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INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Initiative Coordinator
Office of the Attorney General
1300 I Street, 17th Floor
Sacramento, CA 95814

**Re: Request for Circulating Title and Summary — Proposed Statutory Initiative:
“Approval Voting for Primary Elections Act”**

Dear Initiative Coordinator:

Pursuant to Elections Code section 9001, I respectfully request that the Attorney General prepare a circulating title and summary of the chief purpose and points of the enclosed proposed initiative measure.

The proposed measure is a statutory initiative that would amend several sections of the California Elections Code to authorize voters, in primary elections for voter-nominated offices, to vote for as many candidates as they approve of. The two candidates receiving the highest number of votes at the primary would continue to advance to the general election, consistent with the existing voter-nominated primary structure. The measure makes corresponding amendments to ballot instructions and ballot-counting rules, and directs the Secretary of State to develop and distribute educational materials regarding these changes.

The following materials are enclosed in satisfaction of Elections Code sections 9001 and 9608:

1. The complete text of the proposed initiative measure;
2. One (1) original, signed certification of United States citizenship, age, and California residency for each proponent, as required by Elections Code section 9001(b);
3. One (1) original, signed acknowledgment for each proponent regarding the prohibition on the use of petition signatures for any purpose other than qualification of the measure for the ballot, as required by Elections Code section 9608; and
4. Check No. 0008 in the amount of \$2,000, made payable to the State of California, as the filing fee required by Elections Code section 9001(c).

My public contact information for purposes of Elections Code section 9001(b) is set forth in the letterhead above. I am available to respond to any questions the Attorney General's Office may have regarding this submission.

Thank you for your assistance.

Respectfully submitted,



Amanda Mahlendorf
Proponent

Enclosures (4)

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The Attorney General of California has prepared the following circulating title and summary of the chief purpose and points of the proposed measure:

(Here set forth the unique numeric identifier provided by the Attorney General and circulating title and summary prepared by the Attorney General. Both the Attorney General's unique numeric identifier and the circulating 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, hereby propose amendments to the Elections Code, relating to voting, 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 as otherwise provided by law. The proposed statutory amendments read as follows:

Approval Voting for Primary Elections Act

SECTION 1. Statement of Findings and Declaration of Purpose

A. The people of California hereby find and declare that a purpose of this act is to authorize a voter, in a primary election for a voter-nominated office, to vote to nominate as many candidates as the voter approves of.

B. Elections should be straightforward and produce candidates who best represent the people, chosen by the broadest possible agreement among voters. Today, primary elections fall short of that standard. Voters are forced to pick a single choice instead of everyone they want, which divides them rather than revealing who they agree on. The precise problem is that our current voting method hides how much overlapping support voters actually share.

C. When primary election voters are forced to choose only one candidate, even while they like others, the candidates who advance to the general election are not always the ones who best represent the electorate. This happens because choose-one voting cannot distinguish between a candidate who voters do not support and one whose support was simply divided among others. To avoid splitting the vote, many voters abandon candidates they prefer for the one they believe is most "electable," leaving the general election to reflect who voters feared losing to rather than who they actually wanted.

D. An election should accurately measure public support for each candidate. Approval voting does that, similar to how groups decide between multiple options every day. Rather than being forced to choose only one candidate, voters approve as many as they want, and the candidates with the most approvals advance to the general election. Voters can vote based on their values instead of settling on a single "electable" candidate, since support across candidates is added up rather than divided. The overlapping approvals reveal where voters agree, giving

them a choice in the general election between candidates who have earned the broadest support rather than benefitted from a divided field. Furthermore, because each candidate gets an unrestricted chance to earn approval from every voter, regardless of who else is running, candidates are incentivized to compete for as many voters as possible. The result is elected officials with stronger mandates and greater incentives to represent more than just their base once in office.

