pursuant to subdivision (a), and the election is consolidated with another election, Part 3 (commencing with Section 10400) of Division 10 shall govern the consolidation, and, if the county elections official is requested to conduct the election, Section 10002 shall apply to that election.

(c) If, pursuant to subdivision (a), a general district election is held on the same day as a statewide election, those officers whose four-year terms of office would have, prior to the adoption of the resolution, expired on the first Friday in December following the general district election in an odd-numbered year shall, instead, either continue in their offices until no later than the fourth Tuesday after the day of the general district election or, at the option of the governing board, cease to hold office prior to the expiration of their four-year term and upon the qualification of their successors at the time prescribed by the governing board.

4108. Notwithstanding any other provisions of law and regardless of the number of eligible voters within its boundaries a district may, by resolution of its governing board, conduct any election by all-mailed ballots pursuant to Division 4 (commencing with Section 4000).

An election conducted pursuant to this section shall be held on a date prescribed in Section 1501 or on any other date other than an established election date.

DIVISION 5. POLITICAL PARTY QUALIFICATIONS  
CHAPTER 1. NEW PARTY QUALIFICATIONS

5000. This chapter shall apply to political parties not otherwise provided for in Division 7 (commencing with Section 7000).

5001. Whenever a group of electors desires to qualify a new political party meeting the requirements of Section 5100, that group shall form a political body by:

(a) Holding a caucus or convention at which temporary officers shall be elected and a party name designated, which name shall not conflict with that of any existing party or political body that has previously filed notice pursuant to subdivision (b).

(b) Filing formal notice with the Secretary of State that the political body has organized, elected temporary officers, and declared an intent to qualify a political party pursuant to Section 5100. The notice shall include the names and addresses of the temporary officers of the political body.

5002. Upon receipt of the notice specified in Section 5001, the Secretary of State shall notify each county elections official of the name of the political body and its intent to qualify as a political party.

In preparing the statement of voters and their political affiliations, the county elections officials shall tabulate by political affiliation the affidavits of registration of members of political parties qualified pursuant to Section 5100, and political bodies formally declaring an intent to qualify as political parties pursuant to Section 5001. All other affidavits of registration, except those of persons declining to state a political affiliation, shall be tabulated as miscellaneous registrations.

5003. A political body within the first 70 days after filing



the formal notice required by Section 5001 is entitled, upon request to the Secretary of State, to have counted toward its qualification as a political party affidavits of registration in which voters declared affiliation with the political body prior to the date the political body filed the formal notice with the Secretary of State.

5004. If by the 135th day before any primary election, a political body filing notice pursuant to Section 5001 has not qualified as a political party pursuant to Section 5100, the political body shall be considered to have abandoned its attempt to qualify as a political party and shall be ineligible to participate in the following primary.

5005. Until otherwise provided for by statute, a political party newly qualified pursuant to Section 5100 shall carry on its activities in accordance with procedures applicable to any other political party that has detailed statutory provisions applicable to its operation as shall be designated by the newly qualified party. The temporary officers of the newly qualified political party elected pursuant to Section 5001 shall file notice of its selection with the Secretary of State not later than 30 days after the political party qualifies.

5006. Any political party newly qualifying pursuant to Section 5100 shall conduct its presidential primary election in accordance with procedures applicable to any other political party that has detailed statutory provisions applicable to its presidential primary as shall be designated by the newly qualified party.

If a newly qualified political party has not elected permanent officers, the temporary officers shall notify, on or before February 1 of the presidential primary year, the Secretary of State of the designated procedures the party has selected for its presidential primary.

## CHAPTER 2. PARTIES QUALIFIED TO PARTICIPATE IN THE PRIMARY ELECTION

5100. A party is qualified to participate in any primary election under any of the following conditions:

(a) If at the last preceding gubernatorial election there was polled for any one of its candidates for any office voted on throughout the state, at least 2 percent of the entire vote of the state.

(b) If on or before the 135th day before any primary election, it appears to the Secretary of State, as a result of examining and totaling the statement of voters and their political affiliations transmitted to him or her by the county elections officials, that voters equal in number to at least 1 percent of the entire vote of the state at the last preceding gubernatorial election have declared their intention to affiliate with that party.

(c) If on or before the 135th day before any primary election, there is filed with the Secretary of State a petition signed by voters, equal in number to at least 10 percent of the entire vote of the state at the last preceding gubernatorial election, declaring that they represent a proposed party, the name of which shall be stated in the petition, which proposed party those voters desire to have participate in that primary election. This petition shall be circulated, signed, verified and the signatures of the voters on it shall be certified to and transmitted to the Secretary of State by the county elections

officials substantially as provided for initiative petitions. Each page of the petition shall bear a caption in 18-point blackface type, which caption shall be the name of the proposed party followed by the words "Petition to participate in the primary election." No voters or organization of voters shall assume a party name or designation which is so similar to the name of an existing party as to mislead voters.

5101. Whenever the registration of any party that qualified in the previous direct primary election falls below one-fifteenth of 1 percent of the total state registration, that party shall not be qualified to participate in the primary election but shall be deemed to have been abandoned by the voters. The Secretary of State shall immediately remove the name of the party from any list, notice, ballot, or other publication containing the names of the parties qualified to participate in the primary election.

5102. No party shall be recognized or qualified to participate in any primary election that either directly or indirectly carries on, advocates, teaches, justifies, aids, or abets the overthrow by any unlawful means of, or that directly or indirectly carries on, advocates, teaches, justifies, aids, or abets a program of sabotage, force and violence, sedition or treason against, the government of the United States or of this state.

### CHAPTER 3. DISQUALIFICATION OF POLITICAL PARTIES

5200. Not less than 123 days before a primary election, the Secretary of State shall, with the advice and consent of the Attorney General, determine which parties are disqualified to participate in any primary election under Section 5102. If it is proposed to disqualify a party that was qualified to participate in the next preceding direct primary, notice of intention to disqualify shall be served by registered mail on the chairperson of the state central committee of the party, as shown by the records of the Secretary of State. In any event, notice of intention to disqualify shall be given in each county of the state by publication pursuant to Section 6061 of the Government Code. If there is no newspaper of general circulation printed and published in any county, publication shall be made in a newspaper of general circulation printed and published in an adjoining county.

If the party desires a hearing on the notice of intention to disqualify, it shall, within 10 days after service by mail or within 10 days after the last date upon which the notice was published in any county, whichever is later, file an affidavit in the Supreme Court under Section 13314 setting forth facts showing that the political party is not disqualified to participate in any primary election under Section 5102. If the party does not file the affidavit within the time specified, the notice of intention to disqualify shall constitute final disqualification. Before the affidavit is filed, a copy shall be personally served on the Secretary of State. When filed, the matter shall be set for return in not more than 10 days and shall have priority over any other pending cases.

In connection with proceedings in the Supreme Court under this section, the Legislature hereby declares its intent to create a speedy and expeditious method for judicial determination of the vital questions involved, and urges the Supreme Court to accept jurisdiction in any such proceeding.

The Legislature further urges that the court instruct any referee before whom the taking of evidence is ordered to report back to the court in sufficient time so that the court's final order may be made effective on or before the 80th day before the primary election.

DIVISION 6. PRESIDENTIAL ELECTIONS  
 PART 1. PARTISAN PRESIDENTIAL PRIMARIES  
 CHAPTER 1. DEMOCRATIC PRESIDENTIAL PRIMARY  
 Article 1. General Provisions

6000. This chapter shall be known and may be cited as the "Alquist Open Presidential Primary Act."

6001. This chapter applies to the Democratic Party.

6002. This chapter applies both to the selection of delegates and alternates pledged to the candidacy of a particular candidate and to the selection of delegates and alternates not expressing a preference for a particular candidate.

6003. (a) Participation in the delegate selection process in primaries and caucuses shall be restricted to Democratic voters only who publicly declare their party preference as Democratic supporters and whose affidavits of registration declare the Democratic Party as their party affiliation. At no stage of the delegate selection process shall any person be required, directly or indirectly, to pay a cost or fee as a condition for participating in the delegate selection process.

(b) No person shall participate or vote in the nominating process for the Democratic presidential candidate who also participates in the nominating processes of any other party in the same presidential election year.

(c) No person shall participate in more than one congressional district delegate caucus.

6004. All official Democratic Party meetings and events related to the national convention delegate selection process, including caucuses, conventions, committee meetings, filing dates, and party enrollment periods shall be scheduled for dates, times, and public places which are consistent with this chapter and which would be most likely to encourage the participation of all Democrats.

6005. (a) In the selection of the state's national convention delegation as a whole, consideration shall be given to achieving the goals of the State Democratic Party's affirmative action plan.

(b) There shall be approximately equal division between delegate men and delegate women and alternate men and alternate women in the national convention delegation.

Article 2. Number and Certification of Delegates and Alternates

6020. (a) The Chairperson of the Democratic State Central Committee shall notify the Secretary of State on or before the 120th day preceding the presidential primary as to the number of delegates and alternates to represent the state in the next national convention of the Democratic Party.

(b) The chairperson shall notify each statewide-elected officeholder, each Member of the Legislature, each United States Senator from California, and each Member of the House of Representatives from California who is affiliated with the

Democratic Party as to the officeholder's right to serve as a pledged elected official delegate to the Democratic National Convention.

(c) The chairperson shall also notify the Secretary of State at the time prescribed in subdivision (a) as to the number of delegates which may be selected from each congressional district in connection with the presidential primary. The number of delegates which may be selected from each congressional district shall be based on a formula which apportions 75 percent of the state's base delegation allocated by the Democratic National Committee, among the congressional districts in a manner which gives equal weight to the vote for the Democratic candidates in the most recent presidential and gubernatorial elections.

The number of delegates allocated to each congressional district shall be rounded off to the nearest whole integer. The remaining delegates and alternates shall be selected pursuant to Article 11 (commencing with Section 6200).

(d) Delegates and alternate delegates apportioned to each congressional district shall be selected based on the proportion of the vote a presidential candidate or uncommitted delegation receives within the congressional district pursuant to Section 6200.

This section shall remain in effect only until January 1, 1998, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1998, deletes or extends that date.

6020. (a) The Chairperson of the Democratic State Central Committee shall notify the Secretary of State on or before the first of February immediately preceding the presidential primary as to the number of delegates and alternates to represent the state in the next national convention of the Democratic Party.

(b) The chairperson shall notify each statewide-elected officeholder, each Member of the Legislature, each United States Senator from California, and each Member of the House of Representatives from California who is affiliated with the Democratic Party as to the officeholder's right to serve as a pledged elected official delegate to the Democratic National Convention.

(c) The chairperson shall also notify the Secretary of State at the time prescribed in subdivision (a) as to the number of delegates which may be selected from each congressional district in connection with the presidential primary. The number of delegates which may be selected from each congressional district shall be based on a formula which apportions 75 percent of the state's base delegation allocated by the Democratic National Committee, among the congressional districts in a manner which gives equal weight to the vote for the Democratic candidates in the most recent presidential and gubernatorial elections.

The number of delegates allocated to each congressional district shall be rounded off to the nearest whole integer. The remaining delegates and alternates shall be selected pursuant to Article 11 (commencing with Section 6200).

(d) Delegates and alternate delegates apportioned to each congressional district shall be selected based on the proportion of the vote a presidential candidate or uncommitted delegation receives within the congressional district pursuant to Section 6200.

This section shall become operative on January 1, 1998.

6021. (a) All persons wishing to be elected to a district-level or at-large delegate or alternate position shall

file a statement of candidacy designating the presidential or uncommitted preference of the delegate candidate, and a signed pledge of support for the presidential candidate the person favors, if any, with the state party chair by a time specified by the party chair.

(b) If persons eligible for pledged party and elected official delegate positions have not made known their presidential preference under subdivision (a), their preferences shall be ascertained through alternative procedure established by the Democratic State Party. An alternative system may have a later deadline for submitting a pledge of support than the regular procedure.

(c) All presidential candidates or uncommitted delegations shall hold caucuses to select congressional district delegate candidates and alternate delegate candidates pursuant to Section 6086.

6022. The proportions of alternate delegates elected at the district level, at-large, and as unpledged and pledged add-on party and elected officials alternates shall be the same as the proportions of delegates elected in those categories.

Members of Congress selected as unpledged delegates at a Democratic Caucus of the United States House of Representatives and at a Democratic Conference of the United States Senate, as provided by Democratic National Committee Rules, shall not be entitled to name a replacement.

6023. The notification of the number of delegates and alternate delegates shall be in substantially the following form:

Statement of Number of Delegates and Alternate Delegates

to Democratic National Convention and of Number of  
Delegates and Alternate Delegates to Be Selected  
from Congressional Districts

To the Secretary of State  
Sacramento, California

You are hereby notified that the number of delegates and

alternate delegates to represent the State of California  
in the next national convention of the Democratic Party  
is \_\_\_\_\_.

You are hereby notified that the number of delegates

which

may be selected from all congressional districts as a part  
of the delegation to the national convention of the  
Democratic

Party is as follows:

Congressional District No. 1.    \_\_\_ delegates \_\_\_  
alternates.

Congressional District No. 2.    \_\_\_ delegates \_\_\_  
alternates.

Congressional District No. 3.    \_\_\_ delegates \_\_\_  
alternates.

(Followed by the remaining congressional districts).

You are hereby notified that the number of pledged party

and elected official delegates, at-large delegates, and  
at-large alternate delegates is as follows:

Pledged Party and Elected Official Delegates

\_\_\_\_\_ At-large Delegates

---

At-large Alternate Delegates

---

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

---

Chairperson of the State Central Committee  
of the Democratic Party.

6024. If the Chairperson of the Democratic State Central Committee fails to file the notice required by Section 6020 with the Secretary of State, the Secretary of State shall ascertain the total number of delegates from the call for the national convention issued by the National Committee of the Democratic Party and shall compute the number of delegates which may be selected from each congressional district from the formula specified in Section 6020.

Article 3. Selection of Candidates by the Secretary of State

6040. This article shall apply to the designation of candidates by the Secretary of State for placement only on the presidential primary ballot.

6041. The Secretary of State shall place the name of a candidate upon the presidential primary ballot when he or she has determined that the candidate is generally advocated for or recognized throughout the United States or California as actively seeking the nomination of the Democratic Party for President of the United States. The Secretary of State shall include as criteria for selecting candidates the fact of qualifying for funding under the Federal Elections Campaign Act as amended in 1974.

Between the 150th day and the 120th day preceding a presidential primary election, the Secretary of State shall publicly announce and distribute to the news media for publication a list of the selected candidates that he or she intends to place on the ballot at the following presidential primary election. Following this announcement the Secretary of State may add candidates to the selection, but he or she may not delete any presidential candidate whose name appears on the announced list except as provided in Section 6043.

This section shall remain in effect only until January 1, 1998, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1998, deletes or extends that date.

6041. The Secretary of State shall place the name of a candidate upon the presidential primary ballot when he or she has determined that the candidate is generally advocated for or recognized throughout the United States or California as actively seeking the nomination of the Democratic Party for President of the United States. The Secretary of State shall include as criteria for selecting candidates the fact of qualifying for funding under the Federal Elections Campaign Act as amended in 1974.

After January 1, but on or before February 1, immediately preceding a presidential primary election, the Secretary of State shall publicly announce and distribute to the news media for publication a list of the selected candidates that he or she intends to place on the ballot at the following presidential

primary election. Following this announcement the Secretary of State may add candidates to the selection, but he or she may not delete any presidential candidate whose name appears on the announced list except as provided in Section 6043.

This section shall become operative on January 1, 1998.

6042. When the Secretary of State decides to place the name of a candidate on the ballot pursuant to Section 6041, he or she shall notify the candidate that the candidate's name will appear on the ballot of this state in the presidential primary election.

The secretary shall also notify the candidate that the candidate may withdraw his or her name from the list of recognized candidates by filing with the Secretary of State an affidavit pursuant to Section 6043 no later than the 64th day before the presidential primary election.

6043. If a selected candidate or an unselected candidate files with the Secretary of State, no later than the time specified in Section 6042, an affidavit stating without qualification that he or she is not now a candidate for the office of President of the United States, and stating that similar documents, also without qualification, have been or will be timely filed, where applicable, with the appropriate public election official in all other states holding open presidential primaries, that candidate's name shall be omitted from the list of names certified by the Secretary of State to the county elections officials for the ballot and his or her name shall not appear on the ballot.

#### Article 4. Qualification of Candidates and Uncommitted Delegations

6060. This article shall apply to the qualification for placement on the presidential primary ballot of candidates who are not selected candidates as referred to in Section 6041, and each group, consisting of at least seven voters of the state who are registered as affiliated with the Democratic Party, proposing the selection of delegates expressing no preference for a candidate for President, hereinafter referred to as an "uncommitted delegation." The additional candidates who qualify under this article shall hereinafter be referred to as unselected candidates.

6061. Any unselected candidate or uncommitted delegation desiring to be placed on the presidential primary ballot shall have nomination papers circulated on behalf of the candidacy. In order to qualify for placement on the presidential primary ballot, the candidate's or uncommitted delegation's nomination papers shall be signed by voters registered as affiliated with the Democratic Party equal in number to not less than

1 percent or 500, whichever is fewer, in each congressional district of the number of persons registered as members of the Democratic Party in the report of registration issued by the Secretary of State on the 135th day preceding the presidential primary election.

The unselected candidates or uncommitted delegations shall meet the statewide signature requirements from each congressional district in order to be eligible for placement on the ballot in any one congressional district.

This section shall remain in effect only until January 1, 1998, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1998, deletes or

extends that date.

6061. Any unselected candidate or uncommitted delegation desiring to be placed on the presidential primary ballot shall have nomination papers circulated on behalf of the candidacy. In order to qualify for placement on the presidential primary ballot, the candidate's or uncommitted delegation's nomination papers shall be signed by voters registered as affiliated with the Democratic Party equal in number to not less than 1 percent or 500, whichever is fewer, in each congressional district of the number of persons registered as members of the Democratic Party in the report of registration issued by the Secretary of State in January of the presidential primary year.

The unselected candidates or uncommitted delegations shall meet the statewide signature requirements from each congressional district in order to be eligible for placement on the ballot in any one congressional district.

This section shall become operative on January 1, 1998.

#### Article 5. Steering Committees

6080. Each selected candidate and each candidate who seeks to qualify under Article 4 (commencing with Section 6060) of this chapter and each group proposing an uncommitted delegation shall appoint a steering committee of seven members and shall appoint one of the members to serve as the chairperson.

6081. The chairperson of a steering committee, at least 85 days prior to the presidential primary, shall file with the Secretary of State a statement containing the names and addresses of the members of the steering committee.

6082. Each steering committee shall be responsible for the circulation of nomination papers of candidates who seek to qualify under Article 4 (commencing with Section 6060) and groups proposing uncommitted delegations, including the appointment of verification deputies. Each steering committee shall appoint a caucus organizer for each congressional district and shall perform the duties required of it by this chapter.

6083. All persons who intend to seek election as delegates or alternate delegates during any step in the delegate selection process shall file a declaration of candidate for delegate with the Democratic State Central Committee during the time periods designated by the committee.

A candidate for district-level delegate shall reside in the congressional district from which he or she wishes to be selected as a delegate, shall be a member of the Democratic Party, and shall sign a declaration pledging his or her support for that presidential candidate or uncommitted delegation before he or she becomes a bona fide candidate for delegate. The pledge of support for a presidential candidate shall be binding on the delegate until the presidential candidate agrees to release the delegate from his or her pledge.

The Democratic State Central Committee shall make these declarations available to the steering committee of each presidential candidate or uncommitted delegation.

The pledge of support shall be in substantially the following form:

#### Declaration of Candidate for Delegate

I, \_\_\_\_\_, reside and am registered to vote as a Democrat at No. \_\_\_\_\_ Street, in the City (or Town) of \_\_\_\_\_, County of \_\_\_\_\_



\_\_\_\_\_, in the \_\_\_\_\_ congressional district, State of California.

I pledge my support if elected as a delegate to the \_\_\_\_\_ Democratic National Convention to \_\_\_\_\_. I understand that California law requires me to support this candidate at the Convention on all ballots until the candidate agrees to release me from my pledge.

(This statement of preference shall be omitted where the candidate for delegate is part of a group expressing no preference as to a particular candidate.)

I express no preference as to a particular candidate. The chairperson of my group is \_\_\_\_\_. (This statement shall be omitted where the candidate for delegate is part of a group preferring a particular candidate.)

As a delegate, I shall, in all good conscience, reflect the sentiments of those who elected me.

Date \_\_\_\_\_ Place \_\_\_\_\_  
Signed \_\_\_\_\_

6084. On or before the 50th day preceding the presidential primary, the Democratic State Central Committee shall transmit to the steering committee of each presidential candidate and uncommitted delegation a list of all persons who have filed a declaration of candidate for delegate pledged to that presidential candidate or uncommitted delegation.

This section shall remain in effect only until January 1, 1998, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1998, deletes or extends that date.

6084. On or before the third Tuesday in April, the Democratic State Central Committee shall transmit to the steering committee of each presidential candidate and uncommitted delegation a list of all persons who have filed a declaration of candidate for delegate pledged to that presidential candidate or uncommitted delegation.

This section shall become operative on January 1, 1998.

6085. Delegate candidates shall be considered bona fide supporters of the presidential candidate or uncommitted delegation that they have pledged to support, unless the steering committee states otherwise in writing to the Democratic State Central Committee by the time specified in the delegate selection and affirmative action plan.

Delegate candidates removed from the list of bona fide supporters by the steering committee of a presidential candidate or uncommitted delegation may not be voted on as a delegate candidate or alternate delegate candidate pledged to that presidential candidate or uncommitted delegation.

Except as provided in this section, no delegate candidate may be removed from the list of bona fide supporters unless at least three names remain for each delegate or alternate delegate allocated to each congressional district pursuant to Section 6023.

6086. On or before the 40th day preceding the presidential primary election, at 3 p.m., the caucus chairperson in each congressional district shall convene a caucus for the purpose of electing potential delegates and alternate delegates. The steering committee of each candidate or uncommitted delegation shall have sole authority to establish rules and procedures, including the naming of caucus chairpersons, by which the caucuses of that candidate or uncommitted delegation shall be

conducted. The rules and procedures shall be uniform statewide, and in compliance with the Democratic State Central Committee's delegate selection and affirmative action plan. Each caucus shall elect a slate of delegate nominees in each congressional district pursuant to Article 2 (commencing with Section 6020), ranked in the manner specified by this section. The slate shall be transmitted to the steering committee of each candidate and uncommitted delegation.

Each participant at each caucus shall reside in and be a registered Democrat of the congressional district of the caucus he or she attends and each shall sign a statement of support for that presidential candidate or uncommitted delegation. Within five days after the convening of the caucus, the steering committee of each candidate or uncommitted delegation shall rank the delegate candidates from the slate of delegate candidates provided by each caucus. The delegate candidate receiving the greatest number of votes shall be ranked as the first delegate candidate. The delegate candidate of the opposite sex as the first ranked delegate candidate receiving the greatest number of votes shall be ranked as the second delegate candidate. The remaining delegate candidates to be ranked shall continue to be alternated between sexes in the order of vote totals. Immediately, thereafter, the chairperson of a steering committee shall file with the Secretary of State a statement containing the names of delegate candidates in ranked order from each congressional district. In all cases, the slate for each congressional district shall be equal to the number of delegates and alternate delegates allotted to each congressional district pursuant to Section 6023.

This section shall remain in effect only until January 1, 1998, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1998, deletes or extends that date.

6086. On the first Sunday in May of the presidential primary year, at 3 p.m., the caucus chairperson in each congressional district shall convene a caucus for the purpose of electing potential delegates and alternate delegates. The steering committee of each candidate or uncommitted delegation shall have sole authority to establish rules and procedures, including the naming of caucus chairpersons, by which the caucuses of that candidate or uncommitted delegation shall be conducted. The rules and procedures shall be uniform statewide, and in compliance with the Democratic State Central Committee's delegate selection and affirmative action plan. Each caucus shall elect a slate of delegate nominees in each congressional district pursuant to Article 2 (commencing with Section 6020), ranked in the manner specified by this section. The slate shall be transmitted to the steering committee of each candidate and uncommitted delegation.

Each participant at each caucus shall reside in and be a registered Democrat of the congressional district of the caucus he or she attends and each shall sign a statement of support for that presidential candidate or uncommitted delegation. Within five days after the convening of the caucus, the steering committee of each candidate or uncommitted delegation shall rank the delegate candidates from the slate of delegate candidates provided by each caucus. The delegate candidate receiving the greatest number of votes shall be ranked as the first delegate candidate. The delegate candidate of the opposite sex as the first ranked delegate candidate receiving the greatest number of

votes shall be ranked as the second delegate candidate. The remaining delegate candidates to be ranked shall continue to be alternated between sexes in the order of vote totals. Immediately, thereafter, the chairperson of a steering committee shall file with the Secretary of State a statement containing the names of delegate candidates in ranked order from each congressional district. In all cases, the slate for each congressional district shall be equal to the number of delegates and alternate delegates allotted to each congressional district pursuant to Section 6023.

This section shall become operative on January 1, 1998.

6087. Presidential candidates and uncommitted delegations or their steering committees shall take steps to ensure public participation in the delegate selection process, which shall include, but is not limited to, the convening of congressional district caucuses to select delegate candidates, the distribution of information to statewide and community press, informing Democratic electors of the procedures for delegate candidacy and additional steps necessary to achieve the representational goals established in the California Democratic Party's Affirmative Action Plan.

#### Article 6. Nomination Papers

6100. This article shall govern the circulation of nomination papers to qualify unselected candidates and uncommitted delegations for placement on the presidential primary ballot.

6101. Nomination papers to be circulated pursuant to Section 6061 shall be prepared, circulated, signed, and verified and shall be left for examination with the county elections official of the county in which they are circulated at least 75 days prior to the presidential primary election.

6102. Upon the filing of nomination papers pursuant to Section 6061 signed by the required number of voters, the candidate or uncommitted delegation named in the papers shall be eligible to select a delegation for placement on the ballot which shall be voted upon in the presidential primary election.

6103. Upon receipt of a sufficient number of signatures for the presidential primary ballot, the Secretary of State shall notify the chairperson of the steering committee of each unselected candidate or uncommitted delegation of that fact and advise him or her that no more signatures will be received.

6104. Each signer of a nomination paper may sign only one paper. Each signer shall print his or her name, indicate his or her place of residence, and declare his or her intention to support the candidate or delegation named on the nomination paper.

6105. Any nomination paper may be presented in sections. Each section shall contain the name of the candidate or chairperson of the steering committee in the case of uncommitted delegations. Each section shall bear the name of the county in which it is circulated. Only voters of the county registered as intending to affiliate with the Democratic Party are competent to sign.

6106. Each section shall be prepared with the lines for signatures numbered, and shall have attached the affidavit of the circulator who obtained signatures to it, stating that all the signatures to the attached section were made in his or her

Name

Residence

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

etc.

etc.

Filed in the office of the County Elections Official of  
 \_\_\_\_\_ County,

this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_, County

Elections Official

By \_\_\_\_\_,

Deputy

6122. Circulators may obtain signatures to the nomination paper for which they were appointed, at any time not before 120 days nor after 75 days prior to the presidential primary election.

This section shall remain in effect only until January 1, 1998, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1998, deletes or extends that date.

6122. Circulators may obtain signatures to the nomination paper for which they were appointed, at any time not before February 1 nor after 75 days prior to the presidential primary election.

This section shall become operative on January 1, 1998.

6123. A county elections official or his or her deputy may not be appointed as a circulator and circulators may not obtain signatures within 100 feet of any election booth or polling place.

Article 8. Arrangement and Examination of Nomination Papers

6140. Each section of a nomination paper, after being verified, shall be returned by the circulator who circulated it to the steering committee, or to its duly authorized representatives, by whom the circulator was appointed. All the sections circulated in any county shall be collected by the steering committee, or its duly authorized representatives, and they shall arrange and leave the sections with the county elections official for examination.

6141. Prior to filing, the sections of a nomination paper shall be numbered in order.

6142. Nomination papers, properly assembled, may be consolidated and fastened together by counties, but nomination papers signed by voters in different counties shall not be fastened together.

6143. The county elections official shall examine all nomination papers left with him or her for examination and shall disregard and mark "not sufficient" the name of any voter of his or her county which does not appear in the same handwriting on an affidavit of registration in the office of the county elections official. The county elections official shall also disregard and mark "not sufficient" the name of any voter of his or her county who has not stated his or her intention to affiliate with the Democratic Party.

6144. Within five days after any nomination papers are left with him or her for examination, the county elections official shall:

(a) Examine and affix to them a certificate reciting that he or she has examined them and stating the number of names which have not been marked "not sufficient."

(b) Transmit the papers with the certificate of examination to the Secretary of State, who shall file the papers.

6145. The county elections official's certificate to nomination papers shall be in substantially the following form:

Certificate of County Elections Official to Nomination  
Papers

To the Secretary of State:

I, County Elections Official of the County of

\_\_\_\_\_, hereby

certify that I have examined the nomination papers to which  
this

certificate is attached, of the candidate or uncommitted  
delegation, as the case may be, for purposes of qualifying

for

placement on the ballot at the ensuing presidential

primary,

that the number of names which I have not marked "not  
sufficient" is \_\_\_\_\_.

Dated this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_, County Elections  
Official

(SEAL)

By \_\_\_\_\_, Deputy

6146. No filing fee shall be required from any person in order to file nomination papers.

Article 9. Notification of Qualification from Secretary of State

6160. At least 64 days before a presidential primary, the Secretary of State shall notify each steering committee whether or not it has qualified a candidate or uncommitted delegation for placement on the ballot pursuant to Section 6060.

Article 10. Certified List of Candidates and Uncommitted Delegations, Notice of Election

6180. At least 59 days before a presidential primary election, the Secretary of State shall transmit to each county elections official a certified list containing the name of each candidate who is entitled to be voted for on the ballot at the presidential primary and the name of each chairperson of a steering committee of an uncommitted delegation who is to be voted for on the same ballot.

If no uncommitted delegation has qualified pursuant to Article 4 (commencing with Section 6060), the Secretary of State shall inform the county elections officials to provide for an uncommitted delegate space on the ballot.

The certified list shall be in substantially the following form:

Certified List of Presidential Candidates and  
Uncommitted

## Delegations

To the County Elections Official of \_\_\_\_\_ County:

I, \_\_\_\_\_, Secretary of State, do hereby certify that the following list contains the name of each person who is entitled to be voted for as a candidate of the Democratic Party at the presidential primary election to be held on the \_\_\_\_\_ day of March, 19\_\_, and the name of each chairperson of a steering committee of an uncommitted delegation which is entitled to be voted for on the ballot.

List of Presidential Candidates and Uncommitted Delegations

Linda Adams  
Joseph Black  
John Reardon  
Unpledged delegation  
Paul Minor,  
Chairperson

Dated at Sacramento, California, this \_\_\_\_\_ day  
of \_\_\_\_\_, 19\_\_.

(SEAL)

Secretary of State

This section shall remain in effect only until January 1, 1998, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1998, deletes or extends that date. Notice of Election

6180. At least 59 days before a presidential primary election, the Secretary of State shall transmit to each county elections official a certified list containing the name of each candidate who is entitled to be voted for on the ballot at the presidential primary, and the name of each chairperson of a steering committee of an uncommitted delegation who is to be voted for on the same ballot.

If no uncommitted delegation has qualified pursuant to Article 4 (commencing with Section 6060), the Secretary of State shall inform the county elections officials to provide for an uncommitted delegate space on the ballot.

The certified list shall be in substantially the following form:

Certified List of Presidential Candidates and  
Uncommitted  
Delegations

To the County Elections Official of \_\_\_\_\_ County:

I, \_\_\_\_\_, Secretary of State, do hereby certify that the

following list contains the name of each person who is entitled to be voted for as a candidate of the Democratic Party at the presidential primary election to be held on the

\_\_\_\_\_ day of June, 19\_\_, and the name of each chairperson of a steering committee of an uncommitted delegation which is entitled to be voted for on the ballot.

List of Presidential Candidates and Uncommitted Delegations

Linda Adams  
Joseph Black  
John Reardon  
Unpledged delegation  
Paul Minor,  
Chairperson

Dated at Sacramento, California, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

(SEAL)

Secretary of State

This section shall become operative on January 1, 1998.

6181. Immediately after the county elections official receives the certified list of delegates pledged to presidential candidates and uncommitted delegations from the Secretary of State, he or she shall enclose a copy of the appropriate list for each congressional district with each absentee ballot mailed for the primary election in that congressional district. The county elections official shall also post a copy of the list at each polling place and provide a copy of the list to each Democratic voter with their presidential primary election ballot on election day.

Article 11. Selection of Delegates and Alternates

6200. Notwithstanding any other provision of this chapter, this article governs the selection of district level delegates and alternates, unpledged delegates, pledged party leaders and elected official delegates, and at-large delegates and alternates.

6201. (a) District level delegate positions shall be allocated to presidential preferences through a primary proportional representation system.

(b) The 227 district-level delegates and 38 alternates shall be elected by preprimary caucuses to slate delegates followed by a presidential preference primary.

(1) The preprimary caucuses shall be conducted on Sunday, April 26, 1992, at 3 p.m.

(2) The presidential preference primary shall be conducted on Tuesday, June 2, 1992.

(c) The 227 delegates and 38 alternates shall be apportioned to districts as follows:

CD #1 -- # \_\_\_\_\_ delegates, # \_\_\_\_\_ alternates

CD #2 -- # \_\_\_\_\_ delegates, # \_\_\_\_\_ alternates  
 CD #3 -- # \_\_\_\_\_ delegates, # \_\_\_\_\_ alternates  
 CD #4 -- # \_\_\_\_\_ delegates, # \_\_\_\_\_ alternates

This apportionment shall be based on a formula giving equal weight to the average vote for the Democratic candidates in the 1984 and 1988 presidential elections and to Democratic Party registration.

Inasmuch as California anticipates the addition of seven new congressional districts, this apportionment shall be recomputed upon the establishment of the new districts. In the event the Legislature fails to enact new districts, the districts existing on the date of adoption of this plan shall be used.

(d) An individual may qualify as a candidate for district-level delegate or alternate to the 1992 Democratic National Convention by filing a statement of candidacy and pledge of support with the state chair at the party office at 2424 K Street, Sacramento, California 95816. Statements can be requested from the state party beginning Monday, February 3, 1992. Candidacy statements can be returned beginning March 2, 1992, and must be postmarked no later than 5 p.m., Thursday, April 9, 1992.

(1) All delegate candidates shall be identified as to presidential preference, uncommitted or unpledged status at all levels which determine presidential preference.

(2) Candidates for delegate or alternate positions shall file a statement of candidacy designating their presidential or uncommitted preference and a signed pledge of support for the presidential candidate (including uncommitted status) with the state party by 5 p.m., April 9, 1992.

(e) The California primary election is a "binding" primary. Accordingly, delegate and alternate positions shall be allocated so as to fairly reflect the expressed presidential or uncommitted status of the primary voters in each district. Therefore, the national convention delegates elected at the district level shall be allocated in proportion to the percentage of the primary vote won in that district by each preference, except that preferences falling below a 15-percent threshold shall not be awarded any delegates or alternates.

(f) If no presidential preference reaches a 15-percent threshold, the threshold shall be the percentage of the vote received at each level of the delegate selection process by the front-runner minus 10 percent.

(g) Presidential candidates shall certify their authorized representatives to the state party chair no later than 5 p.m., March 9, 1992. The state party chair shall convey to the presidential candidate, or that candidate's authorized representative or representatives, not later than Tuesday, April 14, 1992, at 5 p.m., a list of all persons who have filed for delegate or alternate pledged to that presidential candidate. Each presidential candidate, or that candidate's authorized representative or representatives, shall file with the state party chair by Tuesday, April 21, 1992, at 5 p.m., a list of all the candidates he or she has approved, provided that approval is given to at least three times the number of candidates for delegate and three times the number of candidates for alternates to be selected. Failure to respond shall be deemed approval of all delegate and alternate candidates submitted to the presidential candidate unless the presidential candidate, or the candidate's authorized representative or representatives,



signifies otherwise in writing to the state party chair no later than Tuesday, April 21, 1992, at 5 p.m.

(h) On Sunday, April 26, 1992, candidate and uncommitted caucuses shall be held to elect a slate of potential delegates equal to at least the number of delegates plus alternates allocated to the congressional district. The California delegation shall be equally divided between delegate men and delegate women, and alternate men and alternate women. These goals apply to the California delegation as a whole. Delegates and alternates shall be considered separate groups for purposes of achieving equal division.

Provisions for achieving equal division at the district level shall be as follows: Each candidate and uncommitted caucus shall elect a slate of potential delegates equal to at least the number of delegates plus alternates allocated to that congressional district. Potential delegates shall be ranked on the basis of votes received at the caucus, alternating by sex, with the sex of the top ranked potential delegate determined by the top vote getter. After the delegates are selected, the alternates shall then be selected, using the next highest vote getters in the process described above. Following the primary, delegate and alternate positions allocated to a presidential candidate or uncommitted delegation shall be filled from the list of ranked potential delegates in the order in which they are ranked.

(i) The State Democratic Chair shall certify in writing to the Secretary of the Democratic National Committee (DNC) the election of the state's district level delegates and alternates to the Democratic National Convention within three days after their election.

6202. (a) The following individuals shall constitute the unpledged delegate positions:

- (1) Members of the DNC who legally reside in the state.
- (2) The Governor if he or she is a Democrat.
- (3) All former Democratic Presidents, Democratic Vice Presidents, Democratic Majority Leaders of the United States Senate, and Democratic Speakers of the United States House of Representatives who legally reside in the state.
- (4) The delegates chosen from California by the Democratic Caucus of the United States House of Representatives and the Democratic Conference of the United States Senate.

(5) Five add-on delegates.

(b) The procedures to be used in selecting the five add-on unpledged delegates shall be as follows:

(1) The add-on delegates shall be nominated by the state party chair and elected at the meeting of district level delegates on Saturday, June 13, 1992. These delegates shall be selected prior to the selection of the pledged party and elected official delegates.

(2) The equal division and affirmative action provisions of Rule 9A of the Delegate Selection Rules for the 1992 Democratic National Convention apply to the selection of these add-on unpledged delegates.

(3) The list from which the selecting body chooses the add-on unpledged delegates shall, at a minimum, contain three names for every unpledged add-on position to be filled.

(c) The process for certification of the unpledged delegates is as follows:

- (1) Members of the DNC, the Governor if he or she is a Democrat, and distinguished former elected leaders.

(A) Not later than March 1, 1992, the Secretary of the DNC shall officially confirm to the state party chair the following unpledged delegates who legally reside in California:

(i) The individuals recognized as members of the DNC.

(ii) The Governor if he or she is a Democrat.

(iii) All former Democratic Presidents, Democratic Vice Presidents, Democratic Majority Leaders of the United States Senate, and Democratic Speakers of the United States House of Representatives.

(B) This official confirmation by the secretary shall constitute verification of the unpledged delegates from the categories indicated above. In cases where California DNC membership changes following the secretary's official confirmation, but prior to the commencement of the 1992 Democratic National Convention, acknowledgement by the Secretary of the DNC of member certification shall constitute verification of the corresponding change of unpledged delegates.

(2) Members of Congress.

(A) The delegates chosen by the Democratic Caucus of the United States House of Representatives and the Democratic Conference of the United States Senate shall become part of the California unpledged delegation. The total number selected shall be added to the total number of unpledged delegates from this state.

(B) The Secretary of the DNC shall officially notify the State Democratic Chair of any name or names of delegates from California that are selected by the Democratic Caucus of the United States House of Representatives and the Democratic Conference of the United States Senate.

(3) Add-on unpledged delegates, selected pursuant to the Call for the 1992 Democratic National Convention, shall be certified in writing to the Secretary of the DNC within three days after their selection.

6203. (a) California is allotted 45 pledged party leader and elected official delegates.

(b) Individuals shall be eligible for the pledged party leader and elected official positions according to the following priority: big city mayors and statewide elected officials (to be given equal consideration), state legislative leaders, state legislators, Members of Congress not previously selected, and other state, county, and local elected officials and party leaders.

(c) These delegates shall be selected by a committee consisting of all the district-level delegates.

(d) Selection of these delegates shall occur on Saturday, June 13, 1992, at a site and time to be determined by the state party chair. The selection of these delegates shall be after the election of district delegates and alternates and the unpledged add-on delegates and prior to the selection of at-large delegates and alternates.

(e) An individual may qualify as a candidate for a position as a pledged party leader and elected official delegate by filing a statement of candidacy and pledge of support with the state party chair that includes all the provisions included in the statement of candidacy and pledge of support required of district level candidates. An individual may or may not previously have filed a statement of candidacy and still be eligible to file under this category. Statements shall be available at the state party beginning March 23, 1992.

Statements shall be accepted beginning April 20, 1992, and ending June 4, 1992, at 5 p.m.

(f) These pledged party leader and elected official slots shall be allocated among presidential preferences on the same basis as the at-large delegates.

(g) Delegate candidates shall be identified as to presidential or uncommitted status at the pledged party and elected official level. If persons eligible for pledged party and elected official delegate positions have not made known their presidential preference as candidates for district level or at-large delegate positions, their preference shall be ascertained through the aforementioned required qualification statement.

(h) The state party chair shall convey to the presidential candidate, or that candidate's authorized representative or representatives, not later than June 5, 1992, a list of all persons who have filed for a party and elected official delegate pledged to that presidential candidate. Each presidential candidate, or that candidate's authorized representative or representatives, shall then file with the state party chair, by June 10, 1992, a list of all the candidates he or she has approved, provided that approval is given to at least three times the number of candidates for delegate to be selected. Failure to respond shall be deemed approval of all delegate candidates submitted to the presidential candidate unless the presidential candidate, or the candidate's authorized representative or representatives, signifies otherwise in writing to the state party chair no later than 5 p.m. on June 10, 1992.

(i) Alternates are not selected at the pledged party leader and elected official level. These alternates are combined with the at-large alternates and selected as one unit.

(j) The state party chair shall certify in writing to the Secretary of the DNC the election of the state's pledged party leader and elected official delegates and alternates to the Democratic National Convention within three days after their election.

6204. (a) The State of California is allotted 76 at-large delegates and 21 at-large alternates.

(b) These delegates and alternates shall be selected by a committee consisting of all the district-level delegates on Saturday, June 13, 1992. The selection shall occur after all unpledged delegates and pledged party leader and elected official delegates have been selected.

(c) At-large delegate and alternate positions shall be allocated among presidential preferences according to the statewide primary vote. Preferences which have not attained a 15-percent threshold on a statewide basis shall not be entitled to any at-large delegates.

If a given presidential preference is entitled to one or more delegate positions but would not otherwise be entitled to an alternate position, that preference shall be allotted one at-large alternate position.

(d) In the selection of the at-large delegation, priority of consideration shall be given to African Americans, Hispanics, Native Americans, Asian/Pacific Americans, the disabled, and women. The election of at-large delegates and alternates shall be used, if necessary, to achieve the equal division of positions between men and women, and may be used to achieve the representation goals established in the State Democratic Party's

affirmative action plan. Delegates and alternates are to be considered separate groups for this purpose.

(e) Persons desiring to seek these at-large delegate or alternate positions may file a statement of candidacy designating their presidential or uncommitted preference and a signed pledge of support for the presidential candidates (including uncommitted status) with the state party beginning Monday, April 20, 1992, and ending at 5 p.m., June 4, 1992. The state party chair shall convey to the presidential candidate, or that candidate's authorized representative or representatives, not later than June 5, 1992, a list of all persons who have filed for delegate or alternate pledged to that presidential candidate. Each presidential candidate, or that candidate's authorized representative or representatives, shall then file with the state party chair, by June 10, 1992, a list of all the candidates he or she has approved, provided that approval is given to at least three times the number of candidates for delegate and three times the number of candidates for alternate to be selected. Failure to respond shall be deemed approval of all delegate candidates submitted to the presidential candidate unless the presidential candidate, or the candidate's authorized representative or representatives, signifies otherwise in writing to the state party chair no later than 5 p.m., June 10, 1992.

(f) The statement of candidacy for at-large delegates and for at-large alternates shall be the same. After the at-large delegates are elected by the district level delegates, those persons not chosen shall then be considered candidates for at-large alternate positions unless they specify otherwise when filing.

(g) If a presidential candidate is no longer a candidate at the time of selection of the at-large delegates, those at-large slots that would have been allocated to the candidate shall be proportionally divided among the remaining preferences entitled to an allocation.

(h) The state party chair shall certify in writing to the Secretary of the DNC the election of the state's at-large delegates and alternates to the Democratic National Convention within three days after their election.

#### Article 12. Canvass of Returns and Certificate of Selection

6220. The Secretary of State shall, not later than the 24th day after the election, compile and file in his or her office a statement of the canvassed returns filed with him or her by the county elections officials.

The compiled statement shall show for each candidate and uncommitted delegation the total of the votes received, and the votes received in each county.

6221. The Secretary of State shall issue a certification of delegate to each person selected as a delegate or an alternate delegate to the Democratic Party National Convention pursuant to Section 6200. The delegates certified shall be the final delegates as filed pursuant to Section 6203 and determined by the official canvass as reported pursuant to Section 15310.

6222. No fee shall be required of any person as a condition of receiving a certificate of selection as a delegate or an alternate.

## Article 13. Write-in Candidates

6240. Notwithstanding any other provision of law, a space shall be provided on the presidential primary ballot for a voter to write in the name of a delegate nominee for election as an unpledged delegate.

6241. Any person who believes his or her name may be used as a write-in candidate for unpledged delegate shall, not later than 21 days before the primary election, file for endorsement of his or her write-in candidacy with the Secretary of State, or no votes shall be counted for him or her.

CHAPTER 2. REPUBLICAN PRESIDENTIAL PRIMARY  
Article 1. General Provisions

6300. This chapter shall be applicable only to the presidential primary ballot of the Republican Party, and qualified parties for which no other provisions apply.

## Article 2. Number and Certification of Delegates

6320. The chairperson of the state central committee shall notify the Secretary of State on or before the 120th day preceding the presidential primary as to the number of delegates to represent the state in the next national convention of his or her party.

This section shall remain in effect only until January 1, 1998, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1998, deletes or extends that date.

6320. The chairperson of the state central committee shall notify the Secretary of State on or before the first day of February immediately preceding the presidential primary as to the number of delegates to represent the state in the next national convention of his or her party.

This section shall become operative on January 1, 1998.

6321. The notification of the number of delegates shall be in substantially the following form:

STATEMENT OF NUMBER OF DELEGATES TO THE  
REPUBLICAN PARTY NATIONAL CONVENTION

To the Secretary of State  
Sacramento, California

You are hereby notified that the number of  
delegates  
to represent the State of California in the next  
national  
convention of the Republican Party is \_\_\_\_\_.  
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_

\_\_\_\_\_  
Chairperson of the State Central Committee  
of the Republican Party.

6322. If the chairperson of the state central committee fails to file a notice as to the number of delegates, the Secretary of State shall ascertain the number from the call for the national convention issued by the national committee of the party.

6323. The Secretary of State shall, on or before the 110th day preceding the presidential primary, certify to the county

elections official of each county the number of delegates to be elected by the Republican Party.

This section shall remain in effect only until January 1, 1998, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1998, deletes or extends that date.

6323. The Secretary of State shall, on or before the 10th day of February of the year of the presidential primary, certify to the county elections official of each county the number of delegates to be elected by the Republican Party.

This section shall become operative on January 1, 1998.

### Article 3. Selection of Candidates by the Secretary of State

6340. The Secretary of State shall place the name of a candidate upon the Republican presidential primary ballot when the Secretary of State has determined that the candidate is generally recognized throughout the United States or California as a candidate for the nomination of the Republican Party for President of the United States.

On or before the 120th day preceding a presidential primary election the Secretary of State shall publicly announce and distribute to the news media for publication a list of the candidates he or she intends to place on the ballot at the following presidential primary election. Following this announcement he or she may add candidates to his or her selection, but he or she may not delete any candidate whose name appears on the announced list.

This section shall remain in effect only until January 1, 1998, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1998, deletes or extends that date.

6340. The Secretary of State shall place the name of a candidate upon the Republican presidential primary ballot when the Secretary of State has determined that the candidate is generally recognized throughout the United States or California as a candidate for the nomination of the Republican Party for President of the United States.

On or before February 1 immediately preceding a presidential primary election the Secretary of State shall publicly announce and distribute to the news media for publication a list of the candidates he or she intends to place on the ballot at the following presidential primary election. Following this announcement he or she may add candidates to his or her selection, but he or she may not delete any candidate whose name appears on the announced list.

This section shall become operative on January 1, 1998.

6341. When the Secretary of State decides to place the name of a candidate on the ballot pursuant to Section 6340, he or she shall notify the candidate that his or her name will appear on the ballot of this state in the presidential primary election.

The secretary shall also notify the candidate that he or she may withdraw his or her name from the ballot by filing with the Secretary of State an affidavit pursuant to Section 6342 no later than the 64th day before that election.

6342. If a selected candidate or a nonselected candidate files with the Secretary of State, no later than the 64th day before the presidential primary, an affidavit stating without qualification that he or she is not now a candidate for the

office of President of the United States at the forthcoming presidential primary election, his or her name shall be omitted from the list of names certified by the Secretary of State to the county elections officials for the ballot and his or her name shall not appear on the presidential primary ballot.

6343. Any unselected candidate desiring to have his or her name placed on the presidential primary ballot shall have nomination papers circulated in his or her behalf. In order to qualify his or her name for placement on the presidential primary ballot, the candidate's nomination papers shall be signed by voters registered as affiliated with the Republican Party equal in number to not less than 1 percent of the number of persons registered as members of the Republican Party, as reflected in the report of registration issued by the Secretary of State on the 135th day preceding the presidential primary election.

This section shall remain in effect only until January 1, 1998, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1998, deletes or extends that date.

6343. Any unselected candidate desiring to have his or her name placed on the presidential primary ballot shall have nomination papers circulated in his or her behalf. In order to qualify his or her name for placement on the presidential primary ballot, the candidate's nomination papers shall be signed by voters registered as affiliated with the Republican Party equal in number to not less than 1 percent of the number of persons registered as members of the Republican Party, as reflected in the report of registration issued by the Secretary of State in January of the year of the presidential primary election.

This section shall become operative on January 1, 1998.

#### Article 4. Nomination Papers

6360. Nomination papers properly prepared, circulated, signed and verified shall be left, for examination, with the county elections official of the county in which they are circulated, at least 74 days prior to the presidential primary.

6361. Each signer of a nomination paper may sign only one paper. He or she shall declare his or her intention to support the candidate for nomination, add his or her place of residence, and give his or her street and number if any.

6362. Any nomination paper may be presented in sections. Each section shall contain the names of the candidate. Each section shall bear the name of the county in which it is circulated. Only voters of the county registered as intending to affiliate with the political party by which the nominations are to be made are competent to sign.

6363. Each section shall be prepared with the lines for signatures numbered, and shall have attached the affidavit of the circulator who obtained signatures to it, stating that all the signatures to the attached section were made in his or her presence, and that to the best of his or her knowledge and belief each signature to the section is the genuine signature of the person whose name it purports to be. No other affidavit is required. The affidavit of any circulator shall be verified free of charge by any officer authorized to administer oaths.

6364. A verified nomination paper is prima facie evidence that the signatures are genuine and that the persons signing it are voters, until it is otherwise proved by comparison of the signatures with the affidavits of registration in the office of the county elections official.

6365. The nomination paper for a candidate shall be in substantially the following form:

SECTION OF NOMINATION PAPER SIGNED BY VOTER ON BEHALF OF CANDIDATE

Section \_\_\_\_ Page \_\_\_\_

County of \_\_\_\_ . Nomination paper for \_\_\_\_ as presidential nominee of the Republican Party.

State of California )  
County of \_\_\_\_\_ ) ss.

SIGNER'S STATEMENT

I, the undersigned, am a voter of the County of \_\_\_\_, State of California, and am registered as intending to affiliate with the Republican Party. I have not signed the nomination paper of any other candidates for the same office, and further declare that I intend to support the nomination of the candidate named herein at the Republican Party presidential primary to be held on the \_\_\_\_ day of \_\_\_\_, 19\_\_.

-----  
-----

Number	Signature	Printed name
Residence		

-----  
-----

1

2

3

etc.

CIRCULATOR'S AFFIDAVIT

I, \_\_\_\_, solemnly swear (or affirm) that I have been appointed as a circulator to secure signatures in the County of \_\_\_\_ to the nomination paper of the candidate named in the signer's statement above as candidate for nomination by the Republican Party at its presidential primary election; that all the signatures on this section of the nomination paper numbered from 1 to \_\_\_\_, inclusive, were made in my presence, that the signatures were obtained between \_\_\_\_ 19\_\_ and \_\_\_\_ 19\_\_, and that to the best of my knowledge and belief each signature is the genuine signature of the person whose name it purports to be.

(Signed) \_\_\_\_\_



Circulator

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_,  
19\_\_.

\_\_\_\_\_  
Notary Public (or other official)

Article 5. Circulators

6380. The candidate or his or her designee may arrange for the appointment of circulators to serve within the county in which the circulators reside in securing signatures to the nomination paper of the candidate. The circulators thus appointed are the duly authorized circulators to secure signatures to the nomination paper of the candidate in that county. The form on which the circulators are appointed shall be filed with the county elections official of the county in which the circulators reside, at or before the time the nomination paper of the candidate is left with the county elections official for examination. Additional circulators may be appointed in the same manner as the original circulators were appointed.

6381. The circulators may be appointed by the candidate or his or her designee on a form which shall be substantially as follows:

APPOINTMENT OF CIRCULATORS BY CANDIDATE OR HIS OR HER  
DESIGNEE

I, the undersigned candidate or designee, do hereby appoint the following voters of the County of \_\_\_\_\_ as circulators to obtain signatures, in that county, to nomination papers for \_\_\_\_\_ as a candidate in the Republican Party presidential primary, to be held the \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

CIRCULATORS

Name	Residence
------	-----------

_____	
_____	
_____	
_____	

etc. etc.

CANDIDATE OR HIS OR HER DESIGNEE

(Signed)

Name	Residence
------	-----------

_____	
-------	--

Filed in the office of the County Elections Official of

\_\_\_\_\_  
County, this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
County Elections  
Official

By \_\_\_\_\_, Deputy

6382. Circulators may obtain signatures to the nomination paper of a candidate for whom they were appointed, at any time not more than 104 nor less than 74 days prior to the presidential primary.

6383. The candidate or the candidate's designee shall not

appoint a county elections official or deputy county elections official as a circulator. Circulators may not obtain signatures within 100 feet of any election booth or polling place.

Article 6. Arrangement and Examination of Nomination Papers

6400. Each section of a nomination paper shall be returned by the circulator who circulated it to the candidate or his or her designee by whom the circulator was appointed. All the sections circulated in any county shall be collected by the candidate or his or her designee and he or she shall arrange and leave the sections with the county elections official for examination.

6401. Prior to filing, the sections of a nomination paper for a candidate shall be numbered in order.

6402. Nomination papers, properly assembled, may be consolidated and fastened together by counties, but nomination papers signed by voters in different counties shall not be thus fastened together.

6403. The county elections official shall examine all nomination papers left with him or her for examination and shall disregard and mark "not sufficient" the name of any voter of his or her county which does not appear in the same handwriting on an affidavit of registration in the office of the county elections official. He or she shall also disregard and mark "not sufficient" the name of any voter of his or her county who has not stated his or her intention to affiliate with the Republican Party.

6404. Within five days after any nomination papers are left with him or her for examination, the county elections official shall:

(a) Examine and affix to them a certificate reciting that he or she has examined them and stating the number of names which have not been marked "not sufficient."

(b) Transmit the papers with the certificate of examination to the Secretary of State, who shall file the papers.

6405. The county elections official's certificate to nomination papers of a candidate shall be in substantially the following form:

COUNTY ELECTION OFFICIAL'S CERTIFICATE TO NOMINATION PAPERS OF A CANDIDATE

To the Secretary of State:

I, County Elections Official of the County of \_\_\_\_\_, hereby certify that I have examined the nomination papers, to which this certificate is attached, of the candidate for the ensuing presidential primary, and that the number of names which I have not marked "not sufficient" is \_\_\_\_\_.

The candidate named in the nomination papers is \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_, County  
Elections Official

By \_\_\_\_\_, Deputy

6406. No filing fee is required from any person to be voted for at a presidential primary.

Article 7. Canvass of Returns. Certificate of Election

6420. The Secretary of State shall, not later than the 24th day after the election, compile and file in his or her office a statement of the canvassed returns filed with him or her by the county elections officials.

The compiled statement shall show for each candidate the total of the votes received and the votes received in each county.

6421. The Secretary of State shall, not later than the 24th day after the election, issue a certificate of election to the candidate who received the largest vote cast of that party, that person thereby being the party's presidential nominee candidate from California.

6422. The Secretary of State shall, not later than the 24th day after the election, issue a certification to each person selected as a delegate.

Article 8. Write-in Candidates

6440. Notwithstanding any other provision of law, a space shall be provided on the presidential primary ballot for an elector to write in the name of a candidate for President of the United States.

6441. Any person who believes his or her name may be used as a write-in candidate for President of the United States shall, not later than 21 days before the primary election, file his or her endorsement of his or her write-in candidacy with the Secretary of State, or no votes shall be counted for him or her.

6442. Any person who receives, by write-in vote, a plurality of the votes cast for President of the United States shall, within 10 days after the primary election, file a list of delegates to the national convention of his or her political party with the Secretary of State in the manner prescribed in Section 6471.

6443. If the candidate fails to file a list of delegates, the state central committee of the party in whose primary the candidate received the plurality vote shall, within 10 days of the end of the 10-day period required in Section 6442, file a list of delegates with the Secretary of State. The delegation shall go to the convention unpledged to any candidate.

Article 9. Selection of Delegates

6460. Every candidate whether selected pursuant to Section 6340, or unselected as referred to in Section 6343, who wishes to have a delegation of electors pledged to his or her candidacy in accordance with the result of the presidential preference primary or who wishes to have an official California delegation at the Republican National Convention shall form a delegation in compliance with Section 6461.

6461. (a) The delegation of each candidate shall be composed as follows:

(1) Seventy-eight percent of the delegation, or the nearest whole number thereto which provides for a total number of district delegates equal to at least three times the number of congressional districts within the state, shall be composed of three delegates selected for each congressional district.

(2) The remainder of the delegation shall be composed of

delegates selected at large from throughout the state.

The names of the persons chosen as delegates shall be submitted to the Secretary of State, by the candidate or his or her designee, no later than 30 days before the presidential primary election for certification.

(b) There shall be no more than one alternate per delegate. Alternates shall be appointed by the candidate or his or her designee and shall be appointed by congressional districts, the number per congressional district to be no less than three. Such alternates shall be submitted to the Secretary of State within 30 days after the primary for certification.

(c) Each delegate to the Republican National Convention shall use his or her best efforts at the convention for the party's presidential nominee candidate from California to whom the delegate has pledged support until the person is nominated for the office of President of the United States by the convention, receives less than 10 percent of the votes for nomination by the convention, releases the delegate from his or her obligation, or until two convention nominating ballots have been taken. Thereafter, each delegate shall be free to vote as he or she chooses, and no rule may be adopted by a delegation requiring the delegation to vote as a body or causing the vote of any delegate to go uncounted or unreported.

#### Article 10. Republican Presidential Primary Ballot

6480. The format of the presidential portion of the Republican primary ballot shall be governed by Chapter 2 (commencing with Section 13100) of Division 13, with the following exceptions:

(a) Instructions to voters shall exclude any reference to groups of candidates preferring a person whose name appears on the ballot or references to any group of candidates not expressing a preference for a particular candidate.

(b) In place of the heading: "FOR DELEGATES TO NATIONAL CONVENTION. Vote for One Group Only." shall appear the heading: "PRESIDENTIAL PREFERENCE. Vote for One."

(c) Candidates for President shall be listed on the ballot in the same order provided for in Chapter 2 (commencing with Section 13100) of Division 13 for statewide candidates.

(d) Only the names of selected and unselected presidential candidates shall appear on the ballot in the spaces provided. No reference shall be made to their being preferred by candidates for delegates to the national convention.

#### CHAPTER 3. AMERICAN INDEPENDENT PARTY PRESIDENTIAL PRIMARY

##### Article 1. General Provisions

6500. This chapter shall be applicable to the presidential primary ballot of the American Independent Party only.

6501. The presidential primary ballot shall be divided into a presidential preference portion and a delegate selection portion.

6502. No filing fee is required from any person to be voted for at any presidential primary.

##### Article 2. Qualification of Candidates for Presidential Preference Portion of Primary Ballot

6520. The Secretary of State shall place the name of a

candidate upon the American Independent Party presidential preference ballot when the Secretary of State has determined that the candidate is generally advocated for or recognized in the news media throughout the United States or California as actively seeking the nomination of the American Independent Party for President of the United States.

On or before the 120th day preceding a presidential primary election the Secretary of State shall publicly announce and distribute to the news media for publication a list of the candidates he or she intends to place on the ballot at the following presidential primary election. Following this announcement he or she may add candidates to his or her selection, but he or she may not delete any candidate whose name appears on the announced list.

This section shall remain in effect only until January 1, 1998, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1998, deletes or extends that date.

6520. The Secretary of State shall place the name of a candidate upon the American Independent Party presidential preference ballot when the Secretary of State has determined that the candidate is generally advocated for or recognized in the news media throughout the United States or California as actively seeking the nomination of the American Independent Party for President of the United States.

On or before February 1 immediately preceding a presidential primary election the Secretary of State shall publicly announce and distribute to the news media for publication a list of the candidates he or she intends to place on the ballot at the following presidential primary election. Following this announcement he or she may add candidates to his or her selection, but he or she may not delete any candidate whose name appears on the announced list.

This section shall become operative on January 1, 1998.

6521. When the Secretary of State decides to place the name of a candidate on the ballot pursuant to Section 6520, he or she shall notify the candidate that his or her name will appear on the ballot of this state in the presidential primary.

The Secretary of State shall also notify the candidate that he or she may withdraw his or her name from the ballot by filing with the Secretary of State an affidavit pursuant to Section 6522, no later than the 64th day before that election.

6522. If a selected candidate or an unselected candidate files with the Secretary of State, no later than the 64th day before the presidential primary, an affidavit stating without qualification that he or she is not now a candidate for the office of President of the United States at the forthcoming presidential primary election, his or her name shall be omitted from the list of names certified by the Secretary of State to the county elections officials for the ballot and his or her name shall not appear on the presidential preference portion of the primary ballot.

6523. Any unselected candidate desiring to have his or her name placed on the presidential preference primary ballot without filing a group of candidates for delegates, shall have nomination papers circulated in his or her behalf. In order to qualify his or her name for placement on the presidential preference primary ballot, the candidate's nomination papers shall be signed by voters registered as affiliated with the American Independent Party equal in number to not less than 1

percent of the number of persons registered as members of the American Independent Party as reflected in the report of registration issued by the Secretary of State on the 135th day preceding the presidential primary election.

This section shall remain in effect only until January 1, 1998, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1998, deletes or extends that date.

6523. Any unselected candidate desiring to have his or her name placed on the presidential preference primary ballot without filing a group of candidates for delegates, shall have nomination papers circulated in his or her behalf. In order to qualify his or her name for placement on the presidential preference primary ballot, the candidate's nomination papers shall be signed by voters registered as affiliated with the American Independent Party equal in number to not less than 1 percent of the number of persons registered as members of the American Independent Party as reflected in the report of registration issued by the Secretary of State in January of the year of the presidential primary election.

This section shall become operative on January 1, 1998.

6524. The name of any presidential candidate, to whom are pledged a group of candidates who have qualified by petition for the delegate selection portion of the presidential primary ballot, shall, in addition, be automatically placed on the presidential preference portion of the ballot, without the filing of a separate petition for the presidential preference portion of the ballot.

### Article 3. Determination of Number of Delegates to National Convention

6540. The chairperson of the state central committee of the American Independent Party shall notify the Secretary of State on or before the 120th day preceding the presidential primary as to the number of delegates to represent the state in the next national convention of his or her party.

This section shall remain in effect only until January 1, 1998, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1998, deletes or extends that date.

6540. The chairperson of the state central committee of the American Independent Party shall notify the Secretary of State on or before the first day of February immediately preceding the presidential primary as to the number of delegates to represent the state in the next national convention of his or her party.

This section shall become operative on January 1, 1998.

6541. The notification of the number of delegates shall be in substantially the following form:

STATEMENT OF NUMBER OF DELEGATES TO AMERICAN  
INDEPENDENT PARTY NATIONAL CONVENTION

To the Secretary of State Sacramento, California

You are hereby notified that the number of delegates to represent the State of California in the next national convention of the American Independent Party is

\_\_\_\_\_ Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

Chairperson of the State Central  
Committee  
of the American Independent Party.

6542. If the chairperson of the state central committee fails to file a notice as to the number of delegates, the Secretary of State shall ascertain the number from the call for the national convention issued by the national committee of the party.

6543. The Secretary of State shall, on or before the 110th day preceding the presidential primary, certify to the county elections official of each county the number of delegates to be elected by the American Independent Party.

This section shall remain in effect only until January 1, 1998, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1998, deletes or extends that date.

6543. The Secretary of State shall, on or before the 10th day of February of the year of the presidential primary, certify to the county elections official of each county the number of delegates to be elected by the American Independent Party.

This section shall become operative on January 1, 1998.

#### Article 4. Qualification of Groups of Candidates for Delegate Selection Portion of Primary Ballot

6560. Any three or more voters of the state who are registered as intending to affiliate with the American Independent Party may join as a committee in proposing the nomination of a group of candidates for delegates. The committee may elect its officers, select the candidates for delegates, select the chairman of the committee, arrange for the appointment of circulators, secure the endorsement of the person, if any, preferred by the committee as candidate for presidential nominee, appoint alternates, assemble and file all necessary papers, and take all other action which may be necessary for the organization and election of the group. The committee in performing its functions may act through its officers or designated representatives.

6561. The committee, on or before the 104th day before the presidential primary election, shall file with the Secretary of State a statement containing the name of the committee and the names of its officers.

6562. The number of candidates for delegates grouped on a nomination paper shall be equal to the total number of delegates to be elected by the party.

6563. The candidates of each group shall be selected as follows:

(a) No less than two-thirds shall be selected to represent congressional districts, and each of these candidates shall be a resident of the district which he or she is selected to represent. Congressional district candidates shall be apportioned among congressional districts according to the ratio which the American Independent Party registration in the district bears to the total statewide registration of the party as determined by the Secretary of State on January 1 of the year in which the presidential primary is held, except that at least

one candidate in the group shall be a resident of each congressional district.

(b) No more than one-third may be selected from the state at large without regard to congressional district of residence.

If the names are not so selected, the names shall not be certified to the county elections official by the Secretary of State.

6564. The number of alternates to be selected shall be no greater than one for each delegate, and the alternates shall be selected in the manner prescribed by Section 6563.

6565. Each group of candidates for delegates that intends to pledge itself to the candidacy of a particular candidate for presidential nominee shall have the endorsement of the candidate for presidential nominee for whom the members of the group have filed a preference. The endorsement of the candidate for presidential nominee shall be filed with the Secretary of State before the circulation of any nomination papers of a group of candidates pledged to the support of his or her candidacy as presidential nominee.

6566. Any candidate whose nomination paper is filed in more than one group is disqualified from running as a member of any group.

6567. Each candidate for delegate to the American Independent Party convention shall file with the Secretary of State, before the circulation of nomination papers of the group of candidates of which he or she is a member, an affidavit which shall be in substantially the following form:

AFFIDAVIT OF CANDIDATE FOR DELEGATE

State of California        )  
County of \_\_\_\_\_    ) ss.

I, \_\_\_\_\_, reside at No. \_\_\_\_\_ Street, in the City (or Town) of \_\_\_\_\_, in the County of \_\_\_\_\_ in the \_\_\_\_\_ Congressional District, State of California; my election precinct is \_\_\_\_\_ and I reside and am a voter therein, my post office address is \_\_\_\_\_, County of \_\_\_\_\_.

I desire to be a candidate, at the presidential primary to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, for delegate to the next national convention of the American Independent Party, and if elected as delegate I will qualify.

I personally prefer \_\_\_\_\_ as nominee of the American Independent Party for President of the United States, and hereby declare to the voters of my party in the State of California that if elected as delegate to their national party convention, I shall to the best of my judgment and ability, support \_\_\_\_\_ as nominee of the American Independent Party for president of the United States. (This statement of preference shall be omitted where the candidate for delegate is part of a group not expressing a preference for a particular candidate.)

I express no preference for a particular candidate. The chairman of my group is \_\_\_\_\_. (This statement shall be omitted where the candidate for delegate is part of a group expressing a preference for a particular candidate.)

I declare under penalty of perjury that the foregoing is true and correct.

(Signed)

6568. Nomination papers for candidates for delegates shall



be signed by voters registered as affiliated with the American Independent Party equal in number to not less than 1 percent of the number of persons registered as members of the American Independent Party as reflected in the report of registration issued by the Secretary of State on the 135th day preceding the presidential primary election.

This section shall remain in effect only until January 1, 1998, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1998, deletes or extends that date.

6568. Nomination papers for candidates for delegates shall be signed by voters registered as affiliated with the American Independent Party equal in number to not less than 1 percent of the number of persons registered as members of the American Independent Party as reflected in the report of registration issued by the Secretary of State in January of the year of the presidential primary election.

This section shall become operative on January 1, 1998.

#### Article 5. Preparation, Circulation, and Filing of Nomination Papers

6580. This article applies to the nomination of a candidate for the presidential preference portion of the primary ballot, to the nomination of a slate of delegates pledged to the candidacy of a particular candidate, and to the nomination of a slate of delegates not expressing a preference for a particular candidate.

6581. Nomination papers properly prepared, circulated, signed and verified shall be left, for examination, with the elections official of the county in which they are circulated at least 74 days prior to the presidential primary.

6582. Each signer of a nomination paper for the presidential primary ballot may sign only one paper. He or she shall declare his or her intention to support the presidential preference candidate or the group of candidates for delegates, add his or her place of residence, and give his or her street and number if any.

6583. Any nomination paper may be presented in sections. Each section shall contain the name of the presidential preference candidate, or the names of the candidates for delegates comprising the group, and, if applicable, that they have expressed a preference for a named person as candidate for presidential nominee of the party. Each section shall bear the name of the county in which it is circulated. Only voters of the county registered as intending to affiliate with the American Independent Party are competent to sign.

6584. Each section shall be prepared with the lines for signatures numbered, and shall have attached the affidavit of the circulator who obtained signatures to it, stating, under penalty of perjury, that all the signatures to the attached section were made in his or her presence, and that to the best of his or her knowledge and belief each signature to the section is the genuine signature of the person whose name it purports to be. No other affidavit is required.

6585. A verified nomination paper is prima facie evidence that the signatures are genuine and that the persons signing it are voters, until it is otherwise proved by comparison of the signatures with the affidavits of registration in the office of the elections official.

6586. The nomination paper for a candidate for the presidential preference portion of the ballot shall be in substantially the following form:

SECTION OF NOMINATION PAPER SIGNED BY VOTER ON BEHALF OF  
PRESIDENTIAL PREFERENCE PRIMARY CANDIDATE  
Section \_\_\_\_\_

Page \_\_\_\_\_  
County of \_\_\_\_\_. Nomination paper of a presidential preference candidate for the American Independent Party presidential primary ballot.  
State of California )  
County of \_\_\_\_\_ ) ss.

SIGNER'S STATEMENT

I, the undersigned, am a voter of the County of \_\_\_\_\_, State of California, and am registered as intending to affiliate with the American Independent Party. I hereby nominate \_\_\_\_\_ for the presidential preference portion of the American Independent Party's presidential primary ballot, to be voted for at the presidential primary to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_. I have not signed the nomination paper of any other candidate for the same office, or for any group of delegates, to the national convention of the party, and I further declare that I intend to support the candidate named herein.

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---



---

Number	Signature	Printed name
Residence		
1		
2		
3		
etc.		

---

CIRCULATOR'S AFFIDAVIT

I, \_\_\_\_\_, solemnly swear (or affirm) that I have been appointed as a circulator to secure signatures in the County of \_\_\_\_\_ to the nomination paper of a candidate in the presidential preference primary of the American Independent Party; that all the signatures on this section of the nomination paper numbered from 1 to \_\_\_\_\_, inclusive, were made in my presence, that the signatures were obtained between \_\_\_\_\_, 19\_\_ and \_\_\_\_\_, 19\_\_, and that to the best of my knowledge and belief each signature is

the genuine signature of the person whose name it purports to be.

I declare under penalty of perjury that the foregoing is true and correct.

(Signed)

\_\_\_\_\_

Circulator

6587. The nomination paper for a group of candidates for delegates, to the national convention shall be in substantially the following form:

SECTION OF NOMINATION PAPER SIGNED BY VOTER ON BEHALF OF GROUP OF

CANDIDATES FOR DELEGATES TO NATIONAL CONVENTION Section \_\_\_\_

Page \_\_\_\_

County of \_\_\_\_ . Nomination paper of group of candidates for

election as delegates by the American Independent Party pledged to

the candidacy of \_\_\_\_ as presidential nominee or expressing no

preference, as the case may be.

State of California )

County of \_\_\_\_\_ ) ss.

SIGNER'S STATEMENT

I, the undersigned, am a voter of the County of \_\_\_\_, State of California, and am registered as intending to affiliate with the American Independent Party. I hereby nominate the following:

\_\_\_\_\_

-----

Number	Names	Residence city or town	County
--------	-------	------------------------	--------

-----

1

\_\_\_\_\_

2

\_\_\_\_\_

3

\_\_\_\_\_

\_\_\_\_\_

(to such number as may be required) etc., as candidates for delegates to the American Independent Party's National Convention, to be voted for at the presidential primary

group of candidates. The circulators thus appointed are the duly authorized circulators to secure signatures to the nomination paper of the candidate or group of candidates in that county. The form on which the circulators are appointed shall be filed with the elections official of the county in which the circulators reside, at or before the time the nomination paper of the candidate or group of candidates is left with the elections official for examination. Additional circulators may be appointed in the same manner as the original circulators were appointed.

6589. The circulators may be appointed by the candidate, or his or her duly authorized representative, on a form which shall be substantially as follows:

APPOINTMENT OF CIRCULATORS BY CANDIDATE, OR HIS OR HER

DULY AUTHORIZED REPRESENTATIVE

I, the undersigned candidate for the presidential preference

primary of the American Independent Party (or duly authorized

representative of \_\_\_\_\_), do hereby appoint the following voters

of the County of \_\_\_\_\_ as circulators to obtain signatures, in

that county, to nomination papers placing \_\_\_\_\_ in nomination for

the presidential preference primary.

CIRCULATORS

Name

Residence

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

etc. etc.  
CANDIDATE OR DULY AUTHORIZED REPRESENTATIVE

(Signed)

Name

Residence

Filed in the office of the County Clerk of \_\_\_\_\_  
County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Clerk County

By

\_\_\_\_\_  
Deputy

6590. The circulators may be appointed by the committee, or its duly authorized representatives, on a form that shall be substantially as follows:

APPOINTMENT OF CIRCULATORS BY COMMITTEE, OR ITS DULY AUTHORIZED REPRESENTATIVES

We, the undersigned, members of the \_\_\_\_\_ committee (or duly

authorized representatives of the \_\_\_\_\_ committee), do hereby appoint the following voters of the County of \_\_\_\_\_ as circulators to obtain signatures, in that county, to nomination papers placing in nomination as a group of candidates for election as delegates to represent the State of California in the next national convention of the American Independent Party that group of candidates organized by us (by the committee of which we are duly authorized representatives):

CIRCULATORS

Name	Residence
_____	
_____	
_____	
_____	
_____	

etc.

etc.

COMMITTEE OR ITS DULY AUTHORIZED REPRESENTATIVES

(Signed)

Name	Residence
_____	
_____	
_____	
_____	
_____	

etc.

etc.

Filed in the office of the County Elections Official of

\_\_\_\_\_ County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_ County Elections  
 Official

By \_\_\_\_\_  
 Deputy

6591. Circulators may obtain signatures to the nomination paper of the candidate or group of candidates for whom they were appointed, at any time not more than 104 nor less than 74 days prior to the presidential primary.

6592. An elections official or deputy elections official may not be appointed as a circulator and circulators may not obtain signatures within 100 feet of any election booth or polling place.

6593. Each section of a nomination paper, after being verified, shall be returned to the candidate, committee, or duly authorized representatives, by whom the circulator was appointed. All the sections circulated in any county shall be collected by the candidate, committee, or duly authorized representatives, who shall arrange and leave the sections with the elections official for examination.

6594. Prior to filing, the sections of a nomination paper for any candidate or group of candidates shall be numbered in order.

6595. Nomination papers, properly assembled, may be consolidated and fastened together by counties, but nomination

papers signed by voters in different counties shall not be fastened together.

6596. The elections official shall examine all nomination papers left with him or her for examination and shall disregard and mark "not sufficient" the name of any voter of his or her county that does not appear in the same handwriting on an affidavit of registration in the office of the elections official. He or she shall also disregard and mark "not sufficient" the name of any voter of his or her county who has not stated his or her intention to affiliate with the political party named in the nomination papers.

6597. Within five days after any nomination papers are left with him or her for examination, the elections official shall:

(a) Examine and affix to them a certificate reciting that he or she has examined them and stating the number of names which have not been marked "not sufficient."

(b) Transmit the papers with the certificate of examination to the Secretary of State, who shall file the papers.

6598. The certificate of the elections official to nomination papers of a candidate or group of candidates shall be in substantially the following form:

CERTIFICATE OF COUNTY ELECTIONS OFFICIAL TO NOMINATION PAPERS

OF CANDIDATE OR GROUP OF CANDIDATES  
To the Secretary of State:

I, \_\_\_\_\_, County Elections Official of the County of \_\_\_\_\_, hereby certify that I have examined the nomination papers, to which this certificate is attached, of the candidate or group of candidates for election at the ensuing presidential primary, and that the number of names which I have not marked "not sufficient" is \_\_\_\_\_.

The candidate or group of candidates named in the nomination papers comprise the following (state names of candidates):

- \_\_\_\_\_
  - \_\_\_\_\_
  - \_\_\_\_\_
  - \_\_\_\_\_ etc. etc. etc.
- Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
(SEAL)  
Official

County Elections  
By

\_\_\_\_\_  
Deputy

6599. Upon receipt of a sufficient number of signatures for the nomination of a candidate for the presidential preference primary ballot, the Secretary of State shall notify the

candidate, or his or her duly authorized representative, of that fact.

Upon receipt of a sufficient number of signatures for the nomination of a group of candidates for delegates, the Secretary of State shall notify the chairperson of the committee of that fact.

In each case, the Secretary of State shall advise the person receiving the notification that no more signatures will be received.

#### Article 6. American Independent Presidential Primary Ballot

6620. For the presidential primary election, the format of the American Independent Party ballot shall be governed by Chapter 2 (commencing with Section 13100) of Division 13, with the following exceptions:

(a) In place of the heading "Delegates to National Convention, vote for one group only" shall appear the heading "Presidential Preference, vote for one".

(b) Selected and unselected presidential candidates shall be listed below the heading specified in subdivision (a).

(c) Below the presidential candidates shall appear in the same column, or in the next column if there is not sufficient space in the first column, the heading "Delegates to National Convention, vote for one group."

(d) 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, 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."

6621. Any person who believes his or her name may be used as a write-in candidate for President of the United States shall, not later than 21 days before the primary election, file his or her endorsement of his or her write-in candidacy with the Secretary of State, or no votes shall be counted for him or her.

#### Article 7. Postelection Proceedings

6640. The Secretary of State shall, not later than the 24th day after the election, compile and file in his or her office a statement of the canvassed returns filed with him or her by the election officials.

The compiled statement shall show for each group the total of the votes received, the votes received in each county, and the names of the candidates comprising that group.

6641. The Secretary of State shall, not later than the 24th day after the election, issue a certificate of election to each person who is a member of the group that received the largest vote cast for any group of that party, the person thereby being elected as delegate to his or her national party convention.

6642. Any person who receives, by write-in vote, a plurality of the votes cast in the delegate selection primary shall, within 31 days after the primary election, file a list of delegates to the national convention with the Secretary of State in the manner prescribed in Sections 6563 and 6564.

6643. If the candidate fails to file a list of delegates, the state central committee of the party shall, within 10 days of the end of the 31-day period required in Section 6642, file a list of delegates with the Secretary of State. The delegation shall go to the convention unpledged to any candidate.

6644. If a group of candidates for delegates preferring a particular presidential candidate are elected at the presidential primary, the delegates to the national convention shall, before leaving the state to attend the convention, meet together and select a chairperson of the delegation.

6645. If a group of candidates for delegates expressing no preference for a particular presidential candidate are elected, the chairperson of the group shall serve as chairperson of the delegation. If, for any reason, the chairperson of the group becomes unable to serve as chairperson of the delegation, the delegates shall meet and select a new chairperson as provided in Section 6644.

6646. If a vacancy exists in the office of the delegate or alternate, the chairperson of the delegation shall designate a person to fill that vacancy.

6647. The alternate of any delegate who is unable to attend the convention shall attend the convention in his or her place and shall otherwise discharge the duties of that delegate. An alternate shall not vote in place of the delegate whom he or she represents when the delegate is occupying his or her seat at the convention.

#### CHAPTER 4. PEACE AND FREEDOM PARTY PRESIDENTIAL PRIMARY Article 1. General Provisions

6700. This chapter shall be applicable to the presidential primary ballot of the Peace and Freedom Party only.

6701. The Peace and Freedom Party presidential primary ballot shall be divided into a presidential preference portion and a national convention delegate selection portion.

6702. No filing fee is required from any person to be voted for at any Peace and Freedom Party presidential primary.

#### Article 2. Qualification of Candidates for Presidential Preference Portion of Primary Ballot

6720. The Secretary of State shall place the name of a candidate upon the Peace and Freedom Party presidential preference ballot when the Secretary of State has determined that the candidate is generally advocated for or recognized throughout the United States or California as actively seeking the presidential nomination of the Peace and Freedom Party or the national party with which the Peace and Freedom Party is affiliated.

6721. On or before the 150th day preceding each presidential election year, the Secretary of State shall send a letter by first-class mail to the Chairpeople of record of the Peace and Freedom Party State and County Central Committees, informing them that, while a response is not required, any information they wish to submit will be considered by the Secretary of State in the determination of candidates to be placed on the Peace and Freedom Party presidential preference primary ballot pursuant to Section 6720.

This section shall remain in effect only until January 1, 1998, and as of that date is repealed, unless a later enacted



statute, which is enacted before January 1, 1998, deletes or extends that date.

6721. On or before January 7 of each presidential election year, the Secretary of State shall send a letter by first-class mail to the Chairpeople of record of the Peace and Freedom Party State and County Central Committees, informing them that, while a response is not required, any information they wish to submit will be considered by the Secretary of State in the determination of candidates to be placed on the Peace and Freedom Party presidential preference primary ballot pursuant to Section 6720.

This section shall become operative on January 1, 1998.

6722. On or before the 120th day preceding a presidential primary election, the Secretary of State shall publicly announce and distribute to the news media for publication a list of the candidates he or she intends to place on the ballot at the following presidential primary election. Following this announcement, the Secretary of State may add to his or her selection, but he or she may not delete any candidate whose name appears on the announced list. The Secretary of State shall mail a copy of the list and any subsequent additions thereto to the Chairpersons of the Peace and Freedom Party State and County Central Committees.

This section shall remain in effect only until January 1, 1998, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1998, deletes or extends that date.

6722. On or before February 1 immediately preceding a presidential primary election, the Secretary of State shall publicly announce and distribute to the news media for publication a list of the candidates she or he intends to place on the ballot at the following presidential

primary election. Following this announcement, the Secretary of State may add to her or his selection, but she or he may not delete any candidate whose name appears on the announced list. The Secretary of State shall mail a copy of the list and any subsequent additions thereto to the Chairpeople of the Peace and Freedom Party State and County Central Committees.

This section shall become operative on January 1, 1998.

6723. When the Secretary of State decides to place the name of a candidate on the ballot pursuant to Sections 6720 and 6722, the Secretary of State shall notify the candidate that her or his name will appear on the Peace and Freedom Party presidential preference primary ballot of this state, but that a committee must be formed, delegates certified, and a petition filed pursuant to this chapter in order to have her or his name appear on the delegate selection portion of the presidential primary ballot.

The Secretary of State shall also notify the candidate that she or he may withdraw her or his name from the ballot by filing with the Secretary of State an affidavit pursuant to Section 6724, no later than the 64th day before that election.

6724. If a selected candidate or an unselected candidate files with the Secretary of State, no later than the 64th day before the presidential primary, an affidavit stating without qualification that she or he is not a candidate for the office of President of the United States at the forthcoming presidential primary election, the name of that candidate shall be omitted from the list of names certified by the Secretary of

State to the elections official for the ballot and the name of that candidate shall not appear on the presidential preference portion of the primary ballot.

6725. Any unselected candidate desiring to have his or her name placed on the presidential preference primary ballot without filing a group of candidates for delegates, shall have nomination papers circulated on his or her behalf. In order to qualify the name of the candidate for placement on the presidential preference primary ballot, the nomination papers of the candidate shall be signed by voters registered as affiliated with the Peace and Freedom Party equal in number to not less than 1 percent of the number of persons registered as members of the Peace and Freedom Party as reflected in the report of registration issued by the Secretary of State on the 135th day preceding the presidential primary election.

This section shall remain in effect only until January 1, 1998, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1998, deletes or extends that date.

6725. Any unselected candidate desiring to have her or his name placed on the presidential preference primary ballot without filing a group of candidates for delegates, shall have nomination papers circulated on her or his behalf. In order to qualify the name of that candidate for placement on the presidential preference primary ballot, the nomination papers of the candidate shall be signed by voters registered as affiliated with the Peace and Freedom Party equal in number to not less than 1 percent of the number of persons registered as members of the Peace and Freedom Party as reflected in the report of registration issued by the Secretary of State in January of the year of the presidential primary election.

This section shall become operative on January 1, 1998.

6726. Whenever a group of candidates for delegates pledged to a particular presidential candidate qualifies by petition for the national convention delegate selection portion of the presidential primary ballot, the name of the presidential candidate to whom the group is pledged shall automatically be placed on the presidential preference portion of the ballot, without the filing of a separate petition for the presidential preference portion of the ballot.

### Article 3. Determination of Number to National Convention

6740. The Chairperson of the Peace and Freedom Party State Central Committee shall notify the Secretary of State on or before the 120th day preceding the presidential primary as to the following:

(a) The name of that national party with which the Peace and Freedom Party has affiliated, by vote of its state central committee, and the address and telephone number of the principal office of that national party.

(b) The number of delegates to represent the Peace and Freedom Party of California at the next national convention of that national party.

This section shall remain in effect only until January 1, 1998, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1998, deletes or extends that date.

6740. The Chairperson of the Peace and Freedom Party State Central Committee shall notify the Secretary of State on or

before the 1st of February immediately preceding the presidential primary as to both of the following:

(a) The name of that national party with which the Peace and Freedom Party has affiliated, by vote of its state central committee, and the address and telephone number of the principal office of that national party.

(b) The number of delegates to represent the Peace and Freedom Party of California at the next national convention of that national party.

This section shall become operative on January 1, 1998.

6741. The notification of national affiliation and number of national convention delegates shall be in substantially the following form:

STATEMENT OF NATIONAL AFFILIATION AND NUMBER OF NATIONAL PARTY CONVENTION DELEGATES FOR THE PEACE AND FREEDOM PARTY OF CALIFORNIA

To the Secretary of State  
Sacramento, California

You are hereby notified that the Peace and Freedom Party of California, by vote of its state central committee, has affiliated on the national level with the \_\_\_\_\_ Party.

The address of the \_\_\_\_\_ Party's principal office is \_\_\_\_\_, and its telephone number is \_\_\_\_\_.

You are further notified that the number of delegates to represent the Peace and Freedom Party of California in the next national convention of the \_\_\_\_\_ Party is \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Chairperson of the State  
Central Committee of the Peace and  
Freedom Party of  
California

6742. If the Chairperson of the Peace and Freedom Party State Central Committee fails to file the notice required by Section 6741 by the 120th day preceding the presidential primary, the Secretary of State shall ascertain the national affiliation of the party and the number of delegates from the chairperson or any other officer of record of the party state central committee or from the national party with which the Peace and Freedom Party was affiliated as indicated by the most recent statement of affiliation on file by the chairperson of the party state central committee.

This section shall remain in effect only until January 1, 1998, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1998, deletes or extends that date.

6742. If the Chairperson of the Peace and Freedom Party State Central Committee fails to file the notice required by

Section 6741 by the first day of February immediately preceding the presidential primary, the Secretary of State shall ascertain the national affiliation of the party and the number of delegates from the chairperson or any other officer of record of the party state central committee or from the national party with which the Peace and Freedom Party was affiliated as indicated by the most recent statement of the affiliation on file by the chairperson of the party state central committee.

This section shall become operative on January 1, 1998.

6743. On or before the 110th day before the presidential primary, the Secretary of State shall certify all of the following to the elections official of each county:

(a) The name of that national party with which the Peace and Freedom Party is presently affiliated and the address and telephone number of the principal office of that national party.

(b) The number of delegates to represent the Peace and Freedom Party of California in the next national convention of that national party.

(c) The number of delegate candidates to be selected from each territory pursuant to Sections 6744 and 6745 by each committee proposing a group of national convention delegates.

This section shall remain in effect only until January 1, 1998, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1998, deletes or extends that date.

6743. On or before the 10th of February before the presidential primary, the Secretary of State shall certify all of the following to the elections official of each county:

(a) The name of that national party with which the Peace and Freedom Party is presently affiliated and the address and telephone number of the principal office of that national party.

(b) The number of delegates to represent the Peace and Freedom Party of California in the next national convention of that national party.

(c) The number of delegate candidates to be selected from each territory pursuant to Sections 6744 and 6745 by each committee proposing a group of national convention delegates.

This section shall become operative on January 1, 1998.

6744. For the purposes of this chapter, the boundary between the northern and southern territories of the state shall be that latitudinal line coinciding with the northern boundaries of San Luis Obispo, Kern, and San Bernardino Counties.

6745. The number of delegate candidates to be selected from each territory by each group shall be, to the nearest whole number, proportional to that portion of the state's registered Peace and Freedom Party voters residing in each territory as reflected in statements of voters and political affiliation transmitted to the Secretary of State on the 135th day before the presidential primary election.

#### Article 4. Qualification of Group of Candidates for National Convention Delegate Portion of Primary Ballot

6760. Any five or more voters of the state who are registered as affiliated with the Peace and Freedom Party may join as a committee in proposing the nomination of a group of candidates for delegates. The committee may elect its officers, select the candidates for delegates, select the chairperson of

the committee, appoint circulators, secure the endorsement of the person, if any, preferred by the committee as candidate for presidential nominee, appoint alternates, assemble and file all necessary papers, and take all other action that may be necessary for the organization and election of the group. The committee in performing its functions may act through its officers or designated representatives.

6761. The committee, on or before the 104th day before the presidential primary election, shall file with the Secretary of State a statement containing the name of the committee and the names, residence addresses and telephone numbers of at least five of its members, and its officers.

6762. The number of candidates for delegate grouped on a nomination paper shall be equal to the total number of delegates to be elected by the Peace and Freedom Party.

6763. The names of the grouped candidates shall be so selected that the portion of the candidates for national convention delegates residing in the northern and southern territories shall be proportional, to the nearest whole number, to the portion of the state's Peace and Freedom Party registered voters residing in each territory as computed and certified by the Secretary of State pursuant to Section 6743. If the names are not so selected, the names shall not be certified by the Secretary of State.

6764. The number of alternates to be selected shall be no greater than one for each delegate, and the alternates shall be selected in the manner prescribed by Section 6763.

6765. Each group of candidates for delegate that intends to pledge itself to the candidacy of a particular candidate for presidential nominee shall have the endorsement of the candidate for presidential nominee for whom the members of the group have filed a preference. The endorsement of the candidate for presidential nominee shall be filed with the Secretary of State before the circulation of any nomination papers of a group of candidates pledged to the support of her or his candidacy as presidential nominee.

6766. Any candidate for delegate whose nomination paper is filed in more than one group is disqualified from running as a member of any group.

