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4 Attorney for Plaintiffs

5 MICHAEL CHAMNESS, DANIEL FREDERICK,
6 and RICH WILSON

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8 IN THE UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

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11 MICHAEL CHAMNESS, DANIEL
FREDERICK, and RICH WILSON

CASE NO. 2:11-CV-01479 ODW
(FFMx)

12 *Plaintiffs,*

13 vs.

14 **NOTICE OF ENACTMENT OF NEW
STATUTE REGARDING WRITE-IN
VOTING**

15 DEBRA BOWEN, in only her
official capacity as California
Secretary of State; DEAN LOGAN,
16 in only his official capacity as
Registrar-Recorder / County Clerk
of the County of Los Angeles; and
17 DOES 1-10;

HEARING DATE: Aug. 22, 2011
HEARING TIME: 2:30 pm
JUDGE: Hon. Otis D. Wright,

18 II
COURTROOM: 11_

19 *Defendants,*

20 ABEL MALDONADO, an
individual; CALIFORNIA
INDEPENDENT VOTER
21 PROJECT; and CALIFORNIANS
TO DEFEND THE OPEN
22 PRIMARY;

23 *Intervenors-
Defendants*

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25
26 TO THE COURT AND ALL PARTIES OF RECORD:

27 *Please take notice that, on August 8, 2011, AB 461 (Bonilla) was*

28

1 enacted.¹ By passing AB 461, the California Legislature made it clear that a
2 write-in vote must be counted “if the intent of the voter can be determined,
3 *regardless of whether the voter has complied with the voting instructions*”:²
4

5 BILL NUMBER: AB 461 CHAPTERED

6 BILL TEXT

7 CHAPTER 189

8 FILED WITH SECRETARY OF STATE AUGUST 8, 2011

9 APPROVED BY GOVERNOR AUGUST 8, 2011

10 PASSED THE SENATE JULY 14, 2011

11 PASSED THE ASSEMBLY MAY 5, 2011

12 AMENDED IN ASSEMBLY APRIL 5, 2011

13 AMENDED IN ASSEMBLY MARCH 24, 2011
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15 INTRODUCED BY Assembly Member Bonilla

16
17 FEBRUARY 15, 2011

18 An act to add Section 15342.5 to the Elections Code, relating to
19 elections.

20 LEGISLATIVE COUNSEL'S DIGEST

21 AB 461, Bonilla. Write-in candidates.

22 Existing law regulates the processing of write-in votes, including
23 requiring that a ballot for a qualified write-in candidate be
24 counted if, on specified voting systems, the candidate's name is
written on the ballot in the blank space provided and the voting
space next to the write-in space, if provided, is marked according to
voting instructions. It further requires that, for other voting
systems, a ballot for a write-in candidate, if otherwise qualified,

25 ¹ AB 461 (Bonilla) may be accessed online at http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0451-0500/ab_461_bill_20110808_chaptered.pdf (*last visited* Aug. 15, 2011).

26 ² Elections Code §15342.5 (mandating that Elections Code §15342 be “liberally
27 construed”) (emphases added), *enacted by* AB 461 (Bonilla), *accessible at*
28 http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0451-0500/ab_461_bill_20110808_chaptered.pdf (*last visited* Aug. 15, 2011).

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be counted if the name is written in the manner described in the voting instructions.

This bill would require a liberal construction of these write-in vote processing provisions in the event of a manual recount conducted under specified circumstances to ensure that a ballot is counted if the voter's intent can be determined, regardless of whether the voter has complied with the voting instructions.

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

SECTION 1. Section 15342.5 is added to the Elections Code, to read:

15342.5. In the event of a manual recount conducted pursuant to Section 15610 or requested pursuant to Section 15620 or 15621, the process set forth in Section 15342 shall be liberally construed to ensure that each ballot is counted if the intent of the voter can be determined, regardless of whether the voter has complied with the voting instructions.

DATED: Aug. 15, 2011

By: /s/ GAUTAM DUTTA, ESQ.

Attorney for Plaintiffs

MICHAEL CHAMNESS, DANIEL
FREDERICK, and RICH WILSON