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April 7, 2020

Honorable Members of the Board of Supervisors:

Chairperson, Candace Andersen, District II
Supervisor Federal Glover, District V
Supervisor Karen Mitchoff, District IV
Supervisor John Gioia, District I
Supervisor Dianne Burgis, District III

Re: Resolution requesting a State Executive Order to conduct the November election by mail

Honorable members of the Board,

We have the following item on the discussion calendar for next Tuesday, April 14, 2020. I am sending you an advance copy of the Board Order, Resolution and Draft Executive Order for your review and would like to provide some additional background information.

The Issue:

Contra Costa 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 and in-person voting, and poses significant risks to the health and safety of citizens, voters, volunteers, and staff.

Many of our polling places and volunteers have indicated that they will not serve in November due to the virus and the state of emergency. On March 3, 2020, over 200 volunteers failed to show up to work at the polls. 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.

A Solution:

In addition to in-person voting, the Election Code provides for voting by mail. In fact, over 75% of Contra Costa voters already receive their ballots by mail. Expansion of vote by mail for November to include all voters would provide all voters the opportunity to vote without exposing themselves to unnecessary risks of COVID-19. In recognition of this, Governor Newsom issued an Executive Order authorizing 100% vote by mail 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 and risks may warrant leading up to the election. The April 7, 2020 primary election in Wisconsin, in which voters were put at risk and late changes made it impossible for election officials to prepare, illustrates the type of situation that can be avoided by an early Executive Order from the Governor.



Our Election Plans:

The Elections Division has been planning the November 2020 election since mid-2019 and validated that plan in the successful March Primary. All things being equal, we would have repeated the same plan in November allowing for higher turnout. The highlights of that plan included:

1. 75+% of voters were mailed a ballot, >500,000
2. 3 remote satellite locations mirroring all services provided at the main office for 4 days prior to election day
3. 12 permanent 24/7 ballot drop boxes, available for three weeks up to and including Election Day
4. 24 staffed drop boxes in City Halls and Libraries
5. 2 drive-through drop off locations on Election Day
6. 165 Polling Places and 1600 Poll Workers

Our Vote by Mail Capacity:

With the acquisition of the new voting system and the upgrading of mail handling equipment, the Division can absorb the increased volume of ballots in an all-mail scenario, which is estimated to be between 150,000 to 170,000 voters.

Cost:

Eliminating polling places, poll workers and their training, election day ballots, and voting supplies would provide significant cost savings in the vicinity of \$320,000. Increased vote-by-mail costs, including postage and processing time, are estimated to be \$360,000.

Actions Requested of the Board:

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 finance and administer the election and who are held accountable for the election's success or failure.

There is a parallel to the federal, state and local responses to the COVID-19 pandemic. The virus raged while federal and state decision makers, along with the media and other interests, discussed and deferred concrete actions. It was the leadership of this Board, and the County Public Health Officer in concert with neighboring counties, that took early, bold and decisive action to mitigate the pandemic. The wisdom and foresight of those decisions is now being recognized and emulated.

The current discussions among the SoS, CACEO, voting advocates, academia, media and other interests are similarly protracting and delaying the type of concrete direction election officials need for a successful election in November. There is great resistance to reduce in-person voting among the parties just as there was great resistance to imposing SIP.

Our request is that the Board, possibly in coordination with other counties, pass 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. Monterey County's board of supervisors will also consider adopting this same resolution and Board Order at its meeting on April 14th.

If your Board passes this resolution, this county and others will be acting as their own advocates for November 2020 election. Counties are best suited to make decisions on how they offer in-person voting based upon the proximate COVID-19 threat, its past practices, demographics, local issues and political environment.

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 its election for its own constituents.

Please contact me at 335-7897 or Scott at 335-7808 if you have any questions or would like more information.

Thank you for your consideration,

A handwritten signature in cursive script that reads "Debi Cooper".

Deborah Cooper
County Clerk-Recorder