6767. Each candidate for Peace and Freedom Party delegate to the national convention shall file with the Secretary of State, before the circulation of nomination papers of the group of candidates of which she or he is a member, a declaration which shall state all of the following:

- (a) Her or his residence, with street and number, if any.
- (b) That she or he is a voter registered as affiliated with the Peace and Freedom Party at her or his residence address.
- (c) That she or he is a candidate for office of delegate.
- (d) That she or he will not withdraw as a candidate before the presidential primary.
- (e) That she or he will qualify as a delegate if elected.
- (f) In the case of a candidate for delegate on a slate of delegates pledging itself to the candidacy of a particular candidate for presidential nominee, the following statement: "I personally prefer \_\_\_ as the nominee of the Peace and Freedom Party for President of the United States, and hereby declare to the voters of the Peace and Freedom Party in the State of California that if elected as delegate to the national convention, I shall to the best of my judgment and ability, support \_\_\_ as the nominee of the Peace and Freedom Party for

President of the United States."

(g) In the case of a candidate for delegate on a slate of delegates not expressing a preference for a particular presidential candidate the following statement: "I express no preference for a particular presidential candidate. The chairperson of my group is \_\_\_\_\_."

The name of a candidate for presidential nominee shall not be placed on the ballot unless this declaration has been properly filed by each candidate for delegate of the group supporting the candidate.

6768. The declaration of a candidate for delegate shall be in substantially the following form:

DECLARATION OF CANDIDATE FOR DELEGATE

State of California )  
 County of \_\_\_\_\_ ) ss.

I, \_\_\_\_\_, reside and am a registered voter at

\_\_\_\_\_, (street  
 address)  
 in the \_\_\_\_\_ of \_\_\_\_\_, in the County of  
 \_\_\_\_\_,  
 (city or town)  
 State of California.

I desire to be a candidate, at the presidential primary to be held on the \_\_\_\_ day of June 19\_\_, for delegate to the next national convention of the \_\_\_\_ Party with which the Peace and Freedom Party of California is affiliated on the national level and I will qualify as a delegate if elected.

I personally prefer \_\_\_\_\_ as the nominee of the Peace and Freedom Party for President of the United States, and hereby declare to the voters of the Peace and Freedom Party in the State of California that if elected as delegate to the national party convention, I shall to the best of my judgment and ability, support \_\_\_\_\_ as the nominee of the Peace and Freedom Party for President of the United States. (This statement of preference shall be omitted where the candidate for delegate is part of a group not expressing a preference for a particular presidential candidate.)

I declare under penalty of perjury that the foregoing is true and correct.

Executed at \_\_\_\_\_, California, this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

(Signed) \_\_\_\_\_

6769. Nomination papers for candidates for delegates shall be signed by voters registered as affiliated with the Peace and Freedom Party equal in number to not less than 1 percent of the number of persons registered as members of the Peace and Freedom Party, as reflected in the reports of registration transmitted to the Secretary of State on the 135th day before the presidential primary.

Article 5. Preparation, Circulation and Filing of Nominating Papers

6780. This article applies to the nomination of a candidate for the presidential preference portion of the primary ballot, to the nomination of a slate of delegates pledged to the

candidacy of a particular candidate, and to the nomination of a slate of delegates not expressing a preference for a particular candidate.

6781. Nomination papers properly prepared, circulated, signed and verified shall be left for examination with the elections official of the county in which they are circulated, at least 74 days prior to the presidential primary.

6782. Each signer of a nomination paper for the presidential primary ballot may sign only one paper. The signer shall add her or his printed name and place of residence indicating city and giving the street and number, if any.

6783. Any nomination paper may be presented in sections. Each section shall contain the name of the presidential preference candidate, or the names of the candidates for delegates comprising the group, and, if applicable, that they have expressed a preference for a named person as candidate for presidential nominee of the party. Each section shall bear the name of the county in which it is circulated. Only voters of the county registered as affiliated with the Peace and Freedom Party are competent to sign.

6784. Each section shall be prepared with the lines, for signatures numbered, and shall have attached the declaration of the circulator who obtained signatures to it, stating, under penalty of perjury, that she or he is a voter registered as affiliated with the Peace and Freedom Party, that all the signatures to the attached section were made in her or his presence, and that to the best of her or his knowledge and belief each signature to the section is the genuine signature of the person whose name it purports to be. No other declaration is required to be made.

6785. A verified nomination paper is prima facie evidence that the signatures are genuine and that the persons signing it are voters registered as affiliated with the Peace and Freedom Party until it is otherwise proven by comparison of the signatures with the affidavits of registration in the office of the elections official.

6786. The nomination paper for a candidate for the presidential preference portion of the ballot shall be in substantially the following form:

SECTION OF NOMINATION PAPER SIGNED BY VOTER ON  
BEHALF  
OF PRESIDENTIAL PREFERENCE PRIMARY CANDIDATE  
Section \_\_\_\_\_

Page \_\_\_\_\_ County

of \_\_\_\_\_  
Nomination paper of a presidential preference candidate  
for the

Peace and Freedom Party presidential primary ballot.  
State of California        )  
County of \_\_\_\_\_       ) ss.

SIGNER'S STATEMENT

I, the undersigned, am a voter of the County of \_\_\_\_\_, State of California, and am registered as affiliated with the Peace and Freedom Party. I hereby nominate \_\_\_\_\_ for the presidential preference portion of the Peace and Freedom Party's presidential primary ballot, to be voted for at the





GROUP

OF CANDIDATES FOR DELEGATES TO NATIONAL CONVENTION  
Section \_\_\_\_\_

Page \_\_\_\_\_

County

of \_\_\_\_\_.

Nomination paper of group of candidates for election as delegates

by the Peace and Freedom Party pledged to the candidacy of

as

\_\_\_\_\_ presidential nominee, or expressing no preference, as the case may

be.

State of California )

County of \_\_\_\_\_ ) ss.

SIGNER'S STATEMENT

I, the undersigned, am a voter of the County of \_\_\_\_\_, State of California, and am registered as affiliated with the Peace and Freedom Party. I hereby nominate the following:

Number	Names	Residence city or town	County
1.			
2.			
3.			
etc.			

(to the number as may be required) as candidates for delegate to the national convention of the \_\_\_\_\_ Party, with which the Peace and Freedom Party of California is affiliated on the national level, to be voted for at the presidential primary to be held on the \_\_\_\_\_ day of June, 19\_\_\_. I have not signed the nomination paper of any other group of candidates for delegates to the national convention or of any candidate for the presidential preference portion of the primary ballot.



same manner as the original verification deputies were appointed.

6789. The circulators may be appointed by the candidate or the authorized representative of the candidate on a form that shall be substantially as follows:

APPOINTMENT OF CIRCULATORS BY CANDIDATE OR BY DULY AUTHORIZED REPRESENTATIVE OF CANDIDATE

I, the undersigned candidate for the presidential preference primary of the Peace and Freedom Party (or duly authorized representative of \_\_\_\_\_), do hereby appoint the following voters registered as affiliated with the Peace and Freedom Party, as circulators to obtain signatures to nomination papers placing \_\_\_\_\_ in nomination for the presidential preference primary.

Name	CIRCULATORS Residence	County
_____	_____	
_____	_____	
_____	_____	
_____	_____	
etc.	etc.	etc.

CANDIDATE OR DULY AUTHORIZED REPRESENTATIVE

(Signed) \_\_\_\_\_

\_\_\_\_\_  
 Name Residence  
 Filed in the office of the County Elections Official of  
 \_\_\_\_\_ County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
 County Elections  
 Official

By \_\_\_\_\_  
 Deputy

6790. The circulators may be appointed by the committee, or its duly authorized representatives, on a form that shall be substantially as follows:

APPOINTMENT OF CIRCULATORS BY COMMITTEE OR ITS DULY AUTHORIZED REPRESENTATIVES

We, the undersigned, members of the \_\_\_\_\_ committee (or duly authorized representatives of the \_\_\_\_\_ committee), do hereby appoint the following voters registered as affiliated with the Peace and Freedom Party as circulators to obtain signatures to nomination papers for that group of candidates for election as delegates organized by us (or by the committee of which we are duly authorized representatives) to represent the Peace and Freedom Party of California in the \_\_\_\_\_ Party's next national convention:

Name	CIRCULATORS Residence	County
_____	_____	



or he has examined them and stating the number of names that have not been marked "not sufficient."

(b) Transmit the papers with the certificate of examination to the Secretary of State, who shall file the papers.

6797. The certificate of the elections official to nomination papers of a candidate or group of candidates shall be in substantially the following form:

CERTIFICATE OF ELECTIONS OFFICIAL TO NOMINATION PAPERS OF CANDIDATE OR GROUP OF CANDIDATES

To the Secretary of State:

I, County Elections Official of the County of \_\_\_\_\_,

hereby

certify that I have examined the nomination papers, to which this certificate is attached, of the presidential candidate or group of candidates for delegates at the ensuing presidential primary,

and that the number of names which I have not marked "not sufficient" is \_\_\_\_\_.

The candidate or group of candidates named in the nomination papers comprise the following (state names of candidates):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
etc. etc. etc.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
(SEAL) County Elections  
Official

By \_\_\_\_\_  
Deputy

6798. (a) Upon receipt of a sufficient number of signatures for the nomination of a candidate for the presidential preference primary ballot, the Secretary of State shall notify the candidate or his or her duly authorized representative of that fact.

(b) Upon receipt of a sufficient number of signatures for the nomination of a group of candidates for delegates, the Secretary of State shall notify the chairperson of the committee of that fact.

(c) In each case, the Secretary of State shall advise the person receiving the notification that no more signatures will be received.

Article 6. Peace and Freedom Party Presidential Primary Ballot

6820. Upon the filing of nomination papers, the presidential preference primary candidate or slate of delegate candidates

shall be voted upon, but the names of candidates for delegates to the national convention shall not be printed upon the ballot.

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:

(a) In place of the heading "Delegates to National Convention, vote for one group only" shall appear the heading "Presidential Preference, vote for one."

(b) Selected and unselected presidential candidates shall be listed below the heading specified in subdivision (a).

(c) Below the presidential candidates shall appear in the same column, or in the next column if there is not sufficient space in the first column, the heading "Delegates to National Convention, vote for one group".

(d) Presidential candidates who have qualified for the ballot and to whom delegations are pledged, and the chairpersons of unpledged delegations which have qualified for the ballot, shall be listed below the heading specified in subdivision (c).

(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, 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."

6822. Any person who believes his or her name may be used as a write-in candidate for President of the United States shall, not later than 21 days before the primary election, file an endorsement of his or her write-in candidacy with the Secretary of State, or no votes shall be counted for that write-in candidate.

#### Article 7. Certification of National Convention Delegates Elected and Postelection Proceedings

6840. The number of delegates to be certified as elected from each group of delegate candidates shall be the whole number nearest the product obtained by multiplying the total number of delegates to be elected by the ratio which that group's vote bears to the total of votes cast for all those groups of delegates, with the following to apply in order to adjust the total number of delegates certified to the total number to which the state is entitled:

(a) If this procedure would result in a total number of delegates being elected greater than the number to which the state is entitled, the calculation outlined above shall be repeated using a total vote cast for all groups of delegates that is sufficiently larger than the actual total vote so as to give a total number of delegates elected equal to the number to which the state is entitled.

(b) If this procedure would result in a total number of delegates being elected smaller than the number to which the state is entitled, the calculation outlined above shall be repeated using a total vote cast for all groups of delegates that is sufficiently smaller than the actual total vote so as to give a total number of delegates elected equal to the number to which the state is entitled.

(c) If a tie renders unworkable the procedure for adjusting to the proper delegate total outlined in subdivisions (a) and (b), those delegate candidates so tied shall be certified as elected with a fractional vote proportional to their group's total vote so that the total number of delegates certified, including the fractional-vote delegates, equals the number to which the state is entitled.

6841. The Secretary of State shall send, not more than three business days after the presidential primary, to the chairperson of each committee qualifying a group of candidates for national convention delegates for the Peace and Freedom Party presidential primary ballot a copy of the semiofficial canvass of the vote for each of the group of delegates showing the vote for each group in each county, the total statewide vote for each group, and the tentative number of delegates which each group will be entitled to have declared elected.

6842. Each group of candidates for delegate shall meet or confer after the presidential primary and by majority vote shall determine the order in which members of the group shall be certified as elected by the Secretary of State. The order so determined shall commence with a resident of either the northern or the southern territories, and the names thereafter shall alternate between residents of the northern and southern territories until the alternation is no longer possible. The order so determined shall be certified to the Secretary of State by the chairperson of the committee forming the group not later than the 21st day after the election.

6843. The Secretary of State shall, not later than the 24th day after the election, file in her or his office a statement of the canvassed returns for the Peace and Freedom Party presidential preferential primary and the national convention delegate selection election, compiled from the returns filed with the Secretary of State by the county elections officials. The compiled statement shall show, for each candidate or group, the total of the votes received, the votes received in each county, and, in the case of a group, the names of the candidates comprising that group.

6844. The Secretary of State shall, not later than the 24th day after the election, issue a certificate of election to as many persons in each group as are entitled to be declared elected from that group pursuant to Section 6840. The names certified from each group shall be certified in the order in which they were specified by the group pursuant to Section 6842.

If no order was specified, the Secretary of State shall certify as many persons from the group as are entitled to be elected from the order in which the names of the candidates appeared on the nomination paper of the group, with the additional requirement that an equal number of names be selected of persons residing in the northern and the southern territories, or, if the number to be selected is odd, that one more person residing in the territory with the greater portion of the state's registered Peace and Freedom Party voters shall be certified than the number of persons certified residing in the other territory. Certification of any delegates to which a write-in candidate is entitled shall be made within three business days of the receipt of the names of those delegates pursuant to Sections 6846 and 6847.

6845. Any person who receives, by write-in vote, a sufficient number of votes in the national convention delegate selection portion of the Peace and Freedom Party presidential

primary to be entitled to one or more convention delegates pursuant to Section 6840, shall, within 31 days after the primary election, file a list of as many delegates as the person is entitled to with the Secretary of State. The delegates selected shall meet the residence distribution requirement specified in Section 6763 and shall be voters registered as affiliated with the Peace and Freedom Party in California.

6846. If a write-in candidate fails to file the list of delegates pursuant to Section 6845, the state central committee of the party shall, within 10 days of the end of the 31-day period specified in Section 6845, file a list of those delegates with the Secretary of State. Any delegates so certified by the state central committee shall attend the convention unpledged to any candidate.

6847. The elected delegates may, if they desire, meet or confer prior to attending the convention to select a chairperson of the delegation and to fill any vacancies in the office of delegate or alternate.

6848. The alternate of any delegate who is unable to attend the convention shall attend the convention in the place of the delegate and shall otherwise discharge the duties of that delegate. An alternate shall not vote in the place of the delegate whom the alternate represents when the delegate is occupying her or his seat at the convention.

6849. The Secretary of State shall, as soon as practicable, certify to the chairperson of the state central committee and to the chairperson of each party county central committee of record, the final list of national convention delegates.

## PART 2. ELECTIONS FOR PRESIDENTIAL ELECTORS

### CHAPTER 1. GENERAL PROVISIONS

6900. The term "elector" or "presidential elector" as used in this chapter means an elector of President and Vice President of the United States, and not an elector as defined in Section 321.

6901. Whenever a political party, in accordance with Section 7100, 7300, 7578, or 7843, submits to the Secretary of State its certified list of nominees for electors of President and Vice President of the United States, the Secretary of State shall notify each candidate for elector of his or her nomination by the party. The Secretary of State shall cause the names of the candidates for President and Vice President of the several political parties to be placed upon the ballot for the ensuing general election.

6902. At the general election in each leap year, or at any other time as may be prescribed by the laws of the United States, there shall be chosen by the voters of the state as many electors of President and Vice President of the United States as the state is then entitled to.

6903. On or before the day of meeting of the electors, the Governor shall deliver to the electors a list of the names of electors, and he or she shall perform any other duties relating to presidential electors which are required of him or her by the laws of the United States.

6904. The electors chosen shall assemble at the State Capitol at 2 o'clock in the afternoon on the first Monday after the second Wednesday in December next following their election.

6905. In case of the death or absence of any elector chosen,



or if the number of electors is deficient for any other reason, the electors then present shall elect, from the citizens of the state, as many persons as will supply the deficiency.

6906. The electors, when convened, if both candidates are alive, shall vote by ballot for that person for President and that person for Vice President of the United States, who are, respectively, the candidates of the political party which they represent, one of whom, at least, is not an inhabitant of this state.

6907. The electors shall name in their ballots the person voted for as President, and in separate ballots the person voted for as Vice President.

6908. The electors shall make separate lists of all persons voted for as President and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign, certify, seal, and transmit by mail to the seat of the Government of the United States, directed to the President of the Senate.

6909. Each presidential elector shall receive ten dollars (\$10) for his or her services, and mileage at the rate of five cents (\$.05) per mile for each mile of travel from his or her domicile to the State Capitol and return.

Their accounts therefor shall be certified by the Secretary of State, and audited by the Controller, who shall draw his or her warrants for the same on the Treasurer, payable out of the General Fund.

## CHAPTER 2. DUTIES OF THE SECRETARY OF STATE

6950. Within three days of receiving the names of delegate candidates from the chairpersons of the steering committees, as provided for in Section 6086, the Secretary of State shall transmit to each elections official a certified list, for each congressional district wholly or partially within that county, containing the names of the delegate candidates selected and pledged to each candidate or uncommitted delegation who is entitled to be voted for on the ballot at the presidential primary.

The certified list shall be in substantially the following form:

Certified List of Delegate Candidates  
In the \_\_\_\_ Congressional District

To the County Elections Official of \_\_\_\_ County:

I, \_\_\_\_, Secretary of State, do hereby certify that the following persons, listed beneath the name of the presidential candidate or uncommitted delegation they are pledged to, are the delegate candidates who will represent the voters of this congressional district at the \_\_\_\_ Democratic National Convention to the extent, based on his or her proportional share of the total votes for president in this district, that each presidential candidate or uncommitted delegation is entitled to delegates from this district.

List of Delegates Pledged to Presidential  
Candidates and Uncommitted Delegations  
In the \_\_\_\_ Congressional District

Delegates Pledged to  
Rosaly Lever

Delegates Pledged to  
Janice Atkinson

Deborah Seiler  
Elaine Ginnold  
George Mann  
Darren Chesin  
Delegates Pledged to  
Christopher Zirkle

John Mott-Smith  
Rosa Garcia-Viteri  
Bruce Bolinger  
Mary DeLost  
Delegates Pledged to  
Unpledged Delegation,  
James Ashford,

Chairperson

Mark Terry  
Romulo Lopez  
Linda M. Gonzalez  
Joe Ayala  
Lori Joseph

Abra Reynaga  
Sylvia Cheng  
Michael Ognisty  
Bill Pitts  
Lynne Chinn

Dated at Sacramento, California, this \_\_\_\_\_ day of  
\_\_\_\_\_, 19\_\_.

(seal)

\_\_\_\_\_  
Secretary of State

6951. At least 59 days before the presidential primary, the Secretary of State shall transmit to each elections official a certified list containing the names of the candidates to appear on the Peace and Freedom Party presidential preference primary ballot and the names and addresses of the candidates for delegates for whom nomination papers have been filed and who are entitled to be voted for at the presidential primary.

6952. The certified list required by Section 6951 shall be in substantially the following form:

CERTIFIED LIST OF CANDIDATES FOR PRESIDENTIAL  
PREFERENCE PRIMARY AND CANDIDATES FOR  
NATIONAL CONVENTION DELEGATE

To the County Elections Official of \_\_\_\_\_ County:

I, \_\_\_\_\_, Secretary of State, do hereby certify

that

the names of the candidates to appear on the March \_\_\_\_\_,  
19\_\_, Peace and Freedom Party presidential preference

primary

ballot, in the order which they are to appear, are:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

etc.

etc.

I further certify that the following list contains the name and post office address of each person who is entitled to be voted for at the March \_\_\_\_\_, 19\_\_, Peace and Freedom Party presidential primary election as a candidate for delegate to the next national convention of the \_\_\_\_\_ Party with which the Peace and Freedom Party of California is affiliated on the national level. I further certify that the groups of candidates for delegate each appear under the name of the person for whom the group has expressed a preference as nominee of the Peace and Freedom Party for President, or under the name of the group chairperson in case of a group not expressing a preference, and that the groups are listed in the order in which they are to appear on the national convention delegate portion of the Peace and Freedom Party presidential primary ballot.

LIST OF CANDIDATES FOR NATIONAL CONVENTION DELEGATE

PEACE AND FREEDOM PARTY

Candidates  
preferring

Name

Address

Top of group

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

etc.

etc.

Candidates expressing  
no preference  
(Name of chairperson)

Name

Address

Top of group

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

etc.

etc.

Dated at Sacramento, California, this \_\_\_\_\_ day of

19\_\_.

(SEAL)

Secretary of State

This section shall remain in effect only until January 1, 1998, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1998, deletes or extends that date.

6952. The certified list required by Section 6951 shall be

in substantially the following form:

CERTIFIED LIST OF CANDIDATES FOR PRESIDENTIAL PREFERENCE PRIMARY AND CANDIDATES FOR NATIONAL CONVENTION DELEGATE

To the County Elections Official of \_\_\_\_\_ County:

I, \_\_\_\_\_, Secretary of State, do hereby certify

that

the names of the candidates to appear on the June \_\_\_\_\_,

19\_\_\_\_,

Peace and Freedom Party presidential preference primary ballot,

in the order which they are to appear, are:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

etc.

etc.

I further certify that the following list contains the name and post office address of each person who is entitled to be voted for at the June \_\_\_\_\_, 19\_\_\_\_, Peace and Freedom Party presidential primary election as a candidate for delegate to the next national convention of the \_\_\_\_\_ Party with which the Peace and Freedom Party of California is affiliated on the national level. I further certify that the groups of candidates for delegate each appear under the name of the person for whom the group has expressed a preference as nominee of the Peace and Freedom Party for President, or under the name of the group chairperson in case of a group not expressing a preference, and that the groups are listed in the order in which they are to appear on the national convention delegate portion of the Peace and Freedom Party presidential primary ballot.

LIST OF CANDIDATES FOR NATIONAL CONVENTION DELEGATE

PEACE AND FREEDOM PARTY

\_\_\_\_\_  
-----

Candidates  
preferring

\_\_\_\_\_

\_\_\_\_\_  
-----

Name

Address

Top of group

1 \_\_\_\_\_

2 \_\_\_\_\_

3 \_\_\_\_\_

etc.

etc.

-----  
 Candidates expressing  
 no preference  
 (Name of chairperson)  
 \_\_\_\_\_

Name	Address
Top of group	
1 _____	
2 _____	
3 _____	
etc.	etc.

-----  
 Dated at Sacramento, California, this \_\_\_\_ day of  
 \_\_\_\_\_,  
 19\_\_.

\_\_\_\_\_  
 (SEAL) Secretary of State

This section shall become operative on January 1, 1998.  
 6953. At least 59 days before a presidential primary, the Secretary of State shall transmit to each elections official a certified list containing the names and addresses of the candidates for delegates for whom nomination papers have been filed and who are entitled to be voted for at the presidential primary.

The certified list shall be in substantially the following form:

CERTIFIED LIST OF CANDIDATES FOR DELEGATE  
 SECRETARY OF STATE

To the Elections Official of \_\_\_\_ County:  
 I, \_\_\_\_\_, Secretary of State, do hereby certify that the following list contains the name and post office address of each person for whom nomination papers have been filed in my office and who is entitled to be voted for at the presidential primary to be held on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_, as delegate to the next national convention of the American Independent Party; I further certify that in the list, under the name of the person for whom a preference as nominee of the American Independent Party for President has been expressed, or under the name of the chairman of a group not expressing a preference, there is stated the name of each candidate for delegate who has filed a statement pursuant to Section 6567, and who may be voted for as one of a group.

LIST OF CANDIDATES  
 American Independent Party

Candidates preference preferring chairman)	Candidates preferring	No (Name of
_____	_____	

Name Address Top of group	Name Address Top of group	Name Top of
1. _____	1. _____	1.
2. _____	2. _____	2.
3. _____	3. _____	3.
etc.	etc.	etc.

Dated at Sacramento, California, this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
(SEAL) Secretary of State

6954. At least 59 days before a presidential primary, the Secretary of State shall transmit to each county elections official a certified list containing the names and addresses of the candidates for whom nomination papers have been filed and who are entitled to be voted for at the presidential primary.

The certified list shall be in substantially the following form:

CERTIFIED LIST OF CANDIDATES  
SECRETARY OF STATE

To the County Elections Official of \_\_\_\_\_

County:

I, \_\_\_\_\_, Secretary of State, do hereby certify

that

the following list contains the name and post office

have

address of each person for whom nomination papers

voted

been filed in my office and who is entitled to be

for at the presidential primary to be held on the

\_\_\_\_\_  
Republican

day of \_\_\_\_\_, 19\_\_, as nominee of the

Party.

List of Candidates  
Republican Party

Name	Address
1 _____	
2 _____	

3 \_\_\_\_\_

\_\_\_\_\_  
etc. etc.

Dated at Sacramento, California, this \_\_\_\_\_

day

of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
(SEAL)

Secretary of State

DIVISION 7. POLITICAL PARTY ORGANIZATION AND CENTRAL  
COMMITTEE ELECTIONS

PART 1. DUTIES OF THE SECRETARY OF STATE

CHAPTER 1. MAINTENANCE OF RECORDS OF MEMBERSHIP OF STATE  
AND COUNTY CENTRAL COMMITTEES

7000. The Secretary of State shall file and keep lists of members of state and county central committees. A copy of each list shall be made available for public inspection.

The state chairperson of each qualified political party shall send to the Secretary of State a list of its party's officers and the address and phone number of its party headquarters.

The state chairpersons of the Democratic and Republican state central committees shall send to the Secretary of State, within 30 days of their organizational meetings, lists of members in two sequences. The first list shall be alphabetical by member's last name. The second list shall be alphabetical by appointor and shall set forth each appointor's appointments immediately following the appointor's name. Each list shall show the member's name and address including mail, city and zip code, telephone number if given, and the district numbers of the congressional, senatorial, and Assembly districts in which the member resides. Within seven days of any change to the membership list, the state chairperson shall send the Secretary of State notice of the change in the same format as the original membership list.

Within 30 days of the election or appointment of any member of a county central committee of a qualified political party, the county elections official shall send the Secretary of State a list of the members of the county central committee.

PART 2. DEMOCRATIC PARTY  
CHAPTER 1. GENERAL PROVISIONS

7050. This part shall apply to the organization, operation, and functions of that political party known as the Democratic Party of California.

CHAPTER 2. PRESIDENTIAL ELECTORS

7100. In each year of the general election at which electors of President and Vice President of the United States are to be chosen, each congressional nominee shall designate one presidential elector and shall file his or her name, residence and business address with the Secretary of State by October 1 of the presidential election year. Each United States senatorial nominee, determined by the last two United States senatorial elections, shall designate one presidential elector and shall file his or her name, residence and business address with the

Secretary of State by October 1 of the presidential election year. In the event there is no United States senatorial nominee or no congressional nominee in any particular district, the state chairperson shall designate one presidential elector for each vacancy and shall file his or her name, residence and business address with the Secretary of State by October 1 of the presidential election year.

### CHAPTER 3. STATE CENTRAL COMMITTEE

#### Article 1. Members

7150. The state central committee shall consist of:

(a) One member for each of the following elective officials:

- (1) Governor.
- (2) Lieutenant Governor.
- (3) Treasurer.
- (4) Controller.
- (5) Attorney General.
- (6) Secretary of State.
- (7) All members of the State Board of Equalization.
- (8) All Senators and Representatives of Congress from

California.

(9) All Members of the Legislature.

(b) Members elected by county central committees pursuant to this part.

(c) Members appointed pursuant to this part.

(d) The national committeemen and national committeewomen of the party.

(e) Any person elected to fill a vacancy in the Legislature in a special election.

(f) Any immediate past party officers as may be provided by party bylaws.

(g) Members elected by Assembly district caucuses pursuant to this part.

(h) The President of the California Democratic Council.

(i) The president, vice president, northern section president, and the southern section president of the Federation of Young Democrats, and any officer of the National Young Democrats who resides in California.

(j) Former elected, nonjudicial statewide officeholders as described in Section 7153.

7151. Within 30 days after the direct primary election, the state central committee shall send a notice by mail to each person who, as of the following year, will be a member of the state central committee according to subdivision (a) of Section 7150. The notice shall inform each person that:

(a) The person shall appoint members of the state central committee and the number of appointments to which he or she is entitled or will be entitled, depending on the outcome of the general election.

(b) The appointment of members of the state central committee shall be made in writing in the form prescribed in Section 7152 signed by the person and filed in accordance with Section 7159.

(c) A form of proxy is enclosed which the person may use.

7152. The state central committee shall enclose with the notice required by Section 7151 one copy of the following statement for appointment of members of the state central



committee, which shall be in substantially the following form:

APPOINTMENT OF MEMBERS OF THE STATE CENTRAL  
COMMITTEE OF THE DEMOCRATIC PARTY MEETING AT  
\_\_\_\_\_, IN THE YEAR 19\_\_

I, \_\_\_\_\_, duly qualified as a member of the state central  
com- mittee of the Democratic Party at \_\_\_\_\_ in the year 19\_\_ by  
virtue of  
my (appointment by the \_\_\_\_\_ central committee) (nomination)  
(election to the office of \_\_\_\_\_) (strike out parts  
inapplicable) on  
the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_ upon the Democratic ticket, do  
hereby  
appoint the following voters, who shall be members of the  
state  
central committee:

---

	Name	Senatorial, Congressional, Assembly district	Post address
office			

---

	Name	Senatorial, Congressional, Assembly district	Post address
office			

---

	Name	Senatorial, Congressional, Assembly district	Post address
office			

7153. Any person who held any of the offices described in paragraphs (1) to (6), inclusive, of subdivision (a) of Section 7150 or held the Office of Superintendent of Public Instruction, and who at the time of filing his or her nomination documents for the particular statewide office was affiliated with the Democratic Party, as indicated by the person's affidavit of registration, shall be a member of the state central committee.

Former officeholders entitled to committee membership under this section shall serve on the committee for that length of time equal to the time that the officeholders served in the particular statewide office.

7154. (a) Each officer named in subdivision (a) of Section 7150 who was nominated and elected as a candidate of the party and whose term of office extends beyond the first Monday in December in the case of legislators and the Monday after January 1 in the case of other officers next following the direct primary election, or the appointee or successor appointed,

elected, or otherwise designated by law to fill a vacancy in the office of any that officer, shall be known as a "holdover member."

(b) Each candidate of the party in whose behalf nomination papers were filed and who was nominated at the direct primary election by that party shall be known as a "nominee member." Nominees for an office, the term of which extends beyond two years, are members of each succeeding state central committee until that following the direct primary election at which nominations for the office are again to be made. If a candidate is a "nominee member" in the year in which he or she is nominated, and is elected to the office at the succeeding general election, the candidate shall be considered a "holdover member" in the next odd-numbered year.

(c) One member shall be appointed pursuant to Section 7168 for each of the officers named in subdivision (a) of Section 7150 not represented by a "holdover member" nor by a "nominee member" of the party.

7155. A person otherwise qualifying for more than one membership listed in subdivision (a) of Section 7150 shall be a member solely by virtue of that membership last acquired.

7156. Each nominee member listed in subdivision (a) of Section 7150 shall appoint to membership on this committee voters as follows:

(a) Governor, Lieutenant Governor, Treasurer, Controller, Attorney General, Secretary of State, United States Senators from California, members of the State Board of Equalization, and Senators shall each appoint three voters, at least two of whom shall be of the opposite sex.

(b) Representatives of Congress from California and Members of the Assembly shall each appoint two voters, at least one of whom shall be of the opposite sex.

All appointments made pursuant to this section shall be absolute.

7157. A "holdover member" or a "nominee member" who has been elected to an office under subdivision (a) of Section 7150 at the general election, or following any special election, shall appoint additional voters to membership on this committee, as follows:

(a) Governor, Lieutenant Governor, Treasurer, Controller, Attorney General, Secretary of State, United States Senators from California, members of the State Board of Equalization, and Senators, three additional voters, at least one of whom shall be of the opposite sex.

(b) Representatives of Congress from California and Members of the Assembly, three additional voters, at least two of whom shall be of the opposite sex.

All appointments made pursuant to this section shall be absolute.

7158. Any person who is a member of this committee by reason of having been elected to fill a vacancy in the Legislature in a special election, shall within 60 days of the special election, appoint additional members to this committee in the same manner as holdover members and nominee members make those appointments.

7159. Appointments of members of this committee shall be made in writing, signed by the member, and delivered to the chairperson of this committee. The deliveries shall be made not later than 5 p.m. of the first Monday following the regular statewide general election.

7160. Within 35 days following the regular statewide general election, each county central committee shall elect members to the state central committee as follows: two members for the first 5,000 registered Democrats, and one member for each 25,000 registered Democrats or portion thereof, over 5,000. The number of registered Democrats shall be as of the most recent report of registration to the Secretary of State.

The members elected pursuant to this section shall be divided as equally as possible between men and women who are members of the county central committee and were elected at the preceding direct primary, or who were appointed pursuant to Section 7228.

7161. By no later than January 1 of an odd-numbered year, the county chair shall notify the chair of the state central committee in writing signed by him or her of the names and addresses of those persons elected pursuant to Section 7160.

7162. Within 35 days following the regular statewide general election, a caucus as provided in this section shall be convened in each Assembly district in the state by the Democratic nominee for the Assembly at the general election or by the nominee's designee. However, if the Assembly district is the residence of the Democratic State Senate nominee, or if none, of the holdover Democratic Senate nominee, the caucus shall be called by that person or his or her designee. If the Assembly district is the residence of more than one such person, in addition to the Assembly nominee, the caucus shall be called by the person whose senatorial district includes the greatest proportion of the registered voters of the Assembly district, or that person's designee. In the event of the failure of the appropriate person to call the caucus, the chair of the state central committee shall call the caucus.

The person calling the caucus shall be assisted by an Assembly district executive committee in setting the time and place of the caucus and the procedure to be followed at the caucus. The executive committee shall consist of all members of the state central committee who attained that membership by operation of law or by appointment after the preceding direct primary election and county central committee members elected in the preceding direct primary election residing in the district.

The person calling the caucus or the person's designee shall preside over the caucus as temporary chair until a permanent chair is elected by the caucus.

Every registered Democrat as of the close of registration and residing in the district shall be entitled to attend and vote at the caucus. The executive committee and the person calling the caucus shall make every reasonable effort to make known to all registered Democrats in the district the time, place, and purpose of the caucus and their right to participate.

Each caucus shall elect five members to the state central committee. In addition, each caucus shall elect five alternates who shall serve as members in the event of vacancies. Alternates shall fill vacancies in the order based upon the number of votes received in the caucus. To the extent possible, persons elected shall be equally divided between men and women.

Any person seeking election to the state central committee shall, at least five days prior to the Assembly district caucus, deliver to the temporary chairperson a nomination paper subscribed to by the number of signers set forth in subdivision

(c) of Section 8062. The nomination paper shall be in a form substantially similar to that set forth in Section 8041, except that the paper shall not be examined and certified by the elections official. The elections official shall not be required to prepare or distribute nomination papers to persons seeking election pursuant to this section.

The number of nomination papers that a person may sign shall not exceed the number of members that the caucus is entitled to elect to the state central committee.

The temporary chairperson or his or her designee shall be responsible for the examination and verification of all nomination papers.

Within five days following the Assembly district caucus, the person calling the caucus shall notify the chairperson of the state central committee in writing signed by him or her of the names and addresses of the persons elected to membership on the state central committee and their alternates pursuant to this section.

7163. The chairperson of this committee shall notify each person appointed or elected as a member of this committee:

(a) That he or she is a member of the committee.

(b) Of the date, time, and place of the meeting of the committee.

(c) That the meeting may be attended either in person or by proxy.

(d) That every proxy shall be filed in the office of the state central committee not later than 5 o'clock of the afternoon of the day preceding the meeting of the committee.

(e) That the proxy shall be in writing, signed by the member under penalty of perjury.

The chairperson shall enclose with each notice one copy of the form of proxy.

7164. A person is not eligible for appointment or election to this committee if he or she is not registered as affiliated with this party at the time of his or her appointment or election.

7165. This committee may remove any member appointed or elected to this committee, who during his or her term of membership affiliates with or registers as a member of another party, publicly advocates that the voters should not vote for the nominee of the party for any office, or publicly gives support to or avows a preference for a candidate of another party or candidate who is opposed to a candidate nominated by this party.

7166. In the event of the appointment or election of an ineligible person, or whenever any member of this committee dies, resigns, becomes incapacitated to act, or removes from the jurisdiction of the committee or ceases to be a member of the committee's party, a vacancy exists which shall be filled in the manner prescribed in Section 7167. A vacancy shall also exist on this committee when a member is removed from the committee pursuant to Section 7195 or Section 7165, and the vacancy shall be filled in the manner prescribed in Section 7167.

7167. Vacancies shall be filled as follows:

(a) Should a member appointed to membership pursuant to Section 7156 or 7157 cease to be a member for any of the reasons specified in Section 7166, the vacancy shall be filled by the person who made the appointment, unless that person is himself or herself no longer a member of this committee or indicates that he or she does not wish to fill the vacancy, in which

instances the committee shall do so.

Notice shall be given by the committee to a person entitled to fill a vacancy under this section as soon as possible after the occurrence of the vacancy, and vacancies shall be filled not less than three days preceding the first meeting of the committee. The committee shall notify in writing the state chair of all appointments made pursuant to this subdivision.

(b) Should a member elected to membership by a county central committee pursuant to Section 7160 cease to be a member for any of the reasons specified in Section 7166, notice shall be given to the county central committee by the state central committee as soon as possible after the occurrence of the vacancy, and the county central committee shall fill the vacancy at its next meeting following the notification and notify in writing the state chair of the election held pursuant to this subdivision.

(c) Should a member elected to membership by an Assembly district caucus pursuant to Section 7162 cease to be a member for any of the reasons specified in Section 7166, the resulting vacancy shall be filled by the alternate who was elected for that purpose pursuant to Section 7162.

In the event a vacancy develops for which there is no alternate, either because insufficient alternates were elected or because a vacancy or vacancies have developed among the alternates, at the earliest opportunity the Assembly nominee, the Senate nominee, or the holdover Senate nominee or the appropriate nominee's designee shall call a meeting of the Assembly district executive committee which shall fill the vacancy. That person shall notify in writing the state chair of the selection made pursuant to this subdivision.

7168. Members shall be appointed to fill vacancies occurring pursuant to subdivision (c) of Section 7154 as follows:

(a) If the vacancy occurs in a senatorial or Assembly district situated wholly within the limits of a single county, by appointment by the county central committee of the party in the county of a person who resides in the senatorial or Assembly district involved.

(b) If the vacancy occurs in a senatorial or Assembly district comprising two or more counties, by appointment by the county central committee of the party in the county in which the disqualified or deceased member resided, if the vacancy is caused by disqualification or death, or in which the "holdover member" or "nominee member" of the Republican party resides, if the vacancy is due to any other cause.

(c) If the vacancy occurs as to a United States Senator from California or as to any of the state officers named in subdivision (a) of Section 7150, by appointment by the state central committee.

(d) If the vacancy occurs as to any Representative in Congress from California, by appointment by the state central committee of a voter who resides within the congressional district to be represented.

7169. In the event the appointment of alternate or associate members is authorized by statute or the bylaws of the committee, this committee shall supply forms to the members for the appointment of such members. The forms shall be in substantially the same language as set forth in Section 7152, and shall contain suitable spaces wherein there can be listed their names, addresses, and the numbers of the congressional, Assembly, and senatorial districts in which the appointees reside.

7170. Each member listed in subdivision (a) of Section 7150 may appoint three voters as associate members of this committee.

An associate member shall have those privileges and obligations as are given to him or her by the rules of the committee but shall not be eligible to vote.

7171. A person who is registered to vote is qualified for appointment to the committee if otherwise eligible.

Article 2. Meetings

7180. The committee shall meet at a suitable location, which shall be designated by the executive committee of the state central committee or, if the executive committee does not meet, by the chairperson of the committee.

Article 3. Proxies

7185. The state central committee shall enclose with the notice required by Section 7151 copies of the following form of proxy for attendance at the meeting of the state central committee:

PROXY FOR ATTENDANCE AT THE STATE CENTRAL COMMITTEE OF THE DEMOCRATIC PARTY MEETING AT \_\_\_\_\_, IN THE YEAR 19\_\_

I, \_\_\_\_\_, duly qualified to sit as a member of the state central committee of the Democratic Party meeting at \_\_\_\_\_ in the year 19\_\_ do hereby designate \_\_\_\_\_ (name); \_\_\_\_\_ (post office address); as my proxy with full power to act for me in every respect as a duly qualified member of the state central committee meeting at \_\_\_\_\_ on the \_\_\_ day of \_\_\_\_\_, 19\_\_.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.  
Date \_\_\_\_\_ Place of execution \_\_\_\_\_

Member

7186. Any member may attend a meeting of the committee by a proxy that meets the requirements of this article.

7187. Proxies to be recognized by the committee on proxies and credentials shall be signed by the member under penalty of perjury and shall be in the form prescribed in Section 7185.

7188. Revocation or change of proxies shall be recognized by the committee only upon a personal request made by the member before the committee on proxies and credentials.

Article 4. General Business

7190. The chairperson of this committee shall call the committee to order no later than 10 a.m. of the morning of the first day of the meeting and as soon as practicable thereafter shall cause the roll to be called from the list of members and proxies. The next business in order shall be the election of a temporary chairperson, which may be by acclamation, unless there

is a contest, in which event the roll shall be called.

7191. The temporary chairperson, upon election, shall appoint at once a committee on proxies and credentials in accordance with party bylaws from among the members of the state central committee.

7192. This committee shall choose its officers in accordance with party bylaws, except as provided in Section 7194. Its officers shall have the power usually exercised by the officers of those committees insofar as may be consistent with this chapter.

7193. This committee, in accordance with party bylaws, may select from its membership an executive committee to which it may grant all or any portion of its powers and duties.

7194. Except as herein provided, the elective officers of this committee and their terms shall be provided for in the party bylaws.

The elective officers of this committee shall include a state chairperson and a state vice chairperson. The state chairperson and the state vice chairperson shall be persons from the same section, either the northern or the southern section. The positions of the state chairperson and the vice chairperson shall be filled by persons elected alternately from the northern and southern sections of the state, these sections to be defined in the party bylaws. For the purposes of this section, the southern section shall be comprised of the Counties of Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, and Ventura. The northern section shall be comprised of the remaining counties in the state.

7195. This committee may prescribe dues to be paid by its members in the manner and by the time prescribed by vote of the majority of the members of the committee.

Any member of this committee who fails to pay the dues prescribed by the committee may, upon first notifying the nominee member or holdover member who appointed that member, be removed from the committee in the manner provided by the committee.

7196. This committee shall conduct party campaigns for this party and in behalf of the candidates of this party. It shall appoint committees and appoint and employ campaign directors and perfect whatever campaign organizations it deems suitable or desirable and for the best interest of the party.

7197. A quorum of this committee is a majority of the entire membership, represented either in person or by proxy.

7198. The proceedings at all meetings of this committee shall be governed by any manual of parliamentary procedure designated by the committee.

#### CHAPTER 4. COUNTY CENTRAL COMMITTEE

##### Article 1. Members

7200. In each county containing less than five Assembly districts, a county committee shall be elected by supervisor districts, and the number to be elected from any supervisor district shall be determined as follows: There shall be taken the number of votes cast in the supervisor district at the last gubernatorial election for that party's candidate for Governor, or, if the party had no candidate for Governor, for the candidate of the party voted on throughout the state who received the greatest number of votes and who was the candidate

of that party alone. This number shall be divided by one-twentieth of the number of votes cast in that county for Governor or, where the party had no candidate for Governor, for the candidate mentioned above. The integer next larger than the quotient obtained by that division shall constitute the number of members of the committee to be elected by that party in that supervisor district.

The committees in counties containing less than five Assembly districts shall be composed of not less than 21 members. If the procedure outlined above would result in less than 21 members being elected for any committee, the number of votes cast for this party's candidate in each supervisor district shall be divided by an amount sufficiently smaller than one-twentieth of the votes cast for Governor in that county as to give a membership in the committee equal to or the nearest amount which is greater than 21 members.

In a county of the eighth class as defined in Section 28029 of the Government Code, the county central committee by resolution may provide for the election of 25 central committee members to represent 25 individual central committee districts. Each member shall reside in the district he or she represents, but shall be elected at large within the Assembly district in which the county central committee district he or she represents is located.

The county central committee shall reapportion itself at least every 10 years, prior to the June primary election of that year. Each district shall be apportioned on the basis of the number of registered Democrats for the June primary in each even-numbered year, with no more than a 10-percent deviation from the average. Each district shall be compact, contiguous, and utilize any natural and neighborhood boundaries. The district boundaries shall not cut across any precinct district's lines as drawn by the elections official for the last general or consolidated election.

7201. Notwithstanding any other provision of law, in a county of the fifth class as defined in Section 28026 of the Government Code, the elected members of the county central committee shall be elected by Assembly districts and shall consist of six members elected from each Assembly district, whether wholly or partly within the county, provided each such member is a resident of the county and of the Assembly district which the member represents. Only a person who is a resident of the county may vote for a candidate for membership to the county central committee and may vote only for candidates seeking to represent the Assembly district in which the voter resides.

7202. In each county containing more than four and less than 20 Assembly districts, a county central committee shall be elected from Assembly districts and shall consist of six members elected from each Assembly district.

7203. In each county containing 20 or more Assembly districts a county central committee shall consist of seven members elected from each Assembly district contained either wholly or partially within the county. In an Assembly district that lies only partially within a county containing 20 or more Assembly districts, the seven members shall be elected from that portion of the Assembly district contained within the county.

7204. In each city and county a county central committee shall be elected by Assembly districts and shall consist of 12



members elected from Assembly District 12, and 12 members elected from Assembly District 13.

7205. Notwithstanding this article, each county central committee by resolution may provide for the election of all or a portion of central committee members to represent individual central committee districts. The member shall reside in the district he or she represents but shall be elected at large within the Assembly district in which the county central committee district he or she represents is located.

The county central committee shall reapportion itself at least every 10 years, prior to the June primary election of that year. Each district shall be apportioned on the basis of the number of registered Democrats for the June primary in each even-numbered year, with no more than a 10-percent deviation from the average. Each district shall be compact, contiguous, and utilize any natural and neighborhood boundaries. The district boundaries shall not cut across any district lines of a precinct as drawn by the elections official for the last general or consolidated election.

7206. In each county the nominee of this party for Senator or the incumbent Senator, the nominees of this party for the Assembly, and any person elected to either the Senate or Assembly at a special election to fill a vacancy in that house, and the nominee of this party for Representative in Congress, and any person elected at a special election to fill a vacancy in the House of Representatives, shall be ex officio members of this committee. If the person elected from one party at the special election for an Assembly or Senate seat, or for the House of Representatives, shall be other than the nominee of that party for the same office at the prior election, the ex officio membership of the nominee shall expire immediately upon certification by the Secretary of State of the election. Ex officio members shall be entitled to all the rights and privileges, including the right to vote, and shall have the same standing in every way as other members of this committee, except they shall not be entitled to a ballot designation of incumbent upon seeking election to this committee in the next direct primary.

7207. The incumbent or nominee of each of the following offices shall be an ex officio member of the committee in the county in which he or she resides:

- (a) Governor.
- (b) Lieutenant Governor.
- (c) Secretary of State.
- (d) Controller.
- (e) Treasurer.
- (f) Attorney General.
- (g) Member of the State Board of Equalization.
- (h) United States Senator from California.

His or her rights and privileges shall be the same as those prescribed for other ex officio members in Section 7206.

7208. A committee may authorize any member of that committee, whether elected or ex officio, to appoint an alternate if a member desires to appoint an alternate. An incumbent Member of the Senate or Assembly at the time of the meeting of the committee may appoint an alternate member without authorization from that committee, if the member desires to appoint an alternate.

That alternate member shall have the right to vote only with the written authorization of the member who appointed him or

her. An alternate member of a county central committee shall be subject to the rules and regulations of the committee.

An alternate member must meet the same qualifications as the regular member and may vote only in the absence of the member who appointed him or her.

7209. A person shall not be eligible for appointment or election to a committee who is not registered as affiliated with this party at the time of his or her appointment or election.

7210. Each member of a committee, whether elected to the committee or appointed to fill a vacancy, before he or she enters upon the duties of his office, shall take and subscribe the oath or affirmation set forth in Section 3 of Article XX of the Constitution.

The oath or affirmation required by this section may be taken before any officer authorized to administer oaths and no fee shall be charged by any person before whom the oath is taken or subscribed.

7211. In the event that the candidates elected to a committee from a district do not equal the number of party committeepersons to which the district is entitled to be represented, a vacancy or vacancies exist to the extent of the difference between the number of elected committeepersons and the number of committeepersons by which the district is entitled to be represented. When the vacancy or vacancies exist they shall be filled by the committee to which insufficient members were elected, in the manner provided for in Section 7212.

7212. In the event of the appointment or election to a committee of an ineligible person, or whenever any member of the committee dies, resigns or becomes incapacitated to act, or removes from the jurisdiction of the committee, or ceases to be a member of this party, a vacancy exists which shall be filled by appointment by the committee in which the ineligibility or vacancy occurs. A vacancy shall also exist on a committee when a member is removed from the committee pursuant to Section 7213 or 7215.

7213. Any member of a committee, other than an ex officio member, who misses more than three consecutive regularly called meetings may be removed by a vote of the committee concerned, unless his or her absence is caused by illness or temporary absence from the county on the date of the meeting.

7214. The removal of residence by an elected or appointed member of a committee from the Assembly district or supervisor district from which he or she has been elected or appointed a member of that committee shall constitute his or her automatic resignation from the committee.

7215. A committee may remove any member, other than an ex officio member, who during his or her term of membership affiliates with, or registers as a member of another party, who publicly advocates that the voters should not vote for the nominee of this party for any office, or who gives support or avows a preference for a candidate of another party or candidate who is opposed to a candidate nominated by this party.

7216. Whenever any person is appointed to fill a vacancy on a committee, the chairperson of the committee shall file notices of the appointment with the elections official and the chairperson of the state central committee within 30 days after it is made. The notices shall contain the name and address of the person appointed and the name of the person replaced, and shall indicate the date of the appointment.

## Article 2. Elections

7225. At every direct primary election a county central committee shall be elected in each county.

7226. The elections official, no later than January 31 preceding the direct primary, shall compute the number of members of the committee allotted to each Assembly district or supervisor district, as the case may be, pursuant to this article.

7227. In each county the name of each candidate for member of a committee shall appear upon the ballot only upon the filing of a nomination paper pursuant to Articles 2 (commencing with Section 8020) and 6 (commencing with Section 8100) of Chapter 1 of Part 1 of Division 8, signed in his or her behalf by the voters of the Assembly or supervisorial district in which he or she is a candidate.

7228. If the elections official, on the 73rd day prior to the direct primary election, finds that the number of candidates nominated for election to a committee from an Assembly or supervisorial district does not exceed the number of candidates to be elected from that Assembly or supervisorial district, the designation of the office and the names of the candidates shall not be printed on this party's ballot in the Assembly or supervisorial district, unless there is filed with the elections official, not later than 20 days after the final date for filing nomination papers for the positions, a petition indicating that a write-in campaign will be conducted for the office and signed by 25 registered voters affiliated with the political party involved. In lieu thereof, the board of supervisors shall declare elected the candidates who have been nominated, and those candidates shall be entitled to receive certificates of election in the same manner as other candidates elected to a committee.

7229. Whenever a candidate for election to a committee dies on or before the day of election, and a sufficient number of ballots are marked as being voted for him or her to entitle him or her to election if he or she had lived until after the election, a vacancy exists on the county central committee, which shall be filled by the committee in the same manner as other vacancies are filled.

## Article 3. Meetings

7235. All meetings of the committee shall be held in quarters that shall be accessible to persons with disabilities.

## Article 4. General Business

7240. A committee shall have charge of the party campaign under general direction of the state central committee or of the executive committee selected by the state central committee.

7241. A committee may make rules and regulations providing:

- (a) How officers of the committee may be removed.
- (b) How meetings may be called, and any provisions so made shall supersede anything in this chapter to the contrary.
- (c) Whether or not proxies may be used and the conditions under which they may be used.

Any rule adopted prior to statutory authorization by any committee by majority vote of the members elected to the committee is hereby validated and made of the same effect as if subsequently adopted.

7242. The committees shall perform any other duties and services for this political party as seem to be for the benefit of the party. They shall continue to function and exist until the election at the succeeding direct primary and qualification of the members of the new committees.

7243. If the chairperson of a committee refuses to call a meeting, a meeting may be called upon five days' notice by a majority of the members of the committee.

7244. Within five days after a committee meets for its organizational meeting, the newly elected chairperson of the committee shall notify the county elections official of his or her name. The elections official shall mail a certificate to that effect to the Secretary of State.

PART 3. REPUBLICAN PARTY  
CHAPTER 1. GENERAL PROVISIONS

7250. This part shall apply to the organization, operation, and function of that political party known as the Republican Party of California.

CHAPTER 2. PRESIDENTIAL ELECTORS

7300. In each year of the general election at which electors of President and Vice President of the United States are to be chosen, the Republican nominees for Governor, Lieutenant Governor, Treasurer, Controller, Attorney General, and Secretary of State, the Republican nominees for United States Senator at the last two United States senatorial elections, the Assembly Republican leader, the Senate Republican leader, all elected officers of the Republican State Central Committee, the National Committeeman and National Committeewoman, the President of the Republican County Central Committee Chairmen's Association, and the chairperson or president of each Republican volunteer organization officially recognized by the Republican State Central Committee shall act as presidential electors, except that Senators, Representatives, and persons holding an office of trust or profit of the United States shall not act as electors.

The remaining presidential elector positions, and any vacant positions, shall be filled by appointment of the chairperson of the Republican State Central Committee in accordance with the bylaws of the committee. The name, residence address, and business address of each appointee shall be filed with the Secretary of State by October 1 of the presidential election year. The Republican State Central Committee shall adopt bylaws implementing this section.

CHAPTER 3. STATE CENTRAL COMMITTEE  
Article 1. Members

7350. The state central committee shall consist of:

- (a) One member for each of the following public officers:
  - (1) Governor.
  - (2) Lieutenant Governor.
  - (3) Treasurer.
  - (4) Controller.

- (5) Attorney General.
- (6) Secretary of State.
- (7) All members of the State Board of Equalization.
- (8) All Senators and Representatives of Congress from California.
- (9) All Members of the Legislature.
- (b) The chairperson of each county central committee of the party.
- (c) Members appointed pursuant to this part.
- (d) The national committeeman and national committeewoman of the party.
- (e) Any person elected or appointed to fill a vacancy in a partisan office.
- (f) The chairperson, vice chairperson, and the immediate past chairperson of this committee.
- (g) The president or chairperson, as the case may be, of each statewide, volunteer organization chartered by the state central committee or by the Republican National Committee and approved for this purpose by the executive committee of the state central committee.

Volunteer organizations chartered exclusively by the Republican National Committee and subject to this section shall file an initial petition for approval with the executive committee of the state central committee at least six months prior to the first organizational meeting. The approval, if granted, shall remain in effect indefinitely unless and until it is revoked by the executive committee.

7351. The following are members of the state central committee:

(a) Each officer named in subdivision (a) of Section 7350 who was nominated and elected as a candidate of the party and whose term of office extends beyond the first Monday in December in the case of legislators and the Monday after January 1 in the case of other officers next following the direct primary election, or the appointee or successor appointed, elected, or otherwise designated by law to fill a vacancy in the office of the officer. These members are "holdover members."

(b) (1) Except as provided in paragraph (2), each candidate of the party in whose behalf nomination papers were filed and who was nominated at the direct primary election or at a special primary election by that party. These members are "nominee members." Nominees for an office the term of which extends beyond two years are members until the direct primary election at which nominations for the office are again to be made. If a nominee is elected to the office to which he or she was nominated at the succeeding general election, he or she shall be considered a "holdover member."

(2) (A) If the person most recently nominated to the Senate, Assembly, or House of Representatives received less votes for the particular office at the ensuing general election than a write-in candidate for the same office, and the write-in candidate is elected to that office at that ensuing general election, the write-in candidate shall, for the purposes of this part, be considered a "holdover member," provided that the write-in candidate's affidavit of registration reflects that that candidate has been affiliated with the party for at least 6 months prior to the general election.

(B) The person described in subparagraph (A) who was nominated to legislative office or to the House of Representatives but who was not elected to the particular office

shall be designated as a "nominee member." Any person designated as a "nominee member" pursuant to this subparagraph shall be entitled to all the rights and privileges as provided other nominee members of the committee.

(c) One member appointed for each of the officers named in subdivision (a) of Section 7350, not represented by a "holdover member" nor by a "nominee member" of the party. These members shall be chosen and appointed in the manner provided in subdivision (e). These members are "appointive members."

(d) (1) Except as provided in paragraph (2), if a person qualifies more than once to be a member that person shall be a member by virtue of the most recent qualification. The resulting vacancy shall be filled pursuant to subdivision (e).

(2) If a person qualifies more than once to be a member and one of the qualifications to the committee, which is not the most recent qualification, is by virtue of the person being a holdover member, that person shall be considered a holdover member. In this instance, the resulting vacancy shall be filled pursuant to subdivision (e).

(e) Vacancies in nominee or holdover memberships shall be filled as follows:

(1) If the vacancy occurs in a senatorial or Assembly district situated wholly within the limits of a single county, by appointment by the county central committee of the party in the county. Whenever that vacancy occurs by virtue of the failure to nominate a person affiliated with the party, no person shall be chosen to fill the vacancy who does not reside in the senatorial or Assembly district involved.

(2) If the vacancy occurs in a senatorial or Assembly district comprising two or more counties, by appointment by the county central committee of the party in the county in which the disqualified or deceased member resided, if the vacancy is caused by disqualification or death, or in which the "holdover" or "nominee member" of the opposing party resides, if the vacancy is due to any other cause.

(3) If the vacancy occurs as to a member for a United States Senator from California or as to a member for any of the state officers named in subdivision (a) of Section 7350, by appointment by the state central committee.

(4) If the vacancy occurs as to a member for any Representative in Congress from California, by appointment by the state central committee of a voter who resides within the congressional district to be represented.

(f) A county central committee may authorize its chairperson to appoint members to fill vacancies in the membership which the county central committee has power to fill.

7352. At least 30 days before the first meeting of the state central committee, the state central committee shall send a notice by mail to each person who is a holdover or nominee member which shall inform the member that:

(a) The member shall appoint voters as members of the state central committee and the number of appointments to which he or she is entitled.

(b) The appointment of members of the state central committee shall be made in writing in the form prescribed in Section 7354, signed by the delegate under penalty of perjury, and shall be filed in the office of the state central committee not later than 5 p.m. of the 10th day immediately preceding the Sunday on which the committee is to meet.

(c) Forms of proxy are enclosed, one of which he or she may use himself or herself, and the others he or she shall send with the notices of appointment to the state central committee.

7353. At least 30 days before the first meeting of the state central committee, the state central committee shall send a notice by mail to each county central committee of the Republican Party:

(a) Informing it that the chairperson of the county central committee, who is elected immediately prior to the meeting of the state central committee for which the notice is sent, shall appoint members of the state central committee and the number of appointments to which he or she is entitled.

(b) Giving any other information as is required of a notice sent pursuant to Section 7352.

7354. The state central committee shall enclose with the notice required by Section 7352 one copy of the following statement for appointment of members of the state central committee, which shall be in substantially the following form:

APPOINTMENT OF MEMBERS OF THE STATE CENTRAL  
COMMITTEE OF THE REPUBLICAN PARTY MEETING AT  
SACRAMENTO, IN THE YEAR 19\_\_

I, \_\_\_\_\_, duly qualified as a member of the state central committee of the Republican Party at Sacramento in the year 19\_\_ by reason of my (appointment by the \_\_\_\_\_ central committee) (nomination) (election to the office of \_\_\_\_\_) (strike out parts inapplicable) on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_ upon the Republican ticket, do hereby appoint the following voters, who shall be members of the state central committee:

Name	Senatorial,	Post
_____	Congressional,	
_____	Assembly district	
_____	Senatorial,	Post
_____	Congressional,	
_____	Assembly district	
_____	Senatorial,	Post
_____	Congressional,	
_____	Assembly district	

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office Name Senatorial, Post  
address Congressional,  
Assembly district

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office Name Senatorial, Post  
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Assembly district

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address Congressional,  
Assembly district

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office Name Senatorial, Post  
address Congressional,  
Assembly district

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office Name Senatorial, Post  
address Congressional,  
Assembly district

I declare under penalty of perjury that the foregoing is true and

correct to the best of my knowledge and belief.

Date \_\_\_\_\_ Place of execution

\_\_\_\_\_  
\_\_\_\_\_  
(Delegate)

7355. A holdover member shall make appointments to the membership of this committee of one voter of the same sex and two voters of the opposite sex, and shall appoint five additional voters without regard to sex.

7356. The national committeeman and national committeewoman



of the party, and the chairperson, vice chairperson, and immediate past chairperson of this committee, shall each appoint three voters to the membership of this committee, two of whom shall be of the opposite sex. The appointment shall be in addition to any other appointments authorized by this chapter.

7357. Appointive members and nominee members who were not elected at the general election shall appoint three voters to the membership of this committee, two of whom shall be of the opposite sex.

7358. A chairperson of a county central committee may appoint persons to membership on the state central committee meeting immediately following his or her election as chairperson without regard to sex.

(a) In counties containing three or more Assembly districts he or she may appoint three voters to membership.

(b) In counties containing less than three Assembly districts but at least one entire Assembly district he or she may appoint two voters to membership.

(c) In counties containing less than one entire Assembly district he or she may appoint one voter to membership.

7359. Any person who is a member of this committee by reason of having been elected or appointed to fill a vacancy in a partisan office, shall within 60 days of his or her election or appointment, appoint additional members to the committee in the same manner as holdover members make those appointments.

7360. Appointments of members to this committee shall be made in writing signed by the member under penalty of perjury and delivered to the state central committee not later than 5 p.m. of the 10th day immediately preceding the Sunday in which the first meeting of this committee is to be held.

7361. Each holdover, nominee, or appointive member shall send a notice by mail to each person whom he or she has appointed as a member of this committee which will inform him or her of all of the following:

(a) He or she is a member of the committee.

(b) The committee will meet in Sacramento and the date of the meeting.

(c) The meeting may be attended either in person or by proxy.

(d) Every proxy shall be filed in the office of the state central committee not later than 5 p.m. of the day preceding the meeting of the committee.

(e) The proxy shall be in writing, signed by the member under penalty of perjury.

Each appointing member shall enclose with each notice one copy of the form of proxy sent to that delegate by the state central committee.

7362. A person is not eligible for appointment to this committee if he or she is not registered as affiliated with this party at the time of his or her appointment.

7363. This committee may remove any appointive member who during his or her term of membership affiliates with or registers as a member of another party, publicly advocates that the voters should not vote for the nominee of the party for any office, or publicly gives support to or avows a preference for a candidate of another party or candidate who is opposed to a candidate nominated by this party.

7364. In the event of the appointment of an ineligible person, or whenever any member of this committee dies, resigns,

or becomes incapacitated to act, or removes from the jurisdiction of the committee, or ceases to be a member of the committee's party, a vacancy exists that shall be filled in the manner prescribed in Section 7365. A vacancy shall also exist on this committee when a member is removed from the committee pursuant to Section 7363, and the vacancy shall be filled in the manner prescribed in Section 7365, the member to serve the remainder of the unexpired term of the member removed.

7365. Should a member appointed to membership pursuant to Section 7355, 7357, or 7358, cease to be a member for any of the reasons specified in Section 7364, the vacancy shall be filled by the person who appointed him or her, unless that person is himself or herself no longer a member of this committee or indicates that he or she does not wish to fill the vacancy, in which instances the committee shall do so.

Notice shall be given by the committee to a person entitled to fill a vacancy under this section as soon as possible after the occurrence of the vacancy and vacancies shall be filled not less than three days preceding the first meeting of the committee. The committee shall notify in writing the state chairperson of all appointments made pursuant to this section.

7366. In the event the appointment of alternate or associate members is authorized, this committee shall supply forms to the members for the appointment of those members. The forms shall be in substantially the same language as set forth in Section 7354, and shall contain suitable spaces wherein there can be listed the addresses and the numbers of the congressional, Assembly, and senatorial districts in which the appointees reside.

Article 2. Proxies

7375. Any member may attend a meeting of this committee by a proxy that satisfies the requirements of this article.

7376. The state central committee shall enclose with the notice required by Section 7352 copies of the following form of proxy for attendance at the meeting of the state central committee:

PROXY FOR ATTENDANCE AT THE STATE CENTRAL  
COMMITTEE OF THE REPUBLICAN PARTY MEETING AT  
SACRAMENTO, IN THE YEAR 19\_\_

I, \_\_\_\_, duly qualified to sit as a member of the state central committee of the Republican Party meeting at Sacramento in the year 19\_\_ do hereby designate \_\_\_\_ (name); \_\_\_\_ (post office address); as my proxy with full power to act for me in every respect as a duly qualified member of the state central committee meeting at Sacramento on the \_\_ day of \_\_\_\_, 19\_\_.

I declare under penalty of perjury that the foregoing is true

and correct to the best of my knowledge and belief.

Date \_\_\_\_\_ Place of execution \_\_\_\_\_

Member \_\_\_\_\_

7377. Proxies to be recognized by the committee on proxies and credentials shall be signed by the member under penalty of perjury and shall be in the form prescribed in Section 7376.

7378. No proxy shall be recognized unless filed in the office of the state central committee not later than 5 p.m. of the day preceding the state committee meeting.

7379. Revocation or change of proxies shall be recognized by the committee on proxies and credentials only upon a personal request made by the member who granted the proxy before the committee.

### Article 3. General Business

7380. The chairperson of this committee shall call the committee to order at 10 a.m. of the first meeting and, as soon as practicable thereafter, shall cause the roll to be called from the list of members and proxies. The next business in order shall be the election of a temporary chairperson, which may be by acclamation or, if there is a contest, by rollcall or any other method prescribed by this committee.

7381. The temporary chairperson, upon election, shall appoint at once a committee on proxies and credentials consisting of one member from each senatorial district, selected from among the members of this committee certified by the Secretary of State.

7382. This committee shall choose its officers by rollcall vote or any other method prescribed by this committee, except that in each case where there is no contest for the office, the officer may be elected by acclamation. Its officers shall have the power usually exercised by those committees and the officers thereof insofar as may be consistent with this division.

7383. This committee may select from its membership an executive committee to which it may grant all or any portion of its powers and duties.

7384. The chairperson of this committee shall serve a two-year term, but shall not succeed himself or herself, and the chairpersonship shall alternate each biennium between the northern and southern territories.

The southern territory consists of the following counties: Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, and Ventura. The northern territory consists of the remaining counties.

7385. This committee shall conduct party campaigns for this party and in behalf of the candidates of this party. It shall appoint committees and appoint and employ campaign directors and perfect whatever campaign organizations it deems suitable or desirable and for the best interest of the party.

7386. A quorum of this committee is a majority of the entire membership, represented either in person or by proxy.

7387. The proceedings at all meetings of this committee shall be governed by any manual of parliamentary procedure designated by the committee.

7388. The committee shall adopt the state party platform according to the bylaws of the Republican Party.

7389. (a) The state central committee may prohibit or limit the power of county central committees established pursuant to Chapter 4 (commencing with Section 7400) to endorse, support, or oppose any candidate for nomination by the Republican Party for partisan office in the direct primary election.

(b) The superior court, in any case brought before it by the

state central committee or by any registered voter, may issue a temporary or permanent restraining order or injunction to prohibit the endorsement, support, or opposition by a county central committee of any candidate for nomination by the Republican Party for partisan office in the direct primary election, if the endorsement, support, or opposition is in violation of the bylaws or rules of the state central committee.

All cases of this nature shall be in a preferred position for purposes of trial and appeal, so as to assure the speedy disposition thereof.

CHAPTER 4. COUNTY CENTRAL COMMITTEE  
Article 1. Members

7400. In each county containing less than five Assembly districts, a county central committee shall be elected by supervisor districts, and the number to be elected from any supervisor district shall be determined as follows: There shall be taken the number of votes cast in the supervisor district at the last gubernatorial election for that party's candidate for Governor, or, if the party had no candidate for Governor, for the candidate of the party voted on throughout the state who received the greatest number of votes and who was the candidate of that party alone. This number shall be divided by one-twentieth of the number of votes cast in that county for Governor or, where the party had no candidate for Governor, for the candidate mentioned above. The integer next larger than the quotient obtained by such division shall constitute the number of members of the committee to be elected by that party in that supervisor district.

The committees in counties containing less than five Assembly districts shall be composed of not less than 21 members. If the procedure outlined above would result in less than 21 members being elected for any committee, the number of votes cast for this party's candidate in each supervisor district shall be divided by an amount sufficiently smaller than one-twentieth of the votes cast for Governor in that county as to give a membership in the committee equal to or the nearest amount which is greater than 21 members.

7401. In each county containing more than four and less than 20 Assembly districts, a county central committee shall be elected from Assembly districts and shall consist of six members elected from each Assembly district.

7402. In each county containing 20 or more Assembly districts a county central committee shall consist of seven members elected from each Assembly district contained either wholly or partially within the county. In an Assembly district that lies only partially within a county containing 20 or more Assembly districts, the seven members shall be elected from that portion of the Assembly district contained within the county.

7403. In each city and county, a county central committee shall be elected by Assembly districts and shall consist of 13 members elected from Assembly District 12 and 12 members elected from Assembly District 13.

7404. (a) In each county, the nominee of the party for State Senator, the nominees of the party for the Assembly, and any person nominated to either the Senate or Assembly at a special election to fill a vacancy in the house, and the nominee of the party for Representative in Congress shall be ex officio members

of this committee. If the person most recently nominated or elected from one party at the special election for an Assembly or Senate seat, or for the House of Representatives shall be other than the nominee of that party for the same office at the earlier election, the ex officio membership of the latter nominee shall expire immediately upon certification by the Secretary of State of the nomination or, if there is no runoff, the election of the person most recently nominated or elected. Ex officio members shall be entitled to all the rights and privileges, including the right to vote, and shall have the same standing in every way as other members of this committee, except they shall not be entitled to a ballot designation of incumbent upon seeking election to this committee in the next direct primary. A person shall be entitled to ex officio membership upon receiving a certificate of nomination from the Secretary of State pursuant to Section 8147, at which time the term of the former nominee shall expire.

(b) If the person most recently nominated to the Senate, Assembly, or House of Representatives received less votes for the particular office at the ensuing general election than a write-in candidate for the same office, and the write-in candidate is elected to that office the write-in candidate shall, for purposes of this part, be considered the ex officio member of each affected county, provided that the write-in candidate's affidavit of registration reflects that that candidate has been affiliated with the party for at least six months prior to the general election.

(c) If a write-in candidate is entitled to ex officio membership on each affected county central committee pursuant to subdivision (b), each affected county central committee shall, designate the party nominee described in subdivision (b) as an additional ex officio member to its committee. Any person designated as an ex officio member under this subdivision shall be entitled to all the rights and privileges as other ex officio members of the committee.

7405. The nominee for each of the following offices shall be an ex officio member of the committee in the county in which he or she resides:

- (a) Governor.
- (b) Lieutenant Governor.
- (c) Treasurer.
- (d) Controller.
- (e) Attorney General.
- (f) Secretary of State.
- (g) Member of the State Board of Equalization.
- (h) United States Senator from California.

His or her rights and privileges, including the right to membership, shall be the same as those prescribed for other ex officio members in Section 7404.

7406. A committee may authorize each elected member and each ex officio member of that committee to appoint an alternate member. An ex officio member who is also an incumbent officeholder of any of the offices listed in Sections 7404 and 7405 at the time of the meeting of the committee may appoint an alternate member without authorization from that committee, if the member desires to appoint an alternate.

The alternate member shall have the right to vote only with the written authorization of the member who appointed him or her. An alternate member of a committee shall be subject to the rules and regulations of the committee.

An alternate member must meet the same qualifications as the regular member, and may vote only in the absence of the member who appointed him or her, except that an alternate member appointed by an incumbent Senator, Member of the Assembly, or Representative in Congress need not reside in the district of the appointing power but need only reside in the county of jurisdiction of the committee.

7407. A person shall not be eligible for appointment or election to a committee who is not registered as affiliated with this party at the time of his or her appointment or election.

7408. Each member of a committee, whether elected to the committee or appointed to fill a vacancy, before he or she enters upon the duties of his or her office, shall take and subscribe the oath or affirmation set forth in Section 3 of Article XX of the Constitution.

The oath or affirmation required by this section may be taken before any officer authorized to administer oaths and no fee shall be charged by any person before whom the oath is taken or subscribed.

7409. In the event that the candidates elected to a committee from a district do not equal the number of party committeemembers to which that district is entitled to be represented, a vacancy or vacancies exist to the extent of the difference between the number of elected committeemembers and the number of committeemembers by which the district is entitled to be represented. When a vacancy or vacancies exist they shall be filled by the committee to which insufficient members were elected, in the manner provided for in Section 7410.

7410. In the event of the appointment or election to a committee of an ineligible person, or whenever any member of the committee dies, resigns or becomes incapacitated to act, or removes from the jurisdiction of the committee, or ceases to be a member of this party, a vacancy exists which shall be filled by appointment by the committee in which the ineligibility or vacancy occurs. A vacancy shall also exist on a committee when a member is removed from the committee pursuant to Section 7411 or 7413.

7411. Any member of a committee, other than an ex officio member, who misses four regularly called meetings within one 12-month period shall be removed from the committee concerned, unless his or her absence is caused by illness or temporary absence from the county on the date of the meeting.

7412. The removal of residence by an elected or appointed member of a committee from the Assembly district or supervisor district from which he or she has been elected or appointed a member of that committee shall constitute his or her automatic resignation from the committee.

7413. A committee may remove any member, other than an ex officio member, who during his or her term of membership affiliates with, or registers as a member of another party, who publicly advocates that the voters should not vote for the nominee of this party for any office, or who gives support or avows a preference for a candidate of another party or candidate who is opposed to a candidate nominated by this party.

7414. Whenever any person is appointed to fill a vacancy on a committee, the chairperson of the committee shall file notices of the appointment with the elections official and the chairperson of the state central committee within 30 days after it is made. The notices shall contain the name and address of

the person appointed and the name of the person replaced, and shall indicate the date of the appointment.

#### Article 2. Election

7420. At every direct primary election a county central committee shall be elected in each county.

7421. The elections official, no later than January 31 preceding the direct primary, shall compute the number of members of the committee allotted to each Assembly district or supervisor district, as the case may be, pursuant to this article.

7422. In each county the name of each candidate for member of a committee shall appear upon the ballot only upon the filing of a nomination paper pursuant to Articles 2 (commencing with Section 8020) and 6 (commencing with Section 8100) of Chapter 1 of Division 8, signed on his or her behalf by the voters of the Assembly or supervisorial district in which he or she is a candidate.

7423. If the elections official, on the 73rd day prior to the direct primary election, finds that the number of candidates nominated for election to a committee from an Assembly or supervisorial district does not exceed the number of candidates to be elected from that Assembly or supervisorial district, the designation of the office and the names of the candidates shall not be printed on this party's ballot in the Assembly or supervisorial district, unless there is filed with the elections official, not later than 20 days after the final date for filing nomination papers for the positions, petition indicating that a write-in campaign will be conducted for the office, and signed by 25 registered voters affiliated with the political party involved. In lieu thereof, the board of supervisors shall declare elected the candidates who have been nominated, and those candidates shall be entitled to receive certificates of election in the same manner as other candidates elected to a committee.

7424. Whenever a candidate for election to a committee dies on or before the day of election, and a sufficient number of ballots are marked as being voted for him or her to entitle him or her to election if he or she had lived until after the election, a vacancy exists on the county central committee, which shall be filled by the committee in the same manner as other vacancies are filled.

#### Article 3. Meetings

7430. The Department of General Services shall permit any committee that desires to do so to hold meetings in a state building within the county, at least one of which meetings each month shall be without charge.

7431. All meetings of the committee shall be held in quarters that shall be accessible to persons with disabilities.

#### Article 4. General Business

7440. A committee shall have charge of the party campaign under general direction of the state central committee or of the executive committee selected by the state central committee.

7441. At the first organizational meeting, a committee shall organize by selecting a chairperson, a secretary, and any other officers and committees as it deems necessary for carrying on the affairs of this party.

7442. A committee may make rules and regulations providing for any of the following:

- (a) How officers of the committee may be removed.
- (b) How meetings may be called, and any provisions so made shall supersede anything in this chapter to the contrary.
- (c) Whether or not proxies may be used and the conditions under which they may be used.

Any rule adopted prior to statutory authorization by any county central committee by majority vote of the members elected to the committee is hereby validated and made of the same effect as if subsequently adopted.

7443. The committees shall perform any other duties and services for this political party as seem to be for the benefit of the party. They shall continue to function and exist until the election at the succeeding direct primary and qualification of the members of the new county central committees.

7444. If the chairperson of a committee refuses to call a meeting, a meeting may be called upon five days' notice by a majority of the members of the committee.

Within five days after a committee meets for its organizational meeting, the newly elected chairperson of the committee shall notify the elections official of his or her name. The elections official shall mail a certificate to that effect to the Secretary of State.

#### Article 5. District Committees

7460. This article applies only to committees established by Assembly districts or supervisorial districts within a county pursuant to the bylaws of the county central committee of that county.

7461. The committees shall be called county Assembly district committees or county supervisorial district committees.

7462. Each committee shall consist of the persons elected to the county central committee of a single Assembly or supervisorial district.

7463. The district committees of a county and the ex officio members of the county central committee constitute the county central committee of that county.

7464. The district committees may elect any officers and undertake any action as the bylaws of the county central committee of which they are a part provide.

7465. In the event that the candidates elected to a district committee do not equal the number of party committeemembers by which the district is entitled to be represented under Article 1 (commencing with Section 7400), a vacancy or vacancies exist to the extent of the difference between the number of elected committeemembers and the number of committeemembers by which the district is entitled to be represented. When a vacancy or vacancies exist, they shall be filled by the district committee to which insufficient members were elected.

7466. In the event of the appointment or election to a district committee of an ineligible person, or whenever any member of the committee dies, resigns or becomes incapacitated to act, is removed from office, or removes from the jurisdiction



of the district committee, or ceases to be a member of this party, a vacancy exists which shall be filled by appointment by the district committee in which the ineligibility or vacancy occurs.

7467. Any member of a district committee who misses more than three consecutive regularly called meetings of the county central committee may be removed by a vote of that district committee concerned, unless his or her absence is caused by illness or temporary absence from the county on the date of the meeting.

7468. The removal of residence by an elected or appointed member of a district committee from the Assembly district or supervisorial district from which he or she has been elected or appointed a member of that committee shall constitute his or her automatic resignation from that committee.

7469. A district committee shall remove any member of that committee who is required to be removed under Section 7413.

7470. Whenever any person is appointed to fill a vacancy on a district committee, the district committee shall notify within 10 days the chairperson of the county central committee who shall file a notice of the appointment with the elections official within 30 days after it is made. The notices shall contain the name and address of the person appointed and the name of the person replaced, and shall indicate the date of the appointment.

PART 4. AMERICAN INDEPENDENT PARTY  
CHAPTER 1. GENERAL PROVISIONS

7500. This part shall apply to the organization, operation, and functions of that political party known as the American Independent Party of California.

CHAPTER 2. STATE CONVENTION  
Article 1. Delegates

7550. The state convention shall consist of one delegate for each of the following officers:

- (a) Governor.
- (b) Lieutenant Governor.
- (c) Treasurer.
- (d) Controller.
- (e) Attorney General.
- (f) Secretary of State.
- (g) All members of the State Board of Equalization.
- (h) All Senators and Representatives of Congress from California.
- (i) All Members of the Legislature.
- (j) National committeemen and committeewomen.
- (k) Chairperson and state vice chairperson of the state central committee.

7551. The state convention shall be composed of the following delegates:

- (a) Each officer named in Section 7550 who was nominated and elected as a candidate of the party and whose term of office extends beyond the first Monday in December in the case of legislators and the Monday after January 1 in the case of other officers next following the direct primary election, or the appointee or successor appointed, elected, or otherwise designated by law to fill a vacancy in the office of any such

officer. These delegates are "holdover delegates."

(b) Each candidate of the party in whose behalf nomination papers were filed and who was nominated at the direct primary election by that party. These delegates are "nominee delegates."

Nominees for an office the term of which extends beyond two years are delegates to each succeeding state convention until that following the direct primary election at which nominations for the office are again to be made. If a candidate is a "nominee delegate" to the state convention held in the year in which he or she is nominated, and is elected to the office at the succeeding general election, he or she shall be considered a "holdover delegate" to the state convention of his or her party in the next odd-numbered year, if his or her party is required to hold the convention.

(c) One delegate appointed for each of the officers named in Section 7550 not represented by a "holdover delegate" nor by a "nominee delegate" of the party. These delegates shall be chosen and appointed in the manner provided in this chapter for filling vacancies in the state convention and shall be known as "appointive delegates."

7552. As soon as practicable after the direct primary election, the Secretary of State shall prepare a list of names of all delegates to the convention qualified under the provisions of this part. He or she shall thereupon send a notice by mail to each delegate that shall inform the delegate that:

(a) He or she is a delegate to the state convention.

(b) The convention meets at Sacramento and the date of the meeting.

7553. The Secretary of State shall prepare, for each state convention, an alphabetical roll of the delegates who have filed their credentials in the manner and time provided in this part.

7554. On the convening of a state convention of a political party the Secretary of State shall deliver to the chairperson of the central committee of that party or, in the absence of the chairperson, to the acting presiding officer of the convention both of the following:

(a) The appointive delegates' credentials.

(b) The alphabetical roll of the delegates to the convention.

7555. Membership in the state convention shall not be granted to any party nominee unless he or she is registered as being a member of this party.

7556. A vacancy exists in the membership under any of the following circumstances:

(a) When there is no "holdover delegate" nor "nominee delegate" of the party.

(b) When any nominee is disqualified for membership under the provisions of Section 7555 or for any other reason stated in this division.

(c) When no nomination for an elective office has been made.

(d) When a delegate dies prior to the convention.

7557. Delegates shall be appointed to fill vacancies in the membership as follows:

(a) If the vacancy occurs in a senatorial or Assembly district situated wholly within the limits of a single county, by appointment by the county central committee of the party in the county. Whenever a vacancy occurs by reason of the failure

to nominate a person affiliated with the party, no person shall be chosen to fill the vacancy who does not reside in the senatorial or Assembly district involved.

(b) If the vacancy occurs in a senatorial or Assembly district comprising two or more counties, parts of two or more counties, or one or more counties and parts of one or more counties, by appointment by the county central committee representing more voters affiliated with the American Independent Party than does any other county central committee in the district.

(c) If there is no county central committee qualified to act, or the qualified county central committee fails to act, under the provisions of subdivision (a) or (b) of this section, the appointment shall be made by the state central committee of the party.

(d) If the vacancy occurs as to a delegate for a United States Senator from California or as to a delegate for any of the state officers named in Section 7550 by appointment by the state central committee of the party.

(e) If the vacancy occurs as to a delegate for any Representative in Congress from California, by appointment by the state central committee of the party of a voter who resides within the congressional district to be represented.

7558. Vacancies filled by a county central committee pursuant to subdivision (a) or (b) of Section 7557 shall be filled and filed with the office of the Secretary of State by 5 p.m. of the first Monday after the second Tuesday in July prior to the state convention.

Vacancies filled by the state central committee pursuant to subdivision (c), (d), or (e) of Section 7557, shall be filled and filed with the office of the Secretary of State by 5 p.m. of the second Monday after the second Tuesday in July prior to the state convention.

7559. A county central committee may authorize its chairperson to appoint delegates to fill vacancies in the membership of party state conventions that the county central committee has power to fill.

7560. The appointment of delegates pursuant to Section 7557 and filed with the office of the Secretary of State pursuant to Section 7558 shall be in writing signed by the chairperson and the secretary of the committee that has the power to make the appointment.

7561. If a person is a delegate to the state convention and qualified independently of that fact to be a delegate to the same state convention, he or she shall be a delegate by reason of the most recent election at which he or she becomes a delegate. The resulting vacancy shall be filled pursuant to Section 7557.

## Article 2. Meetings

7570. The state convention shall meet biennially, at a location designated by the state central committee, at 10 a.m. on a Saturday following the direct primary election, but in no event later than August 15. At least 30 days before the selected date, the state central committee shall notify the Secretary of State of the date and location of the convention.

## Article 3. General Business

7575. The convention shall be called to order by the chairperson of the state central committee at 10 a.m. of the last Saturday in August next following the direct primary election. It shall at once proceed to the election of a chairperson. The election shall be by alphabetical rollcall, if requested by a petition signed by 50 members. The convention shall elect other officers as the convention may determine.

7576. The chairperson shall appoint a committee consisting of one delegate from each senatorial district, which shall serve as the committee on credentials of the convention, and he or she shall appoint other committees as the convention may direct.

7577. The convention, upon election of permanent officers, shall adopt a state platform for this party. This platform shall be made public upon its adoption.

7578. In each year of the general election at which electors of President and Vice President of the United States are to be chosen, the convention shall also nominate as the candidates of its party as many electors of President and Vice President of the United States as the state is then entitled to, and shall certify the name of each elector nominated, and his or her residence address to the Secretary of State.

7579. The vote on any issue at the convention, including the election of officers, may be by rollcall or any other method as may be prescribed by the convention.

7580. The proceedings at the convention shall be governed by any manual of parliamentary procedure designated by the convention.

### CHAPTER 3. STATE CENTRAL COMMITTEE

#### Article 1. Members

7600. The state central committee shall consist of all of the following persons:

- (a) All delegates to the state convention.
- (b) The chairperson of each county central committee of the party.
- (c) Members appointed pursuant to this part.
- (d) Any person nominated to fill a vacancy in a partisan office in a special election.

7601. At least 30 days before the first meeting of the state central committee, the Secretary of State shall send a notice by mail to each person who is a delegate to the party's state convention, that shall inform the delegate of all of the following:

- (a) The delegate shall appoint voters as members of the state central committee and the number of appointments to which he or she is entitled.
- (b) The appointment of members of the state central committee shall be made in writing in the form prescribed in Section 7602, signed by the delegate under penalty of perjury and shall be filed in the office of the Secretary of State not later than 5 p.m. of the Tuesday immediately preceding the Sunday on which the committee is to meet.
- (c) Forms of proxy are enclosed, one of which he or she may use himself or herself, and the others he or she shall send with the notices of appointment to the state central committee.

7602. The Secretary of State shall enclose with the notice required by Section 7601 one copy of the following statement for



7603. Each delegate to the state convention shall appoint to membership on this committee one voter of the same sex as the delegate and two voters of the opposite sex. These appointments when so made shall be absolute.

7604. A delegate to the state convention who at the date of that state convention is the incumbent of any of the offices listed in Section 7550 may appoint, without regard to sex, two additional voters to membership on this committee of this party.

7605. Any person who is a member of this committee by virtue of having been nominated to fill a vacancy in a partisan office in a special election, shall within 60 days of the special election, appoint members to this committee in the same manner as delegates to the state convention make those appointments.

7606. Appointments of members to this committee shall be made in writing signed by the delegate under penalty of perjury and delivered to the Secretary of State not later than 5 p.m. of the Tuesday immediately preceding the Sunday on which the first meeting of the committee is to be held.

7607. The Secretary of State shall provide a duplicate copy of the appointment form to each delegate, that shall be used by the delegate to file his or her appointments with the state chairperson of the political party with which the delegate is affiliated. The filing shall be made at the same time as the filing of the appointments in the office of the Secretary of State.

7608. Each delegate to the state convention shall send a notice by mail to each person whom he or she has appointed as a member of this committee, that will inform him or her that:

- (a) He or she is a member of the committee.
- (b) The committee will meet in Sacramento and the date of the meeting.
- (c) The meeting may be attended either in person or by proxy.

(d) Every proxy shall be filed in the office of the Secretary of State not later than 12 noon of the day preceding the meeting of the committee.

(e) The proxy shall be in writing, and signed by the member under penalty of perjury.

Each delegate shall enclose with each notice one copy of the form of proxy sent to that delegate by the Secretary of State.

7609. A person is not eligible for appointment to this committee if he or she is not registered as affiliated with this party at the time of his or her appointment.

7610. This committee may remove any member who, during his or her term of membership, affiliates with or registers as a member of another party. This committee may also remove any appointed member who publicly advocates that the voters should not vote for the nominee of the party for any office, or who publicly gives support to or avows a preference for a candidate of another party who is opposed to a candidate nominated by this party.

7611. In the event of the appointment of an ineligible person, or whenever any member of this committee dies, resigns, or becomes incapacitated to act, or removes from the jurisdiction of the committee, or ceases to be a member of the committee's party, a vacancy exists that shall be filled in the manner prescribed in Section 7612. A vacancy shall also exist

on this committee when a member is removed from the committee pursuant to Section 7642, or Section 7610, and the vacancy shall be filled in the manner prescribed in Section 7612, the member to serve the remainder of the unexpired term of the member removed.

7612. Should a member appointed to membership pursuant to Section 7603 or 7604 cease to be a member for any of the reasons specified in Section 7611, the vacancy shall be filled by the person who appointed him or her, unless that person is himself or herself no longer a member of this committee or indicates that he or she does not wish to fill the vacancy, in which instances the committee shall do so.

Notice shall be given by the committee to a person entitled to fill a vacancy under this section as soon as possible after the occurrence of the vacancy. The committee shall notify in writing the Secretary of State of all appointments made pursuant to this section.

7613. In the event the appointment of alternate or associate members is authorized by statute or the rules of the committee, this committee shall supply forms to the members for the appointment of those members. The forms shall be in substantially the same language as set forth in Section 7602, and shall contain suitable spaces wherein there can be listed the addresses and the numbers of the congressional, Assembly, and senatorial districts in which the appointees reside.

7614. Each delegate to the state convention may appoint three voters as associate members of this committee. An associate member shall have those privileges and obligations as are given to him or her by the rules of the committee but shall not be able to vote.

## Article 2. Meetings

7620. The committee shall convene in the same community where the state convention is held, at 10 a.m. on the Sunday following the state convention. At least 30 days before the meeting, the state central committee shall notify the Secretary of State of the date and location of the meeting.

7621. The Secretary of State shall deliver to the chairperson of the state central committee, as soon as possible on the day of the first meeting of the state central committee, a certified alphabetical list of the names of the members of the state central committee. The membership list shall be arranged in alphabetical order by senatorial districts. The senatorial, Assembly, and congressional district of each appointed member listed shall be indicated.

## Article 3. Proxies

7625. The Secretary of State shall enclose with the notice required by Section 7601 copies of the following form of proxy for attendance at the meeting of the state central committee:

PROXY FOR ATTENDANCE AT THE STATE CENTRAL  
COMMITTEE OF THE AMERICAN INDEPENDENT PARTY  
MEETING AT SACRAMENTO, IN THE YEAR 19\_\_

I, \_\_\_\_, duly qualified to sit as a member of the state central committee of the American Independent Party meeting at Sacramento in the year 19\_\_ by reason of (being a delegate to the state

convention) (my appointment thereto by \_\_\_\_; this  
 appointment  
 having been duly filed in the office of the Secretary of  
 State)  
 (strike out part inapplicable) do hereby designate \_\_\_\_  
 (name);  
 \_\_\_\_ (post office address); as my proxy with full power to  
 act for  
 me in every respect as a duly qualified member of the state  
 central committee meeting at Sacramento on the \_\_\_\_ day of  
 \_\_\_\_\_,

19\_\_.

I declare under penalty of perjury that the foregoing is  
 true

and correct to the best of my knowledge and belief.

Date \_\_\_\_\_ Place of execution  
 \_\_\_\_\_

Member

7626. No proxy shall be recognized unless filed in the  
 office of the Secretary of State not later than 12 o'clock noon  
 of the day preceding the state central committee meeting.

7627. When a proxy is filed with the Secretary of State he  
 or she shall immediately forward it to the chairperson of the  
 state central committee or his or her designate.

7628. Revocation or change of proxies shall be recognized by  
 this committee on proxies and credentials only upon a personal  
 request made by the member before the committee.

#### Article 4. General Business

7635. The chairperson of this committee shall call the  
 committee to order at 10 a.m. on the day of first meeting. The  
 next business in order shall be the election of a temporary  
 chairperson, which may be by acclamation, unless there is a  
 contest, in which event the roll shall be called.

