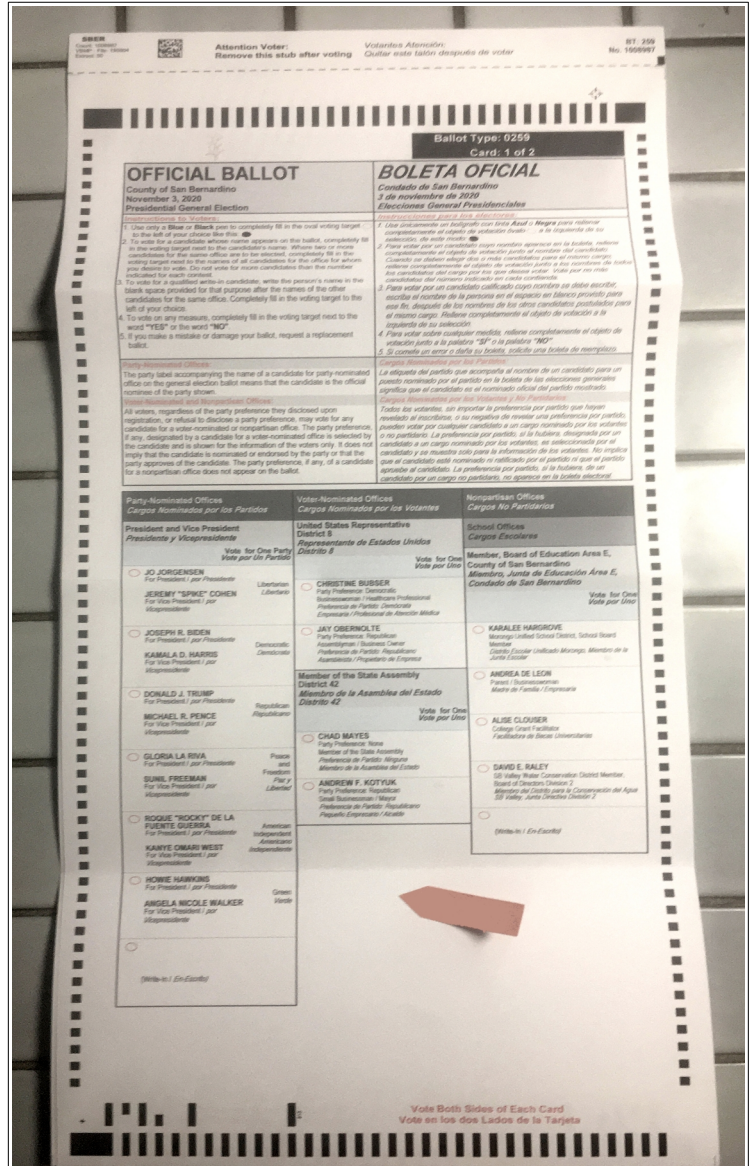


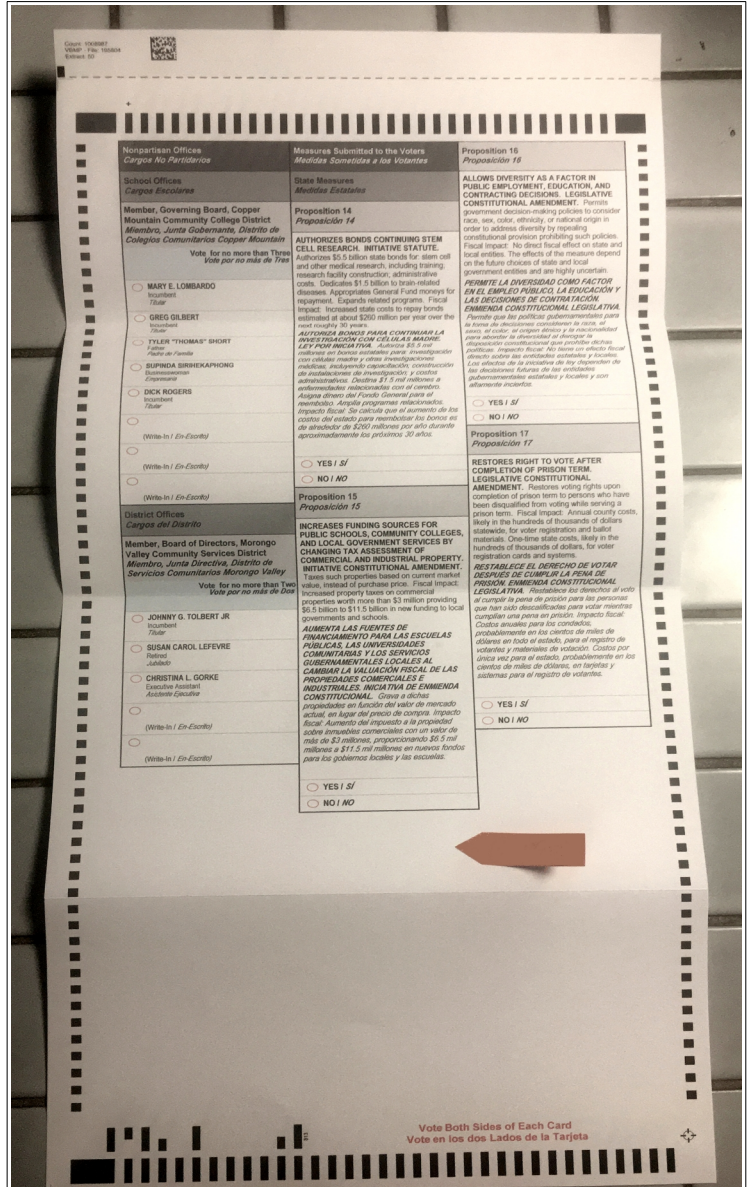
Nov. 2020 San Bernardino County Ballots With Apparent Errors

The following analysis was performed on the Nov. 2020 presidential election. The ballots in question here are from San Bernardino County. This analysis was done on the first card, front and back. Card 2 has similar errors but is not shown here. In question here is the validity of the ballots submitted which appear to be not printed in accordance with Calif. State Election Code 13200: **“Ballots not printed in accordance with this chapter shall not be cast nor counted at any election.”**

- Section 13216(a), (b)(1), (2), (3) >>>> (Stub printed improperly, missing verbiage)
- Section 13217(a) >>>> (Missing ballot number on ballot below perforation)
- Section 13203 >>>> (Heading line(s) printed improperly)
- Section 13204(a) >>>> (“INSTRUCTIONS TO VOTERS” not capitalized)
- Section 13205(b) >>>> (Missing instructions ref. presidential verbiage)
- Section 13206.5(a)(1) >>>> (Instructions printed in wrong area)
- Section 13206(b) >>>> (Instructions printed in wrong area)
- Section 13210(b) >>>> (1st column, “Vote For One Party” not printed above target)
- Section 13210(e) >>>> (2nd/3rd columns, the word “One” not in boldface)



There appears to be some confusion as to where the ballot number is to be printed. Sentence two of Section 13216(a) states: “The same number appearing on the stub shall be printed above the horizontal, non-solid-ruled line on the left side of the ballot.” If the number is printed above the non-solid-ruled line, then it would be printed on the stub instead of the ballot. The word “above” should be changed to “below”. In the ballot shown above, there is no ballot number anywhere on the ballot, except for the stub.



Section 13204(a) >>>>>
 (2nd/3rd Columns, Target for "NO" should be after "NO")

Section 13204(a) >>>>>
 (2nd/3rd Columns, Target for "NO" should be after "NO")

As some of these codes are a bit difficult to decipher, it took me several times to read and figure out the wording and intent. For the most part, I believe that I was able to locate most, if not all, of the errors. I apologize if I have tagged something that was not an actual error, but I had to work with photos of the ballots that were a bit blurry. The front page of card 1 was the most obvious in the errors.

