

Contra Costa County
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TO: KEN CARLSON, COMMITTEE CHAIR
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FROM: KRISTIN B. CONNELLY, COUNTY CLERK-RECORDER AND REGISTRAR OF VOTES

SUBJECT: PROPOSED CHANGES TO THE 2023-24 LEGISLATIVE PLATFORM

DATE: MAY 3, 2023

The purpose of this memorandum is to provide proposed additions to the County's Legislative Platforms at the state and federal level that support proper funding for elections, as well as proposals that improve both the physical and cybersecurity of our operations as discussed at the April 10, 2023, Legislative Committee meeting.

These proposals are made considering the challenges facing elections administration nationwide. In a recent survey by the non-partisan, Brennan Center for Justice at NYU Law School, twelve percent of the local election officials who responded to the poll began their service after the 2020 election cycle. Another 11 percent say they are very or somewhat likely to leave before November 2024. In the Elections Division here in Contra Costa we currently have seven vacant positions representing nearly 25% of the authorized FTE.

An asterisk indicates proposals consistent with components of the NACo legislative platform.

SUPPORT a consistent, predictable, and dedicated federal funding stream to assist counties with meeting the significant federal requirements already imposed on local governments administering elections.*

Federal funding dedicated to election administration should be administered in coordination and in consultation with local governments, including an assurance that a portion of the funding be made available to the discretion of local governments. A consistent federal funding stream would allow counties to prepare for future technology and security updates, recruit, train and retain high-quality individuals that administer elections, as well as to provide continued access to voters that have challenges as required by existing federal laws such as the Voting Rights Act and Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA).

Additionally, any new federal legislation or regulations on local election administration must be fully funded and should acknowledge the substantial variety of administration techniques deployed in states and counties across the country.

SUPPORT legislation to assist and fully fund counties in the effective implementation of State-mandated changes in the elections process and administration, including but not limited expanded access to language assistance.

In the current legislative session, state legislators are considering many bills to change California's Election Code to expand access to California's voters in a variety of ways. Many of these efforts contemplate significant changes, including language access. It is essential that any such changes only happen when the state provides full funding and adequate technical assistance to implement such changes in a timely manner. Specifically, Assembly Bill 884, which is being closely watched by our statewide association, the California Association of Clerks and Elections Officials (CACEO), would require Contra Costa to provide all election materials in an additional ten languages bringing our mandated total to thirteen. All such changes, if enacted, must be accompanied by sufficient technical assistance and funding to implement them in a timely fashion.

SUPPORT proposals for full State funding to support the accelerated implementation of California's expanded vote-by-mail model which requires us to mail a ballot to every registered voter in Contra Costa County.

Starting in 2020, state law has required that every voter be mailed a Vote-By-Mail (VBM) ballot that they can return postage free either using the U.S. Postal Service or any of the 37 official, designated drop boxes around the County. This mandate has dramatically shifted voting behavior such that 90-95% of votes cast by Contra Costa residents are VBM ballots that require signature verification. Processing these VBM ballots takes more physical space and additional staffing. Our department has had to rent additional space for ballot extraction which is just one of the myriad additional expenses that has come with this expedited expansion of VBM in California. Supporting proposals to fully fund these additional costs would greatly benefit our operations.

SUPPORT proposals that would provide full funding for State-mandated requirements related to signature verification and petition efforts, special elections, and redistricting activities.

Our Voter Services Team effectively and efficiently processes voter registration applications and all petitions for statewide ballot measures. We have no control over the number of statewide petitions that circulate in any given year. Moreover, the decennial redistricting process requires our dedicated GIS staff to work diligently to update precincts across the county in a short amount of time. The delay in the release of the 2020 Census figures during the most recent redistricting process meant an even more compressed timeline than usual. Our office takes great pride in the high-quality work we provide during each step of these important processes, and we would like to see them adequately funded.

SUPPORT proposals to provide County reimbursement for the costs incurred in conducting special elections to fill vacancies in State and federal offices.