7636. The temporary chairperson, upon election, shall  
 immediately appoint a committee on proxies and credentials,  
 consisting of one member from each senatorial district, selected  
 from among the members of this committee certified by the  
 Secretary of State.

7637. This committee shall choose its officers by rollcall  
 vote, poll of senatorial district delegations, or any other  
 method as may be prescribed by the committee. Its officers  
 shall have the power usually exercised by the officers of those  
 committees insofar as may be consistent with this chapter.

7638. This committee may select from its membership an  
 executive committee, to which it may grant all or any portion of  
 its powers and duties. If this committee grants any portion of  
 its powers to an executive committee, it shall provide for the  
 election to its executive committee of two members, one of each  
 sex, from each senatorial district delegation. A senatorial  
 district delegation shall consist only of those state central  
 committee members who reside within that senatorial district.

7639. The state central committee or its executive committee  
 shall designate by resolution or bylaw the national committee  
 or party organization with which the American Independent Party  
 is affiliated and shall file a copy of the resolution or bylaw



with the Secretary of State. In the event of controversy over the national affiliation of the party, the most recent resolution or bylaw filed shall be determinative.

7640. The chairperson of this committee shall serve a two-year term, but shall not succeed himself or herself.

7641. The elective officers provided for in the bylaws of this committee shall serve for two-year terms.

7642. This committee may prescribe dues to be paid by those persons specified in Section 7600 in the manner and by the time prescribed by vote of the majority of the members of the committee. The dues charged shall not exceed twenty-four dollars (\$24) per year.

Any member of this committee who fails to pay the dues prescribed by the committee may, upon first notifying the delegate to the state convention who appointed that member, be removed from the committee in the manner provided by the committee.

7643. This committee shall conduct party campaigns for this party and in behalf of the candidates of this party. It shall appoint committees and appoint and employ campaign directors and perfect whatever campaign organizations it deems suitable or desirable and for the best interest of the party.

This committee shall have power to appoint interim county central committees in all counties in which the voters have not elected one or more county central committee members in the direct primary preceding the organization of this committee. Persons appointed to interim county central committees pursuant to this section shall meet the qualifications otherwise required by Chapter 4 (commencing with Section 7650) for appointees to fill vacancies on county central committees. Notice of all appointments pursuant to this section shall be filed by the state central committee with the elections official of the county for which that interim county central committee is appointed. Interim county central committees appointed pursuant to this section shall have all of the powers and privileges afforded county central committees by the provisions of Chapter 4 (commencing with Section 7650), but members of interim county central committees shall not be designated as incumbents on the ballot in the succeeding primary election.

7644. A quorum of this committee is a majority of the entire membership, represented either in person or by proxy.

7645. The proceedings at all meetings of this committee shall be governed by any manual of parliamentary procedures designated by the committee.

#### CHAPTER 4. COUNTY CENTRAL COMMITTEE

##### Article 1. Members

7650. In each county containing less than five Assembly districts or portions thereof, except the City and County of San Francisco, a county central committee of at least 25 members shall be elected by supervisor districts, and the number elected from each supervisor district shall be determined as follows:

The number of voters registered as members of the American Independent Party, as reflected in the statement of voters and their political affiliations transmitted to the Secretary of State on or before the 135th day before any primary election, shall be divided by 25. The number thus derived shall be divided into the number of American Independent Party voters registered in each supervisor district, and the integer nearest

the resulting quotient shall be the number of central committee members to be elected to represent that supervisor district.

7651. In each county containing more than four Assembly districts or portions thereof, and the City and County of San Francisco, a county central committee shall be elected by Assembly districts, and the number elected shall be that number derived by multiplying 7 times the number of Assembly districts in whole or in part within the county. The number elected from each Assembly district shall be determined as follows:

The number of voters registered as members of the American Independent Party, as reflected in the statement of voters and their political affiliations transmitted to the Secretary of State on or before the 135th day before any primary election, shall be divided by the total number of members to be elected in the county. The number thus derived shall be divided into the number of American Independent Party voters registered in each Assembly district or portion thereof, and the integer nearest the resulting quotient shall be the number of central committee members to be elected to represent that Assembly district or portion thereof.

7652. The incumbent or nominee of each of the following offices shall be an ex officio member of the committee in the county in which he or she resides:

- (a) Governor.
- (b) Lieutenant Governor.
- (c) Secretary of State.
- (d) Controller.
- (e) Treasurer.
- (f) Attorney General.
- (g) Member of the State Board of Equalization.
- (h) United States Senator from California.
- (i) Representative in Congress from California.
- (j) All Members of the Legislature.
- (k) Any person nominated to a partisan office at a special election to fill a vacancy in that office.

Ex officio members shall be entitled to all the rights and privileges, including the right to vote, and shall have the same standing in every way as other members of this committee, except they shall not be entitled to a ballot designation of incumbent upon seeking election to this committee in the next direct primary.

7653. A committee may authorize any member of that committee, whether elected or ex officio, to appoint an alternate if a member desires to appoint an alternate. An incumbent of an elected partisan office at the time of the meeting of the committee may appoint an alternate member without authorization from that committee, if the member desires to appoint an alternate.

The alternate member shall have the right to vote only with the written authorization of the member who appointed him or her. An alternate member of a county central committee shall be subject to the rules and regulations of the committee.

An alternate member must meet the same qualifications as the regular member and may vote only in the absence of the member who appointed him or her.

7654. A person shall not be eligible for appointment or election to a committee who is not registered as affiliated with this party at the time of his or her appointment or election.

7655. Each member of a committee, whether elected to the

committee or appointed to fill a vacancy, before he or she enters upon the duties of his or her office, shall take and subscribe the oath or affirmation set forth in Section 3 of Article XX of the Constitution.

The oath or affirmation required by this section may be taken before any officer authorized to administer oaths and no fee shall be charged by any person before whom the oath is taken or subscribed.

7656. In the event that the candidates elected to a committee from a district do not equal the number of party committeepersons to which that district is entitled to be represented under this chapter, a vacancy or vacancies exist to the extent of the difference between the number of elected committeemembers and the number of committeemembers by which the district is entitled to be represented. When a vacancy or vacancies exist they shall be filled by the committee to which insufficient members were elected, in the manner provided for in Section 7657.

7657. In the event of the appointment or election to a committee of an ineligible person, or whenever any member of the committee dies, resigns or becomes incapacitated to act, or removes from the jurisdiction of the committee, or ceases to be a member of this party, a vacancy exists which shall be filled by appointment by the committee in which the ineligibility or vacancy occurs. A vacancy shall also exist on a committee when a member is removed from the committee pursuant to Section 7658 or 7660.

7658. Any member, other than an ex officio member, of a committee who misses more than three consecutive regularly called meetings may be removed by a vote of the committee concerned, unless his or her absence is caused by illness or temporary absence from the county on the date of the meeting.

7659. The removal of residence by an elected or appointed member of a committee from the Assembly district or supervisor district from which he or she has been elected or appointed a member of that committee shall constitute his or her automatic resignation from the committee.

7660. A committee may remove any member who during his or her term of membership affiliates with, or registers as a member of another party.

A committee may remove any member, other than an ex officio member, who publicly advocates that the voters should not vote for the nominee of this party for any office, or who gives support or avows a preference for a candidate of another party who is opposed to a candidate nominated by this party.

7661. Whenever any person is appointed to fill a vacancy on a committee, the chairperson of the committee shall file notices of the appointment with the elections official and the chairperson of the state central committee within 30 days after it is made. The notices shall contain the name and address of the person appointed and the name of the person replaced, and shall indicate the date of the appointment.

## Article 2. Election

7670. At every direct primary election a county central committee shall be elected in each county.

7671. The Secretary of State, no later than 125 days before the direct primary, shall compute the number of members of central committees to be elected in each county, and shall mail

a certificate reporting that information to the elections official of each county, to the chairperson of the American Independent Party State Central Committee, and to the chairperson of record of each American Independent Party Central Committee.

7672. In each county the name of each candidate for member of a committee shall appear upon the ballot only upon the filing of a nomination paper pursuant to Article 2 (commencing with Section 8020) and Article 6 (commencing with Section 8100) of Chapter 1 of Division 8, signed on his or her behalf by the voters of the Assembly or supervisor district in which he or she is a candidate.

7673. If the elections official, on the 73rd day prior to the direct primary election, finds that the number of candidates nominated for election to a committee from an Assembly or supervisor district does not exceed the number of candidates to be elected from that Assembly or supervisor district, the designation of the office and the names of the candidates shall not be printed on this party's ballot in the Assembly or supervisor district, unless there is filed with the elections official, not later than 20 days after the final date for filing nomination papers for the positions, a petition indicating that a write-in campaign will be conducted for the office and signed by 25 registered voters affiliated with the political party involved. In lieu thereof, the board of supervisors shall declare elected the candidates who have been nominated, and those candidates shall be entitled to receive certificates of election in the same manner as other candidates elected to a committee.

7674. Whenever a candidate for election to a committee dies on or before the day of election, and a sufficient number of ballots are marked as being voted for him or her to entitle him or her to election if he or she had lived until after the election, a vacancy exists on the county central committee, which shall be filled by the committee in the same manner as other vacancies are filled.

### Article 3. Meetings

7680. Each committee shall meet in the courthouse at its county seat, upon call, which shall be given by the elections official of the county and in quarters to be arranged or provided for by the elections official of the county, on the second Tuesday in July following the direct primary election, except that in any year in which a national convention of the party includes that date, the existing executive committee of a committee shall set the date of the meeting, not to exceed 30 days after the date herein specified.

7681. Notwithstanding the provisions of Section 7680, a committee in a county having a population in excess of 4,000,000 shall meet at its county seat in a centrally located public auditorium sufficient to accommodate its membership.

7682. The Department of General Services shall permit any committee that desires to do so to hold meetings in a state building within the county, at least one of which meetings each month shall be without charge.

7683. All meetings of the committee shall be held in quarters that shall be accessible to persons with disabilities.

## Article 4. General Business

7690. A committee shall have charge of the party campaign under general direction of the state central committee or of the executive committee selected by the state central committee.

7691. A committee may make rules and regulations providing for any of the following:

- (a) How officers of the committee may be removed.
- (b) How meetings may be called.
- (c) Whether or not proxies may be used and the conditions

under which they may be used.

7692. The committee shall perform other duties and services for this political party as seem to be for the benefit of the party. They shall continue to function and exist until the election at the succeeding direct primary and qualification of the members of the new committees.

7693. If the chairperson of a committee refuses to call a meeting, a meeting may be called upon five days' notice by a majority of the members of the committee.

7694. Within five days after a committee meets for its organizational meeting, the newly elected chairperson of the committee shall notify the elections official of his or her name. The elections official shall mail a certificate to that effect to the Secretary of State.

7695. Each committee may establish annual dues not to exceed twenty-four dollars (\$24) per year for elected, ex officio and alternate members. The committee may remove members or alternates for nonpayment of dues.

PART 5. PEACE AND FREEDOM PARTY  
CHAPTER 1. GENERAL PROVISIONS

7700. This part applies to the organization, operation, and functions of that political party known as the Peace and Freedom Party of California.

CHAPTER 2. MEMBERS OF CENTRAL COMMITTEES  
Article 1. Members

7750. At each direct primary election, members of central committees shall be elected in each county.

7751. For the purposes of this chapter, the registration figures used shall be those taken from the statement of voters and their political affiliations transmitted by the elections officials to the Secretary of State on the 135th day prior to the next direct primary election.

7752. The number of members of central committees to be elected in a county shall be the greater of either of the following:

- (a) The number seven.

- (b) The integer nearest the resulting quotient obtained by dividing 400 times the number of Peace and Freedom Party registered voters in the county by the number of Peace and Freedom Party registered voters in the state.

However, the number of members of central committees to be elected in a county shall be five if the number of Peace and Freedom Party registered voters in the county is less than 150.

7753. In each county where the number of members of central committees to be elected is 12 or less, the members shall be

elected in a countywide, at large district. In each county where the number to be elected is 13 or greater, the members shall be elected by supervisorial district, except in Los Angeles County and in the City and County of San Francisco, wherein the members shall be elected by Assembly district.

7754. The number to be elected from each supervisorial or Assembly district shall be the greater of either of the following:

(a) The number one.

(b) The integer nearest the resulting quotient obtained by dividing the number of members to be elected in that county times the number of Peace and Freedom Party registered voters in the district by the number of Peace and Freedom Party registered voters in the county.

If the procedure outlined above would result in less members being elected in a county than the number to which the county is entitled under Section 7752, the calculation in subdivision (b) shall be repeated using a number of Peace and Freedom Party registered voters in the county sufficiently smaller than the actual number in the county so as to give a total number of members of central committees to be elected equal to or the nearest amount which is greater than the number to which the county is entitled.

7755. Each person receiving a Peace and Freedom Party nomination for any partisan public office at the preceding direct primary election or at any special election subsequent thereto shall be declared elected as a member of central committees. Any members elected pursuant to this section shall be in addition to the number a county is entitled to elect pursuant to Section 7752.

## Article 2. Election

7770. The Secretary of State, no later than the 125th day before the direct primary election, shall compute the number of members of central committees to be elected in each county and shall mail a certificate to that effect to the elections official of each county, to the Chairperson of the Peace and Freedom Party State Central Committee, and to the chairperson of record of each Peace and Freedom Party County Central Committee.

7771. The elections official, no later than the 115th day before the direct primary election, shall compute the number of members of central committees to be elected in each supervisorial or Assembly district if the election of the members is to be by supervisorial or Assembly district pursuant to this chapter.

7772. In each county, the name of each candidate for member of central committees shall appear on the ballot only if she or he has done either of the following:

(a) Filed a nomination paper pursuant to Chapter 4 (commencing with Section 6700) of Division 6, signed in the candidate's behalf by the voters of the central committee election district in which she or he is a candidate.

(b) Qualified to have her or his name printed on the direct primary ballot as a candidate for the Peace and Freedom Party nomination to a partisan public office.

7773. In counties where members of central committees are to be elected by supervisorial or Assembly district, a person seeking election as a member of central committees may seek

election only in the supervisorial or Assembly district in which he or she resides.

7774. A person qualifying as a candidate for member of central committees by virtue of qualification to have her or his name appear on the primary ballot for a partisan public office shall have her or his name listed on the ballot for member of central committees only in the central committee election district of her or his residence.

7775. Notwithstanding any other provision of this code, a person may obtain and circulate nomination papers both for nomination to a public office and for election as a member of central committees.

7776. Notwithstanding any other provision of this code, the number of sponsors which shall be required of a person to be a candidate for member of central committees shall be the lesser of either of the following:

(a) Not less than 20 nor more than 30.

(b) Not less than 2 percent of the number of voters registered as affiliated with the Peace and Freedom Party in the central committee election district.

7777. Notwithstanding any other provision of this code, up to three candidates for member of central committees in a single central committee election district may have their names listed on a single sponsor's certificate, and the signatures thereon shall be counted toward the sponsor requirement of each and every candidate whose name is listed on the certificate. However, in no case shall the number of candidates having their names on a sponsor's certificate exceed the number of members of central committees to be elected in the district.

7778. The elections official of each county shall include the office of member of central committees and the candidates therefor in a place and manner similar to the office of county central committee and the candidates therefor on various official lists.

7779. The order of appearance of the names of the candidates for member of central committees on the ballot shall be determined by a public drawing held at the time, place, and manner prescribed for determining the order of names of county central committee members pursuant to Chapter 2 (commencing with Section 13100) of Division 13.

7780. The office of member of central committees shall be placed on the direct primary ballot under the heading "Party Central Committees" in the place and manner designated for the office of county central committee pursuant to Chapter 2 (commencing with Section 13100) of Division 13. The subheading printed under party central committees on the direct primary ballot shall be in substantially the following form:

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

7781. A party nominee for partisan office qualifying to be declared elected as a member of central committees pursuant to Section 7755 shall not be additionally declared directly elected as a member of central committees pursuant to Section 15490 and shall not possess a multiple membership on either the state central committee or on a county central committee.

7782. A certificate of election shall be issued to each elected member of central committees by the officers charged with that duty of issuing certificates of election to members of county central committees under Section 8145.

7783. The votes cast for each candidate for member of central committees shall be included in the canvass and statement of results in a manner similar to the vote for each candidate for county central committee pursuant to Division 15 (commencing with Section 15000).

7784. The final total of votes cast for each candidate for member of central committees, including the name, address and ballot designation of each candidate, and a specification as to which candidates were declared elected shall be certified to the Secretary of State forthwith upon completion of the official canvass. The elections official shall simultaneously send one copy of this final certification to the Chairperson of the Peace and Freedom State Central Committee.

7785. As soon as practicable after the direct primary election, the Secretary of State shall prepare a certified list by county of all elected Peace and Freedom Party members of central committees, including their addresses and primary election ballot designations. The Secretary of State shall send copies of the list to the registrars of voters of Los Angeles and San Francisco Counties on or before the 20th day of July following the direct primary election. This list shall be maintained for public inspection by those registrars of voters until a subsequent list is received.

### CHAPTER 3. STATE CENTRAL COMMITTEE

#### Article 1. Members

7800. At the convention meeting of the state central committee, the state central committee shall consist initially of only those members of central committees elected at the most recent direct primary election.

7801. The Secretary of State, no later than the 20th day of July following the direct primary election, shall send a notice by mail to each of the elected members of central committees which shall inform that person of the following:

(a) That he or she has been elected as a member of the central committee.

(b) The date, time, and location of the convention meeting of the state central committee.

The Secretary of State shall send with this notice a copy of the certified list provided for in Section 7785.

7802. At its convention and subsequent meetings the state central committee, in its sole discretion, may appoint any additional members to the state central committee as it may desire.

7803. The state central committee may require a balance of elected and appointed members so that 50 percent of the state central committee members from each county are women and 50 percent are men.

7804. No person shall be appointed to membership on the state central committee unless she or he is registered as a voter affiliated with the Peace and Freedom Party or would register as a voter affiliated with this party if not legally prohibited from doing so.

7805. This committee may remove any elected or appointed



member who, during the term of membership, affiliates with or registers as a member of another political party, publicly advocates that the voters should not vote for the nominee of the party for any office, publicly gives support to or avows a preference for a candidate of another party or candidate who is opposed to a candidate nominated by this party, or has violated the bylaws or constitution of the state central committee.

## Article 2. Meetings

7820. The state central committee shall hold meetings not less than once during each year.

## Article 3. General Business

7830. The state central committee's convention meeting shall be called to order by the chairperson of the committee at 10 a.m. on the Saturday on which it is to be held. It shall at once proceed to the election of temporary chairpeople, 50 percent of whom shall be women and 50 percent of whom shall be men. This committee may hold the election by alphabetical rollcall by county if a majority of its members vote to do so. The state central committee shall elect any other temporary officers as it may determine.

7831. The temporary chairpersons shall appoint any committees as the state central committee may direct.

7832. The convention meeting of the state central committee shall elect the officers of the state central committee and adopt the party's platform, which shall be made public upon its adoption.

7833. The vote on any issue at the convention meeting of the state central committee may be by alphabetical rollcall by county if a majority of its members vote to do so, or any other method prescribed by this committee.

7834. The proceedings at the convention meeting of the state central committee shall be governed by any manual of parliamentary procedure designated by this committee.

7835. This committee may select from its membership an executive committee to which it may grant all or any portion of its powers and duties. If this committee grants any portion of its powers to an executive committee, it shall provide for the election to its executive committee of any number of persons it shall determine, 50 percent of whom shall be women and 50 percent of whom shall be men. All officers of the state central committee shall be members of any executive committee so selected.

7836. The chairperson of the state central committee shall serve a two-year term but shall not succeed herself or himself, and the chairperson shall alternate each biennium between the northern and southern territories. The boundary between the northern and southern territories of the state shall be that latitudinal line coinciding with the northern boundaries of San Luis Obispo, Kern, and San Bernardino Counties.

7837. The Secretary of State, within 10 days after the convention meeting of the state central committee, shall ascertain who is the newly elected chairperson of the state central committee and shall mail a certificate to that effect, including the chairperson's address and telephone number, to the elections official of each county.

7838. All officers elected at the convention meeting of the

state central committee shall serve for two-year terms, unless a shorter term is specified by the committee. Any officer of the state central committee may be removed by a majority vote of the state central committee.

7839. This committee shall conduct party campaigns for this party and in behalf of the candidates of this party. It shall appoint committees and appoint and employ campaign directors and perfect whatever campaign organizations it deems suitable or desirable and for the best interest of the party.

7840. The state central committee shall have power to appoint interim county central committees in the following counties:

(a) Counties in which the voters have not elected one or more members of central committees in the direct primary election preceding the organization of this committee.

(b) Counties in which all members of a county central committee are removed from office or cease to be registered as affiliated with the Peace and Freedom Party.

Persons appointed to interim county central committees pursuant to this section shall meet the qualifications otherwise required of appointees to membership on the county central committees. Notice of any appointments pursuant to this section shall be filed by the state central committee with the elections official of the county for which that interim county central committee is appointed and with the Secretary of State. Interim county central committees appointed pursuant to this section shall have all the powers and privileges afforded county central committees by this part.

7841. A quorum of this committee is 10 percent of the entire membership, represented in person. However, the committee may make rules and regulations establishing a different quorum requirement, and any provisions so made shall supersede the provisions of this section.

7842. The state central committee shall designate by resolution the national political party with which the Peace and Freedom Party is affiliated, and shall file a copy of that resolution signed by the chairperson and one other officer of this committee with the Secretary of State. In the event of controversy over the national affiliation of the party, the most recent resolution filed shall be determinative.

7843. In each year of the general election at which electors of President and Vice President of the United States are to be chosen, the convention meeting of the state central committee shall also nominate as the candidates of its party as many electors of President and Vice President of the United States as the state is then entitled to, 50 percent of whom shall be women and 50 percent men, unless an odd number of electors is to be chosen, in which case the difference between the number of women and men shall be not more than one. The chairperson of the state central committee shall certify the name of each elector nominated, and the elector's residence address to the Secretary of State.

#### CHAPTER 4. COUNTY CENTRAL COMMITTEE

##### Article 1. Members

7850. At its first meeting on the second Tuesday in July following the direct primary election and at subsequent meetings, a county central committee, in its sole discretion, may appoint any additional members to the county central

committee as it may desire.

7851. A county central committee may require a balance of elected and appointed committee members to create a total membership division of 50 percent women and 50 percent men.

7852. No person shall be appointed to membership on a county central committee unless she or he is registered as a voter affiliated with the Peace and Freedom Party in the county, or is a resident of the county who would register as a voter affiliated with this party if not legally prohibited from doing so.

7853. Any member of a committee who misses more than three consecutive regularly scheduled meetings may be removed by a vote of the committee concerned, unless the absence of the member is caused by illness or temporary absence from the county on the date of the meeting.

7854. The removal of residence by an elected or appointed member of a county central committee from the county from which the member was elected shall constitute the of the member automatic resignation from the committee.

7855. A committee may remove any elected or appointed member, who during the term of membership, affiliates with or registers as a member of another political party, publicly advocates that the voters should not vote for the nominee of the party for any office, publicly gives support to or avows a preference for a candidate of another party or candidate who is opposed to a candidate nominated by this party, or has violated the bylaws or constitution of the committee.

7856. Whenever any person is appointed to a committee, the chairperson of the committee shall file notices of the appointment with the county elections official and the chairperson of the state central committee within 30 days after it is made. The notices shall contain the name and address of the person appointed and shall indicate the date of the appointment.

7857. If no members of central committees have been elected in a county at the preceding direct primary election or, if for any reason all the members of a county central committee are removed from office or cease to be registered as affiliated as members of the Peace and Freedom Party, then an interim county central committee with full powers may be appointed by the state central committee under the procedures specified in Section 7840.

## Article 2. Meetings

7870. The Department of General Services shall permit any committee that desires to do so to hold meetings in a state building within the county, at least one of which meetings each month shall be without charge.

7871. All meetings of the committee shall be held in quarters which shall be accessible to persons with disabilities.

## Article 3. General

7880. A committee shall have charge of the party campaign under general direction of the state central committee or of the executive committee selected by the state central committee.

7881. A committee may make rules and regulations providing for the following:

- (a) How officers of the committee may be removed.
- (b) How meetings may be called, and any provisions so made shall supersede anything in this chapter to the contrary.
- (c) Whether or not proxies may be used and the conditions under which they may be used.

7882. The committees shall perform other duties and services for this political party as seem to be for the benefit of the party. They shall continue to function and exist until the members of the new committees take office after the succeeding direct primary election.

7883. If the chairperson of a committee refuses to call a meeting, a meeting may be called upon five days' notice by a majority of the members of the committee.

7884. Within five days after a committee meets for its organizational meeting, the newly elected chairperson of the committee shall notify the county elections official of his or her name. The elections official shall mail a certificate to that effect to the Secretary of State.

DIVISION 8. NOMINATIONS  
PART 1. PRIMARY ELECTION NOMINATIONS  
CHAPTER 1. DIRECT PRIMARY  
Article 1. General Provisions

8000. This chapter does not apply to:

- (a) Recall elections.
- (b) Presidential primary.
- (c) Nomination of officers of cities or counties whose charters provide a system for nominating candidates for those offices.
- (d) Nomination of officers for any district not formed for municipal purposes.
- (e) Nomination of officers for general law cities.
- (f) Nomination of school district officers.

8001. (a) No declaration of candidacy for a partisan office or for membership on a county central committee shall be filed, by a candidate unless (1) at the time of presentation of the declaration and continuously for not less than three months immediately prior to that time, or for as long as he has been eligible to register to vote in the state, the candidate is shown by his affidavit of registration to be affiliated with the political party the nomination of which he seeks, and (2) the candidate has not been registered as affiliated with a qualified political party other than that political party the nomination of which he seeks within 12 months, or, in the case of an election governed by Chapter 1 (commencing with Section 10700) of Part 6 of Division 10, within three months immediately prior to the filing of the declaration.

(b) The elections official shall attach a certificate to the declaration of candidacy showing the date on which the candidate registered as intending to affiliate with the political party, the nomination of which he seeks, and indicating that the candidate has not been affiliated with any other qualified political party for the period specified in subdivision (a) immediately preceding the filing of the declaration. This section shall not apply to declarations of candidacy filed by a candidate of a political party participating in its first direct primary election subsequent to its qualification as a political party pursuant to Section 5100.

8002. If a candidate is a candidate for a nonpartisan

office, all reference to party affiliation shall be omitted on all forms required to be filed.

8003. This chapter does not prohibit the independent nomination of candidates under Part 2 (commencing with Section 8300), subject to the following limitations:

(a) A candidate whose name has been on the ballot as a candidate of a party at the direct primary and who has been defeated for that party nomination is ineligible for nomination as an independent candidate. He is also ineligible as a candidate named by a party central committee to fill a vacancy on the ballot for a general election.

(b) No person may file nomination papers for a party nomination and an independent nomination for the same office, or for more than one office at the same election.

## Article 2. Nomination Documents

8020. (a) No candidate's name shall be printed on the ballot to be used at the direct primary unless the following nomination documents are delivered for filing with the elections official:

(1) Declaration of candidacy pursuant to Section 8040.

(2) Nomination papers signed by registered voters pursuant to Section 8041.

(b) The forms shall first be available on the 113th day prior to the direct primary election and shall be delivered not later than 5 p.m. on the 88th day prior to the direct primary.

(c) Upon the receipt of an executed nomination document, the elections official shall give the person delivering the document a receipt, properly dated, indicating that the document was delivered to the elections official.

(d) Notwithstanding Section 8028, upon request of a candidate, the elections official shall provide the candidate with a declaration of candidacy. The elections official shall not require a candidate to sign, file, or sign and file, a declaration of candidacy as a condition of receiving nomination papers.

8021. All nomination documents which are delivered for filing to the elections official in compliance with Section 8020 and that are not required by this chapter to be filed in the office of the Secretary of State shall be filed with the elections official by the 83rd day before the primary election.

8022. (a) Each candidate for a party nomination for the office of State Senator or Member of the Assembly, or for any state constitutional office, or for Insurance Commissioner, at the direct primary election shall file a written and signed declaration of his or her intention to become a candidate for his or her party's nomination for that office. The declaration of intention shall be filed with either the Secretary of State or the elections official of the county in which the candidate is a resident. The declaration of intention shall be filed, on a form to be supplied by the elections official, not more than 14 nor less than five days prior to the first day on which nomination papers may be presented for filing. However, if the incumbent fails to file a declaration of intention by the end of that period, persons other than the incumbent may file declarations of intention no later than the first day for filing nomination papers. The declaration of intention provided for in this section shall be in substantially the following form:

I hereby declare my intention to become a candidate  
for the \_\_\_\_\_  
(Name of political party)  
Party's nomination for the office of \_\_\_\_\_  
(Name of office and district, if any)  
at the direct primary election.

\_\_\_\_\_  
(Signature of candidate)

\_\_\_\_\_  
(Address of candidate)

(b) No person may be a candidate nor have his or her name printed upon any ballot as a candidate for a party nomination for the office of Senator or Member of the Assembly, or for any state constitutional office, or for Insurance Commissioner at the direct primary election unless he or she has filed the declaration of intention provided for in this section. However, if the incumbent of the office who is affiliated with any qualified political party files a declaration of intention, but for any reason fails to qualify for nomination for the office by the last day prescribed for the filing of nomination papers, an additional five days shall be allowed for the filing of nomination papers for the office, and any person, other than the incumbent if otherwise qualified, may file nomination papers for the office during the extended period, notwithstanding that he or she has not filed a written and signed declaration of intention to become a candidate for the office as provided in subdivision (a).

8023. (a) Except in the case of a judicial office filled in accordance with subdivision (d) of Section 16 of Article VI of the Constitution, every candidate for a judicial office, not more than 14 nor less than five days prior to the first day on which his or her nomination papers may be circulated and signed or may be presented for filing, shall file in the office of the elections official in which his or her nomination papers are required to be filed or left for examination, a written and signed declaration in duplicate of his or her intention to become a candidate for that office on a form to be supplied by the elections officials. A candidate for a numerically designated judicial office shall state in his or her declaration for which office he or she intends to become a candidate. A copy of each declaration of intention filed in accordance with this article, except those for municipal and justice court offices, shall be immediately forwarded by the elections official to the Secretary of State. This section shall apply to all judicial offices whether numerically designated or not.

(b) No person may be a candidate nor have his or her name printed upon any ballot as a candidate for judicial office unless he or she has filed the declaration of intention provided for in this section. If the incumbent of a judicial office fails to file a declaration of intention by the end of the period specified in subdivision (a), persons other than the incumbent may file declarations of intention no later than the first day for filing nomination papers.

8024. Notwithstanding Section 8020 or any other provision of the law, if nomination documents for an incumbent officer of a county are not delivered by 5 p.m. on the 88th day before the direct primary election, any person other than the person who was the incumbent on the 88th day shall have until 5 p.m. on

the 83rd day before the election to file nomination documents for the elective office.

This section is not applicable where there is no incumbent eligible to be elected.

8025. If only one candidate has declared a candidacy for a partisan nomination at the direct primary election for a party qualified to participate at that election, and that candidate dies after the last day prescribed for the delivery of nomination documents to the elections official, as provided in Section 8020, but not less than 83 days before the election, any person qualified under the provisions of Section 8001 may circulate and deliver nomination documents for the office to the elections official up to 5 p.m. on the 74th day prior to the election. In that case, the elections official shall, immediately after receipt of those nomination documents, certify and transmit them to the Secretary of State in the manner specified in this article.

8026. (a) Notwithstanding any other provision of law, except for an election for a judicial office, an election shall not be conducted and no votes cast for the office shall be counted, and if counted the votes shall be null and void, if an incumbent is a candidate for a nonpartisan statewide, countywide, or citywide office, or for a nonpartisan office that is elected by division, area, or district, which he or she currently holds at an election at which only one other candidate, excluding any write-in candidates, has qualified to have his or her name placed on the ballot for that office, and either the challenger or the incumbent dies after the hour of 12:01 a.m. of the 68th day before the election.

(b) A special election shall be called and held when the death of the challenger or the incumbent occurs within the period set in subdivision (a). The special election shall be called by the appropriate governing body within 14 days after the death of the incumbent or challenger. The special election shall be held no later than 88 days after the proclamation or resolution calling the election. Candidates at the special election shall be nominated in accordance with this part, except that forms for securing signatures in lieu of a filing fee need not be made available until 15 days before the first day for circulating nomination papers, in-lieu-filing-fee petitions shall be filed at least seven days prior to the closing of the nomination period, nomination papers shall be delivered for filing to the elections official not less than 68 days and not more than 87 days before the special election, any candidate's statement shall be filed with the clerk no later than the 68th day before the special election, and the Secretary of State shall conduct the randomized alphabet drawing under procedures similar to Sections 13112 and 13113 on the 67th day before the special election. Any candidate who paid a filing fee in connection with the previously scheduled election shall not be required to pay any additional filing fee, but shall be required to file new nomination papers.

(c) The Secretary of State or elections official shall take appropriate action to ensure that voters do not erroneously vote in a canceled election.

8027. (a) Filing of nomination papers for a nonpartisan office, except for a judicial office, shall be reopened when an incumbent who is a candidate for a nonpartisan statewide, countywide, or citywide office, or for a nonpartisan office that is elected by division, area, or district which he or she

currently holds at an election at which only one other candidate, excluding any write-in candidates, has qualified to have his or her name placed on the ballot for that office and either the challenger or the incumbent dies after the 88th day but before the 68th day before the election.

(b) Any person qualified to be a candidate for the office for which either the deceased challenger or the deceased incumbent was a candidate may circulate and deliver nomination papers commencing the day after the death of either the challenger or the incumbent. Candidates shall be nominated in accordance with this part, except that in-lieu-filing-fee petitions shall not be made available and nomination papers shall be returned to the elections official no later than 5 p.m. on the 68th day before the election.

8028. (a) Except as provided in subdivision (b), a candidate shall not remove a declaration of candidacy form from the office of the elections official, and the elections official shall require all candidates filing a declaration of candidacy to execute the declaration in the office of the elections official.

(b) A candidate may, in a written statement signed and dated by the candidate, designate a person to receive a declaration of candidacy form from the elections official and deliver it to the candidate. The statement shall include language indicating that the candidate is aware that the declaration of candidacy must be properly executed and delivered to the elections official of the county of the candidate's residence by the 88th day prior to the direct primary election. That statement shall be retained by the elections official.

Article 3. Form of Nomination Documents

8040. The declaration of candidacy by a candidate shall be substantially as follows:

DECLARATION OF CANDIDACY

I hereby declare myself a \_\_\_\_\_ Party candidate for nomination to the office of \_\_\_\_\_ District Number \_\_\_\_\_ to be voted for at the primary election to be held \_\_\_\_\_, 19\_\_\_\_, and declare the following to be true:

My name is \_\_\_\_\_

I want my name and occupational designation to appear on the ballot as follows \_\_\_\_\_.

Addresses:

Residence \_\_\_\_\_

Business \_\_\_\_\_

Mailing \_\_\_\_\_



Telephone numbers: Day \_\_\_\_\_ Evening \_\_\_\_\_  
I meet the statutory and or constitutional qualifications

for  
this office (including but not limited to citizenship,  
residency,  
and party affiliation, if required).

I am at present an incumbent of the following public  
office

(if any) \_\_\_\_\_.

If nominated, I will accept the nomination and not  
withdraw.

\_\_\_\_\_  
Signature of  
candidate  
State of California )  
County of \_\_\_\_\_ ) ss.  
\_\_\_\_\_ )

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_.

\_\_\_\_\_  
Notary Public (or other  
official)  
Examined and certified by me this \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_.

\_\_\_\_\_  
Elections  
Official

WARNING: Every person acting on behalf of a candidate is guilty  
of a misdemeanor who deliberately fails to file at the proper  
time and in the proper place any declaration of candidacy in his  
or her possession which is entitled to be filed under Section  
18202 of the Elections Code.

8041. (a) The nomination paper shall be in substantially the  
following form:

"NOMINATION PAPER

I, the undersigned signer for \_\_\_\_\_ for the \_\_\_\_\_ Party  
nomination to the office of \_\_\_\_\_, to be voted for at the primary  
election to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_, hereby assert  
as follows:

I am a resident of \_\_\_\_\_ County and registered to vote at the  
address shown on this paper and affiliated with the \_\_\_\_\_ Party.  
I am not at this time a signer of any other nomination paper of  
any other candidate for the above-named office, or in case  
there are several places to be filled in the above-named office,  
I have not signed more nomination papers than there are places  
to be filled in the above-named office. My residence is  
correctly set forth after my signature hereto:

Name \_\_\_\_\_  
Residence \_\_\_\_\_

(b) The affidavit of the circulator shall read as follows:

AFFIDAVIT OF THE CIRCULATOR

I, \_\_\_\_\_, solemnly swear (or affirm) that I have been appointed according to Sections 8042 and 8065 of the Elections Code, as a circulator to secure signatures in the County of \_\_\_\_\_ to the nomination paper of \_\_\_\_\_ as a candidate for the nomination of the \_\_\_\_\_ Party for the office of \_\_\_\_\_; that the signatures on this section of the nomination paper were obtained between \_\_\_\_\_, 19\_\_\_\_, and \_\_\_\_\_, 19\_\_\_\_; that I circulated the petition and I saw the signatures on this section of the nomination paper being written; and that, to the best of my information and belief, each signature is the genuine signature of the person whose name it purports to be.

My voting residence is \_\_\_\_\_.  
(Signed)

\_\_\_\_\_  
Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
(SEAL) Notary Public (or other official)

Examined and certified by me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Elections  
Official

WARNING: Every person acting on behalf of a candidate is guilty of a misdemeanor who deliberately fails to file at the proper time and in the proper place any nomination paper in his or her possession which is entitled to be filed under Section 18202 of the Elections Code.

8042. The document in which circulators are appointed by the candidate shall be in substantially the following form:

I, the undersigned, a candidate for the \_\_\_\_\_ Party nomination for the office of \_\_\_\_\_, which nomination is to be made by direct vote at a primary election to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, do hereby appoint the following voters of the County of \_\_\_\_\_, as circulators to obtain signatures of sponsors in that county to a nomination paper placing me in nomination as a candidate of the \_\_\_\_\_ Party for the office of \_\_\_\_\_.

CIRCULATORS

Name

Residence

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

etc.  
(Signature of candidate)

etc.

(Residence)

Filed in the office of the Elections Official of \_\_\_\_\_

the \_\_\_\_\_  
County of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

Elections

Official

Article 4. Circulation and Signatures-Nomination Documents

8060. A candidate who declares his or her candidacy shall have registered voters sign his or her nomination papers pursuant to this article.

8061. If a candidate submits an in-lieu-filing-fee petition pursuant to Section 8106, any or all signatures appearing on the petition, which would be valid under Section 8041, shall be counted towards the number of voters required to sign a nomination paper. If an in-lieu-filing-fee petition contains a requisite number of valid signatures under Section 8062, the candidate shall not be required to file nomination papers, but may request the elections official to accept the petition instead of filing nomination papers.

If an in-lieu-filing-fee petition does not contain the requisite number of valid signatures as set forth in Section 8062, the candidate shall be entitled to file, within the time period allowed for filing nomination papers, a nomination paper in order to obtain the requisite number of valid signatures required to be submitted to the elections official on a nomination paper. A candidate who submits a nomination paper pursuant to this paragraph shall only be required to obtain the number of signatures thereon needed to supplement the in-lieu-filing-fee petition so that the combination of signatures appearing on the in-lieu-filing-fee petition and the nomination paper equals or exceeds the requisite number of signatures set forth in Section 8062.

8062. The number of registered voters required to sign a nomination paper for the respective offices are as follows:

- (a) State office or United States Senate, not less than 65 nor more than 100.
- (b) House of Representatives in Congress, State Senate or Assembly, Board of Equalization, or any office voted for in more than one county, and not statewide, not less than 40 nor more than 60.
- (c) Candidacy in a single county or any political subdivision of a county, other than State Senate or Assembly, not less than 20 nor more than 40.
- (d) When any political party has less than 50 voters in the state or in the county or district in which the election is to be held, one-tenth the number of voters of the party.
- (e) When there are less than 150 voters in the county or district in which the election is to be held, not less than 10 nor more than 20.

8063. The nomination paper shall be delivered to the elections official of the county in which the signer resides and is a voter.

8064. The declaration of candidacy shall be obtained from, and delivered to, the elections official of the county in which the candidate resides and is a voter in accordance with Section 8028.

8065. The elections official shall not accept for filing any nomination paper unless all blanks in the certificate are filled.

The candidate may appoint circulators to serve, within the county in which they reside, for purposes of securing signatures to the candidate's nomination paper. Circulators appointed pursuant to this section shall be authorized to secure signatures to the nomination paper of the candidate in that county. The document in which the circulators are appointed by the candidate shall be filed with the elections official on or before the date nomination papers are left with the elections official for filing or examination.

8066. Circulators appointed pursuant to this article shall be voters in the district or political subdivision in which the candidate is to be voted on and shall serve only in that district or political subdivision.

8067. No more signers shall be secured for any candidate than the maximum number required in this article. If, however, through miscalculation or otherwise, more signers are secured than the maximum number, the officer with whom the nomination papers are filed shall, with the written consent of the candidate, withdraw the excess number.

8068. Signers shall be voters in the district or political subdivision in which the candidate is to be voted on and shall be affiliated with the party, if any, in which the nomination is proposed.

8069. No signer shall, at the time of signing a certificate, have his or her name signed to any other nomination paper for any other candidate for the same office or, in case there are several places to be filled in the same office, signed to more nomination papers for candidates for that office than there are places to be filled.

8070. The elections official shall transmit to the Secretary of State the nomination document for each candidate for state office, United States Senator, Representative in Congress, Member of the Senate or Assembly, judges of the superior court, or the members of the State Board of Equalization.

#### Article 5. Verification of Nomination Signatures

8080. No fee or charge shall be made or collected by any officer for verifying any nomination document or circulator's affidavit.

8081. Before any nomination document is filed in the office of the county elections official or forwarded for filing in the office of the Secretary of State, the county elections official shall verify the signatures and the political affiliations of the signers on the nomination paper with the registration affidavits on file in the office of the county elections official. The county elections official shall mark "not sufficient" any signature that does not appear in the same handwriting as appears on the affidavit of registration in his or her office, or that is accompanied by a declaration of party affiliation that is not in accordance with the declaration of party affiliation in the affidavit of registration. The county elections official may cease to verify signatures once the minimum requisite number of signatures has been verified.

8082. All nomination documents that are required to be filed in the office of the Secretary of State, within five days after being left with the county elections official in compliance with Section 8020, shall be forwarded by the county elections

official to the Secretary of State, who shall receive and file them. The county elections official shall forward with the nomination documents a statement showing the total number of signatures on the nomination document that have not been marked "not sufficient."

8083. The county elections official's statement to the Secretary of State of the number of signers shall be in substantially the following form:

STATEMENT OF COUNTY ELECTIONS OFFICIAL OF  
NUMBER OF SIGNERS

I, County Elections Official of the County of \_\_\_\_\_, hereby certify that I have examined the \_\_\_\_\_ hereto attached filed on behalf of \_\_\_\_\_, candidate for nomination to the office of \_\_\_\_\_ at the primary election to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and that the total number of signatures which I have not marked "not sufficient" is \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
County Elections

Official

(SEAL)

By \_\_\_\_\_

Deputy

8084. If the number of signatures affixed to an in-lieu filing fee petition filed pursuant to Section 8106 is 100 or more, the county elections official may use a random sampling technique for verification of the signatures. If a random sampling technique is used, and the number of signatures on a petition is 100 or more but less than 2,000, the random sampling shall include an examination of 100 signatures. If the number of signatures on a petition is 2,000 or more, the random sampling shall include an examination of 5 percent of the signatures. Upon completion of the verification of signatures in the sample, the percentage of signatures which are valid shall be applied and projected to the total number of signatures submitted.

Article 6. Nomination Papers. Place of Filing. Fees

8100. All nomination documents shall be filed as follows:

(a) For state offices, United States Senators, Representatives in Congress, Members of the State Senate and Assembly, judges of the superior court, and members of the Board of Equalization, in the office of the Secretary of State.

(b) For all officers to be voted for wholly within one county, except as provided in subdivision (a), in the office of the elections official of that county.

8101. All forms required for nomination and election to all congressional, state, county, and political party county central committee offices shall be furnished only by the county elections official. At the time of issuance of those forms the county elections official shall type in the forms the name of the candidate and the office for which he or she is a candidate, shall imprint a stamp which reads "Official Filing Form," and shall affix his or her signature. The forms shall be distributed without charge to all candidates applying for them.

8102. No defect in any nomination document presented shall prevent the filing of another nomination document within the period allowed for presenting the nomination document.

8103. (a) The following fees for filing declarations of candidacy shall be paid to the Secretary of State by each candidate:

(1) Two percent of the first-year salary for the office of United States Senator or for any state office. The fee prescribed in this subdivision does not apply to the office of state Senator, Member of the Assembly, member of the State Board of Equalization, or justice of the court of appeal.

(2) One percent of the first-year salary for the office of Representative in Congress, member of the State Board of Equalization, or justice of the court of appeal.

(3) One percent of the first-year salary for the office of state Senator or Member of the Assembly.

(b) For purposes of this section, "salary" means the annual salary for the office as of the first day on which a candidate may circulate petitions in lieu of filing fees pursuant to Section 8106.

8104. The filing fee to be paid to the county elections official for filing a declaration of candidacy for an office to be voted for wholly within one county other than a legislative or congressional office shall be as follows:

(a) No filing fee is required from any candidate for an office for which no fixed compensation is payable, or for which the annual salary is two thousand five hundred dollars (\$2,500) or less.

(b) A filing fee of 1 percent of the annual salary of the office shall be paid to the county elections official by each candidate for a judicial office or for a county office. This subdivision shall not apply to any candidate for any office for which the annual salary is two thousand five hundred dollars (\$2,500) or less.

The filing fee shall be calculated on the basis of the annual salary for the office on the first day to circulate petitions to gather signatures in lieu of filing fees.

8105. The filing fees for all candidates required to file declarations of intention to become a candidate shall be paid at the time such declarations are filed with the county elections official. The filing fees for all other candidates shall be paid at the time the candidates obtain their nomination forms from the county elections official. The county elections official shall not accept any papers unless the fees are paid at the time required by this section, or unless satisfactory evidence is given to the county elections official or to the registrar of voters that the fee has been paid at the time of the declaration of candidacy in another county. The county elections official shall transmit the appropriate fees to the Secretary of State at the time he or she delivers the declarations of candidacy for filing. All filing fees received by the Secretary of State and elections officials are nonrefundable.

8106. (a) Notwithstanding any other provision of this article, a candidate may submit a petition containing signatures of registered voters in lieu of a filing fee as follows:

(1) For the office of California State Assembly, 1,500 signatures.

(2) For the office of California State Senate and the United States House of Representatives, 3,000 signatures.

(3) For candidates running for statewide office, 10,000 signatures.

(4) For all other offices for which a filing fee is required, if the number of registered voters in the district in which he or she seeks nomination is 2,000 or more, a candidate may submit a petition containing four signatures of registered voters for each dollar of the filing fee, or 10 percent of the total of registered voters in the district in which he or she seeks nomination, whichever is less.

(5) For all other offices for which a filing fee is required, if the number of registered voters in the district in which he or she seeks nomination is less than 2,000, a candidate may submit a petition containing four signatures of registered voters for each dollar of the filing fee, or 20 percent of the total of registered voters in the district in which he or she seeks nomination, whichever is less.

(6) Notwithstanding any other provision of this section, a candidate seeking the nomination of a qualified party with whom he or she is registered, the registered voters of which who were eligible to vote at the last statewide election constituted less than 5 percent of all registered voters eligible to vote at the last statewide election, may submit a petition containing signatures of 10 percent of the registered voters of that party in the district in which he or she seeks nomination, or 150 signatures, whichever is less.

(7) A voter may sign both a candidate's nomination papers and his or her in-lieu-filing-fee petition. However, if signatures appearing on the documents are counted towards both the nomination paper and the in-lieu-filing-fee petition signature requirements, a person may only sign one of the documents.

(b) The Secretary of State or an elections official shall furnish to each candidate, upon request, and without charge therefor, forms for securing signatures. The number of forms which the elections official shall furnish a candidate shall be a quantity that provides the candidates with spaces for signatures sufficient in number to equal the number of signatures that the candidate is required to secure pursuant to subdivision (a) if the candidate desires that number of forms. However, the elections official, rather than provide the candidate with the number of forms set forth in the preceding sentence, or upon the request of a candidate, may provide the candidate with a master form that may be duplicated by the candidate at the candidate's expense for the purpose of circulating additional petitions. The Secretary of State shall provide the master form. The elections official may provide candidates a form other than the master form provided by the Secretary of State. However, that form shall meet all statutory requirements, and the elections official shall also make available and accept the master form provided by the Secretary of State. All forms shall be made available commencing 45 days before the first day for circulating nomination papers. However, in cases of vacancies for which a special election is authorized or required to be held to fill the vacancy, and where the prescribed nomination period would commence less than 45 days after the creation of the vacancy, the forms shall be made available within five working days after the creation of the vacancy. No other form except the form furnished by the Secretary of State or the elections official or forms duplicated from a master form shall be used to secure signatures. Each petition section shall bear an affidavit signed by the

circulator, in substantially the same form as set forth in Section 8041. The substitution of signatures for fees shall be subject to the following provisions:

(1) Any registered voter may sign an in-lieu-filing-fee petition for any candidate for whom he or she is eligible to vote.

(2) If a voter signs more candidates' petitions than there are offices to be filled, the voter's signatures shall be valid only on those petitions which, taken in the order they were filed, do not exceed the number of offices to be filled.

(3) In-lieu-filing-fee petitions shall be filed at least 15 days prior to the close of the nomination period. Upon receipt of the minimum number of in-lieu-filing-fee signatures required, or a sufficient combination of signatures and pro rata filing fee, the elections official shall issue nomination papers provisionally. Within 10 days after receipt of a petition, the elections official shall notify the candidate of any deficiency.

The candidate shall then, prior to the close of the nomination period, either submit a supplemental petition, or pay a pro rata portion of the filing fee to cover the deficiency.

(4) If the petition is circulated for an office in more than one county, the candidate shall submit the signatures to the elections official in the county in which the petition was circulated. The elections official shall at least two days after verifying the signatures on the petition, notify the Secretary of State of the total number of valid signatures. If the number of signatures is insufficient, the Secretary of State shall notify the candidate and the elections officials of the fact. The candidate may submit the necessary number of valid signatures at any time prior to the close of the period for circulating nomination papers. Each circulator of an in-lieu-filing-fee petition shall be a registered voter of the district or political subdivision in which the candidate is to be voted on. The circulator shall serve within the county in which he or she resides.

(5) Each candidate may submit a greater number of signatures to allow for subsequent losses due to invalidity of some signatures. The elections official shall not be required to determine the validity of a greater number of signatures than that required by this section.

(c) For the purposes of this section, the requisite number of signatures shall be computed from the latest registration figures forwarded to the Secretary of State pursuant to Section 2187 prior to the first day on which petitions are available.

(d) All valid signatures obtained pursuant to this section shall be counted towards the number of voters required to sign a nomination paper in accordance with Section 8061 or 8405.

8107. The county elections official shall pay to the county treasurer all fees received from candidates pursuant to Section 8105. Within 10 days after the direct primary, the Secretary of State shall pay to the State Treasurer all fees received from candidates pursuant to Section 8103, which shall be deposited in the General Fund.

It is the intention of the Legislature that the funds deposited in the General Fund pursuant to this section will be used by the Secretary of State in the performance of his or her duties pursuant to Chapter 1 (commencing with Section 19000) of Division 19, to the extent that appropriations are made in the Budget Act from year to year.



Article 7. Certified List of Candidates

8120. At least 68 days before the direct primary, the Secretary of State shall transmit to each county elections official a certified list of candidates who are eligible to be voted for in his or her county at the direct primary.

8121. Not less than five days before he or she transmits the certified list of candidates to the county elections officials, as provided in Section 8120, the Secretary of State shall notify each candidate for partisan office of the names, addresses, offices, occupations, and party affiliations of all other persons who have filed for the same office.

8122. The Secretary of State shall certify and transmit the list of candidates for nomination to each office according to Assembly districts, in the order of arrangement prescribed in Chapter 2 (commencing with Section 13100) of Division 13. In the case of each county containing more than one Assembly district, the Secretary of State shall transmit separate lists for each Assembly district.

8123. The Secretary of State, at the time he or she transmits the list of candidates to the county elections official, shall inform the county elections official of the address of each candidate.

8124. The certified list of candidates sent to each county elections official by the Secretary of State shall show:

- (a) The name of each candidate.
- (b) The office for which each person is a candidate.
- (c) The party each person represents, unless the office is nonpartisan.

8125. The certified list of candidates sent to each county elections official by the Secretary of State shall be in substantially the following form:

CERTIFIED LIST OF CANDIDATES FOR NOMINATION

SECRETARY OF STATE

To the County Elections Official of \_\_\_\_\_ County:  
I, \_\_\_\_\_, Secretary of State, do hereby certify

that the following list contains the name of each person for whom nomination papers have been filed in my office and who is entitled to be voted for in the above-named county at the direct primary election to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the designation of the office for which each person is a candidate, his or her name being stated under the name of the party he or she represents, except in the case of a nonpartisan office.

\_\_\_\_\_  
STATE (AND DISTRICT) OFFICES  
(Title of office) PARTY (Name of candidate)

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ District  
CONGRESSIONAL OFFICES  
(Including United States Senator, if any)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ District  
LEGISLATIVE OFFICES

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ District  
\_\_\_\_\_ District  
\_\_\_\_\_ PARTY  
STATE (AND DISTRICT) OFFICES

I further certify the following list contains the  
name of each person for whom nomination papers have been filed  
in my office, together with a designation of the office  
for which each person is a candidate, and that each person  
is entitled to be voted for in your county at that  
election by any registered qualified elector of your  
county, whether registered as intending to affiliate with any  
political party or not.

NONPARTISAN OFFICES  
JUDICIAL OFFICES  
(Title of office) (Name of candidate)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ District  
SUPERINTENDENT OF PUBLIC INSTRUCTION

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Dated at Sacramento, California, this \_\_\_\_ day of  
\_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Secretary of  
State

Article 8. Nominated Candidates

8140. Any candidate for a nonpartisan office who at a primary election receives votes on a majority of all the ballots cast for candidates for that office shall be elected to that office. Where two or more candidates are to be elected to a given office and a greater number of candidates receive a majority than the number to be elected, those candidates shall be elected who secure the highest votes of those receiving a majority, and equal in number to the number to be elected.

Where a candidate has been elected to a nonpartisan office at the primary election, that office shall not appear on the ballot at the ensuing general election, notwithstanding the death, resignation, or other disqualification of the candidate at a time subsequent to the primary election.

8141. If no candidate has been elected to a nonpartisan office pursuant to Section 8140 or if the number of candidates elected at the primary election is less than the total number to be elected to that office, then candidates for that office at the ensuing election shall be those candidates not elected at the primary who received the next highest number of votes cast for nomination to that office, equal in number to twice the number remaining to be elected to that office, or less, if the total number of candidates not elected is less.

8142. In the case of a tie vote, nonpartisan candidates receiving the same number of votes shall be candidates at the ensuing general election if they qualify pursuant to Section 8141 whether or not there are more candidates at the general election than prescribed by this article. In no case shall the candidates determine the tie by lot.

8143. If the number of candidates elected at a primary election to any nonpartisan office is less than the number of persons to be elected to that office, there shall be printed on the ballot, in a group, only the names of the other candidates receiving the next highest number of votes for nomination to that office as may equal twice the number of persons remaining to be elected to that office, or a smaller number if the list of candidates is exhausted. This group shall be preceded by the designation of the office and the words "vote for \_\_\_\_\_," the blank being filled by a number equal to the number of persons remaining to be elected to that office.

8144. The candidates for election to membership on the county central committee, equal in number to the number to be elected, receiving the highest number of votes in their supervisorial district or Assembly district, as the case may be, shall be declared elected.

8145. It is the duty of the officers charged with the canvass of the returns of any primary election in any county or city to issue:

(a) Certificates of election to each member elected to a county central committee.

(b) Certificates of nomination to candidates nominated for nonpartisan offices voted for wholly within one county.

8146. Certificates of nomination or election issued by county or municipal officers shall be issued immediately upon the completion of the canvass of the returns at the primary election.

8147. The Secretary of State shall issue certificates of nomination to candidates nominated for Representatives in Congress, Members of the State Senate and Assembly, members of the State Board of Equalization, and for all statewide offices.

8148. Not less than 68 days before the general election, the Secretary of State shall deliver to the appropriate county elections official a certificate showing:

(a) The name of every person entitled to receive votes within that county at the general election who has received the nomination as a candidate for public office pursuant to this chapter.

(b) For each nominee the name of the party that has nominated him or her, if any.

(c) The designation of the public office for which he or she has been nominated.

8149. The Secretary of State shall certify and transmit the list of candidates for each office according to Assembly districts, in the order of arrangement prescribed by Chapter 2 (commencing with Section 13100) of Division 13. In the case of each county containing more than one Assembly district, he or she shall transmit separate lists for each Assembly district.

8150. The certificate of the Secretary of State showing candidates nominated or selected at a primary election shall be substantially in the following form:

CERTIFICATE OF SECRETARY OF STATE  
SHOWING  
CANDIDATES NOMINATED OR SELECTED  
AT PRIMARY ELECTION  
SECRETARY OF STATE

To the County Elections Official of \_\_\_\_\_ County:

I, \_\_\_\_\_, Secretary of State, do hereby certify that below

are stated the names of those persons entitled to receive votes within your county at the general election who have received partisan nominations or have been selected as candidates for office at the primary election. These nominations and selections are evidenced

by the compilation and statement required to be made by me and filed

in my office. Set forth along with their respective names there is shown the candidate's designation of his or her

office, profession, vocation or occupation, and there is also shown separately

and respectively for each nominee the name of the political party or

organization, if any, that has nominated him or her and the designation

of the public office for which he or she is so nominated.

STATE (AND DISTRICT) OFFICES

(Candidate's  
designation  
of office,  
occupation,

(Name of  
candidate)  
(Office)

etc.)

(Party)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ District  
CONGRESSIONAL OFFICES

\_\_\_\_\_ District  
LEGISLATIVE OFFICES

\_\_\_\_\_ District  
JUDICIAL OFFICES  
(Candidate's  
designation  
of office,  
occupation, etc.)

(Name)

(Office)

\_\_\_\_\_ District  
SUPERINTENDENT OF PUBLIC INSTRUCTION

I also certify that at the state conventions that met, according to law, at the State Capitol on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_, the following persons were nominated as electors of President and Vice President of the United States, for the parties respectively hereinafter placed at the head of the column containing their respective names, and you are hereby directed to print the names of the candidates for President and Vice President for whom those electors have pledged themselves to vote, upon the official ballots to be used at the general election, as representing the candidates of their respective parties for that office.

PRESIDENTIAL ELECTORS

_____ Party	_____
Party _____ President	_____
President _____ Vice President	_____ Vice
President _____	_____
1 _____	1 _____

2 \_\_\_\_\_ 2

3 \_\_\_\_\_ 3

etc.

etc.

Dated at Sacramento, California, this \_\_\_\_\_ day of \_\_\_\_\_,

19\_\_.

(SEAL)

Secretary of

State

CHAPTER 2. JUDICIAL OFFICERS  
Article 1. Distinguishing Number on Ballot

8200. In any election at which two or more judges or justices of any court are to be voted for or elected for the same term, it shall be deemed that there are as many separate judicial offices to be filled as there are judges or justices of the court to be elected. Each separate office shall be designated by a distinguishing number not greater than the total number of the offices. The designation shall remain the same for all purposes of both primary and general election and shall be used on all nomination papers, certificates of nomination, ballots, certificates of election, and all election papers referring to the office. After election and the issuance of the certificates of election, the designating number shall have no further significance.

8201. A declaration of candidacy for election or a nomination by the Governor, made pursuant to subdivision (d) of Section 16 of Article VI of the California Constitution, shall be filed with the officer charged with the duty of certifying nominations for publication in the official ballot.

8202. The numerically designated offices shall be grouped and arranged on all ballots in numerical order. No person may be a candidate nor have his or her name printed upon any ballot as a candidate for any numerically designated office other than the one indicated by him or her in his or her declaration of intention to become a candidate.

8203. In any county or any judicial district in which only the incumbent has filed nomination papers for the office of superior court judge, municipal court judge, justice court judge, or constable of a justice court, his or her name shall not appear on the ballot unless there is filed with the elections official, within 10 days after the final date for filing nomination papers for the office, a petition indicating that a write-in campaign will be conducted for the office and signed by 100 registered voters qualified to vote with respect to the office.

If a petition indicating that a write-in campaign will be conducted for the office at the general election, signed by 100 registered voters qualified to vote with respect to the office, is filed with the elections official not less than 83 days before the general election, the name of the incumbent shall be placed on the general election ballot if it has not appeared on the direct primary election ballot.

If, in conformity with this section, the name of the incumbent does not appear either on the primary ballot or general election ballot, the elections official, on the day of

the general election, shall declare the incumbent reelected. Certificates of election specified in Section 15401 or 15504 shall not be issued to a person reelected pursuant to this section before the day of the general election.

8204. (a) If an incumbent of a judicial office dies on or before the last day prescribed for the filing of nomination papers, or files a declaration of intention but for any reason fails to file his or her nomination papers by the last day prescribed for the filing of the papers, an additional five days shall be allowed for the filing of nomination papers for the office.

(b) Any person, other than the person who was the incumbent, if otherwise qualified, may file nomination papers for the office during the extended period, notwithstanding that he or she has not filed a written and signed declaration of intention to become a candidate for the office as provided in Sections 8023 and 8201.

Article 2. Adoption of Subdivision (d) of Section 16 of Article VI of the California Constitution

8220. The voters of any county may adopt subdivision (d) of Section 16 of Article VI of the Constitution of this state as applicable to the judge of the superior court of the county if a majority of the voters of the county, voting on the question of its adoption, vote in favor thereof.

8221. Subdivision (d) of Section 16 of Article VI may be adopted:

(a) In pursuance of an ordinance or resolution adopted by the board of supervisors of the county, declaring that the public interest requires the submission at an election of the proposal to adopt the provisions as applicable to the judge of the superior court of the county.

(b) In pursuance of a petition of voters of the county as provided in this article.

8222. The petition shall state the name and address of a person to whom notice of the insufficiency of the petition shall be sent in the event the petition has not the required number of signatures of voters signed thereto.

8223. The petition shall be signed by 10 percent of the voters of the county, computed upon the total number of votes cast therein for all candidates for Governor at the last preceding gubernatorial election, and it shall pray for the adoption of the provisions as applicable to the judge of the superior court of the county. The petition shall be filed in the office of the county elections official.

8224. Within 20 days after the filing of the petition, the county elections official shall examine it and ascertain from the record of the registration of the voters of the county whether the petition is signed by the requisite number. If needed by the county elections official, the board of supervisors shall authorize him or her to employ persons to assist him or her in the work of examining the petition, and the board shall provide for their compensation.

8225. Upon the completion of his or her examination, the elections official shall forthwith attach to the petition his or her certificate, duly dated, showing the results of his or her examination. If the certificate shows that the petition is signed by the requisite number of voters, he or she shall immediately present the petition to the board of supervisors if

it is in session, otherwise at its next meeting.

8226. If it appears by the certificate that the petition has not the required number of signatures, the elections official shall so notify the person designated as the person to whom notification of the insufficiency of the petition is to be sent.

The petitioners shall have 30 days from and after the date of receiving the notice of insufficiency to present and file a supplement bearing additional signatures. Upon the receipt of the supplement, the elections official shall proceed forthwith to examine it. He or she shall complete his or her examination within 10 days from the date of its receipt by him or her. If it appears that the additional signatures and those which have not been legally rejected upon the original petition total the requisite number, the county elections official shall forthwith attach to the petition his certificate, duly dated, showing that the petition has been signed by the requisite number of voters, and shall immediately present it to the board of supervisors if it is in session, otherwise at its next meeting.

8227. Upon the adoption of the ordinance or resolution or the presentation of a petition, the board of supervisors shall submit the proposal to the voters at the next succeeding general election, presidential primary, or countywide special election, occurring subsequent to 90 days after the adoption of the ordinance or resolution or the presentation of the petition.

8228. If the proposal is approved by a majority of the votes cast thereon, the board of supervisors shall file a certificate, signed by the chairman of the board and duly dated, with the Secretary of State, reciting that the proposal to adopt subdivision (d) of Section 16 of Article VI of the California Constitution as applicable to the judge of the superior court of the county was approved by a majority of the votes cast thereon at the election. Upon the filing of the certificate the provisions of subdivision (d) of Section 16 of the California Constitution shall thereupon be applicable to the judge of the superior court of that county, and effective as to all vacancies in the office occurring after the date of filing of the certificate.

## PART 2. INDEPENDENT NOMINATIONS

### CHAPTER 1. GENERAL PROVISIONS

8300. A candidate for any public office, including that of presidential elector, for which no nonpartisan candidate has been nominated or elected at any primary election, may be nominated subsequent to or in lieu of a primary election pursuant to this chapter.

8301. A candidate for whom a nomination paper has been filed as a partisan candidate at a primary election, and who is defeated for his or her party nomination at the primary election, is ineligible for nomination as an independent candidate.

8302. For the purposes of this chapter, Chapter 1 (commencing with Section 8000) of Part 1, and Part 4 (commencing with Section 8800), so far as consistent with this chapter, shall apply to all offices for which nominations are made at the presidential primary and direct primary elections, as well as to elections for any other office to which those provisions would not ordinarily apply.

8303. Whenever a group of candidates for presidential electors, equal in number to the number of presidential electors



to which this state is entitled, files a nomination paper with the Secretary of State pursuant to this chapter, the nomination paper may contain the name of the candidate for President of the United States and the name of the candidate for Vice President of the United States for whom all of those candidates for presidential electors pledge themselves to vote.

8304. When a group of candidates for presidential electors designates the presidential and vice presidential candidates for whom all of the group pledge themselves to vote, the names of the presidential candidate and vice presidential candidate designated by that group shall be printed on the ballot pursuant to Chapter 2 (commencing with Section 13100) of Division 13.

#### CHAPTER 2. DECLARATION OF INTENTION

8350. (a) A candidate shall file a written and signed declaration of his or her intention to become a candidate for elective office. The declaration shall be left with the officer with whom his or her nomination papers are required to be left, on a form to be supplied by the county elections official, not more than 14 nor less than five days prior to the first day on which nomination papers may be presented by a candidate seeking a party nomination for that office. The declaration shall be substantially in the following form:

"I hereby declare my intention to become a candidate for the office of \_\_\_\_\_ (name of office and district, if any) at the November \_\_, 19\_\_, general election."

(b) No person may be a candidate nor have his or her name printed upon any ballot as a candidate for elective office unless he or she has filed a declaration of intention pursuant to this section.

(c) This section shall not apply to any candidates for presidential elector, the United States House of Representatives, or the United States Senate.

#### CHAPTER 3. NOMINATION PAPERS

8400. Nomination papers for a statewide office for which the candidate is to be nominated shall be signed by voters of the state equal to not less in number than 1 percent of the entire number of registered voters of the state at the time of the close of registration prior to the preceding general election. Nomination papers for an office, other than a statewide office, shall be signed by the voters of the area for which the candidate is to be nominated, not less in number than 3 percent of the entire number of registered voters in the area at the time of the close of registration prior to the preceding general election. Nomination papers for Representative in Congress, State Senator or Assembly Member, to be voted for at a special election to fill a vacancy, shall be signed by voters in the district not less in number than 500 or 1 percent of the entire vote cast in the area at the preceding general election, whichever is less, nor more than 1,000.

8401. (a) Upon receiving the nomination paper if, from the examination of such pursuant to Section 8400, more than 500 signatures have been signed on the nomination paper petition, the elections official may use a random sampling technique for verification of signatures. The random sample of signatures to

be verified shall be drawn in such a manner that every signature filed with the elections official shall be given an equal opportunity to be included in the sample. The random sampling shall include an examination of at least 500 or 5 percent of the signatures, whichever is greater.

(b) If the statistical sampling shows that the number of valid signatures is within 90 to 110 percent of the number of signatures of qualified voters needed to declare the nomination paper sufficient, the elections official shall examine and verify each signature filed.

(c) In determining from the records of registration, what number of valid signatures are signed on the nomination paper, the elections official may use the duplicate file of affidavits maintained, or may check the signatures against facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles is permitted by law.

(d) The elections official shall attach to the nomination paper, a certificate showing the result of this examination, and shall notify the candidate of either the sufficiency or insufficiency of the nomination paper.

(e) If the nomination paper is found insufficient, no action shall be taken on the nomination paper. However, the failure to secure sufficient signatures, shall not preclude the submission later of an entirely new nomination paper to the same effect.

(f) If the nomination paper is found to be sufficient, the elections official shall certify the results of the examination.

8402. When a nomination paper or sections of a nomination paper have been received which contain the number of valid signatures required in Section 8400, the officer with whom those papers are required to be left shall not accept additional sections of the nomination paper for the candidate named in it.

8403. (a) (1) Nomination papers shall be prepared, circulated, signed, and delivered to the county elections official for examination no earlier than 148 days before the election and no later than 5 p.m. 88 days before the election.

(2) For offices for which no filing fee is required, nomination papers shall be prepared, circulated, signed, and delivered to the county elections official for examination no earlier than 193 days before the election and no later than 5 p.m. 88 days before the election.

(b) All nomination documents that are required to be filed in the office of the Secretary of State shall, within 24 days after being left with the county elections official in compliance with paragraph (1) or (2) of subdivision (a), be forwarded by the county elections official to the Secretary of State, who shall receive and file them.

(c) If the total number of signatures submitted to a county elections official for an office entirely within that county does not equal the number of signatures needed to qualify the candidate, the county elections official shall declare the petition void and is not required to verify the signatures. If

the district falls within two or more counties, the county elections official shall within two working days report in writing to the Secretary of State the total number of signatures submitted.

(d) If the Secretary of State finds that the total number of signatures submitted in the district or state is less than the minimum number required to qualify the candidate he or she shall

within one working day notify in writing the counties involved that they need not verify the signatures.

8404. Each signer of a nomination paper shall sign but one paper for the same office, except that in case two or more persons are to be elected to the same office at the same election, an elector may sign the nomination papers of as many persons as there are persons to be elected to the office, and that act on the part of an elector shall not be deemed in conflict with the signer's statement prescribed in this chapter.

The signer shall state his or her place of residence, giving his or her street and number, if any.

8405. Notwithstanding any other provision of law to the contrary, if an independent candidate submits an in-lieu-filing-fee petition pursuant to Section 8106, the county elections official, upon the request of the candidate, shall accept all valid signatures appearing on the candidate's in-lieu-filing-fee petition toward the number of signatures required to be submitted on an in-lieu-filing-fee petition and on a nomination paper.

If the in-lieu-filing-fee petition does not contain the requisite number of signatures required under Section 8400, the candidate shall be entitled to file, within the time period allowed for filing nomination papers, a nomination paper in order to obtain the requisite number of valid signatures required to be submitted to the elections official pursuant to this chapter.

8406. Any nomination paper may be presented in sections, but each section shall contain the name of the candidate and the name of the office for which he or she is proposed for nomination. Each section shall bear the name of the county in which it is circulated.

8407. The affidavit of any circulator obtaining signatures under this chapter shall be verified free of charge by any officer authorized to administer oaths.

8408. A verified nomination paper is prima facie evidence that the signatures to it are genuine and that the persons signing it are voters unless it is otherwise proven by comparison of the signatures with the affidavits of registration in the office of the county elections official.

8409. Each candidate or group of candidates shall submit a nomination paper that shall be substantially in the following form:

County of \_\_\_\_\_. Nomination paper of \_\_\_\_\_, candidate  
for the office of \_\_\_\_\_.  
State of California )  
County of \_\_\_\_\_ ) ss.

#### SIGNER'S STATEMENT

I, undersigned, am a voter of the County of \_\_\_\_, State of California. I hereby nominate \_\_\_\_\_, who resides at No. \_\_\_\_, \_\_\_\_\_ Street, City of \_\_\_\_, County of \_\_\_\_, State of California, as a candidate for the office of \_\_\_\_ to be voted for at the election to be held on the \_\_\_\_ day of \_\_\_\_, 19\_\_\_. I have not signed the nomination paper of any other candidate for the same office.

No.	Printed Name	Signature	Residence
1	_____	_____	_____
2	_____	_____	_____
3	_____	_____	_____
4	_____	_____	_____
5	_____	_____	_____
etc.	_____	_____	_____

CIRCULATOR'S AFFIDAVIT

I, \_\_\_\_\_, solemnly swear (or affirm) that I have been appointed as a circulator to secure signatures in the County of \_\_\_\_\_ to the nomination paper of \_\_\_\_\_ as candidate for the office of \_\_\_\_\_; that the signatures were obtained between \_\_\_\_\_ 19\_\_ and \_\_\_\_\_ 19\_\_; that I saw all the signatures on this section of the nomination paper being signed and that, to the best of my information and belief, each signature is the genuine signature of the person whose name it purports to be.

My residence address is \_\_\_\_\_  
 (Signed) \_\_\_\_\_

Circulator

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

(SEAL)

Notary Public (or other official)

CHAPTER 4. CIRCULATORS

8450. A candidate shall appoint circulators to serve, within the county in which they reside, for purposes of securing signatures to his or her nomination papers. The persons appointed pursuant to this section shall be authorized to secure signatures to the nomination paper of the candidate in that county. The document in which they are appointed shall be filed with the county elections official of the county in which they reside, at or before the date the nomination papers of the candidate is left with the county elections official for filing or for examination. Additional circulators may be appointed in the same manner as the original circulators are appointed.

8451. Circulators appointed pursuant to this article shall be voters in the district or political subdivision in which the candidate is to be voted on and shall serve only in that district or political subdivision.

8452. A county elections official or a deputy county elections official shall not be appointed as circulators, and circulators shall not obtain signatures within 100 feet of any election booth or polling place.

8453. Circulators may be appointed by the candidate on a form that shall be substantially in the following form:

I, the undersigned, a candidate for the office of \_\_\_\_\_, which office is to be voted on at the \_\_\_\_\_ election to be held on \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_, do hereby appoint the following voters of the \_\_\_\_\_ of \_\_\_\_\_, as circulators to obtain signatures in that \_\_\_\_\_ to a nomination paper placing me in nomination as a candidate for that office.

CIRCULATORS

Name

Residence

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Signature)

(Residence)

Filed in the office of the County Elections Official of

\_\_\_\_\_ County this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_, County Elections

Official

By \_\_\_\_\_, Deputy

8454. (a) Circulators appointed to obtain signatures to the nomination paper of any candidate may, at any time not more than 148 nor less than 88 days prior to the election, obtain signatures to the nomination paper of the candidate.

(b) Circulators appointed to obtain signatures to the nomination paper of any candidate for presidential elector may, at any time not more than 193 nor less than 88 days prior to the election, obtain signatures to the nomination paper of the candidate.

CHAPTER 5. ARRANGEMENT AND EXAMINATION OF NOMINATION PAPERS

8500. Each section of a nomination paper, after being verified, shall be returned by the circulator who circulated it to the candidate by whom the circulator was appointed. All the sections circulated in any area shall be collected by the candidate and shall be arranged for filing and examination.

8501. For all nominations of candidates to be voted for in more than one county or throughout the state, the nomination papers, properly assembled, may be fastened together by counties, but in no case shall nomination papers signed by voters of different counties be fastened together.

8502. Nomination papers shall be left with the county elections official for examination and filed by him or her pursuant to the time limitations set forth in Section 8403.

8503. The county elections official shall examine all nomination papers left with him or her for filing or for examination and shall disregard and mark "not sufficient" any name appearing on them which does not appear in the same handwriting on an affidavit of registration in his or her office made on or before the date when the name was signed.

8504. Within 24 days after any nomination papers are left for examination, the county elections official shall examine them and prepare a certificate reciting that he or she has

examined them, and stating the number of names which have not been marked "not sufficient." The certificate shall be forwarded immediately to the Secretary of State for those offices that are certified by the Secretary of State.

#### CHAPTER 6. AFFIDAVIT OF CANDIDATE

8550. At least 88 days prior to the election, each candidate shall leave with the officer with whom his or her nomination papers are required to be left, a declaration of candidacy which states all of the following:

- (a) The candidate's residence, with street and number, if any.
- (b) That the candidate is a voter in the precinct in which he or she resides.
- (c) The name of the office for which he or she is a candidate.
- (d) That the candidate will not withdraw as a candidate before the election.
- (e) That, if elected, the candidate will qualify for the office.
- (f) That the candidate is not, and was not at any time during the 13 months preceding the general election at which a candidate for the office mentioned in the declaration of candidacy shall be elected, registered as affiliated with a political party qualified under Section 5100. The statement required by this subdivision shall be omitted for a candidate for presidential elector.

The name of a candidate shall not be placed on the ballot unless the declaration of candidacy provided for in this section has been properly filed.

#### PART 3. WRITE-IN CANDIDATES

##### CHAPTER 1. GENERAL

8600. Every person who desires to be a write-in candidate and have his or her name as written on the ballot of an election counted for a particular office shall file:

- (a) A statement of write-in candidacy that contains the following information:
  - (1) Candidate's name.
  - (2) Residence address.
  - (3) A declaration stating that he or she is a write-in candidate.
  - (4) The title of the office for which he or she is running.
  - (5) The party nomination which he or she seeks, if running in a primary election.
  - (6) The date of the election.
- (b) The requisite number of signatures on the nomination papers, if any, required pursuant to Sections 8062, 10220, 10510 or, in the case of a special district not subject to the Uniform District Election Law (Part 4 (commencing with Section 10500) of Division 10), the number of signatures required by the principal act of the district.

8601. The statement and nomination papers shall be available on the 57th day prior to the election for which the candidate is filing as a write-in candidate, and shall be delivered to the elections official responsible for the conduct of the election no later than the 14th day prior to the election.

8602. The nomination papers for a write-in candidate shall

be substantially in the same form as set forth in Section 8041.

The document in which circulators are appointed by the write-in candidate shall be designated as set forth in Section 8042.

8603. Signers of nomination papers for write-in candidates shall be voters in the district or political subdivision in which the candidate is to be voted on. In addition, if the candidate is seeking a party nomination for an office, the signers shall also be affiliated with the party whose nomination is sought.

8604. No fee or charge shall be required of a write-in candidate except in the case of a candidate for city office, as provided in Section 10228.

8605. No person whose name has been written in upon a ballot for an office at the direct primary may have his or her name placed upon the ballot as a candidate for that office for the ensuing general election unless one of the following is applicable:

(a) At that direct primary he or she received for that office votes equal in number to 1 percent of all votes cast for the office at the last preceding general election at which the office was filled. In the case of an office that has not appeared on the ballot since its creation, the requisite number of votes shall equal 1 percent of the number of all votes cast for the office that had the least number of votes in the most recent general election in the jurisdiction in which the write-in candidate is seeking office.

(b) He or she is an independent nominee pursuant to Part 2 (commencing with Section 8300).

(c) He or she has been designated by a party central committee to fill a vacancy on the ballot for the general election.

## CHAPTER 2. PRESIDENTIAL ELECTORS

8650. Any group of individuals, equal in number to the number of presidential electors to which this state is entitled, who desire to be write-in candidates for presidential electors pledged to a particular candidate for President and Vice President of the United States shall file a declaration of write-in candidacy.

8651. The declaration of write-in candidacy for presidential elector shall contain the following information:

(a) Candidate's name.

(b) Residence address.

(c) A declaration stating that he or she is a write-in candidate for the office of presidential elector.

(d) Oath or affirmation as set forth in Section 3 of Article XX of the California Constitution.

(e) The date of the general election.

(f) The names of the candidates for President and Vice President of the United States for which the group of presidential electors are pledged.

8652. The declaration of write-in candidacy shall be filed with the Secretary of State no later than the 14th day prior to the general election.

8653. Only those names written on the ballot at the general election for the office of President and Vice President of the United States for which a group of presidential electors are

pledged on the declaration of write-in candidacy filed pursuant to Section 8650 shall be counted as votes.

### CHAPTER 3. TERM LIMITS

8700. (a) FEDERAL LEGISLATIVE CANDIDATES; BALLOT ACCESS. Notwithstanding any other provision of law, the Secretary of State, or other elections official authorized by law, shall not accept or verify the signatures on any nomination paper for any person, nor shall he or she certify or place on the list of certified candidates, nor print or cause to be printed on any ballot, ballot pamphlet, sample ballot, or ballot label the name of any person, who does either of the following:

(1) Seeks to become a candidate for a seat in the United States House of Representatives, and who, by the end of the then current term of office will have served, or but for resignation would have served, as a member of the United States House of Representatives representing any portion or district of the State of California during six or more of the previous eleven years;

(2) Seeks to become a candidate for a seat in the United States Senate, and who, by the end of the then current term of office will have served, or but for resignation would have served, as a member of the United States Senate representing the State of California during twelve or more of the previous seventeen years.

(b) "WRITE-IN" CANDIDACIES. Nothing in this section shall be construed as preventing or prohibiting any qualified voter of this state from casting a ballot for any person by writing the name of that person on the ballot, or from having such a ballot counted or tabulated, nor shall any provision of this section be construed as preventing or prohibiting any person from standing or campaigning for any elective office by means of a "write-in" campaign.

(c) CONSTRUCTION. Nothing in this section shall be construed as preventing or prohibiting the name of any person from appearing on the ballot at any direct primary or general election unless that person is specifically prohibited from doing so by the provisions of subdivision (a), and to that end, the provisions of subdivision (a) shall be strictly construed.

### PART 4. WITHDRAWAL OF CANDIDATES: VACANCIES

8800. No candidate whose declaration of candidacy has been filed for any primary election may withdraw as a candidate at that primary election.

8801. No candidate nominated at any primary election may withdraw as a candidate at the ensuing general election except those candidates permitted to withdraw by this part.

8802. Any person nominated by a party at the direct primary election for a partisan office may be appointed to fill a vacancy on the general election ballot for any other partisan office, as provided in Section 8806, and in that case his or her appointment shall constitute a vacancy on the general election ballot for the office for which he or she was nominated. The vacancy thus arising shall be filled in the manner prescribed in Section 8806.

8803. No vacancy on the ballot for a general election shall be filled except if the candidate dies and that fact has been



ascertained by the officer charged with the duty of printing the ballots at least 68 days before the date of the next ensuing general election.

8804. Notwithstanding Sections 8803 and 8810, any candidate who has been nominated at any primary election for superior court judge in which election there were at least two other candidates and who, after the date prescribed for the filing of declaration of candidacy pursuant to Article 2 (commencing with Section 8020) of Chapter 1 of Part 1, has been appointed to any federal or state office, may request the county elections official to have his or her name removed from the ballot of the next ensuing general election. If the request is received by the county elections official at least 68 days before the next ensuing general election, the county elections official shall remove the candidate's name from the ballot.

If a candidate's name is removed from the ballot pursuant to this section, the two remaining candidates who received the highest number of votes cast on all the ballots of all the voters participating in the primary election for nomination for that office of superior court judge shall be the candidates for that office at the ensuing general election, and their names as candidates for that office shall be placed on the official ballot at the ensuing election.

8805. Whenever a candidate for nomination for a partisan office at a primary election dies on or before the day of the election, and a sufficient number of ballots are marked as being voted for him or her to entitle him or her to nomination if he or she had lived until after the election, a vacancy exists on the general election ballot, which shall be filled in the manner provided in Section 8806 for filling a vacancy caused by the death of a candidate.

8806. Vacancies permitted to be filled may, in the case of legislative offices, be filled by the county central committee or committees of the party in which the vacancy occurs, in the county or counties comprising the legislative district of the deceased candidate. In the case of all other district or state offices requiring party nomination, except congressional offices, the vacancies may be filled by the state central committee of the party.

Vacancies permitted to be filled may, in the case of congressional offices, be filled by those members of the state central committee of the party who reside in the congressional district in which the vacancy occurs, and who were registered to vote in that district at the time the vacancy occurred, acting together with the members of the county central committee or committees of the party residing in that congressional district.

References in this section to state and county central committees shall be construed to refer to the newly elected or selected state and county central committees, unless the organizational meetings of those committees are held in January following the general election.

8807. If the vacancy occurs among candidates chosen at the direct primary to go on the ballot for the succeeding general election for a nonpartisan office, the name of that candidate receiving at the primary election the next highest number of votes shall go upon the ballot to fill the vacancy.

8808. A vacancy authorized to be filled because of the death of a candidate shall be filled, and the name of the person named to fill the vacancy shall be certified to the officer

charged with the duty of printing the ballots, 68 days before the day of election.

8809. Whenever a candidate has declared a candidacy for a primary election, the candidate's name shall be printed upon the ballot for the primary election, unless the candidate has died, and that fact has been ascertained by the officer charged with the duty of printing the ballots, at least 68 days before the day of the election.

8810. Whenever a candidate has been nominated at any primary election after having filed a declaration of candidacy, the name of the candidate shall be printed upon the ballot for the ensuing general election unless the candidate has died and that fact has been ascertained by the officer charged with the duty of printing the ballots, at least 68 days before the day of election.

8811. Whenever, upon the death of any candidate, the vacancy created is filled by a party committee, a certificate to that effect shall be filed with the officer with whom a declaration of candidacy for that office may be filed, and, upon payment of the filing fee applicable to the office, shall be accepted and acted upon by that officer as in the case of an original declaration certificate.

DIVISION 9. MEASURES SUBMITTED TO THE VOTERS  
CHAPTER 1. STATE ELECTIONS  
Article 1. Initiative and Referendum Petitions

9000. This article applies only to initiative and referendum measures affecting the Constitution or laws of the state.

9001. The heading of a proposed initiative measure shall be in substantially the following form:

Initiative Measure to Be Submitted Directly to the Voters

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

(Here set forth the title and summary prepared by the Attorney General. This title and summary must also be printed across the top of each page of the petition whereon signatures are to appear.)

To the Honorable Secretary of State of California

We, the undersigned, registered, qualified voters of California, residents of \_\_\_\_\_ County (or City and County), hereby propose amendments to the Constitution of California (the \_\_\_\_\_ Code, relating to \_\_\_\_\_) and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to that general election or otherwise provided by law. The proposed constitutional (or statutory) amendments (full title and text of the measure) read as follows:

9002. Prior to the circulation of any initiative or referendum petition for signatures, a draft of the proposed measure shall be submitted to the Attorney General with a written request that a title and summary of the chief purpose and points of the proposed measure be prepared. The title and

summary shall not exceed a total of 100 words.

The persons presenting the request shall be known as the "proponents."

The Attorney General shall preserve the written request until after the next general election.

The written request shall be accompanied by a written statement, signed by each proponent under penalty of perjury, that no appropriation for a particular project contained within the text of the proposed measure, if any, was included in exchange for a campaign contribution or a pledge for a campaign contribution for purposes of qualifying the proposed measure for the ballot.

9003. In the event that the Attorney General is a proponent of a proposed measure, the title and summary of the chief purpose and points of the proposed measure, including an estimate or opinion on the financial impact of the measure, shall be prepared by the Legislative Counsel, and the other duties of the Attorney General specified in this chapter with respect to the title and summary and an estimate of the financial effect of the measure shall be performed by the Legislative Counsel.

9004. Upon receipt of a draft of a petition, the Attorney General shall prepare a summary of the chief purposes and points of the proposed measure. The summary shall be prepared in the manner provided for the preparation of ballot titles in Article 5 (commencing with Section 9050), the provisions of which in regard to the preparation, filing, and settlement of titles and summaries are hereby made applicable to the summary. The Attorney General shall provide a copy of the title and summary to the Secretary of State within 15 days after receipt of the final version of a proposed initiative measure, or if a fiscal estimate or opinion is to be included, within 15 days after receipt of the fiscal estimate or opinion prepared by the Department of Finance and the Joint Legislative Budget Committee pursuant to Section 9005.

If during the 15-day period, the proponents of the proposed initiative measure submit amendments, other than technical, nonsubstantive amendments, to the final version of the measure, the Attorney General shall provide a copy of the title and summary to the Secretary of State within 15 days after receipt of the amendments.

The proponents of any initiative measure, at the time of submitting the draft of the measure to the Attorney General, shall pay a fee of two hundred dollars (\$200), which shall be placed in a

trust fund in the office of the Treasurer and refunded to the proponents if the measure qualifies for the ballot within two years from the date the summary is furnished to the proponents. If the measure does not qualify within that period, the fee shall be immediately paid into the General Fund of the state.

9005. Notwithstanding Section 9004, the Attorney General, in preparing a title or summary for an initiative measure, shall determine whether the substance thereof if adopted would affect the revenues or expenditures of the state or local government, and if he or she determines that it would, he or she shall include in the title either the estimate of the amount of any increase or decrease in revenues or costs to the state or local government, or an opinion as to whether or not a substantial net change in state or local finances would result if the proposed initiative is adopted.

The estimates as required by this section shall be made jointly by the Department of Finance and the Joint Legislative Budget Committee, who shall deliver them to the Attorney General so that he or she may include them in the titles prepared by him or her.

The estimate shall be delivered to the Attorney General within 25 working days from the date of receipt of the final version of the proposed initiative from the Attorney General, unless in the opinion of both the Department of Finance and the Joint Legislative Budget Committee a reasonable estimate of the net impact of the proposed initiative cannot be prepared within the 25-day period. In the latter case, the Department of Finance and the Joint Legislative Budget Committee shall, within the 25-day period, give the Attorney General their opinion as to whether or not a substantial net change in state or local finances would result if the proposed initiative is adopted.

Any statement of fiscal impact prepared by the Legislative Analyst pursuant to subdivision (b) of Section 12172 of the Government Code may be used by the Department of Finance and the Joint Legislative Budget Committee in the preparation of the fiscal estimate or the opinion.

9006. If, for any reason, any initiative or referendum measure proposed by petition as provided by this article is not submitted to the voters at the next succeeding statewide election, that failure shall not prevent its submission at a succeeding statewide election.

9007. Immediately upon the preparation of the summary of an initiative or referendum petition, the Attorney General shall forthwith transmit copies of the text of the measure and summary to the Senate and Assembly. The appropriate committees of each house may hold public hearings on the subject of the measure. However, nothing in this section shall be construed as authority for the Legislature to alter the measure or prevent it from appearing on the ballot.

9008. Every proposed initiative measure, prior to circulation, shall have placed across the top of the petition in 12-point or larger roman boldface type, all of the following:

(a) The summary prepared by the Attorney General upon each page of the petition on which signatures are to appear.

(b) The summary prepared by the Attorney General upon each section of the petition preceding the text of the measure.

(c) The summary prepared by the Attorney General as required by subdivision (b) shall be preceded by the following statement:

"Initiative measure to be submitted directly to the voters."

9009. A space at least one inch wide shall be left blank across the top of each page of every initiative petition and after the name of each voter who has signed the petition for the use of the county elections official in verifying the petition.

9010. Across the top of each page of a referendum petition, there shall be printed in 12-point boldface type the following:

"Referendum Against an Act Passed by the Legislature."

9011. Across the top of each page after the first page of every referendum petition or section of a referendum petition, which is prepared and circulated, there shall be printed in 18-point gothic type a short title, in 20 words or less, showing the nature of the petition and the subject to which it relates.

A space at least one inch wide shall be left blank at the top

of each page and after each name, for the use of the county elections official, in verifying the petition.

9012. Officers required by law to receive or file in their offices any initiative or referendum petition shall not receive or file any initiative or referendum petition not in conformity with this article.

9013. Notwithstanding any other provision of law, no initiative shall be placed on a statewide special election ballot that qualifies less than 131 days before the date of the election.

9014. Any initiative or referendum petition may be presented in sections, but each section shall contain a full and correct copy of the title and text of the proposed measure.

9015. The Secretary of State shall prepare and provide to any person, upon request, a pamphlet describing the procedures and requirements for preparing and circulating a statewide initiative measure and for filing sections of the petition, and describing the procedure used in determining and verifying the number of qualified voters who have signed the petition.

## Article 2. Petition Signatures

9020. The petition sections shall be designed so that each signer shall personally affix all of the following:

- (a) His or her signature.
- (b) His or her printed name.
- (c) His or her residence address, giving street and number, or if no street or number exists, adequate designation of residence so that the location may be readily ascertained.
- (d) The name of his or her incorporated city or unincorporated community.

Only a person who is a qualified registered voter at the time of signing the petition is entitled to sign it.

The number of signatures attached to each section shall be at the pleasure of the person soliciting the signatures.

9021. Any qualified registered voter may circulate an initiative or referendum petition anywhere within the state. Each section of the petition shall bear the name of a county or city and county, and only qualified registered voters of that county or city and county shall sign that section.