One serious issue is that although the ballot number is printed on the return envelope, but is missing on the actual ballot below the stub, once the stub is torn off there is absolutely no way to go back and identify the ballot to the stub.

Applicable Codes in Question

DIVISION 13. BALLOTS, SAMPLE BALLOTS, AND VOTER PAMPHLETS [13000 - 13502]

(Division 13 enacted by Stats. 1994, Ch. 920, Sec. 2.)

CHAPTER 3. Ballot Printing Specifications [13200 - 13282]

(Chapter 3 enacted by Stats. 1994, Ch. 920, Sec. 2.)

ARTICLE 1. General Provisions [13200 - 13220]

(Article 1 enacted by Stats. 1994, Ch. 920, Sec. 2.)

13200.

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

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

13201.

The ballots of each political party's central committee 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.

(Amended by Stats. 1998, Ch. 199, Sec. 43. Effective January 1, 1999.)

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 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. If there is not sufficient space for a candidate name, the size may be adjusted as close as possible to the size and character of all the other candidate names printed upon the ballot.

(Amended by Stats. 2019, Ch. 863, Sec. 5. (AB 623) Effective January 1, 2020.)

13203.

Across the top of the ballot shall be printed in boldface capital type not smaller than 30-point, the words "OFFICIAL BALLOT." Beneath this heading, in the case of a partisan primary election, shall be printed in 18-point boldface capital type the official party designation or the words "NONPARTISAN BALLOT" 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.

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

13204.

(a) The instructions to voters shall be printed below the district designation. The instructions shall begin with the words "INSTRUCTIONS TO VOTERS:" in no smaller than 16-point capital type. Thereafter, there shall be printed in 10-point capital type all of the following directions that are applicable to the ballot:

“To vote for a candidate for Chief Justice of California; Associate Justice of the Supreme Court; Presiding Justice, Court of Appeal; or Associate Justice, Court of Appeal, mark the voting target next to the word “Yes,” to the right of the name of the candidate. To vote against that candidate, mark the voting target next to the word “No,” to the right of the name of that candidate.”

“To vote for any other candidate of your selection, mark the voting target next to the candidate’s name. [When justices of the Supreme Court or Court of Appeal do not appear on the ballot, the instructions referring to voting after the word “Yes” or the word “No” will be deleted and the above sentence shall read: “To vote for a candidate whose name appears on the ballot, mark the voting target next to the candidate’s name.”] Where two or more candidates for the same office are to be elected, place a mark next to the names of all candidates for the office for whom you desire to vote, not to exceed, however, the number of candidates to be elected.”

“To vote for a qualified write-in candidate, write the person’s name in the blank space provided for that purpose after the names of the other candidates for the same office.”

“To vote on any measure, mark the voting target next to the word “Yes” or after the word “No.”

“Marking the ballot outside of the designated space to vote for a candidate or measure may compromise the secrecy of the ballot.”

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

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

(b) The instructions to voters shall be separated from the portion of the ballot that contains the various offices and measures to be voted on.

(Amended by Stats. 2019, Ch. 863, Sec. 7. (AB 623) Effective January 1, 2020.)

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, mark the voting target next to the name of the person preferred. To vote for a group of candidates not expressing a preference for a particular candidate, mark the voting target next to the name of the chairman of the group.”

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

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

(c) If a group of candidates for electors has been nominated under Chapter 3 (commencing with Section 8400) of Division 8, and has under Chapter 1 (commencing at Section 8300) of Division 8 designated the names of the candidates for President and Vice President of the

United States for whom those candidates have pledged themselves to vote, the instructions to voters shall also contain the following:

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

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

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

(Amended by Stats. 2019, Ch. 863, Sec. 8. (AB 623) Effective January 1, 2020.)

13206.

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

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

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

(Amended by Stats. 2019, Ch. 863, Sec. 9. (AB 623) Effective January 1, 2020.)

13206.5.