As a general practice the County cannot rely upon any reimbursement from the State for special elections to fill State and federal offices. Last year, our office conducted a Special Election to fill the 11th Assembly District on the heels of the statewide gubernatorial recall. Proposals to guarantee reimbursement for such costs would help us always maintain appropriate staffing levels and smooth operations.

OPPOSE any legislation that imposes specific and impractical requirements regarding equipment, procedures, and personnel responsibilities for election administration.*

Like counties across the country, Contra Costa administers elections. Countywide election officials are key stakeholders in any meaningful reform of our election process. Counties have traditionally administered and financed elections in this country because of vast differences in geographic and population sizes, language needs and other local requirements necessitate differences in elections administration. Local and decentralized election administration also assists in elections security.

OPPOSE any legislation that requires any specific methodologies for post-election audits.*

Such audits are an integral part of securing our elections and Contra Costa supports efforts to develop and assist counties in implementing best practices, but we oppose unfunded mandates and insufficient deadlines to implement federal election reform.

SUPPORT policies that value and fund the role and functions of the U.S. Election Assistance Commission (EAC). OPPOSE any legislation that seeks to create further federal certification processes in addition to EAC certification.*

Election experts recognize the critical role played by the EAC which highlights the importance of rigorous testing of voting equipment and brings together election technology experts and local election officials to develop guidelines and standards that protect our critical infrastructure. Efficiencies and cost savings of voluntary federal certification should be supported.

SUPPORT policies that facilitate secure elections.*

Counties believe secure elections are a central component of our nation. State and federal efforts to combat the cybersecurity threats that negatively impact public perception of the integrity of elections. Any legislation should involve county election authorities in addressing these threats and include provisions requiring information sharing between federal, state, and local authorities.

SUPPORT legislation that increases protections against interfering with the casting of ballots at polling places or by mail, including increasing fines and/or penalties for practices that attempt to impede the voting process or intimidate voters.

Emerging best practices from around the country call for strong collaboration between election administrators and law enforcement. Ensuring that penalties will be enforced against anyone seeking to interfere with voting is an important pillar of prioritizing safety. Protecting Contra Costans while voting is fundamental to our democracy. Our department constantly seeks

ways to improve the voting experience for our residents. Supporting these proposals makes it clear that we will not tolerate any interference with the right to vote.

SUPPORT legislation to protect election workers from harassment and to ensure the physical safety of workplaces for election administrators.

California's legislation to make the home address of election workers confidential was an important step to ensure the safety of election officials. Any proposals that protect election workers from harassment, as well as those that seek to fund safety improvements in the workplace are important next steps to ensure the ongoing safety of our employees. Specifically, we should support harsher penalties for those convicted of harassment and/or interference (e.g. treated as a felony rather than a misdemeanor). We cannot ensure continuous, effective election operations without guaranteeing the safety of every election employee. Our office will continue to seek every possible grant-funded opportunity to support the implementation of every recommendation made recently by CISA to ensure the physical safety of both our office building and our Election Operations Center.

SUPPORT legislation to allow for the secure and effective use of new technologies available in the field of election administration and to provide adequate funding for both deployment and maintenance of new technologies.

The Contra Costa Clerk-Recorder-Elections Department benefits from a sophisticated and effective IT staff that collaborates effectively with the County's Department of Information and Technology. Our IT staff has availed us of every possible resource available through the Cyber Infrastructure and Security Agency (CISA) to prevent any cyber-attacks from disrupting our operations. Additionally, our Elections Division looks to be as innovative as possible to provide the best voter experience for Contra Costa's residents. Adequate funding for both the deployment and maintenance of new technologies is fundamental to our ability to continue our success in thwarting potential cyber-attacks.

SUPPORT proposals that provide elections officials flexibility on the availability of in-person voting locations and the recruitment of poll workers in response to emergency orders.

Lessons from the COVID-19 pandemic taught us that flexibility is essential to responding to natural and manmade disasters in the future. Maintaining flexibility to respond to emergency voters will benefit Contra Costa voters and will protect our employees as they seek to continue operations uninterrupted in the face of emergencies. Local jurisdictions should be encouraged to partner with our office by providing polling locations including City Halls and other gathering places.