Any circulator may sign the section he or she is circulating as provided in Section 106.

9022. (a) Each section shall have attached thereto the declaration of the person soliciting the signatures setting forth the information required by Section 104 and stating that the circulator is a registered voter of the state.

(b) The circulator shall certify to the content of the declaration as to its truth and correctness, under penalty of perjury under the laws of the State of California, with the signature of his or her name at length, including given name, middle name or initial. The circulator shall state the date and the place of execution on the declaration immediately preceding his or her signature.

No other declaration thereto shall be required.

Petitions so verified shall be prima facie evidence that the signatures thereon are genuine and that the persons signing are qualified voters. Unless and until otherwise proven upon official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of qualified voters.

## Article 3. Filing Petitions

9030. (a) Each section of the petition shall be filed with the elections official of the county or city and county in which it was circulated, but all sections circulated in any county or city and county shall be filed at the same time. Once filed, no petition section shall be amended except by order of a court of competent jurisdiction.

(b) Within eight days after the filing of the petition, excluding Saturdays, Sundays, and holidays, the elections official shall determine the total number of signatures affixed to the petition and shall transmit this information to the Secretary of State. If the total number of signatures filed with all elections officials is less than 100 percent of the number of qualified voters required to find the petition sufficient, the Secretary of State shall so notify the proponents and the elections officials, and no further action shall be taken with regard to the petition.

(c) If the number of signatures filed with all elections officials is 100 percent or more of the number of qualified voters needed to declare the petition sufficient, the Secretary of State shall immediately so notify the elections officials.

(d) Within 30 days after this notification, excluding Saturdays, Sundays, and holidays, the elections official shall determine the number of qualified voters who have signed the petition. If more than 500 names have been signed on sections of the petition filed with an elections official, the elections official shall use a random sampling technique for verification of signatures, as determined by the Secretary of State. The random sample of signatures to be verified shall be drawn in such a manner that every signature filed with the elections official shall be given an equal opportunity to be included in the sample. The random sampling shall include an examination of at least 500 or 3 percent of the signatures, whichever is greater. In determining from the records of registration what number of qualified voters have signed the petition, the elections official may use the duplicate file of affidavits of registered voters or the facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with law.

(e) The elections official, upon the completion of the examination, shall immediately attach to the petition, except the signatures thereto appended, a properly dated certificate, showing the result of the examination, and shall immediately transmit the petition and the certificate to the Secretary of State. A copy of this certificate shall be filed in the elections official's office.

(f) If the certificates received from all elections officials by the Secretary of State establish that the number of valid signatures does not equal 95 percent of the number of qualified voters needed to find the petition sufficient, the petition shall be deemed to have failed to qualify, and the Secretary of State shall immediately so notify the proponents and the elections officials.

(g) If the certificates received from all elections officials by the Secretary of State total more than 110 percent of the number of qualified voters needed to find the petition sufficient, the petition shall be deemed to qualify as of the date of receipt by the Secretary of State of certificates

showing the petition to have reached the 110 percent, and the Secretary of State shall immediately so notify the proponents and the elections officials.

9031. (a) If the statistical sampling shows that the number of valid signatures is within 95 to 110 percent of the number of signatures of qualified voters needed to declare the petition sufficient, the Secretary of State shall order the examination and verification of each signature filed, and shall so notify the elections officials.

(b) Within 30 days, excluding Saturdays, Sundays, and holidays, after receipt of the order, the elections official or registrar of voters shall determine from the records of registration what number of qualified voters have signed the petition and if necessary the board of supervisors shall allow the elections official or registrar additional assistance for the purpose of examining the petition and provide for their compensation. In determining from the records of registration what number of qualified voters have signed the petition, the elections official or registrar of voters may use any file or list of registered voters maintained by his or her office, or the facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with law.

(c) The elections official or registrar, upon the completion of the examination, shall immediately attach to the petition, except the signatures thereto appended, an amended certificate properly dated, showing the result of the examination and shall immediately transmit the petition, together with the amended certificate, to the Secretary of State. A copy of the amended certificate shall be filed in the elections official's office.

(d) If the amended certificates establish the petition's sufficiency, the petition shall be deemed to be filed as of the date of receipt by the Secretary of State of certificates showing the petition to be signed by the requisite number of voters of the state.

If the amended certificates received from all elections officials by the Secretary of State establish that the petition has still been found insufficient, the Secretary of State shall immediately so notify the proponents and the elections officials.

9032. The right to file the petition shall be reserved to its proponents, and any section thereof presented for filing by any person or persons other than the proponents of a measure or by persons duly authorized in writing by one or more of the proponents shall be disregarded by the elections official.

9033. When the Secretary of State has received from one or more elections officials or registrars a petition, certified as herein provided to have been signed by the requisite number of qualified voters, the Secretary of State shall forthwith notify the proponents and immediately transmit to the elections official or registrar of voters of every county or city and county in the state, a certificate showing this fact so that signature verification can be terminated. A petition shall be deemed to be filed with the Secretary of State upon the date of the receipt by the Secretary of State of a certificate or certificates showing the petition to be signed by the requisite number of voters of the state. Any elections official shall, upon receipt of the copy, file the notification for record in that office.

9034. Upon the certification of an initiative measure for the ballot, the Secretary of State shall transmit copies of the

initiative measure, together with the ballot title as prepared by the Attorney General pursuant to Section 9050, to the Senate and Assembly. Each house shall assign the initiative measure to its appropriate committees. The appropriate committees shall hold joint public hearings on the subject of such measure prior to the date of the election at which the measure is to be voted upon. However, no hearing may be held within 30 days prior to the date of the election.

Nothing in this section shall be construed as authority for the Legislature to alter the initiative measure or prevent it from appearing on the ballot.

9035. An initiative measure may be proposed by presenting to the Secretary of State a petition that sets forth the text of the proposed statute or amendment to the Constitution and is certified to have been signed by registered voters equal in number to 5 percent in the case of a statute, and 8 percent in the case of an amendment to the Constitution, of the voters for all candidates for Governor at the last gubernatorial election preceding the issuance of the title and summary for the initiative measure by the Attorney General.

#### Article 4. Measures Proposed by the Legislature

9040. Every constitutional amendment, bond measure, or other legislative measure submitted to the people by the Legislature shall appear on the ballot of the first statewide election occurring at least 131 days after the adoption of the proposal by the Legislature.

9041. Whenever the Legislature submits any measure to the voters of the state, the author of the measure and no more than two persons appointed by the author may draft an argument for the adoption of the measure, or the author of the measure may appoint no more than three persons to draft the argument. In no case shall more than three persons write the argument. This argument shall not exceed 500 words in length.

If the author of the measure desires separate arguments to be written in its favor by each person appointed, separate arguments may be written, but the combined length of the arguments shall not exceed 500 words.

9042. If a measure submitted to the voters by the Legislature was not adopted unanimously, one member of each house who voted against it shall be appointed by the presiding officers of the respective houses, at the same time as appointments to draft an argument in its favor are made, to write an argument against the measure. The argument shall not exceed 500 words.

If those members appointed to write an argument against the measure so choose, each may write a separate argument opposing it, but the combined length of the two arguments shall not exceed 500 words.

9043. Arguments prepared by legislators and their appointees shall be submitted to the Secretary of State no later than a date to be designated by the Secretary of State. The arguments may not be amended or changed after submission.

9044. If an argument for or an argument against a measure submitted to the voters by the Legislature has not been filed by a Member of the Legislature, any voter may request the Secretary of State's permission to prepare and file an argument for either side, on which no argument has been prepared by a Member of the Legislature. The Secretary of State shall grant



permission unless two or more voters request permission to submit arguments on the same side of a measure, in which event the Secretary of State shall designate one of the voters to write the argument. Any argument prepared pursuant to this section shall be submitted to the Secretary of State by a date sufficient to meet ballot printing deadlines.

#### Article 5. Ballot Titles

9050. The Attorney General shall provide and return to the Secretary of State a ballot title for each measure submitted to the voters of the whole state.

9051. Any person who is interested in any proposed measure may at any time, prior to 150 days before the election at which the measure is to be voted upon, file a copy of it with the Secretary of State, together with a request that a ballot title be prepared for it. This request shall be accompanied by the address of the person or association of persons proposing the measure. The Secretary of State shall immediately transmit a copy of the measure to the Attorney General. Within 10 days after it is filed, the Attorney General shall provide and return to the Secretary of State a ballot title for the measure. The ballot title may differ from the legislative or other title of the measure and shall express in not exceeding 100 words the purpose of the measure. In providing the ballot title, the Attorney General shall give a true and impartial statement of the purpose of the measure in such language that the ballot title shall neither be an argument, nor be likely to create prejudice, for or against the proposed measure.

9052. Immediately upon receipt of the ballot title prepared by the Attorney General, the Secretary of State shall mail to all persons who may have requested the preparation of that ballot title, a notice addressed to them at the address accompanying the request, stating that the Attorney General has made and returned the ballot title. The notice shall also contain a copy of the ballot title prepared by the Attorney General.

9053. Each measure shall be designated on the ballot by the ballot title certified to the Secretary of State by the Attorney General.

#### Article 6. Arguments Concerning Measures Submitted to Voters

9060. In case either the argument for or the argument against any measure placed on the ballot is not prepared and filed, the Secretary of State shall, by a general press release, request voters to submit arguments.

9061. The press release shall be mailed at least 100 days prior to the date of the election at which a measure is to be voted upon.

9062. The press release shall consist of an announcement containing:

- (a) A summary of the essential nature or purpose of the measure for or against which no argument has been prepared or filed.
- (b) A statement that the affirmative or negative arguments, or both, have not been filed.
- (c) An invitation to any voter or group of voters to submit and file with the Secretary of State, within the time limit,

arguments for or against the measure as to which affirmative or negative arguments have not been filed.

9063. The summary of a measure given in the press release shall be the official summary that has been prepared by the Attorney General. The Legislative Counsel Bureau shall prepare the summary on all other measures.

9064. Any voter or group of voters may, at any time within the time limit, prepare and file with the Secretary of State an argument for or against any measure as to which arguments have not been prepared or filed. This argument shall not exceed 500 words in length.

9065. A ballot argument shall not be accepted under this article unless accompanied by all of the following:

(a) The name, business or home address, and telephone number of each person submitting the argument.

(b) If the argument is submitted on behalf of an organization, the name, business address, and telephone number of the organization and of at least two of its principal officers.

(c) The name, business or home address, and telephone number of a contact person for each individual or organization submitting the argument.

(d) If the argument is signed by anyone other than the proponent or legislative author, the name and official title of the person or persons authorized by the proponent to sign the argument.

(e) The signed statement required by Section 9600.

(f) No person signing an argument for or against a measure or a rebuttal to an argument for or against a measure may identify himself or herself in reference to that signature as a candidate for any office.

9066. A ballot argument or a rebuttal argument that includes in its text the name or title of a person, other than the author of the argument, who is represented as being for or against a measure, shall not be accepted unless the argument is accompanied by a signed consent of that person. The consent of a person, other than an individual, shall be signed by an officer or other duly authorized representative. "Person" as used in this section means any individual, partnership, corporation, association, committee, labor organization, and any other organization or group of persons.

9067. If more than one argument for or more than one argument against any measure is filed within the time prescribed, the Secretary of State shall select one of the arguments for printing in the ballot pamphlets. In selecting the argument the Secretary of State shall give preference and priority in the order named to the arguments of the following:

(a) In the case of a measure submitted by the Legislature, Members of the Legislature.

(b) In the case of an initiative or referendum measure, the proponent of the petition.

(c) Bona fide associations of citizens.

(d) Individual voters.

9068. (a) No more than three signatures shall appear with any argument printed in the ballot pamphlet. In case any argument is signed by more than three persons the signatures of the first three shall be printed.

(b) The Secretary of State shall provide, upon request, the name of, and a telephone number for, each signer of a ballot argument printed in the ballot pamphlet.

9069. When the Secretary of State has received the arguments that will be printed in the ballot pamphlet, the Secretary of State, within five days of receipt thereof, shall send copies of the arguments in favor of the proposition to the authors of the arguments against and copies of the arguments against to the authors of the arguments in favor. The authors may prepare and submit rebuttal arguments not exceeding 250 words, or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument. The rebuttal arguments shall be filed with the Secretary of State no later than a date to be designated by the Secretary of State.

Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

#### Article 7. Ballot Pamphlet

9080. The provisions of Sections 9084 to 9093, inclusive, are a restatement of, and shall be construed in conformity with, Sections 88001 to 88007, inclusive, of the Government Code.

9081. There shall be a state ballot pamphlet, that the Secretary of State shall prepare.

9082. The Secretary of State shall cause to be printed as many ballot pamphlets as needed to comply with this code.

The ballot pamphlets shall be printed in the Office of State Printing unless the Director of General Services determines that the printing of the pamphlets in the Office of State Printing cannot be done adequately, competently, or satisfactorily, in which case the Secretary of State, subject to the approval of the Director of General Services, shall contract with a private printing concern for the printing of all or a part of the pamphlets.

Copy for preparation of the ballot pamphlets shall be furnished to the Office of State Printing at least 40 days prior to the date for required delivery to the elections officials as provided in Section 9094.

9083. If the ballot contains a question as to the confirmation of a justice of the Supreme Court or a court of appeal, the Secretary of State shall include in the state ballot pamphlet a written explanation of the electoral procedure for justices of the Supreme Court and the courts of appeal. The explanation shall state the following:

"Under the California Constitution, justices of the Supreme Court and the courts of appeal are subject to confirmation by the voters. The public votes "yes" or "no" on whether to retain each justice.

"These judicial offices are nonpartisan.

"Before a person can become an appellate justice, the Governor must submit the candidate's name to the Judicial Nominees Evaluation Commission, which is comprised of public members and lawyers. The commission conducts a thorough review of the candidate's background and qualifications, with community input, and then forwards its evaluation of the candidate to the Governor.

"The Governor then officially nominates the candidate, whose qualifications are subject to public comment before examination and review by the Commission on Judicial Appointments. That commission consists of the Chief Justice of California, the Attorney General of California, and a senior Presiding Justice of the Courts of Appeal. The Commission on

Judicial Appointments must then confirm or reject the nomination. Only if confirmed does the nominee become a justice.

"Following confirmation, the justice is sworn into office and is subject to voter approval at the next gubernatorial election, and thereafter at the conclusion of each term."

9084. The ballot pamphlet shall contain all of the following:

(a) A complete copy of each state measure.

(b) A copy of the specific constitutional or statutory provision, if any, that each state measure would repeal or revise.

(c) A copy of the arguments and rebuttals for and against each state measure.

(d) A copy of the analysis of each state measure.

(e) Tables of contents, indexes, art work, graphics and other materials that the Secretary of State determines will make the ballot pamphlet easier to understand or more useful for the average voter.

(f) A notice, conspicuously printed on the cover of the ballot pamphlet, indicating that additional copies of the ballot pamphlet will be mailed by the county elections official upon request.

(g) A written explanation of the judicial retention procedure as required by Section 9083.

9085. (a) The ballot pamphlet shall also contain a section, located near the front of the pamphlet, that provides a concise summary of the general meaning and effect of "yes" and "no" votes on each state measure.

(b) The summary statements required by this section shall be prepared by the Legislative Analyst. These statements are not intended to provide comprehensive information on each measure. The Legislative Analyst shall be solely responsible for determining the contents of these statements. The statements shall be available for public examination and amendment pursuant to Section 9092.

(c) This section shall remain in effect only until January 1, 1999, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1999, deletes or extends that date.

9086. The ballot pamphlet shall contain as to each state measure to be voted upon, the following, in the order set forth in this section:

(a) Upon the top portion of the first page, and not exceeding one-third of the page, shall appear:

(1) Identification of the measure by number and title.

(2) The official summary prepared by the Attorney General.

(3) The total number of votes cast for and against the measure in both the State Senate and Assembly, if the measure was passed by the Legislature.

(b) Beginning at the top of the right page shall appear the analysis prepared by the Legislative Analyst, provided that the analysis fits on a single page. If it does not fit on a single page, the analysis shall begin on the lower portion of the first left page and shall continue on subsequent pages until it is completed.

(c) Arguments for and against the measure shall be placed on the next left and right pages, respectively, following the final page of the analysis of the Legislative Analyst ends. The rebuttals shall be placed immediately below the arguments.

(d) If no argument against the measure has been submitted, the argument for the measure shall appear on the right page facing the analysis.

(e) The complete text of each measure shall appear at the back of the pamphlet. The text of the measure shall contain the provisions of the proposed measure and the existing provisions of law repealed or revised by the measure. The provisions of the proposed measure differing from the existing provisions of law affected shall be distinguished in print, so as to facilitate comparison.

(f) The following statement shall be printed at the bottom of each page where arguments appear: "Arguments printed on this page are the opinions of the authors, and have not been checked for accuracy by any official agency."

9087. The Legislative Analyst shall prepare an impartial analysis of the measure describing the measure and including a fiscal analysis of the measure showing the amount of any increase or decrease in revenue or cost to state or local government. Any estimate of increased cost to local governments shall be set out in boldface print in the ballot pamphlet. The analysis shall be written in clear and concise terms, so as to be easily understood by the average voter, and shall avoid the use of technical terms wherever possible. The analysis may contain background information, including the effect of the measure on existing law and the effect of enacted legislation which will become effective if the measure is adopted, and shall generally set forth in an impartial manner the information the average voter needs to adequately understand the measure. The Legislative Analyst may contract with professional writers, educational specialists or other persons for assistance in writing an analysis that fulfills the requirements of this section, including the requirement that the analysis be written so that it will be easily understood by the average voter. The Legislative Analyst may also request the assistance of any state department, agency, or official in preparing his or her analysis. Prior to submitting the analysis to the Secretary of State, the Legislative Analyst shall submit the analysis to a committee of five persons, appointed by the Legislative Analyst, for the purpose of reviewing the analysis to confirm its clarity and easy comprehension to the average voter. The committee shall be drawn from the public at large, and one member shall be a specialist in education, one shall be bilingual, and one shall be a professional writer. Members of the committee shall be reimbursed for reasonable and necessary expenses incurred in performing their duties. Within five days of the submission of the analysis to the committee, the committee shall make such recommendations to the Legislative Analyst as it deems appropriate to guarantee that the analysis can be easily understood by the average voter. The Legislative Analyst shall consider the committee's recommendations, and he or she shall incorporate in the analysis those changes recommended by the committee that he or she deems to be appropriate. The Legislative Analyst is solely responsible for determining the content of the analysis required by this section. The title of the measure that appears on the ballot shall be amended to contain a summary of the Legislative Analyst's estimate of the net state and local government financial impact.

9088. (a) At each statewide election at which state bond measures will be submitted to the voters for their approval or

rejection, the ballot pamphlet for that election shall include a discussion, prepared by the Legislative Analyst, of the state's current bonded indebtedness situation.

(b) This discussion shall include information as to the dollar amount of the state's current authorized and outstanding bonded indebtedness, the approximate percentage of the state's General Fund revenues which are required to service this indebtedness, and the expected impact of the issuance of the bonds to be approved at the election on the items specified in this subdivision.

(c) The discussion required by this section shall appear on a separate page in the ballot pamphlet immediately following the rebuttal to the argument against the last ballot measure included in the ballot pamphlet.

9089. Measures shall be printed in the ballot pamphlet, so far as possible, in the same order, manner and form in which they are designated upon the ballot.

9090. The ballot pamphlet shall be printed according to the following specifications:

(a) The pages of the pamphlet shall be not smaller than 8 1/2 x 11 inches in size.

(b) The pamphlet shall be printed in clear readable type, no less than 10-point, except that the text of any measure may be set forth in eight-point type.

(c) The pamphlet shall be printed on a quality and weight of paper which, in the judgment of the Secretary of State, best serves the voters.

(d) The pamphlet shall contain a certificate of correctness by the Secretary of State.

9091. The Legislative Counsel shall prepare and proofread the texts of all measures and the provisions which are repealed or revised.

9092. Not less than 20 days before he or she submits the copy for the ballot pamphlet to the State Printer, the Secretary of State shall make the copy available for public examination. Any voter may seek a writ of mandate requiring any copy to be amended or deleted from the ballot pamphlet. A peremptory writ of mandate shall issue only upon clear and convincing proof that the copy in question is false, misleading, or inconsistent with the requirements of this code or Chapter 8 (commencing with Section 88000) of Title 9 of the Government Code, and that issuance of the writ will not substantially interfere with the printing and distribution of the ballot pamphlet as required by law. Venue for a proceeding under this section shall be exclusively in Sacramento County. The Secretary of State shall be named as the respondent and the State Printer and the person or official who authored the copy in question shall be named as real parties in interest. If the proceeding is initiated by the Secretary of State, the State Printer shall be named as the respondent.

9093. Notwithstanding Section 81012 of the Government Code, the Legislature may without restriction amend this article to add to the ballot pamphlet information regarding candidates or any other information.

9094. (a) The Secretary of State shall mail ballot pamphlets to voters, in those instances in which the county elections official uses data processing equipment to store the information set forth in the affidavits of registration, before the election at which measures contained in the ballot pamphlet are to be voted on. The mailing shall commence not more than 40

days before the election and shall be completed no later than 21 days before the election for those voters who registered on or before the 60th day before the election. The Secretary of State shall mail one copy of the ballot pamphlet to each registered voter at the postal address stated on the voter's affidavit of registration, or the Secretary of State may mail only one ballot pamphlet to two or more registered voters having the same surname and the same postal address.

(b) In those instances in which the county elections official does not utilize data processing equipment to store the information set forth in the affidavits of registration, the Secretary of State shall furnish ballot pamphlets to the county elections official not less than 45 days before the election at which measures contained in the ballot pamphlet are to be voted on and the county elections official shall mail ballot pamphlets to voters, on the same dates and in the same manner provided by subdivision (a).

(c) The Secretary of State shall provide for the mailing of ballot pamphlets to voters registering after the 60th day before the election and before the 28th day before the election, by either: (1) mailing in the manner as provided in subdivision (a), or (2) requiring the county elections official to mail ballot pamphlets to those voters registering in the county after the 60th day before the election and before the 28th day before the election pursuant to the provisions of this section. The second mailing of ballot pamphlets shall be completed no later than 10 days before the election. The county elections official shall mail a ballot pamphlet to any person requesting a ballot pamphlet. Three copies, to be supplied by the Secretary of State, shall be kept at every polling place, while an election is in progress, so that they may be freely consulted by the voters.

9095. Any costs incurred by a county for mailing the ballot pamphlets pursuant to the provisions of subdivisions (b) and (c) of Section 9094 shall be reimbursed to the county by the Secretary of State.

9096. (a) As soon as copies of the ballot pamphlet are available, the Secretary of State shall immediately mail the following number of copies to the listed persons and places:

- (1) Five copies to each county elections official or registrar of voters;
- (2) Six copies to each city elections official.
- (3) Five copies to each Member of the Legislature.
- (4) Five copies to the proponents of each ballot measure.

(b) The Secretary of State shall also mail:

- (1) Two copies to each public library and branch thereof.
- (2) Twelve copies to each public high school or other public school teaching at least the 11th and 12th grades, and 25 copies to each public institution of higher learning. Upon request, and in the discretion of the Secretary of State, additional copies may be furnished to these persons and institutions.

## CHAPTER 2. COUNTY ELECTIONS

### Article 1. Initiative

9100. In addition to any other method provided by law, ordinances may be enacted by any county pursuant to this article.

9101. Any proposed ordinance may be submitted to the board

of supervisors by filing an initiative petition with the county elections official, signed by not less than the number of voters specified in this article.

Each petition section shall comply with Sections 100 and 9020 and contain a full and correct copy of the notice of intention and accompanying statement including the full text of the proposed ordinance.

9102. Any proposal to enact, amend, or otherwise revise a county charter by initiative petition may be submitted to the board of supervisors and shall be subject to this article. However, nothing in this article shall be construed to allow a board of supervisors to enact, amend, or otherwise revise a county charter without submitting the proposal to the voters.

9103. (a) Before circulating any initiative petition in a county, or any petition relating to the annexation of territory by a county, the consolidation of counties, or the dissolution of a county, its proponents shall file with the county elections official a notice of intention to do so. The notice shall include the names and business or residence addresses of at least one but not more than five proponents of the petition, and shall be accompanied by the written text of the initiative and a request that a ballot title and summary be prepared.

(b) Any person filing a notice of intent with the county elections official shall pay a fee to be established by the board of supervisors not to exceed two hundred dollars (\$200) to be refunded to the filer if, within one year of the date of filing the notice of intent, the county elections official certifies the sufficiency of the petition.

9104. The notice of intention shall contain the printed name, signature, and business or residence address of at least one but not more than five proponents, and may include a printed statement, not exceeding 500 words in length, stating the reasons for the proposed petition. The notice shall be in substantially the following form:

#### Notice of Intention to Circulate Petition

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the County of \_\_\_\_\_ for the purpose of \_\_\_\_\_. A statement of the reasons of the proposed action as contemplated in the petition is as follows: (optional statement).

9105. (a) The county elections official shall immediately transmit a copy of any proposed measure to the county counsel. Within 15 days after the proposed measure is filed, the county counsel shall provide and return to the county elections official a ballot title and summary for the proposed measure. The ballot title may differ from any other title of the proposed measure and shall express in 500 words or less the purpose of the proposed measure. In providing the ballot title, the county counsel shall give a true and impartial statement of the purpose of the proposed measure in such language that the ballot title shall neither be an argument, nor be likely to create prejudice, for or against the proposed measure.

(b) The county elections official shall furnish a copy of the ballot title and summary to the proponents of the proposed measure. The proponents shall, prior to the circulation of the petition, publish the Notice of Intention, and the ballot title and summary of the proposed measure in a newspaper of general



circulation published in that county, and file proof of publication with the county elections official.

(c) The ballot title and summary prepared by the county counsel shall appear upon each section of the petition, above the text of the proposed measure and across the top of each page of the petition on which signatures are to appear, in roman boldface type not smaller than 12-point. The ballot title and summary shall be clearly separated from the text of the measure.

The heading of the proposed measure shall be in substantially the following form:

Initiative Measure To Be Submitted Directly to the Voters

The county counsel has prepared the following title and summary of the chief purpose and points of the proposed measure:

(Here set forth the title and summary prepared by the county counsel. This title and summary must also be printed across the top of each page of the petition whereon signatures are to appear.)

9106. The proponent may seek a writ of mandate requiring the ballot title or summary prepared by the county counsel to be amended. The court shall expedite hearing on the writ. A peremptory writ of mandate shall be issued only upon clear and convincing proof that the ballot title or summary is false, misleading, or inconsistent with the requirements of Section 9105.

9107. The county elections official shall ascertain the number of signatures required to sign the petition by obtaining the number of votes cast within the county for all candidates for Governor at the last gubernatorial election preceding the publication of the notice of intention to circulate the initiative petition.

9108. The proponents may commence to circulate the petitions among the voters of the county for signatures by any registered voter of the county after publication of the title and summary prepared by the county counsel. Each section of the petition shall bear a copy of the notice of intention, and the title and summary prepared by the county counsel.

9109. Each petition section shall have attached to it an affidavit to be completed by the circulator. The affidavit shall be substantially in the same form as set forth in Section 104.

9110. Signatures shall be secured and the petition shall be presented to the county elections official for filing within 180 days from the date of receipt of the title and summary, or after termination of any action for a writ of mandate pursuant to Section 9106 and, if applicable, after receipt of an amended title or summary or both, whichever occurs later.

9111. (a) During the circulation of the petition or before taking either action described in subdivisions (a) and (b) of Section 9116, or Section 9118, the board of supervisors may refer the proposed initiative measure to any county agency or agencies for a report on any or all of the following:

(1) Its fiscal impact.

(2) Its effect on the internal consistency of the county's general and specific plans including the housing element, the consistency between planning and zoning, the limitations on

county actions under Section 65008 of the Government Code, and Chapters 4.2 (commencing with Section 65913) and 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code.

(3) Any other matters the board of supervisors request to be in the report.

(b) The report shall be presented to the board of supervisors within the time prescribed by the board of supervisors but no later than 30 days after the county elections official certifies to the board of supervisors the sufficiency of the petition.

9112. On or before April 1 of each odd-numbered year, the county elections official of each county shall file a report with the Secretary of State containing the following information:

(a) The number of county initiative petitions circulated during the preceding two calendar years that did not qualify for the ballot, and the number of these proposed initiatives for which reports were prepared pursuant to Section 9111.

(b) With respect to county initiative measures that qualified for the ballot in the preceding two calendar years, the number that were approved by the voters, and the number of these ballot measures for which reports were prepared pursuant to Section 9111.

(c) With respect to county initiative measures that qualified for the ballot in the preceding two calendar years, the number which were not approved by the voters, and the number of these ballot measures for which reports were prepared pursuant to Section 9111.

9113. The petition shall be filed by the proponents, or by any person or persons authorized in writing by the proponents. All sections of the petition shall be filed at one time. Any sections of the petition not so filed shall be void for all purposes. Once filed, no petition section shall be amended except by order of a court of competent jurisdiction.

When the petition is filed, the county elections official shall determine the total number of signatures affixed to the petition. If, from this examination, the county elections official determines that the number of signatures, prima facie, equals or is in excess of the minimum number of signatures required, the county elections official shall examine the petition in accordance with Section 9114 or 9115. If, from this examination, the county elections official determines that the number of signatures, prima facie, does not equal or exceed the minimum number of signatures required, no further action shall be taken.

9114. Except as provided in Section 9115, within 30 days from the date of filing of the petition, excluding Saturdays, Sundays, and holidays, the elections official shall examine the petition, and from the records of registration ascertain whether or not the petition is signed by the requisite number of voters. A certificate showing the results of this examination shall be attached to the petition.

In determining the number of valid signatures, the elections official may use the duplicate file of affidavits maintained, or may check the signatures against facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with law.

The elections official shall notify the proponents of the petition as to the sufficiency or insufficiency of the petition.

If the petition is found insufficient, no further action shall be taken. However, the failure to secure sufficient signatures, shall not preclude the filing of a new petition on the same subject, at a later date.

If the petition is found sufficient, the elections official shall certify the results of the examination to the board of supervisors at the next regular meeting of the board.

9115. (a) Within 30 days from the date of filing of the petition, excluding Saturdays, Sundays, and holidays, if, from the examination of petitions pursuant to Section 9114 shows that more than 500 signatures have been signed on the petition, the elections official may use a random sampling technique for verification of signatures. The random sample of signatures to be verified shall be drawn so that every signature filed with the elections official shall be given an equal opportunity to be included in the sample. The random sampling shall include an examination of at least 500, or 3 percent of the signatures, whichever is greater.

(b) If the statistical sampling shows that the number of valid signatures is within 95 to 110 percent of the number of signatures of qualified voters needed to declare the petition sufficient, the elections official shall examine and verify each signature filed.

(c) In determining from the records of registration, what number of valid signatures are signed on the petition, the elections official may use the duplicate file of affidavits maintained, or may check the signatures against facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with law.

(d) The elections official shall attach to the petition, a certificate showing the result of this examination, and shall notify the proponents of either the sufficiency or insufficiency of the petition.

(e) If the petition is found insufficient, no action shall be taken on the petition. However, the failure to secure sufficient signatures shall not preclude the filing later of an entirely new petition to the same effect.

(f) If the petition is found to be sufficient, the elections official shall certify the results of the examination to the board of supervisors at the next regular meeting of the board.

9116. If the initiative petition is signed by voters not less in number than 20 percent of the entire vote cast within the county for all candidates for Governor at the last gubernatorial election preceding the publication of the notice of intention to circulate an initiative petition, and contains a request that the ordinance be submitted immediately to a vote of the people at a special election, the board of supervisors shall either:

(a) Pass the ordinance without alteration either at the regular meeting at which it is presented, or within 10 days after it is presented.

(b) Immediately call a special election at which the ordinance, without alteration, shall be submitted to a vote of the voters of the county.

(c) Order a report pursuant to Section 9111 at the regular meeting at which the ordinance is presented. When the report is presented to the board of supervisors, it shall either adopt the ordinance within 10 days or order an election pursuant to subdivision (b).

9117. When it is legally possible to hold a special election under this article within six months prior to a regular election, the board of supervisors may submit the proposed ordinance at that regular election instead of at a special election.

In all other cases, the board of supervisors shall call a special election, to be held not less than 88 nor more than 103 days after the date of the presentation of the proposed ordinance to the board. However, to avoid holding more than one election within any six months, the date for holding the special election may be fixed later than 103 days after the date of the presentation of the proposed ordinance to the board, but at as early a date as practicable after the expiration of the six months.

Not more than one special election may be held pursuant to this article during any period of six months.

9118. If the initiative petition is signed by voters not less in number than 10 percent of the entire vote cast in the county for all candidates for Governor at the last gubernatorial election preceding the publication of the notice of intention to circulate an initiative petition, and the ordinance petitioned for is not required to be, or for any reason is not, submitted to the voters at a special election, and is not passed without change by the board of supervisors, the ordinance, without alteration, shall be submitted by the board to the voters at the next statewide election occurring not less than 88 days after the date of the order, or after the board of supervisors is presented with a report prepared pursuant to Section 9711.

9119. Whenever any ordinance is required by this article to be submitted to the voters of a county at any election, the county elections official shall cause the ordinance to be printed. A copy of the ordinance shall be made available to any voter upon request.

9120. Article 3 (commencing with Section 9160) shall govern the procedures for submitting arguments for county initiatives.

9121. Any number of proposed ordinances may be voted upon at the same election.

9122. If a majority of the voters voting on a proposed ordinance vote in its favor, the ordinance shall become a valid and binding ordinance of the county. The ordinance shall be considered as adopted upon the date the vote is declared by the board of supervisors, and shall go into effect 10 days after that date.

9123. If the provisions of two or more ordinances adopted at the same election conflict, the ordinance receiving the highest number of affirmative votes shall control.

9124. The enacting clause of an ordinance submitted to the voters of a county shall be substantially in the following form:

"The people of the County of \_\_\_\_\_ ordain as follows:"

9125. No ordinance proposed by initiative petition and adopted either by the board of supervisors without submission to the voters or adopted by the voters shall be repealed or amended except by a vote of the people, unless provision is otherwise made in the original ordinance. In all other respects, an ordinance proposed by initiative petition and adopted shall have the same force and effect as any ordinance

adopted by the board of supervisors.

9126. This article does not apply to any statewide initiative measure.

Article 2. Referendum

9140. The board of supervisors may submit to the voters, without a petition, an ordinance for the repeal, amendment, or enactment of any ordinance. The ordinance shall be voted upon at any succeeding regular or special election and, if it receives a majority of the votes cast, the ordinance shall be repealed, amended, or enacted accordingly.

9141. (a) Except an ordinance granting a franchise, the following ordinances shall take effect immediately:

- (1) Those calling or otherwise relating to an election.
- (2) Those specifically required by law to take immediate effect.

(3) Those fixing the amount of money to be raised by taxation or the rate of taxes to be levied.

(4) Those for the immediate preservation of the public peace, health, or safety. The ordinances referred to in this subdivision shall contain a declaration of the facts constituting the necessity and shall be passed by a four-fifths vote of the board of supervisors.

(b) All other ordinances, including ordinances granting a franchise, shall become effective 30 days from and after the date of final passage.

9142. (a) Notwithstanding Section 9141, ordinances authorizing the issuance of revenue bonds by a county as part of a joint powers entity pursuant to Section 6547 of the Government Code shall not take effect for 60 days.

(b) When the number of votes cast for all candidates for Governor at the last gubernatorial election within the boundaries of the county described in subdivision (a) exceeds 500,000, the ordinance is subject to referendum upon presentation of a petition bearing signatures of at least 5 percent of the entire vote cast within the boundaries of the county for all candidates for Governor at the last gubernatorial election. When the number of votes cast for all candidates for Governor at the last gubernatorial election within the boundaries of the county is less than 500,000, the ordinance is subject to referendum upon presentation of a petition bearing signatures of at least 10 percent of the entire vote cast within the boundaries of the county for all candidates for Governor at the last gubernatorial election.

(c) For the purpose of submitting the question to the voters pursuant to subdivision (b), the ballot wording shall approximate the following:

"Shall the \_\_\_\_\_, as a member of the \_\_\_\_\_ (county name)

\_\_\_\_\_ , authorize the issuance \_\_\_\_\_ (joint powers entity name)

of revenue bonds by the joint powers entity in the amount of \$ \_\_\_\_\_ pursuant to ordinance number \_\_\_\_\_,

dated \_\_\_\_\_, the bonds to be used for the following

purposes and to be redeemed in the following manner:  
 \_\_\_\_\_?"

9143. Notwithstanding Section 9141, that portion of any ordinance that changes supervisorial salaries shall become effective 60 days from the date of its final passage.

9144. If a petition protesting the adoption of an ordinance is presented to the board of supervisors prior to the effective date of the ordinance, the ordinance shall be suspended and the supervisors shall reconsider the ordinance. The petition shall be signed by voters of the county equal in number to at least 10 percent of the entire vote cast within the county for all candidates for Governor at the last gubernatorial election.

9145. If the board of supervisors does not entirely repeal the ordinance against which a petition is filed, the board shall submit the ordinance to the voters either at the next regularly scheduled county election occurring not less than 88 days after the date of the order, or at a special election called for that purpose not less than 88 days after the date of the order. The ordinance shall not become effective unless and until a majority of the voters voting on the ordinance vote in favor of it.

9146. The provisions of this code relating to the form of petitions, the duties of the county elections official, and the manner of holding elections, when an ordinance is proposed by initiative petition, govern the procedure on ordinances against which a protest is filed.

9147. (a) The heading of a proposed referendum measure shall be in substantially the following form:

Referendum Against an Ordinance Passed by the Board of Supervisors.

(b) Each section of the referendum petition shall contain the title and text of the ordinance or the portion of the ordinance which is the subject of the referendum.

### Article 3. Arguments Concerning County Measures

9160. (a) Whenever any county measure qualifies for a place on the ballot, the county elections official shall transmit a copy of the measure to the county auditor and to the county counsel or to the district attorney in any county which has no county counsel.

(b) The county counsel or district attorney shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The analysis shall be printed preceding the arguments for and against the measure. The analysis shall not exceed 500 words in length.

In the event the entire text of the measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-point boldface type, a legend substantially as follows:

"The above statement is an impartial analysis of Ordinance or Measure \_\_\_\_\_. If you desire a copy of the ordinance or measure, please call the elections official's office at (insert telephone number) and a copy will be mailed at no cost to you."

(c) Not later than 88 days prior to an election that includes

a county ballot measure, the board of supervisors may direct the county auditor to review the measure and determine whether the substance thereof, if adopted, would affect the revenues or expenditures of the county. He or she shall prepare a fiscal impact statement which estimates the amount of any increase or decrease in revenues or costs to the county if the proposed measure is adopted. The fiscal impact statement is "official matter" within the meaning of Section 13303, and shall be printed preceding the arguments for and against the measure. The fiscal impact statement shall not exceed 500 words in length.

9161. If there is no other method provided by law, arguments for and against any county measure may be submitted to the qualified voters of the county pursuant to this article. If a method is otherwise provided by law for submitting such arguments as to a particular kind of county measure, that method shall control.

9162. The board of supervisors or any member or members of the board authorized by the board, or any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or any combination of these voters and associations may file a written argument for or against any county measure. No argument shall exceed 300 words in length. The county elections official shall cause an argument for and an argument against the measure, and the analysis of the measure, to be printed, and shall enclose a copy of both arguments preceded by the analysis with each sample ballot. The printed arguments and the analysis are "official matter" within the meaning of Section 13303.

The following statement shall be printed on the front cover, or if none, on the heading of the first page, of the printed arguments:

"Arguments in support of or in opposition to the proposed laws are the opinions of the authors."

Printed arguments submitted to voters in accordance with this section shall be titled either "Argument In Favor Of Measure \_\_\_\_" or "Argument Against Measure \_\_\_\_," accordingly, the blank spaces being filled in only with the letter or number, if any, which designates the measure. At the discretion of the county elections official, the word "Proposition" may be substituted for the word "Measure" in the titles. Words used in the title shall not be counted when determining the length of any argument.

9163. Based on the time reasonably necessary to prepare and print the arguments, analysis, and sample ballots and to permit the 10-calendar-day public examination as provided in Article 5 (commencing with Section 9190) for the particular election, the county elections official shall fix and determine a reasonable date prior to the election after which no arguments for or against any county measure may be submitted for printing and distribution to the voters as provided in this article. Notice of the date fixed shall be published by the county elections official pursuant to Section 6061 of the Government Code. Arguments may be changed until and including the date fixed by the county elections official.

9164. A ballot argument shall not be accepted under this article unless accompanied by the name or names of the person or persons submitting it, or, if submitted on behalf of an organization, the name of the organization and the name of at least one of its principal officers.

No more than five signatures shall appear with any argument submitted under this article. In case any argument is signed by more than five persons, the signatures of the first five shall be printed.

9165. A ballot argument or a rebuttal argument which includes in its text the name or title of a person, other than the author of the argument, who is represented as being for or against a measure, shall not be accepted unless the argument is accompanied by a signed consent of that person. The consent of a person other than an individual shall be signed by an officer or other duly authorized representative. "Person" as used in this section means any individual, partnership, corporation, association, committee, labor organization, and any other organization or group of persons.

9166. If more than one argument for or more than one argument against any county measure is submitted to the county elections official within the time prescribed, the county elections official shall select one of the arguments in favor and one of the arguments against the measure for printing and distribution to the voters. In selecting the argument the county elections official shall give preference and priority in the order named to the arguments of the following:

- (a) The board of supervisors, or member or members of the board authorized by the board.
- (b) The individual voter, or bona fide association of citizens, or combination of voters and associations, who are the bona fide sponsors or proponents of the measure.
- (c) Bona fide associations of citizens.
- (d) Individual voters who are eligible to vote on the measure.

9167. When the county elections official has selected the arguments for and against the measure which will be printed and distributed to the voters, the elections official shall send copies of the argument in favor of the measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. The authors may prepare and submit rebuttal arguments not exceeding 250 words. The rebuttal arguments must be filed with the county elections official not more than 10 days after the final date for filing direct arguments. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut and shall be titled "Rebuttal To Argument In Favor Of Measure (or Proposition) \_\_\_\_\_" or "Rebuttal To Argument Against Measure (or Proposition) \_\_\_\_\_," the blank spaces being filled in only with the letter or number, if any, which designates the measure. Words used in the title shall not be counted when determining the length of any rebuttal argument.

9168. (a) Notwithstanding any provision of law to the contrary, this article shall apply to any district bond election called by, and the returns of which are canvassed by, the board of supervisors, or to any district bond election conducted by a district. This article shall also apply to any special election, if the board of supervisors so provides in its proclamation or notice thereof.

(b) At any election subject to this section:

- (1) "County measure" shall be deemed to refer to any measure as defined in Section 329. Section 312 shall not apply.
- (2) Section 9160, and the reference to the analysis of the measure in Section 9162, shall not apply unless the board of



supervisors directs the officer to prepare the analysis.

(c) This article shall not apply to any school district bond election.

#### Article 4. Mailings

9180. Whenever the county elections official is required to mail official matter, as provided in Sections 9119, 9120, 9160, 9162, and 9167, only one copy of each official matter shall be mailed to a postal address where two or more registered voters have the same surname and the same postal address.

This section shall only apply if the board of supervisors adopts this section.

#### Article 5. Public Examinations

9190. Not less than 10 calendar days before the county elections official submits the official election materials referred to in Sections 9119, 9120, 9160, 9162, and 9167 for printing, the county elections official shall make a copy of the materials available for public examination in the county elections official's office. Any person may obtain a copy of the materials from the county elections official for use outside of the county elections official's office. The county elections official may charge a fee to any person obtaining a copy of the material. The fee shall not exceed the actual cost incurred by the county elections official in providing the copy.

During the 10-calendar-day examination period provided by this section, any voter of the jurisdiction in which the election is being held, or the county elections official, himself or herself, may seek a writ of mandate or an injunction requiring any or all of the materials to be amended or deleted. A peremptory writ of mandate or an injunction shall be issued only upon clear and convincing proof that the material in question is false, misleading, or inconsistent with this chapter, and that issuance of the writ or injunction will not substantially interfere with the printing or distribution of official election materials as provided by law. The county elections official shall be named as respondent and the person or official who authored the material in question shall be named as real parties in interest. In the case of the county elections official bringing the mandamus or injunctive action, the board of supervisors of the county shall be named as the respondent and the person or official who authored the material in question shall be named as the real party in interest.

### CHAPTER 3. MUNICIPAL ELECTIONS

#### Article 1. Initiative

9200. Ordinances may be enacted by and for any incorporated city pursuant to this article.

9201. Any proposed ordinance may be submitted to the legislative body of the city by a petition filed with the elections official of the legislative body, in the manner hereinafter prescribed, after being signed by not less than the number of voters specified in this article. The petition may be in separate sections, providing that the petition complies with this article. The first page of each section shall contain the title of the petition and the text of the measure. The

petition sections shall be designated in the manner set forth in Section 9020.

9202. (a) Before circulating an initiative petition in any city, the proponents of the matter shall file with the elections official a notice of intention to do so, which shall be accompanied by the written text of the initiative and may be accompanied by a written statement not in excess of 500 words, setting forth the reasons for the proposed petition. The notice shall be signed by at least one, but not more than three, proponents and shall be in substantially the following form:

Notice of Intent to Circulate Petition

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the City of \_\_\_\_\_ for the purpose of \_\_\_\_\_. A statement of the reasons of the proposed action as contemplated in the petition is as follows:

(b) Any person filing a notice of intent with the elections official shall pay a fee to be established by the legislative body not to exceed two hundred dollars (\$200) to be refunded to the filer if, within one year of the date of filing the notice of intent, the elections official certifies the sufficiency of the petition.

9203. (a) Any person who is interested in any proposed measure shall file a copy of the proposed measure with the elections official with a request that a ballot title and summary be prepared. This request shall be accompanied by the address of the person proposing the measure. The elections official shall immediately transmit a copy of the proposed measure to the city attorney. Within 15 days after the proposed measure is filed, the city attorney shall provide and return to the city elections official a ballot title for and summary of the proposed measure. The ballot title may differ from any other title of the proposed measure and shall express in 500 words or less the purpose of the proposed measure. In providing the ballot title, the city attorney shall give a true and impartial statement of the purpose of the proposed measure in such language that the ballot title shall neither be an argument, nor be likely to create prejudice, for or against the proposed measure.

(b) The elections official shall furnish a copy of the ballot title and summary to the person filing the proposed measure. The person proposing the measure shall, prior to its circulation, place upon each section of the petition, above the text of the proposed measure and across the top of each page of the petition on which signatures are to appear, in roman boldface type not smaller than 12-point, the ballot title prepared by the city attorney.

The heading of the proposed measure shall be in substantially the following form:

Initiative Measure to Be Submitted Directly to the Voters

The city attorney has prepared the following title and summary of the chief purpose and points of the proposed measure:

(Here set forth the title and summary prepared by the city attorney. This title and summary must also be printed across

the top of each page of the petition whereon signatures are to appear.)

9204. The proponent may seek a writ of mandate requiring the ballot title or summary prepared by the city attorney to be amended. The court shall expedite hearing on the writ. A peremptory writ of mandate shall be issued only upon clear and convincing proof that the ballot title or summary is false, misleading, or inconsistent with the requirements of Section 9202.

9205. A notice of intention and the title and summary of the proposed measure shall be published or posted or both as follows:

(a) If there is a newspaper of general circulation, as described in Chapter 1 (commencing with Section 6000) of Division 7 of Title 1 of the Government Code, adjudicated as such, the notice, title, and summary shall be published therein at least once.

(b) If the petition is to be circulated in a city in which there is no adjudicated newspaper of general circulation, the notice, title, and summary shall be published at least once, in a newspaper circulated within the city and adjudicated as being of general circulation within the county in which the city is located and the notice, title, and summary shall be posted in three (3) public places within the city, which public places shall be those utilized for the purpose of posting ordinances as required in Section 36933 of the Government Code.

(c) If the petition is to be circulated in a city in which there is no adjudicated newspaper of general circulation, and there is no newspaper of general circulation adjudicated as such within the county, circulated within the city, then the notice, title, and summary shall be posted in the manner described in subdivision (b).

9206. Within 10 days after the date of publication or posting, or both, of the notice of intention and title and summary, the proponents shall file a copy of the notice and title and summary as published or posted together with an affidavit made by a representative of the newspaper in which the notice was published or, if the notice was posted, by a voter of the city, certifying to the fact of publication or posting.

If the notice and title and summary are both published and posted pursuant to subdivision (b) of Section 9205, the proponents shall file affidavits as required by this section made by a representative of the newspaper in which the notice was published certifying to the fact that the notice was published and by a voter of the city certifying to the fact that the notice was posted.

These affidavits, together with a copy of the notice of intention and title and summary, shall be filed with the elections official of the legislative body of the city in his or her office during normal office hours as posted.

9207. The proponents may commence to circulate the petitions among the voters of the city for signatures by any registered voter of the city after publication or posting, or both, as required by Section 9205, of the title and summary prepared by the city attorney. Each section of the petition shall bear a copy of the notice of intention and the title and summary prepared by the city attorney.

9208. Signatures upon petitions and sections of petitions shall be secured, and the petition, together with all sections of the petition, shall be filed within 180 days from the date of

receipt of the title and summary, or after termination of any action for a writ of mandate pursuant to Section 9204, and, if applicable, after receipt of an amended title or summary or both, whichever occurs later. Petitions and sections thereof shall be filed in the office of the elections official during normal office hours as posted. If the petitions are not filed within the time permitted by this section, the petitions shall be void for all purposes.

9209. Each section shall have attached thereto the declaration of the person soliciting the signatures. This declaration shall be substantially in the same form as set forth in Section 9022, except that the declaration shall declare that the circulator is a voter of the city, and shall state the voter's residence address at the time of the execution of the declaration.

9210. The petition shall be filed by the proponents or by any person or persons authorized in writing by the proponents. All sections of the petition shall be filed at one time. Once filed, no petition section shall be amended except by order of a court of competent jurisdiction.

When the petition is presented for filing, the elections official shall do all of the following:

(a) Ascertain the number of registered voters of the city last reported by the county elections official to the Secretary of State pursuant to Section 2187 effective at the time the notice specified in Section 9202 was published.

(b) Determine the total number of signatures affixed to the petition. If, from this examination, the elections official determines that the number of signatures, prima facie, equals or is in excess of the minimum number of signatures

required, he or she shall accept the petition for filing. The petition shall be deemed as filed on that date. Any petition not accepted for filing shall be returned to the proponents.

9211. After the petition has been filed, as herein provided, the elections official shall examine the petition in the same manner as are county petitions in accordance with Sections 9114 and 9115, except that for the purposes of this section, references to the board of supervisors shall be treated as references to the legislative body of the city.

9212. (a) During the circulation of the petition, or before taking either action described in subdivisions (a) and (b) of Section 9214, or Section 9215, the legislative body may refer the proposed initiative measure to any city agency or agencies for a report on any or all of the following:

(1) Its fiscal impact.

(2) Its effect on the internal consistency of the city's general and specific plans, including the housing element, the consistency between planning and zoning, the limitations on city actions under Section 65008 of the Government Code, and Chapters 4.2 (commencing with Section 65913) and 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code.

(3) Any other matters the council requests to be in the report.

(b) The report shall be presented to the legislative body within the time prescribed by the legislative body but no later than 30 days after the elections official certifies to the legislative body the sufficiency of the petition.

9213. On or before April 1 of each odd-numbered year, the

elections official of each legislative body shall file a report with the Secretary of State containing the following information:

(a) The number of municipal initiative petitions circulated during the preceding two calendar years which did not qualify for the ballot, and the number of these proposed initiatives for which reports were prepared pursuant to Section 9212.

(b) With respect to municipal initiative measures that qualified for the ballot in the preceding two calendar years, the number that were approved by the voters, and the number of these ballot measures for which reports were prepared pursuant to Section 9212.

(c) With respect to municipal initiative measures that qualified for the ballot in the preceding two calendar years, the number that were not approved by the voters, and the number of these ballot measures for which reports were prepared pursuant to Section 9212.

9214. If the initiative petition is signed by not less than 15 percent of the voters of the city according to the last report of registration by the county elections official to the Secretary of State pursuant to Section 2187 effective at the time the notice specified in Section 9202 was published, or in a city with 1,000 or less registered voters the signatures of 25 percent of the voters or 100 voters of the city, whichever is the lesser number, and contains a request that the ordinance be submitted immediately to a vote of the people at a special election, the legislative body shall do either of the following:

(a) Introduce the ordinance, without alteration, at the regular meeting at which it is presented, and adopt the ordinance within 10 days after it is presented.

(b) Immediately order a special election, to be held not less than 88 nor more than 103 days after the date of the order, at which the ordinance, without alteration, shall be submitted to a vote of the voters of the city.

(c) Order a report pursuant to Section 9212 at the regular meeting at which the ordinance is presented. When the report is presented to the legislative body, the legislative body shall either adopt the ordinance within 10 days or order an election pursuant to subdivision (b).

9215. If the initiative petition is signed by not less than 10 percent of the voters of the city, according to the last report of registration by the county elections official to the Secretary of State pursuant to Section 2187, effective at the time the notice specified in Section 9202 was published, or, in a city with 1,000 or less registered voters, by the signatures of 25 percent of the voters or 100 voters of the city, whichever is the lesser number, and the ordinance petitioned for is not required to be, or for any reason is not, submitted to the voters at a special election, and is not passed without change by the legislative body, then the ordinance, without alteration, shall be submitted by the legislative body to the voters at the next regular municipal election occurring not less than 88 days after the order of the legislative body, or after the legislative body is presented with a report prepared pursuant to Section 9212.

9216. In cities having a mayor, or like officer, with the veto power, when the passage of an ordinance petitioned for by the voters is vetoed, the failure of the legislative body to pass the ordinance over the veto shall be deemed a refusal of

the legislative body to pass the ordinance within the meaning of this article.

9217. If a majority of the voters voting on a proposed ordinance vote in its favor, the ordinance shall become a valid and binding ordinance of the city. The ordinance shall be considered as adopted upon the date that the vote is declared by the legislative body, and shall go into effect 10 days after that date. No ordinance that is either proposed by initiative petition and adopted by the vote of the legislative body of the city without submission to the voters, or adopted by the voters, shall be repealed or amended except by a vote of the people, unless provision is otherwise made in the original ordinance.

9218. Any number of proposed ordinances may be voted upon at the same election, but the same subject matter shall not be voted upon twice within any 12-month period at a special election under the provisions of this article.

9219. The persons filing an initiative petition pursuant to this article may file a written argument in favor of the ordinance, and the legislative body may submit an argument against the ordinance. Neither argument shall exceed 300 words in length, and both arguments shall be printed upon the same sheet of paper and mailed to each voter with the sample ballot for the election.

The following statement shall be printed on the front cover, or if none, on the heading of the first page, of the printed arguments:

"Arguments in support of or in opposition to the proposed laws are the opinions of the authors."

Printed arguments submitted to voters in accordance with this section shall be titled either "Argument In Favor Of Measure \_\_\_\_" or "Argument Against Measure \_\_\_\_," accordingly, the blank spaces being filled in only with the letter or number, if any, which designates the measure. At the discretion of the elections official, the word "Proposition" may be substituted for the word "Measure" in the titles. Words used in the title shall not be counted when determining the length of any argument.

9220. (a) If the legislative body submits an argument against the ordinance, it shall immediately send copies of the argument to the persons filing the initiative petition. The persons filing the initiative petition may prepare and submit a rebuttal argument not exceeding 250 words. The legislative body may prepare and submit a rebuttal to the argument in favor of the ordinance not exceeding 250 words. The rebuttal arguments shall be filed with the elections official not more than 10 days after the final date for filing direct arguments. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

(b) Subdivision (a) shall only apply if, not later than the day on which the legislative body calls an election, the legislative body, by a majority vote, approves its application; in which case, subdivision (a) shall apply at the next ensuing municipal election and at each municipal election thereafter, unless later repealed by the legislative body in accord with this subdivision.

9221. If the provisions of two or more ordinances adopted at the same election conflict, the ordinance receiving the highest number of affirmative votes shall control.

9222. The legislative body of the city may submit to the

voters, without a petition therefor, a proposition for the repeal, amendment, or enactment of any ordinance, to be voted upon at any succeeding regular or special city election, and if the proposition submitted receives a majority of the votes cast on it at the election, the ordinance shall be repealed, amended, or enacted accordingly. A proposition may be submitted, or a special election may be called for the purpose of voting on a proposition, by ordinance or resolution.

9223. Whenever any ordinance or measure is required by this article to be submitted to the voters of a city at any election, the elections official of the legislative body shall cause the ordinance or measure to be printed. A copy of the ordinance or measure shall be made available to any voter upon request.

9224. The enacting clause of an ordinance submitted to the voters of a city shall be substantially in the following form:  
"The people of the City of \_\_\_\_\_ do ordain as follows:".

9225. When a special election is to be called under this article, it shall be held not less than 88 nor more than 103 days after the date of the presentation of the proposed ordinance to the legislative body, and shall be held in accordance with this code. To avoid holding more than one special election within any six months, the date for holding the special election may be fixed later than 103 days, but at as early a date as practicable after the expiration of six months from the last special election. When it is legally possible to hold a special election under this chapter within six months prior to a regular municipal election, the legislative body may submit the proposed ordinance at the regular election instead of at a special election.

9226. This article does not apply to any statewide initiative measure.

## Article 2. Referendum

9235. No ordinance shall become effective until 30 days from and after the date of its final passage, except:

(a) An ordinance calling or otherwise relating to an election.

(b) An ordinance for the immediate preservation of the public peace, health, or safety that contains a declaration of, and the facts constituting, its urgency and is passed by a four-fifths vote of the city council.

(c) Ordinances relating to street improvement proceedings.

(d) Other ordinances governed by particular provisions of state law prescribing the manner of their passage and adoption.

9236. (a) Notwithstanding Section 9235, ordinances authorizing the issuance of revenue bonds by a city as part of a joint powers entity pursuant to Section 6547 of the Government Code shall not take effect for 60 days.

(b) When the number of votes cast for all candidates for Governor at the last gubernatorial election within the boundaries of the city described in subdivision (a) exceeds 500,000, the ordinance is subject to referendum upon presentation of a petition bearing signatures of at least 5 percent of the entire vote cast within the boundaries of the city for all candidates for Governor at the last gubernatorial election. When the number of votes cast for all candidates for Governor at the last gubernatorial election within the

boundaries of the city is less than 500,000, the ordinance is subject to referendum upon presentation of a petition bearing signatures of at least 10 percent of the entire vote cast within the boundaries of the city for all candidates for Governor at the last gubernatorial election.

(c) For the purpose of submitting the question to the voters pursuant to subdivision (b), the ballot wording shall approximate the following:

"Shall the \_\_\_\_\_, as a member of the

(city name)

issuance \_\_\_\_\_, authorize the

(joint powers entity name)

amount of revenue bonds by the joint powers entity in the

of \$ \_\_\_\_\_ pursuant to ordinance number

\_\_\_\_\_ dated \_\_\_\_\_, the bonds to be used for the following

purposes and to be redeemed in the following manner: \_\_\_\_\_?"

9237. If a petition protesting the adoption of an ordinance and circulated by any qualified registered voter of the city, is submitted to the elections official of the legislative body of the city in his or her office during normal office hours, as posted, within 30 days of the adoption of the ordinance, and is signed by not less than 10 percent of the voters of the city according to the county elections official's last official report of registration to the Secretary of State, or, in a city with 1,000 or less registered voters, is signed by not less than 25 percent of the voters or 100 voters of the city whichever is the lesser, the effective date of the ordinance shall be suspended, and the legislative body shall reconsider the ordinance.

9238. (a) Across the top of each page of the referendum petition there shall be printed the following:

"Referendum Against an Ordinance Passed by the City Council"

(b) Each section of the referendum petition shall contain (1) the identifying number or title, and (2) the text of the ordinance or the portion of the ordinance that is the subject of the referendum.

The petition sections shall be designed in the same form as specified in Section 9020.

(c) Each section shall have attached thereto the declaration of the person soliciting the signatures. This declaration shall be substantially in the same form as set forth in Section 9022, except that the declaration shall declare that the circulator is a voter of the city and shall state his or her residence address at the time of the execution of the declaration.

9239. Petitions shall be accepted for filing by the elections official and the determination of the number of signatures thereon shall be made by the elections official in accordance with Section 9210. Petitions shall be filed with the elections official of the legislative body of the city in his or her office during normal office hours, as posted.



9240. After the petition has been filed as herein provided, the elections official shall examine the petition and certify the results in the same manner as are county petitions in Sections 9114 and 9115 except that, for the purposes of this section, references to the board of supervisors shall be treated as references to the legislative body of the city.

9241. If the legislative body does not entirely repeal the ordinance against which the petition is filed, the legislative body shall submit the ordinance to the voters, either at the next regular municipal election occurring not less than 88 days after the order of the legislative body, or at a special election called for the purpose, not less than 88 days after the order of the legislative body. The ordinance shall not become effective until a majority of the voters voting on the ordinance vote in favor of it. If the legislative body repeals the ordinance or submits the ordinance to the voters, and a majority of the voters voting on the ordinance do not vote in favor of it, the ordinance shall not again be enacted by the legislative body for a period of one year after the date of its repeal by the legislative body or disapproval by the voters.

9242. Signatures upon petitions, and sections thereof, shall be secured, and the petition, together with all sections thereof, shall be filed, within 30 days from the date of the adoption of the ordinance to which it relates. Petitions and sections thereof shall be filed with the elections official of the legislative body of the city in his or her office during normal office hours as posted. Petitions which are not filed within the time permitted by this section shall be void for all purposes.

9243. Elections pursuant to this article shall be held in accordance with Sections 9217 to 9225, inclusive.

9244. Whenever the legislative body of a city has voted in favor of the repeal of an ordinance protested against by the voters, as provided in this article, and the mayor, or like officer, has vetoed the repeal, the failure of the legislative body to pass the repeal over the veto shall be deemed a refusal to repeal the ordinance.

9245. If approval of an ordinance by the mayor or like officer is necessary, the date of approval shall be deemed the date of its final passage by the legislative body within the meaning of this article.

If an ordinance becomes law when the time for approval or veto has expired, and no action has been taken, the date of the expiration of that time shall be deemed the date of its final passage by the legislative body within the meaning of this article.

9246. Any duty imposed in this chapter upon the legislative body of a city with regard to calling a municipal election, or in connection with an election called pursuant to this chapter, is likewise imposed upon any officer having any duty to perform connected with the election, so far as may be necessary to carry out this chapter.

9247. Article 1 (commencing with Section 9200) and this article do not apply to cities having a charter adopted under Section 3 of Article XI of the California Constitution, and having in their charters any provision for the direct initiation of ordinances by the voters; nor to proceedings had for the improvement of streets in or rights-of-way owned by cities, the opening or closing of streets, the changing of grades or the doing of other work, the cost of which, or any portion of the

cost which is to be borne by special assessments upon real property.

Article 3. City or City and County Charters

9255. (a) The following city or city and county charter proposals shall be submitted to the voters at either a special election called for that purpose, at any established municipal election date, or at any established election date pursuant to Section 1000, provided that there are at least 88 days before the election:

(1) A charter proposed by a charter commission, whether elected or appointed by a governing body. A charter commission may also submit a charter pursuant to Section 34455 of the Government Code.

(2) An amendment or repeal of a charter proposed by the governing body of a city or a city and county on its own motion.

(3) An amendment or repeal of a city charter proposed by a petition signed by 15 percent of the registered voters of the city.

(4) An amendment or repeal of a city and county charter proposed by a petition signed by 10 percent of the registered voters of the city and county.

(5) A recodification of the charter proposed by the governing body on its own motion, provided that the recodification does not, in any manner, substantially change the provisions of the charter.

(b) Charter proposals by the governing body and charter proposals by petition of the voters may be submitted at the same election.

(c) The total number of registered voters of the city or city and county shall be determined according to the county elections official's last official report of registration to the Secretary of State.

9256. The proponents of a measure proposing to amend a charter shall publish or post, or both, a notice of intent to circulate the petition in the same form and manner as prescribed in Sections 9202, 9203, 9204, and 9205. The proponents shall also file an affidavit prescribed in Section 9206 with the clerk of the legislative body of the city, and, with respect to the petition, shall be subject to Section 9207.

9257. The petition signed by registered voters of the city or city and county proposing an amendment to a charter shall set forth in full the text of the proposed amendment, in no less than 10-point type.

9258. The petition may be circulated in sections, but each section shall contain a correct copy of the text of the proposed amendment.

9259. Each signer of the petition shall sign it in the manner prescribed by Section 9020.

9260. The petition shall be in substantially the following form:

Petition for Submission to Voters of Proposed Amendment to the Charter of the City (or City and County) of \_\_\_\_\_

To the city council (or other legislative body) of the City (or City and County) of \_\_\_\_\_:

We, the undersigned, registered and qualified voters of the

State of California, residents of the City (or City and County) of \_\_\_\_\_, pursuant to Section 3 of Article XI of the California Constitution and Chapter 2 (commencing with Section 34450) of Part 1 of Division 2 of Title 4 of the Government Code, present to the city council (or other legislative body) of the city (or city and county) this petition and request that the following proposed amendment to the charter of the city (or city and county) be submitted to the registered and qualified voters of the city (or city and county) for their adoption or rejection at an election on a date to be determined by the city council (or other legislative body).

The proposed charter amendment reads as follows:

First. (setting forth the text of the amendment) \_\_\_\_\_

(etc.)

	Signature	Printed Name	Residence
Date	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

9261. Each section shall have attached thereto the affidavit of the person soliciting the signatures. This affidavit shall be substantially in the same form as set forth in Section 9022 and shall comply with Sections 104 and 9209.

9262. Each petition section shall consist of sheets of white paper, uniform in size, with dimensions no smaller than 8 1/2 by 11 inches or greater than 8 1/2 by 14 inches.

9263. The sheets comprising each petition section shall be fastened together securely and remain so during circulation and filing.

9264. A voter may withdraw his or her signature from a petition in the manner prescribed in Section 9602.

9265. The petition shall be filed with the elections official by the proponents, or by any person or persons authorized in writing by the proponents. All sections of the petition shall be filed at one time, and no petition section submitted subsequently shall be accepted by the elections official. The petition shall be filed not more than 200 days after the date on which the notice of intent to circulate was published or posted, or both.

9266. After the petition has been filed, the elections official shall examine the petition in the same manner as are county petitions in accordance with Sections 9114 and 9115, except that, for the purposes of this section, references in those sections to the board of supervisors shall be treated as references to the legislative body of the city or city and county. The expenses of signature verification shall be provided by the governing body receiving the petition from the elections official.

9267. Petitions that do not substantially conform to the form requirements of this article shall not be accepted for filing by the elections official.

9268. The conduct of election and publication requirements shall substantially conform with Part 1 (commencing with Section 10000) and Part 2 (commencing with Section 10100) of Division 10.

9269. Upon the completion of the canvass of votes, the

governing body of a city or city and county shall pass a resolution reciting the fact of the election and such other matters as are enumerated in Section 10264. The elections official of the city or city and county shall then cause the adopted measures to be submitted to the Secretary of State pursuant to Sections 34459 and 34460 of the Government Code.

#### Article 4. Arguments Concerning City Measures

9280. Whenever any city measure qualifies for a place on the ballot, the governing body may direct the city elections official to transmit a copy of the measure to the city attorney, unless the organization or salaries of the office of the city attorney are affected. The city attorney shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. If the measure affects the organization or salaries of the office of the city attorney, the governing board may direct the city elections official to prepare the impartial analysis. The analysis shall be printed preceding the arguments for and against the measure. The analysis shall not exceed 500 words in length.

In the event the entire text of the measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-point bold type, a legend substantially as follows:

"The above statement is an impartial analysis of Ordinance or Measure \_\_\_\_\_. If you desire a copy of the ordinance or measure, please call the elections official's office at (insert telephone number) and a copy will be mailed at no cost to you."

9281. If no other method is provided by general law, or, in the case of a chartered city, by the charter or by city ordinance, arguments for and against any city measure may be submitted to the qualified voters of the city pursuant to this article. If a method is otherwise provided by general law, or, in the case of a chartered city, by charter or city ordinance, for submitting arguments as to a particular kind of city measure, that method shall control.

9282. The legislative body, or any member or members of the legislative body authorized by that body, or any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or any combination of voters and associations, may file a written argument for or against any city measure. No argument shall exceed 300 words in length. The city elections official shall cause an argument for and an argument against the measure to be printed along with the following statement on the front cover, or if none, on the heading of the first page, of the printed arguments:

"Arguments in support or opposition of the proposed laws are the opinions of the authors."

The city elections official shall enclose a printed copy of both arguments with each sample ballot; provided, that only those arguments filed pursuant to this section shall be printed and enclosed with the sample ballot. The printed arguments are "official matter" within the meaning of Section 13303.

Printed arguments submitted to voters in accordance with this section shall be titled either "Argument In Favor Of Measure

\_\_\_\_\_ " or "Argument Against Measure \_\_\_\_\_," accordingly, the blank spaces being filled in only with the letter or number, if any, designating the measure. At the discretion of the elections official, the word "Proposition" may be substituted for the word "Measure" in such titles. Words used in the title shall not be counted when determining the length of any argument.

9283. A ballot argument shall not be accepted under this article unless accompanied by the name or names of the person or persons submitting it, or, if submitted on behalf of an organization, the name of the organization and the name of at least one of its principal officers.

No more than five signatures shall appear with any argument submitted under this article. In case any argument is signed by more than five persons, the signatures of the first five shall be printed.

9284. A ballot argument or, if applicable, a rebuttal argument that includes in its text the name or title of a person, other than the author of the argument, who is represented as being for or against a measure, shall not be accepted unless the argument is accompanied by a signed consent of that person. The consent of a person, other than an individual, shall be signed by an officer or other duly authorized representative. "Person" as used in this section means any individual, partnership, corporation, association, committee, labor organization, and any other organization or group of persons.

9285. (a) If any person submits an argument against a city measure, and an argument has been filed in favor of the city measure, the elections official shall immediately send copies of that argument to the persons filing the argument in favor of the city measure. The persons filing the argument in favor of the city measure may prepare and submit a rebuttal argument not exceeding 250 words. The elections official shall send copies of the argument in favor of the measure to the persons filing the argument against the city measure, who may prepare and submit a rebuttal to the argument in favor of the city measure not exceeding 250 words. The rebuttal arguments shall be filed with the elections official not more than 10 days after the final date for filing direct arguments. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument it seeks to rebut.

(b) Subdivision (a) shall only apply if, not later than the day on which the legislative body calls an election, the legislative body, adopts its provisions by majority vote, in which case subdivision (a) shall apply at the next ensuing municipal election and at each municipal election thereafter, unless later repealed by the legislative body in accordance with the procedures of this subdivision.

9286. Based on the time reasonably necessary to prepare and print the arguments and sample ballots and to permit the 10-calendar-day public examination as provided in Article 6 (commencing with Section 9295) for the particular election, the city elections official shall fix and determine a reasonable date prior to the election after which no arguments for or against any city measure may be submitted for printing and distribution to the voters, as provided in this article. Arguments may be changed or withdrawn by their proponents until and including the date fixed by the city elections official.

9287. If more than one argument for or more than one

argument against any city measure is submitted to the city elections official within the time prescribed, he or she shall select one of the arguments in favor and one of the arguments against the measure for printing and distribution to the voters.

In selecting the argument the city elections official shall give preference and priority, in the order named, to the arguments of the following:

- (a) The legislative body, or member or members of the legislative body authorized by that body.
- (b) The individual voter, or bona fide association of citizens, or combination of voters and associations, who are the bona fide sponsors or proponents of the measure.
- (c) Bona fide associations of citizens.
- (d) Individual voters who are eligible to vote on the measure.

#### Article 5. Mailings

9290. Whenever the elections official is required to mail official matter, as provided in Sections 9219, 9220, 9223, 9280, 9281, 9282, and 9285, only one copy of each piece of official matter shall be mailed to a postal address where two or more registered voters have the same surname and the same postal address.

This section shall only apply if the legislative body of the city adopts this section and the election official conducting the election approves of the procedure.

#### Article 6. Public Examination

9295. Not less than 10 calendar days before the elections official submits the official election materials referred to in Sections 9219, 9220, 9223, 9280, 9281, 9282, and 9285 for printing, the elections official shall make a copy of the material available for public examination in the elections official's office. Any person may obtain a copy of the materials from the elections official for use outside of the election official's office. The elections official may charge a fee to any person obtaining a copy of the material. The fee shall not exceed the actual cost incurred by the elections official in providing the copy.

During the 10-calendar-day examination period provided by this section, any voter of the jurisdiction in which the election is being held, or the elections official, himself or herself, may seek a writ of mandate or an injunction requiring any or all of the materials to be amended or deleted. A peremptory writ of mandate or an injunction shall be issued only upon clear and convincing proof that the material in question is false, misleading, or inconsistent with the requirements of this chapter, and that issuance of the writ or injunction will not substantially interfere with the printing or distribution of official election materials as provided by law. The elections official shall be named as respondent, and the person or official who authored the material in question shall be named as real parties in interest. In the case of the elections official bringing the mandamus or injunctive action, the board of supervisors of the county shall be named as the respondent and the person or official who authored the material in question shall be named as the real party in interest.

CHAPTER. 4. DISTRICT ELECTIONS  
Article 1. Initiative

9300. In addition to any other method provided by law, ordinances may be enacted by any district pursuant to this article, except that this article shall not apply to irrigation districts, to a district formed under a law that does not provide a procedure for elections, to a district formed under a law which does not provide for action by ordinance, to a district governed by an election procedure that permits voters, in electing the district's directors or trustees, to cast more than one vote per voter, or to a district in which the directors are empowered to cast more than one vote per director when acting on any matter.

9301. Any proposed ordinance may be submitted to the governing board of the district by an initiative petition filed with the district elections official. Signatures to these petitions shall be obtained in the same manner as set forth in Section 9020. Affidavits shall be attached to each petition section in the form and in the manner set forth in Section 9022.

9302. Before circulating an initiative petition in any district, the proponents of that measure shall publish a notice of intention. The notice shall be accompanied by a printed statement stating the reasons for the proposed petition. The printed statement shall not exceed 500 words. The notice shall be signed by at least one, but not more than five, proponents, and shall be in substantially the following form:

"Notice of Intention to Circulate Initiative Petition

Notice is hereby given of the intention of the persons whose names appear hereon of their intention to circulate the petition within the \_\_\_\_ district for the purpose of \_\_\_\_\_. A statement of the reasons for the proposed action as contemplated in the petition is as follows:"

9303. A notice of intention and statement as referred to in Section 9302 shall be published or posted, or both, as follows:

(a) If there is a newspaper of general circulation within the district, as described in Section 6000 of the Government Code, the notice and statement shall be published therein at least once.

(b) If the petition is to be circulated in a district in which there is no newspaper of general circulation, the notice and statement shall be published at least once in a newspaper of general circulation within the county in which the district is located, and the notice and statement shall be posted in three public places within the district.

9304. Within 10 days after the date of publication or posting, or both, of the notice of intention and statement, the proponents shall file a copy of the notice and statement as published or posted, or both, together with an affidavit made by a representative of the newspaper in which the notice was published or, if the notice was posted, by a voter of the district certifying to the fact of publication or posting. The affidavit, together with a copy of the notice of intention and statement, shall be filed with the district elections official.

9305. After the publication or posting, or both, of the notice of intention and statement, the petition may be circulated among the voters of the district for signatures by any registered voter of the district. Each section of the petition shall bear a copy of the notice of intention and statement.

9306. Signatures upon petitions and sections thereof shall be secured, and the petition, together with all sections thereof, shall be filed within 180 days from the date of publication or posting, or both, of the notice of intention and statement. If the petitions are not filed within the time permitted by this section, the petition and its sections shall be void for all purposes.

9307. Each section of the petition shall have attached thereto the affidavit of the person soliciting the signatures. This affidavit shall be substantially in the same form as set forth in Section 9092, except that the affidavit shall declare that the circulator is a registered voter of the district.

9308. (a) Except as provided in Section 9309, within 30 days from the date of filing of the petition, excluding Saturdays, Sundays, and holidays, the district elections official shall examine the petition, and from the records of registration ascertain whether the petition is signed by the requisite number of voters. A certificate showing the results of this examination shall be attached to the petition.

(b) In determining the number of valid signatures, the district elections official may use the duplicate file of affidavits maintained, or may check the signatures against facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with law.

(c) The district elections official shall notify the proponents of the petition as to the sufficiency or insufficiency of the petition.

(d) If the petition is found insufficient, no further action shall be taken. However, the failure to secure sufficient signatures, shall not preclude the filing of a new petition on the same subject, at a later date.

(e) If the petition is found sufficient, the district elections official shall certify the results of the examination to the governing board of the district at the next regular meeting of the board.

9309. (a) Within 30 days from the date of filing of the petition, excluding Saturdays, Sundays, and holidays, if, from the examination of petitions pursuant to Section 9308, more than 500 signatures have been signed on the petition, the district elections official may use a random sampling technique for verification of signatures. The random sample of signatures to be verified shall be drawn in such a manner that every signature filed with the elections official shall be given an equal opportunity to be included in the sample. A random sampling shall include an examination of at least 500 or 3 percent of the signatures, whichever is greater.

(b) If the statistical sampling shows that the number of valid signatures is within 95 to 110 percent of the number of signatures of qualified voters needed to declare the petition sufficient, the district elections official shall examine and verify each signature filed.

(c) In determining from the records of registration, what number of valid signatures are signed on the petition, the district elections official may use the duplicate file of



affidavits maintained, or may check the signatures against facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with law.

(d) The district elections official shall attach to the petition, a certificate showing the result of this examination, and shall notify the proponents of either the sufficiency or insufficiency of the petition.

(e) If the petition is found insufficient, no action shall be taken on the petition. However, the failure to secure sufficient signatures shall not preclude the filing later of an entirely new petition to the same effect.

(f) If the petition is found to be sufficient, the district elections official shall certify the results of the examination to the governing board of the district at the next regular meeting of the board.

9310. (a) If the initiative petition is signed by voters not less in number than 10 percent of the voters in the district, where the total number of registered voters is less than 500,000, or not less in number than 5 percent of the voters in the district, where the total number of registered voters is 500,000 or more, and the petition contains a request that the ordinance be submitted immediately to a vote of the people at a special election, the district board shall do either of the following:

(1) Pass the ordinance, without alteration, either at the regular meeting at which it is presented, or within 10 days after it is presented.

(2) Immediately order that the ordinance be submitted to the voters, without alteration, at the next statewide election or at the next regular election date under Section 1000 whichever comes first, provided that the election occurs not less than 88 days after the order of the district board.

(b) Notwithstanding subdivision (a), nothing shall prohibit the board from calling a special election, to be held not less than 88 days nor more than 103 days after the date of the presentation of the proposed ordinance to the board. When it is legally possible to hold a special election under this chapter within six months prior to a regular election, the board may submit the proposed ordinance at the regular election instead of at a special election. Not more than one special election may be held pursuant to this article during any period of six months.

(c) The number of registered voters referred to in subdivision (a) shall be calculated as of the time of the last report of registration by the county elections official to the Secretary of State made prior to publication or posting of the notice of intention to circulate the initiative petition.

9311. If the initiative petition does not request a special election and is not passed without change by the legislative body, then the ordinance, without alteration, shall be submitted by the board to the voters at the next regular local election for the district or statewide election, whichever comes first, provided that the election occurs not less than 88 days after the order of the district board.

9312. Whenever any ordinance is required by this article to be submitted to the voters of a district at any election, the district elections official shall cause the ordinance to be printed. A copy of the ordinance shall be made available to any voter upon request.

The district elections official shall mail with the sample

ballot to each voter the following notice printed in no less than 10-point type.

"If you desire a copy of the proposed ordinance, please call the district elections official's office at (insert telephone number) and a copy will be mailed at no cost to you."

9313. Except as provided in Section 9314, whenever any petition is submitted to the voters, the district elections official shall transmit a copy of the measure to the county counsel, or to the district attorney if there is no county counsel, of the county that contains the largest number of registered voters of the district. The county counsel or district attorney shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The analysis shall be printed preceding the arguments for and against the measure. The analysis shall not exceed 500 words in length.

In the event the entire text of the measure is not printed on the ballot nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-point bold type, a legend substantially as follows:

"The above statement is an impartial analysis of Ordinance or Measure \_\_\_\_\_. If you desire a copy of the ordinance or measure, please call the district elections official's office at (insert telephone number) and a copy will be mailed at no cost to you."

9314. (a) Whenever any petition is submitted to the voters of a water district, the district elections official shall transmit a copy of the measure to the legal counsel for the water district, or to the county counsel if there is no legal counsel for the water district, of the county that contains the largest number of registered voters of the water district. Except as otherwise provided in subdivision (b), if there is a legal counsel for the water district, he or she shall prepare, subject to review and revision by the county counsel, an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The analysis shall be printed preceding the arguments for and against the measure. The analysis shall not exceed 500 words in length.

In the event the entire text of the measure is not printed on the ballot nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-point bold type, a legend substantially as follows:

"The above statement is an impartial analysis of Ordinance or Measure \_\_\_\_\_. If you desire a copy of the ordinance or measure, please call the district elections official's office at (insert telephone number) and a copy will be mailed at no cost to you."

(b) If there is no legal counsel for the water district, or if the legal counsel for the water district and the county counsel so agree, the county counsel shall prepare the impartial analysis.

(c) As used in this section:

(1) "Legal counsel for the water district" means the attorney designated under the district's conflict of interest code as its legal officer pursuant to Section 87300 et seq. of the Government Code.

(2) "County counsel" means the district attorney if there is

no county counsel.

(3) "Water district" means a water district as defined in Section 20200 of the Water Code.

9315. The persons filing an initiative petition pursuant to this article may file a written argument in favor of the ordinance. The district board may submit an argument against the ordinance. Neither argument shall exceed 300 words in length, and both arguments shall be printed and mailed to each voter with the sample ballot for the election.

The following statement shall be printed on the front cover, or if none, on the heading of the first page, of the printed arguments:

"Arguments in support of or in opposition to the proposed laws are the opinions of the authors."

Printed arguments submitted to voters in accordance with this section shall be titled either "Argument In Favor Of Measure \_\_\_\_" or "Argument Against Measure \_\_\_\_," accordingly, the blank spaces being filled in only with the letter or number, if any, designating the measure. At the discretion of the district elections official, the word "Proposition" may be substituted for the word "Measure" in the titles. Words used in the title shall not be counted when determining the length of any argument.

9316. Based on the time reasonably necessary to prepare and print the arguments and sample ballots, and to permit the 10-calendar-day public examination as provided in Article 4 (commencing with Section 9380) for the particular election, the district elections official charged with the duty of conducting the election shall fix and determine a reasonable date prior to the election for the submission to the district elections official of an argument in favor of and against the ordinance, and additional rebuttal arguments as provided in Section 9317. Arguments may be changed or withdrawn by their proponents until and including the date fixed by the district elections official.

9317. The persons filing the initiative petition may prepare and submit a rebuttal argument not exceeding 250 words. The district board may prepare and submit a rebuttal to the argument in favor of the ordinance not exceeding 250 words. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument it seeks to rebut.

9318. A ballot argument or a rebuttal argument which includes in its text the name or title of a person, other than the author of the argument, who is represented as being for or against a measure, shall not be accepted unless the argument is accompanied by a signed consent of that person. The consent of a person, other than an individual, shall be signed by an officer or other duly authorized representative. "Person" as used in this section means any individual, partnership, corporation, association, committee, labor organization, and any other organization or group of persons.

9319. Any number of proposed ordinances may be voted upon at the same election.

9320. If a majority of the voters voting on a proposed ordinance vote in its favor, the ordinance shall become a valid and binding ordinance of the district. The ordinance shall be considered as adopted upon the date the vote is declared by the district board, and shall go into effect 10 days after that date.

9321. If the provisions of two or more ordinances adopted at the same election conflict, the ordinance receiving the highest number of affirmative votes shall control.

9322. The enacting clause of an ordinance submitted to the voters of a district shall be substantially in the following form:

"The people of the \_\_\_\_\_ District do ordain as follows:"

9323. No ordinance proposed by initiative petition and adopted either by the district board without submission to the voters or adopted by the voters shall be repealed or amended except by a vote of the people, unless provision is otherwise made in the original ordinance. In all other respects, an ordinance proposed by initiative petition and adopted shall have the same force and effect as any ordinance adopted by the board.

Article 2. Referendum

9340. The voters of any district that is a local public entity as defined by Section 900.4 of the Government Code, and to which Section 9300 applies, shall have the right to petition for referendum on legislative acts of the district in the same manner and subject to the same rules as are set forth in Sections 9141, 9142, 9143, 9144, 9145, and 9146, except that all computations referred to in those sections and officers of the county mentioned in those sections shall be construed to refer to comparable computations and officers of the district.

9341. (a) Notwithstanding Section 9340, ordinances authorizing the issuance of revenue bonds by a school district, special district, or any other local agency as part of a joint powers entity pursuant to Section 6547 of the Government Code, shall not take effect for 60 days.

(b) When the number of votes cast for all candidates for Governor at the last gubernatorial election within the boundaries of the school district, special district, or any other local agency described in subdivision (a) exceeds 500,000, the ordinance is subject to referendum upon presentation of a petition bearing signatures of at least 5 percent of the entire vote cast within the boundaries of the school district, special district, or any other local agency for all candidates for Governor at the last gubernatorial election. When the number of votes cast for all candidates for Governor at the last gubernatorial election within the boundaries of the school district, special district, or any other local agency is less than 500,000, the ordinance is subject to referendum upon presentation of a petition bearing signatures of at least 10 percent of the entire vote cast within the boundaries of the school district, special district, or any other local agency for all candidates for Governor at the last gubernatorial election.

(c) For the purpose of submitting the question to the voters pursuant to subdivision (b), the ballot wording shall approximate the following:

"Shall the

\_\_\_\_\_,  
(school district, special district, or any  
other \_\_\_\_\_  
local agency name)

as a member of the \_\_\_\_\_,

(joint powers entity name)  
 authorize the issuance of revenue bonds by the joint  
 powers  
 entity in the amount of \$\_\_\_\_ pursuant to ordinance  
 number \_\_\_\_\_,

dated \_\_\_\_\_, the bonds to be used for the  
 following purposes and  
 to be redeemed in the following manner: \_\_\_\_\_?"

9342. The governing board of any district to which Section 9340 applies may refer legislative questions to the voters of the district in the same manner as the board of supervisors may refer county questions pursuant to Section 9140.

#### Article 3. Mailings

9360. Whenever the elections official is required to mail official matter, as provided in Sections 9312, 9315, and 9317, only one copy of each such official matter shall be mailed to a postal address where two or more registered voters have the same surname and the same postal address.

This section shall only apply if the legislative body of the district adopts this section, and the elections official conducting the election approves of the procedure.

#### Article 4. Public Examination

9380. Not less than 10 calendar days before the elections official submits the official election materials referred to in Sections 9312, 9315, and 9317 for printing, he or she shall make a copy of the materials available for public examination in his or her office. Any person may obtain a copy of the materials from the elections official for use outside of the elections official's office. The elections official may charge a fee to any person obtaining a copy of the material. The fee shall not exceed the actual cost incurred by the elections official in providing the copy.

During the 10-calendar-day examination period provided by this section, any voter of the jurisdiction in which the election is being held may seek a writ of mandate or an injunction requiring any material to be amended or deleted. A peremptory writ of mandate or an injunction shall be issued only upon clear and convincing proof that the material in question is false, misleading, or inconsistent with this chapter, and that issuance of the writ or injunction will not substantially interfere with the printing or distribution of official election materials as provided by law. The elections official shall be named as respondent and the person or official who authored the material in question shall be named as real parties in interest.

#### CHAPTER 5. BOND ISSUES

9400. Notwithstanding any other provision of law, this chapter applies to all bond issues proposed by a county, city and county, city, district or other political subdivision or by any agency, department, or board thereof, the security for which constitutes a lien on the property within the jurisdiction and the proposal for which is required to be submitted to the voters

for approval.

9401. (a) In connection with each bond issue specified in Section 9400, a statement shall be mailed to the voters with the sample ballot for the bond election. The statement required by this section shall include:

(1) The best estimate from official sources of the tax rate that would be required to be levied to fund that bond issue during the first fiscal year after the first sale of the bonds based on assessed valuations available at the time of the election or a projection based on experience within the same jurisdiction or other demonstrable factors.

(2) The best estimate from official sources of the tax rate that would be required to be levied to fund that bond issue during the first fiscal year after the last sale of the bonds if the bonds are proposed to be sold in series, and an estimate of the year in which that rate will apply, based on assessed valuations available at the time of the election or a projection based on experience within the same jurisdiction or other demonstrable factors.

(3) The best estimate from official sources of the highest tax rate that would be required to be levied to fund that bond issue, and an estimate of the year in which that rate will apply, based on assessed valuations available at the time of the election or a projection based on experience within the same jurisdiction or other demonstrable factors.

(b) In addition, the statement may contain any declaration of policy of the legislative or governing body of the applicable jurisdiction, proposing to utilize revenues other than ad valorem taxes for purposes of funding the bond issue, and the best estimate from official sources of these revenues and the reduction in the tax rate levied to fund the bond issue resulting from the substitution of revenue.

(c) The words "tax rate" as used in this chapter means tax rate per one hundred dollars (\$100) of assessed valuation on all property to be taxed to fund any bond issue described in Section 5300.

9402. All official publications, and any ballot pamphlet prepared, sponsored or published by the jurisdiction which has proposed the bond issue or which is financed in whole or part by funds furnished by that jurisdiction, directed at or including a bond issue proposal shall contain a statement of the tax rate data specified in Section 5301.

9403. Failure to comply with this chapter shall not affect the validity of any bond issue following the sale and delivery of the bonds.

9404. The Legislature declares that the essence of compliance with this chapter is good faith in presenting to voters the most accurate available information for their use in effecting comparisons and exercising judgment in casting their ballots.

9405. Whenever the elections official is required to mail a statement, as provided in Section 9401, only one copy of the statement shall be mailed to a postal address where two or more registered voters have the same surname and the same postal address.

This section shall only apply if the legislative body adopts this section and the election official conducting the election approves of the procedure.

#### CHAPTER. 6. SCHOOL DISTRICT ELECTIONS

9500. Whenever a school measure qualifies for a place on the ballot, the county elections official shall transmit a copy of the measure to the county counsel or to the district attorney in any county that has no county counsel.

The county counsel or district attorney shall prepare an impartial analysis of the measure, showing the effect of the measure on the existing law and the operation of the measure. The analysis shall be printed preceding the arguments for and against the measure. The analysis shall not exceed 500 words in length.

9501. The governing board of the district or any member or members of the board authorized by the board, or any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or any combination of such voters and associations may file a written argument for or against any school measure. No argument shall exceed 300 words in length. No more than five signatures shall appear with any argument submitted under this section. If an argument is signed by more than five persons, the names of only the first five persons signing, determined by the order in which their signatures appear, shall be printed with the argument. The person conducting the election shall cause an argument for and an argument against the measure to be printed, and shall transmit the arguments to the voters with the card giving notice of the election.

Printed arguments submitted to voters in accordance with this section shall be titled either "Argument in Favor of Measure \_\_\_\_\_" or "Argument Against Measure \_\_\_\_\_," accordingly, the blank spaces being filled in only with the letter or number, if any, designating the measure. At the discretion of the elections official, the word "Proposition" may be substituted for the word "Measure" in the titles. Words used in the title shall not be counted when determining the length of any measure.

9502. Based on the time reasonably necessary to prepare and print the arguments, and to permit the 10-calendar-day public examination as provided in Section 9509, the person conducting the election shall fix and determine a reasonable date prior to the election after which no arguments for or against any school measure may be submitted to him or her for printing and distribution to the voters. Notice of the date fixed shall be published pursuant to Section 6061 of the Government Code. Arguments may be changed until and including the date fixed by the person conducting the election.

9503. If more than one argument for or more than one argument against any school measure is submitted to the person conducting the election within the time prescribed, the person conducting the election shall select one of the arguments in favor and one of the arguments against the measure for printing and distribution to the voters. In selecting the arguments, the person conducting the election shall give preference and priority, in the order named, to the arguments of the following:

- (a) The governing board of the district or member or members of the board authorized by the board.
- (b) The individual voter, or bona fide associations of citizens, or combination of voters and associations, who are the bona fide sponsors or proponents of the measure.
- (c) Bona fide associations of citizens.
- (d) Individual voters who are eligible to vote on the

measure.