(a) (1) On the ballot used in a statewide general election in each year evenly divisible by the number four, immediately below the instructions to voters, there shall be a box. Within the box shall be printed the words “Party-Nominated Offices.” Immediately below that phrase within the same box shall be printed the following: “The party label accompanying the name of a candidate for party-nominated office on the general election ballot means that the candidate is the official nominee of the party shown.”

(2) On the ballot used in a statewide general election in each year evenly divisible by the number four, following the portion of the ballot for party-nominated offices, the same style of box described in paragraph (1) shall appear and within the box in the same style and point size of type shall be printed “Voter-Nominated and Nonpartisan Offices.” Immediately below that phrase within the same box shall be printed the following: “All voters, regardless of the party preference they disclosed upon registration, or refusal to disclose a party preference,

may vote for any candidate for a voter-nominated or nonpartisan office. The party preference, if any, designated by a candidate for a voter-nominated office is selected by the candidate and is shown for the information of the voters only. It does not imply that the candidate is nominated or endorsed by the party or that the party approves of the candidate. The party preference, if any, of a candidate for a nonpartisan office does not appear on the ballot."

(b) On the ballot used in a statewide general election in each even-numbered year that is not evenly divisible by the number four, immediately below the instructions to voters, there shall be a box. Within the box shall be printed the words "Voter-Nominated and Nonpartisan Offices." Immediately below that phrase within the same box shall be printed the following: "All voters, regardless of the party preference they disclosed upon registration, or refusal to disclose a party preference, may vote for any candidate for a voter-nominated or nonpartisan office. The party preference, if any, designated by a candidate for a voter-nominated office is selected by the candidate and is shown for the information of the voters only. It does not imply that the candidate is nominated or endorsed by the party or that the party approves of the candidate. The party preference, if any, of a candidate for a nonpartisan office does not appear on the ballot."

(Amended by Stats. 2019, Ch. 863, Sec. 10. (AB 623) Effective January 1, 2020.)

13207.

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

(1) The respective offices.

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

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

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

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

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

(Amended by Stats. 2018, Ch. 57, Sec. 5. (AB 2835) Effective January 1, 2019.)

13208.

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

targets shall be used by the voters to express their choices as provided for in the instruction to voters.

(b) The standard voting target may be up to one-half inch wide. Voting targets for measures may be as tall as is required by the space occupied by the title and summary.

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

(Amended by Stats. 2019, Ch. 863, Sec. 11. (AB 623) Effective January 1, 2020.)

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 next to the voting target.

(Amended by Stats. 2019, Ch. 863, Sec. 12. (AB 623) Effective January 1, 2020.)

13210.

(a) In the case of candidates for delegate to national convention, there shall be printed in boldface 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.

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

(c) In that section of the ballot designated for judicial offices, next to the heading "judicial" shall appear the instruction: "Vote yes or no for each office."

(d) In the case of candidates for Justice of the Supreme Court and court of appeal, within the rectangle provided for each candidate, and immediately above each candidate's name, there shall appear the following: "For (designation of judicial office)." There shall be as many of these headings as there are candidates for these judicial offices. No heading shall apply to more than one judicial office. Underneath each heading shall appear the words "Shall (title and name of Justice) be elected to the office for the term provided by law?"

(e) In the case of all other candidates, each group of candidates to be voted on shall be preceded by the designation of the office for which they are running, and the words "vote for one" or "vote for no more than two," or more, according to the number to be nominated or elected. The designation of the office shall be printed flush with the left-hand margin in boldface type not smaller than 8-point. The words, "vote for ____" shall extend to the extreme right-hand margin of the column. The number of candidates to be nominated or elected shall be printed in boldface type. The designation of the office and the directions for voting shall be separated from the candidates by a light line. There shall be no line between the headings for federal or legislative offices and the designation of the office and the directions for voting.

(Amended by Stats. 2019, Ch. 863, Sec. 13. (AB 623) Effective January 1, 2020.)

13211.