E. This approach has been tested. St. Louis, Missouri adopted approval voting with an open primary that feeds into a top-two general in 2020 with 68% support. Under the city's former choose-one primary, the leading mayoral candidate advanced to the general election with just 32% of the vote, while voters were divided across three other candidates. In the city's first approval voting primary in 2021, the leading mayoral candidate advanced with much broader support, 57% approval. With an incumbent facing three challengers in 2025, voters were again able to come together around a candidate, rather than dividing across alternatives, who advanced with a decisive 68% approval to the incumbent's 33%. The results demonstrated how measuring overlapping approvals can capture broad agreement that choose-one voting cannot. A post-election survey found 67% of St. Louis voters appreciated being able to express their preferences without worrying about electability, and 81% appreciated approval voting's simplicity.

F. This is not a radical departure. Every candidate for state and congressional office still appears on one familiar ballot, and every registered voter, regardless of party affiliation, may vote for any of those candidates. This act changes nothing about the ballot layout, who can run, who can vote, or how the general election works. It changes only how support is measured in the primary election, in a way voters will find intuitive.

G. Revealing and respecting broad agreement is the unfinished business of California's open primary reform. It's time to give voters the freedom to approve every candidate they want. Approval voting is the simple, tested way to upgrade California primaries and unlock the ability to elect more representative officeholders.

SEC. 2. Section 10704 of the Elections Code is amended to read:

10704. (a) Except as provided in subdivision (b), a special primary election shall be held in the district in which the vacancy occurred on the 9th Tuesday or, if the 9th Tuesday is the day of or the day following a state holiday, the 10th 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 73 days before the primary election, shall be left with the county elections official for examination not less than 53 days before the primary election, and shall be filed with the Secretary of State not less than 53 days before the primary election.

(b) A special primary election shall be held in the district in which the vacancy occurred on the 10th Tuesday preceding the day of the special general election at which the vacancy is to be filled if both of the following conditions apply:

(1) The 10th Tuesday preceding the day of the special general election is an established election date pursuant to Section 1000.

(2) A statewide or local election occurring wholly or partially within the same territory in which the vacancy exists is scheduled for the 10th Tuesday preceding the day of the special general election.

(c) The sample ballot for a special election shall contain a written explanation of the election procedure for a voter-nominated office as specified in subdivision (b) of Section 9083.5. ~~Immediately after the explanation shall be printed the following: "If one candidate receives more than 50% of the votes cast at the special primary election, the candidate will be elected to fill the vacancy and no special general election will be held."~~

(d) On the ballot for a special election, immediately before or above the first contest for a voter-nominated office, the following words shall be printed:

"Voter-Nominated Offices

All voters may vote in these contests.

Candidates display a party preference (or None) for the information of voters. This is not a party endorsement or approval."

SEC. 3. Section 10705 of the Elections Code is amended to read:

10705. (a) All candidates shall be listed on one ballot. ~~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.

SEC. 4. Section 10706 of the Elections Code is amended to read:

10706. ~~If no candidate receives a majority of votes cast, the~~ The names of the candidates who receive the highest or second highest number of votes cast at the special primary election, ranked from highest to lowest, up to the number of candidates who advance to the general election pursuant to Section 8141.5, shall be placed on the special general election ballot. In the case of a tie vote, subdivision (b) of Section 8142 shall apply.

SEC. 5. Section 13210 of the Elections Code is amended to read:

13210. (a) In the case of candidates for delegate to national convention, there shall be printed in at least 10-point bold type, the words, "President of the United States" and "Vote for one group only."

(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 at least 10-point bold 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.~~ and the applicable voting instruction specified in paragraph (1) or (2). The designation of the office and the words "vote for" shall be printed in at least 9-point bold 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.

(1) At a primary election for a voter-nominated office, the voting instruction shall read "vote for AS MANY candidates as you approve of."

(2) Otherwise, the voting instruction shall read "vote for one" or "vote for no more than two," or more, according to the number to be nominated or elected.

SEC. 6. Section 14285 of the Elections Code is amended to read:

14285. (a) To vote in a contest where two or more candidates for the same office are to be elected, a voter shall mark the voting targets next to the names of the candidates of the voter's choice, up to the number of candidates to be elected.

(b) Notwithstanding subdivision (a), in a primary election for a voter-nominated office, a voter may mark the voting targets next to the names of as many candidates of the voter's choice for that office.