9504. When the person conducting the election has selected the arguments for and against the measure which will be printed and distributed to the voters, he or she shall send copies of the argument in favor of the measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor.

The authors may prepare and submit rebuttal arguments not exceeding 250 words.

The rebuttal arguments shall be filed with the elections official not more than 10 days after the final date for filing direct arguments. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut and shall be titled "Rebuttal to Argument in Favor of Measure (or Proposition) \_\_\_\_" or "Rebuttal to Argument Against Measure (or Proposition) \_\_\_\_," the blank spaces being filled in only with the letter or number, if any, designating the measure. Words used in the title shall not be counted when determining the length of any rebuttal argument.

9505. A ballot argument or a rebuttal argument that includes in its text the name or title of a person, other than the author of the argument, who is represented as being for or against a measure, shall not be accepted unless the argument is accompanied by a signed consent of that person. The consent of a person, other than an individual, shall be signed by an officer or other duly authorized representative. "Person" as used in this section means any individual, partnership, corporation, association, committee, labor organization, and any other organization or group of persons.

9506. All arguments prepared pursuant to this chapter and any statement submitted pursuant to Section 9504 shall be verified in the same manner as a pleading in a civil action.

9507. Any bona fide association of citizens that files a written argument pursuant to this article shall include therewith its fictitious name and the names of its officers.

If the argument of a bona fide association of citizens is selected for printing and distribution to the voters, the fictitious name and the names of the officers of the association shall appear in connection with the printed argument.

9508. Whenever a proposition relating to the approval of district bonds and a proposition, which is conditioned by the State Allocation Board on the approval of the bond issue, relating to the acceptance and expenditure of state school building aid funds, are to be submitted to the voters of a district on the same ballot, both propositions may be combined in such a manner that the proposed obligations of the district are clearly expressed, and the voter may cast one "Yes" or "No" vote upon the combined proposition.

The combined proposition shall, as nearly as practicable, be worded in accordance with the statutory requirements for the wording of each component proposition.

9509. Not less than 10 calendar days before the elections official submits the official election materials referred to in Sections 9500, 9501, and 9504 for printing, he or she shall make a copy of the materials available for public examination in his or her office. Any person may obtain a copy of the materials from the elections official for use outside of the elections official's office. The elections official may charge a fee to any person obtaining a copy of the material. The fee shall not



exceed the actual cost incurred by the elections official in providing the copy.

During the 10-calendar-day examination period provided by this section, any voter of the jurisdiction in which the election is being held may seek a writ of mandate or an injunction requiring any or all of the materials to be amended or deleted. A peremptory writ of mandate or an injunction shall be issued only upon clear and convincing proof that the material in question is false, misleading, or inconsistent with this chapter, and that issuance of the writ or injunction will not substantially interfere with the printing or distribution of official election materials as provided by law. The elections official shall be named as respondent and the person or official who authored the material in question shall be named as real parties in interest.

CHAPTER 7. GENERAL PROVISIONS

9600. All arguments concerning measures filed pursuant to this division shall be accompanied by the following form statement, to be signed by each proponent and by each author, if different, of the argument:

The undersigned proponent(s) or author(s) of the

\_\_\_\_\_ (primary/rebuttal)  
 argument \_\_\_\_\_ ballot  
 proposition \_\_\_\_\_  
 \_\_\_\_\_ (in favor of/against)  
 election \_\_\_\_\_ at the \_\_\_\_\_  
 \_\_\_\_\_ (name or number) (title of election)  
 hereby for the \_\_\_\_\_ to be held on \_\_\_\_\_  
 \_\_\_\_\_ (jurisdiction) (date)  
 state that this argument is true and correct to the  
 best of \_\_\_\_\_ knowledge and belief.  
 \_\_\_\_\_ (his/her/their)  
 Signed \_\_\_\_\_ Date \_\_\_\_\_

9601. Notwithstanding any other provisions of this code, whenever any ballot arguments for or against any measure submitted to the voters for approval are authorized, these arguments may be withdrawn by their proponents at any time prior to and including the final date fixed for filing arguments.

9602. Any voter who has signed any initiative or referendum petition, and who subsequently wishes his or her name withdrawn, may do so by filing a written request for the withdrawal with the appropriate elections official. This request shall be filed in the elections official's office prior to the date the petition is filed.

9603. (a) Each city, county, school district, community college district, county board of education, and special district may hold, at its discretion, an advisory election on

any date on which that jurisdiction is currently permitted to hold a regular or special election for the purpose of allowing voters within the jurisdiction, or a portion thereof, to voice their opinions on substantive issues, or to indicate to the local legislative body approval or disapproval of the ballot proposal.

(b) An advisory vote will be indicated as a ballot heading, above the ballot proposal, and by only the following description: "Advisory Vote Only."

(c) As used in this section, "advisory vote" means an indication of general voter opinion regarding the ballot proposal. The results of the advisory vote will in no manner be controlling on the sponsoring legislative body.

(d) An advisory election may be held in territory outside of the jurisdiction of the local entity calling the advisory election if the ballot proposal affects the residents of the territory. The sponsoring legislative body shall determine the territory in which the advisory election shall be held. However, the conduct of an advisory election in territory outside of the jurisdiction of the local entity shall only be held if all of the following conditions are met:

(1) A regular election or special election is to be held in that territory.

(2) The advisory election can be consolidated with it.

(3) The board of supervisors of the county in which the outside territory is located approves the consolidation.

(e) An advisory election shall not be consolidated with an election if the ballot's capacity will be exceeded because of the addition of the advisory election.

9604. (a) Notwithstanding any other provision of law, any person may engage in good faith bargaining between competing interests to secure legislative approval of matters embraced in a state or local initiative or referendum measure, and the proponents may, as a result of these negotiations, withdraw the measure at any time before filing the petition with the appropriate elections official.

(b) Withdrawal of state initiative or referendum measures shall be effective upon receipt by the Secretary of State of a written notice of withdrawal, signed by all proponents of the measure.

(c) Withdrawal of local initiative or referendum measures shall be effective upon receipt by the appropriate local elections official of a written notice of withdrawal, signed by all proponents of the measure.

9605. Notwithstanding any other provision of law, whenever a legislative body has ordered that a measure or proposal be submitted to the voters of any jurisdiction at a special election, the order of election shall not be amended or withdrawn after the 83rd day prior to the election.

The order of election shall be amended or withdrawn upon the filing of a resolution by the legislative body stating the specifics concerning the amendment or withdrawal. The resolution shall be filed with the election official not later than the 83rd day prior to the election.

9606. A county elections official who is required, pursuant to this division, to examine signatures on an initiative, referendum, recall, nomination, or other election petition, may employ temporary assistants, as required, to complete the necessary procedure. The costs for the temporary assistants shall be paid by the jurisdiction in which the election on the

proposition is intended to be held.

9607. (a) No person shall include an appropriation for a particular project within the text of an initiative petition in exchange for a campaign contribution or a pledge for a campaign contribution, for purposes of qualifying the petition for the ballot.

(b) As used in this section and in Section 9002, "project" means the financing, acquisition, or improvement of land, the construction or reconstruction of structures, improvements, parking structures, and related facilities, including the repair, replacement, maintenance, and operation of the project, and any equipment necessary or convenient for the project.

(c) Upon a determination by any court that this section has been violated, and in the event that the initiative petition has been adopted by the voters, the appropriation for the particular project is void, and any moneys appropriated for the particular project shall revert to the fund from which the moneys were appropriated.

#### DIVISION 10. LOCAL, SPECIAL, VACANCY, AND CONSOLIDATED ELECTIONS

##### PART 1. GENERAL PROVISIONS

##### CHAPTER 1. VOTERS AND PROCEDURE

10000. Every person is entitled to vote at a local, special, or consolidated election who is registered in any one of the precincts which compose the local, special, or consolidated election precincts, in accordance with this code.

10001. Except as otherwise specifically provided by law, all statewide special elections shall be called, conducted, and canvassed as provided by this code for the calling, conducting, and canvassing of general elections.

10002. The governing body of any city or district may by resolution request the board of supervisors of the county to permit the county elections official to render specified services to the city or district relating to the conduct of an election. Subject to approval of the board of supervisors, these services shall be performed by the county elections official.

The resolution of the governing body of the city or district shall specify the services requested.

Any city that requests the board of supervisors to permit the elections official to prepare the city's election materials shall, if the board of supervisors agrees to provide such services, supply the county elections official with a list of its precincts, or consolidated precincts, as applicable, no later than 61 days before the election.

Unless other arrangements satisfactory to the county have been made, the city or district shall reimburse the county in full for the services performed upon presentation of a bill to the city or district.

10003. A county may by ordinance or resolution limit campaign contributions in county elections.

10004. If the governing body of any special district fails to call or to take any other steps necessary to the holding of the regular district election at which any member or members of the governing body of the district are to be selected, the board of supervisors of the county in which the district is located, upon being notified of this fact by any voter in the district, may call a special election within the district for the

selection of the governing board member or members involved. The election shall be held not later than 90 days after it is called by the board of supervisors, and shall be conducted in the same manner as the regular district election. The costs of the special election shall be borne by the district for which the election is held.

PART 2. MUNICIPAL ELECTIONS  
CHAPTER 1. GENERAL PROVISIONS

10100. Whenever the county elections official is required to examine the signatures upon any nomination paper or petition of any candidate for a municipal office, he or she may employ necessary help for the examination. The cost shall be paid by the city.

10101. This part shall apply to all municipal elections, except where otherwise provided for in the Constitution of the state, or in a charter duly adopted or amended pursuant to the Constitution of this state.

10102. Section 13107, relating to ballot designations, shall apply to municipal elections, whether held in a general law or chartered city.

10103. Part 3 (commencing with Section 8600) of Division 8 and Chapter 7 (commencing with Section 15350) of Division 15, relating to write-in votes, shall apply to municipal elections held in general law cities.

CHAPTER 2. REGULATIONS GOVERNING ELECTIONS IN CITIES  
Article 1. General Provisions

10200. This chapter shall be liberally construed to promote its objects, and no error, omission or irregularity shall invalidate an election if there has been a substantial compliance with this chapter.

10201. A proposition may be submitted at a regular election, or a special election may be called, by ordinance or resolution, for the purpose of voting on a proposition.

10202. A city may, by ordinance or resolution, limit campaign contributions in municipal elections.

Article 2. Nomination of Candidates

10220. Candidates may be nominated for any of the elective offices of the city in the following manner:

Not earlier than the 113th day nor later than the 88th day before a municipal election during normal office hours, as posted, the voters may nominate candidates for election by signing a nomination paper. Each candidate shall be proposed by not less than 20 nor more than 30 voters in a city of 1,000 registered voters or more, and not less than five nor more than 10 voters in a city of less than 1,000 registered voters, but only one candidate may be named in any one nomination paper. No voter may sign more than one nomination paper for the same office, and in the event the voter does so, that voter's signature shall count only on the first nomination paper filed which contains the voter's signature. Nomination papers subsequently filed and containing that voter's signature shall be considered as though that signature does not appear thereon. Each seat on the governing body is a separate office. Any person registered to vote at the election may circulate a

nomination paper. Where there are full terms and short terms to be filled, the term shall be specified in the nomination paper.

10221. The signatures to each nomination paper shall be appended on the same sheet of paper, and each signer shall add his or her place of residence, giving the street and number, if any, or another designation of his or her place of residence so as to enable its location to be readily ascertained.

10222. Every nomination paper shall have annexed an affidavit of the person who circulated it, to the effect that he or she saw written all the signatures appended thereto, and knows that they are the signatures of the persons whose names they purport to be.

10223. Each nomination paper shall be accompanied by a verified statement of the candidate that he or she will accept the nomination, and will also accept the office in the event of his election. The statement shall contain a blank space wherein the candidate shall be required to fill in his or her name in the manner in which he or she wishes the same to appear on the ballot and also the designation which he or she wishes to have under his or her name on the ballot, which designation shall conform to one of the designations permitted under this code relating to the forms of ballots generally.

10224. All nomination papers shall be filed with the city elections official during regular business hours as posted, not later than the 88th day before the election. Until that time, but not after, a candidate may withdraw his or her nomination paper after it is filed with the elections official as provided in this section.

10225. (a) Notwithstanding Sections 10220 and 10224, if nomination papers for an incumbent officer of the city are not filed by on the 88th day before the election, during normal business hours, as posted, the voters shall have until the 83rd day before the election during normal business hours, as posted, to nominate candidates other than the person who was the incumbent on the 88th day, for that incumbent's elective office.

(b) This section is not applicable where there is no incumbent eligible to be elected. If this section is applicable, notwithstanding Section 10224, a candidate may withdraw his or her nomination paper until the 83rd day before the election during normal business hours, as posted.

10226. The nomination papers and affidavits shall be substantially in the following form:

"NOMINATION PAPER

We, the undersigned voters of the \_\_\_\_\_ of \_\_\_\_\_ hereby nominate

\_\_\_\_\_ for the office of \_\_\_\_\_ of the city:

Name

Residence

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

AFFIDAVIT OF THE CIRCULATOR

State of California )  
County of \_\_\_\_\_ ) ss.

I, \_\_\_\_\_, solemnly swear (or affirm) that the signatures on this

nomination paper were obtained between \_\_\_\_\_, 19\_\_\_\_, and \_\_\_\_\_,  
19\_\_\_\_;  
that I circulated this petition and I saw the signatures on  
this  
section of the nomination papers being written; and that, to  
the  
best of my information and belief, each signature is the  
genuine  
signature of the person whose name it purports to be.  
My residence address is \_\_\_\_\_

\_\_\_\_\_  
(Signature)  
Subscribed and sworn to before me the \_\_\_\_\_ day of  
\_\_\_\_\_,  
19\_\_\_\_.

\_\_\_\_\_  
(SEAL) Notary Public in and for the  
County \_\_\_\_\_ of \_\_\_\_\_, State of  
California

AFFIDAVIT OF THE NOMINEE

State of California )  
County of \_\_\_\_\_ ) ss.  
\_\_\_\_\_ being duly sworn, says that he or she is the  
above-named  
nominee for the office of \_\_\_\_\_, that he or she will accept  
the  
office in the event of his or her election, that he or she  
desires  
his or her name to appear on the ballot as follows:

\_\_\_\_\_  
(Print name above),  
and that he or she desires the following designation to  
appear on  
the ballot under his or her name:

\_\_\_\_\_  
(Print desired designation  
above.)  
Subscribed and sworn to before me the \_\_\_\_\_ day of  
\_\_\_\_\_,  
19\_\_\_\_.

\_\_\_\_\_  
(SEAL) Notary Public in and for the  
County \_\_\_\_\_ of \_\_\_\_\_, State of  
California"

10227. All forms required for nomination and election to all  
municipal offices shall be furnished only by the city elections  
official during regular business hours. At the time of  
issuance of those forms the city elections official shall type  
in the forms the name of the candidate and the office for which  
he is a candidate, shall imprint a stamp which reads "Official  
Filing Form," and shall affix his or her signature. At the time  
nomination papers are issued to a candidate, the city elections

official shall imprint the date. The forms shall be distributed without charge to all candidates applying for them.

10228. A filing fee proportionate to the costs of processing a candidate's nomination papers as determined by the city council and set by ordinance, but not exceeding twenty-five dollars (\$25), may be imposed, to be paid upon the filing of the nomination papers.

10229. (a) If, by 5 p.m. on the 88th day prior to the day fixed for a regularly scheduled municipal election or the 83rd day if an incumbent fails to file pursuant to Section 10225, (i) no one or only one person has been nominated for any office which is elected on a citywide basis, or (ii) no one or only one person is nominated to be elected from or by a legislative district, or (iii) in the case of any office or offices to be elected at large, the number of persons who have been nominated for those offices does not exceed the number to be filled at that election; or, if, by the 88th day, during normal business hours, as posted, before a municipal election to fill any vacancy in office, no one, or only one person has been nominated for any elective office to be filled at that election, and the election is subject to Section 36512 of the Government Code, the city elections official shall submit a certificate of these facts to the governing body of the city and inform the governing body of the city that it may, at a regular or special meeting held before the municipal election, adopt one of the following courses of action:

(1) Appoint to the office the person who has been nominated.

(2) Appoint to the office any eligible elector if no one has been nominated.

(3) Hold the election, if either no one, or only one person has been nominated. The city elections official shall publish a notice of the facts described in this section and the courses of action available under this subdivision. Publication shall be made pursuant to Section 6061 of the Government Code in any newspaper of general circulation as designated by the city elections official.

After the fifth day following the date of posting or publication, the governing body of the city may make the appointment or direct an election to be held in the affected territory. The person appointed, if any, shall qualify and take office and serve exactly as if elected at a municipal election for the office.

Notwithstanding Section 10403, if, by the 75th day before the municipal election, no person has been appointed to office pursuant to paragraph (1) or (2), the election shall be held.

(b) Subdivision (a) shall not apply if, at the regularly scheduled municipal election, more than one person has been nominated to another city office to be elected on a citywide basis or, a city measure has qualified and is to be submitted to the voters at that municipal election.

(c) Notwithstanding Chapter 1 (commencing with Section 8600) of Part 3 of Division 8, or any other provision of the law to the contrary, if the governing body of a city makes an appointment pursuant to subdivision (a), the elections official shall not accept for filing any statement of write-in candidacy that is submitted after the appointment is made.

(d) Nothing in this section shall be construed to prevent a city from enacting an ordinance pursuant to Section 36512.1 of

the Government Code, requiring that a special election be held, or from enacting an ordinance pursuant to Section 36512.2 of the Government Code, providing that a person appointed to fill a vacancy on the city council shall hold office only until the date of the special election, or both. Any ordinance or ordinances may allow for appointment consistent with subdivision (a) without requiring or providing for a special election.

In the event that an appointment to office is made in a particular legislative district pursuant to subdivision (a), that appointment shall not affect the conduct of the municipal election in other legislative districts of the city.

### Article 3. Conduct of Elections

10240. The city elections official shall have the necessary ballots printed and shall procure and furnish to the election officers the necessary supplies and equipment as specified in Sections 14105 and 14110. The elections official shall see that they are properly distributed to each precinct prior to the opening of the polls on the day of election.

10241. Before opening the polls, the election officers shall sign a declaration to discharge faithfully the duties of an election officer, before the inspector or before any other of themselves.

10242. The polls shall be open on the day of election between the hours that the governing body determines, but not less than eight consecutive hours. The hours of opening and closing the polls shall be specified in the notice of election, or shall otherwise be the same as provided for general elections. Before the precinct board receives any ballots, it shall cause it to be proclaimed aloud at the place of election that the polls are open.

10243. A majority of the members of any precinct board shall be present at the polling place at all times while the polling place is open.

### Article 4. Canvass of Ballots and Returns

10260. The votes shall be counted, the result of the votes cast shall be posted, the supplies and records of the election shall be returned to the city elections official and shall be disposed of by him or her in accordance with the provisions of this code governing elections generally, so far as they may be applicable.

10261. The city elections official, or a canvassing board appointed by him or her, shall count the votes cast by absent voters. The city elections official or board shall commence this count as soon as the polls close on the day of election, and the count shall continue, for not less than six hours each day providing ballots remain to be counted, until all absent voter ballots have been received within the time provided by law. The result of the absent vote count shall be included with the canvass of returns from the precincts.

The canvassing board, if any, shall be appointed, and the absent vote count shall be conducted in the manner prescribed by Chapter 1 (commencing with Section 15000) of Division 15, insofar as that chapter is not inconsistent with this section.

10262. The governing body of the city shall meet at their usual place of meeting on the first Tuesday after the election



to canvass the returns and to install the newly elected officers. The body shall declare elected the persons having the highest number of votes given for each office. Upon the completion of the canvass and before installing the new officers, the body shall pass a resolution reciting the fact of the election and such other matters as are enumerated in Section 10264.

10263. The governing body may, by resolution duly adopted prior to the date of election, order the canvass to be made by the elections official prior to the first Tuesday after the election. Sections 15302 and 15303 shall govern the conduct of the canvass. Upon completion of the canvass, the elections official shall certify the results to the governing body who shall on the first Tuesday after the election comply with the other provisions of Section 10262.

10264. As soon as the result of the election is declared, the elections official of the governing body shall enter on its records a statement of the result.

The statement shall show:

- (a) The whole number of votes cast in the city.
- (b) The names of the persons voted for.
- (c) The measures voted upon.
- (d) For what office each person was voted for.
- (e) The number of votes given at each precinct to each person and for and against each measure.
- (f) The number of votes given in the city to each person and for and against each measure.

10265. The elections official shall immediately sign and deliver to each person elected a certificate of election. He or she shall also administer to each person elected the oath of office prescribed in the California Constitution.

10266. Recount of votes in municipal elections shall be governed by Article 1 (commencing with Section 15600) of Chapter 12 of Division 15.

### CHAPTER 3. EMERGENCY ELECTIONS IN CITIES

10300. The voters of a city may present a petition to the Governor for the appointment of three commissioners of election pursuant to this chapter if:

(a) The city has failed to elect officers in accordance with its charter, and there are no officers to carry on the city government, or the city has failed to call an election of officers.

(b) The city has attempted to adopt a freeholders charter under the State Constitution, and has failed to legally elect officers, and the freeholders charter is held to be invalid.

10301. The petition to the Governor shall set forth:

(a) The name of the city, with the date and manner of organization.

(b) The date of the last election for officers; whether they are performing their duties, and if not, how long since they have ceased to do so.

(c) The provision of the charter relating to the qualifications of voters.

(d) That each person signing the petition possesses the qualifications provided for voters by the charter.

(e) That each of the signers of the petition is a householder and freeholder in the city.

10302. The petition shall be signed by not less than 75

persons in the city, each of whom possesses all the qualifications mentioned in the body of the petition. The petition shall be verified by at least two of the signers, that, of their own knowledge, the petition is true, and that all the signers are qualified.

10303. Upon the presentation of the petition to the Governor, he or she shall either act upon it or require additional evidence of the matters set forth in the petition. Upon being satisfied of the truth of the matters set forth in the petition, the Governor shall appoint three persons as commissioners of election for that city. The commission shall be known as the board of election commissioners for (here give name of the city).

10304. The Governor shall issue a commission to the commissioners, and the issuance of the commission shall be conclusive evidence of the regularity of all the proceedings to and including the appointment of the commissioners. Within 10 days after their appointment, the commissioners shall take the constitutional oath of office before some officer authorized to administer oaths. The oath shall be indorsed upon the commission, and a copy filed in the office of the Secretary of State. The commission shall organize by the election of a president and secretary from their own members. The commission shall keep minutes of all its proceedings, which minutes shall be signed at the close of each meeting by the president and secretary.

10305. The commissioners may, by an order entered in their minutes, call an election for the officers required by the charter of the city, to be elected only by the voters in the city. The order shall specify the names of the offices to be filled and the date of the election. When any office is to be filled by an election in any ward or subdivision of the city, the order shall so state.

10306. Prior to the election, the commission shall appoint precinct boards and fix the places of holding the election, as required in the city charter. The commission shall cause notice of the election to be published in one or more newspapers published in the city, or if none is published therein, then by posting notices for at least 20 days before election. The election shall be conducted as required by the city charter for the election of officers, except that it shall not be necessary to use printed registers. If a voter is challenged on the ground that his or her name does not appear on the register of the county, it shall be sufficient for him or her to state, under oath, that he or she believes his or her name is upon the register, and if no other evidence is offered, the precinct board shall accept that statement as true.

10307. Except that the returns shall be returned and delivered to the commission, the precinct boards shall make return of the election as required in the charter of all officers voted for at the election, without reference to whether they were voted for in the whole or only a ward or subdivision of the city. A member of a precinct board shall not issue a certificate of election.

10308. Within five days after the election, the commissioners shall canvass the returns and declare which persons were elected. The commission shall issue certificates of election to the persons so declared to be elected. The certificates shall be signed by all the commissioners, and shall be conclusive evidence of the regularity of all the proceedings

taken in the election and by the commission, except as against any suit or proceeding to oust from office any person holding a certificate.

10309. Within 10 days after issuance of the certificates of election, the officers shall qualify and enter upon the discharge of their duties, in accordance with the charter. If any person chosen at the election fails to take the oath of office and enter upon the discharge of his or her duties within the time above specified, the office to which he or she shall have been elected shall be deemed vacant.

10310. At the first meeting of the governing body of the city after the election, the commissioners shall deliver to the governing body all books and papers in their possession, relating to their office of election commissioners. The governing body shall cause them to be filed by their elections official, and shall cause the commission issued by the Governor to the commissioners, the minutes of the commissioners, and notice of the election to be entered in the book of minutes of the governing body. These entries shall thereupon be evidence of all the matters therein stated, and as conclusive as the originals.

10311. Whenever the officers elected at the election, and the officers authorized by the charter to be elected or appointed by the governing body or executive department of the city, have qualified and entered upon the discharge of their duties, the city shall be as fully organized and in operation as if the election had been held at the time and in the manner required by the charter.

10312. Whenever the government of the city is in full operation, the governing body shall enter a resolution in its minutes declaring that fact. The resolution shall be conclusive evidence of that fact, except as against a direct action or proceeding to set aside or annul the government.

### PART 3. CONSOLIDATION OF ELECTIONS

10400. Whenever two or more elections, including bond elections, of any legislative or congressional district, public district, city, county or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, they may be consolidated pursuant to this chapter upon the order of the governing body or bodies or officer or officers calling the elections.

The elections, whether held under a freeholder charter or under any state law, or both, may be consolidated, and different elections called by the same governing body may be consolidated.

In each year when electors of President and Vice President of the United States are to be chosen, the presidential primary shall be consolidated with the direct primary, and no order is necessary.

10401. Where one of the elections to be consolidated is a statewide election, the board of supervisors of the county in which the consolidation is to be effected may order the consolidation.

10402. When local elections are to be consolidated, and no specific procedure is specified for their consolidation, the procedure set forth in Section 10403 shall govern the consolidation, except that the governing body of the jurisdiction that receives a request for the consolidation, or

an officer otherwise authorized by law, may order the consolidation.

10403. Whenever an election called by a district, city or other political subdivision for the submission of any question, proposition, or office to be filled is to be consolidated with a statewide election, and the question, proposition, or office to be filled is to appear upon the same ballot as that provided for that statewide election, the district, city, or other political subdivision shall, at least 88 days prior to the date of the election, file with the board of supervisors, and a copy with the elections official, a resolution of its governing board requesting the consolidation, and setting forth the exact form of any question, proposition, or office to be voted upon at the election, as it is to appear on the ballot. The question or proposition to appear on the ballot shall conform to this code governing the wording of propositions submitted to the voters at a statewide election. The resolution requesting the consolidation shall be adopted and filed at the same time as the adoption of the ordinance, resolution, or order calling the election. The names of the candidates to appear upon the ballot where district, city, or other political subdivision offices are to be filled shall be filed with the county elections official no later than 81 days prior to the election.

10404. (a) This section applies only to special districts electing members of the governing body in November of odd-numbered years. As used in this section, "special district" means an agency of the state formed pursuant to general law or special act, for the local performance of governmental or proprietary functions within limited boundaries, except a city, county, city and county, school or community college district, or special assessment district.

(b) Notwithstanding any other provision of law, a governing body of a special district may, by resolution, require that its elections of governing body members be held on the same day as the statewide general election.

(1) The resolution setting the election shall also include dates that are consistent with the primary or general election with respect to nominations, notices, canvass of votes, certification of election, and all other procedural requirements of the Elections Code pertaining to the primary or general election.

(2) The resolution shall be submitted to the board of supervisors no later than 240 days prior to the date of the currently scheduled district election.

(c) The board of supervisors shall notify all districts located in the county of the receipt of the resolution to consolidate and shall request input from each district on the effect of consolidation.

(d) The elections official shall prepare and transmit to the board of supervisors an impact analysis of the proposed consolidation.

(e) The board of supervisors, within 60 days from the date of submission, shall approve the resolution unless it finds that the ballot style, voting equipment, or computer capacity is such that additional elections or materials cannot be handled. Prior to the adoption of a resolution to either approve or deny a consolidation request, the board or boards of supervisors shall each obtain from the elections official a report on the cost-effectiveness of the proposed action.

(f) Within 30 days after the approval of the resolution, the

elections official shall notify all registered voters of the districts affected by the consolidation of the approval of the resolution by the board of supervisors. The notice shall be delivered by mail and at the expense of the district.

(g) Public notices of the proceedings in which the resolution is to be considered for adoption shall be made pursuant to Section 25151 of the Government Code.

(h) If a special district is located in more than one county, the special district may not consolidate an election if any county in which the special district is located denies the request for consolidation.

(i) If, pursuant to subdivision (b), a special district election is held on the same day as the statewide general election, those governing body members whose terms of office would have, prior to the adoption of the resolution, expired prior to that election shall, instead, continue in their offices until their successors are elected and qualified, but in no event shall the term be extended beyond December 31 of the year following the year in which the request for consolidation is approved by the board of supervisors.

(j) If a board of supervisors approves the resolution pursuant to subdivision (e), the special district election shall be conducted on the date specified by the board of supervisors, in accordance with subdivision (a), unless the approval is later rescinded by the board of supervisors.

(k) If the date of a special district election is changed pursuant to this section, at least one election shall be held before the resolution, as approved by the board of supervisors, may be subsequently repealed or amended.

10405. Notwithstanding any other provision of law, the Registrar-Recorder of the County of Los Angeles and the Registrar of Voters of Orange County may, pursuant to agreement between those counties, perform, either on behalf of the other, any and all duties relating to the conducting of the election, the counting of votes, and any other election procedures to the extent that those duties are for the conduct of an election of governing board members for any school district whose territory lies within both the County of Los Angeles and Orange County, pursuant to the consolidation of that election with a primary, municipal, or general election under Section 5000.5 of the Education Code.

10406. Notwithstanding any other provision of law, if a statewide special election is called less than 88 days prior to the date of that election, a district, city, or other political subdivision may call for a special local election for the submission of any question, proposition, or office to be filled, to be consolidated with the statewide special election if the call is issued within four days from the date of issuance of the Governor's proclamation or the effective date of a statute calling for a statewide special election.

10407. (a) Notwithstanding any other provision of law, whenever other elections are consolidated with a regularly scheduled election, the period for the filing of nomination documents by candidates in elections consolidated with the regularly scheduled election shall commence on the 113th day prior to the election. The nomination documents shall be filed not later than 5 p.m. on the 88th day prior to the regularly scheduled election in the office of the appropriate officer, during regular office hours.

(b) Notwithstanding subdivision (a), if nomination documents

for an incumbent officer of a political subdivision are not filed by 5 p.m. on the 88th day before the election, any person other than the person who was the incumbent on the 88th day shall have until 5 p.m. on the 83rd day before the election to file nomination documents for the elective office. This section is not applicable where there is no incumbent eligible to be elected.

10408. When the county precinct boundaries at a consolidated election called by the board of supervisors of the county in which the city, district or other political subdivision is located do not coincide with the boundaries of the city, district or other political subdivision, the board of supervisors may by order, and for the purpose of the election only, reprecinct the territory in which the boundaries do not coincide, at any time prior to 30 days before the election.

10409. When the boundaries of the territory within which an election is to be held, or the boundaries of the precincts established therefor, do not fully coincide with the boundaries of the territory within which some other election is to be held, or the boundaries of the precincts established for the other election, the elections may be consolidated as to all precincts which are the same for both elections. The elections may also be consolidated as to those precincts where a single precinct established for one election lies entirely within a single precinct established for the other election. Separate ballots shall be provided for those voters who reside outside the territory within which one of the elections is called.

10410. Within the territory affected by the order of consolidation, the election precincts, polling places and voting booths shall, in every case, be the same, and there shall be only one set of election officers in each of the precincts. When the returns of elections consolidated pursuant to this part are required to be canvassed by different canvassing boards, the elections shall be conducted separately in the same manner as if they had not been consolidated, except as provided in this part.

10411. In case of the consolidation of any election called by the legislative body of a city, district or other political subdivision with an election held in the county or counties in which the city, district or other political subdivision is situated, the governing body of the city, district or other political subdivision may authorize the board of supervisors to canvass the returns of the election. If this authority is given:

- (a) The election shall be held in all respects as if there were only one election.
- (b) Only one form of ballot shall be used.
- (c) The returns of the election need not be canvassed by the legislative body of the authorizing city, district or other political subdivision.

If such authority is given to the board of supervisors, the canvass shall be made in accordance with Article 2 (commencing with Section 15050) of Chapter 1 of Division 15.

10412. In the case of the consolidation of any election called by the governing body of a city, district or other political subdivision with an election held in another city, district or other political subdivision, the governing body of one city, district or political subdivision may authorize the governing body of the other city, district or political

subdivision to canvass the returns of the election. If this authority is given:

(a) The elections shall be held in all respects as if there were only one election.

(b) Only one form of ballot shall be used.

(c) The returns of the election need not be canvassed by the governing body of the authorizing city, district, or other political subdivision.

If that authority is given, the canvass may be made by any body or official authorized by law to canvass the returns of the election of such other city, district or political subdivision.

10413. When the returns of any elections consolidated pursuant to this part are required to be canvassed by the same body, the elections shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

10414. Elections may be consolidated and conducted pursuant to this part notwithstanding the fact that the provisions of this code relating to absent voters may apply to less than all of the elections consolidated. Whenever only one form of ballot is used at a consolidated election the ballots cast by absent voters shall be counted only in connection with elections to which absent voter privileges have been extended by law.

10415. Whenever the period of time within which absent voters' ballots must be received by the elections official in order to be counted, as provided for any election by this code or any other law of this state, is different from that period of time provided for another election, and the elections are consolidated and only one form of ballot used for both elections, all absent voters' ballots issued for the consolidated election may be counted for both elections if received by the elections official within whichever period of time that is the longer.

10416. Except as otherwise provided in this part, when elections are consolidated, the governing body ordering consolidation may, in the territory affected thereby, provide for:

- (a) The appointment of precinct boards.
- (b) The formation of precincts for such elections.
- (c) The expenses of the election.

10417. Where under any law of the state the precincts, polling places or names of members of precinct boards are required to be described or otherwise set forth in the ordinance, resolution, order, notice or other document calling, giving notice of or otherwise pertaining to any election, and the election is consolidated, in whole or in part, with another election, the ordinance, resolution, order, notice or other document need not describe or set forth the precincts, polling places and the names of precinct board members pertaining to the territory affected by the consolidation but may instead state that these precincts, polling places, and precinct board members shall be the same as those provided for the other election within the territory affected by the consolidation, and in that event, the ordinance, resolution, order, notice, or other document shall refer to some ordinance, order, resolution, or notice calling, providing for or giving notice of the other election and which sets forth these precincts, polling places, and the names of precinct board members. This reference may be made by giving the number and title or date of adoption of the

ordinance, resolution, or order, or the date or proposed date of any publication of the notice and the name of the newspaper in which the notice has been or will be published, or by any other definite description. Notwithstanding the provision of any other provision of law, this reference need not be made in the case of an election consolidated with a statewide election.

10418. Whenever an election is to be held on the same day as a statewide election, including a statewide special election, or an election held pursuant to Section 1302 or 1303, the election may be consolidated with the statewide election. If consolidated, the consolidated election shall be held and conducted, election officers appointed, voting precincts designated, candidates nominated, ballots printed, polls opened and closed, ballots counted and returned, returns canvassed, results declared, certificates of election issued, and all other proceedings incidental to and connected with the election shall be regulated and done in accordance with the provisions of law regulating the statewide or regularly scheduled election.

The precincts used at the consolidated election shall be those used for the statewide or regularly scheduled election and, where necessary, the county elections official may adjust precinct lines to coincide with the boundaries of the particular jurisdiction.

#### PART 4. UNIFORM DISTRICT ELECTION LAW

10500. (a) This part may be cited as the Uniform District Election Law.

(b) As used in this part, the following definitions apply:

(1) "Affected county" means a county in which any land of the district or agency is situated.

(2) "County clerk" means the registrar of voters or, if there is none, the county clerk of an affected county.

(3) "Director" means a member of the governing body.

(4) "District" or "agency" means any district or agency of the type designated by and formed pursuant to the provisions of any principal act which incorporates this part.

(5) "Elective office" means any office which may, under the principal act of the district or agency, be filled by way of an election.

(6) "Elective officer" means "elective officer" as defined by the principal act of each district or agency or if not defined, any officer of a district or agency holding an office which can be filled by election.

(7) "General district election" means an election held pursuant to the provisions of this part.

(8) "Governing body" means the board of directors of a district or agency or the board or body which governs the activities of the district or agency.

(9) "Landowner voting district" means a district whose principal act requires an elector to be an owner of land located within the district.

(10) "Principal act" means the law providing for the creation of a particular district or agency or type of district or agency.

(11) "Principal county" means the county in which all the land in the district or agency is situated, or if the district or agency is situated in more than one county, the county in which the greatest portion of the land in the district or agency is situated.



(12) "Resident voting district" means any district other than a landowner voting district.

(13) "Secretary" means the secretary of the governing body or a person designated by him to perform a duty of the secretary.

(14) "Supervising authority" means the board of supervisors of the county in which is situated all or most of the land of a district.

(15) "Voter" means voter or elector as respectively defined in the principal act of each district or agency.

10501. It is the purpose of this part to provide a procedure for the election of elective officers of districts. These elections shall be called and conducted and the results canvassed, returned, and declared pursuant to this part.

10502. (a) This part shall apply to all districts and agencies whose principal acts so provide. However, the provisions of this part requiring the county elections official to conduct elections shall apply to all resident voting districts and agencies, and, at the discretion of the county elections official, may apply to landowner voting districts, notwithstanding any other provision of law.

(b) Notwithstanding subdivision (a), the county elections official shall conduct an election on behalf of a landowner voting district if the governing body of the district, by resolution, requests that assistance and agrees to reimburse the county pursuant to Section 10520 and any county ordinances or resolutions consistent therewith. A district making that request shall supply information regarding qualified voters pursuant to Section 10525, and any other pertinent information requested by the county elections official. The election may be conducted by all-mailed ballots at the discretion of the county elections official. The election may not be held on the same date as a regularly scheduled election. The county elections official may rely upon the list of qualified voters and other information supplied by the district and shall not be required to determine the qualified voters. If the district does not supply the required information regarding qualified voters and other pertinent information requested by the county elections official within the time specified in Section 10525, the county elections official shall have no further obligation with respect to the election, and the district shall be responsible for conducting all remaining election activities.

(c) Where this part conflicts with the principal act, this part shall apply and control.

(d) This part shall not apply to the election of elective officers of the district upon formation of the district, except as to the term of office of the officers.

10503. Where this part provides that the principal act shall govern, and the principal act contains no provisions on the matter, the general election laws of this state shall govern. Where neither this part nor the principal act apply, the general election laws of this state shall govern.

10504. Whenever this part requires the secretary of a district to deliver a notice or other information to the county elections official on or before a designated date, the secretary may personally deliver the notice or other information on or before that date, or may deliver the notice or other information by certified mail if the notice or other information will be received by the county elections official in the ordinary course of the mails on or before that designated date.

10505. The terms of office of elective officers in all new districts shall be determined as follows:

(a) If the district is formed in an odd-numbered year, the officers elected at the formation election shall hold office until noon on the first Friday in December of the next following odd-numbered year, provided officers elected at an election held on the first Tuesday after the first Monday in November shall hold office as provided in subdivision (c).

(b) If the district is formed in an even-numbered year, the officers elected at the formation election shall hold office until noon on the first Friday in December of the second next following odd-numbered year.

(c) The directors elected at the first general district election held in a district and at a formation election held at the same time as the general district election shall meet as soon as practicable after taking office and classify themselves by lot into two classes, as nearly equal in number as possible, and the terms of office of the class having the greater number shall be four years and the terms of office of the class having the lesser number shall be two years. All other elective officers elected at the election shall hold office for a term of four years or until their successor is elected and qualifies.

10506. Whenever a district shall increase the number of divisions, if there are any, the terms of office of the offices of director thus created shall be determined by the governing body, but in no event shall the term designated by the governing body be for more than four years. The terms of office thus created shall be determined in such a manner as to keep as nearly equal as practicable the number of directors to be elected at each subsequent general district election. Upon the expiration of the term so designated by the governing body, the directorship shall be filled at the next general district election and general district elections held thereafter. The term of office of each subsequent director thus elected is four years or until his or her successor qualifies and takes office.

10507. Except as otherwise provided in this part, the term of office of each elective officer, elected or appointed pursuant to this part, is four years or until his or her successor qualifies and takes office.

10508. The principal act shall govern whether directors of a district are elected by divisions or by the district at large.

10509. On the 125th day prior to the day fixed for the general district election, the secretary shall deliver a notice to the county elections official. The notice shall bear the secretary's signature and the district seal and shall also contain both of the following:

(a) The elective offices of the district to be filled at the next general district election.

(b) Whether the district or the candidate is to pay for the publication of a statement of qualifications pursuant to Section 13307.

10510. (a) Forms for declarations of candidacy for all district offices shall be obtained from the office of the county elections official. The county elections official may, for convenience or necessity, authorize the district secretary to issue declarations of candidacy. The forms shall first be available on the 113th day prior to the general district

election and shall be filed not later than 5 p.m. on the 88th day prior to the general district election in the office of the county elections official during regular office hours or may be filed by certified mail so that the forms reach the office of the county election official no later than the deadline for filing in that office. The county elections official shall record the date of filing upon the first page of each declaration of candidacy filed pursuant to this section. No candidate shall withdraw his or her declaration of candidacy after 5 p.m. on the 88th day prior to the general district election.

(b) On request of the district secretary, the county elections official shall provide the secretary with a copy of each declaration of candidacy filed pursuant to this section.

10511. The declaration of candidacy shall be in substantially the following form:

I, \_\_\_\_\_, do hereby declare

myself as a candidate for election to the office of \_\_\_\_\_ . I am a

registered

voter. If elected, I will qualify and accept the office of \_\_\_\_\_ and serve to the

best of my ability. I request my name be placed on the official ballot of the district for the election to be held

on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and that my name appear on the ballot

as follows:

\_\_\_\_\_  
(Print name above)

My current residence address is \_\_\_\_\_

and

my telephone number is \_\_\_\_\_

I desire the following occupational designation to appear on the ballot under my name.

\_\_\_\_\_  
(Print desired designation, if any, above)

This occupational designation is true and in conformance with Section 13107 of the Elections Code.

I am aware that any person who files or submits for filing a declaration of candidacy knowing that it or any part of it has been made falsely is punishable by a fine or imprisonment, or both,

as set forth in Section 18203 of the Elections Code.

I declare under penalty of perjury under the laws of the State of \_\_\_\_\_

California that the foregoing is true and correct.

Executed on \_\_\_\_\_, 19\_\_\_\_,  
at \_\_\_\_\_ (Place)

\_\_\_\_\_  
(Signature of Candidate)

10512. Each candidate shall set forth in full the oath or affirmation set forth in Section 3 of Article XX of the California Constitution, which shall be filed with the declaration of candidacy and which shall satisfy the provisions of Section 3 of Article XX of the California Constitution with respect to any district office. The county elections official or district secretary, or a person designated by the county elections official or district secretary, shall administer the oath.

10513. Upon filing each declaration of candidacy, the county elections official shall examine the declaration to determine if it conforms with the provisions of this part and shall certify whether it is sufficient. For this purpose, the elections official shall be entitled to obtain from any officer of an affected county all information necessary to make this determination.

10514. The qualifications of a candidate for elective office, and of an elective officer, of a district shall be determined by the principal act of that district.

10515. (a) If, by 5 p.m. on the 83rd day prior to the day fixed for the general district election: (1) only one person has filed a declaration of candidacy for any elective office to be filled at that election, (2) no one has filed a declaration of candidacy for such an office, (3) in the case of directors to be elected from the district at large, the number of persons who have filed a declaration of candidacy for director at large does not exceed the number of offices of director at large to be filled at that election, or (4) in the case of directors who must reside in a division but be elected at large, the number of candidates for director at large from a division does not exceed the number required to be elected director at large while residing in that division; and if a petition signed by 10 percent of the voters or 50 voters, whichever is the smaller number, in the district or division if elected by division, requesting that the general district election be held has not been presented to the officer conducting the election, he or she shall submit a certificate of these facts to the supervising authority and request that the supervising authority, at a regular or special meeting held prior to the Monday before the first Friday in December in which the election is held, appoint to the office or offices the person or persons, if any, who have filed declarations of candidacy. The supervising authority shall make these appointments.

(b) If no person has filed a declaration of candidacy for any office, the supervising authority shall appoint any person to the office who is qualified on the date when the election would have been held. The person appointed shall qualify and take office and serve exactly as if elected at a general district election for the office.

(c) Where a director must be appointed to represent a division, all or most of which is not within the county governed by the supervising authority, then the board of supervisors of

the county within which all or most of that division is located shall be the body to which request for appointment is made and which shall make the appointment.

10516. (a) Notwithstanding any other provision of law, in any district or agency election, if a declaration of candidacy for an incumbent elective officer of a district is not filed by 5 p.m. on the 88th day before the general district election, any person other than the person who was the incumbent on the 88th day shall have until 5 p.m. on the 83rd day before the election to file a declaration of candidacy for the elective office.

(b) This section is not applicable where there is no incumbent to be elected. If this section is applicable, notwithstanding Section 10510, a candidate may withdraw his or her declaration of candidacy until 5 p.m. on the 83rd day before the general election.

10517. Except as otherwise provided by this part, the county elections official of each affected county shall conduct the general district election for the portion of the district located within the county. Where a district is located in two or more counties, the county elections officials of these counties may contract among themselves to have one of their number conduct the election for the district.

10518. If, within any portion of a county, only one district has scheduled a general district election, the county elections official may authorize the appropriate officer of the district to perform any of the functions required of the county elections official under this part.

10519. At the request of a district governing body, the county elections official may perform any of the duties of the district secretary and the supervising authority may perform any of the duties of the district governing body.

10520. Each district involved in a general district election in an affected county shall reimburse the county for the actual costs incurred by the county elections official thereof in conducting the general district election for that district. The county elections official of the affected county shall determine the amount due from each district and shall bill each district accordingly.

10521. Qualifications of voters of a district, the number of votes each voter may cast, and the method of determining that number of votes shall be governed by the principal act of that district.

10522. At least 125 days prior to the day fixed for the general district election, the secretary of a resident voting district shall deliver to the county elections official of each affected county a map showing the boundaries of the district and the boundaries of the divisions of the district, if any, within that county and a statement indicating in which divisions a director is to be elected and whether any elective officer is to be elected at large at the next general district election.

10523. Notwithstanding any provision in the principal act, elections shall be at large in any resident voter district in which there are fewer than 100 voters.

10524. At least 125 days prior to the date fixed by the general district election, the secretary of a landowner voting district shall deliver to the county elections official of each affected county a map or description of the boundaries of the district or divisions for which elections are to be held.

10525. (a) At least 35 days prior to the date fixed for the landowner district election, the secretary of a landowner

district for which an election has not been canceled pursuant to Section 10515, shall deliver to the county elections official of each affected county a list of voters qualified under the principal act of that district to vote in that county at the next landowner district election. For this purpose, the secretary of a landowner voting district shall be entitled to obtain from any office of an affected county all information necessary to prepare the list.

(b) The list delivered pursuant to subdivision (a) shall contain the name of each voter qualified under the principal act of the landowner voting district to vote at the next landowner district election, the residence of each voter, the division, if any, of the district in which each voter is entitled to vote, and the manner in which the votes are to be distributed.

(c) The secretary of the landowner district shall sign his or her name and affix the seal of the district at the bottom of the last page of the list. One copy of this list shall be conspicuously posted in the office of the district in a place to which the public generally has access. If the office is located in a private home, the list shall be posted in some public building.

(d) The governing board may, by resolution, determine that the duties of the secretary set forth in this section would best be performed by the county elections official, in which case the county elections official shall thereafter assume these duties.

10526. At least 30 days prior to the day fixed for the next general district election, the county elections official shall have prepared a sufficient number of ballots for the voters of each resident voter district participating in the election.

10527. At least 20 days prior to the date fixed for the next general district election, the county elections official shall have prepared a sufficient number of ballots for the voters of each landowner voting district participating in the election.

10528. Except as otherwise provided by this part, the form of the ballot to be used by the voters of a landowner voting district participating in the general district election shall be governed by the principal act of that district. The county elections official shall determine and specify the form of the ballot to be used by the voters of resident voting districts and may, if practicable, provide a consolidated ballot covering two or more district elections in the same precinct.

10529. Whenever a candidate has filed a declaration of candidacy, and the candidate's declaration of candidacy has been certified as sufficient pursuant to Section 10513, the name of the candidate shall be printed upon the ballot unless the candidate has died and that fact has been ascertained by the officer charged with the duty of printing the ballots, at least 68 days before the day of the election.

10530. Absent voting shall be allowed and conducted as nearly as practicable in accordance with Division 3 (commencing with Section 3000) pertaining to general elections, except in those districts in which voting by proxy is allowed unless a particular district shall, by resolution pursuant to Section 4108, provide for an all-mail ballot election.

10531. Notwithstanding any other provision of law, special absent voting shall be allowed in lieu of voting by proxy in any landowner district election in which voting by proxy is allowed, provided that, at least 110 days before the election, the governing board of the district adopts this section. If a

district adopts this section, the voting shall be conducted as follows:

(a) The absentee ballot shall be available to any eligible voter of the district.

(b) The form of application for the ballot shall be distributed to each voter with the sample ballot and shall contain spaces for each of the following:

- (1) The printed name and address of the voter.
- (2) The address to which the ballot is to be mailed.
- (3) The voter's signature.

(4) The authorization of a legal representative, as defined in Section 34030 of the Water Code, to receive the absent voter's ballot if the voter so chooses.

(5) The name and date of the election for which the request is made.

(6) The date the application shall be received by the county elections official, which date shall be at least seven days before the election.

(7) The insertion of the sample ballot name and address label on the application.

(c) Upon receipt of absentee ballot application and verification that it has been properly completed, the county elections official shall mail an absent voter's ballot to the voter or legal representative with an identification envelope, which shall contain each of the following:

(1) A declaration under penalty of perjury stating that the voter is entitled to vote in the election.

(2) Space for the signature of the voter or legal representative and the date of signing.

(3) A notice that the envelope contains an official ballot and is to be opened only by the appropriate election officials.

(d) The voting shall be pursuant to those additional procedures, if any, which the county elections official shall deem necessary to the proper conduct of the election, provided that the overall additional procedures shall substantially comply with Division 3 (commencing with Section 3000) and Chapter 1 (commencing with Section 1400) of Division 15, and shall be consistent with landowner voting requirements.

(e) Notwithstanding Section 10525, the list of voters for landowner voting district elections in which absentee voting is allowed shall be delivered to the county elections official at least 40 days prior to the election.

(f) Notwithstanding Section 12117, the sample ballot for landowner voting district elections in which absent voting is allowed shall be mailed at least 20 days before the election.

10532. Nothing in this part shall prohibit a voter of a district, or his legal representative, from voting by proxy if this right is provided for by the principal act of that district, and the requirements and qualifications necessary for voting by proxy shall be governed, as nearly as practicable, by the principal act of that district.

10533. (a) The county elections official shall prepare for each precinct one voter list and one roster for each ballot form to be used at the polling place of the precinct at the general district election. Where, as provided by Section 10528, the county elections official provides for a consolidated ballot covering two or more district elections in the same precinct, the county elections official may also provide a consolidated voter list and consolidated roster for the voters receiving the

consolidated ballot. The county elections official shall furnish each precinct board with its respective lists and rosters prior to the opening of the polls.

(b) For a landowner voting district election, the voter list shall specify the number of votes each voter is entitled to cast.

10534. If the county elections official fails to appoint a precinct board or the members appointed are not present when the polls open on the day of the general district election, a majority of the voters of the precinct present at that hour, including members of the precinct board, may appoint the precinct board or appoint a person in place of an absent member.

10535. The inspector is chairman of the precinct board.

10536. If during the election any judge or elections official ceases to act, the inspector may appoint a substitute.

10537. If the inspector ceases to act, a majority of the remaining members of the precinct board may appoint a substitute.

10538. Any member of a precinct board may administer and certify oaths required to be administered during an election.

10539. Before opening the polls, each member of the precinct board shall sign a declaration to perform faithfully his or her duties, before the inspector or before any other member of the board.

10540. Candidates' statements of their qualifications submitted in accordance with Section 13307 shall be filed with the county clerk who shall cause the voters' pamphlet, if any is required, to be mailed along with the notice required by Section 12117.

10541. The polls shall open at 7 a.m. and remain open until 8 p.m. In any precinct in which all of the eligible voters have voted prior to the time for closing the polls, the precinct board may thereupon close the polls, canvass the votes and make the returns as required by law. However, regardless of the time of closing the polls, no totals of votes cast or other returns shall be announced or disclosed prior to 8 p.m.

10542. The principal act of each landowner voting district participating in the general district election shall govern the manner in which the ballot is delivered by the clerk or judge to a voter of that district, the method by which the voter casts his vote or votes, and the manner in which the ballot is returned by the voter to the clerk or judge and placed in the ballot box.

10543. Voting shall be conducted, the canvass at the polls made, and the returns delivered to the county elections official, except as otherwise provided by this part, as nearly as practicable in accordance with the provisions of this code pertaining to general elections.

10544. A governing body of a district may, by resolution, limit campaign contributions in elections to district offices.

10545. The envelope, certificate with the roster of voters, tally lists, voter list, and the marked copy of index of voters, if it is used, shall be:

(a) Sealed in an envelope by the inspector in the presence of the judge and clerk.

(b) Endorsed "Election returns of (naming the precinct) precinct."



(c) Directed to the county elections official.

(d) Immediately delivered by the inspector or by a responsible person designated by him, to the county elections official.

10546. Recount of votes in any general district election shall be governed by the provisions of Chapter 12 (commencing with Section 15600) of Division 15.

10547. The county elections official shall commence the canvass of the returns not later than the first Thursday after each general district election.

10548. The canvass shall be made in public and by opening the returns and determining the vote for each person voted for and declaring the results thereof.

10549. No roster, tally list, or certificate returned from any general district election shall be set aside or rejected for want of form if it can be satisfactorily understood.

10550. As soon as the result of the canvass by the county elections official is declared, the county elections official shall prepare and mail a statement of the result to the secretary of each district participating in the general district election. The statement shall be signed by the county elections official, authenticated by the seal of the county and shall show:

(a) The number of ballots cast for elective offices of that district and, when directors of that district are elected by divisions, the number of ballots cast in each division.

(b) The name of each candidate for an elective office of that district voted for and the office.

(c) The number of votes cast in each precinct for each candidate.

(d) When directors are elected by divisions, the number of votes cast in each division for each candidate for the office of director from that division.

(e) The number of votes cast in the district for all other elective offices of that district.

10551. (a) No later than the Monday before the first Friday in December the county elections official shall declare the elected candidate or candidates. If there is but one person to be elected to an elective office, the candidate receiving the highest number of votes cast for the candidates for that office shall be declared elected. If there are two or more persons to be elected to an elective office, those candidates equal in number to the number to be elected who receive the highest number of votes for the office shall be declared elected.

(b) If a tie vote makes it impossible to determine which of two or more candidates has been elected, the county elections official shall notify the governing body of the district thereof, and the governing body shall forthwith notify the candidates who have received the tie votes to appear before it either personally or by representative at a time and place designated by the governing body. The governing body shall, at that time and place, determine the tie by lot and the results thereof shall be declared by the governing body. The candidate so chosen shall qualify, take office and serve as though elected at the preceding general district election.

10552. No later than December 31 immediately following a general district election, the county elections official shall file with the Secretary of State a statement containing all of the following for each election in the county held pursuant to this part:

- (a) The list of offices to be filled.
- (b) The name of each candidate, including occupational designation, if any.
- (c) The name of each successful candidate.
- (d) The number of voters eligible to vote in the district and, if voting is by division, the number of voters eligible to vote in each division.
- (e) The number of votes for each candidate.
- (f) The list of offices for which appointments have been made in lieu of election pursuant to Section 10515 together with names of the persons so appointed.

10553. The county elections official shall immediately make and deliver to each person elected a certificate of election signed by the county elections official.

10554. Elective officers, elected or appointed pursuant to this part, take office at noon on the first Friday in December next following the general district election. Prior to taking office, each elective officer shall take the official oath and execute any bond required by the principal act.

10555. Notwithstanding Chapter 1 (commencing with Section 1000) of Division 1, no landowner voting district election shall be consolidated with any resident voter election regardless of whether it is held pursuant to this part. Except as specified in the preceding sentence, an election conducted by a district subject to this part may be consolidated with any other election pursuant to Part 3 (commencing with Section 10400).

10556. No informalities in the conduct of the general district election or any matters related to it shall invalidate the election if fairly conducted.

#### PART 5. SCHOOL DISTRICT AND COMMUNITY COLLEGE DISTRICT GOVERNING BOARD ELECTIONS

10600. When one member of the governing board of a school district or community college district is to be elected, the candidate receiving the highest number of votes shall be elected. When two or more members are to be elected, the two or more candidates receiving the highest number of votes shall be elected. Each voter may vote for as many candidates as there are members to be elected. The ballot shall contain instructions stating the maximum number of candidates for whom each voter may vote.

10601. Notwithstanding Section 10600, the governing board of any community college district may, by a resolution adopted by a majority vote of the board, assign a number to each seat on the board to be selected by lot. Once the numbers are assigned, any candidate for election to the board shall be required to run for a particular numbered seat on the board and be elected by the voters of the district at large.

10602. (a) The forms for declaration of candidacy for governing board elections shall be in substantially the following form:

"I, \_\_\_\_\_, do hereby declare myself as a candidate for election to the governing board of \_\_\_\_\_ District, of the County of \_\_\_\_\_; I am a registered voter; if elected I will qualify and serve to the best of my ability; and I request my name be placed on the official ballots of the district, for the election to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

Residence address:

"

(b) In an election held under Section 5018 of the Education Code to elect additional governing board members, all candidates for member of the governing board shall also indicate on their declaration of candidacy whether they are candidates for the existing office or for the new offices.

10603. (a) Notwithstanding Section 5012 of the Education Code, if a declaration of candidacy for an incumbent member of a school district or community college district governing board or of a county board of education is not filed by 5 p.m. on the 88th day before the election, any person, other than the person who was the incumbent on the 88th day, shall have until 5 p.m. on the 83rd day before an election to file a declaration of candidacy for the elective office.

(b) This section is not applicable where there is no incumbent eligible to be elected.

#### PART 6. ELECTIONS TO FILL VACANCIES

##### CHAPTER 1. NOMINATION OF CANDIDATES FOR LEGISLATIVE AND CONGRESSIONAL OFFICES AT SPECIAL ELECTIONS

10700. The Governor shall call all statewide special elections by issuing a proclamation pursuant to Section 12000. In the case of a vacancy in a congressional or legislative office the Governor shall issue a proclamation, within 14 calendar days of the occurrence of the vacancy, calling a special election in accordance with Section 10703. A copy of the proclamation shall be sent to the board of supervisors of every affected county.

10701. (a) When a vacancy occurs in a congressional office after the close of the nomination period in the final year of the term of office, the Governor may decline to issue an election proclamation at his discretion.

(b) When a vacancy occurs in a legislative office after the close of the nomination period in the final year of the term of office, no special election shall be held.

10702. Candidates at any special election to fill a vacancy in the office of Representative in Congress, State Senator, or Member of the Assembly shall be nominated as provided in this chapter.

10703. (a) A special election to fill a vacancy in the office of Representative in Congress, State Senator, or Member of Assembly shall be conducted on a Tuesday at least 112 days, but not more than 119 days, following the issuance of an election proclamation by the Governor pursuant to Section 1773 of the Government Code, except that any special election may be conducted within 180 days following the proclamation in order that the election or the primary election may be consolidated with the next regularly scheduled statewide election or local election occurring wholly or partially within the same territory in which the vacancy exists, provided that the voters eligible to vote in the local election comprise at least 50 percent of all the voters eligible to vote on the vacancy.

(b) In no event may a special election or a primary election be conducted on the day after a state holiday.

10704. (a) A special primary election shall be held in the district in which the vacancy occurred on the eighth Tuesday or,

if the eighth Tuesday is the day of or the day following a state holiday, the ninth Tuesday preceding the day of the special general election at which the vacancy is to be filled. Candidates at the primary election shall be nominated in the manner set forth in Chapter 1 (commencing with Section 8000) of Part 1 of Division 8, except that nomination papers shall not be circulated more than 63 days before the primary election, shall be left with the county elections official for examination not less than 43 days before the primary election, and shall be filed with the Secretary of State not less than 39 days before the primary election.

(b) Notwithstanding Section 3001, applications for absent voter ballots may be submitted not more than 25 days before the primary election, except that Section 3001 shall apply if the special election or special primary election is consolidated with a statewide election. Applications received by the elections official prior to the 25th day shall not be returned to the sender, but shall be held by the elections official and processed by him or her following the 25th day prior to the election in the same manner as if received at that time.

10705. (a) All candidates shall be listed on one ballot and, except as provided in subdivision (b), if any candidate receives a majority of all votes cast, he or she shall be declared elected, and no special general election shall be held.

(b) If only one candidate qualifies to have his or her name printed on the special general election ballot, that candidate shall be declared elected, and no special general election shall be held, even if that candidate received less than a majority of the votes cast.

10706. (a) If no candidate receives a majority of votes cast, the name of that candidate of each qualified political party who receives the most votes cast for all candidates of that party shall be placed on the special general election ballot as the candidate of that party.

(b) In addition to the candidates referred to in subdivision (a), each candidate who has qualified for the ballot by reason of the independent nomination procedure pursuant to Part 2 (commencing with Section 8300) of Division 8 shall be placed on the special general election ballot as an independent candidate.

However, if two or more these candidates are recorded on their affidavits of registration as being affiliated with the same political body, only the candidate with the greatest number of votes shall be placed on the special general election ballot.

10707. Notwithstanding any other provisions of this code, whenever a special general election, or a special primary election, to fill a vacancy in Congress or the State Legislature is consolidated with a statewide election, the candidates to fill the vacancy shall appear on the consolidated ballot immediately preceding the candidates for that same seat in Congress or the seat in the Legislature that most nearly encompasses the same geographical area at the statewide election, or the elections official at his or her option may print a separate and distinct ballot.

## CHAPTER 2. VACANCY IN SENATE

10720. If a vacancy occurs in the representation of this state in the Senate of the United States, the Governor may appoint and commission an elector of this state who possesses

the qualifications for the office to fill the vacancy until his or her successor is elected and qualifies and is admitted to his or her seat by the United States Senate. However, whenever a vacancy occurs within a term fixed by law to expire on the third day of January following the next general election, the person so appointed shall hold office for the remainder of the unexpired term unless the vacancy is filled at a special election held prior to the general election, in which case the person elected at the special election shall hold office for the remainder of the unexpired term. An election to fill a vacancy in the term of a United States Senator shall be held at the general election next succeeding the occurrence of the vacancy or at any special election.

DIVISION 11. RECALL ELECTIONS  
 CHAPTER 1. GENERAL PROCEDURES: GENERAL PROVISIONS AND  
 INITIAL STEPS IN THE RECALL  
 Article 1. General Provisions

11000. This division governs the recall of elective officers of the State of California and of all counties, cities, school districts, county boards of education, community college districts, special districts, and judges of courts of appeal and trial courts. It does not supersede the provisions of a city charter or county charter, or of ordinances adopted pursuant to a city charter or county charter, relating to recall.

11001. For the purposes of this division, judges of courts of appeal shall be considered state officers, and judges of trial courts shall be considered county officers.

11002. For the purposes of this division, "elections official" means one of the following:

(a) A county elections official, including, but not necessarily limited to, a county clerk, in the case of the recall of elective officers of a county, school district, county board of education, community college district, or resident voting district, and of judges of trial courts.

(b) A city elections official, including, but not necessarily limited to, a city clerk, in the case of the recall of elective officers of a city.

(c) The secretary of the governing board in the case of the recall of elective officers of a landowner voting district or any district in which, at a regular election, candidate's nomination papers are filed with the secretary of the governing board.

11003. For the purposes of this division, "governing board" means a city council, the board of supervisors of a county, the board of trustees of a school district or community college district, or the legislative body of a special district, as the context requires. In the case of the recall of a trial court judge, "governing board" means the board of supervisors.

11004. For the purposes of this division, a "local officer" is an elective officer of a city, county, school district, community college district, or special district, or a judge of a trial court.

11005. The proponents of a recall must be registered voters of the electoral jurisdiction of the officer they seek to recall.

11006. Proceedings may be commenced for the recall of any elective officer, including any officer appointed in lieu of election or to fill a vacancy, by the service, filing and

publication or posting of a notice of intention to circulate a recall petition pursuant to this chapter.

11007. Except when a person has been appointed to office pursuant to Section 10229 because no person had been nominated to office, proceedings may not be commenced against an officer of a city, county, special district, school district, community college district, or county board of education in the event of one or more of any of the following:

- (a) He or she has not held office during his current term for more than 90 days.
- (b) A recall election has been determined in his or her favor within the last six months.
- (c) His or her term of office ends within six months or less.

## Article 2. The Notice of Intention, Statement, and Answer

11020. The notice of intention shall contain all of the following:

- (a) The name and title of the officer sought to be recalled.
- (b) A statement, not exceeding 200 words in length, of the reasons for the proposed recall.
- (c) The printed name, signature, and business or residence address of each of the proponents of the recall. The minimum number of signatures shall be ten, or equal to the number of signatures required to have been filed on the nomination paper of the officer sought to be recalled, whichever is higher.
- (d) The provisions of Section 11023.

11021. The notice of intention shall be served by personal delivery, or by certified mail, on the officer sought to be recalled. Within seven days of serving the notice of intention, a copy thereof shall be filed, along with an affidavit of the time and manner of service, with the elections official or, in the case of the recall of a state officer, the Secretary of State. A separate notice of intention shall be filed for each officer sought to be recalled.

11022. The notice, except the provisions required by subdivision (d) of Section 11020, shall be published at the proponents' expense pursuant to Section 6061 of the Government Code. If this

publication is not possible, the notice, except the provisions required by subdivision (d) of Section 11020, shall be posted in at least three public places within the jurisdiction of the officer to be recalled.

11023. (a) Within seven days after the filing of the notice of intention, the officer sought to be recalled may file with the elections official, or in the case of a state officer, the Secretary of State, an answer, in not more than 200 words, to the statement of the proponents.

(b) If an answer is filed, the officer shall, within seven days after the filing of the notice of intention, also serve a copy of it, by personal delivery or by certified mail, on one of the proponents named in the notice of intention.

(c) The answer shall be signed and shall be accompanied by the printed name and business or residence address of the officer sought to be recalled.

11024. The statement and answer are intended solely for the information of the voters. No insufficiency in form or substance thereof shall affect the validity of the election

proceedings.

### Article 3. Recall Petition

11040. (a) The petition may consist of any number of separate sections, which shall be duplicates except as to signatures and matters required to be affixed by signers and circulators. The number of signatures attached to each section shall be at the pleasure of the person soliciting the signatures.

(b) Each section of the petition may consist of any number of separate pages. A page shall consist of each side of a sheet of paper on which any signatures appear.

11041. (a) Before any signature may be affixed to a recall petition, each page of each section must bear all of the following in no less than 6-point type:

(1) A request that an election be called to elect a successor to the officer. However, if the officer is a justice of the Supreme Court or of a court of appeal, as specified in subdivision (a) of Section 16 of Article VI of the California Constitution, the request shall be that the Governor appoint a successor to the officer. In the case of a city recall, a request that an election be called to determine whether the officer shall be removed from office and whether the vacancy, if any, shall be filled by appointment or special election.

(2) A copy of the notice of intention, including the statement of grounds for recall. The provisions of Section 27023 do not need to be included as part of the language of the notice of intention.

(3) The answer of the officer sought to be recalled, if any. If the officer sought to be recalled has not answered, the petition shall so state.

(b) All petition sections shall be printed in uniform size and darkness with uniform spacing.

11042. (a) Within 10 days after filing of the answer to the notice of intention, or, if no answer is filed, within 10 days after the expiration of the seven-day period specified in Section 11023, the proponents shall file two blank copies of the petition with the elections official in his or her office during normal office hours as posted or, in the case of a recall of a state officer, with the Secretary of State, in his or her office during normal office hours as posted, who shall ascertain if the proposed form and wording of the petition meets the requirements of this chapter.

(b) At the time of the filing of the two blank copies of the petition, the proponents shall also file proof of publication of the notice of intention, if the notice of intention was published, or an affidavit of posting of the notice of intention, if the notice of intention was posted. The elections official or, in the case of a recall of a state officer, the Secretary of State, shall, within 10 days of receiving the blank copies of the petition, notify the proponents in writing of his or her finding.

(c) If the elections official finds that the requirements of this chapter are not met, the elections official shall include in his or her findings a statement as to what alterations in the petition are necessary. The proponents shall, within 10 days after receiving the notification, file two blank copies of the corrected petition with the elections official in his or her office during normal office hours as posted. The 10-day

correction notification period and the 10-day filing period for corrected petitions shall be repeated until the elections official or the Secretary of State finds no alterations are required.

(d) No signature may be affixed to a recall petition until the elections official or, in the case of the recall of a state officer, the Secretary of State, has notified the proponents that the form and wording of the proposed petition meet the requirements of this chapter.

11043. (a) The petition sections shall be designed so that each signer shall personally affix all of the following:

- (1) His or her signature.
- (2) His or her printed name.
- (3) His or her residence address, giving street and number, or if no street or number exists, adequate designation of residence so that the location may be readily ascertained.
- (4) The name of the incorporated city or unincorporated community in which he or she resides.

(b) A margin, at least one inch wide, shall be left blank across the top of each page of the petition. A margin, at least one-half inch wide, shall be left blank along the bottom of each page of the petition.

(c) A space, at least one inch wide, shall be left blank after each name for the use of the elections official in verifying the petition.

11044. Separate petitions are necessary to propose the recall of each officer.

11045. Only registered voters of the electoral jurisdiction of the officer sought to be recalled are qualified to circulate or sign a recall petition for that officer.

11046. Each section of the petition shall have attached to it a declaration signed by the circulator of that section of the petition, setting forth all of the following:

- (a) The printed name of the circulator.
- (b) The residence address of the circulator, giving street and number, or if no street or number exists, adequate designation of residence so that the location may be readily ascertained.
- (c) That the circulator circulated that section and witnessed the appended signatures being written.
- (d) That, according to the best information and belief of the circulator, each signature is the genuine signature of the person whose name it purports to be.
- (e) That the circulator is a registered voter of the electoral jurisdiction of the officer sought to be recalled.
- (f) The dates between which all the signatures to the petition section were obtained.
- (g) The circulator shall certify to the content of the declaration as to its truth and correctness, under penalty of perjury under the laws of the State of California, with the signature of his or her name at length, including given name, middle name or initial, or initial and middle name. The circulator shall state the date and the place of execution on the declaration immediately preceding the circulator's signature.

11047. When a petition is circulated in more than one county for the recall of an officer, each section of the petition shall bear the name of the county in which it is circulated, and only registered voters of that county may sign that section.



CHAPTER 2. RECALL OF STATE OFFICERS: INTERMEDIATE STEPS  
IN THE RECALL

11100. (a) This chapter applies only to the recall of state officers.

(b) In addition to this chapter, Sections 13 to 18, inclusive, of Article 11 of the California Constitution and the applicable provisions of Chapter 1 (commencing with Section 11000) and Chapter 4 (commencing with Section 11300) shall govern the recall of state officers.

11101. (a) Unless and until it is otherwise proven upon official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of registered voters.

(b) Each section of a recall petition shall be filed with the elections official of the county in which it was circulated.

(c) Each section of the petition shall be filed by the proponents or by any person or persons authorized, in writing, by a proponent. Every person authorized in writing by a proponent to file a section or sections of the petition shall submit a copy of the written authorization to the elections official each time he or she files a section or sections of a petition.

(d) Thirty days after a recall has been initiated, and every 30 days thereafter, the elections official shall determine from the records of registration what number of registered voters have signed recall petitions.

(e) Upon each submission, if less than 500 signatures are submitted to the elections official, he or she shall count the number of signatures and submit those results to the Secretary of State. If 500 or more signatures are submitted, the elections official may verify, using a random sampling technique, either 3 percent of the signatures submitted, or 500, whichever is less. The random sample of signatures to be verified shall be drawn in such a manner that every signature filed with the elections official shall be given an equal opportunity to be included in the sample. Upon completion of the signature verification, the elections official shall report the results to the Secretary of State.

(f) Immediately after the deadline for submission of all signatures, the elections official shall verify the signatures in the same manner set forth in subdivisions (b), (c), (d), (e), (f), and (g) of Section 9030, and in Section 9031. This verification process shall apply to all signatures submitted to each county elections official.

(g) The elections official, upon the completion of each examination, shall forthwith attach to the petition a certificate, properly dated, showing the result of the examination, and submit a copy of the petition, except as to the signatures appended thereto, to the Secretary of State and file a copy of the certificate in his or her office.

11102. When the Secretary of State has received from one or more county elections officials a petition certified as herein provided to have been signed by the stated number of registered voters, he or she shall, within 10 days, transmit to the elections official of every county in the state a certificate showing that fact, and showing the total number of signatures collected by the proponents. This elections official shall file the certificate for record in his or her office.

11103. When the Secretary of State determines that the

proponents have collected sufficient signatures, he or she shall certify that fact to the Governor.

11104. Upon receiving certification of the sufficiency of the recall petitions from the Secretary of State, the Governor shall make, or cause to be made, publication of notice for the holding of the election. Officers charged by law with duties concerning elections shall make all arrangements for the election. The election shall be conducted, returned, and the result declared, in all respects as are other state elections.

CHAPTER 3. RECALL OF LOCAL OFFICERS: INTERMEDIATE STEPS  
IN THE RECALL

Article 1. General Provisions

11200. This chapter shall apply to the recall of local officers.

11201. When the city or county elections official is the officer sought to be recalled, the duties imposed upon him or her shall be performed by some other person designated by the governing board.

Article 2. Recall Petitions

11220. (a) A recall petition shall be submitted to the elections official for filing in his or her office during normal office hours as posted within the following number of days after the clerk or, in the case of a recall of a state officer, the Secretary of State, notifies the proponents that the form and wording of the petition meets the requirements of Article 3 (commencing with Section 11040) of Chapter 1:

- (1) Forty days if the electoral jurisdiction has less than 1,000 registered voters.
- (2) Sixty days if the electoral jurisdiction has less than 5,000 registered voters but at least 1,000.
- (3) Ninety days if the electoral jurisdiction has less than 10,000 registered voters but at least 5,000.
- (4) One hundred twenty days if the electoral jurisdiction has less than 50,000 registered voters but at least 10,000.
- (5) One hundred sixty days if the electoral jurisdiction has 50,000 registered voters or more.

(b) For purposes of this section, the number of registered voters shall be that which was reported at the last report of registration by the county elections official to the Secretary of State pursuant to Section 2187 and prior to a finding of the elections official or Secretary of State that no alterations are required in the form of the recall petition pursuant to Section 11042.

11221. The number of qualified signatures required in order to qualify a recall for the ballot shall be as follows:

(a) In the case of an officer of a city, county, school district, community college district, county board of education, or resident voting district, the number of signatures shall be equal in number to not less than the following percent of the registered voters in the electoral jurisdiction:

- (1) Thirty percent if the registration is less than 1,000.
- (2) Twenty-five percent if the registration is less than 10,000 but at least 1,000.
- (3) Twenty percent if the registration is less than 50,000 but at least 10,000.

(4) Fifteen percent if the registration is less than 100,000 but at least 50,000.

(5) Ten percent if the registration is 100,000 or above.

(b) For purposes of this section, the number of registered voters shall be calculated as of the time of the last report of registration by the county elections official to the Secretary of State pursuant to Section 2187, and prior to the finding by the elections official or Secretary of State that no alterations are required in the form of the recall petition pursuant to Section 11042.

(c) (1) In the case of a state officer, including judges of courts of appeal and trial courts, the number of signatures shall be as provided for in subdivision (b) of Section 14 of Article II of the California Constitution. In the case of a judge of a superior, municipal, or justice court, which office has never appeared on the ballot since its creation, or did not appear on the ballot at its last election pursuant to Section 8203, the number of signatures shall be as provided in subdivision (b) of Section 14 of Article II of the California Constitution, except that the percentage shall be based on the number of votes cast within the judicial jurisdiction for the countywide office which had the least number of votes in the most recent general election in the county in which the judge holds his or her office.

(2) For purposes of this subdivision, "countywide office" means an elective office wholly within the county which is voted on throughout the county.

(d) In the case of a landowner voting district, signatures of voters owning at least 10 percent of the assessed value of land within the electoral jurisdiction of the officer sought to be recalled.

11222. (a) The petition shall be filed by the proponents, or by any person or persons authorized, in writing, by a proponent. All sections of the petition shall be filed at the same time.

(b) When the petition is presented for filing, the elections official shall determine the total number of signatures affixed to the petition. If, from this examination, the elections official determines that the number of signatures, prima facie, equals or is in excess of the minimum number of signatures required, the elections official shall accept the petition for filing. The petition shall be deemed as filed on that date. Any sections of the petition not so filed shall be void for all purposes. If, from the elections official's examination, the elections official determines that the number of signatures, prima facie, does not equal or exceed the minimum number of signatures required, the petition shall not be filed. Any petition not accepted for filing shall be returned to the proponents.

11223. If the petition was circulated in more than one county, the elections official of each county shall affix, with the certificate showing the results of his or her examination, the number of registered voters of the county residing within the electoral jurisdiction of the officer sought to be recalled.

11224. (a) Except as provided in Section 11225, within 30 days from the date of filing of the petition, the elections official shall examine the petition, and from the records of registration, ascertain whether or not the petition is signed by the requisite number of voters. If the elections official's

examination shows that the number of valid signatures is greater than the required number, the elections official shall certify the petition to be sufficient. If the number of valid signatures is less than the required number, the elections official shall certify the petition to be insufficient.

(b) In determining the number of valid signatures, the elections official may use the duplicate file of affidavits maintained, or may check the signatures against facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with law.

(c) The elections official shall attach to the petition a certificate showing the result of this examination, and shall notify the proponents of either the sufficiency or insufficiency of the petition.

(d) If the petition is found sufficient, the elections official shall certify the results of the examination to the governing board at its next regular meeting.

11225. (a) Within 30 days from the date of filing of the petition, if, from the examination of petitions pursuant to Section 11222, more than 500 signatures have been signed on the petition, the elections official may use a random sampling technique for verification of signatures. The random sample of signatures to be verified shall be drawn in a manner so that every signature filed with the elections official shall have an equal opportunity to be included in the sample. The random sampling shall include an examination of at least 500 or 5 percent of the signatures, whichever is greater.

(b) If the statistical sampling shows that the number of valid signatures is greater than 110 percent of the required number, the elections official shall certify the petition to be sufficient.

(c) If the statistical sampling shows that the number of valid signatures is within 90 to 110 percent of the number of signatures of qualified voters needed to declare the petition sufficient, the elections official shall examine and verify each signature filed. If the elections official's examination of each signature shows that the number of valid signatures is greater than the required number, the elections official shall certify the petition to be sufficient. If the number of valid signatures is less than the required number, the elections official shall certify the petition to be insufficient.

(d) If the statistical sampling shows that the number of valid signatures is less than 90 percent of the required number, the elections official shall certify the petition to be insufficient.

(e) In determining from the records of registration the number of valid signatures signed on the petition, the elections official may use the duplicate file of affidavits maintained, or may check the signatures against facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with law.

(f) The elections official shall attach to the petition, a certificate showing the result of this examination, and shall notify the proponents of either the sufficiency or insufficiency of the petition.

(g) If the petition is found insufficient, no action shall be taken on the petition. However, the failure to secure sufficient signatures shall not preclude the filing later of an entirely new petition to the same effect.

(h) If the petition is found to be sufficient, the elections

official shall certify the results of the examination to the governing body at its next regular meeting.

11226. If the certificate shows that the petition is insufficient, no action shall be taken on it, but the petition shall remain on file.

11227. If the elections official finds the signatures on the petition to be sufficient, he or she shall submit his or her certificate as to the sufficiency of the petition to the governing body at its next regular meeting. The certificate shall contain:

- (a) The name of the officer whose recall is sought.
- (b) The title of his or her office.
- (c) The number of signatures required by law.
- (d) The total number of signatures on the petition.
- (e) The number of valid signatures on the petition.
- (f) The number of signatures which were disqualified.

### Article 3. The Recall Election

11240. Within 14 days after the meeting at which the governing body received the certificate of sufficiency as specified in Section 11227, the governing body shall issue an order stating that an election shall be held pursuant to this article to determine whether or not the officer named in the petition shall be recalled.

11241. If the governing board fails to issue the order within the time specified in Section 11240, the county elections official, within five days, shall set the date for holding the election. If the recall is to be voted on by voters in more than one county, the elections official of the county with the largest number of registered voters who will be voting in the election shall set the date for holding the election in consultation with the elections officials of the other counties.

11242. The election shall be held not less than 88, nor more than 125, days after the issuance of the order, and if a regular or special election is to be held throughout the electoral jurisdiction of the officer sought to be recalled within this time period, the recall election shall be held on the same day, and consolidated with, the regular or special election.

## CHAPTER 4. GENERAL PROCEDURES: FINAL STEPS IN THE RECALL

### Article 1. General Provisions

11300. No insufficiency in a petition against any officer shall bar the later filing of a new petition against that officer.

11301. If a petition is found by the elections official or, in the case of the recall of a state officer, the Secretary of State, to lack sufficient signatures the proponents whose names are listed on the notice of intention shall be allowed to examine the petition, notwithstanding Section 6253.5 of the Government Code, in order to determine which signatures were disqualified and the reasons therefor.

11302. If a vacancy occurs in an office after a recall petition is filed against the vacating officer, the recall election shall nevertheless proceed. The vacancy shall be filled as provided by law, but any person appointed to fill the

vacancy shall hold office only until a successor is selected in accordance with Article 4 (commencing with Section 11360) or Article 5 (commencing with Section 11380), and the successor qualifies for that office.

11303. Any voter who has signed a recall petition shall have his or her signature withdrawn from the petition upon filing a written request therefor with the elections official prior to the day the petition is filed. In the case of the recall of a state officer, the request shall be forwarded to the Secretary of State immediately.

## Article 2. Ballots

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) The question "Shall (name of officer sought to be recalled) be recalled (removed) from the office of (title of office)?"

(b) To the right of the foregoing question, the words "Yes" and "No" on separate lines with an enclosed voting space to the right of each.

11321. In addition to the material set forth in Section 11320, the following shall appear on the ballots at a city recall election only:

(a) The question "If the recall prevails shall the (name of legislative body) fill the vacancy or vacancies by appointment or call a special election for that purpose?"

(b) Following the question shall be the words "By appointment" and "By special election" on separate lines with an enclosed voting space to the right of each.

11322. In addition to the material set forth in Section 11320, the following shall appear on ballots at all recall elections, except at a city or a landowner voting district recall election:

(a) The names of the candidates nominated to succeed the officer sought to be recalled shall appear under each recall question.

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

11323. A voter shall indicate, by using the stamp or other marking device to place a mark in the voting space opposite either "Yes" or "No", his vote for or against the recall proposal, respectively.

11324. The official responsible for preparing the ballot shall, at least 10 days prior to the recall election, mail a sample ballot to each registered voter of the electoral jurisdiction of the officer sought to be recalled.

11325. (a) With the sample ballot there shall be mailed for each officer whose recall is sought, a printed copy of the following:

(1) The statement of reasons for recall that appeared on the notice of intent to recall that was filed by the proponents of the recall with the elections official, or in the case of a state officer, with the Secretary of State.

(2) The answer to the statement of reasons for recall that was filed by the officer whose recall is sought with the elections official or, in the case of a state officer, with the Secretary of State, if any answer was filed.

(b) The printed copies of the statement and the answer to that statement shall be mailed with the sample ballot either in a document separate from the sample ballot or in the same document in which the sample ballot appears. Both the statement and answer shall be printed on the same page, or on facing pages of the document, and shall be of equal prominence.

(c) If the recall of more than one officer is sought, the statement and answer for each officer shall be printed together and shall be clearly distinguished from those of any other officer.

11326. If a municipal recall election involves the possible recall of a majority of the legislative body, there shall be included with the mailing of the sample ballot a notice informing each voter that, if a majority of the legislative body is in fact recalled, a special election shall be held regardless of the results of the vote on the question set forth in Section 11321.

11327. Except in the case of a city recall election, an officer whose recall is being sought may file a candidate's statement with the elections official in accordance with Section 13307, to be sent to each voter, together with the sample ballot.

### Article 3. Elections in General

11328. A recall election shall be conducted, canvassed, and the results declared in substantially the manner provided by law for a regular election for the office.

11329. One election is sufficient for the recall of several officers.

### Article 4. City Recall Elections

11360. This article shall apply only to the recall of city officers.

11361. If one-half or more of the votes at a recall election are "No", the officer sought to be recalled shall continue in office.

11362. If a majority of the votes on a recall proposal are "Yes", the office shall be deemed vacant.

11363. (a) If the recall prevails and a majority of those voting on the question of filling the vacancy favor a special election for that purpose, the legislative body shall at its next regular meeting call an election to be held to fill the vacancy not less than 114 nor more than 129 days after the date of the order. If a regular municipal election is to occur not more than 144 nor less than 114 days from the date of canvassing the vote, the legislative body may provide for filling the vacancy at that regular municipal election instead of at a special election. If a special election is not favored by a majority of the voters, the legislative body shall at once fill the vacancy by appointment. In either case, the person elected or appointed shall hold office for the unexpired term of the former incumbent.

(b) The recalled officer may not be a candidate to succeed himself or herself at a special election held to fill the vacancy created by his or her recall or any other vacancy created by another recalled officer on the same governing board, nor may he or she be appointed by the legislative body to fill the vacancy created by his or her recall.

11364. If a majority of the legislative body is recalled at the same election, the members recalled shall retain their offices until their successors are elected and qualified. Immediately after the canvass of votes of a recall election at which a majority of the legislative body is recalled, and regardless of the results of the vote on the question set forth in Section 11321, the elections official shall call a special election to fill the vacancies arising as a result of the recall election, which special election shall be held not less than 114 nor more than 129 days after the canvass of votes of the election at which they were recalled. The duties of the governing body of the city with respect to the holding of the special election shall be performed by the elections official. The vote of the special election shall be canvassed by the elections official, who shall declare the result. If the elections official has also been recalled, then the board of supervisors shall perform the elections official's duties.

#### Article 5. Recall Elections, Other than City Recall

11380. This article shall apply to the recall of public officers other than city officers.

11381. Nominations of candidates to succeed the recalled officer shall be made in the manner prescribed for nominating a candidate to that office in a regular election insofar as that procedure is consistent with this article. The following exceptions shall be made to that procedure:

(a) The nomination papers and the declaration of candidacy shall, in each case, be filed no less than 68 days prior to the date of the election and not before the day the order of the election is issued.

(b) If the elections official is required to certify to the governing board the names of the candidates to be placed on the ballot, that shall be done by the 64th day prior to the election.

(c) No person whose recall is being sought may be a candidate to succeed himself or herself at a recall election nor to succeed any other member of the same governing board whose recall is being sought at the same election.

11382. No vote cast in the recall election shall be counted for any candidate unless the voter also voted for or against the recall of the officer sought to be recalled.

11383. If one-half or more of the votes at a recall election are "No", the officer sought to be recalled shall continue in office.

11384. If a majority of the votes on a recall proposal are "Yes", the officer sought to be recalled shall be removed from office upon the qualification of his successor.

11385. If at a recall election an officer is recalled, the candidate receiving the highest number of votes for the office shall be declared elected for the unexpired term of the recalled officer.

11386. If the candidate who received the highest number of votes fails to qualify within 10 days after receiving his or her certificate of election, the office to which he or she was elected shall be vacant, and shall be filled according to law.



12000. For each statewide election, the Governor shall issue a proclamation calling the election. The proclamation shall be issued by the Governor under his or her hand and the Great Seal of the state no later than the 148th day prior to the election and shall state the time of the election and the offices, if any, to be filled. Copies of the proclamation shall be transmitted by the Governor to the boards of supervisors of the counties.

12001. For a special local election, the governing body of the local agency shall issue a proclamation or a resolution calling the election.

CHAPTER 2. PREELECTION NOTICES

12100. Statements of the number of voters transmitted by the county elections officials to the Secretary of State shall be in substantially the following form:

STATEMENT OF REGISTRATION

To the Secretary of State  
Sacramento, California

I, \_\_\_\_\_, County Elections Official of the  
County of \_\_\_\_\_, do hereby certify that the number of

voters, in this county on the \_\_\_\_ day of \_\_\_\_, 19\_\_,  
under the political affiliations hereinafter stated,

is

as follows:

(Name)

(Number)

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

That the number of electors registered in this  
county on \_\_\_\_\_  
that date who declined to declare a party affiliation  
was \_\_\_\_\_.

That the total number of electors registered in  
this \_\_\_\_\_  
county on that date was \_\_\_\_\_.

That the number of voters in each city in the  
county on \_\_\_\_\_  
hereinafter \_\_\_\_\_  
that date, under the political affiliations  
stated, is as follows:

(Name of city)

(\_\_\_\_\_ Party)

(Number)

_____	_____
_____	_____
_____	_____



\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

That the number of voters in each supervisorial district in the county on that date, under the political affiliations hereinafter stated, is as follows:

(District) (\_\_\_\_ Party) (Number)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(District) (\_\_\_\_ Party) (Number)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
County  
clerk (SEAL) By \_\_\_\_\_

12101. At least 104 days before the time of holding the direct primary, the Secretary of State shall prepare and transmit to each county elections official a notice in writing designating all the offices, except those of county officers and judges of inferior courts, for which candidates are to be nominated at the primary, together with the names of parties qualified to participate in the primary.

12102. The notice designating the offices for which candidates are to be nominated shall be in substantially the following form:

NOTICE BY SECRETARY OF STATE OF OFFICES FOR WHICH CANDIDATES ARE TO BE NOMINATED AT THE DIRECT PRIMARY

AND NAMES OF POLITICAL PARTIES QUALIFIED TO PARTICIPATE

Secretary of State  
Sacramento, \_\_\_\_\_,

19\_\_

To the County Elections Official of the County of \_\_\_\_\_:

Notice is hereby given that the offices for which candidates are to be nominated at the primary election

to

be held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_, together

with

the names of the political parties qualified to

participate  
in the election, are as follows:  
STATE AND DISTRICT OFFICES

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CONGRESSIONAL OFFICES

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---

LEGISLATIVE OFFICES

---

---

---

That the names of the political parties qualified  
to  
participate in this election for nomination of  
candidates  
for each of the above-mentioned offices are as  
follows:

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---

---

Notice is also hereby given that at the primary  
election  
candidates are to be nominated for the following  
offices:

JUDICIAL OFFICES

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SUPERINTENDENT OF PUBLIC INSTRUCTION

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Notice is also hereby given that at the primary  
election,  
in the county first above mentioned, candidates are to  
be  
nominated for any county offices or inferior court  
offices  
to which candidates are to be elected at the ensuing

general

election;

elec-

central

pursuant to

And notice is also hereby given that at the primary  
 tion there shall be elected in each county a county  
 committee for each political party above named  
 Division 7 (commencing with Section 7000).

(SEAL)

Secretary of

State

12103. The county elections official shall also publish the list of the polling places designated for each election precinct, followed by the list of names of precinct board members appointed. The list of names of precinct board members need not be published in precinct order, at the discretion of the county elections official. Publication shall be pursuant to Section 6061 of the Government Code in the county where the election is to be held and in any newspaper of general circulation designated by the county elections official.

12104. (a) In each county where the county elections official determines that the public interest, convenience, and necessity require the local publication of the list of the names of precinct board members appointed and polling places designated for each election precinct in order to afford adequate notice of this subject to the electorate, publication of this list shall be made as provided in this section and Section 12105.

(b) After making a determination pursuant to subdivision (a), the county elections official shall divide and distribute the list of precinct board members and polling places and cause the same to be published in newspapers of general circulation published in different places in the county as hereinafter provided, the publication to be at least one week before the day of election. The list of precinct board members appointed need not be in precinct order for purposes of publication, at the discretion of the county elections official.

(c) Divisions of the list of names of the precinct board members and polling places may be published in that daily newspaper of general circulation published or circulated in one or more cities in the county, with the exception of the county seat, which it is determined will give to the electorate in each city adequate notice of the election. If there is no daily newspaper, publication may be made in a semiweekly newspaper, a triweekly newspaper, or a weekly newspaper of general circulation which it is determined will give the electorate in the city adequate notice of the election.

