

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

EXECUTIVE ORDER N-xx-20

WHEREAS, on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS, hundreds of local governments across the state have also declared states of emergency, imposed or recommended social distancing, and taken other significant steps to reduce the transmission rate of COVID-19; and

WHEREAS, State law requires the Presidential General Election be held on November 3, 2020; and

WHEREAS State law currently requires that this election be conducted using in-person voting at polling locations or vote centers throughout each county with vote by mail opportunities upon request and mail ballot precincts pursuant to California Elections Code Section 3005; and

WHEREAS, there may be a second wave of the Covid-19 pandemic in the fall and winter of 2020 so in-person voting presents risks to public health and safety in light of the COVID-19 pandemic, threatens to undermine social distancing measures imposed by the State Public Health Officer and poses the potential to deter voter participation due to a desire to remain away from large groups where the virus can easily spread; and

WHEREAS, at the foundation of the Constitution of the State of California and the Constitution of the United States of America our elections must be accessible, secure and safe; and

WHEREAS, California's existing vote-by-mail procedures can be used to conduct the Presidential General Election on November 3, 2020, in a manner that is accessible, secure and safe; and

WHEREAS, state and local election officials require a prompt and timely decision on the conduct of the Presidential General Election to make plans, including printing and mailing of additional ballots which must be done months before the actual election takes place, as well as other logistical preparations and necessary purchases; and

WHEREAS, COVID-19 and the response thereto may impair the ability of state and local officials, including county election officials and the Secretary of State, and the volunteers supporting them, to meet statutory deadlines associated with ballot counting, tabulation, and other responsibilities related to the official canvass, including certification of the canvass, audits and/or manual tallies of election results and reporting of the official canvass results, and

WHEREAS, during a regular election it is difficult to recruit and train poll workers and to procure accessible polling locations, and during a pandemic this number is expected to be reduced significantly.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1) Notwithstanding Elections Code sections 1500 and 4000-4007 (including, but not limited to, the conditions otherwise imposed on all mail ballot elections in Election Code section 4000 and 4001.5), and any other applicable provision of state law, the November 3, 2020, Presidential General Election to be held in the State of California shall be held as an all-mail ballot election and conducted according to those provisions of the Elections Code that govern all-mail ballot elections, including but not limited to Elections Code sections 3000-3026 and 4100. The county elections officials responsible for conducting this election shall transmit vote-by-mail ballots to all voters eligible to vote in this election.

Notwithstanding the foregoing, elections officials are authorized to make in-person voting opportunities available on or before Election Day for this election in a manner consistent with public health and safety, to accommodate the need for voter accessibility. Elections officials shall provide the maximum possible notice to voters about how to participate in this election, paying particular attention to the needs of voters at high risk from COVID-19, individuals with disabilities, and other voters with particularized needs.

2) Notwithstanding Elections Code sections 3019, 15100-15112, 15300- 15376, 15400-15402, 15450-15490, and 15500- 15505; California Code of Regulations, Title 2, sections 20027, 20108.75, 20108.8, and 20110-20126; and any other applicable provision of state law, all deadlines associated with completing, auditing, and reporting on the official canvass of the November 3, 2020, Presidential Primary Election are extended by 7 days to December 7, 2020. Counties are urged to complete activities related to the official canvass according to the deadlines ordinarily imposed by state law, to the extent possible. The Secretary of State is requested to issue guidance to county elections officials concerning compliance with this paragraph.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have
hereunto set my hand and caused
the Great Seal of the State of
to be of fixed this xxth day of xxx 2020
GAVIN NEWSOM
Governor of California

ATTEST:
ALEX PADILLA
Secretary of State