SEC. 7. Section 15154 of the Elections Code is amended to read:

15154. (a) Any ballot that is not marked as provided by law shall be rejected. 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 on the ballot the cause for rejection and be signed by a majority of processing board members who are assigned by the elections official to process ballots.

(b) The following ballot conditions shall not render a ballot invalid:

(1) Soiled or defaced.

(2) Two or more impressions of the voting stamp or mark in one voting square.

(3) Contains personal information, as defined in Section 14287.

(c) (1) If a voter indicates, either by a combination of both marking 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.

(2) Notwithstanding paragraph (1), in a primary election for a voter-nominated office, a vote shall be counted regardless of whether a voter indicates a choice of more names than there are candidates to be elected to or nominated for the office.

(3) Indicating a choice of more than one candidate pursuant to paragraph (2) does not constitute voting more than once for purposes of Section 18560 or any other law.

(d) This section applies to all ballots counted pursuant to this chapter and Chapter 4 (commencing with Section 15300).

SEC. 8. Section 15342 of the Elections Code is amended to read:

15342. Any name written upon a ballot for a qualified write-in candidate, including a reasonable facsimile of the spelling of a name, shall be counted for the office, if it is written in the blank space provided and voted as specified below:

(a) For voting systems in which write-in spaces appear directly below the list of candidates for that office and provide a voting space, no write-in vote shall be counted unless the voting space next to the write-in space is marked or slotted as directed in the voting instructions, except as provided in subdivision (g).~~(f)~~.

(b) For voting systems in which write-in spaces appear separately from the list of candidates for that office and do not provide a voting space, the name of the write-in candidate, if otherwise qualified, shall be counted if it is written in the manner described in the voting instructions.

(c) The use of pressure-sensitive stickers, glued stamps, or any other device not provided for in the voting procedures for the voting systems approved by the Secretary of State to indicate the name of the write-in candidate are not valid, and a name indicated by these methods shall not be counted.

(d) Neither a vote cast for a candidate whose name appears on the ballot nor a vote cast for a write-in candidate shall be counted if the voter has indicated, by a combination of marking and writing, a choice of more names than there are candidates to be nominated or elected to the office.

(e) Notwithstanding subdivision (d), in a primary election for a voter-nominated office, a vote cast for a candidate whose name appears on the ballot, a vote cast for a write-in candidate, or a vote cast by a combination of marking and writing in, shall be counted regardless of whether the voter has indicated a choice of more names than there are candidates to be nominated or elected to the office.

~~(e)~~~~(f)~~ 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.

~~(f)~~~~(g)~~ (1) In an election that uses a voting system described in subdivision (a), after tallying all eligible votes but prior to completion of the official canvass and the issuance of the certified statement of the results pursuant to this chapter, the elections official, upon the request of a qualified write-in candidate for an office being voted on in that election for an examination

of undervotes that is received within five days of completion of the semiofficial canvass, may hand tally the remaining undervotes if any of the following is applicable:

(A) In the case of a primary election or a special election, the sum of the total number of votes cast for the write-in candidate and the total number of undervotes cast for the office but not examined pursuant to a hand tally is equal to or greater than the total number of votes cast for the candidate receiving the least number of votes that would be sufficient to advance to the general election. ~~second highest number of votes for that office.~~

(B) In the case of a general election or a special runoff election, the sum of the total number of votes cast for the write-in candidate and the total number of undervotes cast for the office but not examined pursuant to a hand tally is equal to or greater than the total number of votes cast for the candidate receiving the highest number of votes for that office.

(C) In the case of an office for which a voter may vote for more than one candidate, the sum of the total number of votes cast for the write-in candidate and the total number of undervotes cast for the office but not examined pursuant to a hand tally is equal to or greater than the total number of votes cast for the candidate receiving the least number of votes that would be sufficient in order to be elected.

(2) The elections official may stop a hand tally conducted pursuant to this subdivision when the official determines that the applicable condition in any of subparagraphs (A) to (C), inclusive, of paragraph (1) is no longer applicable, or when all of the undervotes for the office have been examined.

(3) In conducting a hand tally pursuant to this subdivision, the elections official shall count a vote for the office if the intent of the voter can be determined, regardless of whether the voter has complied with the voting instructions. The elections official shall include the results of a hand tally conducted pursuant to this subdivision in the official canvass of the election.

