



ALEX PADILLA | SECRETARY OF STATE | STATE OF CALIFORNIA
ELECTIONS DIVISION

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June 30, 2020

County Clerk/Registrar of Voters (CC/ROV) Memorandum #20135

TO: All County Clerks/Registrars of Voters

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

RE: General Election: Revised Guidance Related to the November Election

On June 3, 2020, the Secretary of State issued CCROV [#20104](#), which provided initial guidance to county elections officials based upon Executive Order [N-67-20](#).

On June 5, 2020, the Secretary of State issued CCROV [#20106](#), which provided clarification with respect to in-person voting locations and drop-off locations for non-Voter's Choice Act counties.

Today, the Secretary of State offers updated guidance to address the passage of Assembly Bill 860 (Chapter 4 of the Statutes of 2020) and the adoption of emergency regulations amending Section 20136 of Chapter 3 of Division 7 of Title 2 of the California Code of Regulations. The updated guidance document is attached to this CCROV. For ease of identification, the updated sections are reproduced in *italicized* font below.

VOTE-BY-MAIL BALLOTS

Pursuant to Executive Orders [N-64-20](#) and [N-67-20](#), all Californians who are registered (and otherwise eligible) to vote in the November 3, 2020 General Election shall receive vote-by-mail ballots. Consistent with Elections Code section 2226, this provision is not intended, and shall not be construed, to mean that voters in an inactive voter registration status shall receive vote-by-mail ballots in connection with the November 3, 2020 General Election.

*In accordance with newly enacted Elections Code section 3000.5(a), for the November 3, 2020 General Election, **all** county elections officials shall, no later than E-29, begin mailing the materials specified in Elections Code section 3010 to every registered voter in the county. The county elections official shall have five days to mail a ballot to each person who is registered to vote on E-29 and five days to mail a ballot to each person who is subsequently registered to vote. The county elections official shall not*

discriminate against any region or precinct in the county in choosing which ballots to mail first within the prescribed five-day mailing period.

VOTE-BY-MAIL BALLOT TRACKING

Pursuant to Executive Order [N-67-20](#) and newly enacted subdivision (d) of section 3019.7 of the Elections Code, county elections officials are required to use the Secretary of State's vote-by-mail ballot tracking system, BallotTrax (unless the county uses a system that meets or exceeds the level of service provided by BallotTrax). Any county that is not currently enrolled in BallotTrax, should email ballottracking@sos.ca.gov to begin the onboarding process as soon as possible.

Additionally, Executive Order [N-67-20](#) requires that county elections officials utilize Intelligent Mail Barcodes (IMbs) on their vote-by-mail ballot envelopes. It is the Secretary of State's understanding that not all counties/vote-by-mail ballot printing and/or mailing vendors can place IMbs on inbound vote-by-mail ballot envelopes. The Secretary of State is currently discussing this issue with those county elections officials and vendors and will provide additional guidance in the near future.

REMOTE ACCESSIBLE VOTE-BY-MAIL (RAVBM) BALLOTS

Pursuant to newly enacted Elections Code section 3016.7, for the November 3, 2020 General Election, all county elections officials shall permit any voter to cast a ballot using a certified RAVBM system, regardless of whether the voter is a voter with disabilities or a military or overseas voter.

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VOTING OPPORTUNITIES

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Pickup schedules and ballot retrievers

Ballots shall be retrieved from vote-by-mail drop boxes pursuant to Section 20136(d) of the California Code of Regulations. The Secretary of State has adopted emergency regulations by amending Section 20136(d). The changes made to Section 20136 provide greater flexibility to county elections officials by changing the required time for retrieving ballots from unstaffed vote-by-mail ballot drop boxes, after the 10th day before the election, from every 24 hours to every 48 hours. These regulations are in effect as of June 24, 2020 and will expire on February 20, 2021 and can be found at:

<https://www.sos.ca.gov/administration/regulations/current-regulations1/>.

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RETURN OF VOTE-BY-MAIL BALLOTS (POSTMARK+17)

In accordance with newly enacted subdivision (d) of section 3020 of the Elections Code section 3020(d), for the November 3, 2020 General Election, any vote by mail ballot cast under this division shall be timely cast if it is received by the voter's elections official via the United States Postal Service or a bona fide private mail delivery company by the 17th day after election day and either of the following is satisfied:

(1) The ballot is postmarked on or before election day, is time stamped or date stamped by a bona fide private mail delivery company on or before election day, or it is otherwise indicated by the United States Postal Service or a bona fide private mail delivery company that the ballot was mailed on or before election day.

