



## **“None of the Above” Ballot Option. Initiative Statute.**

### **Official Title and Summary Prepared by the Attorney General**

#### **“NONE OF THE ABOVE” BALLOT OPTION. INITIATIVE STATUTE.**

- Provides that in general, special, primary and recall elections for President, Vice President, United States House of Representatives and Senate, Governor, Lieutenant Governor, Attorney General, Controller, Secretary of State, Treasurer, Superintendent of Public Instruction, Insurance Commissioner, Board of Equalization, State Assembly and State Senate, voters may vote for “none of the above” rather than a named candidate.
- Votes for “none of the above” shall be tallied and listed in official election results, but will not count for purposes of determining who wins election.

#### **Summary of Legislative Analyst’s Estimate of Net State and Local Government Fiscal Impact:**

- Generally minor costs to state and county governments.
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**Background**

Under current law, California voters who cast an election ballot for federal, state, or local offices select from a list of candidates seeking that elective position. In addition, voters may cast a write-in vote for a candidate whose name does not appear on the ballot. However, voters do not have the option of casting a ballot for “none of the above” instead of choosing a candidate.

**Proposal**

This measure would require that all election ballots for federal and state offices shown in Figure 1 provide voters with the option of voting for “none of the above.” A voter could cast a ballot for “none of the above” in a general, special, primary, or recall election for those offices. Elections for judges and local offices would not include the option of voting for “none of the above.”

Under this measure, only votes cast for candidates whose names appear on the ballot or for write-in candidates would be counted when determining the nomination or election of candidates for those state and federal offices. The number of voters selecting “none of the above” would be reported in official election returns but would not affect the outcome of the election.

**Fiscal Effect**

This measure would generally result in minor costs for the state and for county governments to modify their vote-counting and election-reporting procedures as a

result of adding the choice of “none of the above” to candidate election ballots.

**Figure 1**

**Proposition 23  
“None of the Above” Option  
For the Following Offices**

- President
- Vice President
- U.S. Senator
- Member of the U.S. House of Representatives
- Governor
- Lieutenant Governor
- Attorney General
- Controller
- Secretary of State
- Treasurer
- Superintendent of Public Instruction
- Insurance Commissioner
- Member of the State Board of Equalization
- Member of the Assembly
- State Senator

**For text of Proposition 23 see page 132**



## “None of the Above” Ballot Option. Initiative Statute.

### Argument in Favor of Proposition 23

We are three California citizens who usually don't vote. At times, we've wanted to protest the choices given to us, express our discontent over negative campaigning or object to the lack of relevant information about the candidates. Until now, the only way we could be heard was to simply not vote. Unfortunately, not voting doesn't get you heard, it just gets you labeled as apathetic.

If we had the option of voting for “none of the above,” we would have the opportunity to have our protest counted and our voices heard. More people like us would vote if they had a choice—to vote for a worthy candidate, or to vote for “none of the above” in an election where none of the candidates was worthy.

If Proposition 23 passes, the candidate with the most votes would still get the job. But, each vote would be meaningful—not just a decision between the “lesser of two evils.” If candidates knew that Californians could vote for “none of the above,” they might be more likely to run campaigns based on issues and positive messages rather than campaigns that simply attack opponents.

And, you'd find more of us at the polls, voting on *all* the issues and candidates.

We believe that having the option to vote for “none of the above” will accomplish several things:

- More citizens will register to vote.
- More registered voters will vote.
- Better candidates will be nominated.
- Negative campaigning will be reduced.

The ability to vote for “none of the above” is only one method of getting wider participation in the election process, and the cost to do so is negligible. Voter reform doesn't have to be complicated.

We urge a *YES* vote for Proposition 23.

**AMANDA GUTWIRTH**  
*Social Worker*

**DAVID JAMES**  
*Small Business Owner*

**SUSAN HOWELL**  
*Waitress*

### Rebuttal to Argument in Favor of Proposition 23

The proponents of this initiative hope that it will boost voter registration, increase voter turnout, improve the quality of candidates and reduce negative campaigning. These are commendable goals, and we support them all.

Unfortunately, in the one state (Nevada) where NOTA is used, it hasn't achieved any of them.

The reason is simple: voters quickly realize that casting a vote for NOTA is a waste, so after a brief flurry of interest in NOTA, voters stop using the option, and candidates continue behaving as before.