(d) The list of names of the precinct board members appointed and polling places designated for various portions of the unincorporated area of the county and of the county seat may be published in those daily, semiweekly, triweekly, or weekly newspapers of general circulation published or circulated within the various portions of the unincorporated area and the county seat, deemed by the county elections official to be those newspapers which will give adequate notice of the election to the voters of the respective portions of the unincorporated area and the county seat.

12105. (a) The county elections official shall let the contracts for publication, pursuant to Section 12104, of the list of the names of precinct board members appointed and polling places designated for each election precinct, and shall determine the rate to be paid for the publication of the list or any portion of the list.

(b) The publication rate shall be based on a common denominator of measurement for all newspapers and may be graduated according to circulation.

(c) Contracts for the publication shall include the publication of the proper portion of the list of precinct board members and polling places and all other items relating to that portion required by law to be published.

12106. In any case where this chapter requires the publication or distribution of a list of the names of precinct board members, or a portion of the list, the officers charged with the duty of publication shall ascertain the name of the political party, if any, with which each precinct board member is affiliated, as shown in the affidavit of registration of that person. When the list is published or distributed, there shall be printed the name of the board member's party or an abbreviation of the name to the right of the name, or immediately below the name, of each precinct board member. If a precinct board member is not affiliated with a political party, the words "No party," "Nonpartisan," or "Decline to state" shall be printed in place of the party name.

12107. Whenever the ballots at any election or from any precincts are to be tallied at a central place and not at the precincts, the elections official or secretary of the jurisdiction conducting the election shall specify the public place to be used and give notice thereof as follows:

(a) By at least one publication in a newspaper of general circulation published in the jurisdiction where the election is to be held, provided that the publication is made at least 10 days before the day of the election.

(b) If a newspaper of general circulation is not published in that jurisdiction, then by prominently posting the notice in the office of the elections official for at least 10 days before the day of the election.

12108. All municipal elections, including elections to fill public offices, elections on measures, and initiative, referendum, and recall elections, shall be held and conducted in accordance with this chapter, and, except where the charter, statute, or code under which a municipal election is held prescribes the method of giving notice of the election, the notices provided in this chapter shall be given.

12109. (a) Not earlier than the 127th nor later than the 113th day before any municipal election to fill offices, the city elections official shall publish a notice of the election in the city pursuant to Section 6061 of the Government Code. The notice shall be headed "Notice of Election," and shall contain a statement of:

(1) The time of the election.

(2) The offices to be filled, specifying full term or short term, as the case may be.

(b) With respect to a special election to fill a vacancy in office, unless the city has enacted an ordinance as referred to in subdivision (d) of Section 10229, and the ordinance does not allow for appointment to fill the vacancy and requires the vacancy to be filled in the special election, the notice shall

also state that if no one or only one person is nominated for an elected office, appointment to the elective office may be made as prescribed by Section 10229.

(c) If there is no newspaper of general circulation published and circulated in the city, the notice shall be typewritten and copies shall be posted conspicuously within the time prescribed in at least three public places in the city.

12110. The notice of the municipal election shall be substantially in the following form:

#### NOTICE OF ELECTION

Notice is hereby given that a \_\_\_\_ (general or special) municipal election will be held in the \_\_\_\_ of \_\_\_\_, on \_\_\_\_, the \_\_\_\_ day of \_\_\_\_, 19\_\_, for the following officers: (name them).

The polls will be open between the hours of \_\_\_\_ m. and \_\_\_\_ m.

\_\_\_\_\_  
City Elections Official

Dated, \_\_\_\_\_, \_\_\_\_\_.

12111. Sample ballots and polling places notices shall be printed and mailed to each voter for any municipal election within the time provided by Section 13303.

12112. In case of a municipal election to fill offices, the city elections official shall publish a list of the names of the nominees, in the order in which they appear on the ballot, and the respective offices for which they have been nominated. Publication shall be in the city and pursuant to Section 6066 of the Government Code. If there is no newspaper published and circulated in the city, the notice shall be typewritten and copies shall be posted conspicuously within the time prescribed in at least three public places in the city. This list shall be headed, "Nominees for Public Office," in conspicuous type, and shall be substantially in the following form:

#### NOMINEES FOR PUBLIC OFFICE

Notice is hereby given that the following persons have been nominated for the offices hereinafter mentioned to be filled at the General Municipal Election to be held in the \_\_\_\_ of \_\_\_\_ on \_\_\_\_ the \_\_\_\_ day of \_\_\_\_, 19\_\_.

(Here follow with the list of nominees.)

Dated, \_\_\_\_\_

\_\_\_\_\_  
City Elections

Official

12113. Not later than 20 days prior to any municipal election, the city elections official shall publish the list of the polling places designated for each election precinct. This list shall be followed by the list of names of election officers appointed. The list of names of election officers need not be published in precinct order, at the discretion of the city elections official. Publication shall be in the city and pursuant to Section 6061 of the Government Code. If there is no newspaper of general circulation published and circulated in

the city, the list shall be typewritten and copies shall be posted conspicuously within the time prescribed in at least three public places in the city. The list shall be headed "Election Officers and Polling Places" in conspicuous type and shall be substantially in the following form:

ELECTION OFFICERS AND POLLING PLACES

Notice is hereby given that at the \_\_\_\_ (general or special) municipal election to be held in the City of \_\_\_\_ on Tuesday, the \_\_\_\_ day of \_\_\_\_, 19\_\_, there shall be \_\_\_\_ (\_\_\_\_) voting precincts consisting (of consolidations) of the regular election precincts in the City of \_\_\_\_ established for the holding of state and county elections; that the polling places for the respective precincts shall be the places hereinafter designated; and that the persons hereinafter named have been appointed officers of election for their respective voting precincts.

Voting Precinct 1, comprising regular election precinct number (or numbers).

\_\_\_\_ Polling Place: (state place)

Voting Precinct 2, comprising regular election precinct number (or numbers).

\_\_\_\_ Polling Places: (state place)  
Officer

\_\_\_\_\_  
(name)  
Officer

\_\_\_\_\_  
(name)

12114. (a) In case of a municipal election on any measure, the city elections official shall publish a synopsis of the measure in the city pursuant to Section 6061 of the Government Code. If there is no newspaper of general circulation published and circulated in the city, the notice shall be typewritten and copies shall be posted conspicuously within the time prescribed in at least three public places in the city. The notice shall be headed "Measure To Be Voted On" in conspicuous type and shall be substantially in the following form:

MEASURE TO BE VOTED ON

Notice is hereby given that the following measure is to be voted on at the \_\_\_\_ (general or special) municipal election to be held in the City of \_\_\_\_, on Tuesday, the \_\_\_\_ day of \_\_\_\_, 19\_\_.

(Synopsis of measure or measures)

Dated \_\_\_\_\_

\_\_\_\_\_  
City Elections Official of the  
City of \_\_\_\_\_

(b) The city elections official shall consolidate the notice of election and the notice of measure to be voted on into one notice if the measure was placed on the ballot before the notice of election is published pursuant to Section 12109.

12115. (a) At least 90 days, and not more than 120 days, before the day fixed for the general district election, the elections official of the principal county shall publish a



notice of the election once in a newspaper of general circulation published in the district or, if no such newspaper is published in the district, in a newspaper having general circulation in the district published in any affected county in the district. The notice shall contain the date of the general district election, name the offices for which candidates may file, and state the qualifications required by the principal act for each office. The notice shall state the location where official declarations of candidacy for eligible candidates desiring to file for any of the elective offices may be obtained, the office in which completed declarations of candidacy are required to be filed, and the date and time after which no declarations of candidacy may be accepted for filing. The notice shall state that appointment to each elective office will be made as prescribed by Section 10515 in the event there are no nominees or an insufficient number of nominees for the office and a petition for an election is not filed with the elections official within the time period prescribed by Section 10515.

(b) In addition to the requirements of subdivision (a), the county elections official shall, by a general press release, set forth all of the following:

(1) The elective offices of the district to be filled at the ensuing district election.

(2) A telephone number that voters of the district may utilize in order to obtain information regarding filing for the elective district office.

12116. For each district, the county elections official immediately shall deliver a copy of all published notices to the district secretary. Each notice shall be posted in the district office.

12117. (a) The county elections official shall mail a sample ballot, postage prepaid, to each voter not more than 40 or less than 10 days before the general district election. He or she shall also mail a notice or notices enclosed with the sample ballot. The notice shall contain all of the following:

(1) The date and hours of the next general district election;

(2) The address of the polling place at which the voter is to vote.

(b) The elections official may mail separate notices for each district participating in the election or consolidate the information for two or more districts in one notice.

12118. In the case of any school district or community college district election called or conducted under this code or the Education Code, except as provided in this section, the elections official of the county in which the majority of the territory of the district is located shall mail, within the same number of days provided in Section 12117 for the mailing of sample ballots, all of the following to each registered voter residing within the district:

(a) A sample ballot.

(b) A notice card designating the polling place and time of the election.

(c) An application for an absentee ballot in accordance with Section 3006.

(d) A notice of the voter's right to an absentee ballot in accordance with Section 13315.

## Article 1. General Provisions

12200. This chapter applies to all counties.

## Article 2. Precinct Formation

12220. The county elections official shall divide the county into election precincts and prepare detail maps or exterior descriptions thereof, or both, and as many copies as the elections official may determine. The county surveyor shall, if so requested, provide assistance to the elections official in the preparation of these maps or exterior descriptions.

12221. In any order establishing precincts, their boundaries shall be defined by reference to exterior descriptions or delineation thereof on a map or maps.

12222. (a) No precinct shall be established so that its boundary crosses the boundary of any supervisorial district, congressional district, senatorial district, Assembly district, board of equalization district, judicial district, incorporated city, ward, or city council district. To the extent possible, without subjecting the voter to significant inconvenience, precinct boundaries should not cross census tract or enumeration district lines.

(b) If, at any election, any precinct contains an insufficient number of qualified persons to make up a precinct board, the precinct may be consolidated with an adjoining precinct.

12223. Whenever any county is divided into election precincts or whenever the boundaries of established precincts are changed or new precincts created, the precinct boundaries shall be fixed in a manner so that the number of registered voters in each precinct does not exceed 250 on the 75th day prior to the day of election, unless otherwise provided by law.

12224. Whenever, in a statewide primary or general election, the ballots are to be counted at a central place, either manually or by automatic mechanical or electrical devices, or whenever mechanical voting devices are used to mark ballots at the polling places, election precincts may be consolidated or formed, but no precinct shall be formed or consolidated to contain more than 1,000 voters.

12225. In counties using punchcard voting systems, the officer charged with the duty of creating precincts may combine, rearrange, or enlarge the precincts, provided no direct primary or general election precinct shall include more than 1,000 voters.

12226. (a) When more than 250 voters are registered in a precinct, the voters of the precinct may be divided into two or more groups and one precinct board appointed to serve each group. The board or officer charged with the duty of conducting the election shall divide the voters into two or more groups as nearly equal in number as possible. When the voters of a precinct are so divided, there may be one or more polling places, but there shall be a ballot box for and a set of returns from each group.

(b) The board or officer charged with the duty of conducting the election, in determining whether or not there are 250 voters in the precinct for the purpose of this section, shall not base its determination on an estimate of how many voters in the precinct will vote. The determination shall be made solely on

registrations within the precinct.

12227. In counties where voting machines are to be used, the county elections official may, at any time on or before the 30th day preceding any election, create, unite, divide, or combine the election precincts.

12228. If, through unforeseen circumstances, it has not been determined until less than 30 days before the election that there are more than 250 voters to a precinct, the board or officer charged with conducting the election may divide the precinct as provided in this code.

12229. Whenever a precinct is entirely owned or controlled by the United States, and no permission is granted by the federal authorities for the establishment of precinct boards and polling places, precinct boards need not be appointed nor polling places designated, but in lieu thereof the elections official shall, not less than 29 days prior to election day, furnish an application blank for an absent voter ballot to each voter qualified to vote at the election, together with a statement that there will be no polling place within the precinct, and, if the voter desires to vote at the election, application for an absent voter ballot must be made not less than seven days before the election. The order of the elections official shall state that in precincts where no precinct boards are appointed nor polling places designated, the qualified voters of these precincts, if they wish to vote, shall vote by absent voter ballots.

### Article 3. Precinct Consolidations

12240. At any election to fill a vacancy in the office of State Senator, Member of the Assembly, or Representative in Congress in a county which has not adopted a voting system, as defined in Section 362, for use in statewide elections, there shall not be more than three precincts consolidated and they shall be formed to contain not more than 600 voters. However, in no event may a consolidated precinct in this election exceed 1,000 voters.

12241. The election board conducting local, special, or consolidated elections, or statewide elections other than the direct primary, presidential primary, or general election, may, for the purpose of the election, divide the territory within which the election is to be held into special election or consolidated election precincts by consolidating existing precincts, or otherwise, subject to Section 12222, and may change and alter the precincts for such elections as often as occasion requires. Not more than six existing precincts may be consolidated into one special election or consolidated election precinct. The polling place used for a consolidated precinct shall be located within the boundaries of the consolidated precinct.

### Article 4. Precinct Boundary Changes

12260. (a) The county elections official may change or alter any precinct boundaries.

(b) If any changes or alterations are made the county elections official shall prepare new detail maps or exterior descriptions thereof, or both. The county surveyor shall, if so requested, provide assistance to the elections official in the preparation of the detail maps or exterior descriptions.

(c) The county elections official shall provide, at the request of any interested person, the following information:

(1) All precinct boundary changes and alterations made within the current calendar year and the immediately preceding two calendar years.

(2) All precinct consolidations made within the current calendar year and the immediately preceding two calendar years, specifying the election or elections in which the consolidations were made.

(d) The information provided to persons pursuant to subdivision (c) shall include the precinct numbers before the change or alteration and then a description, including precinct numbers, of the changes or alterations. The description may include maps.

(e) The information described in subdivisions (c) and (d) shall be compiled for each calendar year and shall be kept and filed so as to be accessible to any person upon request.

(f) The county elections official may charge a person requesting information the amount needed to reimburse the county for the actual expenses incurred in providing copies of the information required under this section.

(g) The duties and responsibilities imposed on the county elections official shall, with respect to a municipal election, be performed by the city elections official if the city conducts the municipal election and establishes its precincts.

12261. The boundaries of precincts for the general election shall be the same as those established for the direct primary election, except to the extent necessary to add or subtract precincts as the result of population change or to divide precincts containing more than 250 voters or to change precinct boundaries due to supervisorial, judicial, or council district boundary changes, incorporation of new cities, annexations to cities, or exclusions by cities. Changes of precinct boundaries may also be made when consolidating precincts.

12262. Precinct boundary changes occurring less than 88 days before an election shall not be effective for purposes of that election. Voters residing within an area affected by a boundary change, occurring within 88 days before an election, shall vote at the ensuing election in all respects as if no boundary change had occurred. However, any district that holds a general district election on the first Tuesday after the first Monday in November of an odd-numbered year shall complete any boundary change not less than 130 days prior to the election in order to comply with Section 10522.

#### Article 5. Polling Places

12280. When designating polling places, the county elections official shall undertake necessary measures in the locating of polling places to ensure that polling places meet the guidelines promulgated by the Secretary of State for accessibility by the physically handicapped.

12281. (a) If, for any valid reason, the polling place designated for any precinct cannot be used, and this fact is known in sufficient time to allow a mailed notice to be received before the election, the clerk may designate another polling place and shall mail, postage prepaid, to each voter in the precinct a notice showing this change.

(b) If the information is not known in sufficient time for a mailing pursuant to subdivision (a), the precinct board acting

for that precinct, on the day of election, shall designate another polling place as near the place first designated as possible, post notice on or near the place first designated, and conduct the election at the new location.

12282. Property exempted from taxation pursuant to Section 214 of the Revenue and Taxation Code shall be made available free of charge to the county elections official for use as a polling place pursuant to Section 213.5 of the Revenue and Taxation Code.

12283. (a) The governing body having jurisdiction over school buildings or other public buildings may authorize the use of its buildings for polling places on any election day, and may also authorize the use of its buildings, without cost, for the storage of voting machines and other vote-tabulating devices. However, if a city or county elections official specifically requests the use of a school building for polling places on an election day, the governing body having jurisdiction over the particular school building shall allow its use for the purpose requested.

(b) Once a governing body has approved the use of a school building as a polling place, the governing body shall instruct the school administrator to provide the elections official a site with an adequate amount of space that will allow the precinct board to perform its duties in a manner that will not impede, interfere, or interrupt the normal process of voting.

(c) The school administrator shall also make a reasonable effort to ensure that the site is accessible to the handicapped.

12284. Upon request of the city or county elections official, state-owned buildings, parking lots, and other facilities shall be made available free of charge for use as polling places, except that the Department of General Services may exclude from use as polling places state facilities at which access to confidential materials cannot be reasonably safeguarded, which are inaccessible to the public, the use of which would disrupt state business, or which are otherwise impractical for use as polling places.

12285. A mobilehome may be used as a polling place if the county elections official determines that no other facilities are available for the convenient exercise of voting rights by mobilehome park residents and the mobilehome is designated as a polling place by the county elections official pursuant to Section 12326. No rental agreement shall prohibit the use of a mobilehome for those purposes.

12286. (a) At least 29 days prior to the day fixed for the general district election, the county elections official shall do all of the following:

(1) Establish a convenient number of election precincts within the affected county.

(2) Define the precinct boundaries.

(3) Designate a polling place for each precinct.

(4) Appoint for each precinct one inspector, one or more judges, and one or more elections officials, who shall constitute a precinct board for the precinct. Each precinct board member shall be a voter of the precinct for which the member is appointed or a voter of a precinct situated in the same general area.

(5) Notify the members of each precinct board of their appointment and the location of the precinct and polling place where they will serve.

(b) The county elections official, in establishing precincts and defining their boundaries, shall, to the extent practicable, provide for a single polling place where a voter entitled to vote in more than one district may cast all of his or her ballots.

(c) In a landowner voting district, the county elections official shall designate the polling place at which a nonresident landowner shall vote.

CHAPTER 4. PRECINCT BOARDS  
Article 1. General Provisions

12300. Any voter may file an application with the elections official for the position of precinct board member. The elections official may require the application be made on specific forms supplied by the elections official.

12301. The persons appointed to serve as election officers for each precinct at any election shall constitute the precinct board for that precinct.

12302. Each member of a precinct board shall be a voter of the precinct for which the member is appointed or a voter of a precinct situated in the same general area, except that county employees used as poll workers may reside outside of the precinct or the county. The member shall serve only in the precinct for which appointment is received.

12303. (a) No person who cannot read or write the English language is eligible to act as a member of any precinct board.

(b) It is the intent of the Legislature that non-English-speaking citizens, like all other citizens, should be encouraged to vote. Therefore, appropriate efforts should be made to minimize obstacles to voting by citizens who lack sufficient skill in English to vote without assistance.

(c) Where the county elections official finds that citizens described in subdivision (b) approximate 3 percent or more of the voting-age residents of a precinct; or in the event that interested citizens or organizations provided information which the county elections official believes indicates a need for voting assistance for qualified citizens described in subdivision (b), the county elections official shall make reasonable efforts to recruit election officials who are fluent in a language used by citizens described in subdivision (b) and in English. This recruitment shall be conducted through the cooperation of interested citizens and organizations and through voluntarily donated public service notices in the media, including newspapers, radio, and television, particularly those media that serve the non-English-speaking citizens described in subdivision (b).

(d) At least 14 days before an election, the elections official shall prepare and make available to the public a list of the precincts to which officials were appointed pursuant to this section, and the language or languages other than English in which they will provide assistance.

12304. The composition of the precinct board shall be determined by the elections official based on election precinct size. The precinct board shall consist of a minimum of one inspector and two clerks. Additional clerk positions may be allocated in proportion to the number of registered voters within the precinct.

12305. (a) The elections official may, not less than 30 days prior to any election, find that a different arrangement of

election officers than is prescribed in this chapter will be more suitable and, in this case, may provide that the precinct board shall consist of one inspector and three clerks; or one inspector, one assistant inspector, and two clerks; or one inspector and four clerks. If the elections official provides that the precinct board shall consist of one inspector, one assistant inspector, and two clerks, the precinct board shall be implemented by four clerks, who shall commence serving upon the close of the polls and shall, together with the inspector, assistant inspector, and two clerks, count the votes. The clerks shall be appointed, qualified and sworn as are other members of the precinct board.

(b) The elections official may, in order to accommodate the needs of the precinct election officers, allow an election officer to serve less than a full shift at the polling place by dividing time with another election officer or officers, at the same polling place, if the requirements of the precinct will be met. More than one election officer serving portions of the same shift shall be counted as one election officer for purposes of subdivision (a) and shall meet all other applicable qualifications set forth in this chapter.

12306. The county elections official of any county, in appointing members of the several precinct boards to serve in the direct primary and general elections under the provisions of this code, shall permit the county central committee of each qualified political party to nominate for appointment to the precinct board a member of that party who is registered and resident in that precinct. Nomination pursuant to this section shall be made in writing to the county elections official not less than 90 days before the election for which the nomination is made. In making appointments to precinct boards from nominations submitted by political parties, the county elections official shall give preference to the nominee of any qualified political party with at least 10 percent of the registered voters in the precinct for which the nomination is made.

12307. Upon filing the list of names and addresses of those who have been appointed members of the precinct board, the elections official shall immediately mail or deliver to each voter so appointed, a notice stating the appointment and the position to which assigned, the penalty for failure to serve, and any other matter that the elections official determines.

12308. In any case where a precinct board may be appointed, the appointing authority may also appoint a substitutive counting board at the time when, and in the manner that, the precinct board is appointed, and the members shall have the same qualifications. In the event of its appointment, the substitutive board shall take over, immediately after the closing of the polls, the powers, rights, and duties of, and thereafter perform all those functions relating to counting and declaring which, under this code, devolve upon precinct boards. The duties of the precinct board officiating prior to the closing of the polls shall then cease. No member of the precinct board shall be a member of the substitutive board in the same precinct. The provisions of this code relating to precinct boards are applicable to substitutive boards, except members of the substitutive board need not reside in any particular precinct or area.

12309. (a) Following the appointment of members of precinct boards, the elections official shall instruct inspectors so appointed concerning their duties in connection with the conduct

of the election, which instruction shall include all of the following:

- (1) A summary of the rights of voters.
- (2) The lawful grounds for challenge.
- (3) The proper tabulating procedures.
- (4) Specific directions that the polls shall be kept open to the public during voting hours and throughout the period required for the tabulation of the vote.
- (5) A digest of election laws.
- (6) Any other subjects that shall assist the inspectors in carrying out their duties.

(b) No person shall serve as an inspector of a precinct board at the election unless instruction has been received in accordance with this section, except that in the case of the emergency disability of a regular inspector, substitute inspectors shall be given any instruction found necessary by the elections official.

(c) At the request of the elections official, the legislative body may contract with any qualified person or organization for purposes of instructing inspectors in accordance with this section.

12310. Each member of a precinct board shall receive compensation for services a sum fixed by the board of supervisors of the county. This sum shall be paid out of the treasury of the county in which the election is held. The inspector may receive more compensation than the other members of the precinct board. The additional compensation to the inspector is for services rendered in securing precinct board members and other duties which may be directed by the elections official.

12311. No public agency shall be required as the result of any assignment or transfer to pay the compensation of an election officer for services to any person other than the election officer to whom the compensation is due.

12312. No person shall be suspended or discharged from any service or employment because of absence while serving as an election officer on election day.

12313. If any member of a precinct board does not appear at the opening of the polls on the morning of an election, those voters present, including members of the board, shall appoint a voter to fill the vacancy. If none of the members appointed appears at that time, the voters of the precinct present at that time may appoint a board.

12314. The inspector shall appoint a judge or clerk to replace any judge or clerk who ceases to act or becomes incapacitated during the progress of an election.

12315. If the inspector ceases to act, a majority of the remaining members of the precinct board may appoint a substitute.

12316. In constituting precinct boards, the elections official may excuse persons appointed whom the elections official is satisfied ought to be excused. Substitutions may be made when any person appointed is excused or found disqualified or incompetent, until a final or amended list of election officers is sent to the inspector for that precinct.

12317. The amended list of officers appointed in any precinct shall be the final order of appointment for that precinct.

12318. (a) Following the notification of the precinct board members appointed pursuant to Section 12307, the county



elections official shall mail or deliver to the county central committee of each qualified political party a copy of the list, and the elections official may notify the same committee of any substitute appointments that are made until

the time the notice of final order is sent to the precinct inspector. This list shall have the names of precinct board members in precinct order.

(b) In addition, the elections official shall make available a copy of the list prescribed in subdivision (a) to any person requesting a copy. Any person requesting a copy of the list shall sign a roster specifying his or her name, telephone number, and address, and shall provide the elections official with adequate personal identification.

12319. The elections official shall immediately mail or deliver to each person appointed as inspector a notice showing the precinct polling place and the voters appointed to serve as election officers in that precinct. The notice shall be substantially in the following form:

Office of the County Elections Official  
City Elections Official, or Secretary.  
County of \_\_\_\_\_.

NOTICE TO INSPECTOR

To \_\_\_\_\_, inspector for \_\_\_\_\_ Precinct

The polling place for the \_\_\_\_\_ Precinct at the election to

be held on \_\_\_\_\_ will be \_\_\_\_\_ and the precinct board

for that precinct will be composed of you and the following named

persons:

Position	Name	Address
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

You, as inspector, before the polls are opened shall see that

each of the other persons serving on the board has signed the

declaration required by law and which will be found set forth in

the roster and that no person is permitted to act as a precinct

officer unless that person has signed the declaration and is

otherwise qualified to act as a precinct officer. You shall also

see that each member of the board signs the tally sheet following

the tally of the votes.

\_\_\_\_\_  
County Clerk, City Clerk,  
Secretary (or other official).

12320. No person is eligible to act as an election officer until the declaration required by Section 12321 has been signed.

12321. (a) (1) Each inspector shall sign a declaration of intention to faithfully discharge the duties of inspector and shall return it to the county elections official at least 15 days before election day. If the inspector fails or refuses to sign and file the declaration, the county elections official shall appoint a substitute who shall make and file the application.

(2) The declaration of an inspector and each of the declarations of other members of the precinct board provided for in this article shall be signed in the presence of a witness and shall be as binding on the signer as would be an oath of office.

(3) The declaration of an inspector shall be in substantially the following form:

State of California )  
County of \_\_\_\_\_ ) ss.

I do hereby solemnly declare that I will support the Constitution of the United States and the Constitution of the State of California, and that I will to the best of my ability, faithfully discharge the duties of inspector for precinct \_\_\_\_\_ for the election to be held on \_\_\_\_\_ 19\_\_.

\_\_\_\_\_  
Signed in the presence of

(Signature)

on \_\_\_\_\_ 19\_\_.

(b) On the day of election, and before entering upon the performance of duties, each of the precinct board members, other than the inspector, shall sign a declaration of intention to faithfully discharge the duties of an election officer. The declaration shall be signed before any member of the precinct board. The form for each of the declarations shall be provided in the roster for the precinct. The declaration of the precinct board member shall be in substantially the following form:

State of California )  
County of \_\_\_\_\_ ) ss.

I do hereby solemnly declare that I will support the Constitution of the United States and the Constitution of the State of California, and that I will to the best of my ability, faithfully discharge the duties of precinct board member for precinct \_\_\_\_\_ for the election to be held on \_\_\_\_\_ 19\_\_.

\_\_\_\_\_  
Signed in the presence of

(Signature)

on \_\_\_\_\_ 19\_\_.

(c) Any precinct board member may administer and certify oaths required to be administered during the progress of an

election. This authorization shall include the power to give any type of oath required of a public employee. There shall be no fee or charge for administering an oath.

(d) In lieu of signing and returning the declaration of the inspector, as provided in this chapter, the county elections official may require the inspector to sign the declaration on the day of election and before entering upon the performance of these duties.

12322. The election board conducting the elections of any city shall appoint a precinct board for each local, special, or consolidated election precinct, to consist of one inspector, one judge, and two clerks for each local, special, or consolidated election held within that city. The election board conducting the elections in any county shall appoint a precinct board to consist of one inspector, one judge, and two clerks for every local, special, or consolidated election not held exclusively within one or more cities. However, in any consolidated election not consolidated with a statewide direct primary or general election, in which an electronic, electromechanical, or punchcard voting system is used for counting the ballots, the officer in charge may provide that the precinct board shall be appointed pursuant to Section 12355. The members of the precinct board shall apportion among themselves the work required in the conduct of the election within their respective election precincts.

12323. At any municipal election held under a freeholders' charter, the election board conducting the election may, by majority consent, appoint, for each election precinct, a precinct board, to consist of one inspector, one judge, and two clerks.

12324. The members of the precinct boards provided for in Sections 12322 and 12323 shall be appointed and shall act as provided in this chapter.

12325. (a) If the affidavit of registration of a voter is erroneously placed in a precinct, the voter may apply to the county elections official for a certificate showing the record of registration. The county elections official shall give the voter the certificate on or before election day. Upon presentation of this certificate to the precinct board of the proper precinct, the board shall permit the voter to vote. If the voter does not obtain the certificate provided for in this section, and votes in the precinct into which the affidavit of registration has been erroneously placed by the county elections official, and the election is contested, the voter's vote shall not be rejected for those candidates and on those measures with respect to which the voter would have been entitled to vote had the voter voted in the proper precinct, and no inquiry shall be made as to how the voter voted for those candidates or on those measures.

(b) No voter who receives a certificate of registration under this section shall be charged a fee by the county elections official.

12326. The county elections official, not less than 29 days prior to an election, shall issue an order appointing the members of the several precinct boards and designating the polling places.

12327. (a) If the precinct board members for any precinct have not been appointed or cannot serve, or the polling place has not been designated prior to an election, the county elections official shall, by written order, immediately appoint

the precinct board members or designate the polling place for the precinct, as the case may require, and shall notify each precinct board member of the appointment.

(b) If, at this time, the county elections official cannot make suitable arrangements for a polling place in any precinct in which none has been designated, the elections official may designate a polling place in any contiguous precinct. Any precinct board member serving in this polling place shall be regarded as serving in the proper precinct within the meaning of this chapter.

12328. In all respects not otherwise provided for in this chapter, municipal elections shall be held and conducted in accordance with the provisions of this code governing elections generally, so far as they may be applicable.

12329. The voting precincts for the municipal election may consist of either the regular election precincts established for holding state or county elections or a consolidation of any or all of the regular election precincts last established. If any election at which is submitted the proposition of incurring indebtedness, or the issuance of bonds, or the determination of any measure authorized by law to be submitted to vote of the people of the city is consolidated with any regular state or county election, the precincts for the municipal election shall be the same as those established for the regular election.

12330. (a) The governing body of the city shall appoint one inspector, one judge, and two clerks as election officers for each precinct for each municipal election. The persons appointed shall have charge of the election in and for the regular or consolidated precinct for which they have been appointed. The governing body may advertise for election officers, or it may appoint them from the register of applicants for these positions on file with the county elections official, or from the register of applicants for these positions on file with the city elections official, in the event that the local governing body, by resolution, determines that a local register shall be so maintained.

(b) If a resolution is adopted pursuant to subdivision (a), the city elections official shall prepare application blanks and shall maintain a register in substantially the same manner as kept by the county elections official as to elections generally.

Other things being equal, preference in the appointment of precinct board members shall be given for ability and previous experience. The precinct board members shall receive compensation fixed by the governing body.

## Article 2. Elections Using Voting Systems

12350. This chapter shall govern all elections except those totally using paper ballots counted by hand. Voting machines are governed by this chapter only where this chapter is not inconsistent with Chapter 4 (commencing with Section 19300) of Division 19.

12351. A governing board may adopt a system provided for in this division for any or all precincts within its jurisdiction, and for any portion of, or all of, any election. The election official may, from time to time, combine, rearrange, or enlarge the precincts for which the system is adopted, provided that no direct primary or general election precinct shall include more than 1,000 voters. The governing board may cease to use the system in any or all precincts or elections under its

jurisdiction.

12352. A precinct board inspector shall not serve in any election unless he or she has received instruction and is fully qualified to perform his or her duties.

12353. Prior to each election, the elections official shall instruct the precinct board inspector, and as many other board members as possible, in the use of the voting equipment and in their other duties.

12354. This article shall not prevent the appointment and service of a member of a precinct board to fill a vacancy in an emergency.

12355. In any municipal, special district, or school district election at which an electronic, electromechanical, or punchcard voting system is to be used for counting the ballots, the officer in charge of the election may provide that the precinct board shall consist of one inspector and two or more judges, who shall be appointed pursuant to Article 1 (commencing with Section 12300). This section shall not apply to any local election consolidated with a statewide direct primary or general election.

12356. Except as otherwise provided in this chapter, in local elections where precincts consist of fewer than 500 voters and where ballots are to be counted by means of vote tabulating devices, the precinct board may consist of one inspector and two clerks.

12357. Where part of the ballot is voted upon paper and part upon voting machines, there shall be appointed an additional precinct board member.

### DIVISION 13. BALLOTS, SAMPLE BALLOTS, AND VOTER PAMPHLETS

#### CHAPTER 1. PURCHASING PROCEDURES

13000. The person in charge of elections for any county, city and county, city, or district shall provide ballots for any elections within his or her jurisdiction, and shall cause to be printed on them the name of every candidate whose name has been certified to or filed with the proper officer pursuant to law and who, therefore, is entitled to a place on the appropriate ballot.

13001. (a) Except as specified in subdivision (b), all expenses, authorized and necessarily incurred in the preparation for and conduct of elections as provided in this code, shall be paid from the county treasuries, except that when an election is called by the governing body of a city, the expenses shall be paid from the treasury of the city. All payments shall be made in the same manner as other county or city expenditures are made. The elections official, in providing the materials required by this division, need not utilize the services of the county or city purchasing agent.

(b) All expenses authorized and necessarily incurred in the preparation for and conduct of elections proclaimed by the Governor to fill a vacancy in the office of State Senator or Member of the Assembly, or to fill a vacancy in the office of United States Senator or Representative in the United States House of Representatives, shall be paid by the state. If an election proclaimed by the Governor to fill a vacancy in an office specified in this subdivision is consolidated with any other local election, only those additional expenses directly related to the election proclaimed by the Governor to fill a

vacancy in the office shall be paid by the state.

(c) This section shall remain in effect only until January 1, 1996, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1996, deletes or extends that date.

13001. (a) All expenses authorized and necessarily incurred in the preparation for and conduct of elections as provided in this code shall be paid from the county treasuries, except that when an election is called by the governing body of a city the expenses shall be paid from the treasury of the city. All payments shall be made in the same manner as other county or city expenditures are made. The elections official, in providing the materials required by this division, need not utilize the services of the county or city purchasing agent.

(b) This section shall become operative on January 1, 1996.

13002. All ballot paper and punchcards used by any jurisdiction holding an election pursuant to the laws of California, shall be tinted and watermarked or overprinted with a design, to be furnished by the Secretary of State, so that the watermark or overprint shall be plainly discernible.

13003. The Secretary of State shall obtain and keep on hand a sufficient supply of tinted ballot paper, and shall obtain and keep on hand a backup supply of tinted punchcards, to be furnished, in quantities ordered, to any jurisdiction holding an election pursuant to the laws of California, upon payment of the cost of the ballot paper or punchcards.

13004. The Secretary of State shall adopt regulations governing the manufacture, distribution, and inventory control of punchcards and requiring the periodic inspection of the manufacturing and storage facilities involving punchcards. The Secretary of State shall also approve each punchcard manufacturer prior to a manufacturer providing punchcards for use in California elections.

13005. (a) Before any user may purchase punchcards, the user shall request in writing a release for a specific quantity of these punchcards from the Secretary of State. If the request is in order, the Secretary of State shall then issue a written release for that quantity to the manufacturer, or to the authorized warehouse, and to the user. The format, text, and use of the request and release shall be governed by regulations adopted by the Secretary of State.

(b) Nothing in this section shall be construed to prohibit a verbal request or verbal release, provided that this verbal request or verbal release is immediately confirmed in writing. The regulations shall expressly deny the manufacturing of punchcards without a specific release.

13006. No user, vendor, or manufacturer shall warehouse for a subsequent election any ballot paper or punchcards furnished or released by the Secretary of State for a specific election without first obtaining authorization in writing from the Secretary of State for the storage. The authorization shall include the particular details of the amount to be stored so that audit controls may be established and maintained. Any ballot paper or punchcards not used in that election, not authorized to be retained for subsequent elections, and not returned to the Secretary of State, shall be destroyed. A certificate of destruction setting forth the date of destruction and the amount of the ballot paper or punchcards destroyed shall be transmitted to the Secretary of State.

13007. There shall be a revolving fund for the purchase of ballot paper and punchcards. The fund shall be continuously appropriated and shall be continuously utilized without regard to fiscal years for the payment of expenses incurred by the Secretary of State in accordance with this section. The fund shall be used for the purchase of ballot paper and punchcards, as provided in this chapter, and shall be reimbursed by the receipts from the jurisdiction obtaining the ballot paper or punchcards in accordance with this chapter. The fund shall at all times be intact and represented either by cash in the State Treasury, ballot paper, or punchcards in the custody of the Secretary of State, or accounts receivable representing ballot paper or punchcard sales.

## CHAPTER 2. FORMS OF BALLOTS: BALLOT ORDER

13100. All ballots used in all elections shall be governed by this chapter unless otherwise specifically provided.

13101. In the case of the prevention of an election in any precinct by the loss or destruction of the ballots intended for that precinct, the inspector or other precinct officer for that precinct shall make an affidavit setting forth the fact and transmit it to the Governor. Upon receipt of the affidavit, the Governor may, and upon the application of any candidate for any office to be voted for by the voters of that precinct the Governor shall, order a new election in that precinct.

13102. (a) All voting shall be by ballot. There shall be provided, at each polling place, at each election at which public officers are to be voted for, but one form of ballot for all candidates for public office, except that, for partisan primary elections, one form of ballot shall be provided for each qualified political party as well as one form of nonpartisan ballot, in accordance with subdivision (b).

(b) At partisan primary elections, each voter not registered as intending to affiliate with any one of the political parties participating in the election shall be furnished only a nonpartisan ballot. The nonpartisan ballot shall contain only the names of all candidates for nonpartisan offices and measures to be voted for at the primary election. Each voter registered as intending to affiliate with a political party participating in the election shall be furnished only a ballot of the political party with which he or she is registered and the nonpartisan ballot, both of which shall be printed together as one ballot in the form prescribed by Section 13207.

13103. Every ballot shall contain all of the following:

(a) The title of each office, arranged to conform as nearly as practicable to the plan set forth in this chapter.

(b) The names of all qualified candidates, except that:

(1) Instead of the names of candidates for delegate to the national conventions, there shall be printed the names of the presidential candidates to whom they are pledged or the names of candidates for chairmen of party national convention delegations.

(2) Instead of the names of candidates for presidential electors, there shall be printed in pairs the names of the candidates of the respective parties for President and Vice President of the United States. These names shall appear under the title "President and Vice President."

(c) The titles and summaries of measures submitted to vote of the voters.

13104. If a candidate changes his or her name within one year of any election, the new name shall not appear upon the ballot unless the change was made by either of the following:

(a) Marriage.

(b) Decree of any court of competent jurisdiction.

13105. (a) In the case of candidates for partisan office in a general election or in a special election to fill a vacancy in the office of Representative in Congress, State Senator, or Member of the Assembly, immediately to the right of and on the same line as the name of the candidate, or immediately below the name, if there is not sufficient space to the right of the name, there shall be printed in eight-point roman lowercase type the name of the qualified political party with which the candidate is affiliated.

(b) In the case of candidates for President and Vice President, the name of the party shall appear to the right of and equidistant from the pair of names of these candidates.

(c) If for a general election any candidate has received the nomination of any additional party or parties, the name(s) shall be printed to the right of the name of the candidate's own party. Party names of a candidate shall be separated by commas.

If a candidate has qualified for the ballot by virtue of an independent nomination, the word "Independent" shall be printed instead of the name of a political party in accordance with the above rules.

13106. No title or degree shall appear on the same line on a ballot as a candidate's name, either before or after the candidate's name, in the case of any election to any office.

13107. (a) With the exception of candidates for Justice of the State Supreme Court or court of appeal, immediately under the name of each candidate, and not separated from the name by any line, may appear at the option of the candidate only one of the following designations:

(1) Words designating the elective city, county, district, state, or federal office which the candidate holds at the time of filing the nomination documents to which he or she was elected by vote of the people, or to which he or she was appointed, in the case of a superior, municipal, or justice court judge.

(2) The word "incumbent" if the candidate is a candidate for the same office which he or she holds at the time of filing the nomination papers, and was elected to that office by a vote of the people, or, in the case of a superior, municipal, or justice court judge, was appointed to that office.

(3) No more than three words designating either the current principal professions, vocations, or occupations of the candidate, or the principal professions, vocations, or occupations of the candidate during the calendar year immediately preceding the filing of nomination documents. For purposes of this section, all California geographical names shall be considered to be one word.

(4) The phrase "appointed incumbent" if the candidate holds an office other than a judicial office by virtue of appointment, and the candidate is a candidate for election to the same office, or, if the candidate is a candidate for election to the same office or to some other office, the word "appointed" and the title of the office. In either instance, the candidate may not use the unmodified word "incumbent" or any words designating the office unmodified by the word "appointed." However, the phrase "appointed incumbent" shall not be required of a



candidate who seeks reelection to an office which he or she holds and to which he or she was appointed, as a nominated candidate, in lieu of an election, pursuant to Sections 5326 and 5328 of the Education Code or Section 7228, 7423, 7673, 10229, or 10515 of this code.

(b) Neither the Secretary of State nor any other election official shall accept a designation of which any of the following would be true:

- (1) It would mislead the voter.
- (2) It would suggest an evaluation of a candidate, such as outstanding, leading, expert, virtuous, or eminent.
- (3) It abbreviates the word "retired" or places it following any word or words which it modifies.
- (4) It uses a word or prefix, such as "former" or "ex-," which means a prior status. The only exception is the use of the word "retired."
- (5) It uses the name of any political party, whether or not it has qualified for the ballot.
- (6) It uses a word or words referring to a racial, religious, or ethnic group.
- (7) It refers to any activity prohibited by law.

(c) If, upon checking the nomination documents, the election official finds the designation to be in violation of any of the restrictions set forth in this section, the election official shall notify the candidate by registered or certified mail return receipt requested, addressed to the mailing address appearing on the candidate's nomination documents.

(1) The candidate shall, within three days from the date of receipt of the notice, appear before the election officer or, in the case of the Secretary of State, notify the Secretary of State by telephone, and provide an alternate designation.

(2) In the event the candidate fails to provide an alternate designation, no designation shall appear after the candidate's name.

(d) No designation given by a candidate shall be changed by the candidate after the final date for filing nomination documents, except as specifically requested by the elections official as specified in subdivision (c) or as provided in subdivision (e).

(e) The designation shall remain the same for all purposes of both primary and general elections, unless the candidate, at least 83 days prior to the general election, requests in writing a different designation which the candidate is entitled to use at the time of the request.

(f) In all cases, words so used shall be printed in 8-point roman uppercase and lowercase type except that, if the designation selected is so long that it would conflict with the space requirements of Sections 13207 and 13211, the elections official shall use a type size for the designation for each candidate for that office sufficiently smaller to meet these requirements.

(g) Whenever a foreign language translation of a candidate's designation is required under the Voting Rights Act of 1965 (42 U.S.C.A. Sec. 1971), as amended, to appear on the ballot in addition to the English language version, it shall be as short as possible, as consistent as is practicable with this section, and shall employ abbreviations and initials wherever possible in order to avoid undue length.

13108. (a) At the first elections for Representative in Congress, State Senator, Assemblyman and Members of the Board of

Equalization in each congressional, senatorial, Assembly, and Board of Equalization district following reapportionment acts of the Legislature redefining the boundaries of the congressional, senatorial, Assembly, and Board of Equalization districts pursuant to Section 6 of Article IV, Section 17 of Article XIII, and Section 1 of Article XXI, of the California Constitution, that candidate who shall be deemed the incumbent in a given district for purposes of the election shall be that candidate who is running for the same office which he or she then holds, and who is running for reelection in a district that has the identical boundaries and number as the district from which he or she was last elected.

(b) In the event there is no candidate to whom subdivision (a) applies, the incumbent shall be that candidate who is running for the same office which he or she then holds, and who is running for reelection in a district that has the identical boundaries as the district from which he or she was last elected, but which has a different number.

(c) In the event there is no candidate to whom subdivision (a) or (b) apply, the incumbent shall be that candidate who is running for the same office which he or she then holds, and who is running for reelection in a district that has the identical number as the district from which he or she was last elected. However, a candidate for the office of Member of the Assembly shall be considered the incumbent in this case only if the district bearing the same number is located in the same county as the district which previously bore that number.

(d) In the event there is no candidate to whom subdivision (a), (b), or (c) apply, the incumbent shall be that candidate who is running for the same office that he or she then holds, and who is running for reelection in a district that contains some portion of the territory previously contained within the district from which he or she was last elected. However, in a new district that contains portions of the territory of more than one former district, the incumbent shall be that candidate the greater portion of the territory of whose former district is included within the new district.

(e) If there is no candidate in a given district to which any of the above provisions apply, the incumbent shall be any person who is a candidate for the same office that he or she then holds who fulfills the residential requirements of law for candidacy within the district.

13109. The order of precedence of offices on the ballot shall be as listed below for those offices and measures that apply to the election for which this ballot is provided. Beginning in the column to the left:

(a) Under the heading, PRESIDENT AND VICE PRESIDENT:

Nominees of the qualified political parties and independent nominees for President and Vice President.

(b) Under the heading, PRESIDENT OF THE UNITED STATES:

(1) Names of the presidential candidates to whom the delegates are pledged.

(2) Names of chairmen of unpledged delegations.

(c) Under the heading, STATE:

(1) Governor.

(2) Lieutenant Governor.

(3) Secretary of State.

(4) Controller.

(5) Treasurer.

(6) Attorney General.

(7) Insurance Commissioner.

(8) Member, State Board of Equalization.

(d) Under the heading, UNITED STATES SENATOR:

Candidates or nominees to the United States Senate.

(e) Under the heading, UNITED STATES REPRESENTATIVE:

Candidates or nominees to the House of Representatives of the United States.

(f) Under the heading, STATE SENATOR:

Candidates or nominees to the State Senate.

(g) Under the heading, MEMBER OF THE STATE ASSEMBLY:

Candidates or nominees to the Assembly.

(h) Under the heading, COUNTY COMMITTEE:

Members of County Central Committee.

(i) Under the heading, JUDICIAL:

(1) Chief Justice of California.

(2) Associate Justice of the Supreme Court.

(3) Presiding Justice, Court of Appeal.

(4) Associate Justice, Court of Appeal.

(5) Judge of the Superior Court.

(6) Judge of the Municipal Court.

(7) Judge of the Justice Court.

(8) Marshal.

(9) Constable.

(j) Under the heading, SCHOOL:

(1) State Superintendent of Public Instruction.

(2) County Superintendent of Schools.

(3) County Board of Education Members.

(4) College District Governing Board Members.

(5) Unified District Governing Board Members.

(6) High School District Governing Board Members.

(7) Elementary District Governing Board Members.

(k) Under the heading, COUNTY:

(1) County Supervisor.

(2) Other offices in alphabetical order by the title of the office.

(l) Under the heading, CITY:

(1) Mayor.

(2) Member, City Council.

(3) Other offices in alphabetical order by the title of the office.

(m) Under the heading, DISTRICT:

Directors or trustees for each district in alphabetical order according to the name of the district.

(n) Under the heading, MEASURES SUBMITTED TO VOTE OF VOTERS and the appropriate heading from subdivisions (a) through (m), above, ballot measures in the order, state through district shown above, and within each jurisdiction, in the order prescribed by the official certifying them for the ballot.

(o) In order to allow for the most efficient use of space on the ballot in counties that use a voting system, as defined in Section 362, the county elections official may vary the order of subdivisions (j), (k), (l), and (m) as well as the order of offices within these subdivisions. However, the office of State Superintendent of Public Instruction shall always precede any school, county, or city office.

13110. The group of names of candidates for any partisan office or nonpartisan office shall be the same on the ballots of all voters entitled to vote for candidates for that office, except that in partisan primary elections, the names of candidates for nomination to partisan office shall appear only

on the ballots of the political party, the nomination of which they seek.

13111. Candidates for each office shall be printed on the ballot in accordance with the following rules:

(a) The names of presidential candidates to whom candidates for delegate to the national convention are pledged, and the names of chairpersons of groups of candidates for delegate expressing no preference, shall be arranged on the primary election ballot by the Secretary of State by the names of the candidates in accordance with the randomized alphabet as provided for in Section 13112 in the case of the ballots for the First Assembly District. Thereafter, for each succeeding Assembly district, the name appearing first in the last preceding Assembly district shall be placed last, the order of the other names remaining unchanged.

(b) The names of the pairs of candidates for President and Vice President shall be arranged on the general election ballot by the Secretary of State by the names of the candidates for President in accordance with the randomized alphabet as provided for in Section 13112 in the case of the ballots for the First Assembly District. Thereafter, for each succeeding Assembly district, the pair appearing first in the last preceding Assembly district shall be placed last, the order of the other pairs remaining unchanged.

(c) In the case of all other offices, the candidates for which are to be voted on throughout the state, the Secretary of State shall arrange the names of the candidates for the office in accordance with the randomized alphabet as provided for in Section 13112 for the First Assembly District. Thereafter, for each succeeding Assembly district, the name appearing first in the last preceding Assembly district shall be placed last, the order of the other names remaining unchanged.

(d) If the office is that of Representative in Congress or member of the State Board of Equalization, the Secretary of State shall arrange the names of candidates for the office in accordance with the randomized alphabet as provided for in Section 13112 for that Assembly district that has the lowest number of all the Assembly districts in which candidates are to be voted on. Thereafter, for each succeeding Assembly district in which the candidates are to be voted on, the names appearing first in the last preceding Assembly district shall be placed last, the order of the other names remaining unchanged.

(e) If the office is that of State Senator or Member of the Assembly, the county elections official shall arrange the names of the candidates for the office in accordance with the randomized alphabet as provided for in Section 13112, unless the district encompasses more than one county, in which case the arrangement shall be made pursuant to subdivision (i).

(f) If the office is to be voted upon wholly within, but not throughout, one county, as in the case of municipal, district, county supervisor, municipal court, justice court, and county central committee offices, the official responsible for conducting the election shall determine the order of names in accordance with the randomized alphabet as provided for in Section 13112.

(g) If the office is to be voted on throughout a single county, and there are not more than four Assembly districts wholly or partly in the county, the county elections official shall determine the order of names in accordance with the randomized alphabet as provided for in Section 13112 for the

first supervisorial district. Thereafter, for each succeeding supervisorial district, the name appearing first for each office in the last preceding supervisorial district shall be placed last, the order of the other names remaining unchanged.

(h) If there are five or more Assembly districts wholly or partly in the county, an identical procedure shall be followed, except that rotation shall be by Assembly district, commencing with the Assembly district which has the lowest number.

(i) Except as provided in subdivision (d) of Section 13112, if the office is that of State Senator or Member of the Assembly, and the district includes more than one county, the county elections official in each county shall conduct a drawing of the letters of the alphabet, pursuant to the same procedures specified in Section 13112. The results of the drawing shall be known as a county randomized ballot and shall be used only to arrange the names of the candidates when the district includes more than one county.

(j) If the office is that of Justice of the California Supreme Court or a Court of Appeal, the appropriate elections officials shall arrange the names of the candidates for the office in accordance with the randomized alphabet as provided for in Section 13112. However, the names of the judicial candidates shall not be rotated among the applicable districts.

13112. The Secretary of State shall conduct a drawing of the letters of the alphabet, the result of which shall be known as a randomized alphabet. The procedure shall be as follows:

(a) Each letter of the alphabet shall be written on a separate slip of paper, each of which shall be folded and inserted into a capsule. Each capsule shall be opaque and of uniform weight, color, size, shape, and texture. The capsules shall be placed in a container, which shall be shaken vigorously in order to mix the capsules thoroughly. The container then shall be opened and the capsules removed at random one at a time. As each is removed, it shall be opened and the letter on the slip of paper read aloud and written down. The resulting random order of letters constitutes the randomized alphabet, which is to be used in the same manner as the conventional alphabet in determining the order of all candidates in all elections. For example, if two candidates with the surnames Campbell and Carlson are running for the same office, their order on the ballot will depend on the order in which the letters M and R were drawn in the randomized alphabet drawing.

(b) (1) There shall be four drawings, three in each even-numbered year and one in each odd-numbered year. Each drawing shall be held at 11 a.m. on the date specified in this subdivision. The results of each drawing shall be mailed immediately to each county elections official responsible for conducting an election to which the drawing is applicable, who shall use it in determining the order on the ballot of the names of the candidates for office.

(A) The first drawing under this subdivision shall take place on the 82nd day before the April general law city elections, and shall apply to those elections and any other elections held at the same time.

(B) The second drawing under this subdivision shall take place on the 82nd day before the direct primary in June of an even-numbered year, and shall apply to all candidates on the ballot in that election.

(C) (i) The third drawing under this subdivision shall take

place on the 82nd day before the November general election of an even-numbered year, and shall apply to all candidates on the ballot in the November general election.

(ii) In the case of the June primary election and the November general election, the Secretary of State shall certify and transmit to each county elections official the order in which the names of federal and state candidates, with the exception of candidates for State Senate and Assembly, shall appear on the ballot. The elections official shall determine the order on the ballot of all other candidates using the appropriate randomized alphabet for that purpose.

(D) The fourth drawing under this subdivision shall take place on the 82nd day before the first Tuesday after the first Monday in November of the odd-numbered year, and shall apply to all candidates on the ballot in the elections held on that date.

(2) In the event there is to be an election of candidates to a special district, school district, charter city, or other local government body at the same time as one of the four major election dates specified in subparagraphs (A) to (D), inclusive, and the last possible day to file nomination papers for the local election would occur after the date of the drawing for the major election date, the procedure set forth in Section 13113 shall apply.

(c) Each randomized alphabet drawing shall be open to the public. At least 10 days prior to a drawing, the Secretary of State shall notify the news media and other interested parties of the date, time, and place of the drawing. The president of each statewide association of local officials with responsibilities for conducting elections shall be invited by the Secretary of State to attend each drawing or send a representative. The state chairman of each qualified political party shall be invited to attend or send a representative in the case of drawings held to determine the order of candidates on the June primary election ballot, the November general election ballot, or a special election ballot as provided for in subdivision (d).

(d) In the case of any special election for State Assembly, State Senate, or Representative in Congress, on the first weekday after the close of filing of nomination papers for the office, the Secretary of State shall conduct a public drawing to produce a randomized alphabet in the same manner as provided for in subdivisions (a) and (c). The resulting randomized alphabet shall be used for determining the order on the ballot of the candidates in both the primary election for the special election and in the special election.

13113. (a) In the case of an election of candidates in a special district, school district, charter city (whose charter does not provide to the contrary), or other local government body, occurring on other than one of the four major election dates specified in subdivision (b) of Section 13112, the official responsible for conducting the election shall, at the same time that the election is called, notify the Secretary of State by registered mail of the date of the election, the date of the close of filing, and the last possible date for filing in the event there is an extension of filing due to an incumbent failing to file. The Secretary of State shall conduct a randomized alphabet drawing on the first weekday following the last possible day of filing for such an election according to subdivision (a) of Section 13112.

(b) If two or more drawings for local government elections would occur on the same date, the Secretary of State may use a single randomized alphabet drawing for all of these elections. The Secretary of State shall communicate the results of the drawing by registered mail to each respective official responsible for conducting the election who shall use it to determine the order on the ballot of all candidates' names.

(c) All drawings held pursuant to this section shall be open to the public.

13114. (a) At any regular meeting of a city council held prior to the date on which the Secretary of State conducts the randomized alphabet drawing applicable to the regular municipal election under Section 13112, or, under Section 13113, applicable to a special election called to fill a vacancy on the city council, the city council may, by resolution, provide for the rotation on the ballot of the names of candidates for any elective city office.

(b) A resolution adopted pursuant to subdivision (a) shall specify which regular statewide election precincts or, if precincts have been consolidated for purposes of the city election, which consolidated precincts, shall constitute each cluster of precincts for purposes of the rotation of candidates' names on the ballot.

(c) (1) As used in this section, a "cluster" shall consist of one or more precincts which need not be contiguous. The clusters of precincts shall be numbered in consecutive order for purposes of ballot rotation of candidates' names, and the resolution shall list the clusters by number and identify which precincts are in each cluster.

(2) No cluster of precincts shall contain a number of registered voters which is more than 10 percent greater or lesser than the average number of registered voters for a cluster as of the most recent estimate by the county elections official of the number of registered voters in each regular precinct in the city prior to the adoption of the resolution. The resolution shall set forth the total number of registered voters in each cluster.

(d) A resolution adopted pursuant to subdivision (a) shall specify that, in the cluster designated as cluster number one, the names shall appear on the ballot in the order determined by the Secretary of State's randomized alphabet drawing. For each successive cluster, the resolution shall specify the manner of determining the order of the candidates' names by applying the following:

(1) If the number of candidates for an office is equal to or less than the number of clusters, in cluster number two and each successive cluster, the name appearing first in the last preceding cluster shall be placed last, the order of the other names remaining unchanged.

(2) If the number of candidates for an office is greater than the number of clusters, the former shall be divided by the latter. If the resulting quotient is a mixed number and the fractional part of the mixed number is less than one-half, the fraction shall be discarded. If the fractional part of the mixed number is one-half or greater, the quotient shall be raised to the next largest whole number. The whole number that results from this process shall be the number of candidates that, in cluster number two and each successive cluster, shall be taken from the beginning of the list and placed at the end of the list, the order of the other names remaining unchanged.

(e) (1) No city may provide for rotation of candidates' names on the ballot for a particular election unless the resolution authorizing it, in accordance with this section, is adopted by the city council at a regular meeting, at which the city elections official has provided cost estimates of this rotation, prior to the date of the randomized alphabet drawing applicable to the election.

(2) A city council resolution that provides for rotation of candidates' names pursuant to this section for any election which is consolidated with any county or state election shall also provide for the payment of computer programming, formatting, preparation, and all similar related administrative costs associated with development of the ballot on which those names appear.

13115. The order in which all state measures that are to be submitted to the voters shall appear upon the ballot is as follows:

(a) Bond measures in the order in which they qualify.

(b) Constitutional amendments in the order in which they qualify.

(c) Other legislative measures in the order in which they are approved by the Legislature.

(d) Initiative measures in the order in which they qualify.

(e) Referendum measures in the order in which they qualify.

13116. (a) In an election at which state, county, city, or other local measures are submitted to a vote of the voters, all state measures shall be numbered in numerical order, as provided in this chapter or division. All county, city, or other local measures shall be designated by a letter, instead of a figure, printed on the left margin of the square containing the description of the measure, commencing with the letter "A" and continuing in alphabetical order, one letter for each of these measures appearing on the ballot.

(b) An elections official may commence designating local measures with any letter of the alphabet following the letter "A," and continuing in alphabetical order, in order to avoid voter confusion that might result from different local measures carrying the same letter designation in successive elections.

(c) Where two or more counties or cities submitting measures to the voters are in close proximity, the elections officials of those counties or cities may mutually agree to use letter designation for ballot measures that will not conflict or confuse the voter.

13117. (a) Commencing with the November 2, 1982, general election, all state measures in all elections at which state measures are submitted to a vote of the voters shall be numbered in a continuous sequence, commencing with the number "1" and continuing in numerical sequence for a period of 20 years from the year of commencement.

(b) At the completion of a 20-year cycle, the numbering sequence shall recommence with the number "1" at the next election at which state measures are submitted to a vote of the voters.

13118. The following rules apply whenever any person who is a candidate for any office believes that some other person with a name that is so similar that it may be confused with his or her name has filed or will file a nomination paper for the same office:

(a) The candidate may, at the time of filing his or her



nomination paper, or within five days after the time for filing nomination papers has expired, file with the county elections official a statement that shall be in substance as follows:

"I \_\_\_\_\_, believe that some other person, whose name is so similar to mine that it may be confused with mine, has filed or will file a nomination paper for the same office for which I have filed a nomination paper, and I therefore request and direct that number \_\_\_\_\_ be printed with my name on the ballot as a distinguishing mark.

\_\_\_\_\_  
Name  
Candidate for the office  
of \_\_\_\_\_"

(b) The distinguishing mark shall be a number and shall be printed in large boldface type at the left of the name on the ballot.

(c) If two or more candidates for the same office designate the same distinguishing number, the first candidate who filed his or her nomination papers shall have the number, and other candidates who designate the same number may file papers designating other distinguishing numbers.

(d) In addition to the designated number or numbers that the county elections official shall place on the ballot when the above conditions are met, he or she shall place on the ballot, immediately following the designation of the office and immediately preceding the names of the candidates to be voted upon, the following warning in boldface type:

"Warning! There are two (or applicable number) candidates for this office with identical names."

This warning shall also be included, in boldface type and in a prominent manner, on any sample ballot, ballot pamphlet, or other mailing sent by the county elections official, prior to the election, to persons eligible to vote for this office.

13119. The ballots used when voting upon a proposed county, city, or district ordinance submitted to the voters of the respective local government as an initiative measure pursuant to Division 9 (commencing with Section 9000) shall have printed on them the words "Shall the ordinance (stating the nature thereof) be adopted?"

Opposite the statement of the ordinance to be voted on, and to its right, the words "Yes" and "No" shall be printed on separate lines, with voting squares. If a voter stamps a cross (+) in the voting square after the printed word "Yes," his or her vote shall be counted in favor of the adoption of the ordinance. If he or she stamps a cross (+) in the voting square after the printed word "No," his or her vote shall be counted against its adoption.

13120. The ballots used when voting upon a state, county, city, or district statute or ordinance referred to the voters of the respective jurisdiction as a referendum measure pursuant to Division 9 (commencing with Section 9000) shall have printed on them the words "Shall the statute (or ordinance) (stating the nature thereof, including any identifying number or title) be adopted?" Opposite the statement of the statute or ordinance to be voted on and to its right, the words "Yes" and "No" shall be printed on separate lines, with voting squares. If a voter stamps a cross (+) in the voting square after the printed word "Yes," his or her vote shall be counted in favor of the adoption of the ordinance or statute. If he or she stamps a cross (+)

in the voting square after the printed word "No," his or her vote shall be counted against its adoption.

13121. Notwithstanding any other provision of this code, the county elections official conducting any school election shall not be required to provide more than one ballot to the same voter for the purpose of voting on separate propositions at the same election. However, no voter shall be presented with a ballot containing a proposition on which he or she is not entitled to vote by reason of not residing within the district or area affected by the proposition.

CHAPTER 3. BALLOT PRINTING SPECIFICATIONS  
Article 1. General Provisions

13200. Ballots not printed in accordance with this chapter shall not be cast nor counted at any election.

13201. The ballots of each political party shall be designed so that each ballot may be easily and clearly distinguished from, and not confused with, a ballot of any other political party.

13202. 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 black 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. The names of all candidates printed upon the ballot shall be in type of the same size and character.

13203. Across the top of the ballot shall be printed in heavy-faced gothic capital type not smaller than 30-point, the words "OFFICIAL BALLOT." However, if the ballot is no wider than a single column, the words "OFFICIAL BALLOT" may be as small as 24-point. Beneath this heading, in the case of a partisan primary election, shall be printed in 18-point boldfaced gothic capital type the official party designation or the words "NONPARTISAN BALLOT" as applicable. Beneath 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.

13204. (a) The instructions to voters shall be printed at least three-eighths of an inch below the district designation. The instructions shall begin with the words "INSTRUCTIONS TO VOTERS:" in no smaller than 16-point gothic condensed capital type. Thereafter, there shall be printed in 10-point gothic 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, stamp a cross (+) in the voting square after the word "Yes," to the right of the name of the candidate. To vote against that candidate, stamp a cross (+) in the voting square after the word "No," to the right of the name of that candidate."

"To vote for any other candidate of your selection, stamp a cross in the voting square to the right of 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, stamp a cross (+) in the voting square to the right of the candidate's name." Where two or more candidates for the same office are to be elected, stamp a cross (+) after 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, stamp a cross (+) in the voting square after the word "Yes" or after the word "No."

"All distinguishing marks or erasures are forbidden and make the ballot void."

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

"On absent voter ballots mark a cross (+) with pen or pencil."

(b) The instructions to voters shall be separated by no smaller than a two-point rule from the portion of the ballot which contains the various offices and measures to be voted on.

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 the group of candidates preferring a person whose name appears on the ballot, stamp a cross (+) in the square opposite the name of the person preferred. To vote for a group of candidates not expressing a preference for a particular candidate, stamp a cross (+) in the square opposite 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 all of the electors of a party, stamp a cross (+) in the square opposite the names of the presidential and vice presidential candidates of that party. A cross (+) stamped in the square opposite 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 stamp a cross (+) in the square opposite 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."

13206. (a) On the partisan ballot used in a direct primary election, immediately below the instructions to voters, there shall be a box 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 partisan ballot and shall be set directly above these columns. Within the box shall be printed in 24-point boldfaced gothic capital type the words "Partisan Offices."

(b) 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 "Nonpartisan Offices."

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.

(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 both partisan 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, on the right.

(c) The standard width of columns containing partisan and nonpartisan offices shall be three inches, but a elections official may vary the width of these columns up to 10 percent more or less than the three-inch standard. However, the column containing presidential and vice presidential candidates may be as wide as four inches.

(d) Any measures that are 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 each measure. To the right of each title and summary shall be printed, on separate lines, the words "Yes" and "No."

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 square after the name of each candidate for partisan office, nonpartisan office (except for justice of the Supreme Court or court of appeal), or for chairman 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 squares to the right of the words "Yes" and "No." The voting squares shall be used by the voters to express their choices as provided for in the instruction to voters.

(b) The standard voting square shall be at least three-eighths of an inch square but may be up to one-half inch square. Voting squares for measures may be as tall as is required by the space occupied by the title and summary.

13209. Whenever a foreign translation of the ballot is required by the federal Voting Rights Act of 1965, as amended by Public Law 94-73, to appear on the ballot as well as the

English language version, the ballot, including a ballot reference page or pages as specified in Section 301, may be so designed as to place the foreign translation to the right of the voting square.

13210. (a) In the case of candidates for delegate to national convention, there shall be printed in boldface gothic type, not smaller than 12-point, 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 "Vote for one group only" shall extend to the extreme right-hand margin of the column and over the voting square.

(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 squares for that office. The heading "President and Vice President" shall be printed in boldface 12-point gothic type, and shall be centered above the names of the candidates.

(c) 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 (name of Justice) be elected to the office for the term expiring \_\_\_\_?"

(d) 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 shall be printed flush with the left-hand margin in boldfaced gothic type not smaller than 8-point. The words, "vote for \_\_\_\_" shall extend to the extreme right-hand margin of the column and over the voting square. 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.

13211. The names of the candidates shall be printed on the ballot, without indentation, in roman capital, boldface type not smaller than eight-point, between light lines or rules at least three-eighths of an inch apart but no more than one-half inch apart. However, in the case of candidates for President and Vice President, the lines or rules may be as much as five-eighths of an inch apart.

13212. Under the designation of each office shall be printed as many blank spaces, defined by light lines or rules at least three-eighths of an inch apart but no more than one-half inch apart, as there are candidates to be nominated or elected to the office.

13213. Each group of names of candidates for a particular office shall be separated from the succeeding group by a three-point rule. Each series of groups shall be headed by the 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 boldfaced gothic capital type, not

smaller than 12-point. Each caption shall be separated from the names of the candidates beneath by a two-point line.

13214. The left-hand side of the first column of names on the ballot and the right-hand side of the last column of voting squares on the ballot shall be bordered by a six-point rule. The side edges of the ballot shall be one-half inch outside of the six-point down rule. The binding or stitching of each package of ballots shall be along the top or head of the ballot.

13215. The ballots shall be printed on the same leaf with a stub not over one inch in depth. The stub shall be separated from the ballot by a horizontal perforated line or rule from side to side. Upon this stub shall be printed only the number of the ballot.

13216. (a) On each ballot a horizontal non-solid-ruled line shall extend across the top of the ballot one inch below the horizontal perforated line. The same number appearing on the stub shall be printed above the horizontal, non-solid-ruled line within two inches of 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 precinct board member and handed to the voter.)". The words "I HAVE VOTED HAVE YOU?" may also be printed immediately above or below the number.

(b) (1) One-half inch to the right of 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, and 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, with the four middle words underlined or otherwise made prominent, the following: "Mark crosses (+) on ballot ONLY WITH RUBBER STAMP; never with pen or pencil."

(3) Below this printed 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 two and last five words underlined or otherwise made prominent, the following: (ABSENTEE BALLOTS MAY BE MARKED WITH PEN AND INK OR PENCIL.)

13217. The number on each ballot shall be the same as that on the corresponding stub, and the ballots and stubs shall be numbered consecutively in each county, or the ballots and stubs may be numbered consecutively within each combination of congressional, senatorial, and Assembly districts in each county. In a partisan primary election, the sequence of numbers on the official ballots and stubs for each party within each county, or within each political subdivision in each county, shall begin with the number 1.

13219. When printed, all ballots shall be bound in stub books, of such size as the clerk may determine. A record of the number of ballots printed shall be kept by the officer authorizing the printing.

13220. If two or more officers are to be elected for the same office for different terms, the terms for which each candidate for the office is nominated shall be printed on the ballot as a part of the title of the office. If at a general

election an office is to be filled for a full term and also for a vacancy in another term, the list of candidates for the full term shall be placed on the ballot under the designation of the office with the words "Full Term" printed immediately after that designation, and the list of candidates to fill the vacancy shall be placed on the ballot under the designation of the office with the words "Short Term" printed immediately after that designation.

## Article 2. Allowable Changes in Ballot Format and Printing

13230. (a) If the county elections official determines that, due to the number of candidates and measures that must be printed on the ballot, the ballot will be larger than may be conveniently handled, the county elections official may provide that a nonpartisan ballot shall be given to each partisan voter, together with his or her partisan ballot, and that the material appearing under the heading "Nonpartisan Offices" on partisan ballots, as well as the heading itself, shall be omitted from the partisan ballots.

(b) If the county elections official so provides, the procedure prescribed for the handling and canvassing of ballots shall be modified to the extent necessary to permit the use of two ballots by partisan voters. The county elections official may, in this case, order the second ballot to be printed on paper of a different tint, and assign to those ballots numbers higher than those assigned to the ballots containing partisan offices.

13231. If the elections official of any county finds it necessary in connection with the use of any approved method of vote counting, he or she may provide for any of the following changes in the format of ballots in one or more precincts at any election:

(a) Ballots may be bound and padded at the side.

(b) The left and right edge of ballots may be trimmed to the edge of printed material.

(c) A series of punched holes may be provided in the upper right-hand portion of each ballot.

(d) The ballot number may be placed at any place along the top left-hand corner of the ballot.

(e) A cutout section, not to exceed two inches in depth, commencing at the left-hand edge of the far right column of the ballot, may be provided along the top edge of the ballot.

(f) Press perforations may be placed between columns of the ballot, from top to bottom, to permit the folding of the ballot at each perforation.

(g) "Yes" and "No" columns where necessary, may be as narrow as one-quarter inch wide.

(h) The instructions to voters may be placed at the bottom of the ballot instead of at the top of the ballot, and an appropriate reference to the location of the instructions may be printed in the upper right portion of the ballot.

13232. Notwithstanding any other provision of law, for the purpose of conducting the Democratic Party Presidential Primary Election, the Secretary of State may, if it is reasonably necessary to accommodate the limitations of a voter system or vote tabulating device, authorize the county elections officials to do any or all of the following:

(a) Vary the order of any office or measure listed in Section

13109, with the exception of President of the United States, United States Representative, State Senator, Member of the Assembly, and judicial offices.

(b) Place any office listed in Section 13109 on a second ballot, with the exception of United States Representative, State Senator, Member of the State Assembly, judicial offices, County Superintendent of Schools, County Board of Education Members, and county officers.

(c) Place any ballot measure, other than a state measure, on a separate ballot.

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 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.

### Article 3. Vote Tabulating Devices

13240. Notwithstanding any other provisions of this code, the ballots to be counted by means of electronic or electromechanical devices may be of a size, composition, and texture that, and may be printed in any type of ink or combination of inks that, will be suitable for use in the counting devices in which they are intended to be placed.

13241. The names of the candidates and the respective offices shall be printed on the ballot in parallel columns at least 2 1/2 inches wide.

13242. Where electromechanical vote tabulating devices are used to count all or part of the ballots, the names of presidential candidates may be printed in the same column as the names of candidates for other offices.

13243. The ballots may contain printed code marks or punched holes that may be used for placing the ballots in correct reading position in the counting devices. The code marks or punched holes shall not be used in any way that will reveal the identity of the voters voting the ballots.

13244. The sample ballot provided pursuant to Chapter 4 (commencing with Section 13300) shall be a substantial facsimile



of the official ballot, including instructions to voters.

13245. Whenever ballots are to be counted pursuant to this chapter, all write-in votes for candidates, to be counted, shall be marked by the voter with the rubber stamp or other marking device in the space provided opposite the names of the write-in candidates. The instructions to voters printed on the ballots shall instruct the voter that the vote will not be counted unless the rubber stamp or other marking device is used in marking the ballot when writing in a candidate's name.

13246. The device for marking the ballot may be of any size, shape, or form, and the impression made on the ballot may be in the form of a cross, square, circle, rectangle, or any other design that will clearly indicate the choice of the voter. Any type of ink or other substance that will clearly show the voter's choice may be used in or in conjunction with the marking device.

13247. (a) The statement of all measures submitted to the voters shall be abbreviated on the ballot. The statement shall contain not more than 75 words of each measure to be voted on, followed by the words, "Yes" and "No." Abbreviation of measures to be voted on throughout the state shall be composed by the Attorney General and shall be a condensed statement of the ballot title prepared by him or her.

(b) For purposes of measures to be voted on throughout the state, the limitation contained in subdivision (a) shall apply to the total number of words used in the condensed statement of the ballot title and the financial impact summary prepared pursuant to Section 9087, and Section 88003 of the Government Code.

#### Article 4. Punchcards

13260. In approving ballots and ballot cards, the Secretary of State shall not give his or her approval unless the following are true:

(a) The size, shape, and texture of the ballot card are suitable for use in the automatic device in which it is intended to be placed.

(b) The ballot cards are so designed that they can readily be arranged with a section or ballot stub containing the serial number of the ballot and a section with places for the voter to slot or punch holes indicating his or her choices of candidates and votes on measures.

(c) If the ballot is to consist of two or more series of cards, appropriate provision may be made for identifying the related series which comprise the ballot.

13261. (a) Each ballot card shall 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.

(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 by a precinct board member and handed to the voter before the ballot is placed in the ballot container."

(C) The words "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.

13262. (a) The ballot shall contain the same material as to candidates and measures, and shall be printed in the same order as provided for paper ballots, and may be arranged in parallel columns on one or more ballot cards as required, except that the column in which the voter marks his or her choices may be at the left of the names of candidates and the designation of measures.

(b) If there are a greater number of candidates for an office or for a party nomination for an office than the number whose names can be placed on one pair of facing ballot pages, a series of overlaying pages printed only on the same, single side shall be used, and the ballot shall be clearly marked to indicate that the list of candidates for the office is continued on the following page or pages. If the names of candidates for the office are not required to be rotated, they shall be rotated by groups of candidates in a manner so that the name of each candidate shall appear on each page of the ballot in approximately the same number of precincts as the names of all other candidates.

(c) Space shall be provided on the ballot or on a separate write-in ballot to permit voters to write in names not printed on the ballot when authorized by law. The size of the voting square and the spacing of the material may be varied to suit the conditions imposed by the use of ballot cards, provided the size of the type is not reduced below the minimum size requirements set forth in Chapter 2 (commencing with Section 13100).

(d) The statement of measure submitted to the voters may be abbreviated if necessary on the ballot, provided that each and every statement of measures on that ballot is abbreviated. Abbreviation of matters to be voted on throughout the state shall be composed by the Attorney General.

13263. The sample ballot provided pursuant to Chapter 4 (commencing with Section 13300) shall be printed in either of

two formats: (a) booklet form, or (b) on one or more sheets on one or both sides. The sample ballot shall be printed on white or tinted paper and shall be a substantial facsimile of the ballot, including instructions to voters.

13264. If more than one ballot card is used at an election, different tints of cardboard stock or other suitable means may be used for each series of ballot cards to facilitate the sorting of ballots.

13265. If the number of offices and measures to be voted upon at an election cannot be accommodated on one ballot card, the elections official may, at his or her discretion, place part of the ballot upon more than one ballot card. He or she may also place part of the ballot upon the ballot card or ballot cards and the remainder upon paper, provided that a single ballot measure or the candidates for a single office may not be so split.

13266. If punchcard ballots are used for absent 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. Absent voter ballots so prepared shall be counted by the counting device.

13267. If an official ballot consisting of one or more individual ballot cards upon which the names of candidates and measures are printed is used for absent voting, the two stubs specified in Section 13261 may be eliminated from the ballot cards by printing a group style number on each card and by printing the information required by subparagraphs (C), (D), (E), (F), and (G) of paragraph (2) of subdivision (b) of Section 13261 on a separate form accompanying the official ballot. If the two stubs are not eliminated, the language required by subparagraph (B) of paragraph (2) of subdivision (b) of Section 13261 to be printed on the second stub may be omitted.

#### Article 5. Voting Machines

13280. The ballot labels for measures shall contain a condensed statement in, where possible, not more than 20 words of each measure to be voted on, accompanied by the words "Yes" and "No."

13281. The ballot label for measures to be voted on throughout the state shall be composed by the Attorney General and shall be a condensed statement of the ballot title prepared by him or her.

13282. Whenever the Attorney General prepares a condensed statement of a ballot title, the Attorney General shall file a copy of the statement with the Secretary of State. The Secretary of State shall make a copy of the statement available for public examination prior to the printing of the statement on any ballot. The public shall be permitted to examine the statement for at least 20 days, and the Secretary of State may consolidate the examination requirement to examine the public examination requirements set forth in Section 9092. Any voter may seek a writ of mandate requiring any statement, or portion thereof, to be amended or deleted. The provisions set forth in Section 9092 concerning the issuance of the writ and the nature of the proceedings shall be applicable to this section.

13283. The ballot label shall be printed by the elections official in black ink on clear material of a size that will fit the machine, of a color that may be determined by the elections official, and in as plain, clear type as the space will reasonably permit.

13284. The list of offices and candidates and the statements of measures used on the voting machines is an official ballot.

13285. The county elections official shall furnish sufficient ballot labels for the voting machines used at any election.

13286. The officers or board charged with the duty of providing ballots for any polling place shall provide the polling place with two sample ballots, which shall be arranged in the form of a diagram showing that part of the face of the voting machine that will be in use at that election.

13287. The sample ballots shall be either in full or reduced size, and shall contain suitable illustrated directions for voting on the voting machine.

13288. The ballot labels shall be delivered to the officer in charge of the voting machines at least 30 days before the election.

13289. At the presidential primary, if the voting machine will accommodate it, the county central committee election ballot shall be placed upon the voting machine together with the presidential primary ballot.

#### CHAPTER 4. SAMPLE BALLOTS AND VOTER PAMPHLETS

13300. (a) By at least 29 days before the primary, each county elections official shall prepare separate sample ballots for each political party and a separate sample nonpartisan ballot, placing thereon in each case in the order provided in Chapter 2 (commencing with Section 13100), and under the appropriate title of each office, the names of all candidates for whom nomination papers have been duly filed with him or her or have been certified to him or her by the Secretary of State to be voted for in his or her county at the primary election.

(b) The sample ballot shall be identical to the official ballots, except as otherwise provided by law. The sample ballots shall be printed on paper of a different texture from the paper to be used for the official ballot.

(c) One sample ballot of the party to which the voter belongs, as evidenced by his or her registration, shall be mailed to each voter entitled to vote at the primary not more than 40 nor less than 10 days before the election. A nonpartisan sample ballot shall be so mailed to each voter who is not registered as intending to affiliate with any of the parties participating in the primary election.

13301. (a) At the time the county elections official prepares sample ballots for each political party at the presidential primary, he or she shall also prepare a list of candidates for delegates for each political party. The names of the candidates for delegates of any political party shall be arranged upon the list of candidates for delegates of that party in parallel columns under their preference for President. The order of groups on the list shall be alphabetically according to the names of the persons they prefer appear upon the ballot. Each column shall be headed in boldface 10-point, gothic type as follows: "The following delegates are pledged to \_\_\_\_." (The

blank being filled in with the name of that candidate for presidential nominee for whom the members of the group have expressed a preference. ) The names of the candidates for delegates shall be printed in eight-point, roman capital type.

(b) Copies of the list of candidates for delegates of each party shall be submitted by the county elections official to the chairman of the county central committee of that party, and the county elections official shall post a copy of each list in a conspicuous place in his or her office.

13302. The county elections official shall forthwith submit the sample ballot of each political party to the chairperson of the county central committee of that party, and shall mail a copy to each candidate for whom nomination papers have been filed in his or her office or whose name has been certified to him or her by the Secretary of State, to the post office address as given in the nomination paper or certification. The county elections official shall post a copy of each sample ballot in a conspicuous place in his or her office.

13303. (a) For each election, each appropriate elections official shall cause to be printed, on plain white paper or tinted paper, without watermark, at least as many copies of the form of ballot provided for use in each voting precinct as there are voters in the precinct. These copies shall be designated "sample ballot" upon their face and shall be identical to the official ballots used in the election, except as otherwise provided by law. A sample ballot shall be mailed, postage prepaid, to each voter not more than 40 nor less than 21 days before the election.

(b) The elections official shall send notice of the polling place to each voter with the sample ballot. Only official matter shall be sent out with the sample ballot as provided by law.

13304. The notice of the polling place which is sent to each voter as provided in Section 13303 shall inform the voter as to whether the polling place is accessible to the physically handicapped. In addition, this notice shall inform the voter of his or her rights under Section 14282, if applicable.

13305. (a) In each county, the county central committee of each qualified political party may supply to its county elections official, not less than 83 days prior to the direct primary election, a party contributor envelope or a one-page letter, in which both sides may be utilized, to be included in the mailing of the sample ballot to each of that political party's registered voters in the county. In lieu of supplying the elections official with a sufficient number of copies of the one-page letter, a county central committee may supply the elections official, not less than 83 days before the direct primary election, with the text of the letter and request the elections official to print, or cause to be printed, a sufficient number of copies of the letter to accommodate the mailing. The elections official shall notify the respective county committee of, and the committee shall reimburse the county for, any actual costs incurred by the inclusion or printing, or both. The elections official may, prior to acting pursuant to this subdivision, require the county committee to post a bond to ensure the reimbursement.

(b) Each envelope or letter shall contain a space for the name and address of the contributor, and shall contain language which informs the contributor of the manner in which the money received shall be spent. The language on the envelope or letter

shall not contain words critical of any other political party.

(c) All funds received by the return of the party contributor envelopes or in response to the letters shall be kept separate from all other funds and shall be kept in a fund (account) to be established in each county. Any funds which are prohibited under federal law from being used for candidates for federal office shall be further segregated and any portion allocated to candidates shall be disbursed only to candidates for state office.

13306. Notwithstanding Sections 13300, 13301, 13303, and 13307, sample ballots and candidates' statements need not be mailed to voters who registered after the 54th day before an election, but all of these voters shall receive polling place notices and state ballot pamphlets. Each of these voters shall receive a notice in bold print that states: "Because you are a late registrant, you are not receiving a sample ballot or candidates' statements."

13307. (a) (1) Each candidate for nonpartisan elective office in any local agency, including any city, county, city and county, or district, may prepare a candidate's statement on an appropriate form provided by the elections official. The statement may include the name, age and occupation of the candidate and a brief description, of no more than 200 words, of the candidate's education and qualifications expressed by the candidate himself or herself. However, the governing body of the local agency may authorize an increase in the limitations on words for the statement from 200 to 400 words. The statement shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations.

(2) The statement authorized by this subdivision shall be filed in the office of the elections official when the candidate's nomination papers are returned for filing, if it is for a primary election, or for an election for offices for which there is no primary. The statement shall be filed in the office of the elections official no later than the 88th day before the election, if it is for an election for which nomination papers are not required to be filed. If a runoff election or general election occurs within 88 days of the primary or first election, the statement shall be filed with the elections official by the third day following the governing body's declaration of the results from the primary or first election.

(3) Except as provided in Section 13309, the statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5 p.m. of the next working day after the close of the nomination period.

(b) The elections official shall send to each voter, together with the sample ballot, a voter's pamphlet which contains the written statements of each candidate that is prepared pursuant to this section. The statement of each candidate shall be printed in type of uniform size and darkness, and with uniform spacing. The elections official shall provide a Spanish translation to those candidates who wish to have one, and shall select a person to provide that translation from the list of approved Spanish language translators and interpreters of the superior court of the county or from an institution accredited by the Western Association of Schools and Colleges.

(c) The local agency may estimate the total cost of printing, handling, translating, and mailing the candidate's statements filed pursuant to this section, including costs incurred as a

result of complying with the federal Voting Rights Act of 1965, as amended. The local agency may require each candidate filing a statement to pay in advance to the local agency his or her estimated pro rata share as a condition of having his or her statement included in the voter's pamphlet. In the event the estimated payment is required, the receipt for the payment shall include a written notice that the estimate is just an approximation of the actual cost that varies from one election to another election and may be significantly more or less than the estimate, depending on the actual number of candidates filing statements. Accordingly, the elections official is not bound by the estimate and may, on a pro rata basis, bill the candidate for additional actual expense or refund any excess paid depending on the final actual cost. In the event of underpayment, the elections official may require the candidate to pay the balance of the cost incurred. In the event of overpayment, the elections official shall prorate the excess amount among the candidates and refund the excess amount paid within 30 days of the election.

(d) Nothing in this section shall be deemed to make any statement or the authors thereof free or exempt from any civil or criminal action or penalty because of any false, slanderous, or libelous statements offered for printing or contained in the voter's pamphlet.

(e) Before the nominating period opens, the local agency for that election shall determine whether a charge shall be levied against that candidate for the candidate's statement sent to each voter. This decision shall not be revoked or modified after the seventh day prior to the opening of the nominating period. A written statement of the regulations with respect to charges for handling, packaging, and mailing shall be provided to each candidate or his or her representative at the time he or she picks up the nomination papers.

(f) For purposes of this section and Section 13310, the board of supervisors shall be deemed the governing body of judicial elections.

13308. In addition to the restrictions set forth in Section 13307, any candidate's statement submitted pursuant to Section 13307 by a candidate for judicial office shall be limited to a recitation of the candidate's own personal background and qualifications, and shall not in any way make reference to other candidates for judicial office or to another candidate's qualifications, character, or activities. The elections official shall not cause to be printed or circulated any statement which the elections official determines is not so limited or which includes any reference prohibited by this section.

13309. (a) Notwithstanding Section 13307, if a candidate alleges to be indigent and unable to pay in advance the requisite fee for submitting a candidate statement, the candidate shall submit to the local agency a statement of financial worth to be used in determining whether or not he or she is eligible to submit a candidate statement without payment of the fee in advance.

(b) The statement of financial worth required by this section shall be submitted by the candidate together with his or her candidate statement in accordance with the deadline specified in Section 13307. The statement of financial worth form shall be furnished by the local agency, and may include questions relating to the candidate's employer, income, real estate

holdings, tangible personal property, and financial obligations.

The candidate shall certify the content of the statement as to its truth and correctness under penalty of perjury. The candidate shall also sign a release form of the candidate's most recent federal income tax report.

(c) Upon receipt of a statement of financial worth, a determination shall be made by the local agency of whether or not the candidate is indigent. The local agency shall notify the candidate of its findings.

(d) If it is determined that the candidate is not indigent, the candidate shall, within three days of the notification, excluding Saturdays, Sundays, and state holidays, withdraw the statement or pay the requisite fee. If the candidate fails to respond within the time prescribed, the local agency shall not be obligated to print and mail the statement.

(e) If the local agency determines that the candidate is indigent, the local agency shall print and mail the statement.

(f) Nothing in this section shall prohibit the elections official from billing the candidate his or her actual pro rata share of the cost after the election.

13310. Prior to the nomination period for an election, the governing body of the local agency conducting the election may determine that Section 13307 is inapplicable to that election. This section shall become operative only if the United States Supreme Court or the California Supreme Court rules that candidates (other than indigent candidates) may not be required to pay for candidates' statements authorized pursuant to Section 13307.

13311. Notwithstanding the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code), the statements filed pursuant to Section 13307 shall remain confidential until the expiration of the filing deadline.

13312. Each voter's pamphlet prepared pursuant to Section 13307 shall contain a statement in the heading of the first page in heavy-faced gothic type, not smaller than 10-point, that: (a), the pamphlet does not contain a complete list of candidates and that a complete list of candidates appears on the sample ballot (if any candidate is not listed in the pamphlet), and that (b), each candidate's statement in the pamphlet is volunteered by the candidate, and (if printed at the candidate's expense) is printed at his or her expense.

13313. (a) Not less than 10 calendar days before the elections official submits the official voter's pamphlet referred to in Section 13307 for printing, the elections official shall make a copy of the voter's pamphlet available for public examination in the elections official's office. Any person may obtain a copy of the voter's pamphlet from the elections official for use outside of the elections official's office. The elections official may charge a fee to any person obtaining a copy of the material, and the fee shall not exceed the actual cost incurred by the elections official in providing the copy.

(b) (1) During the 10-calendar-day examination period provided by this section, any voter of the jurisdiction in which the election is being held, or the elections official, himself or herself, may seek a writ of mandate or an injunction requiring any or all of the material in the voter's pamphlet to be amended or deleted. A peremptory writ of mandate or an injunction shall issue only upon clear and convincing proof of



both of the following: (A) that the material in question is false, misleading, or inconsistent with the requirements of this chapter; and (B) that issuance of the writ or injunction will not substantially interfere with the printing or distribution of official election materials as provided by law.

(2) With regard to a writ of mandate or injunction sought pursuant to this subdivision, the elections official shall be named as respondent and the candidate who authored the material in question shall be named as the real party in interest. In the case of the elections official bringing the mandamus or injunctive action pursuant to this subdivision, the board of supervisors of the county shall be named as the respondent and the candidate who authored the material in question shall be named as the real party in interest.

13314. (a) (1) Any voter may seek a writ of mandate alleging that an error or omission has occurred, or is about to occur, in the placing of any name on, or in the printing of, a ballot, sample ballot, voter pamphlet, or other official matter, or that any neglect of duty has occurred, or is about to occur.

(2) A peremptory writ of mandate shall issue only upon proof of both of the following: (A) that the error, omission, or neglect is in violation of this code or the Constitution, and (B) that issuance of the writ will not substantially interfere with the conduct of the election.

(3) The action or appeal shall have priority over all other civil matters.

(b) Venue for a proceeding under this section shall be exclusively in Sacramento County in any of the following cases:

(1) The Secretary of State is named as a real party in interest or as a respondent.

(2) A candidate for statewide elective office is named as a party.

(3) A statewide measure that is to be placed on the ballot is the subject of the proceeding.

13315. The officer charged with the duty of providing sample ballots for any election at which absent voter ballots may be cast shall cause to be printed on the envelope containing the sample ballot in heavy-faced gothic type, not smaller than 12-point, the following:

Notice: Absent Voter

Ballot Application Enclosed.

13316. 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 the voters of the local jurisdiction as absentee ballots.

13317. 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 the voters of the local jurisdiction as absentee ballots.

#### DIVISION 14. ELECTION DAY PROCEDURES CHAPTER 1. PRIVILEGES OF VOTERS

14000. (a) If a voter does not have sufficient time outside of working hours to vote at a statewide election, the voter may, without loss of pay, take off enough working time that, when added to the voting time available outside of working hours,

will enable the voter to vote.

(b) No more than two hours of the time taken off for voting shall be without loss of pay. The time off for voting shall be only at the beginning or end of the regular working shift, whichever allows the most free time for voting and the least time off from the regular working shift, unless otherwise mutually agreed.

(c) If the employee on the third working day prior to the day of election, knows or has reason to believe that time off will be necessary to be able to vote on election day, the employee shall give the employer at least two working days' notice that time off for voting is desired, in accordance with this section.

14001. Not less than 10 days before every statewide election, every employer shall keep posted conspicuously at the place of work, if practicable, or elsewhere where it can be seen as employees come or go to their place of work, a notice setting forth the provisions of Section 14000.

14002. Sections 14000 and 14001 shall apply to all public agencies and the employees thereof, as well as to employers and employees in private industry.

