

*Before the Board of Supervisors in and for the
County of Monterey, State of California*

Resolution No.: 20-xxx

Resolution recommending modification of voting procedures for the Presidential Election on November 3, 2020, due to the COVID-19 national emergency.

WHEREAS, the COVID-19 pandemic has created a national emergency and exceptional circumstances; and

WHEREAS, the State of California and 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 rates of COVID-19; and

WHEREAS, there may be a second wave of the COVID-19 pandemic in the fall and winter of 2020-2021, therefore in-person voting presents risks to public health and public safety and threatens to undermine social distancing measures imposed by the State Public Health Officer and has the potential to deter voter participation due to a desire to remain away from large groups where the virus can easily spread; and

WHEREAS, state law requires the Presidential General Election to 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, in-person voting involves the congregation of people at various polling locations and the use of shared polling place equipment; and

WHEREAS, in-person voting risks undermining social distancing measures imposed by the State Public Health Officer and local public health officials, as well as other aspects of the response to COVID-19, which are designed to protect public health and safety; and

WHEREAS, it is generally anticipated that a vaccination for COVID-19 will not be widely available on or before November 3, 2020; 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 in a manner that is accessible, secure and safe; 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, 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, Monterey County requires a prompt and timely decision on the conduct of the November 3, 2020 election because preparations for printing and mailing additional ballots, which must be done months before the actual election takes place, and purchases for the Presidential General Election for November 3, 2020 are currently underway.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of the County of Monterey, State of California, recommends that the Governor use the authority vested in him by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, to issue an executive order in substantially the form set forth in Exhibit A, which directs county elections officials responsible for conducting the Presidential General Election on November 3, 2020, to conduct an all-mail ballot election.

BE IT FURTHER RESOLVED, that an exception to the all-mail ballot election should be permitted under the executive order to accommodate the need for voter accessibility, provided that any in-person voting be conducted in a manner consistent with public health and safety.

BE IT FURTHER RESOLVED, that under such an order, county elections officials would be responsible to transmit vote-by-mail ballots to all voters eligible to vote in this election and provide notice to voters about how to participate in the Presidential General Election, paying particular attention to the needs of voters at high risk of contracting COVID-19, individuals with disabilities, and other voters with particularized needs.

BE IT FURTHER RESOLVED, that the order would extend the deadline to complete, audit, and report the official canvass of the November 3, 2020, Presidential General Election by seven (7) days to December 7, 2020, which recognizes that COVID-19 and the response thereto may impair the ability of state and local officials to meet statutory responsibilities associated with county, tabulation and other responsibilities related to the official canvass and reporting of the official canvass results.

PASSED AND ADOPTED on this 14th day of April 2020, by the following vote, to-wit: