



Legislation Details (With Board Report)

File #: RES 20-050 **Name:** Resolution Presidential Election COVID19 Executive Order

Type: BoS Resolution **Status:** General Government - Consent

File created: 4/9/2020 **In control:** Board of Supervisors

On agenda: 4/14/2020 **Final action:**

Title: a. Adopt a Resolution recommending modification of voting procedures for the Presidential Election on November 3, 2020, due to the COVID-19 national emergency; and,
b. Approve a letter from the Board of Supervisors to the Governor of the State of California requesting a State Executive Order to conduct the November Election by mail.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Exhibit A, 3. Exhibit B, 4. Exhibit C, 5. MoCo Ltr to Gov. Newsom - Vote by Mail Reso (Post-Meeting Material), 6. Item No. 9 Completed Board Order & Resolution

Date	Ver.	Action By	Action	Result
4/14/2020	4	Board of Supervisors		

a. Adopt a Resolution recommending modification of voting procedures for the Presidential Election on November 3, 2020, due to the COVID-19 national emergency; and,
b. Approve a letter from the Board of Supervisors to the Governor of the State of California requesting a State Executive Order to conduct the November Election by mail.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Adopt a Resolution recommending modification of voting procedures for the Presidential Election on November 3, 2020, due to the COVID-19 national emergency; and,
- b. Approve a letter from the Board of Supervisors to the Governor of the State of California requesting a State Executive Order to conduct the November Election by mail.

SUMMARY:

Monterey County and the State of California are under a state of emergency due to COVID-19 for an indefinite period. During this time, citizens have been ordered by both the County and the State to shelter in place (SIP) and to only venture in public for essential tasks related to necessities: food, medicine, and health. The SIP is inconsistent with a significant part of California’s voting model, which requires polling places for in-person voting and poses significant risks to the health and safety of citizens, voters, poll workers, and staff.

Many of our polling places and poll workers have indicated that they will not serve in November due to the virus and the state of emergency. As a demographic, our poll workers are older and part of the vulnerable population. In the week leading up to March 3, 2020 approximately 190 poll workers resigned, and others expressed significant concern about COVID-19. Medical experts indicate that it is likely that the virus will remain active or re-emerge this fall during the election season posing a persistent risk to citizens.

In light of the fact that there might be a new surge of the COVID-19 pandemic to come in the fall-winter of 2020, with the election scheduled for November 3, 2020, it is recommended that the Board of Supervisors adopt a resolution in support of an Executive Order by the Governor of California to modify voting procedures for the Presidential General Election on November 3, 2020, due to the COVID-19 national emergency in order to conduct the election entirely by mail in ballot. It is further recommended that the Board authorize submission of a letter to the Governor in support for this Executive Order along with a copy of the adopted Board Resolution.

DISCUSSION:

In addition to in-person voting, the Elections Code provides for voting by mail. In fact, 80% of Monterey County voters already receive their ballot by mail. Expansion of vote by mail (VBM) for November to include all voters would provide all voters the opportunity to vote without violating shelter in place orders while eliminating the unnecessary risk of spreading COVID-19 through our community. In recognition of this, Governor Newsom issued an Executive Order authorizing 100% vote by mail voting for several special vacancy elections in the state this spring:

“The respective county elections officials responsible for conducting each respective election shall transmit vote-by-mail ballots to all voters eligible to vote in each respective election. Notwithstanding the other provisions of this Order, elections officials are also authorized, and encouraged, to make in-person voting opportunities available on or before Election Day for each of these elections in a manner consistent with public health and safety, to maximize voter accessibility.”

<https://www.gov.ca.gov/wp-content/uploads/2020/03/3.20.20-EO-N-34-20-COVID-19-Elections.pdf>

A similar declaration for the November Election would eliminate uncertainty and provide election officials the ability to plan and prepare for the election in a manner that would safeguard the public and give county officials the flexibility to offer in-person voting opportunities as the situation permits. The April 7, 2020 primary election in Wisconsin put voters at risk and late changes made it impossible for election officials to prepare. Due to extenuating circumstances related to COVID-19, Milwaukee reduced 180 polling locations to 5 and the National Guard was called in to oversee events. This situation created voter confusion and ultimately disenfranchised voters. This illustrates the type of situation that can be avoided by an early Executive Order from the Governor.

Without direction, the Department would have to prepare for multiple scenarios and attempt to recruit double the number of poll workers, procure alternative locations in contract to account for loss of polling locations, and attempt to purchase a sufficient quantity of personal protective equipment and disinfectant supplies to safeguard up to 1,000 workers at locations across the County. The Department has been proactive in modernizing voting technology and vote by mail handling capabilities. The Department can absorb the increased volume of ballots in an all-mail scenario, which could be up to 100,000 additional ballots.

While political parties, legislatures, courts, advocates of all types, interest groups, academics, state and federal

officials, and media are all offering advice for a solution to the November election, missing from the discussion are the voices of county elected boards and election officials who administer and finance the election and who are held accountable for the election's success or failure.

It is our recommendation that the Board adopt a resolution requesting the Governor to issue an Executive Order substantively the same as the March 20, 2020 Order directing the election to be conducted by mail. Contra Costa County and possibly other counties will consider similar actions by their Boards.

The proposed Executive Order is brief and succinct, reflecting that less guidance in an Executive Order is more empowering than too much guidance. It allows each County to make decisions about how to best conduct the election for their constituents.

Simultaneous efforts are already being taken to support the citizens of Monterey County in re-registering to vote by mail if they have not already done so. The Secretary of State provides an online voter registration application on their website that is easily accessible to all voters to update their information and is available in several different languages. When a voter completes the online application, Monterey County Elections will receive the new updated information within minutes to update their vote by mail status. The application process is safe, secured and efficient.

[<https://registertovote.ca.gov/>](https://registertovote.ca.gov/)

In addition, any registered voter may complete a Vote by Mail application that is available on the Monterey County Elections website. By completing this form, voters may request a vote-by-mail ballot for a single election or to request a vote-by-mail ballot for all elections (permanent vote-by-mail voting). The application can be returned by mail or by email.

[<http://montereycountyelections.us/vote-by-mail/>](http://montereycountyelections.us/vote-by-mail/)

After the pandemic has passed, voters can easily change back to voting in person if they prefer.

OTHER AGENCY INVOLVEMENT:

County Counsel reviewed and approved the recommended actions.

FINANCING:

California Elections Code Section 10002 mandates that all jurisdictions requesting election services from the County shall reimburse the County for the services performed. We anticipate no additional cost to the County General Fund associated with these recommendations.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This item is in line with the Board's vision for providing efficient service and cost neutral administration.

Check the related Board of Supervisors Strategic Initiatives:

Administration:

Promote an organization that practices efficient and effective resource management and is recognized for responsiveness, strong customer orientation, accountability and transparency.

Prepared by:

Approved by:

Jessica Cedillo x 1486
Program Manager

Claudio Valenzuela x 1499
Registrar of Voters

Attachments:

Exhibit A - Draft Executive Order to Governor Newsom Modifying Voting Procedures for the Presidential General Election on November 3, 2020, Due to the COVID-19 National Emergency

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

Exhibit C - Draft Board Letter to Governor Newsom