14003. Except in time of war or public danger, no voter is obliged to perform militia duty on any election day.

## CHAPTER 2. PRECINCT SUPPLIES

14100. The county elections official, in providing the materials required by this division, shall not be required to utilize the services of the county purchasing agent.

14101. (a) On or before the first day of January of each even-numbered year, the Secretary of State and the Attorney General shall prepare a brief digest containing the substance of those provisions of this code and of other statutes that pertain to the duties of precinct officers during the casting and the canvassing of the vote. This digest shall contain in each case a reference to the section of this code or other statute, by reference to which further examination of its provisions may be made.

(b) Immediately upon the completion of the digest set forth in subdivision (a), the Secretary of State shall send a copy to each county elections official.

14102. (a) (1) For each statewide election, the elections official shall provide a sufficient number of official ballots in each precinct to reasonably meet the needs of the voters in that precinct on election day using the precinct's voter turnout history as the criterion, but in no case shall this number be less than 75 percent of registered voters in the precinct, and for absentee and emergency purposes shall provide the additional number of ballots that may be necessary.

(2) The number of party ballots to be furnished to any precinct for a primary election shall be computed from the number of voters registered in that precinct as intending to affiliate with a party, and the number of nonpartisan ballots to be furnished to any precinct shall be computed from the number of voters registered in that precinct without statement of intention to affiliate with any of the parties participating in the primary election.

(b) For all other elections, the elections official shall provide a sufficient number of official ballots in each precinct to reasonably meet the needs of the voters in that precinct on

election day, using the precinct's voter turnout history as the criterion, but in no case shall this number be less than 75 percent of the number of registered voters in the precinct, and for absentee and emergency purposes shall provide the additional number of ballots that may be necessary.

14103. Before the opening of the polls at any election, the elections official shall cause to be delivered to the precinct board in each precinct in which the election is to be held, the proper number of ballots of the kinds to be used in that precinct. The ballots shall be delivered in sealed packages with marks on the outside clearly designating the precinct or polling place for which they are intended, and the number of ballots enclosed.

14104. The elections official shall prepare a receipt for each polling place, enumerating the packages and stating the date of delivery to the precinct board member. The precinct board member shall sign the receipt upon receipt of the packages. The signed receipt shall be returned to the elections official. Messengers may be employed to insure the safe and expeditious delivery of the ballots. The elections official shall fix a reasonable compensation for the services of these messengers, to be paid in the same manner as other election expenses.

14105. The elections official shall furnish to the precinct officers all of the following:

- (a) Printed copies of the indexes.
- (b) Necessary printed blanks for the roster, tally sheets, lists of voters, declarations, and returns.
- (c) Envelopes in which to enclose returns.
- (d) Not less than six nor more than 12 instruction cards to each precinct for the guidance of voters in obtaining and marking their ballots. On each card shall be printed necessary instructions and the provisions of Sections 14225, 14279, 14280, 14287, 14291, 14295, 15051, 15054, 15055, 15059, 15060, 15061, 18370, 18380, 18403, 18563, and 18569.
- (e) A digest of the election laws with any further instructions the county elections official may desire to make.
- (f) An American flag of sufficient size to adequately assist the voter in identifying the polling place. The flag is to be erected at or near the polling place on election day.
- (g) A ballot container, properly marked on the outside indicating its contents.
- (h) When it is necessary to supply additional ballot containers, these additional containers shall also be marked on the outside, indicating their contents.
- (i) Sufficient ink pads and stamps for each booth. The stamps shall be one solid piece and shall be made so that a cross (+) may be made with either end. If ballots are to be counted by vote tabulating equipment, an adequate supply of other approved voting devices shall be furnished. All voting stamps or voting devices shall be maintained in good usable condition.
- (j) When a candidate or candidates have qualified to have his or her or their names counted pursuant to Chapter 7 (commencing with Section 15350) of Division 15, a sufficient number of ink pens or pencils in the voting booths for the purpose of writing in on the ballot the name of the candidate or candidates.
- (k) A sufficient number of cards to each polling place containing the telephone number of the office to which a voter may call to obtain information about his or her precinct

location. The card shall state that the voter may call collect during polling hours.

(l) An identifying badge or insignia for each member of the precinct board. The member shall print his or her name and the precinct number thereon and shall wear the badge or insignia at all times in the performance of duties, so as to be readily identified as a member of the precinct board by all persons entering the polling place.

(m) Facsimile copies of the ballot containing ballot measures and ballot instructions printed in Spanish or other languages as provided in Section 14201.

(n) Sufficient copies of the notices to be posted on the indexes used at the polls. The notice shall read as follows: "This index shall not be marked in any manner except by a member of the precinct board acting pursuant to Section 14297 of the Elections Code. Any person who removes, tears, marks, or otherwise defaces this index with the intent to falsify or prevent others from readily ascertaining the name, address, or political affiliation of any voter, or the fact that a voter has or has not voted, is guilty of a misdemeanor."

(o) A roster of voters for each precinct in the form prescribed in Section 14107.

(p) In addition, the elections official may, with the approval of the board of supervisors, furnish the original books of affidavits of registration or other material necessary to verify signatures to the precinct officers.

This section shall become operative on January 1, 1990.

14106. In addition to the materials required by Section 14105, the elections official shall provide signs, or materials for making signs, advising voters that an election has been canceled pursuant to Section 8026 due to the death of the candidate-incumbent and that a special election will be held to fill the vacancy.

14107. (a) The roster to be kept by each precinct board shall be substantially in the following form:

Roster

of the \_\_\_ election held in the \_\_\_ precinct \_\_\_ district,  
County of \_\_\_, on the \_\_\_ day of \_\_\_, 19\_\_.

Following are the voters of above precinct desiring to vote

under Sections 14216, 14218, 14278, and 14284 of the Elections Code:

\_\_\_\_\_

-----

voter	No.	Signature of voter	Residence of
	1	_____	
	2	_____	
	3	_____	
	etc.	_____	

We hereby certify that all voters whose signatures appear hereinbefore in this roster voted this day excepting the following who, after signing the roster, failed to vote or were challenged and denied the right to vote.

No.	Name	No.	Name
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

We further certify that the number of voters who voted in this precinct at this election is \_\_\_\_\_, and that the above list of voters, less those who did not vote as enumerated, constitutes the roster of this precinct for this election.

We further certify that the total number of official ballots received, voted, rejected, spoiled and canceled, found in the ballot container and the number accounted for is as indicated on the ballot statement.

We further certify that the assisted voters list and challenge list show a complete list of all voters assisted or challenged.

\_\_\_\_\_  
 \_\_\_\_\_ Clerk  
 Inspector

\_\_\_\_\_  
 \_\_\_\_\_ Clerk  
 Judge

\_\_\_\_\_  
 \_\_\_\_\_ Clerk  
 Judge

All members of the precinct board shall sign this certificate.

(b) When votes are counted at the precinct, all members of the board shall also sign the certificate of performance prescribed in Section 15063.

14108. In addition to the provisions contained in Section 14107, the roster shall contain, in no less than 6-point type at the head of each page, the following words: "WARNING: It is a crime punishable by imprisonment in the state prison or in county jail for anyone to fraudulently vote, fraudulently attempt to vote, vote more than once, attempt to vote more than once, impersonate a voter, or attempt to impersonate a voter (Elections Code Sec. 18560)."

14109. Notwithstanding Sections 14105 and 14107, the roster to be kept by each precinct board may be in a form of an index to the affidavits of registration for that precinct, in which case the index shall provide space of sufficient size to allow each voter to sign his or her name pursuant to Section 14216.

14110. All officers required by law to designate polling places shall furnish the polling places with a sufficient number

persons in the city, each of whom possesses all the qualifications mentioned in the body of the petition. The petition shall be verified by at least two of the signers, that, of their own knowledge, the petition is true, and that all the signers are qualified.

10303. Upon the presentation of the petition to the Governor, he or she shall either act upon it or require additional evidence of the matters set forth in the petition. Upon being satisfied of the truth of the matters set forth in the petition, the Governor shall appoint three persons as commissioners of election for that city. The commission shall be known as the board of election commissioners for (here give name of the city).

10304. The Governor shall issue a commission to the commissioners, and the issuance of the commission shall be conclusive evidence of the regularity of all the proceedings to and including the appointment of the commissioners. Within 10 days after their appointment, the commissioners shall take the constitutional oath of office before some officer authorized to administer oaths. The oath shall be indorsed upon the commission, and a copy filed in the office of the Secretary of State. The commission shall organize by the election of a president and secretary from their own members. The commission shall keep minutes of all its proceedings, which minutes shall be signed at the close of each meeting by the president and secretary.

10305. The commissioners may, by an order entered in their minutes, call an election for the officers required by the charter of the city, to be elected only by the voters in the city. The order shall specify the names of the offices to be filled and the date of the election. When any office is to be filled by an election in any ward or subdivision of the city, the order shall so state.

10306. Prior to the election, the commission shall appoint precinct boards and fix the places of holding the election, as required in the city charter. The commission shall cause notice of the election to be published in one or more newspapers published in the city, or if none is published therein, then by posting notices for at least 20 days before election. The election shall be conducted as required by the city charter for the election of officers, except that it shall not be necessary to use printed registers. If a voter is challenged on the ground that his or her name does not appear on the register of the county, it shall be sufficient for him or her to state, under oath, that he or she believes his or her name is upon the register, and if no other evidence is offered, the precinct board shall accept that statement as true.

10307. Except that the returns shall be returned and delivered to the commission, the precinct boards shall make return of the election as required in the charter of all officers voted for at the election, without reference to whether they were voted for in the whole or only a ward or subdivision of the city. A member of a precinct board shall not issue a certificate of election.

10308. Within five days after the election, the commissioners shall canvass the returns and declare which persons were elected. The commission shall issue certificates of election to the persons so declared to be elected. The certificates shall be signed by all the commissioners, and shall be conclusive evidence of the regularity of all the proceedings

of places, booths, or compartments, at or in which voters may conveniently mark their ballots, so that they may be screened from the observation of others. Each place, compartment, or booth shall be so adjusted as to conceal from any observation the voter's marking of the ballot. The number of voting booths or compartments shall be determined by the officer conducting the election.

This section shall become operative on January 1, 1990.

14111. Translations of the ballot measures and ballot instructions, as required by Section 14201, shall be provided by a person selected by the elections official from the list of approved translators and interpreters of the superior court of the county or from an institution accredited by the Western Association of Schools and Colleges.

14112. All voting equipment shall be transferred to the polling places in charge of an authorized official, who shall certify to their delivery in good order.

14113. Ballots and other election supplies appropriate to the system shall be furnished as provided for other precincts except that:

(a) No rubber stamps or ink pads shall be supplied when only ballots to be punched are used.

(b) Ballots shall be suitable to be punched or slotted in the marking device and subsequently counted on an approved mechanical or electronic counting device.

(c) The containers of the ballots shall be of a type so that they will adequately protect the ballots and that they can be opened without mutilation.

### CHAPTER 3. PROCEDURES AT POLLS

#### Article 1. Election Day Posting Requirements

14200. On the day of an election, the precinct board shall post at least one instruction card in each booth or compartment provided for the preparation of ballots, and not less than three instruction cards at other places in and about the polling place.

14201. (a) (1) The precinct board shall post, in a conspicuous location in the polling place, at least one facsimile copy of the ballot with the ballot measures and ballot instructions printed in Spanish. Facsimile ballots shall also be printed in other languages and posted in the same manner if a significant and substantial need is found by the elections official.

(2) In those counties which are required under the provisions of the federal Voting Rights Act of 1965, as extended by Public Law 94-73, to furnish ballots in other than the English language, the posting of the facsimile ballot in that particular language shall not be required.

(3) This subdivision shall remain in effect until the Secretary of State makes the determinations and findings required by this section.

(b) In counties where the Secretary of State has determined that it is appropriate, each precinct board shall post, in a conspicuous location in the polling place, at least one facsimile copy of the ballot with the ballot measures and ballot instructions printed in Spanish. If the Secretary of State determines that it is appropriate to post the election materials in Spanish in only certain precincts in the county, the material shall be posted in the polling places situated in those

precincts. Facsimile ballots shall also be printed in other languages and posted in the same manner if a significant and substantial need is found by the Secretary of State.

(c) In determining whether it is appropriate to post the election materials in Spanish or other languages, the Secretary of State shall determine the number of residents of voting age in each county and precinct who are members of a single language minority, and who lack sufficient skills in English to vote without assistance. If the number of these residents equals 3 percent or more of the voting age residents of a particular county or precinct, or in the event that interested citizens or organizations provide the Secretary of State with information which gives the Secretary of State sufficient reason to believe a need for the furnishing of facsimile ballots, the Secretary of State shall find a need to post at least one facsimile copy of the ballot with the ballot measures and ballot instructions printed in Spanish or other applicable language in the affected polling places.

(d) The Secretary of State shall make the determinations and findings set forth in subdivisions (b) and (c) by January 1 of each year in which the Governor is elected.

(e) In those precincts where ballots printed in a language other than English are available for use by the voters at the polls, the posting of a facsimile ballot in that particular language shall not be required.

(f) It is the intent of the Legislature that non-English-speaking citizens, like all other citizens, should be encouraged to vote. Therefore, appropriate efforts should be made on a statewide basis to minimize obstacles to voting by citizens who lack sufficient skill in English to vote without assistance.

14202. (a) Before opening the polls, the precinct board shall post in separate, convenient places at or near the polling place, and of easy access to the voters, not less than two of the copies of the index to the affidavits of registration for that precinct.

(b) In any county in which tabulating equipment is used to produce the index of registration, the copies of the index posted pursuant to this section shall be by street addresses in numerical order, unless otherwise provided by Section 2192.

14203. The precinct officer shall post the signs required by Section 14106 in plain view within each voting booth or compartment whenever an election has been canceled pursuant to Section 8026.

## Article 2. Election Day Procedures

14210. The members of each precinct board shall distribute the duties devolving upon the precinct board, which are in addition to their individual duties, in a manner they deem most advantageous.

14211. The polling places shall be arranged so that neither the ballot containers nor the voting booths or compartments shall be hidden from the view of those present.

14212. The polls shall be open at 7 a.m. of the day of any election, and shall be kept open until 8 p.m. of the same day, when the polls shall be closed, except as provided in Section 14401.

14213. Before the precinct board receives any ballots, it shall proclaim aloud at the place of election that the polls are



open.

14214. Voting shall commence as soon as the polls are opened and shall be continued during the time the polls remain open.

14215. Before receiving any ballots, the precinct board, in the presence of any persons assembled at the polling place, shall open and exhibit and close the ballot container or containers. Thereafter, the ballot container or containers shall not be removed from the polling place or presence of the bystanders until all the ballots are counted, nor opened until after the polls are finally closed.

14216. Any person desiring to vote shall announce his or her name and address in an audible tone of voice, and when one of the precinct officers finds the name in the index, the officer shall in a like manner repeat the name and address. The voter shall then write his or her name and residence address or, if the voter is unable to write, shall have the name and residence address written by another person on a roster of voters provided for that purpose, whereupon a challenge may be interposed as provided in this article.

14217. (a) If the precinct board is unable to find a voter's name upon the index of registration and is unable to call the elections official's office on behalf of the voter, the precinct board shall furnish the voter a copy of the card containing the telephone number of the elections official and direct the voter to the nearest telephone.

(b) The elections official shall assign a sufficient number of qualified persons in the elections official's office who shall receive and answer the telephone calls.

14218. If the surname of any person offering to vote has been changed since the person has registered, the person shall sign his or her name as it was before the change and also the appropriate name as it is at the time the person votes, indicating on the roster on the same line by brackets or other means that the two names are the name of one person.

14219. The precinct board shall provide, upon request, to any voter for use in the voting booth or compartment, a copy of the facsimile ballot containing ballot measures and instructions printed in Spanish or in other languages, as required by Section 14201, unless sample ballots and ballots for voting are already being provided in that language under the federal Voting Rights Act of 1965, as amended by Public Law 94-73.

14220. At any election, a majority of the members of any precinct board shall be present at the polling place at all times while the polling place is open.

14221. Only voters engaged in receiving, preparing, or depositing their ballots and persons authorized by the precinct board to keep order and enforce the law may be permitted to be within the voting booth area before the closing of the polls.

14222. Nothing contained in this code shall prevent a voter from being accompanied by a child or children who are under the age of 13 years while the voter is within the voting booth area, provided that: (a) the child or children are under the voter's care, and (b) the voter is unable to find an alternative method of temporary care for the child or children during the time that the voter is voting.

14223. (a) Only members of the precinct board, and persons while signing their names on the roster, shall be permitted, during the hours within which voting is in progress, to sit at the desk or table used by the precinct board.

(b) Any person may inspect the roster while voting is in progress and while votes are being counted. However, this shall not be done at a time or in a manner which will impede, interfere, or interrupt the normal process of voting.

14224. Except as provided in Section 14222, voting booths or compartments shall not be occupied by more than one person at a time, unless the voter is eligible under the assisted-voter provisions. Voters shall not remain in or occupy the booths or compartments longer than is necessary to mark their ballots, which shall not exceed 10 minutes. However, where no other voter would be inconvenienced, a longer period shall be allowed.

14225. Members of the precinct board shall not deposit in the ballot container any ballot from which the slip containing the number of the ballot has not been removed by a member of the precinct board and handed to the voter. This section does not apply to voting by absent voter ballot.

14226. A place where the primary purpose of the establishment is the sale and dispensation of alcoholic beverages shall not be used as a polling place. A polling place shall not be connected by a door, window, or other opening with any place where any alcoholic beverage is sold or dispensed while the polls are open.

14227. Any member of the precinct board, when using a language other than English at the polls, shall communicate with voters in that language only as he or she would be lawfully permitted to communicate in English under the code. The member shall be subject to like penalty for any illegal communication as if it had occurred in English.

### Article 3. Challenging a Voter

14240. (a) A person offering to vote may be orally challenged within the polling place only by a member of the precinct board upon any or all of the following grounds:

- (1) That the voter is not the person whose name appears on the index.
- (2) That the voter is not a resident of the precinct.
- (3) That the voter is not a citizen of the United States.
- (4) That the voter has voted that day.
- (5) That the voter is presently on parole for the conviction of a felony.

(b) On the day of the election no person, other than a member of a precinct board or other official responsible for the conduct of the election, shall challenge or question any voter concerning the voter's qualifications to vote.

(c) If any member of a precinct board receives, by mail or otherwise, any document or list concerning the residence or other voting qualifications of any person or persons, with the express or implied suggestion, request, or demand that the person or persons be challenged, the board member shall first determine whether the document or list contains or is accompanied by evidence constituting probable cause to justify or substantiate a challenge. In any case, before making any use whatever of such a list or document, the member of the precinct board shall immediately contact the elections official, charged with the duty of conducting the election, and describe the contents of the document or list and the evidence, if any, received bearing on voting qualifications. The elections official shall advise the members of the precinct board as to

the sufficiency of probable cause for instituting and substantiating the challenge and as to the law as herein provided, relating to hearings and procedures for challenges by members of the precinct board and determination thereof by a precinct board. The elections official may, if necessary, designate a deputy to receive and answer inquiries from precinct board members as herein provided.

14241. A piece of mailed matter returned undelivered by the post office shall not be accepted or used as evidence upon which to initiate a challenge as to residency by any member of the precinct board unless other evidence or testimony is also presented, nor shall the mailed matter, standing alone without other evidence or testimony, be accepted as evidence by the precinct board in determining a challenge.

14242. The ground for challenge set forth in paragraph (2) of subdivision (a) of Section 14240 shall not apply to any person duly registered as a voter in any precinct in California and moving from that precinct within 28 days prior to an election.

14243. If the challenge is on the ground that the person seeking to vote is not the person whose name appears on the index, a member of the precinct board shall tender the following oath: "You do swear (or affirm) that you are the person whose name is entered on the index."

14244. If the challenge is on the ground that the person seeking to vote is not a resident of the precinct, the person challenged shall be sworn to answer questions, and after having been sworn, a member of the precinct board shall ask that person: "Are you a resident of this precinct?" If the answer to the question is "Yes," without significant qualification, no other questions shall be asked.

14245. If the challenge is on the ground that the person challenged has already cast a ballot for this election, a member of the precinct board shall tender to the person challenged this oath:

"You do swear (or affirm) that you have not previously voted in this election, either by absentee ballot or at a polling place."

14246. If the challenge is on the ground either that the person challenged is not the person whose name appears on the index, or that he or she has voted that day, the challenge shall be determined in favor of the person challenged if that person takes the oath as set forth either in Section 14243 or 14245.

14247. Challenges of voters that they are not residents of the precinct or citizens of the United States shall be tried and determined by the precinct board at the time of the challenge. The precinct board may, at its discretion, also request any other person, present in the polling place to be sworn and answer questions, whom the board believes may have knowledge or information concerning the facts of the challenge.

14248. Before administering an oath to a person regarding his or her place of residence, a member of the precinct board shall read to the person challenged, the rules prescribed by Section 14249 and Article 2 (commencing with Section 2020) of Chapter 1 of Division 2.

14249. If any person challenged refuses to take the oaths tendered, or refuses to be sworn and to answer the questions concerning the matter of residence, that person shall not be allowed to vote.

14250. The precinct board, in determining the place of residence of any person, shall be governed by the rules set forth in Article 2 (commencing with Section 2020) of Chapter 1 of Division 2.

14251. Any doubt in the interpretation of the law shall be resolved in favor of the challenged voter.

14252. The precinct board shall compile a list showing all of the following:

(a) The name and address of each person challenged.

(b) The name, address, and any other identification as a voter, of each person offering information concerning any person's qualifications to vote, or testifying pursuant to Section 14247, together with the name and address and any other identification of the person about whom the information or testimony is given.

(c) The grounds of each challenge.

(d) The determination of the board upon the challenge, together with any written evidence pertaining thereto.

(e) If evidence has been presented to the board requesting challenges, the evidence shall be returned to the elections official responsible for the conduct of the election.

14253. In the event that the precinct board determines that persistent challenging of voters is resulting in a delay of voting sufficient to cause voters to forego voting because of insufficient time or for fear of unwarranted intimidation, the board shall discontinue all challenges, and so note on the roster.

#### Article 4. Issuing Ballots and Voting

14270. The procedure at the polls where voting is conducted pursuant to this division shall be the same as at other polling places, except as provided in this article.

14271. After the opening of the polls, the precinct board shall not allow any voter to enter the voting booth until it ascertains that he or she is entitled to vote.

14272. Before each voter enters the voting booth, the precinct board shall inform him or her how to operate the voting device. If a marking or punching device is used, the voter shall be instructed to use only that device. The voter shall also be instructed how to fold the ballot and place it in the envelope. If any voter, after entering the booth, asks for information regarding the operation of the machine or device, the precinct board shall give him or her the information.

14273. The device for marking the ballot may be handed to the voter with his or her ballot before the voter goes into the voting booth, and shall be returned to the precinct board after he or she has finished marking his or her ballot.

14274. In any election where ballots are to be counted both manually and by electromechanical tabulating devices, the marking device used for marking ballots to be counted electromechanically may be used for marking ballots to be counted manually.

14275. Before leaving the voting booth or compartment, the voter shall fold or place the ballot card in the envelope so that the ballot markings of the voter will not be exposed, and the ballot stub will be outside of the envelope or other container, to be removed by the precinct board.

14276. After his or her ballot is marked, a voter shall not show it to any person in such a way as to reveal its contents.

14277. The voter shall hand the folded ballot or the envelope containing the ballot to a precinct board member, who shall remove the ballot stub, hand it to the voter, and deposit the ballot in the ballot container. If the ballot is to be transferred from the envelope to the ballot container, care shall be taken not to disclose the markings of the voter on the ballot.

14278. The precinct board shall give each voter only one ballot, as provided in Section 13102.

14279. Unless otherwise provided by law, no person shall apply for or receive any ballot at any precinct other than that in which the voter is entitled to vote.

14280. Unless otherwise provided by law, a voter shall not receive a ballot from any person other than one of the precinct officers. No person other than a precinct officer or officer authorized by law shall deliver a ballot to any voter.

14281. On receiving a ballot, the voter shall forthwith retire alone to one of the booths or compartments provided, and mark the ballot, unless Section 14222 or 14224 is applicable.

14282. (a) When a voter declares under oath, administered by any member of the precinct board at the time the voter appears at the polling place to vote, that the voter is then unable to mark a ballot, the voter shall receive the assistance of not more than two persons selected by the voter, other than the voter's employer, an agent of the voter's employer, or an officer or agent of the union of which the voter is a member.

(b) No person assisting a voter shall divulge any information regarding the marking of the ballot.

(c) In those polling places that are inaccessible under the guidelines promulgated by the Secretary of State for accessibility by the physically handicapped, a physically handicapped person may appear outside the polling place and vote a regular ballot. The person may vote the ballot in a place that is as near as possible to the polling place and that is accessible to the physically handicapped. A precinct board member shall take a regular ballot to that person, qualify that person to vote, and return the voted ballot to the polling place. In those precincts in which it is impractical to vote a regular ballot outside the polling place, absentee ballots shall be provided in sufficient numbers to accommodate physically handicapped persons who present themselves on election day. The absentee ballot shall be presented to and voted by a physically handicapped person in the same manner as a regular ballot may be voted by that person outside the polling place.

14283. The precinct officers shall keep a list of the voters who have been assisted in marking their ballots. The list of assisted voters shall be returned to the elections official and preserved with other election materials and records.

14284. (a) All ballots, except absent voter ballots, shall be marked only with the marking device provided by law.

(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.

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.

14286. When a measure is submitted to the voters, the voter shall place a mark on the ballot in the appropriate space opposite the answer the voter desires to give as to that measure. The voter, in marking the ballot, shall use the marking device provided.

14287. No voter shall place any mark upon a ballot that will make that ballot identifiable.

14288. If a voter spoils or defaces a ballot, the voter shall at once return it to the ballot clerk and receive another ballot. A voter shall not receive more than a total of three ballots, including his or her original ballot, in this manner.

14289. If a voter spoils or defaces a ballot, he or she shall at once return it to the ballot clerk and receive another.

A voter shall not receive more than a total of three ballots, including his or her original ballot, in this manner.

14290. The precinct board shall immediately cancel, without unfolding them, all the spoiled ballots returned. The board shall write the word "spoiled" on the back of each spoiled ballot in ink or indelible pencil and return the spoiled ballots with the unused ballots.

14291. After the ballot is marked, a voter shall not show it to any person in such a way as to reveal its contents.

14292. Before leaving the voting booth or compartment, the voter shall fold the ballot according to the instructions on it, so that the marks on its face are not visible and only the number on the ballot and the top margin are exposed.

14293. Having folded the ballot, the voter shall deliver it folded to a member of the precinct board, who shall then separate the slip containing the number from the ballot, hand the slip to the voter, and deposit the ballot in the ballot box in the presence of the voter.

14294. At all elections, a member of the precinct board shall mark, on one of the copies of the index posted at or near the polling place, the name of each person who has voted, by drawing a line through the name of the voter, with a pen or indelible pencil. The board member shall mark off the names at least once each hour, to and including 6 p.m. In all counties not using the index roster, the board member shall draw a line under the last name signed in the roster at 6 p.m. or at the time of discontinuation of this procedure, whichever occurs last.

14295. No voter shall deliver to any member of the precinct board any ballot other than the one received from the board member.

14296. Any voter who does not vote the ballot he or she has received, shall, before leaving the polling place, return it to the board member having charge of the ballots, who shall immediately cancel it. All canceled ballots shall be returned to the ballot clerk in the same manner as spoiled ballots.

14297. No later than the time at which the voter delivers the voted ballot, a precinct board member in charge of the index shall write in the space opposite the name of the voter the line number designating the position of the name on the roster. In those counties using the combined index roster, the voter's name shall be crossed off of the index in lieu of numbering.

14298. (a) The precinct board shall maintain the copies of

the index posted during the whole time of voting. These copies shall not be marked in any manner except by a member of the precinct board acting pursuant to Section 14294.

(b) A member of the precinct board shall post a notice on each index which reads as follows: "This index shall not be marked in any manner except by a member of the precinct board acting pursuant to Section 14294. Any person who removes, tears, marks, or otherwise defaces this index with the intent to falsify or prevent others from readily ascertaining the name, address, or political affiliation of any voter, or the fact that a voter has or has not voted, is guilty of a misdemeanor."

14299. If a precinct board is unable to furnish a ballot to a qualified voter, because there is an insufficient number of ballots at the precinct, the elections official shall deliver to the precinct additional ballots to ensure that all eligible voters can cast their ballots by 10 p.m. on election day.

#### Article 5. Provisional Voting

14310. (a) At all elections, a voter claiming to be properly registered, and whose qualification or entitlement to vote cannot be immediately established upon examination of the index of registration for the precinct or upon examination of the records on file with the county elections official, shall be entitled to vote a provisional ballot.

(b) Once voted, the voter's ballot shall be sealed in a provisional ballot envelope, and the ballot in its envelope shall be deposited in the ballot box. All provisional ballots voted shall remain sealed in their envelopes for return to the elections official in accordance with the elections official's instructions. The provisional ballot envelopes specified in this subdivision shall be a color different than the color of, but printed substantially similar to, the envelopes used for absentee ballots, and shall be completed in the same manner as absentee envelopes.

(c) (1) During the official canvass, the elections official shall examine the records with respect to all provisional ballots cast.

(2) Provisional ballots shall not be included in any semiofficial or official canvass, except upon: (A) the elections official's establishing prior to the completion of the official canvass, from the records in his or her office, the claimant's right to vote; or (B) the order of a superior court in the county of the voter's residence. A voter may seek the court order specified in this section regarding his or her own ballot at any time prior to completion of the official canvass. Any judicial action or appeal shall have priority over all other civil matters.

(3) A precinct board member shall notify the voter of the contents of this subdivision at the time of receiving the provisional ballots.

(d) The Secretary of State may adopt appropriate regulations for purposes of ensuring the uniform application of this section.

(e) This section shall not apply to the situation described in Section 2227. This section shall apply to any absent voter described by Section 3015 who is unable to surrender his or her unvoted absent voter's ballot.

(f) Any existing supply of envelopes marked "special challenged ballot" may be used until the supply is exhausted.

## Article 6. Write-in Voting

14320. Nothing contained in this code shall prevent a voter from using an ink pen or pencil for the purpose of writing in on the ballot the name of any candidate the voter desires.

14321. When marking a ballot, the voter shall use the stamp or other marking device to place a mark in the voting square, rectangle, or other specific voting space following the name of every candidate for whom the voter intends to vote. This mark shall be counted as a vote for that person. A vote for a candidate or person whose name is not printed on the ballot may be cast by writing in a name for that office in the blank space left for that purpose. Only a vote cast for a qualified write-in candidate shall be counted.

## CHAPTER 4. CLOSING OF THE POLLS

## Article 1. General Provisions

14400. At any election, all members of the precinct board shall be present at the closing of the polls.

14401. When the polls are closed, the precinct board shall proclaim that fact aloud at the place of election. After the proclamation no ballot shall be received. However, if at the hour of closing there are any other voters in the polling place, or in line at the door, who are qualified to vote and have not been able to do so since appearing, the polls shall be kept open a sufficient time to enable them to vote.

14402. Any one who arrives at the polling place after the time provided for closing the polls shall not be entitled to vote, even though the polls are open when the voter arrives.

14403. Immediately upon the closing of the polls and before any ballot is taken from any of the ballot containers, the precinct board member shall, in the presence of all persons in the room who may desire to observe them, proceed to deface every unused ballot by drawing across its face, in ink or indelible pencil, two lines which shall cross each other, the cross to be more than three inches square. The precinct board member shall thereupon, immediately and before any ballots are taken from any ballot container, place all defaced ballots within an envelope or other receptacle provided for that purpose.

14404. (a) In lieu of the procedure outlined in Section 14403, the unused ballots may be defaced by tearing or cutting in such a manner that it is apparent that the ballot has been intentionally destroyed to prevent its use. If the alternate method of destruction is used, it will be done in such a manner that the serial number of the ballots is retained for the purposes of reconciliation.

(b) In lieu of the procedure outlined in subdivision (a), the precinct board member shall, immediately upon the close of the polls and before any ballot is taken from any of the containers, place all of the unused ballots into a special container provided for that purpose. A tamperproof seal containing spaces for entering the total number of unused ballots enclosed, the beginning and ending serial numbers thereof, and signature lines for all members of the precinct board following a statement certifying that all of the ballots were placed in the container in their presence and the information on the seal is true and correct, shall be provided. After signing the seal, it shall be placed on the container in a manner so that the container



cannot be opened without tearing the seal.

14405. (a) The members of the precinct board shall account for the ballots delivered to them by returning a sufficient number of unused ballots to make up, when added to the number of official ballots cast and the number of spoiled and canceled ballots returned, the number of ballots given to them. The officers receiving returned ballots shall compel this accounting.

(b) The precinct board shall complete the roster as required in Section 14107, and shall also complete and sign the certificate of performance prescribed in Section 15063, if that section applies.

14406. (a) Immediately upon the arrival of the hour when the polls are required by law to be closed on election day, the elections official conducting the election, shall openly, in the elections official's main office, in the presence of any persons who are present to observe, according to the procedure set forth in either Section 14403 or 14404, proceed to deface every unused ballot remaining in the control of the elections official. The elections official shall forthwith make and file an affidavit, in writing, as to the number of ballots destroyed.

(b) In lieu of the procedure provided for in subdivision (a), the elections official may follow the procedure set forth in subdivision (b) of Section 14404, except that the tamperproof seal shall be signed by the elections official and at least one deputy or assistant elections official or registrar. The sealed container shall then be placed, with the sealed containers containing unused ballots from the precincts, in a security area by the elections official until disposition is made pursuant to Section 17301 or 17302.

## Article 2. Elections Using Voting Systems

14420. Any ballot that is torn, bent, or mutilated shall be segregated in the manner directed by the elections official. The ballot shall be placed within the same sealed container as provided for other voted ballots in Section 14423, and shall be delivered with the voted ballots to the counting place, where a duplicate shall be prepared as provided in Section 15270. Any ballot that is marked in a manner so as to identify the voter shall be marked "Void" and shall be placed in the container for void ballots.

14421. (a) As soon as the polls are closed, the precinct board shall remove the voted ballots from the ballot container, and take them out of the envelopes. Where the envelope is also the write-in ballot, and a write-in vote has been registered thereon, the ballot card shall not be separated from the envelope until the validity of the write-in vote has been checked and the used envelope and its related ballot card have been cross-identified pursuant to Section 14422. If two or more separate ballot cards have been used in the election, the precinct board shall sort them into groups, each of which shall contain the same series of ballot cards.

(b) After completing the action described in subdivision (a), the precinct board shall count the number of ballot cards in each group, and certify the number of votes cast on the voting roster as provided by Section 14105. If there is any discrepancy between the number of voters listed in the roster and the number of ballots voted, this fact shall be noted with

an explanation of the difference and signed by all the members of the precinct board.

14422. (a) The precinct board, or if the election official so directs, a board, or boards, at a central counting place, shall examine the ballots and count the votes cast for candidates whose names have been written in. If a separate write-in ballot is used, the board shall number each write-in ballot which contains a write-in vote, starting with the number 1, and the same number shall be placed on the ballot card in the place designated for this purpose. Before any write-in vote is counted, the board shall examine the ballot to ascertain whether the write-in vote is valid, and count it only if it is found to be valid.

(b) Neither a vote registered by punching or slotting, nor a write-in vote, shall be counted if the voter has marked his or her ballot by a combination of punching or slotting the ballot card and writing in a choice of more names than there are candidates to be elected or nominated for any office.

(c) All valid write-in votes shall be tabulated and certified to the elections official on forms provided for this purpose, and the write-in votes shall be added to the results of the count of the ballots at the counting place and be included in the official returns for the precinct.

14423. The precinct board shall group voted ballot cards and voted separate write-in ballots, as directed by the elections official, and place them in containers. The board shall also place spoiled and void ballots and voided write-in ballots, if any, in containers as directed by the elections official. All of these ballots, along with the containers for voted ballot cards, shall be placed in one or more boxes, which shall then be sealed and delivered as soon as possible to the receiving centers or central counting places with the unused ballots, supplies, and other materials as directed by the elections official.

DIVISION 15. CANVASS, RECOUNT, AND TIE VOTE PROCEDURES  
CHAPTER 1. CANVASS OF ABSENTEE BALLOTS

15000. Any county having the necessary computer capability may start to process absent voter ballots on the seventh day prior to the election. This process may be completed to the point of putting the information on computer tape, but under no circumstances shall a vote count be made until 8 p.m. on the day of the election. All other elections officials shall start to process absent voter ballots at 5 p.m. on the day before the election.

Results of any absent voter tabulation or count shall not be released prior to the close of the polls on the day of the election.

15001. The official shall appoint a special counting board or boards in numbers that he or she deems adequate to count the absent voter ballots. The official shall provide for the forms of tally books and the distribution of the duties of the members of the canvassing board.

When the tally is done by hand there shall be no less than four persons for each office or proposition to be counted. One shall read from the ballot, the second shall keep watch for any error or improper vote, and the other two shall keep the tally.

15002. The elections official shall pay a reasonable

compensation to each member of the canvassing board of absent voter ballots. This compensation shall be paid out of the treasury of the agency conducting the election as other claims against it are paid.

15003. Except as otherwise provided, the processing and counting of absent voter ballots and the disposition of challenges of absent voter ballots shall be according to the laws now in force pertaining to the election for which they are cast. Since the voter is not present, the challenger shall have the burden of establishing extraordinary proof of the validity of the challenge at the time the challenge is made.

15004. (a) The opening, processing, and counting of absent voter ballots shall be open to the public, both prior to and after the election.

(b) Any member of the county grand jury, and at least one member each of the Republican county central committee, the Democratic county central committee, and of any other party with a candidate on the ballot, and any other interested organization, shall be permitted to observe and challenge the manner in which the absent voter ballots are processed, from the opening through the counting and disposition of the ballots.

(c) The county elections official shall notify absentee voter observers and the public at least 48 hours in advance of the dates, times, and places where absentee ballots will be opened, processed, and counted.

(d) Absentee voter observers shall be allowed close enough access to enable them to observe and challenge whether those individuals handling absentee ballots are following established procedures, including:

- (1) Verifying signatures and addresses by comparing them to voter registration information.
- (2) Duplicating accurately any damaged or defective ballots.

(3) Securing absentee ballots to prevent any tampering with them before they are counted on election day.

(e) No absentee voter observer shall interfere with the orderly processing and counting of absentee ballots, including touching or handling of the ballots.

15005. Prior to opening the identification envelopes of absent voters, the elections official shall make available a list of absent voters for public inspection, from which challenges may be presented. Challenges may be made for the same reasons as those made against a voter voting at a polling place. In addition a challenge may be entered on the grounds that the ballot was not received within the time provided by this code or that a person is imprisoned for a conviction of a felony. All challenges shall be made prior to the opening of the identification envelope of the challenged absent voter.

15006. If a challenge is overruled, the board shall then open the identification envelope without defacing the affidavit printed on it or mutilating the enclosed ballot and, without unfolding the ballot, remove the number from the ballot, destroy the number slip, and deposit the ballot in the ballot box provided for the purpose.

15007. If a challenge is allowed, the board shall endorse on the face of the identification envelope the cause of the challenge and its action thereon.

15008. Except as otherwise provided in this chapter the counting and canvassing of absentee ballots shall be conducted

in the same manner and under the same regulations as used for ballots cast in a precinct polling place.

15009. Reports to the Secretary of State of the findings of the canvass of absent voter ballots shall be made by the elections official pursuant to Article 1 (commencing with Section 15250) of Chapter 5, and Chapter 6 (commencing with Section 15300).

15010. The elections official shall keep an accurate list of all voters who have received and voted an absent voter ballot at each election and compare this list with the roster of voters as provided in Section 2207.

15011. When elections are consolidated pursuant to Division 10 (commencing with Section 10000), and only one form of ballot is used at the consolidated election, the ballots cast by absent voters shall be counted only in connection with elections to which absent voter privileges have been extended by law.

Whenever the period of time within which absent voters' ballots must be received by the elections official in order to be counted, as provided for any election by this code or any other law of this state, is different from that period of time provided for another election, and the elections are consolidated and only one form of ballot used for both elections, all absent voters' ballots issued for the consolidated election may be counted for both elections if received by the elections official within whichever period of time that is the longer.

## CHAPTER 2. VOTE COUNT IN THE PRECINCT

### Article 1. General Provisions

15050. This chapter applies to all elections, except elections for which specific provision otherwise is made by law.

15051. As soon as the polls are finally closed, the precinct board shall commence to count the votes by taking the ballots cast, unopened, out of the box and counting them to ascertain whether the number of ballots corresponds with the number of signatures on the roster.

15052. The precinct board shall make a record upon the roster of the number of ballots in the ballot box, the number of signatures on the roster, and the difference, if any.

15053. Neither the elections official, any member of a precinct board, nor any other person shall count any votes, either for a ballot proposition or candidate, until the close of the polls in that county. After that time, the ballots for all candidates and ballot propositions voted upon solely within the county shall be counted and the results of the balloting made public. However, the results for any candidate or ballot proposition also voted upon in another county or counties shall not be made public until after all the polls in that county and such other county or counties have closed. This paragraph shall apply regardless of whether the counting is done by manual tabulation or by a vote tabulating device.

In any county in which a voting machine is used, there shall be no reading or observation of counters until the close of the polls in that county.

15054. The count shall be public and shall be continued without adjournment until completed and the result is declared. During the reading and tallying, the ballot read and the tally sheet kept shall be within the clear view of watchers.

15055. Unless otherwise provided in this code, the precinct board members shall not constitute themselves into separate squads in an attempt to conduct more than one count of the ballots at the same time.

15056. The members of the precinct board may relieve each other in the duties of counting ballots.

15057. (a) The count shall be conducted by at least four members of the precinct board. All ballots shall be unfolded and examined for irregularities. Any ballot that is not marked as provided by law or that is marked or signed by the voter so that it can be identified by others shall be rejected.

(b) The following shall not render a ballot invalid:

(1) Soiled or defaced.

(2) Two or more impressions of the voting stamp in one voting square.

(c) If a voter indicates either by a combination of both stamping and writing in, a choice of more names than there are candidates to be elected or nominated for any office, or if for any reason the choice of the voter is impossible to determine, the vote for that office shall not be counted, but the remainder of the ballot, if properly marked, shall be counted.

(d) The rejected ballots shall be placed in the package marked for voted ballots or in a separate container as directed by the elections official. All rejected ballots shall have written thereon the cause for rejection and be signed by a majority of the precinct board members.

15058. Those ballots not rejected shall be placed in one pile, and the board shall proceed to count by taking off the vote for one or more offices or measures at a time.

15059. The precinct board members shall ascertain the number of votes cast for each person and for and against each measure in the following manner:

One precinct board member shall read from the ballots. As the ballots are read, at least one other precinct board member shall keep watch of each vote so as to check on any possible error or omission on the part of the officer reading or calling the ballot.

15060. Two of the precinct board members shall each keep a tally sheet in a form prescribed by the elections official. Each tally sheet shall contain:

(a) The name of each candidate being voted for and the specific office for which each candidate is being voted. The offices shall be in the same order as on the ballot.

(b) A list of each measure being voted upon.

(c) Sufficient space to permit the tallying of the full vote cast for each candidate and for and against each measure.

The precinct board members keeping the tally sheets shall record opposite each name or measure, with pen or indelible pencil, the number of votes by tallies as the name of each candidate or measure voted upon is read aloud from the respective ballot.

Immediately upon the completion of the tallies, the precinct board members keeping the tally shall draw two heavy lines in ink or indelible pencil from the last tally mark to the end of the line in which the tallies terminate and initial that line. The total number of votes counted for each candidate and for and against each measure shall be recorded on the tally sheets in words and figures.

15061. No precinct board member shall make any tally of votes in any other manner than is provided in this chapter, nor

in any place other than on the tally sheets provided for that purpose.

15062. The ballots, as soon as all of the names and measures marked on them as voted for are read and tallied, shall not thereafter be examined by any person, but, as soon as all are counted, shall be carefully sealed in a strong envelope. The signatures of each member of the precinct board shall be written across the seal.

15063. The precinct board shall complete, sign, and return to the elections official all furnished forms requiring its signatures.

When votes are counted at the precinct, all members of the precinct board, upon the completion of their duties, shall sign the following certificate of performance, which shall be substantially in the following form:

Certificate of Performance

for \_\_\_\_ precinct, for the \_\_\_\_ election, held on the \_\_\_\_ day of \_\_\_\_, 19\_\_.

We hereby certify that the total number of votes received by each candidate for each office and the total number of votes cast for and against each measure is as indicated on the tally sheets.

We further certify that the results of votes cast forms posted outside the polling place and transmitted to the county elections official show the total number of votes received by each candidate for each office and the total number of votes cast for and against each measure is as indicated.

\_\_\_\_\_  
Inspector  
Clerk

\_\_\_\_\_  
Assistant Inspector  
Clerk

\_\_\_\_\_  
Judge  
Clerk

\_\_\_\_\_  
Judge  
Clerk

15064. The precinct board shall sign and post conspicuously on the outside of the polling place a copy of the result of the votes cast. The copy shall remain posted for a least 48 hours after the official time fixed for the closing of the polls.

Article 2. Return of Supplies to the Clerk

15080. The precinct board, as soon after the polls are closed as it is possible to do so, shall prepare the supplies, including the copies of the index posted at or near the polling place, and records of the election for delivery to the elections official.

15081. The precinct board shall enclose and seal in one or

more packages, as determined by the elections official, the voted, spoiled, canceled and unused ballots.

15082. The precinct board shall enclose and seal in one or two packages, as determined by the elections official:

- (a) Two tally sheets.
- (b) The roster of voters.
- (c) The copy of the index used as the voting record.
- (d) The challenge list.
- (e) The assisted voter's list.

15083. The precinct board shall immediately transmit, unsealed, to the elections official a statement showing the result of the votes cast at the polling place. It shall be open to public inspection.

15084. The sealed packages containing the lists, papers, and ballots shall be delivered by two of its members without delay, unopened, to the elections official or to a receiving station designated by the elections official.

15085. No list, tally, paper, or certificate returned from any election shall be set aside or rejected for want of form, nor because it is not strictly in accordance with this code, if it can be satisfactorily understood.

### Article 3. Snap Tallies

15100. Before any election, the governing body of the jurisdiction holding the election may decide that certain offices or measures to be voted on are of more than ordinary public interest and require an early tabulation and announcement. The decision shall be transmitted to the elections official not less than 30 days before the election.

15101. The elections official shall prepare and forward to each selected precinct forms containing a list of the offices and measures designated as being of more than ordinary interest, and stating the number of ballots to be counted for the snap tally. In each general election, the special form must, for each office listed on it, include the names of all candidates for that office whose names appear on the ballot.

The inspector at each selected precinct shall note the results of the count and the total number of votes cast in the precinct on the snap tally forms as soon as the designated number of ballots has been tallied. The inspector shall then communicate the figures in the manner directed by the elections official. In each general election, the figures must include the votes cast for every candidate whose name appears on the ballot for an office listed on the forms. The inspector shall continue, each time the designated number of ballots have been tallied, to note and report the results as directed.

15102. Upon receipt from the precincts of the reports of votes cast on the specially designated offices and measures, the elections official shall tabulate the results and make the results available to the public. In each general election, all these reports of the election results shall include the votes cast for all candidates whose names appear on the ballot for each office for which returns are reported.

15103. In the event ballots are counted by means of electronic, 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.

#### Article 4. Supplemental Counting Boards

15120. This chapter applies in precincts in which a supplemental counting board has been assigned.

15121. The eight-member board shall be divided into two four-member boards. The inspector shall be in charge of group 1 and the assistant inspector shall be in charge of group 2.

The elections official shall prepare and furnish two tally sheets for each group, each set distinctly marked for that group. Each set shall be designed to permit the tally of approximately one-half of the sum total of candidates or measures appearing on the ballots for the precinct. Candidates and measures shall be listed as provided in Section 15060.

The elections official shall determine the number of ballots to be tallied before the ballots are passed from group 1 to group 2. As soon as the proper number of ballots have been tallied by group 1 for as many offices or measures as provided for in their tally sheets, the inspector shall deliver the tallied ballots to group 2. The ballots, upon being tallied by group 2, shall remain in the possession of the assistant inspector until the count of all ballots by both groups has been completed.

15122. The declaration of results shall be made in the manner provided when a four-member board is utilized.

#### CHAPTER 3. VOTE COUNT IN A CENTRAL PLACE

15150. As soon as the polls are closed, the precinct board shall, in the presence of the public:

- (a) Seal the ballot box and insure that the precinct number is designated on the ballot box.
- (b) Certify, sign and seal the several packages or envelopes as directed by the elections official.
- (c) By not less than two of their number, deliver the ballot box and packages to the elections official at the central counting place in the manner prescribed by the elections official. The ballot box and packages shall remain in their exclusive possession until delivered by the elections official.

15151. A person may be employed to count, tally, and certify the ballots if he or she is not a candidate at the election and if he or she satisfies either of the following requirements:

- (a) Has the qualifications required for a precinct board member.
- (b) Is a deputy or employee of either of the following:
  - (1) The governing board.
  - (2) The elections official.

No person selected to count ballots needs reside in any particular precinct.

15152. The elections official or any deputy authorized by the elections official may excuse or dismiss any person from any counting board and enforce the order.

15153. The elections official or authorized deputy shall segregate the persons employed to count the ballots into counting boards. These counting boards shall be deemed to be precinct boards, and are subject to all laws governing precinct boards where ballots are counted at the polling place.

15154. Each counting board, in the same manner as provided where ballots are counted at the polling place, shall proceed to count and tally the ballots by precincts, separately, under the



direction of the elections official or authorized deputies.

15155. The elections official shall prepare and provide tally sheets. The tally sheets shall be in duplicate, to be kept by two counting board members. There shall be a certificate at the end of the tally sheet to the effect that the foregoing is the correct result of the election in the precinct. The persons who completed the tally sheet and return shall sign the certificate. Upon completion, one copy of the tally sheet shall be sealed in an envelope, which shall be signed across the flap in the manner provided where votes are counted in the precinct. The other tally sheet shall remain open for inspection in the office of the elections official for six months from the date of the election.

15156. The counting of votes shall be in the presence of the public and shall be continuous and without adjournment until completed.

15157. The elections official shall keep the returns in the same manner as if they had been counted at the precinct and returned. The returns shall be securely kept until produced for the official canvass.

#### CHAPTER 4. ELECTION RETURN CENTERS

15200. The governing body of the jurisdiction may establish one or more election return centers for the purpose of facilitating the compilation of election returns and expediting their announcement to the public.

15201. In establishing a return center the governing body may designate a group of precincts which the center shall serve. The election return center may be at any public place as the governing body designates.

15202. Upon receipt of the copies of the result of votes cast from the precinct boards, the elections official shall tabulate, total and make available to the public the results so received as to the offices and measures.

#### CHAPTER 5. SEMIOFFICIAL CANVASS

##### Article 1. General Provisions

15250. For every election the elections official shall conduct a semiofficial canvass by compiling the returns as shown on the result of the votes cast turned in after the precinct boards have completed their count at the polls. The semiofficial canvass shall commence immediately upon the first returns from the precinct and shall continue without adjournment until all precincts are accounted for.

15251. The elections official shall transmit the semiofficial returns to the Secretary of State in the manner and according to the schedule prescribed by the Secretary of State prior to each election, for:

- (a) All candidates voted for statewide office.
- (b) All candidates voted for the following offices:
  - (1) State Assembly.
  - (2) State Senate.
  - (3) Representative in Congress.
  - (4) Member of the State Board of Equalization.
- (c) In presidential years, all persons voted for at the presidential primary or for electors of President and Vice President of the United States, depending on the election involved.

(d) Statewide ballot measures.

The elections official shall transmit the returns to the Secretary of State at intervals no greater than two hours, following commencement of the semiofficial canvass.

## Article 2. Elections Using Voting Systems: Counting Procedures

15260. An elections official may provide that the ballots cast in any precinct for which the system provided for in Article 2 (commencing with Section 12350) of Chapter 4 of Division 12 has been adopted shall be counted at the polls or at a central counting place, or places, as provided in this article.

15261. In the event that paper ballots are used in conjunction with this system, counting shall be as provided in Division 15 (commencing with Section 15000).

15262. If the ballots are to be counted at a central counting place a member of the precinct board shall, following the close of the polls, deliver the ballots, in a sealed container, to the central counting place or a designated receiving station. There may be two or more central counting places.

15263. The ballots may be counted at the polls if a counting or tabulating machine approved therefor pursuant to Article 2 (commencing with Section 12350) of Chapter 4 of Division 12 is available at the polls. In case of an emergency in which it becomes impossible to transport the ballots from the precinct to a central counting place, the election official may direct that the ballots be counted at the precinct. In those cases, counting shall be conducted substantially in accordance with Article 1 (commencing with Section 15050) of Chapter 2 of Division 15.

15264. The vote tabulating device may be located at any place within the state approved by the election official of the county or other political subdivision using the device. The same device may be jointly owned, borrowed, leased or used by two or more counties, cities or other political subdivisions to tabulate ballots cast in any election.

15265. All proceedings at the central counting place shall be open to the view of the public but no person, except one employed and designated for the purpose by the elections official or his or her authorized deputy, shall touch any ballot container. Access to the area where electronic data processing equipment is being operated may be restricted to those persons authorized by the elections official.

15266. The county central committee of each qualified political party may employ, and may have present at the central counting place or places, not more than two qualified data-processing specialists or engineers to check and review the preparation and operation of the tabulating devices, their programming and testing, and have the specialists or engineers in attendance at any or all phases of the election.

15267. Each container of ballots shall be opened and its contents removed. The ballots shall be checked to ascertain if the ballots are properly grouped and shall be arranged so that all similar ballots from the precinct are together.

15268. Any tape used in the programming of an electronic or electromechanical vote counting device upon which votes are registered pursuant to this chapter, and any tape used in the

compiling of vote totals from the counting device, shall be kept under lock and seal, and if there is a recanvass of the votes, the officer entrusted with the tapes shall submit his or her affidavit stating that they are the true tapes used in the election and have not been altered.

15269. The tabulating machines used pursuant to Division 19 (commencing with Section 19000) may be equipped with a device that registers votes cast for candidates and measures on a cumulative basis and that may be used to determine the votes cast for each candidate and on each measure at any time and up to that time.

15270. In preparing the voted ballot cards for processing, any ballot card 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 card shall be made and substituted therefor, following the intention of the voter insofar as it can be ascertained from the defective ballot card.

All duplicate ballot cards shall be clearly labeled "duplicate," and shall bear a serial number that shall be recorded on the damaged or defective ballot.

15271. If paper ballots are used for absentee voting the canvass may be conducted in accordance with Chapter 1 (commencing with Section 15000) of Division 15, or the elections official may have a true duplicate copy of absentee voter paper ballots made on punchcard ballots which shall be verified in the presence of witnesses and after verification the punchcard ballots shall be counted in the same manner as other punchcard ballots.

15272. The elections official may count absent voter ballots by the use of a voting machine or vote tabulating device subject to all of the following:

(a) All interested persons shall be afforded the opportunity to be present.

(b) No vote shall be counted unless there are at least three persons observing the counting procedure.

(c) The voting machine or device shall be inspected, all of its registering counters set at zero (000) and locked.

(d) The elections official may appoint persons to assist in the counting of these ballots. No person shall be appointed who is not fully qualified to perform his or her duties.

(e) No vote shall be registered in the voting machine or device unless all persons present are in agreement that the voting machine or device reflects exactly the vote of the ballot being counted.

(f) When the votes of all absent voter ballots have been registered in the voting machine or device, the results of the votes cast shall be tabulated in the same manner as the results from other voting machines or devices.

15273. Notwithstanding Section 15000, if the elections official uses voting machines or vote tabulating devices to count absentee ballots as provided by Section 15272, the elections official may commence processing the absentee ballots not earlier than 12:00 noon on the day before the election. However, the elections official shall not count or enter the ballots into the voting machine until election day.

15274. When voting at all precincts within a county has not been conducted using the same voting system, the result as to the precincts not subject to this article shall be determined in

accordance with other provisions of this code and the result of the vote at precincts subject to this article shall be determined as provided in this article. The statement of the vote in that case shall represent the consolidation of all the results and the results of the canvass of all absent voter ballots.

15275. When ballots are counted under this article, the result of the vote shall be shown by precincts.

15276. Upon completion of the count, the elections official shall add to the results as so determined the results of the write-in votes and any paper ballots used as certified by the precinct board and thereupon shall declare the vote, and forthwith post one copy at the counting place for public inspection.

15277. The final canvass of the vote at an election in which all voting in the county was done pursuant to Article 2 (commencing with Section 12350) of Chapter 4 of Division 12, or Division 19 (commencing with Section 19000), may be made by adding the results as determined by the elections official to the results of the canvass of the absent voter ballots and making the statement of the vote in the manner provided for the particular election.

#### CHAPTER 6. OFFICIAL CANVASS

15300. This chapter applies to all elections.

15301. The elections official shall conduct the official canvass, commencing not later than the first Thursday following each election.

15302. The canvass may be made at any public place as the elections official designates.

15303. The canvass shall be public and shall be conducted by opening the returns and determining the vote for each person and for and against each measure voted upon at the election, and declaring the result thereof.

15304. The canvass shall be continued daily, Saturdays, Sundays, and holidays excepted, for not less than six hours each day until completed.

15305. If the returns from any precinct are incomplete, ambiguous, not properly authenticated, or otherwise defective, the elections official may issue and serve subpoenas requiring members of the precinct board to appear and be examined under oath concerning the manner in which votes were counted and the result of the count in their precinct.

15306. In jurisdictions using a central counting place, the elections official may appoint not less than three deputies to open the envelopes or containers in the precinct returns. If, after examination, any precinct return is still incomplete, ambiguous, not properly authenticated, or otherwise defective, the members of the counting board may be summoned before the elections official to correct the errors or omissions.

15307. The elections official shall not open any ballots nor permit any ballots to be opened except as permitted in Sections 15305 and 15306, or in the event of a recount.

15308. The elections official shall prepare a certified statement of the results of the election and submit it to the governing body within 28 days of the election or, in the case of school district, community college district, county board of education, or special district elections conducted on the first Tuesday after the first Monday in November of odd-numbered

years, no later than the last Monday before the last Friday of that month.

15309. The statement of the result shall show:

- (a) The total number of ballots cast.
- (b) The number of votes cast at each precinct for each candidate and for and against each measure.
- (c) The total number of votes cast for each candidate and for and against each measure.

The statement of the result shall also show the number of votes cast in each city, Assembly district, congressional district, senatorial district, State Board of Equalization district, and supervisorial district located in whole or in part in the county, for each candidate for the offices of presidential elector and all statewide offices, depending on the offices to be filled, and on each statewide ballot proposition.

15310. The elections official shall forthwith send to the Secretary of State by registered mail one complete copy of all returns as to:

- (a) All candidates voted for statewide office.
- (b) All candidates voted for the following offices:
  - (1) Member of the Assembly.
  - (2) Member of the Senate.
  - (3) Representative in Congress.
  - (4) Member of the State Board of Equalization.
  - (5) Judge, except judge of an inferior court.
- (c) All persons voted for at the presidential primary. The returns for all persons voted for at the presidential primary for delegates to national conventions shall be canvassed first and shall be sent separately within 20 days after the election.

(d) At presidential elections, the vote given for persons for electors of President and Vice President of the United States. The returns for presidential electors shall be endorsed "Presidential Election Returns," and sent separately.

(e) All statewide measures.

15311. The elections official shall deliver a duplicate of the certified statement of the result of votes cast to the chairman of the county central committee of each party.

#### CHAPTER 7. CANVASS OF WRITE-IN VOTES

15350. Any name written upon a ballot, including a reasonable facsimile of the spelling of a name, shall be counted, unless prohibited by Section 15351, for the office under which it is written, if it is written in the blank space therefor, whether or not a cross (+) is stamped or made with pen or pencil in the voting square after the name so written.

15351. No name written upon a ballot in any election shall be counted for an office or nomination unless the candidate whose name has been written on the ballot has complied with Part 3 (commencing with Section 8600) of Division 8.

15352. Every voter shall be entitled to write the name of any candidate for any public office, including that of President and Vice President, on the ballot of any election.

15353. The name of a write-in candidate shall be written by hand upon a ballot. The use of pressure-sensitive stickers or methods other than handwriting of indicating the name of the write-in candidate are not valid, and a name indicated by any of those methods shall not be counted.

## CHAPTER 8. ANNOUNCEMENT OF RETURNS

15400. The governing body shall declare elected or nominated to each office voted on at each election under its jurisdiction the person having the highest number of votes for that office, or who was elected or nominated under the exceptions noted in Section 15452. The governing board shall also declare the results of each election under its jurisdiction as to each measure voted on at the election.

15401. The elections official shall make out and deliver to each person elected or nominated, as declared by the governing body, a certificate of election or nomination, signed and authenticated by the elections official.

15402. Whenever a candidate whose name appears upon the ballot at any election dies after the 68th day before the election, the votes cast for the deceased candidate shall be counted in determining the results of the election for the office for which the decedent was a candidate. If the deceased candidate receives a majority of the votes cast for the office, he or she shall be considered elected and the office to which he or she was elected shall be vacant at the beginning of the term for which he or she was elected. The vacancy thus created shall be filled in the same manner as if the candidate had died subsequent to taking office for that term.

## CHAPTER 9. DETERMINATION OF ELECTED OR NOMINATED CANDIDATES

## Article 1. General Provisions

15450. A plurality of the votes given at any election shall constitute a choice where not otherwise directed in the California Constitution, provided that it shall be competent in all charters of cities, counties, or cities and counties framed under the authority of the California Constitution to provide the manner in which their respective elective officers may be elected and to prescribe a higher proportion of the vote therefor.

15451. The person who receives the highest number of votes at a primary election as the candidate of a political party for the nomination to an office is the nominee of that party at the ensuing general election.

15452. The person who receives a plurality of the votes cast for any office is elected or nominated to that office in any election, except:

(a) An election for which different provision is made by any city or county charter.

(b) A municipal election for which different provision is made by the laws under which the city is organized.

(c) The election of local officials in primary elections as specified in Article 8 (commencing with Section 8140) of Part 1 of Division 8.

## Article 2. Democratic Central Committee Conditions for Election of Candidate

15460. In each county the number of candidates for membership in a county central committee in each Assembly or supervisorial district who receive the highest number of votes shall be declared elected. However, a candidate for membership

shall not be declared elected unless he or she has received votes equal in number to the minimum number of signatures to the nomination paper which would have been required to place his or her name on the direct primary ballot as a candidate for member of a committee.

Article 3. Republican Central Committee Conditions for Election of Candidate

15470. In each county the number of candidates for membership in a committee in each Assembly or supervisorial district who receive the highest number of votes shall be declared elected. However, a candidate for membership shall not be declared elected unless he or she has received votes equal in number to the minimum number of signatures to the nomination paper which would have been required to place his or her name on the direct primary ballot as a candidate for member of a committee.

Article 4. American Independent Central Committee Conditions for Election of Candidate

15480. In each county the number of candidates for membership in a county central committee in each Assembly or supervisor district who receive the highest number of votes shall be declared elected. However, a candidate for membership shall not be declared elected unless he or she has received votes equal in number to the minimum number of signatures to the nomination paper which would have been required to place his or her name on the direct primary ballot as a candidate for member of a committee.

Article 5. Peace and Freedom Central Committee Conditions for Election of Candidate

15490. In each county the number of candidates for member of central committees to be elected in each central committee election district who receive the highest number of votes shall be declared elected. The names and votes of all nominees for partisan public office qualified for central committees membership pursuant to Section 7755 shall be excluded from the list of candidates for member of central committees and disregarded in the determination of the candidates with the highest number of votes.

No write-in candidate for member of central committees shall be declared elected, however, unless that candidate has received a number of votes equal to or greater than 2 percent of the number of party members voting in the central committee election district at the direct primary, or 20 votes, whichever is less.

CHAPTER 10. DUTIES OF THE SECRETARY OF STATE

15500. The Secretary of State, commencing with the first returns from the semiofficial canvass received from the elections officials, shall compile the returns for the offices and measures mentioned in Section 15251, which compilation shall be continued without adjournment until completed. The Secretary of State shall immediately make public the results of the compilation as to those offices and measures.

15501. (a) Except as to presidential electors, the Secretary of State shall compile the returns for:

(1) All candidates for statewide office.  
 (2) All candidates for Assembly, State Senate, Congress, State Board of Equalization, and judicial offices, except judges of an inferior court.

(3) All statewide measures.

(b) The Secretary of State shall make out, certify, and file a statement of the vote from the compiled returns no later than the 39th day after the election.

15502. Within 120 days of the filing of the statement of the vote, the Secretary of State, upon the basis of the information provided, shall compile a supplement to the statement of the vote, showing the number of votes cast in each county, city, Assembly district, senatorial district, congressional district and supervisorial district for each candidate for the offices of presidential elector, Governor, and United States Senator, depending on the offices to be filled, and on each statewide ballot proposition. A copy of this supplement shall be made available, upon request, to any elector of this state.

15503. On the 39th day after the election, or as soon within that time as the returns have been received from the entire state or a congressional district, as the case may be, the Secretary of State shall determine the votes cast for candidates for Senator and Representative and certify to the persons having the highest number of votes for the respective offices as duly elected.

15504. The Secretary of State shall make out and deliver, or transmit by mail, a certificate of election or nomination to each person elected or nominated.

15505. On the first Monday in the month following the election, or as soon as the returns have been received from all the counties in the state, if received before that time, the Secretary of State shall analyze the votes given for presidential electors, and certify to the Governor the names of the proper number of persons having the highest number of votes.

The Secretary of State shall thereupon issue and transmit to each such presidential elector a certificate of election. The certificate shall be accompanied by a notice of the time and place of the meeting of the presidential electors and a statement that each presidential elector will be entitled to a per diem allowance and mileage in the amounts specified.

#### CHAPTER 11. DISPOSITION OF BALLOTS AND SUPPLIES BY THE ELECTIONS OFFICIAL

15550. The records and supplies of any election when received by the elections official shall be disposed of in the manner set forth in this chapter.

15551. If a contest or any such criminal prosecution has been commenced prior to the date fixed for its destruction, the package containing the voted ballots shall be subject to the order of the court in which the contest or criminal prosecution is pending and shall not be destroyed until after final determination of the contest or criminal prosecution.

In the case of a congressional election contest, the elections official shall hold the ballots of that congressional district in custody subject to the inspection of any committee of the House of Representatives having in charge the investigation of the contest, until the final determination of



the contest by the House of Representatives.

In the case of a contest in the State Legislature, the elections official shall hold the ballots of the Senate or Assembly district in custody subject to the inspection of any committee of the Senate or Assembly having in charge the investigation of the contest until the final determination of the contest or the final adjournment of the session of the Legislature in which the contest is filed, whichever is the later.

In no event shall the package or its contents be taken from the custody of the elections official.

15552. Notwithstanding any other provision of the law, the elections official, after holding the unused ballots for the purposes of Division 14 (commencing with Section 14000), immediately upon the arrival of the hour when the polls are required by law to be closed on election day, in lieu of the procedure outlined in Section 14406, may recycle for any other lawful purpose any unused ballots remaining in the control of the elections official that clearly identify the election for which they were prepared. The elections official shall make and file an affidavit, in writing, as to the number of ballots recycled.

## CHAPTER 12. RECOUNT

### Article 1. General Provisions

15600. Except as provided in this chapter, this chapter applies to all elections. The recount of votes cast for candidates for presidential electors shall be governed by this chapter.

### Article 2. Elections Official-Ordered Recounts

15610. If no election contest is pending wherein a recount of the ballots in a precinct has been or will be ordered, the elections official may order that the ballots voted in the precinct be publicly recounted if both of the following apply:

- (a) The elections official has reasonable cause to believe the ballots in the precinct have been miscounted.
- (b) The elections official has examined, under oath, the precinct board members or, in the case of ballots counted by a central counting system, the counting board members, and they are unable to explain the returns of their respective precincts.

### Article 3. Voter-Requested Recounts

15620. Following completion of the official canvass, any voter may, within five days thereafter, file with the elections official responsible for conducting an election in the county wherein the recount is sought a written request for a recount of the votes cast for candidates for any office, for slates of presidential electors, or for or against any measure, provided the office, slate, or measure is not voted on statewide. The request shall specify on behalf of which candidate, slate of electors, or position on a measure (affirmative or negative) it is filed.

If an election is conducted in more than one county, the request for the recount may be filed with the elections official of, and the recount conducted within, any or all of the

affected counties.

For the purposes of this section "completion of the canvass" shall be presumed to be that time when the elections official signs the certified statement of the results of the election except that, in the case of a city election, if a city council canvasses the returns itself and does not order the elections official to conduct the canvass as permitted by Section 10263, "completion of the canvass" shall be presumed to be that time when the governing body declares the persons elected or the measures approved or defeated.

15621. Following completion of the official canvass, any voter may, within five days beginning on the 29th day after a statewide election, file with the Secretary of State a written request for a recount of the votes cast for candidates for any statewide office or for or against any measure voted on statewide. The request shall specify in which county or counties the recount is sought and shall specify on behalf of which candidate, slate of electors, or position on a measure (affirmative or negative) it is filed.

The Secretary of State shall forthwith send by registered mail one copy of the request to the elections official of each county in which a recount of the votes is sought.

All the other provisions of this article shall apply to recounts conducted under this section.

15622. The request may specify the order in which the precincts shall be recounted.

15623. Any time during the conduct of a recount and for 24 hours thereafter, any other voter may request the recount of any precincts in an election for the same office, slate of presidential electors, or measure not recounted as a result of the original request.

15624. The voter filing the request seeking the recount shall, before the recount is commenced and at the beginning of each day following, deposit with the elections official a sum as required by the elections official to cover the cost of the recount for that day. The money deposited shall be returned to the depositor if, upon completion of the recount, the candidate, slate of presidential electors, or the position on the measure (affirmative or negative) for which the declaration is filed is found to have received the plurality of votes cast which it had not received according to the official canvass or, in an election where there are two or more candidates, the recount results in the candidate for whom the recount was requested appearing on the ballot in a subsequent runoff election or general election who would not have so appeared in the absence of the recount. The depositor shall be entitled to the return of any money deposited in excess of the cost of the recount if the candidate, slate, or position on the measure has not received the plurality of the votes cast or, in an election where there are two or more candidates, the recount does not result in the candidate for whom the recount was requested appearing on the ballot in a subsequent runoff or general election as a result of the recount. Money not required to be refunded shall be deposited in the appropriate public treasury.

15625. The recount shall be conducted under the supervision of the elections official by special recount boards consisting of four voters of the county appointed by the elections official. Each member of a recount board shall receive the same compensation per day as is paid in the jurisdiction within

which the recount is being conducted to members of precinct boards, other than inspectors, to be paid out of the appropriate public treasury.

If the office of the elections official is the subject of the recount, the governing body shall appoint an officer, other than the elections official, to appoint and supervise the special recount boards.

15626. The recount shall be commenced not more than seven days following the receipt by the elections official of the request for the recount under Section 15620 or 15621, and shall be continued daily, Saturdays, Sundays, and holidays excepted, for not less than six hours each day until completed. The recount shall not be commenced until the first day following notification of the individuals specified in Section 15628.

15627. If in the election which is to be recounted the votes were recorded by means of a punchcard voting system or by electronic or electromechanical vote tabulating devices, the voter who files the declaration requesting the recount may select whether the recount shall be conducted manually or by means of the voting system used originally, or both.

15628. Not less than one day prior to commencement of the recount, the elections official shall post a notice as to the date and place of the recount and shall notify the following persons of it in person or by telegram:

(a) All candidates for any office the votes for which are to be recounted.

(b) Authorized representatives of presidential candidates to whom electors are pledged if the votes to be recounted were cast for presidential electors.

(c) Proponents of any initiative or referendum or persons filing ballot arguments for or against any initiative, referendum, or measure placed on the ballot by the governing body the votes for which are to be recounted.

(d) The Secretary of State in the case of a recount of the votes cast for candidates for any state office, presidential electors, the House of Representatives of the United States, the Senate of the United States, or delegates to a national convention or on any state measure.

15629. The recount shall be conducted publicly.

15630. All ballots, whether voted or not, and any other relevant material, may be examined as part of any recount if the voter filing the declaration requesting the recount so requests.

No examination of any ballot shall include touching or handling the ballot without the express consent of the elections official or the election officer supervising the special recount board. No ballot may be touched or handled during the examination unless the elections official or the elections officer supervising the special recount is present to observe the examination.

Except as provided in this section no ballot shall be touched or handled by any person during the recount unless that person is the elections official, a person acting at the direction of the elections official, a member of the special recount board, or by order of the superior court.

15631. On recount, ballots may be challenged for incompleteness, ambiguity, or other defects, in accordance with the following procedure:

(a) The person challenging the ballot shall state the reason for the challenge.

(b) The official counting the ballot shall count it as he or she believes proper and then set it aside with a notation as to how it was counted.

(c) The elections official shall, before the recount is completed, determine whether the challenge is to be allowed. The decision of the elections official is final.

15632. In lieu of the returns as reported in the official canvass, upon completion of the recount showing that a different candidate was nominated or elected, that a different presidential slate of electors received a plurality of the votes, or that a measure was defeated instead of approved or approved instead of defeated, there shall be entered the result of the recount in each precinct affected, which result shall, for all purposes thereafter, be the official returns of those precincts for the office, slates of presidential electors, or measure involved in the recount. If the office, slates of presidential electors, or measure are not voted on statewide, the results of any recount which is not completed by counting the votes in each and every precinct in the jurisdiction within which votes were cast on the candidates for the office, on the slates of electors, or on the measure in question shall be declared null and void. If the office, slates of presidential electors, or measure are voted on statewide, the results of any recount will be declared null and void where there is not recounted each vote cast for the office, slates, or measure in any county specified in the request for recount filed with the Secretary of State.

15633. A copy of the results of any recount conducted pursuant to this chapter shall be posted conspicuously in the office of the elections official.

15634. This chapter does not:

(a) Authorize the opening or recounting of ballots for any precinct except for the purposes specified in this chapter.

(b) Limit other provisions of law regarding an election contest or recount.

#### Article 4. Court-Ordered Recounts

15640. (a) When requested by the board of supervisors or the grand jury, the district attorney may petition the superior court for an order directing a public recount to be made of ballots tabulated by a voting system in any precincts in the county that it designates for any election occurring not over 25 days before the request. The request and petition shall be made only on one or more of the following grounds, and the order may be issued only with a finding that there is probable cause to believe that one or more of the grounds exist:

(1) Misconduct by anyone sufficient to make it likely that the result of the election was affected as to the successful candidates or propositions or tie holders, including any of the conduct specified in Section 16100.

(2) Errors or failures, whether electronic, mechanical or otherwise, in the safekeeping, handling, tallying, counting, recording, or certification of the ballots or votes cast, sufficient to make it likely that the result of the election was affected as to the successful candidates or propositions or tie holders, or sufficient to cast substantial doubt on the substantial accuracy of the results without regard to affecting any result.

The petition shall be set for hearing and may be opposed by any interested party.

(b) The court may order any further recounts that it may deem proper based on the results of the recounts provided for in subdivision (a) or in Section 15645, and shall declare the results of all the recounts, and shall determine and order corrected the results of any election affected by any recount.

(c) The court may order payment of the costs of any such recount in whole or in just proportion by any person or any public agency, or both, who petition for a recount. In the case of public agencies the costs shall be provided for and paid pursuant to Section 19212.

15641. Section 17500 shall apply unless a court orders the program held pending the conclusion of litigation challenging the outcome of an election. If court action or an official recount is initiated while the program is on deposit, the Secretary of State shall make the program available to the court or the elections official in whose jurisdiction the court action or recount takes place, upon written request.

15642. Any tape used in programming of vote totals shall be kept under lock and seal and, if there is a recanvass of votes, the officer entrusted with the tapes shall submit his or her affidavit stating that they are true tapes used in the election and have not been altered.

#### Article 5. Automatic Recounts in Voting System Elections

15645. Within 15 days after every election in which a voting system is used the official conducting the election shall conduct a public manual recount of the ballots tabulated by those devices cast in 1 percent of the precincts chosen at random by the elections official. If 1 percent of the precincts should be less than one whole precinct, the recount shall be conducted in one precinct chosen at random by the elections official.

In addition to the 1-percent count, the elections official shall, for each race not included in the initial group of precincts, count one additional precinct. The manual recount shall apply only to the race not previously counted.

Additional precincts for the manual recount may be selected at the discretion of the elections official.

#### CHAPTER 13. TIE VOTES

##### Article 1. Elections Other than Primary Elections

15650. This article does not apply to any primary election.

15651. (a) If at any election, except as provided in subdivision (b) and an election for Governor or Lieutenant Governor, two or more persons receive an equal and the highest number of votes for an office to be voted for in more than one county, the Secretary of State shall forthwith summon the candidates who have received the tie votes, whether upon the canvass of the returns by the Secretary of State or upon recount by a court, to appear before him or her at the Secretary of State's office at the State Capitol at a time to be designated by him or her. The Secretary of State shall at that time and place determine the tie by lot. Except as provided in subdivision (b), in the same manner, at a time and place designated by it, the election board shall determine a tie vote,

whether upon the canvass of the returns by the election board or upon a recount by a court, for candidates voted for wholly within one county or city.

(b) In lieu of resolving a tie vote by lot as provided in subdivision (a), the legislative body of any county, city, or special district may resolve a tie vote by the conduct of a special runoff election involving those candidates who received an equal number of votes and the highest number of votes.

A special runoff election shall be held only if the legislative body adopts the provisions of this subdivision prior to the conduct of the election resulting in the tie vote. If a legislative body decides to call a special runoff election in the event of a tie vote, all future elections conducted by that body shall be resolved by the conduct of a special runoff election, unless the legislative body later repeals the authority for the conduct of a special runoff election.

If a special runoff election is held pursuant to the provisions of this subdivision, the legislative body shall call for the runoff election to be held in the local entity on a Tuesday not less than 40 nor more than 125 days after the administrative or judicial certification of the election that resulted in a tie vote. If a regular election is to be held throughout the jurisdiction within that time period, the special runoff election shall be held on the same day as, and consolidated with, the regular election.

15652. If the tie vote has been determined pursuant to Section 15651, the person declared elected by the Secretary of State or the election board is entitled to a certificate of election. The Secretary of State, the county elections official or the city elections official, whichever the case may be, shall immediately make out and deliver to that person a certificate of election.

15653. When two or more persons have an equal and highest number of votes for either Governor or Lieutenant Governor, the Secretary of State shall deliver a certificate to that effect to each of the tied candidates. Each tied candidate may present the certificate to the Legislature in the manner that her or she sees fit.

15654. In case any two or more persons have an equal and highest number of votes for either Governor or Lieutenant Governor, the Legislature shall, by a joint vote of both houses, choose one of the persons to fill the office.

## Article 2. At Primary Elections

15670. This article applies only to:

(a) Candidates for delegates to a national convention for the nomination of party candidates for President and Vice President of the United States.

(b) Candidates for nomination at the direct primary to offices other than nonpartisan offices.

15671. In case of a tie vote for member of the State Board of Equalization, state Senator, Member of the Assembly, Representative in Congress or member of a county central committee, where the office is to be voted for wholly within one county, the election board shall forthwith summon the candidates who have received tie votes to appear before it, at a time and place to be designated by the board, and the board shall at that time and place determine the tie by lot.

15672. In the case of a tie vote for an office other than a

judicial or school office to be voted on in more than one county, the Secretary of State shall forthwith summon the candidates who have received tie votes to appear before him or her at his or her office at the State Capitol at a time to be designated by him or her. The Secretary of State shall at that time and place determine the tie by lot.

15673. The summons mentioned in this article shall in every case be mailed to the address of the candidate as it appears upon his or her affidavit of registration, at least five days before the day fixed for the determination of the tie vote.

DIVISION 16. ELECTIONS CONTESTS  
CHAPTER 1. GENERAL PROVISIONS

16000. The general election contest provisions of this division, exclusive of Article 1 (commencing with Section 16700) of Chapter 8, Chapter 9 (commencing with Section 16800), and Article 1 (commencing with Section 16900) of Chapter 10, shall also apply to the recount of votes cast on a ballot measure, insofar as they can be made applicable.

16001. As used in this division, "elections official" does not include "registrar of voters."

16002. When used in this division, "contestant" means any person initiating an election contest. "Defendant" means that person whose election or nomination is contested or those persons receiving an equal and highest number of votes, other than the contestant, where, in other than primary elections, the body canvassing the returns declares that no one person has received the highest number of votes for the contested office.

16003. In a contest of the election of presidential electors the action or appeal shall have priority over all other civil matters. Final determination and judgment shall be rendered at least six days before the first Monday after the second Wednesday in December.

CHAPTER 2. GROUNDS FOR CONTEST

16100. Any elector of a county, city, or of any political subdivision of either may contest any election held therein, for any of the following causes:

(a) That the precinct board or any member thereof was guilty of misconduct.

(b) That the person who has been declared elected to an office was not, at the time of the election, eligible to that office.

(c) That the defendant has given to any elector or member of a precinct board any bribe or reward, or has offered any bribe or reward for the purpose of procuring his election, or has committed any other offense against the elective franchise defined in Division 18 (commencing with Section 18000).

(d) That illegal votes were cast.

(e) That the precinct board in conducting the election or in canvassing the returns, made errors sufficient to change the result of the election as to any person who has been declared elected.

(f) That there was an error in the vote-counting programs or summation of ballot counts.

16101. Any candidate at a primary election may contest the right of another candidate to nomination to the same office by

filing an affidavit alleging any of the following grounds, that:

- (a) The defendant is not eligible to the office in dispute.
- (b) The defendant has committed any offense against the elective franchise defined in Division 18 (commencing with Section 18000).
- (c) A sufficient number of votes were illegal, fraudulent, forged, or otherwise improper, and that had those votes not been counted, the defendant would not have received as many votes as the contestant.
- (d) Due to mistake, error, or misconduct the votes in any precinct were so incorrectly counted as to change the result.

### CHAPTER 3. CONTESTS AT GENERAL ELECTIONS

16200. This chapter shall not apply to elections for the office of state Senator or Member of the Assembly of the California Legislature.

16201. No irregularity or improper conduct in the proceedings of the precinct board members, or any of them, is malconduct that avoids an election, unless the irregularity or improper conduct is such as to procure the defendant to be declared either elected or one of those receiving an equal and highest number of votes where no one person has received the highest number of votes.

16202. When any election held for an office exercised in and for a county is contested on account of any malconduct on the part of the precinct board of any precinct, or any member thereof, the election shall not be annulled or set aside upon any proof thereof, unless the rejection of the vote of that precinct would change the result as to that office in the remaining vote of the county.

16203. An election shall not be set aside on account of illegal votes, unless it appears that a number of illegal votes has been given to the person whose right to the office is contested or who has been certified as having tied for first place, which, if taken from him, would reduce the number of his legal votes below the number of votes given to some other person for the same office, after deducting therefrom the illegal votes which may be shown to have been given to that other person.

### CHAPTER 4. CONTESTS AT PRIMARY ELECTIONS

16300. Irregularity or improper conduct shall annul or set aside a nomination only if it appears that illegal votes in the precinct have been given to the defendant, which if taken from him or her, would reduce the number of his legal votes below the number of votes given to the contestant.

### CHAPTER 5. FORM OF CONTEST STATEMENT

#### Article 1. General Elections

16400. When an elector contests any election he or she shall file with the county elections official a written statement setting forth specifically:

- (a) The name of the contestant and that he or she is an elector of the district or county, as the case may be, in which the contested election was held.
- (b) The name of the defendant.



(c) The office.

(d) The particular grounds of contest and the section of this code under which the statement is filed.

(e) The date of declaration of the result of the election by the body canvassing the returns thereof.

16401. The contestant shall verify the statement of contest, as provided by Section 446 of the Code of Civil Procedure, and shall file it within the following times after the declaration of the result of the election by the body canvassing the returns thereof:

(a) In cases other than cases of a tie, where the contest is brought on any of the grounds mentioned in subdivision (c) of Section 16100, six months.

(b) In all cases of tie, 20 days.

(c) In cases involving presidential electors, 10 days.

(d) In all other cases, 30 days.

16402. When the reception of illegal votes is alleged as a cause of contest, it is sufficient to state generally that in one or more specified voting precincts illegal votes were given to the defendant, which, if taken from him or her, will reduce the number of his or her legal votes below the number of legal votes given to some other person for the same office.

Testimony shall not be received of any illegal votes, unless the contestant delivers to the defendant, at least three days before the trial, a written list of the number of illegal votes, and by whom given, which he or she intends to prove. No testimony may be received of any illegal votes except those that are specified in the list.

16403. A statement of the grounds of contest shall not be rejected nor the proceedings dismissed by any court for want of form, if the grounds of contest are alleged with such certainty as will advise the defendant of the particular proceeding or cause for which the election is contested.

16404. The affidavit shall specify separately each precinct in which any irregularity or improper conduct took place, or in which a recount is demanded, and the nature of the mistake, error, misconduct, or other cause of contest, and the date of completion of the official canvass of the board of supervisors of the county last making the declaration.

## Article 2. Primary Elections

16420. The defendant shall be named in the affidavit.

16421. The affidavit shall be filed in the office of the clerk of the superior court having jurisdiction, within five days after the completion of the official canvass by the board of supervisors of the county last making the declaration.

## Article 3. Contests Other than Recount

16440. This article applies only to contests on the grounds that:

(a) The defendant is not eligible to the office in dispute.

(b) The defendant has committed any offense against the elective franchise as defined in Division 18 (commencing with Section 18000).

(c) A sufficient number of votes were illegal, fraudulent, forged, or otherwise improper, and that had those votes not been counted the defendant would not have received as many votes as the contestant.

16441. If the nomination contested is for an office including a political subdivision of more than one county, the superior court of any county within the political subdivision has jurisdiction, and the contestant may file in any county within the political subdivision. There shall be no change of venue therefrom to any other county within the political subdivision.

16442. After the affidavit is filed with the clerk of the superior court, a copy of the affidavit shall be personally served upon the defendant or sent to him or her by registered mail in a sealed envelope with postage prepaid, addressed to the defendant at the place of residence named in his or her affidavit of registration. The contestant shall make an affidavit of mailing if he or she serves the affidavit by mail, and file it on the same day with the county elections official.

16443. The defendant, after receipt of the copy of the affidavit, may file an answer and a cross-contest affidavit within five days.

16444. No special appearance, demurrer or objection may be taken other than by the affidavits which shall be considered a general appearance in the contest.

#### Article 4. Contests Involving a Recount

16460. This article applies only to contests on the ground that due to mistake, error, or misconduct the votes in any precinct were so incorrectly counted as to change the result.

16461. The superior court of that county in which is located the precinct in which the contestant demands a recount has jurisdiction.

16462. No service other than as provided in this section need be made upon the defendant. The affidavit shall be filed in the office of the clerk of the superior court within five days after the completion of the official canvass. Upon the filing of the affidavit the county elections official shall forthwith post, in a conspicuous place in his or her office, a copy of the affidavit. Upon the filing of the affidavit and its posting, the superior court of the county shall have jurisdiction of the subject matter and of the parties to the contest. The contestant on the date of filing the affidavit shall send by registered mail a copy thereof to the defendant in a sealed envelope, with postage prepaid, addressed to the defendant at the place of residence named in the affidavit of registration of the defendant, and shall make and file an affidavit of mailing with the county elections official, which shall become a part of the records of the contest.

16463. All candidates at any primary election are permitted to be candidates under this code only upon the condition that jurisdiction for the purposes of the proceeding authorized by this article shall exist in the manner and under the conditions provided for by Section 16462.

16464. At any time within three days after the filing of the affidavit of the contestant to the effect that he or she has sent by registered mail a copy of the affidavit to the defendant, the defendant may file with the county elections official an affidavit in his or her own behalf, setting up his or her desire to have the votes counted in any precincts, designating them, in addition to the precincts designated in the affidavit of the contestant, and setting up his or her grounds

therefor. On the trial of the contest all of the precincts named in the affidavits of the contestant and the defendant shall be considered, and a recount had with reference to all of those precincts. The contestant shall have the same right to answer the affidavit of the defendant as is given to the defendant with reference to the affidavit of the contestant except that the contestant's answer shall be filed not later than the first day of the trial of the contest.

16465. The defendant shall appear, either in person or by attorney, at the time and place fixed for the hearing, and shall take notice of the order fixing the time and place from the records of the court, without service.

16466. The defendant may not make any special appearance for any purpose except as provided in this article. Any appearance whatever of the defendant or any request to the court by the defendant or his or her attorney shall be entered as a general appearance in the contest.

No demurrer or objection may be taken by the parties in any other manner than by answer, and all the objections shall be contained in the answer.

16467. The court, if the defendant appears, shall require the answer to be made within three days from the time and place set for hearing. If the defendant does not appear the court shall note his default, and shall proceed to hear and determine the contest with all convenient speed.

#### CHAPTER 6. ELECTIONS OFFICIAL'S DUTIES

##### Article 1. Contest Procedures at General Elections

16500. Within five days after the end of the time allowed for filing statements of contest, the county elections official shall notify the superior court of the county of all statements filed. The presiding judge shall forthwith designate the time and place of hearing, which time shall be not less than 10 nor more than 20 days from the date of the order.

16501. The elections official shall thereupon issue a citation for the defendant to appear at the time and place specified in the order, which citation shall be delivered to the sheriff and served upon the party at least five days before the time so specified, by either of the following methods:

(a) Personally.

(b) If the party cannot be found, by leaving a copy at the house where he or she last resided.

16502. The elections official shall issue subpoenas for witnesses at the request of any party, which shall be served as other subpoenas. The superior court may issue attachments to compel the attendance of witnesses who have been subpoenaed to attend.

16503. The contestant shall, in the first instance, be liable for the expenses involved in making any recount. He or she shall pay into court in advance each day a sum that the judge finds sufficient to pay all recount expenses that will have accrued by the end of that day. The sums paid shall be part of the costs. The county elections official may pay each day the clerical assistants necessary for the recount from the amount advanced by the contestant without the necessity of the funds being first deposited with the county treasurer.

##### Article 2. Contest Procedures at Primary Elections: Contests Other than Recount

16520. The county elections official, within five days after the end of the time for filing affidavits, shall present all the affidavits to the presiding judge of the superior court. The presiding judge shall forthwith designate the time and place of hearing, which shall be not less than 10 nor more than 20 days from the date of the order.

16521. The county elections official, after an order setting a contest for trial, shall issue a citation to both parties containing a copy of the order. He or she shall deliver it to the sheriff who shall serve it either upon the parties or leave it at the residences named in the affidavits of registration of the parties.

Article 3. Contest Procedures at Primary Elections:  
Involving a Recount

16540. On the fifth day after the end of the time for filing contestant's affidavit, the county elections official shall present the affidavits of the contestant and the defendant and proof of posting of contestant's affidavit to the presiding judge of the superior court, or anyone acting in his or her stead, who shall forthwith designate the time and place of hearing, the time for which shall be not less than 10 nor more than 20 days from the date of the order.

CHAPTER 7. COURT'S DUTIES  
Article 1. General Elections

16600. The court shall meet at the time and place designated, to determine the contested election, and shall have all the powers necessary to the determination thereof. It may adjourn from day to day until the trial is ended, and may also continue the trial before its commencement for any time not exceeding 20 days for good cause shown by any party upon affidavit, at the costs of the party applying for the continuance.

16601. At the trial the ballots shall be opened and a recount taken, in the presence of all the parties, of the votes cast for the various candidates in all contests where it appears from the statements filed that a recount is necessary for the proper determination of the contest. The recount shall include a tabulation of all names written upon a ballot and which are subject to canvass pursuant to Chapter 7 (commencing with Section 15350) of Division 15.

16602. In the trial and determination of election contests, the court shall be governed by the rules of law and evidence governing the determination of questions of law and fact, so far as the same may be applicable. It may dismiss the proceedings if the statement of the cause of the contest is insufficient, or for want of prosecution.

16603. The court shall continue in special session to hear and determine all issues arising in contested elections. After hearing the proofs and allegations of the parties and within 10 days after the submission thereof, the court shall file its findings of fact and conclusions of law, and immediately thereafter shall pronounce judgment in the premises, either confirming or annulling and setting aside the election. The judgment shall be entered immediately thereafter.

Article 2. Primary Elections: Contests Other than  
Recount

16620. The court shall meet at the time and place designated in the order setting the contest for trial, and shall have all powers necessary to determine the issues.