The names of the candidates shall be printed on the ballot, without indentation, in capital, boldface type not smaller than 8-point.

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

13211.5.

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

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

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

(Added by Stats. 1996, Ch. 333, Sec. 1. Effective August 5, 1996.)

13211.7.

(a) (1) In jurisdictions required to provide translated ballot materials pursuant to Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503), as that section may be amended from time to time, any ballot that provides a translation of a candidate's name shall contain a phonetic transliteration of the candidate's name, except as provided in subdivision (b).

(2) This section applies only to character-based languages, including, but not limited to, Mandarin Chinese, Cantonese, Japanese, and Korean.

(3) If a candidate's name is to appear on the ballot in more than one jurisdiction in an election, all of those jurisdictions required to provide translated ballot materials pursuant to Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503) shall use the same phonetic transliteration or character-based translation of the name.

(4) (A) In a jurisdiction in which separate ballots containing translations of the candidates' names are printed in different languages, both the alphabet-based names and the translations of the candidates' names, for candidates that have translated names, shall appear on the translated ballot.

(B) If a jurisdiction is unable to comply with subparagraph (A) due to limitations of its existing voting system, any new voting system purchased by the jurisdiction after July 1, 2020, shall be able to accommodate the requirements of subparagraph (A).

(b) If a candidate has a character-based name by birth, that can be verified by birth certificate or other valid identification, the candidate may use that name on the ballot instead of a phonetic transliteration. A candidate who does not have a character-based name by birth, but who identifies by a particular character-based name and can demonstrate to the local elections official that the candidate has been known and identified within the public sphere by that name over the past two years, may use that name instead of a phonetic transliteration.

(Added by Stats. 2019, Ch. 82, Sec. 1. (AB 57) Effective January 1, 2020.)

13212.

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

(Amended by Stats. 2019, Ch. 863, Sec. 15. (AB 623) Effective January 1, 2020.)

13213.

Each group of names of candidates for a particular office shall be separated from the succeeding group. Each series of groups shall be headed by the 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 boldface capital type. Each caption shall be separated from the names of the candidates beneath.

(Amended by Stats. 2019, Ch. 863, Sec. 16. (AB 623) Effective January 1, 2020.)

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 targets on the ballot shall be bordered. The binding or stitching of each package of ballots shall be along the top or head of the ballot. If ballots are to be used on a ballot on demand system or another system that prints content onto ballots, ballots are not required to be bound or stitched.

(Amended by Stats. 2019, Ch. 863, Sec. 17. (AB 623) Effective January 1, 2020.)

13215.

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

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

(Amended by Stats. 2019, Ch. 863, Sec. 18. (AB 623) Effective January 1, 2020.)

13216.

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

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

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

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

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

(Amended by Stats. 2019, Ch. 863, Sec. 19. (AB 623) Effective January 1, 2020.)

13216.5.

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

(Amended by Stats. 2019, Ch. 863, Sec. 20. (AB 623) Effective January 1, 2020.)

13217.

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

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

(Amended by Stats. 2019, Ch. 863, Sec. 21. (AB 623) Effective January 1, 2020.)

13218.

(a) The Secretary of State shall establish a ballot design advisory committee to assist the Secretary of State to promulgate regulations that prescribe ballot design and format.

(b) The ballot design advisory committee shall consist of the Secretary of State, or the secretary's designee, and members to be appointed by the Secretary of State who are recognized ballot design experts and county elections officials or a designee of a county elections official. Each recognized ballot design expert shall have demonstrated experience with ballot design requirements and knowledge of presenting election materials to voters using plain language methods or another method that is easy for voters to access and understand.

(Added by Stats. 2019, Ch. 863, Sec. 22. (AB 623) Effective January 1, 2020.)

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. If stubs are not used pursuant to Section 13216, ballots may be bound by another method determined by the county elections official.

(Amended by Stats. 2019, Ch. 863, Sec. 23. (AB 623) Effective January 1, 2020.)

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.

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

