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ELECTIONS DIVISION  
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September 1, 2021

County Clerk/Registrar of Voters (CC/ROV) Memorandum # 21146

**TO:** All County Clerks/Registrars of Voters

**FROM:** /s/ Jana M. Lean  
Chief, Elections Division

**RE:** California Gubernatorial Recall Election: Provisional Voting for Emergency Workers

Governor Newsom recently signed [Executive Order N-14-21](#), which addresses, among other things, provisional voting for emergency workers in the following 12 counties: Alpine, Amador, Butte, El Dorado, Lassen, Nevada, Placer, Plumas, Shasta, Siskiyou, Tehama, and Trinity.

[Executive Order N-14-21](#) indicates that there are emergency workers responding to wildfires in the above-identified counties who “are away from their local county election precincts, and therefore may have difficulty in voting in their local precinct or obtaining and submitting their regular ballots in a timely manner for the September 14, 2021 state election”.

[Executive Order N-14-21](#) requires county elections officials in the above-identified counties to, upon demand, issue to an emergency worker registered outside their county a provisional ballot for the September 14, 2021, California Gubernatorial Recall Election.

An emergency worker is defined as “a person who is officially engaged in responding to the proclaimed state of emergency and whose vocation has been identified in an executive order relating to the state of emergency.” (Elec. Code § 14313(e).)

Pursuant to [Executive Order N-14-21](#) and Elections Code section 14313, an emergency worker may cast a provisional ballot that may be identical to the provisional ballot offered to other voters in the county in which the emergency worker is located.

The 12 above-identified county elections officials may take the following steps in issuing provisional ballots to emergency workers who are registered to vote in their county of residence:

1. Supply a provisional ballot envelope to the voter for them to complete registration information (including the county where the voter is registered);
2. Issue the voter a ballot for the voter to complete and seal in the provisional ballot envelope;
3. Instruct the voter to place the provisional ballot envelope in a ballot box; and
4. Forward the provisional ballots to the elections official in the county in which the voter is registered.
  - We advise that the ballots of emergency workers be placed in an envelope for delivery via United States Postal Service (USPS) First-Class mail or an express delivery service, or hand delivery when possible (so as to not delay the receipt of these ballots) to the proper county and include in the envelope some indication of when the ballots were received by your office.
  - We suggest that the forwarding county alert the other county that voted ballots are being sent or delivered to them.

The county elections official where the emergency worker is registered shall:

1. Upon receipt of the returned ballot, process the ballot pursuant to the canvass procedures in Elections Code section 14310(c); and
2. If the ballot is eligible to be counted pursuant to Section 14313 (b) and (c), duplicate the ballot and preserve all other materials according to existing procedures. (Elec. Code § 14313(d).)

Elections Code section 14313 has been reproduced for your reference:

(a) Upon the declaration of a state of emergency by the Governor and the issuance of an executive order authorizing an emergency worker to cast a ballot outside of his or her home precinct, elections officials in the counties included in the executive order shall, upon demand, issue to an emergency worker a provisional ballot that may be identical to the provisional ballot offered to other voters in the county, using a process to be determined by the elections official. The elections official shall transmit for processing any ballot cast, including any materials necessary to process the ballot, pursuant to this section to the elections official in the county where the voter is registered to vote.

(b) To be counted, a ballot cast pursuant to this section shall satisfy both of the following requirements:

- (1) Be cast by the voter no later than the close of the polls on election day.

(2) Be received by the county elections official where the voter is registered on or before the 10th day following the date of the election.

(c) Upon receipt of the returned ballot, the elections official shall process the ballot pursuant to the procedures in subdivision (c) of Section 14310.

(d) If the requirements in subdivisions (b) and (c) are met and the ballot is eligible to be counted, the ballot shall be duplicated and all other materials preserved according to the procedures set forth in this code.

(e) "Emergency worker" for the purposes of this section means a person who is officially engaged in responding to the proclaimed state of emergency and whose vocation has been identified in an executive order relating to the state of emergency.

If you have any questions, please feel free to contact Rachelle Delucchi at [rdelucch@sos.ca.gov](mailto:rdelucch@sos.ca.gov) or Robbie Anderson at [aanderso@sos.ca.gov](mailto:aanderso@sos.ca.gov).

Thank you.