NOTA isn't the answer, but the problems this initiative attempts to address are real and serious: inadequate choice at the ballot booth, poor treatment of the issues and negative campaigning.

What can be done? We can promote reforms that give all voters a meaningful way to vote FOR their favorite candidate, which would encourage candidates to campaign on the issues.

Such reforms aren't pipe dreams: voters in Santa Clara County have already passed an initiative to allow the Instant Runoff, and because it saves money and reduces negative campaigning, several California cities are considering it.

Most established democracies in the world use proportional representation combined with public financing of elections. Proportional representation creates true multi-choice democracy where more people win representation in the legislature. It also fosters positive debate of issues and produces policies that are more representative of the majority's will.

Vote NO on NOTA, and work for reforms that allow you to cast a vote that counts FOR your favorite candidate.

**JOHN B. ANDERSON**  
*1980 Independent Presidential Candidate*

**JULIE PARTANSKY**  
*Mayor of Davis*

## “None of the Above” Ballot Option. Initiative Statute.



### Argument Against Proposition 23

Ever feel like your vote didn't count very much? This initiative would just make things worse. It would give you the option of voting for None-of-the-Above (NOTA), but it's non-binding. What's the point?

Even if it were binding, NOTA is a poor substitute for true democracy. If you want to throw your vote away, DON'T VOTE. But if you do vote, you should be able to cast a meaningful vote for a candidate you like.

Polls show that most Californians are unhappy with the two major parties, and most Californians would like to see a credible third party. Unfortunately, this initiative would just draw votes away from candidates who are trying to provide credible alternatives to the major parties.

History has shown that new ideas and policy innovations—like the abolition of slavery and women's right to vote—often derive from third parties, so discouraging those candidates is a disservice to voters.

With our current winner-take-all voting system, if you are dissatisfied with the two major candidates, you are in a bind. You either settle for the “lesser of two evils,” or you cast a protest vote for the candidate you prefer, knowing your candidate has little chance of winning. NOTA just gives you an even worse option: voting for something that can't win, even if it gets the most votes.

Fortunately, there are a couple of PROVEN SOLUTIONS to this very real problem with our voting system.

*The first is called the Instant Runoff*, and it allows you to rank a first choice, a second choice and a third choice. It solves the “spoiler” problem, because if your first choice candidate is defeated, your vote counts for your second choice. It also saves the cost of runoff elections, because it

produces a majority winner in a single election. As an added bonus, the Instant Runoff promotes coalition building and positive, issue-oriented campaigning.

Because the Instant Runoff saves tax dollars and gives voters more choice, legislation for the Instant Runoff is pending in several California cities, and has been introduced at the state level in Alaska, New Mexico and Vermont.

*The second is called Proportional Representation*, which is the common sense notion that all Californians deserve representation, not just the biggest group in a town or election district. Proportional representation is like applying the free market to the political marketplace: it would give voters the multiplicity of choices that we demand as consumers. It's also a form of campaign finance reform. Candidates need a lower percentage of votes to win, so they can concentrate on promoting their issues and policies to their likely supporters instead of promising everything to everybody and standing for nothing.

To learn more about these reforms, visit the website of the non-partisan Center for Voting and Democracy: [www.fairvote.org](http://www.fairvote.org).

Unlike NOTA, these reforms will give voters real choices and more power. Vote NO on 23, and join the Green Party in working for real reforms that give all Californians a meaningful vote.

**SARA AMIR**  
*Spokesperson, Green Party of California*

**JOHN STRAWN**  
*Spokesperson, Green Party of California*

**DONA SPRING**  
*City Councilmember, Berkeley*

### Rebuttal to Argument Against Proposition 23

The point of Proposition 23 is that it offers a *real option* to California voters. The opportunity to vote for “None of the Above” gives a voter a choice if he or she does not want to vote for any of the candidates that are on the ballot for a particular office. Proposition 23 provides an alternative for voters that will be counted and recorded if none of the candidates are deemed worthy.

It makes no sense to argue against Proposition 23 by trying to confuse voters by talking about alternatives that are not even on the ballot. Proposition 23 is clear and simple—don't make it complicated. Vote “Yes” on Proposition 23.

**ALAN F. SHUGART**  
*Businessman*