Article 3. Primary Elections: Contests Involving a  
Recount

16640. If the number of votes that are sought to be recounted or the number of contests are such that the judge in a county in which there is but one superior court judge is of the opinion that it will

require additional judges to enable the contest or contests to be determined in time to print the ballots for the election, he or she may obtain the service of any other superior judge, and the proceedings shall be the same as provided for a county in which there is more than one superior court judge.

16641. If the proceeding is in a county where there is more than one superior court judge, the judge to whom the case is assigned shall notify the presiding judge forthwith of the number of judges which he or she deems necessary to participate in order to finish the contest in time to print the ballots for the final election. The presiding judge shall forthwith designate as many judges as are necessary to completion of the contest, by order in writing and thereupon all of the judges so designated shall participate in the recount of the ballots and the giving of judgment in the contest in the manner specified in this article.

16642. The judges designated by the order to hear the contest, including the judge to whom the contest was originally assigned, shall convene upon notice from the judge to whom the contest was originally assigned, and agree upon the precincts which each one of them, sitting separately, will recount. Thereupon the recount shall so proceed that each judge, sitting separately, shall respectively determine the recount in those precincts which have been assigned to him or her, so that the ballots opened before one judge need not be opened before another judge or department.

16643. The proceedings before every judge in making a recount of the precincts assigned to him or her, as to the appointment of the elections official and persons necessary to be assistants of the court in making it, shall be the same as in contested elections. Section 16503 applies to the recount.

CHAPTER 8. COURT'S DECISIONS, JUDGMENT, AND  
DETERMINATIONS

Article 1. General Elections

16700. The person declared elected by the superior court is entitled to a certificate of election. If a certificate has not already been issued to him or her, the county elections official shall immediately make out and deliver to that person a certificate of election signed by him or her, and authenticated with the seal of the superior court.

16701. If the elections official has issued any certificate for the same office to any other person than the one declared elected by the court, or if the court finds a tie vote in a general election contest brought under this division, the

certificate is annulled by the judgment.

16702. Whenever an election is annulled or set aside by the judgment of the superior court, and no appeal has been taken within 10 days thereafter, the commission, if any has issued, is void and the office vacant.

16703. If in any election contest it appears that another person than the defendant has the highest number of legal votes, the court shall declare that person elected.

#### Article 2. Primary Elections: Other than Recount

16720. After the court has heard the proofs and allegations of the parties, it shall file its findings of fact and conclusions of law and immediately pronounce judgment either confirming the nomination or setting it aside and decreeing contestant nominated.

#### Article 3. Primary Elections: Involving a Recount

16740. When the recount has been completed in the manner required by Article 4 (commencing with Section 16460) of Chapter 5, and Article 3 (commencing with Section 16640) of Chapter 7, all the judges who took part, if more than one, shall assemble and make the decision of the court. If there is any difference of opinion, a majority of the judges shall finally determine all questions, and give a separate decision or judgment in each contest.

16741. A certified copy of the judgment shall be served upon the county elections official and may be enforced summarily in the same manner as provided in Section 13314.

16742. If the contest proceeds in more than one county, and the nominee is to be certified by the Secretary of State from the compilation of election returns in his or her office, the judgment in each county in which there has been a contest shall show what, if any, changes in the returns in the office of the Secretary of State relating to that county ought to be made. Certified copies of the judgments shall be served upon the Secretary of State. He or she shall make the changes in the record in his or her office as each judgment requires, and conform his or her compilation and his or her certificate of nomination accordingly.

#### CHAPTER 9. COSTS

16800. If the proceedings in a general election contest under this division are dismissed for insufficiency or for want of prosecution, or the election is confirmed by the court, judgment for costs shall be rendered against the contestant and in favor of the defendant. If the election is annulled or set aside on the ground of errors of a precinct board in conducting the election or in canvassing the returns, the costs shall be a charge against the county or city where the election was held. When the election is annulled or set aside on any other ground, judgment for costs shall be given in favor of contestant and against the defendant.

16801. Where two or more contested elections are joined for the purpose of recounting votes, the costs shall be apportioned among the parties in the discretion of the court.

16802. Primarily each party is liable for the costs created by himself or herself to the officers and witnesses entitled

thereto, which costs may be collected in the same manner as similar costs are collected in other cases.

16803. The provisions relating to costs in contested final elections apply to primary election contests conducted under this division.

CHAPTER 10. APPEALS  
Article 1. General Elections

16900. Any party aggrieved by the judgment of the court may appeal therefrom to the court of appeal, as in other cases of appeal thereto from the superior court. During the pendency of proceedings on appeal, and until final determination thereof, the person declared elected by the superior court shall be entitled to the office in like manner as if no appeal had been taken.

Article 2. Primary Elections: Other than a Recount

16920. Either party to a contest may appeal to the district court of appeal of the district where the contest is brought, if the appeal is perfected by the appellant within 10 days after judgment of the superior court is pronounced. The appeal shall have precedence over all other appeals and shall be acted upon by the district court of appeal within 10 days after the appeal is filed.

Article 3. Primary Elections: Involving a Recount

16940. The judgment of the court is final in every respect. No party may appeal.

DIVISION 17. RETENTION AND PRESERVATION OF ELECTION RECORDS

CHAPTER 1. AFFIDAVITS OF REGISTRATION AND VOTER REGISTRATION INDEXES

17000. (a) The elections official shall preserve all canceled original affidavits of registration for a period of five years, after which they may be destroyed by that officer.

(b) In lieu of preserving the canceled original affidavit of registration, the elections official may, by filming or other suitable method, record the canceled affidavit and destroy the affidavit following the first general election after the date of cancellation.

17001. The elections official shall keep a copy of the index to the affidavits of registration described in Section 2180 on file as a public record for election, political research, and governmental purposes for a period of five years.

CHAPTER 2. NOMINATION DOCUMENTS

17100. (a) All nomination documents and signatures in lieu of filing fee petitions filed in accordance with this code shall be held by the officer with whom they are filed during the term of office for which they are filed and for four years after the expiration of the term.

(b) Thereafter, the documents and petitions shall be destroyed as soon as practicable unless they either are in evidence in some action or proceeding then pending or unless the

elections official has received a written request from the Attorney General, the Secretary of State, the Fair Political Practices Commission, a district attorney, a grand jury, or the governing body of a county, city and county, or district, including a school district, that the documents and petitions be preserved for use in a pending or ongoing investigation into election irregularities, the subject of which relates to the placement of a candidate's name on the ballot, or in a pending or ongoing investigation into a violation of the Political Reform Act of 1974 (Title 9 (commencing with Section 81000) of the Government Code).

### CHAPTER 3. INITIATIVE AND REFERENDUM PETITIONS

17200. (a) Elections officials required by law to receive or file in their offices any initiative or referendum petition shall preserve the petition until eight months after the certification of the results of the election for which the petition qualified or, if the measure, for any reason, is not submitted to the voters, eight months after the final examination of the petition by the elections official.

(b) Thereafter, the petition shall be destroyed as soon as practicable unless it is in evidence in some action or proceeding then pending or unless the elections official has received a written request from the Attorney General, the Secretary of State, the Fair Political Practices Commission, a district attorney, a grand jury, or the governing body of a county, city and county, or district, including a school district, that the petition be preserved for use in a pending or ongoing investigation into election irregularities, the subject of which relates to the petition's qualification or disqualification for placement on the ballot, or in a pending or ongoing investigation into a violation of the Political Reform Act of 1974 (Title 9 (commencing with Section 81000) of the Government Code).

(c) Public access to any such petition shall be restricted in accordance with Section 6253.5 of the Government Code.

(d) This section shall apply to the following petitions:

- (1) Statewide initiative and referendum petitions.
- (2) County initiative and referendum petitions.
- (3) Municipal initiative and referendum petitions.
- (4) Municipal city charter amendment petitions.
- (5) District initiative and referendum petitions.

### CHAPTER 4. PRECINCT SUPPLIES AND BALLOTS

17300. (a) The elections official shall preserve all rosters of voters or combined rosters and indexes as provided for in Section 14109, if applicable, until five years after the date of the election, after which they may be destroyed by that official.

(b) In lieu of preserving the original roster of voters, the elections official may, by filming or other suitable method, record the original roster of voters and destroy the roster following the next subsequent general election.

17301. (a) The following provisions shall apply to those elections where candidates for one or more of the following offices are voted upon: President, Vice President, United States Senator, and United States Representative.

(b) The packages containing the following ballots and



identification envelope shall be kept by the elections official, unopened and unaltered, for 22 months from the date of the election:

- (1) Voted polling place ballots.
- (2) Voted absent voter ballots.
- (3) Absent voter identification envelopes.
- (4) Spoiled ballots.
- (5) Canceled ballots.
- (6) Unused absentee ballots surrendered by the voter pursuant to Section 3015.
- (7) Ballot receipts.

(c) If a contest is not commenced within the 22-month period, or if a criminal prosecution involving fraudulent use, marking or falsification of ballots or forgery of absent voters' signatures is not commenced within the 22-month period, either of which may involve the vote of the precinct from which voted ballots were received, the elections official shall have the ballots destroyed or recycled. The packages shall otherwise remain unopened until the ballots are destroyed or recycled.

17302. (a) The following provisions shall apply to all state or local elections not provided for in subdivision (a) of Section 17301. An election is not deemed a state or local election if votes for candidates for federal office may be cast on the same ballot as votes for candidates for state or local office.

(b) The packages containing the following ballots and identification envelopes shall be kept by the elections official, unopened and unaltered, for six months from the date of the election:

- (1) Voted polling place ballots.
- (2) Voted absent voter ballots.
- (3) Absent voter identification envelopes.
- (4) Spoiled ballots.
- (5) Canceled ballots.
- (6) Unused absent voter ballots surrendered by the voter pursuant to Section 3015.
- (7) Ballot receipts.

(c) If a contest is not commenced within the six-month period, or if a criminal prosecution involving fraudulent use, marking or falsification of ballots or forgery of absent voters' signatures is not commenced within the six-month period, either of which may involve the vote of the precinct from which voted ballots were received, the elections official shall have the packages destroyed or recycled. The packages shall otherwise remain unopened until the ballots are destroyed or recycled.

17303. (a) The following provisions shall apply to those elections where candidates for one or more of the following offices are voted upon: President, Vice President, United States Senator, and United States Representative.

(b) The elections official shall preserve the package or packages containing the following items for a period of 22 months:

- (1) Two tally sheets.
- (2) The copy of the index used as the voting record.
- (3) The challenge lists.
- (4) The assisted voters list.
- (c) All voters may inspect the contents of the package or packages at all times following commencement of the official canvass of the votes.

(d) If a contest is not commenced within the 22-month period,

or if a criminal prosecution involving fraudulent use, marking, or falsification of ballots or forgery of absent voters' signatures is not commenced within the 22-month period, either of which may involve the vote of the precinct from which voted ballots were received, the elections official may have the packages destroyed or recycled.

17304. (a) The following provisions shall apply to all state or local elections not provided for in subdivision (a) of Section 17303. An election is not deemed a state or local election if votes for candidates for federal office may be cast on the same ballot as votes for candidates for state or local office.

(b) The elections official shall preserve the package or packages containing the following items for a period of six months:

- (1) Two tally sheets.
- (2) The copy of the index used as the voting record.
- (3) The challenge lists.
- (4) The assisted voters list.

(c) All voters may inspect the contents of the package or packages at all times following commencement of the official canvass of the votes.

(d) If a contest is not commenced within the six-month period, or if a criminal prosecution involving fraudulent use, marking or falsification of ballots, or forgery of absent voters' signatures is not commenced within the six-month period, either of which may involve the vote of the precinct from which voted ballots were received, the election official may have the packages destroyed or recycled.

17305. (a) The following provisions shall apply to those elections where candidates for one or more of the following offices are voted upon: President, Vice President, United States Senator, and United States Representative.

(b) Upon the completion of the counting of the votes as provided in Article 4 (commencing with Section 15640) of Chapter 12 of Division 15, all ballot cards shall be arranged by precincts and shall be kept by the elections official for 22 months from the date of the election or so long thereafter as any contest involving the vote at the election remains undetermined.

(c) Notwithstanding any other provision of this code, the final disposition of all voted ballot cards shall be determined by the elections official.

(d) Sealed ballot containers may be opened if the elections official determines it is necessary in a shredding or recycling process. Nothing in this section shall be construed to allow packages or containers to be opened except for purposes specified herein. The packages or containers shall otherwise remain unopened until the ballots are destroyed or recycled.

17306. (a) The following provisions shall apply to all state or local elections not provided for in subdivision (a) of Section 17305. An election is not deemed a state or local election if votes for candidates for federal office may be cast on the same ballot as votes for candidates for state or local office.

(b) Upon the completion of the counting of the votes as provided in Article 4 (commencing with Section 15640) of Chapter 12 of Division 15, all ballot cards shall be arranged by precincts and shall be kept by the elections official for six months from the date of the election or so long thereafter as

any contest involving the vote at the election remains undetermined.

(c) Notwithstanding any other provision of this code, the final disposition of all voted ballot cards shall be determined by the elections official.

(d) Sealed ballot containers may be opened if the elections official determines it is necessary in a shredding or recycling process. Nothing in this section shall be construed to allow packages or containers to be opened except for purposes specified herein. The packages or containers shall otherwise remain unopened until the ballots are destroyed or recycled.

#### CHAPTER 5. RECALL PETITIONS

17400. (a) The elections official or, in the case of the recall of a state officer, the Secretary of State, shall preserve in his or her office all recall petitions filed for eight months after the results of the election for which the petition qualified or, if no election is held, eight months after the elections official's final examination of the petition.

(b) Thereafter, the petition shall be destroyed as soon as practicable, unless it is in evidence in some action or proceeding then pending or unless the elections official has received a written request from the Attorney General, the Secretary of State, the Fair Political Practices Commission, a district attorney, a grand jury, or the governing body of a county, city and county, city, or district, including a school district, that the petition be preserved for use in a pending or ongoing investigation into election irregularities, or in a pending or ongoing investigation into a violation of the Political Reform Act of 1974 (Title 9 (commencing with Section 81000) of the Government Code).

(c) Public access to any such petition shall be restricted in accordance with Section 6253.5 of the Government Code.

#### CHAPTER 6. MISCELLANEOUS PROVISIONS

17500. (a) A copy of each election computer vote count program for a statewide election or state special election to fill vacancies shall be deposited with the Secretary of State.

(b) The copy of the election computer vote count program specified in subdivision (a) shall be received by the Secretary of State no later than 5 p.m. on the seventh day before the election.

(c) If the election computer vote count program is modified or altered after the submission specified in subdivision (a), the elections official shall immediately deposit the subsequent program no later than noon on the day of the election.

(d) The Secretary of State shall hold the deposited programs for a period of not less than six months, at which time the program shall be returned to the elections official.

(1) The elections official shall preserve the returned program for a period of 16 months.

(2) The programs deposited in accordance with this section shall be used only for an official recount, court action, or for logic and accuracy tests required by the Secretary of State.

(e) The Secretary of State may seek injunctive relief requiring county elections officials to submit the computer vote count program specified in subdivision (a). Venue for a

proceeding under this section shall be exclusively in Sacramento County.

17501. Following each general election, the county elections official shall file copies of all precinct maps with the Secretary of State. If there is no change in the precinct maps from those maps that are currently on file, in lieu of filing copies of those maps with the Secretary of State, the elections official may submit a written statement informing the Secretary of State of that fact. The Secretary of State shall maintain a file of all the copies for 12 years and shall, upon request, make them available for examination.

17502. (a) The following provisions shall apply to those elections where candidates for one or more of the following offices are voted upon: President, Vice President, United States Senator, and United States Representative.

(b) The elections official shall preserve the following records reflecting the appointment of precinct officials until 22 months from the date of any election.

(1) Precinct officers' declaration of intention required by Section 12321.

(2) Precinct board member applications specified in Section 12300.

(3) Order appointing members of the several precinct boards and designating the polling places specified in Section 12326.

(4) Nominations for appointment to the precinct board by the county central committee of each qualified political party specified in Section 12306.

(5) Written orders appointing precinct board members or designating the polling place for the precinct pursuant to Section 12327.

17503. (a) The following provisions shall apply to all state or local elections not provided for in subdivision (a) of Section 17502. An election is not deemed a state or local election if votes for candidates for federal office may be cast on the same ballot as votes for candidates for state or local office.

(b) The elections official shall preserve the following records reflecting the appointment of precinct officials until six months from the date of an election.

(1) Precinct officers' declaration of intention required by Section 12321.

(2) Precinct board member applications specified in Section 12300.

(3) Order appointing members of the several precinct boards and designating the polling places specified in Section 12326.

(4) Nominations for appointment to the precinct board by the county central committee of each qualified political party specified in Section 12306.

(5) Written orders appointing precinct board members or designating the polling place for the precinct pursuant to Section 12327.

17504. (a) The following provisions apply to those elections where candidates for one or more of the following offices are voted upon: President of the United States, Vice President of the United States, United States Senator, and United States Representative.

(b) The elections official shall preserve all applications for absent voter ballots for a period of 22 months from the date of the election.

17505. (a) The following provisions apply to all state or

local elections not provided for in subdivision (a) of Section 17504. An election is not deemed a state or local election if votes for candidates for federal office may be cast on the same ballot as votes for candidates for state or local office.

(b) The elections official shall preserve all applications for absent voter ballots for a period of six months from the date of the election.

17506. The elections official shall preserve the list of new resident voters voting pursuant to Chapter 5 (commencing with Section 3400) of Division 3 for 22 months from the date of the election.

DIVISION 18. PENAL PROVISIONS  
CHAPTER 1. GENERAL PROVISIONS

18000. This division applies to all elections.

18001. Upon a conviction for any crime punishable by imprisonment in any jail or prison, in relation to which no fine is herein prescribed, the court may impose a fine on the offender not exceeding one thousand dollars (\$1,000) in cases of misdemeanors or ten thousand dollars (\$10,000) in cases of felonies, in addition to the imprisonment prescribed.

18002. Every person charged with the performance of any duty under any law of this state relating to elections, who willfully neglects or refuses to perform it, or who, in his or her official capacity, knowingly and fraudulently acts in contravention or violation of any of those laws, is, unless a different punishment is prescribed by this code, punishable by fine not exceeding one thousand dollars (\$1,000) or by imprisonment in the state prison for 16 months or two or three years, or by both.

CHAPTER 2. VOTER REGISTRATION

18100. (a) Every person who willfully causes, procures, or allows himself or herself or any other person to be registered as a voter, knowing that he or she or that other person is not entitled to registration, is punishable by imprisonment in the state prison for 16 months or two or three years, or in a county jail for not more than one year.

(b) Every person who knowingly and willfully signs, or causes or procures the signing of, an affidavit of registration of a nonexistent person, and who mails or delivers, or causes or procures the mailing or delivery of, that affidavit to a county elections official is guilty of a crime punishable by imprisonment in the state prison for 16 months or two or three years, or in a county jail for not more than one year. For purposes of this subdivision, "nonexistent person" includes, but is not limited to, deceased persons, animals, and inanimate objects.

18101. Every person who knowingly and willfully completes, or causes or procures the completion of, in whole or in part, an affidavit of registration or a voter registration card, with the intent to cause the registration or reregistration as a voter of a fictitious person or of any person who has not requested registration or reregistration as a voter, is guilty of a crime punishable by imprisonment in the state prison for 16 months or two or three years, or in a county jail for not more than one year.

18102. Any deputy elections official or registration

elections official who knowingly registers a nonexistent person, knowingly registers a person under a false name or address, or knowingly registers a person who is ineligible to register is punishable by imprisonment in the state prison for 16 months or two or three years or in county jail for not more than one year.

18103. Any person who knowingly or negligently (a) interferes with the prompt transfer of a completed affidavit of registration to the county elections official, (b) retains a voter's completed registration card, without the voter's authorization, for more than three days, excluding Saturdays, Sundays, and state holidays, or after the close of registration, or (c) denies a voter the right to return to the county elections official the voter's own completed registration card, is guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000).

18104. Any deputy registrar of voters having charge of affidavits of registration is guilty of a misdemeanor who knowingly neglects or refuses to return affidavits of registration as provided in Article 3 (commencing with Section 2135) of Chapter 2 of Division 2. The county elections official shall report to the district attorney of the county, under oath, the names of any deputies who have failed to return the affidavits. The district attorney shall take appropriate civil or criminal action.

18105. No affidavit of registration or voter registration card shall contain, and no person other than the registrant shall write on or affix thereto, or cause to be written on or affixed thereto, any statement urging or indicating support or opposition to any candidate or measure.

Any person who violates this section is guilty of a misdemeanor.

18106. Every person is punishable by imprisonment in the state prison for 16 months or two or three years or in the county jail for not more than one year who, without the specific consent of the affiant, willfully and with the intent to affect the affiant's voting rights, causes, procures, or allows the completion, alteration, or defacement of the affiant's party affiliation declaration contained in an executed, or partially executed, affidavit of registration pursuant to subdivision (h) of Section 2150 and Section 2151.

This section shall not apply to a county elections official carrying out his or her official duties.

18107. Every person who willfully violates Section 2158 is guilty of an infraction, punishable by a fine not to exceed two hundred dollars (\$200).

18108. Any person who, in exchange for money or other valuable consideration, assists another to register to vote by receiving the completed affidavit of registration from the elector, and fails to provide the information required by Section 2159, is guilty of a misdemeanor.

18109. (a) It is a misdemeanor for any person in possession of information obtained pursuant to Article 5 (commencing with Section 2180) of Chapter 2 of Division 2, or Section 6254.4 of the Government Code, knowingly to use or permit the use of all or any part of that information for any purpose other than as permitted by law.

(b) It is a misdemeanor for any person knowingly to acquire possession or use of voter registration information referred to in subdivision (a) without first complying with Section 2188.

## CHAPTER 3. NOMINATION OF CANDIDATES

18200. Every person who subscribes to any nomination petition a fictitious name, or who intentionally subscribes thereto the name of another, or who causes another to subscribe a fictitious name to a nomination petition, is guilty of a felony and is punishable by imprisonment in the state prison for 16 months or two or three years.

18201. Any person who falsely makes or fraudulently defaces or destroys all or any part of a nomination paper, is punishable by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment in the state prison for 16 months or two or three years or by both the fine and imprisonment.

18202. Every person acting on behalf of a candidate is guilty of a misdemeanor who deliberately fails to file at the proper time and in the proper place any nomination paper or declaration of candidacy in his or her possession that is entitled to be filed under this code.

18203. Any person who files or submits for filing a nomination paper or declaration of candidacy knowing that it or any part of it has been made falsely is punishable by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment in the state prison for 16 months or two or three years or by both the fine and imprisonment.

18204. Any person who willfully suppresses all or any part of a nomination paper or declaration of candidacy either before or after filing is punishable by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment in the state prison for 16 months or two or three years or by both the fine and imprisonment.

18205. A person shall not directly or through any other person advance, pay, solicit, or receive or cause to be advanced, paid, solicited, or received, any money or other valuable consideration to or for the use of any person in order to induce a person not to become or to withdraw as a candidate for public office. Violation of this section shall be punishable by imprisonment in the state prison for 16 months or two or three years.

CHAPTER 4. ELECTION CAMPAIGNS  
Article 1. Campaign Literature

18300. In addition to any other penalty, no payment shall be made or allowed to any person in consideration for his or her having prepared, printed, published, or circulated, or assisted in the preparation, printing, publishing, or circulating of any advertisement, bill, placard, poster, or other printed or duplicated matter in violation of Section 20003. Any person who knowingly pays or receives a payment in violation of this section is guilty of a misdemeanor.

18301. In addition to any other penalty, any person who prints or otherwise duplicates, or causes to be printed or duplicated, a simulated ballot or simulated sample ballot that does not contain the statement required by Section 20009 or that uses an official seal or insignia in violation thereof, is guilty of a misdemeanor.

18302. Every person is guilty of a misdemeanor who knowingly causes to be mailed or distributed, or knowingly mails or distributes, literature to any voter that includes a designation

of the voter's precinct polling place other than a precinct polling place listed for that voter in an official precinct polling list that constituted the latest official precinct polling list at sometime not more than 30 days prior to the mailing or distribution.

18303. Every person who violates Section 84305 of the Government Code relating to mass mailing is subject to the penal provisions set forth in Chapter 11 (commencing with Section 91000) of Title 9 of the Government Code.

#### Article 2. Political Party Caucuses

18310. A person shall not directly or through any other person pay or receive any money or other valuable consideration before, during, or after an election in order to reward any person or as a reward for voting for or against or agreeing to vote for or against the election or endorsement of any other person as the nominee or candidate of any caucus, convention, organized assemblage of delegates, or other body representing or claiming to represent a political party, candidate, or principle, or any club, society, or association. A violation of this section shall be punishable by imprisonment in the state prison for 16 months or two or three years.

18311. Every person is punishable by imprisonment in the state prison for 16 months or two or three years who:

(a) Gives or offers a bribe to any officer or member of any political convention, committee, or political gathering of any kind, held for the purpose of nominating candidates for offices of honor, trust, or profit in this state, with intent to influence the person to whom the bribe is given or offered to be more favorable to one candidate than another.

(b) Being a member of any of the bodies mentioned in this section receives or offers to receive any bribe described in subdivision (a).

#### Article 3. Claims of Endorsements

18320. No candidate for nomination of a political party for a partisan office in the direct primary election shall claim, nor shall any other person claim on his or her behalf, that he or she is the official candidate or the officially endorsed candidate of the political party. A violation of this section by any person shall constitute a misdemeanor.

#### Article 4. Political Meetings

18340. Every person who, by threats, intimidations, or unlawful violence, willfully hinders or prevents electors from assembling in public meetings for the consideration of public questions is guilty of a misdemeanor.

#### Article 5. Misrepresentation by Candidates

18350. Every person is guilty of a misdemeanor who, with intent to mislead the voters in connection with his or her campaign for nomination or election to a public office or in connection with the campaign of another person for nomination or election to a public office, does either of the following acts:

(a) Assume, pretend, or imply, by his or her statements or



conduct, that he or she is the incumbent of a public office when that is not the case.

(b) Assume, pretend, or imply, by his or her statements or conduct, that he or she is or has been acting in the capacity of a public officer when that is not the case.

Any violation of this section may be enjoined in a civil action brought by any candidate for the public office involved.

18351. Any candidate in an election or incumbent in a recall election who knowingly makes a false statement of a material fact in a candidate's statement, prepared pursuant to Section 11327 or 13307, with the intent to mislead the voters in connection with his or her campaign for nomination or election to a nonpartisan office is punishable by a fine not to exceed one thousand dollars (\$1,000).

#### Article 6. Solicitation of Funds

18360. Any person who violates Section 20201 is guilty of a misdemeanor.

18361. Upon the complaint of the affected candidate or committee, any person who violates Section 20202 or 20203 is guilty of a misdemeanor.

#### Article 7. Electioneering

18370. No person, on election day, shall, within 100 feet of a polling place:

(a) Circulate an initiative, referendum, recall, or nomination petition or any other petition.

(b) Solicit a vote or speak to a voter on the subject of marking his ballot.

(c) Place a sign relating to voters' qualifications or speak to a voter on the subject of his qualifications except as provided in Section 14240.

(d) Do any electioneering.

As used in this section "100 feet of a polling place" means a distance 100 feet from the room or rooms in which voters are signing the roster and casting ballots.

Any person who violates any of the provisions of this section is guilty of a misdemeanor.

18371. (a) No candidate or representative of a candidate, and no proponent, opponent, or representative of a proponent or opponent, of an initiative, referendum, or recall measure, or of a charter amendment, shall solicit the vote of an absentee voter, or do any electioneering, while in the residence or in the immediate presence of the voter, and during the time he or she knows the absentee voter is voting.

(b) Any person who knowingly violates this section is guilty of a misdemeanor.

(c) This section shall not be construed to conflict with any provision of the federal Voting Rights Act of 1965, as amended, nor to preclude electioneering by mail or telephone or in public places, except as prohibited by Section 18370, or by any other provision of law.

#### Article 8. Vandalism at Polling Places

18380. (a) No person, during any election, shall do any of the following:

(1) Remove or destroy any of the supplies or other conveniences placed in the voting booths or compartments for the purpose of enabling the voter to prepare his or her ballot.

(2) Remove, tear down, or deface the cards printed for the instruction of voters.

(3) Remove, tear, mark or otherwise deface any voter index with the intent to falsify or prevent others from readily ascertaining the name, address, or political affiliation of any voter, or the fact that a voter has or has not voted.

(4) Remove, tear down, or deface the signs identifying the location of a polling place or identifying areas within 100 feet of a polling place.

(b) Any person who violates any of the provisions of this section is guilty of a misdemeanor.

#### Article 9. Misuse of State Publications

18390. No agency or department of the state may use its publications to advise state employees of any constitutional officer's choice of candidates for public office or for recommending positions on specific ballot propositions not related to the functions of that agency or department.

For purposes of this section "publications" means any written or printed matter including, but not limited to, agency or department memorandums or directives, but shall not include legislative newsletters or state ballot pamphlets.

Any state officer who violates this section is guilty of a misdemeanor.

#### CHAPTER 5. BALLOTS

18400. Any person who makes, uses, keeps, or furnishes to others, any paper or punchcards watermarked or overprinted in imitation of ballot paper or punchcards is punishable by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in the state prison for 16 months, two or three years, or by both the fine and imprisonment.

18401. Every person who prints any ballot not in conformity with Chapter 2 (commencing with Section 13100) of Division 13, or who circulates or gives to another any ballot, knowing at the time that the ballot does not conform to Chapter 2 (commencing with Section 13100) of Division 13, is guilty of a misdemeanor.

18402. Any individual, group, or organization that knowingly distributes any application for an absent voter's ballot that does not conform to Chapter 1 (commencing with Section 3000) of Division 3 is guilty of a misdemeanor.

18403. Any person other than an elections official or a member of the precinct board who receives a voted ballot from a voter or who examines or solicits the voter to show his or her voted ballot is punishable by a fine not exceeding ten thousand dollars (\$10,000), by imprisonment in the state prison for 16 months or two or three years or in a county jail not exceeding one year, or by both the fine and imprisonment. This section shall not apply to persons returning an absentee ballot pursuant to Sections 3017 and 3021 or persons assisting a voter pursuant to Section 14282.

#### CHAPTER 6. CORRUPTION OF THE VOTING PROCESS

##### Article 1. General Provisions

18500. Any person who commits fraud or attempts to commit fraud, and any person who aids or abets fraud or attempts to aid or abet fraud, in connection with any vote cast, to be cast, or attempted to be cast, is guilty of a felony, punishable by imprisonment for 16 months or two or three years.

18501. Any public official who knowingly violates any of the provisions of this chapter, and thereby aids in any way the illegal casting or attempting to cast a vote, or who connives to nullify any of the provisions of this chapter in order that fraud may be perpetrated, shall forever be disqualified from holding office in this state and upon conviction shall be sentenced to a state prison for 16 months or two or three years.

18502. Any person who in any manner interferes with the officers holding an election or conducting a canvass, or with the voters lawfully exercising their rights of voting at an election, as to prevent the election or canvass from being fairly held and lawfully conducted, is punishable by imprisonment in the state prison for 16 months or two or three years.

#### Article 2. Corruption of Voters

18520. A person shall not directly or through another person give, offer, or promise any office, place, or employment, or promise to procure or endeavor to procure any office, place, or employment to or for any voter, or to or for any other person, in order to induce that voter at any election to:

- (a) Refrain from voting.
- (b) Vote for any particular person.
- (c) Refrain from voting for any particular person.

A violation of any of the provisions of this section shall be punishable by imprisonment in the state prison for 16 months or two or three years.

18521. A person shall not directly or through any other person receive, agree, or contract for, before, during or after an election, any money, gift, loan, or other valuable consideration, office, place, or employment for himself or any other person because he or any other person:

- (a) Voted, agreed to vote, refrained from voting, or agreed to refrain from voting for any particular person or measure.

- (b) Remained away from the polls.
- (c) Refrained or agreed to refrain from voting.
- (d) Induced any other person to:

- (1) Remain away from the polls.
- (2) Refrain from voting.

- (3) Vote or refrain from voting for any particular person or measure.

Any person violating this section is punishable by imprisonment in the state prison for 16 months or two or three years.

18522. A person shall not, directly or through any other person pay, lend, or contribute, or offer or promise to pay, lend, or contribute, any money or other valuable consideration to or for any voter or to or for any other person to:

- (a) Induce the voter to:

- (1) Refrain from voting at any election.

- (2) Vote or refrain from voting at an election for any particular person or measure.

(3) Remain away from the polls at an election.

(b) Reward the voter for having:

(1) Refrained from voting.

(2) Voted for any particular person or measure.

(3) Refrained from voting for any particular person or measure.

(4) Remained away from the polls at an election.

Any person violating this section is punishable by imprisonment in the state prison for 16 months or two or three years.

18523. A person shall not directly or through any other person advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, with the intent that it, or any part thereof, shall be used in bribery at any election, or knowingly pay or cause to be paid any money or other valuable thing to any person in discharge or repayment of any money, wholly or in part, expended in bribery at any election.

Any person violating this section is punishable by imprisonment in the state prison for 16 months or two or three years.

18524. A person shall not directly or through any other person advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, with the intent that it, or any part thereof, will be used for boarding, lodging, or maintaining a person at any place or domicile in any election precinct, ward, or district, with intent to secure the vote of that person or to induce that person to vote for any particular person or measure.

Any person violating this section is punishable by imprisonment in the state prison for 16 months or two or three years.

### Article 3. Intimidation of Voters

18540. (a) Every person who makes use of or threatens to make use of any force, violence, or tactic of coercion or intimidation, to induce or compel any other person to vote or refrain from voting at any election or to vote or refrain from voting for any particular person or measure at any election, or because any person voted or refrained from voting at any election or voted or refrained from voting for any particular person or measure at any election is guilty of a felony punishable by imprisonment in the state prison for 16 months or two or three years.

(b) Every person who hires or arranges for any other person to make use of or threaten to make use of any force, violence, or tactic of coercion or intimidation, to induce or compel any other person to vote or refrain from voting at any election or to vote or refrain from voting for any particular person or measure at any election, or because any person voted or refrained from voting at any election or voted or refrained from voting for any particular person or measure at any election is guilty of a felony punishable by imprisonment in the state prison for 16 months or two or three years.

18541. (a) No person shall, with the intent of dissuading another person from voting, within 100 feet of a polling place:

(1) Solicit a vote or speak to a voter on the subject of marking his or her ballot.

(2) Place a sign relating to voters' qualifications or speak to a voter on the subject of his or her qualifications except as provided in Section 14240.

(b) Any person who violates this section is punishable by imprisonment in the county jail for not more than 12 months, or in the state prison. Any person who conspires to violate this section is guilty of a felony.

(c) For purposes of this section, 100 feet means a distance of 100 feet from the room or rooms in which voters are signing the roster and casting ballots.

18542. Every employer, whether a corporation or natural person, or any other person who employs, is guilty of a misdemeanor if, in paying his or her employees the salary or wages due them, encloses their pay in pay envelopes upon which or in which there is written or printed the name of any candidate or any political mottoes, devices, or arguments containing threats, express or implied, intended or calculated to influence the political opinions or actions of the employees.

18543. (a) Every person who knowingly challenges a person's right to vote without probable cause or on fraudulent or spurious grounds, or who engages in mass, indiscriminate, and groundless challenging of voters solely for the purpose of preventing voters from voting or to delay the process of voting, or who fraudulently advises any person that he or she is not eligible to vote or is not registered to vote when in fact that person is eligible or is registered, or who violates Section 14240, is punishable by imprisonment in the county jail for not more than 12 months or in the state prison.

(b) Every person who conspires to violate subdivision (a) is guilty of a felony.

18544. (a) Any person in possession of a firearm or any uniformed peace officer, private guard, or security personnel or any person who is wearing a uniform of a peace officer, guard, or security personnel, who is stationed in the immediate vicinity of, or posted at, a polling place without written authorization of the appropriate city or county elections official is punishable by a fine not exceeding ten thousand dollars (\$10,000), by imprisonment in the state prison for 16 months or two or three years or in a county jail not exceeding one year, or by both the fine and imprisonment.

(b) This section shall not apply to any of the following:

(1) An unarmed uniformed guard or security personnel who is at the polling place to cast his or her vote.

(2) A peace officer who is conducting official business in the course of his or her public employment or who is at the polling place to cast his or her vote.

(3) A private guard or security personnel hired or arranged for by a city or county elections official.

(4) A private guard or security personnel hired or arranged for by the owner or manager of the facility or property in which the polling place is located if the guard or security personnel is not hired or arranged solely for the day on which an election is held.

18545. Any person who hires or arranges for any other person in possession of a firearm or any uniformed peace officer, private guard, or security personnel or any person who is wearing a uniform of a peace officer, guard, or security personnel, to be stationed in the immediate vicinity of, or posted at, a polling place without written authorization of the

appropriate elections official is punishable by a fine not exceeding ten thousand dollars (\$10,000), by imprisonment in the state prison for 16 months or two or three years or in a county jail not exceeding one year, or by both the fine and imprisonment. This section shall not apply to the owner or manager of the facility or property in which the polling place is located if the private guard or security personnel is not hired or arranged solely for the day on which the election is held.

18546. As used in this article:

(a) "Elections official" means county clerk, registrar of voters, or city clerk.

(b) "Immediate vicinity" means the area within a distance of 100 feet from the room or rooms in which the voters are signing the roster and casting ballots.

#### Article 4. Corruption of Voting

18560. Every person is guilty of a crime punishable by imprisonment in the state prison for 16 months or two or three years, or in county jail not exceeding one year, who:

(a) Not being entitled to vote at an election, fraudulently votes or fraudulently attempts to vote at that election.

(b) Being entitled to vote at an election, votes more than once, attempts to vote more than once, or knowingly hands in two or more ballots folded together at that election.

(c) Impersonates or attempts to impersonate a voter at an election.

18561. Every person is punishable by imprisonment in the state prison for 16 months or two or three years who:

(a) Procures, assists, counsels, or advises another to give or offer his vote at any election, knowing that the person is not qualified to vote.

(b) Aids or abets in the commission of any of the offenses mentioned in Section 18560.

18562. Every member of a precinct board is guilty of a misdemeanor who, prior to putting the ballot of a voter in the ballot box, commits any of the following:

(a) Attempts to find out any name on the ballot.

(b) Opens or suffers to be opened or examined the folded ballot of any voter which has been handed in.

(c) Makes or places any mark or device on any folded ballot with a view to ascertaining the name of any person for whom the voter has voted.

18563. Every member of a precinct board is guilty of a misdemeanor who, without the consent of a voter, discloses the name of any candidate

the board member has discovered in his capacity as a member of the board to have been voted for by the voter.

18564. Any person is guilty of a felony, punishable by imprisonment in a state prison for two, three, or four years who, before or during an election:

(a) Tampers with, interferes with, or attempts to interfere with, the correct operation of, or willfully damages in order to prevent the use of, any voting machine, voting device, voting system, vote tabulating device, or ballot tally software program source codes.

(b) Interferes or attempts to interfere with the secrecy of voting or ballot tally software program source codes.

(c) Knowingly, and without authorization, makes or has in his

or her possession a key to a voting machine that has been adopted and will be used in elections in this state.

(d) Willfully substitutes or attempts to substitute forged or counterfeit ballot tally software program source codes.

18565. Any person who aids or abets in the commission of any of the offenses described in Section 18564 is punishable by imprisonment in the county jail for a period of six months or in the state prison for 16 months or two or three years.

18566. Every person is punishable by imprisonment in the state prison for two, three, or four years who:

(a) Forges or counterfeits returns of an election purported to have been held at a precinct where no election was in fact held.

(b) Willfully substitutes forged or counterfeit returns of election in the place of true returns for a precinct where an election was actually held.

18567. Every person who willfully adds to or subtracts from the votes actually cast at an election, in any official or unofficial returns, or who alters the returns, is punishable by imprisonment in the state prison for 16 months or two or three years.

18568. Every person is punishable by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in the state prison for 16 months or two or three years, or by both the fine and imprisonment, who:

(a) Aids in changing or destroying any poll list or official ballot.

(b) Aids in wrongfully placing any ballots in the ballot container or in taking any therefrom.

(c) Adds or attempts to add any ballots to those legally polled at any election by fraudulently putting them into the ballot container, either before or after the ballots therein have been counted.

(d) Adds to or mixes with, or attempts to add to or mix with, the ballots polled, any other ballots, while they are being counted or canvassed or at any other time, with intent to change the result of the election, or allows another to do so, when in his or her power to prevent it.

(e) Carries away or destroys, attempts to carry away or destroy, or knowingly allows another to carry away or destroy, any poll list, ballot container, or ballots lawfully polled or who willfully detains, mutilates, or destroys any election returns.

(f) Removes any unvoted ballots from the polling place before the completion of the ballot count.

18569. Every person who aids or abets in the commission of any of the offenses mentioned in Section 18566, 18567, or 18568 is punishable by imprisonment in the county jail for the period of six months or in the state prison for 16 months or two or three years.

18570. Every person is guilty of a misdemeanor who does any one of the following:

(a) Removes or defaces any posted copy of the results of votes cast within the period of 48 hours from the official time fixed for the closing of the polls.

(b) Delays delivery of or changes the copy of the result of votes cast that is to be delivered to the city or county elections official.

18571. Any person acting on any counting board who refuses to obey any lawful order of the county elections official or his

or her deputy is guilty of a misdemeanor, unless he or she is by his or her refusal guilty of a higher crime under the laws of this state.

18572. Each counting board and its members are subject to the liabilities and penalties to which precinct boards or their members are subject where the votes and returns are counted at the precincts where they were polled.

18573. Every person is guilty of a felony punishable by imprisonment in the state prison for 16 months or two or three years who furnishes any voter wishing to vote, who cannot read, with a ballot, informing or giving that voter to understand that it contains a name written or printed thereon different from the name which is written or printed thereon, or defrauds any voter at any election by deceiving and causing him or her to vote for a different person for any office than he or she intended or desired to vote for.

18574. Every person who, after being required by the precinct board at an election, refuses to be sworn or, being sworn, refuses to answer any pertinent questions propounded by the board touching the right of another to vote, is guilty of a misdemeanor.

18575. Every person is guilty of a felony, and on conviction shall be punished by imprisonment in the state prison for two, three or four years, who at any election:

(a) Without first having been appointed and qualified, acts as an election officer.

(b) Not being an election officer, performs or discharges any of the duties of an election officer in regard to the handling, counting, or canvassing of any ballots.

18576. Any person who willfully (a) interferes with the prompt delivery of a completed absent voter ballot application, (b) retains a completed absent voter ballot application, without the voter's authorization, for more than three days excluding weekends and state holidays, or by the deadline for return of absent voters' ballot applications, whichever is earlier, or (c) denies an applicant the right to return his or her own completed absent voter ballot application to the local elections official having jurisdiction over the election, is guilty of a misdemeanor.

18577. Any person having charge of a completed absent voter ballot who willfully interferes or causes interference with its return to the local elections official having jurisdiction over the election is guilty of a misdemeanor.

18578. Any person who applies for, or who votes or attempts to vote, an absent voter's ballot by fraudulently signing the name of a fictitious person, or of a regularly qualified voter, or of a person who is not qualified to vote, is guilty of a felony punishable by imprisonment in the state prison for 16 months or two or three years, or by fine not exceeding one thousand dollars (\$1,000) or by both the fine and imprisonment.

## CHAPTER 7. INITIATIVE, REFERENDUM, AND RECALL

### Article 1. Improper Signature-Gathering Tactics

18600. Every person is guilty of a misdemeanor who:

(a) Circulating, as principal or agent, or having charge or control of the circulation of, or obtaining signatures to, any state or local initiative, referendum or recall petition, intentionally misrepresents or intentionally makes any false



who files in the office of the elections official or other officer designated by law to receive the filing, any initiative, referendum, or recall petition to which is attached, appended or subscribed any signature which the person filing the petition knows to be false or fraudulent or not the genuine signature of the person whose name it purports to be.

#### Article 3. Improper Payments to Prevent Petition Circulation and Filing

18620. Every person who seeks, solicits, bargains for, or obtains any money, thing of value, or advantage of or from any person, firm, or corporation for the purpose or represented purpose of fraudulently inducing, persuading, or seeking the proponent or proponents of any initiative or referendum measure or recall petition to (a) abandon the measure or petition, (b) fail, neglect, or refuse to file in the office of the elections official or other officer designated by law, within the time required by law, the initiative or referendum measure or recall petition after securing the number of signatures required to qualify the measure or petition, (c) stop the circulation of the initiative or referendum measure or recall petition, or (d) perform any act that will prevent or aid in preventing the initiative or referendum measure or recall petition from qualifying as an initiative or referendum measure, or the recall petition from resulting in a recall election, is punishable by a fine not exceeding five thousand dollars (\$5,000), or by imprisonment in the state prison 16 months or two or three years or in a county jail not exceeding one year, or by both the fine and imprisonment.

18621. Any proponent of an initiative or referendum measure or recall petition who seeks, solicits, bargains for, or obtains any money or thing of value of or from any person, firm, or corporation for the purpose of abandoning the same or stopping the circulation of petitions concerning the same, or failing or neglecting or refusing to file the measure or petition in the office of the elections official or other officer designated by law within the time required by law after obtaining the number of signatures required under the law to qualify the measure or petition, or performing any act that will prevent or aid in preventing the initiative, referendum or recall proposed from qualifying as an initiative or referendum measure, or resulting in a recall election is punishable by a fine not exceeding five thousand dollars (\$5,000) or by imprisonment in the state prison for 16 months or two or three years or in a county jail not exceeding one year, or by both the fine and imprisonment.

18622. Every person who offers to buy or does buy from a circulator any referendum, initiative, or recall petition on which one or more persons have affixed their signatures is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one year, or by a fine not exceeding one thousand dollars (\$1,000), or both. This section is not intended to prohibit compensation of a circulator, for his or her services, by a proponent of the petition or his or her agent.

#### Article 4. Threats and Theft to Prevent Petition Circulation and Filing

18630. Every person who threatens to commit an assault or

battery on a person circulating a referendum, initiative, or recall petition or on a relative of a person circulating a referendum, initiative, or recall petition or to inflict damage on the property of the circulator or the relative, with the intent to dissuade the circulator from circulating the petition or in retribution for the circulation, is guilty of a misdemeanor.

18631. Every person who forcibly or by stealth takes from the possession of a circulator any initiative, referendum, or recall petition on which one or more persons have affixed their signatures is guilty of a misdemeanor.

#### Article 5. Refusal of Circulators to Turn in Petitions

18640. Any person working for the proponent or proponents of an initiative or referendum measure or recall petition who solicits signatures to qualify the measure or petition and accepts any payment therefor and who fails to surrender the measure or petition to the proponents thereof for filing is punishable by a fine not exceeding five thousand dollars (\$5,000), or by imprisonment in the state prison for 16 months or two or three years or in a county jail not exceeding one year, or by both the fine and imprisonment.

#### Article 6. Misuse of Signatures on Petition

18650. No one shall knowingly or willfully permit the list of signatures on an initiative, referendum, or recall petition to be used for any purpose other than qualification of the initiative or referendum measure or recall question for the ballot, except as provided in Section 6253.5 of the Government Code. Violation of this section is a misdemeanor.

#### Article 7. False Affidavits Concerning Petitions

18660. Every person is punishable by a fine not exceeding five thousand dollars (\$5,000), or by imprisonment in the state prison for 16 months or two or three years or in a county jail not exceeding one year, or by both the fine and imprisonment, who makes any false affidavit concerning any initiative, referendum, or recall petition or the signatures appended thereto.

18661. Every public official or employee is punishable by a fine not exceeding five thousand dollars (\$5,000), or by imprisonment in the state prison for 16 months or two or three years or in a county jail not exceeding one year, or by both the fine and imprisonment, who knowingly makes any false return, certification or affidavit concerning any initiative, referendum, or recall petition or the signatures appended thereto.

#### Article 8. Filing Petitions to Defeat an Initiative or Referendum

18670. Every person is guilty of a misdemeanor who, either as principal or agent, files in the office of the Secretary of State, county elections official, or in the office of any other officer designated by law to receive the filing, a petition or any section of a petition relating to the Constitution or the laws of this state, authorized by the Constitution or laws of

this state regulating the statewide initiative or referendum, with the intention of thereby defeating that initiative or referendum measure that is embraced in the petition. Nothing in this section applies to any person who, in good faith, files a petition embracing an initiative or referendum measure that conflicts with a similar measure already on file.

18671. Any petition, or any section of a petition, filed by any person other than the proponents of an initiative or referendum measure and with an intention of defeating an expression of the public will is null and void.

#### Article 9. Misuse of Campaign Funds

18680. Every person who is entrusted with money or things of value for the purpose of promoting or defeating any initiative, referendum, or recall petition or any measure that has qualified for the ballot is a trustee of the money or things of value. If a person wrongfully appropriates the money or things of value to any use or purpose not in the due and lawful execution of the trust, the person shall be punishable by a fine not exceeding five thousand dollars (\$5,000), or by imprisonment in the state prison for 16 months or two or three years or in a county jail not exceeding one year, or by both the fine and imprisonment. The following expenses are within the due and lawful execution of the trust:

(a) Securing signatures to initiative, referendum, or recall petitions.

(b) Circulating initiative, referendum, or recall petitions.

(c) Holding and conducting public meetings.

(d) Printing and circulating prior to an election:

(1) Specimen ballots.

(2) Handbills.

(3) Cards.

(4) Other papers.

(e) Advertising.

(f) Postage.

(g) Expressage.

(h) Telegraphing.

(i) Telephoning.

(j) All salaries and expenses of:

(1) Campaign managers.

(2) Lecturers.

(3) Solicitors.

(4) Agents.

(5) All persons employed in transacting business at headquarters or branch offices, if the business transacted is related to promoting or defeating an initiative, referendum, or recall petition or any measure which has qualified for the ballot.

(k) Maintaining headquarters and branch offices.

(l) Renting of rooms for the transaction of the business of an association.

(m) Attorney's fees and other costs in connection with litigation where the litigation arises directly out of any of the following:

(1) Activities related to promoting or defeating an initiative, referendum, or recall petition or any measure that has qualified for the ballot.

(2) The enactment, by the initiative process, of any

devices, and vote tabulating devices.

19101. The Chairperson of the Senate Standing Committee on Elections and Reapportionment and the Chairperson of the Assembly Standing Committee on Elections, Reapportionment and Constitutional Amendments shall meet with the Secretary of State and assist the Secretary of State to the extent that the participation is not incompatible with their positions as Members of the Legislature. For the purposes of this division, the chairpersons of the committees named shall constitute a joint interim legislative committee on the subject of this chapter and Chapter 3 (commencing with Section 19200) and shall have the powers and duties imposed upon those committees by the Joint Rules of the Senate and Assembly.

19102. The Secretary of State may investigate any alleged violation of his or her regulations with power to subpoena all necessary persons and records.

19103. (a) An exact copy of the source code for all ballot tally software programs shall be placed in an approved escrow facility prior to its use.

(b) The Secretary of State shall adopt regulations relating to the following:

(1) The definition of source codes for ballot tally software.

(2) Specifications for the escrow facility, including security and environmental specifications necessary for the preservation of the ballot tally software program source codes.

(3) Procedures for submitting ballot tally software program source codes.

(4) Criteria for access to ballot tally software program source codes.

(c) The Secretary of State may seek injunctive relief requiring the elections officials to comply with this section and related regulations. Venue for a proceeding under this section shall be exclusively in Sacramento County.

(d) This section applies to all elections.

### CHAPTER 3. APPROVAL OF VOTING SYSTEMS

#### Article 1. Procedures for Approval of Voting Systems

19200. The Secretary of State shall not approve any voting system, or part of a voting system, unless it fulfills the requirements of this code and the regulations of the Secretary of State.

19201. No voting system, in whole or in part, shall be used unless it has received the approval of the Secretary of State, prior to any election at which it is to be first used.

19202. Any person or corporation owning or being interested in any voting system or part of a voting system may apply to the Secretary of State to examine it and report on its accuracy and efficiency to fulfill its purpose. The Secretary of State shall complete his or her examination without undue delay.

19203. The Secretary of State may make all arrangements for the time and place to examine voting equipment proposed to be sold in this state. He or she shall furnish a complete report of the findings of the examining engineers to the Governor and the Attorney General.

19204. Prior to giving its decision approving or withholding approval of any voting machine, voting device, or vote tabulating device, the Secretary of State shall hold a public

hearing to give persons interested an opportunity to express their views for or against the machine or device.

The Secretary of State shall give notice of the hearing in the manner prescribed in Section 6064 of the Government Code in a newspaper of general circulation published in Sacramento County. The Secretary of State shall also transmit written notice of the hearing, at least 30 days prior to the hearing, to each county elections official, to any person that the Secretary of State believes will be interested in the hearing, and to any person who requests, in writing, notice of the hearing.

The decision of the Secretary of State, either approving or withholding approval of a voting machine, voting device, or vote tabulating device, shall be in writing and shall state the findings of the secretary. The decision shall be open to public inspection.

19205. The Secretary of State shall establish the specifications for and the regulations governing voting machines, voting devices, vote tabulating devices, and any software used for each, including the programs and procedures for vote tabulating and testing. The criteria for establishing the specifications and regulations shall include, but not be limited to, the following:

(a) The machine or device and its software shall be suitable for the purpose for which it is intended.

(b) The system shall preserve the secrecy of the ballot.

(c) The system shall be safe from fraud or manipulation.

19206. For the purpose of assistance in examining a voting system the Secretary of State may employ not more than three expert electronic technicians at a cost to be set by the Secretary of State. The compensation of the electronic technicians shall be paid by

the person or corporation submitting the machine or device. The Secretary of State may require the person or corporation submitting the machine or device to deposit sufficient funds to guarantee the payment of the examination charges. The Secretary of State may deposit the funds in an appropriate treasury trust account and, within 30 days after his or her report of examination, draw a refund check to the credit of the person or corporation for any amount in excess of costs.

19207. Within 30 days after completing the examination of any voting system, the Secretary of State shall place on file a report stating whether in his or her opinion the kind of voting system examined can safely be used. The report shall also contain a written or printed description and drawings and photographs clearly identifying the machine or device and its mechanical operation.

19208. If the report states that the voting system can be used, it shall be deemed approved by the Secretary of State and machines or devices of its kind may be adopted for use at elections.

19209. Within 10 days after filing the report, the Secretary of State shall send a copy to the board of supervisors of each county.

19210. The governing board may adopt for use at elections any kind of voting system, any combination of voting systems, any combination of a voting system and paper ballots, provided that the use of the voting system or systems involved has been approved by the Secretary of State or specifically authorized by law. The voting system or systems may be used at any or all

elections held in any county, city, or any of their political subdivisions for voting, registering, and counting votes cast. When more than one voting system is used to count ballots, the names of candidates shall, insofar as possible, be placed upon the primary voting system. When more than one voting system or a combination of a voting system and paper ballots is used to count ballots, a single ballot measure or the candidates for a single office may not be split between voting systems or between a voting system and paper ballots.

19211. The governing board, without formally adopting a system that it might lawfully adopt, may provide for its experimental use at an election in one or more precincts. Its use at the election is as valid for all purposes as if it were lawfully adopted.

19212. The governing board may provide for the payment of the cost of the voting system equipment in any manner and by any method as it may deem for the best local interests, and also may for that purpose issue bonds, certificates of indebtedness, or other obligations that shall be a charge on the county or city. The bonds, certificates, or other obligations may be issued with or without interest, payable at any time as the authorities may determine, but shall not be issued or sold at less than par. The governing board may enter into lease agreements or lease-purchase agreements for the use of equipment.

19213. When a voting system or a part of a voting system has been approved by the Secretary of State, it shall not be changed or modified until the Secretary of State has been notified in writing and determined that the change or modification does not impair its accuracy and efficiency sufficient to require a reexamination and reapproval pursuant to this article. The Secretary of State may adopt rules and regulations governing the procedures to be followed in making his or her determination as to whether the change or modification impairs accuracy or efficiency.

## Article 2. Inspection of Approved Voting Systems

19220. The elections official of any county or city using voting or vote tabulating equipment shall inspect the machines or devices at least once every two years to determine their accuracy. Any county or city using leased or rented equipment shall determine if the equipment has been inspected for accuracy within the last two years before using it for any election. The inspection shall be made in accordance with regulations adopted and promulgated by the Secretary of State. The elections official shall certify the results of the inspection to the Secretary of State.

19221. If the Secretary of State has reason to believe that a local inspection of equipment is not adequate, he or she may cause the equipment to be reexamined, at any time prior to six months before a statewide election, to insure that they tabulate votes accurately.

For the purpose of reexamining voting equipment the Secretary of State may employ not more than three expert technicians at a cost to be determined by the Secretary of State. The compensation of the technicians shall be paid by the county using the equipment examined.

The Secretary of State may make all arrangements for the time and place to examine the voting equipment, and shall furnish a

complete report of the findings of the examining engineers to the Governor, to the Attorney General, to each county elections official, to the chairmen of the elections committees of the Assembly and Senate, and to the manufacturer of the equipment.

19222. The Secretary of State shall review voting systems periodically to determine if they are defective, obsolete, or otherwise unacceptable. The Secretary of State has the right to withdraw his or her approval previously granted under this chapter of any voting system or part of a voting system should it be defective or prove unacceptable after such review. Six months' notice shall be given before withdrawing approval unless the Secretary of State for good cause shown makes a determination that a shorter notice period is necessary. Any withdrawal by the Secretary of State of his or her previous approval of a voting system or part of a voting system shall not be effective as to any election conducted within six months of that withdrawal.

CHAPTER 4. ELECTIONS USING VOTING MACHINES  
Article 1. General Provisions

19300. A voting machine shall, except at a direct primary election, permit the voter to vote for all the candidates of one party or in part for the candidates of one party and in part for the candidates of one or more other parties.

19301. A voting machine shall provide in the general election for grouping under the name of the office to be voted on, all the candidates for the office with the designation of the parties, if any, by which they were respectively nominated.

The designation may be by usual or reasonable abbreviation of party names.

19302. The labels on voting machines and the way in which candidates' names are grouped shall conform as nearly as possible to the form of ballot provided for in elections where voting machines are not used.

19303. If the voting machine is so constructed that a voter can cast a vote in part for presidential electors of one party and in part for those of one or more other parties or those not nominated by any party, it may also be provided with: (a) one device for each party for voting for all the presidential electors of that party by one operation, (b) a ballot label therefor containing only the words "presidential electors" preceded by the name of the party and followed by the names of its candidates for the offices of President and Vice President, and (c) a registering device therefor which shall register the vote cast for the electors when thus voted collectively.

If a voting machine is so constructed that a voter can cast a vote in part for delegates to a national party convention of one party and in part for those of one or more other parties or those not nominated by any party, it may be provided with one device for each party for voting by one operation for each group of candidates to national conventions that may be voted for as a group according to the law governing presidential primaries.

No straight party voting device shall be used except for delegates to a national convention or for presidential electors.

19304. A write-in ballot shall be cast in its appropriate place on the machine, or it shall be void and not counted.

## Article 2. Pre-election Procedures

19320. Before preparing a voting machine for any general election, the elections official shall mail written notice to the chairperson of the county central committee of at least two of the principal political parties, stating the time and place where machines will be prepared. At the specified time one representative of each of the political parties shall be afforded an opportunity to see that the machines are in proper condition for use in the election.

The party representatives shall be sworn to perform faithfully their duties but shall not interfere with the officials or assume any of their duties. When a machine has been so examined by the representatives, it shall be sealed with a numbered metal seal. The representatives shall certify to the number of the machines, whether all of the counters are set at zero (000), and the number registered on the protective counter and on the seal.

19321. The elections official shall affix ballot labels to the machines to correspond with the sample ballot for the election. He or she shall employ competent persons to assist him or her in affixing the labels and in putting the machines in order. Each machine shall be tested to ascertain whether it is operating properly.

19322. When a voting machine has been properly prepared for an election, it shall be locked against voting and sealed. After that initial preparation, a member of the precinct board or some duly authorized person, other than the one preparing the machines, shall inspect each machine and submit a written report. The report shall note the following:

(1) Whether all of the registering counters are set at zero (000), (2) whether the machine is arranged in all respects in good order for the election, (3) whether the machine is locked, (4) the number on the protective counter, (5) the number on the seal. The keys shall be delivered to the election board together with a copy of the written report, made on the proper blanks, stating that the machine is in every way properly prepared for the election.

19323. The elections official shall deliver to the polling place the supplies necessary to conduct the election, including two sample ballots, one envelope containing the seal for sealing the machine after the polls are closed, one envelope for the return of the keys, and as many copies of the statement of votes cast as are necessary.

## Article 3. Precincts and Board Members

19340. Any member of a precinct board who has not previously attended a training class in the use of the voting machines and the duties of a board member shall be required to do so, unless appointed to fill an emergency vacancy.

19341. The precinct board shall consist of one inspector and two judges who shall be appointed and compensated pursuant to the general election laws. One additional inspector or judge shall be appointed for each additional voting machine used in the polling place.

## Article 4. Procedures at the Polls



19360. Before unsealing the envelope containing the keys and opening the doors concealing the counters the precinct board shall determine that the number on the seal on the machine and the number registered on the protective counter correspond to the numbers on the envelope.

Each member of the precinct board shall then carefully examine the counters to see that each registers zero (000). If the machine is provided with embossing, printing, or photography devices that record the readings of the counters the board shall, instead of opening the counter compartment, cause a "before election proofsheets" to be produced and determined by it that all counters register zero (000).

If any discrepancy is found in the numbers registered on the counters or the "before election proofsheets" the precinct board shall make, sign, and post a written statement attesting to this fact. In filling out the statement of return of votes cast, the precinct board shall subtract any number shown on the counter from the number shown on the counter at the close of the polls.

19361. The keys to the voting machines shall be delivered to the precinct board no later than 12 hours before the opening of the polls. They shall be in an envelope upon which is written the designation and location of the election precinct, the number of the voting machine, the number on the seal, and the number registered on the protective counter. The precinct board member receiving the key shall sign a receipt.

The envelope shall not be opened until at least two members of the precinct board are present to determine that the envelope has not been opened.

At the close of the polls the keys shall be placed in the envelope supplied by the official and the number of the machine, the number of the seal, the number registered on the protective counter, shall be written on the envelope.

19362. The exterior of the voting machine and every part of the polling place shall be in plain view of the election precinct board and the poll watchers. The ballot labels shall be clearly visible when the machine is not in use and shall be inspected by a member of the precinct board after each voter has left the booth. Each machine shall be at least four feet from the poll clerk's table.

19363. Voters shall not remain in or occupy the booths or compartments longer than is necessary to mark their ballots, which shall not exceed five minutes. However, where no other voter would be inconvenienced, a longer period shall be allowed.

#### Article 5. Closing the Polls

19370. As soon as the polls are closed, the precinct board, in the presence of the watchers and all others lawfully present, shall immediately lock the voting machine against voting and open the counting compartments, giving full view of all counter numbers. A board member shall in the order of the offices as their titles are arranged on the machine, read and distinctly announce the name or designating number and letter on each counter for each candidate's name and the result as shown by the counter numbers. He or she shall also in the same manner announce the vote on each measure.

If the machine is provided with a recording device, in lieu of opening the counter compartment the precinct board shall

proceed to operate the mechanism to produce the statement of return of votes cast record in a minimum of three copies, remove the irregular ballot, if any, record on the statement of return of votes cast record. The irregular ballot shall be attached to the statement of result record of votes cast for the machine and become a part thereof. One copy of the statement of return of votes cast for each machine shall be posted upon the outside wall of the precinct for all to see. The statement of return of votes cast for each machine for the precinct shall constitute the precinct statement of result of votes cast.

19371. Before adjourning, the precinct board shall seal the operating lever with the seal provided and lock the machine so that the voting and counting mechanism may not be operated.

It shall remain locked and sealed against operation until the time for filing a contest of election has expired, which shall not exceed a period of 30 days following the declaration of the result of the election by the body canvassing the returns.

#### Article 6. Counting Procedures

19380. During the reading of the result of votes cast, any candidate or watcher who may desire to be present shall be admitted to the polling place. The proclamation of the result of the votes cast shall be distinctly announced by the precinct board who shall read the name of each candidate, or the designating number and letter of his or her counter, and the vote registered on the counter. The board shall also read the vote cast for and against each measure submitted. The board shall not count votes cast for write-in candidates, but shall have these counted by the elections official. During the proclamation ample opportunity shall be given to any person lawfully present to compare the result so announced with the counter dials of the machine, and any necessary corrections shall then and there be made by the precinct board, after which the doors of the voting machine shall be closed and locked.

If the machine is provided with a recording device, the alternate procedures in Section 19370 may be used.

19381. In each election district where voting machines are used, statements of the results of the vote cast shall be printed to conform with the type of voting machine used.

The designating number and letter on the counter for each candidate shall be printed next to the candidate's name on the statements of result of the vote cast. Two such statements shall be used in each election district.

19382. The statement of the result of votes cast, which shall be certified by the precinct board, shall contain:

- (a) The total number of votes cast.
- (b) The number of votes cast for each candidate and measure as shown on the counter.
- (c) The number of votes for persons not nominated.
- (d) Printed directions to the precinct board for their guidance before the polls are opened and when the polls are closed.

(e) A certificate which shall be signed by the election officers before the polls are opened, showing:

- (1) The delivery of the keys in a sealed envelope.
- (2) The number on the seal.
- (3) The number registered on the protective counter.
- (4) Whether all of the counters are set at zero (000).
- (5) Whether the public counter is set at zero (000).

(6) Whether the ballot labels are properly placed in the machine.

(f) A certificate that shall be filled out after the polls have been closed, showing:

(1) That the machine has been locked against voting and sealed.

(2) The number of voters as shown on the public counter.

(3) The number on the seal.

(4) The number registered on the protective counter.

(5) That the voting machine is closed and locked.

19383. A member of the precinct board shall enter the vote, as registered, on the statements of result of votes cast, in the same order on the space that has the same name or designating number and letter, after which another member shall verify the figures by calling them off in the same manner from the counters of the machine. The counter compartment of the voting machine shall remain open until the official returns and all other reports have been fully completed and verified by the precinct board.

If the machine is provided with a recording device, the alternate procedures in Section 19370 may be used.

19384. The precinct board shall, before it adjourns, post conspicuously on the outside of the polling place a copy of the result of the votes cast at the polling place. The copy of the result shall be signed by the members of the precinct board.

If the machine is provided with a recording device, the statement of result of votes cast produced by operating its mechanism may be considered the "result of the votes cast" at the polling place.

19385. The precinct board shall immediately transmit unsealed to the elections official a copy of the result of the votes cast at the polling place, the copy shall be signed by the members of the precinct board, and shall be open to public inspection.

19386. Before proceeding to canvass the returns of an election at which voting machines have been used to register the votes cast, the board authorized to canvass returns shall open the counter compartment and compare the records of votes cast for the several candidates voted for and for and against the several measures voted upon shown on each machine with those recorded on the statement of results of votes cast prepared from that machine by the precinct board. Any errors found on the statement shall be corrected by crossing out the recorded incorrect number, and recording the correct number nearby.

If the machine is provided with a recording device, the board shall inspect the statement of return of votes cast record. However, for good and sufficient cause the board shall unseal the machines and take off and record the records of votes cast for the several candidates and for and against the several measures voted upon. Each voting machine shall immediately be resealed.

DIVISION 20. ELECTION CAMPAIGNS  
CHAPTER 1. ENDORSEMENTS OF CANDIDATES

20000. This chapter shall be known and may be cited as the Truth in Endorsements Law.

20001. The Legislature hereby finds the following to be true:

(1) The major political parties have become an integral part

of the American governmental system requiring regulation as to their structure, governing bodies, and functions by state government in the public interest.

(2) The Legislature has found it necessary and appropriate in the regulation of political parties to create and provide for the convening of state conventions, state central committees, and county central committees for parties qualified by law to participate in the direct primary election, by statute.

(3) Over the several years preceding the adoption of this section organizations of electors using as a part of their names the name of a political party qualified to participate in the direct primary election have endorsed candidates for nomination of that party for partisan office in the direct primary election and have publicized and promulgated the endorsements in a manner that has resulted in considerable public doubt and confusion as to whether the endorsements are those of a private group of citizens or of an official governing body of a political party.

(4) The voting public is entitled to protection by law from deception in political campaigns in the same manner and for the same reasons that it is entitled to protection from deception by advertisers of commercial products.

20002. The state convention, state central committee, and the county central committee in each county are the official governing bodies of a party qualified to participate in the direct primary election. The state convention, state central committee, and the county central committee in each county shall not endorse, support, or oppose any candidate for nomination by that party for partisan office in the direct primary election.

20003. Every advertisement, bill, placard, pamphlet or other printed or duplicated matter having reference to any candidate for nomination for partisan office in the direct primary election that contains a statement or words to the effect that the candidate has been endorsed or is being supported by a political party, political party organization, or organization using as a part of its name the name of a political party or derivative thereof, shall bear on each surface, page, or fold thereof on which the statement or words appear, or on the front and back surface thereof, in type or lettering at least half as large as the type or lettering of the statement or words or in 10-point roman type, whichever is larger, in a printed or drawn box and set apart from any other printed matter, the following statement:

NOTICE TO VOTERS

(Required by law)

The endorsement hereon is by an unofficial political group. Official organizations of the (name) Party are prohibited by law from endorsing candidates in primary

' elections.

Nothing in this section shall be construed to apply to any news item, comment, or article, for which no consideration, direct or indirect, is paid by or on behalf of any candidate or committee, and that is published in any regularly published newspaper or magazine which in the ordinary course of business publishes political news items, comments, or articles.

20004. Notwithstanding Section 20003, in the case of any postcard published and circulated by or in behalf of any committee or organization using as a part of its name the name of qualified political party or derivative thereof, which postcard is not folded and consists of only two surfaces, on one or both of which surfaces appear a statement or words as described in Section 20003 with reference to a candidate or group of candidates in the direct primary election, Section 20003 shall be satisfied if there is printed on both surfaces thereof the words "published by", followed by the name of the committee or organization printed in not less than 10-point boldface type, followed by the words ", an unofficial political group" printed in not less than 10-point boldface type, provided that this section shall not apply to any matter that bears the word "official" followed by the name of the party or derivative thereof, or the words "officially endorsed", or to any matter that violates Section 20002 or 18320.

20005. Section 20003 shall apply to any paid political advertisement intended for broadcast or telecast by radio or television, except that the "Notice to Voters" required by Section 20003 shall be read in full instead of printed.

20006. The superior court, in any case brought before it by any registered voter, may issue a temporary or permanent restraining order or injunction against the publication, printing, circulation, posting, broadcasting, or telecasting of any matter in violation of this chapter, and all cases of this nature shall be in a preferred position for purposes of trial and appeal, so as to assure the speedy disposition thereof.

20007. No candidate or committee in his or her behalf shall represent in connection with an election campaign, either orally or in campaign material, that the candidate has the support of a committee or organization that includes as part of its name the name or any variation upon the name of a qualified political party with which the candidate is not affiliated, together with the words "county committee," "central committee," "county," or any other term that might tend to mislead the voters into believing that the candidate has the support of that party's county central committee or state central committee, when that is not the case.

This section shall not be construed to prevent a candidate or committee from representing that the candidate has the support of a committee or group of voters affiliated with another political party, which committee or group is identified by the name of that party, where the name of the committee or group also includes the name of the candidate.

Any member of a county central committee or state central committee may commence an action in the superior court to enjoin

misrepresentation by a candidate or committee in his or her behalf, in the manner prohibited by this section, to the effect that the candidate has the support of the state or county central committee involved.

20008. Any paid political advertisement that refers to an election or to any candidate for state or local elective office and that is contained in or distributed with a newspaper, shall bear on each surface or page thereof, in type or lettering at least half as large as the type or lettering of the advertisement or in 10-point roman type, whichever is larger, the words "Paid Political Advertisement." The words shall be set apart from any other printed matter.

As used in this section "paid political advertisement" shall mean and shall be limited to, published statements paid for by advertisers for purposes of supporting or defeating any person who has filed for an elective state or local office.

20009. (a) Every simulated ballot or simulated sample ballot shall bear on each surface or page thereof, in type or lettering at least half as large as the type or lettering of the statement or words or in 10-point roman type, whichever is larger, in a printed or drawn box and set apart from any other printed matter, the following statement:

"NOTICE TO VOTERS

"(Required by Law)

"This is not an official ballot or an official sample ballot prepared by the county elections official or the Secretary of State.

"This is an unofficial, marked ballot prepared by \_\_\_\_\_ (insert name and address of the person or organization responsible for preparation thereof)."

Nothing in this section shall be construed to require this notice in any editorial or other statement appearing in a regularly published newspaper or magazine other than a paid political advertisement.

(b) No simulated ballot or simulated sample ballot referred to in subdivision (a) shall bear any official seal or the insignia of any public entity, nor shall that seal or insignia appear upon the envelope in which it is mailed or otherwise delivered.

(c) The superior court, in any case brought before it by any registered voter, may issue a temporary or permanent restraining order or injunction against the publication, printing, circulation, posting, or distribution of any matter in violation of this section, and all cases of this nature shall be in a preferred position for purposes of trial and appeal, so as to assure the speedy disposition thereof.

## CHAPTER 2. POLITICAL CORPORATIONS

### Article 1. Incorporation

20100. If the name of a corporation includes all or part of the name of any person, together with either (a) all or part of the title of any elective office, (b) the date (by year or otherwise) of the election for any office, or (c) any other words or figures indicating the candidacy or nomination of that person for elective office, the Secretary of State shall not accept its articles of incorporation for filing unless there is

first filed with him or her a statement signed and acknowledged by that person consenting to the use of his or her name.

CHAPTER 3. CAMPAIGN FUNDS  
Article 1. Solicitation

20200. As used in this article "person" includes a firm, association, corporation, campaign committee or organization.

20201. It is unlawful for any person that includes in any part of its name the name of any political party that was qualified to participate in the last preceding primary election, to directly or indirectly solicit funds for any purpose whatsoever upon the representation either express or implied that the funds are being solicited for the use of that political party unless that person shall have previously obtained the written consent of one of the following: a member of the national committee from California or the majority of the members of the national committee if there are more than two national committee members from California, chairman of the state central committee, executive committee of the state central committee, or executive committee of the county central committee of the party whose name is being used in the county in which the solicitation is to be made. If the county central committee of the party in that county does not have an executive committee, the written consent of the chairman and secretary of that county central committee is sufficient.

All persons soliciting funds in accordance with this section shall be furnished with adequate credentials bearing the name of the solicitor and a copy of the written consent that bears the signature of the person authorizing the solicitation.

20202. It is unlawful for any person who solicits funds for the purpose of supporting or promoting any candidates or committees to include in any part of its name the name of that candidate or committee unless that person shall have previously obtained the authorization of the candidate or committee or the candidate's or committee's designated agent to use the candidate's or committee's name in the name of that person.

Authorization by a candidate or committee shall not be construed as rendering the person soliciting funds a controlled committee as defined by Section 82016 of the Government Code.

20203. Any person who solicits or receives contributions on behalf of any candidate or committee for the purported and exclusive use of that committee or the candidate's election campaign and who is not authorized by the candidate or committee or the candidate's or committee's designated agent to do so, shall include a notice in any fundraising communication, whether through any broadcasting station, newspaper, magazine, printed literature, direct mailing, or any other type of general public advertising, or through telephone or individual oral fundraising appeal, clearly and conspicuously stating that the person is not authorized by the candidate or committee and that the candidate or committee is not responsible for the actions of that person.

CHAPTER 4. LIMITATIONS ON THE USE OF SURPLUS CAMPAIGN FUNDS

20300. Upon leaving any elective office, or at the end of the postelection reporting period following the defeat of a candidate for elective office, whichever occurs last, surplus

campaign funds raised prior to January 1, 1989, under the control of the former candidate or officeholder or his or her controlled committee shall be used or held only for the following purposes:

(a) (1) The repayment of personal or committee loans or other obligations if there is a reasonable relationship to a political, legislative, or governmental activity.

(2) For purposes of this subdivision, the payment for, or the reimbursement to the state of, the costs of installing and monitoring an electronic security system in the home or office, or both, of a candidate or elected officer who has received threats to his or her physical safety shall be deemed to have a reasonable relationship to a political, legislative, or governmental activity, provided that the threats arise from his or her activities, duties, or status as a candidate or elected officer and that the threats have been reported to and verified by an appropriate law enforcement agency. Verification shall be determined solely by the law enforcement agency to which the threat was reported. The candidate or elected officer shall report any expenditure of campaign funds made pursuant to this section to the commission. The report to the commission shall include the date that the candidate or elected officer informed the law enforcement agency of the threat, the name and phone number of the law enforcement agency, and a brief description of the threat. No more than five thousand dollars (\$5,000) in surplus campaign funds may be used, cumulatively, by a candidate or elected officer pursuant to this subdivision. Payments made immediately following the date upon which the campaign funds became surplus campaign funds. The candidate or elected officer shall reimburse the surplus campaign fund account for the fair market value of the security system no later than two years immediately following the date upon which the campaign funds become surplus campaign funds, upon sale of the property on which the system is installed, or prior to the closing of the surplus campaign fund account, whichever comes first. The electronic security system shall be the property of the campaign committee of the candidate or elected officer.

(b) The payment of the outstanding campaign expenses.

(c) Contributions to any candidate, committee, or political party, except where otherwise prohibited by law.

(d) The pro rata repayment of contributors.

(e) Donations to any religious, scientific, educational, social welfare, civic, or fraternal organization no part of the net earnings of which inures to the benefit of any private shareholder or individual or to any charitable or nonprofit organization which is exempt from taxation under subsection (c) of Section 501 of the Internal Revenue Code or Section 17214 or Sections 23701a to 23701j, inclusive, or Section 23701l, 23701n, 23701p, or 23701s of the Revenue and Taxation Code.

(f) Except where otherwise prohibited by law, held in a segregated fund for future political campaigns, not to be expended except for political activity reasonably related to preparing for future candidacy for elective office.

20301. This chapter shall not be construed to impose any reporting obligations in addition to those obligations imposed by other provisions of law, nor shall this chapter apply to the expenditure of campaign funds in conjunction with any pending litigation.



CHAPTER 5. FAIR CAMPAIGN PRACTICES  
Article 1. General Intent

20400. The Legislature declares that the purpose of this chapter is to encourage every candidate for public office in this state to subscribe to the Code of Fair Campaign Practices.

It is the ultimate intent of the Legislature that every candidate for public office in this state who subscribes to the Code of Fair Campaign Practices will follow the basic principles of decency, honesty, and fair play in order that, after vigorously contested, but fairly conducted campaigns, the citizens of this state may exercise their constitutional right to vote, free from dishonest and unethical practices which tend to prevent the full and free expression of the will of the voters.

The purpose in creating the Code of Fair Campaign Practices is to give voters guidelines in determining fair play and to encourage candidates to discuss issues instead of untruths or distortions.

Article 2. Definitions

20420. As used in this chapter, "Code" means the Code of Fair Campaign Practices.

Article 3. Code of Fair Campaign Practices

20440. At the time an individual is issued his or her declaration of candidacy, nomination papers, or any other paper evidencing an intention to be a candidate for public office, the elections official, shall give the individual a blank form of the code and a copy of this chapter. The elections official shall inform each candidate for public office that subscription to the code is voluntary.

In the case of a committee making an independent expenditure as defined in Section 82031 of the Government Code, the Secretary of State shall provide a blank form and a copy of this chapter to the individual filing, in accordance with Title 9 (commencing with Section 81000) of the Government Code, an initial campaign statement on behalf of the committee.

The text of the code shall read, as follows:

"CODE OF FAIR CAMPAIGN PRACTICES

There are basic principles of decency, honesty, and fair play which every candidate for public office in the State of California has a moral obligation to observe and uphold, in order that, after vigorously contested, but fairly conducted campaigns, our citizens may exercise their constitutional right to a free and untrammelled choice and the will of the people may be fully and clearly expressed on the issues.

THEREFORE:

(1) I SHALL CONDUCT my campaign openly and publicly, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticizing without fear or favor the record and policies of my opponents or political parties which merit such criticism.

(2) I SHALL NOT USE OR PERMIT the use of character defamation, whispering campaigns, libel, slander, or scurrilous

attacks on any candidate or his or her personal or family life.

(3) I SHALL NOT USE OR PERMIT any appeal to negative prejudice based on race, sex, religion, national origin, physical health status, or age.

(4) I SHALL NOT USE OR PERMIT any dishonest or unethical practice which tends to corrupt or undermine our American system of free elections, or which hampers or prevents the full and free expression of the will of the voters including acts intended to hinder or prevent any eligible person from registering to vote, enrolling to vote, or voting.

(5) I SHALL NOT coerce election help or campaign contributions for myself or for any other candidate from my employees.

(6) I SHALL IMMEDIATELY AND PUBLICLY REPUDIATE support deriving from any individual or group which resorts, on behalf of my candidacy or in opposition to that of my opponent, to the methods and tactics which I condemn. I shall accept responsibility to take firm action against any subordinate who violates any provision of this code or the laws governing elections.

(7) I SHALL DEFEND AND UPHOLD the right of every qualified American voter to full and equal participation in the electoral process.

I, the undersigned, candidate for election to public office in the State of California or treasurer or chairperson of a committee making any independent expenditures, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct my campaign in accordance with the above principles and practices."

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

20441. The Secretary of State shall print, or cause to be printed, blank forms of the code. The Secretary of State shall supply the forms to the elections officials in quantities and at times requested by the elections officials.

20442. The elections official shall accept, at all times prior to the election, all completed forms that are properly subscribed to by a candidate for public office and shall retain them for public inspection until 30 days after the election.

20443. Every code subscribed to by a candidate for public office pursuant to this chapter is a public record open for public inspection.

20444. In no event shall a candidate for public office be required to subscribe to or endorse the code.

CHAPTER 6. LIBEL AND SLANDER

20500. The provisions of Part 2 (commencing with Section 43) of Division 1 of the Civil Code, relating to libel and slander, are fully applicable to any campaign advertising or communication.

20501. (a) A candidate or state measure proponent is liable for any slander or libel committed by a committee that is controlled by that candidate or state measure proponent as defined by Section 82016 of the Government Code if the candidate or state measure proponent willfully and knowingly directs or permits the libel or slander.

(b) A person who is a sponsor of a sponsored committee, as defined by Section 82048.7 of the Government Code, is liable for any slander or libel committed by the sponsored committee if the sponsor willfully and knowingly directs or permits the libel or slander.

20502. (a) In any action for libel or slander brought by a candidate, the willingness or unwillingness of the defendant to retract or correct a communication made in the course of a campaign, and his or her action in doing so, shall be admissible in evidence in the exemplary damages phase of a bifurcated trial.

(b) The remedy provided by this section is in addition to any other remedy provided by law.

DIVISION 21. STATE AND LOCAL REAPPORTIONMENT  
CHAPTER 1. GENERAL PROVISIONS

21000. The county elections official in each county shall compile and make available to the Legislature or any appropriate committee of the Legislature any information and statistics that may be necessary for use in connection with the reapportionment of legislative districts, including, but not limited to, precinct maps indicating the boundaries of municipalities, school districts, judicial districts, Assembly districts, senatorial districts and congressional districts, and lists showing the election returns for each precinct in the county at the last four statewide elections held prior to reapportionment. If the county elections official stores the information and statistics in data processing files, he or she shall make the files available, along with whatever documentation shall be necessary in order to allow the use of the files by the appropriate committee of the Legislature and shall retain these files for the four statewide elections held prior to reapportionment. The files shall be retained until reapportionment has been completed.

Each precinct shall be identified according to the census tract or enumeration district in which it is located. In the case of any precinct that is divided among two or more census tracts or enumeration districts, the county elections official shall include an estimate of the proportion of the precinct's registered voters in each census tract or enumeration district. If the United States Bureau of the Census divides or alters any census tract or enumeration district between the time of an election and the census upon which the reapportionment is based, the county elections official shall provide whatever corrections or additional information may be necessary to reflect those changes.

21001. (a) The Secretary of State shall prepare detailed maps showing the boundaries of any districts established by this division on or after January 1, 1991. These maps shall be prepared no later than 90 days following the enactment of any redistricting plan pursuant to this division, and shall illustrate the boundary lines of every district described in the redistricting plan.

(b) The Secretary of State shall provide each Member of the Senate, Assembly, and the State Board of Equalization, and each Member of Congress from California, with one copy of a map or maps of his or her district. One copy of the entire set of maps for the Assembly shall be provided to the Assembly Committee on Rules, one copy of the entire set of maps for the Senate shall

be provided to the Senate Committee on Rules, and one copy of the entire set of maps for the State Board of Equalization shall be provided to the State Board of Equalization.

(c) The Secretary of State shall also make copies of the maps available for public inspection. The Secretary of State shall also provide copies of the maps to the county elections officials for use in their administrative functions involved in the conduct of elections.

(d) There shall be no charge for the maps provided pursuant to this section.

21002. Each house of the Legislature shall be a proper party to, and, if not originally named as a party, shall have the right to intervene in, any action involving the validity or application of any statute that provides for changes in the boundaries of any legislative districts of members of that particular house.

#### CHAPTER 6. SUPERVISORIAL DISTRICTS

21500. Following each decennial federal census, and using that census as a basis, the board shall adjust the boundaries of any or all of the supervisorial districts of the county so that the districts shall be as nearly equal in population as may be and shall comply with the applicable provisions of Section 1973 of Title 42 of the United States Code, as amended. In establishing the boundaries of the districts the board may give consideration to the following factors: (a) topography, (b) geography, (c) cohesiveness, contiguity, integrity, and compactness of territory, and (d) community of interests of the districts.

21501. The boundaries of the supervisorial districts shall be adjusted by the board before the first day of November of the year following the year in which each decennial federal census is taken. If the board fails to adjust the boundaries before the first day of November following the year in which the federal census is taken, a supervisorial redistricting commission shall do so before the 31st day of December of the same year. The adjustment of the district boundaries shall be immediately effective the same as if the act of the supervisorial redistricting commission were an ordinance of the board, subject, however, to the same provisions of referendum as apply to ordinances of the board.

21502. The supervisorial redistricting commission shall be composed of the district attorney, who shall be chairman, the county assessor, and the county elections official if he or she is elected by the qualified electors of the county, or, if not, the county superintendent of schools if he or she is elected by the qualified electors of the county, or, if not, the sheriff.

21503. At any time between the decennial adjustments of district boundaries, the board may cause a census of the county to be taken as provided in Section 26203 of the Government Code, and may adjust the boundaries of the supervisorial districts on the basis of that census, or on the basis of population estimates prepared by the State Department of Finance or the county planning department or planning commission, pursuant to Section 21500.

21504. Any person claiming that the estimates of population used in the redistricting pursuant to Section 21503 do not reflect the current population within the district boundaries

more accurately than the most recent census data, may commence an action in the superior court in declaratory relief to determine that fact. The action shall be brought within 30 days after the adoption of the redistricting ordinance.

21505. The board may appoint a committee composed of residents of the county to study the matter of changing the boundaries of the supervisorial districts. The committee shall make its report to the board of its findings on the need for change of boundaries, and the recommended changes, within six months after the final population figures determined in each federal decennial census have been released, but in any event not later than August 1st of the year following the year in which the census is taken. Recommendations of the committee are advisory only.

21506. The term of office of any supervisor who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the district from which he or she was elected.

At the first election for county supervisors in each county following adjustment of the boundaries of supervisorial districts, a supervisor shall be elected for each district under the readjusted district plan that has the same district number as a district whose incumbent's term is due to expire.

A change in the boundaries of a supervisorial district shall not be made within 45 days before the first day for circulating nomination papers for an election of supervisors in the county or between the direct primary election and the general election.

## CHAPTER 7. CITY ELECTIONS

### Article 1. General Law Cities

21600. This article applies only to general law cities electing members of the legislative body by districts or from districts, as defined in Section 34871 of the Government Code.

21601. Following each decennial federal census, and using that census as a basis, the council shall, by ordinance or resolution, adjust the boundaries of any or all of the council districts of the city so that the districts shall be as nearly equal in population as may be and shall comply with the applicable provisions of Section 1973 of Title 42 of the United States Code, as amended. In establishing the boundaries of the districts the council may give consideration to the following factors: (a) topography, (b) geography, (c) cohesiveness, contiguity, integrity, and compactness of territory, and (d) community of interests of the districts.

21602. The boundaries of the council districts shall be adjusted by the council before the first day of November of the year following the year in which each decennial federal census is taken.

Notwithstanding Article 2 (commencing with Section 34870) of Chapter 7 of Part 1 of Division 2 of Title 4 of the Government Code, if the council fails to adjust the boundaries prior to the 90th day before the final date for registration of electors for an election of council members in the city, each council member to be elected at that election and at any succeeding election shall have the qualifications required by Section 34883 of the Government Code, but shall be elected at large. Council members shall continue to be so elected until the council adjusts the

boundaries of the districts.

21603. If at any time between each decennial federal census, a city annexes territory or consolidates with another city, the legislative body of the city annexing the territory or the legislative body of the consolidated city, shall reexamine the boundaries of its council districts after the first census is taken or the first current population estimates are obtained, following the annexation or consolidation.

If upon reexamination, the legislative body finds that the population of any council district has varied so that the districts no longer meet the criteria specified in Section 21601, the legislative body shall, within 60 days after the census is taken, or current population estimate received, by ordinance or resolution, adjust the boundaries of any or all of the council districts of the city so that the districts shall be as nearly equal in population as may be.

21604.

Any person claiming that the estimates of population used in the redistricting pursuant to Section 21603 do not reflect the current population within the district boundaries more accurately than the most recent census data, may commence an action in the superior court in declaratory relief to determine that fact. The action shall be brought within 42 days after the adoption of the redistricting ordinance or resolution.

21605. The council may appoint a committee composed of residents of the city to study the matter of changing the boundaries of the council districts. The committee shall make its report to the council of its findings on the need for change of boundaries, and the recommended changes by the first day of August of the year following the year in which the decennial federal census is taken. Recommendations of the committee are advisory only.

21606. (a) The term of office of any council member who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the district from which he or she was elected.

(b) At the first election for council members in each city following adjustment of the boundaries of councilmanic districts, a council member shall be elected for each district under the readjusted district plan that has the same district number as a district whose incumbent's term is due to expire.

(c) Notwithstanding any other provision of this article, a change in the boundaries of a council district shall not be made within 90 days prior to the final date of voter registration for an election of council members in the city or between the municipal primary election and the general municipal election.

## Article 2. Chartered Cities

21620. If the members of the governing body of a chartered city are nominated or elected "by districts" or "from districts," as defined in Section 34871 of the Government Code, upon the initial establishment thereof, the districts shall be as nearly equal in population as may be according to the latest federal decennial census or, if the city's charter so provides, according to the federal mid-decade census or the official census of the city, as provided for pursuant to Chapter 17 (commencing with Section 40200) of Part 2 of Division 3 of Title 4 of the Government Code, as the case may be. After the

initial establishment of the districts, the districts shall continue to be as nearly equal in population as may be according to the latest federal decennial census or, if authorized by the charter of the city, according to the federal mid-decade census.

SEC. 3. It is the intent of the Legislature in enacting this act to reorganize and clarify the Elections Code and thereby facilitate its administration. The Legislature intends that the changes made to the Elections Code, as reorganized by this act, have only technical and nonsubstantive effect. Hence, no change made by this act shall be construed to create any new right, duty, or other obligation that did not exist on the effective date of this act, or result in the limitation or termination of any right, duty, or other obligation that existed on the effective date of this act.

SEC. 4. The Legislature finds that the reorganization of the Elections Code pursuant to this act, in view of the nonsubstantive statutory changes made, will not result in new or additional costs to local agencies responsible for the conduct of elections or charged with any duties or responsibilities in connection therewith.

SEC. 5. Any section of any act enacted by the Legislature during the 1994 calendar year that takes effect on or before January 1, 1995, and that amends, amends and renumbers, adds, repeals and adds, or repeals a section with the same number as a section repealed or added by this act, shall prevail over this act, whether that act is enacted prior to, or subsequent to, this act.

SEC. 6. It is the intent of the Legislature that the tables set forth below indicating the derivation of the Elections Code sections as contained in Section 2 of this act, and the disposition of the former provisions of the Elections Code, serve as a temporary guide to the Elections Code as enacted by this act.

The information contained in the tables set forth below is for informational purposes only, and shall not be construed as creating any new right, power, duty, or other obligation, or as changing, limiting, or repealing any right, power, duty, or other obligation that existed on the effective date of this act.

SEC. 7. Section 6 of this act shall remain in effect only until January 1, 1998, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1998, deletes or extends that date.