(4) For purposes of this subdivision, "undervote" means:

(A) Except as provided in subparagraph (B), a ballot on which a voter failed to cast any vote for a specific office or failed to cast the maximum number of votes permitted, as detected by an electronic, mechanical, or other vote-tabulating device.

(B) In a primary election for a voter-nominated office, a ballot on which a voter failed to cast any vote for that office, as detected by an electronic, mechanical, or other vote-tabulating device.

(5) Notwithstanding Section 15624, a qualified write-in candidate is not responsible for the costs of a hand tally requested pursuant to this subdivision.

~~(g)~~ (h) This section does not prohibit a request for a recount.

SEC. 9. Regulatory Conformance.

(a) The Secretary of State shall, in a timely manner, adopt, amend, or repeal regulations as necessary to conform the California Code of Regulations, including but not limited to Sections 20100 and 20282 of Title 2, to the changes made by this act, and shall take all actions necessary to ensure this act is fully implemented at the first primary election at which this act takes effect. For purposes of those regulations, the marking of more than one candidate in a primary election

for a voter-nominated office shall not constitute an overvote. The Secretary of State shall further approve configurations of voting systems capable of tabulating ballots cast pursuant to this act without requiring full recertification of previously certified voting systems.

(b) Pending conformance of regulations pursuant to subdivision (a), and in all other respects, this act supersedes any regulation of the Secretary of State that defines "overvote" or prescribes vote counting standards in a manner inconsistent with the rights established by this act. County elections officials and the Secretary of State shall program and certify voting systems for a primary election for a voter-nominated office in a manner consistent with this act, without regard to any conflicting regulatory definition.

SEC. 10. Effective Date.

This act shall take effect on the fifth day after the Secretary of State certifies the results of the election at which it is approved by the voters. The provisions of this act shall apply to primary elections held on or after June 1, 2030.

SEC. 11. Voter Education.

The Secretary of State shall develop educational materials regarding the voting changes made by this act and shall provide those materials to county elections officials for distribution to voters prior to the first primary election at which this act takes effect.

SEC. 12. Amendment by Legislature.

(a) The Legislature may amend this act by a statute passed in each house by a vote of two-thirds of the membership, provided that any such amendment furthers the purposes of this act as set forth in Section 1.

(b) An amendment furthers the purposes of this act if it does one or more of the following:

(1) Facilitates or improves the administration of the voting method established by this act, whereby voters may vote for as many candidates as they choose for a voter-nominated office in a primary election.

(2) Makes conforming changes to other provisions of law necessitated by this act.

(3) Provides additional voter education or outreach regarding the voting changes made by this act.

(4) Expands the application of approval voting to additional contest types.

(c) Notwithstanding subdivision (a), no amendment shall:

(1) Eliminate, restrict, or condition the right of a voter to vote for as many candidates as the voter chooses for a voter-nominated office in a primary election, including by imposing any maximum number of candidates a voter may select that is less than the total number of candidates appearing on the ballot for that office.

(2) Restore the application of overvote rejection rules to ballots cast for voter-nominated offices in a primary election.

(3) Otherwise diminish the rights established by this act for voters in a primary election for a voter-nominated office.

(4) Alter the voting threshold established by this section for legislative amendments to this act.

SEC. 13. Conflicting Ballot Measures.

It is the intent of the People in enacting this measure that its provisions governing the method of voting and counting votes in a primary election operate independently of, and are severable from, any other measure appearing on the same ballot that alters the number of candidates who advance from a primary to a general election. The method by which voters mark their ballots and the method by which votes are counted pursuant to this act do not conflict with provisions governing the number of candidates who advance to the general election, and shall be construed as complementary rather than conflicting. Should such a measure also be approved by the voters, the vote-counting method established by this act shall continue to apply to the primary election it governs, and this act shall be construed to give effect to both measures to the maximum extent possible.

SEC. 14. Severability.

(a) The provisions of this act are severable. If any provision of this act or its application to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

(b) The People of the State of California hereby declare that they would have adopted this act and each provision thereof irrespective of whether any other provision is subsequently held invalid.