(2) If the ballot has no postmark, a postmark with no date, or an illegible postmark, and no other information is available from the United States Postal Service or the bona fide private mail delivery company to indicate the date on which the ballot was mailed, the vote by mail ballot identification envelope is date stamped by the elections official upon receipt of the vote by mail ballot from the United States Postal Service or a bona fide private mail delivery company, and is signed and dated pursuant to Section 3011 on or before election day.

VOTE-BY-MAIL BALLOT PROCESSING

In accordance with newly enacted subpart (2) of subdivision (b) of Elections Code section 15101, for the November 3, 2020 General Election, any jurisdiction having the necessary computer capability may start to process vote by mail ballots on E-29. Processing vote by mail ballots includes opening vote by mail ballot return envelopes, removing ballots, duplicating any damaged ballots, and preparing the ballots to be machine read, or machine reading them, including processing write-in votes so that they can be tallied by the machine, but under no circumstances may a vote count be accessed or released until 8 p.m. on the day of the election. All other jurisdictions shall start to process vote by mail ballots at 5 p.m. on the day before the election.

REPORTING

The Secretary of State will request each county elections official to report by the 15th of every month, with the first report due by June 15, 2020, to the Secretary of State regarding the number and locations of in-person voting opportunities secured for the November 2020 election, progress with respect to the recruitment of poll workers, and total HAVA expenditures encumbered related to the COVID-19 pandemic. The Secretary of State may request additional information as needed.

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June 30, 2020

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The June reporting templates, and information were distributed by the Secretary of State in CCROV #[20110](#) and CCROV #[20111](#). New reporting templates will be sent out at the beginning of each month.

Attachment

Secretary of State Revised Guidance Related to The November 3, 2020, General Election Conducted During The COVID-19 Pandemic



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**SECRETARY OF STATE REVISED GUIDANCE
RELATED TO THE NOVEMBER 3, 2020, GENERAL ELECTION
CONDUCTED DURING THE COVID-19 PANDEMIC**

The Secretary of State issues this revised guidance document in consideration of Governor Gavin Newsom's [March 4, 2020, proclamation](#) of a State of Emergency in California as a result of the threat of COVID-19, and issuance of Executive Orders [N-64-20](#) and [N-67-20](#) to ensure that the November 3, 2020, General Election is secure and safe for voters and election workers and the passage of [Assembly Bill 860 \(Chapter 4 of the Statutes of 2020\)](#), in addition to the November 2020 Working Group's recommendations.

VOTE-BY-MAIL BALLOTS

Pursuant to Executive Orders [N-64-20](#) and [N-67-20](#), all Californians who are registered (and otherwise eligible) to vote in the November 3, 2020 General Election shall receive vote-by-mail ballots. Consistent with Elections Code section 2226, this provision is not intended, and shall not be construed, to mean that voters in an inactive voter registration status shall receive vote-by-mail ballots in connection with the November 3, 2020 General Election.

In accordance with newly enacted Elections Code section 3000.5(a), for the November 3, 2020 General Election, **all** county elections officials shall, no later than E-29, begin mailing the materials specified in Elections Code section 3010 to every registered voter in the county. The county elections official shall have five days to mail a ballot to each person who is registered to vote on E-29 and five days to mail a ballot to each person who is subsequently registered to vote. The county elections official shall not discriminate against any region or precinct in the county in choosing which ballots to mail first within the prescribed five-day mailing period.

VOTE-BY-MAIL BALLOT TRACKING

Pursuant to Executive Order [N-67-20](#) and newly enacted subdivision (d) of section 3019.7 of the Elections Code, county elections officials are required to use the Secretary of State's vote-by-mail ballot tracking system, BallotTrax (unless the county uses a system that meets or exceeds the level of service provided by BallotTrax). Any county that is not currently enrolled in BallotTrax, should email ballottracking@sos.ca.gov to begin the onboarding process as soon as possible.

Additionally, Executive Order [N-67-20](#) requires that county elections officials utilize Intelligent Mail Barcodes (IMBs) on their vote-by-mail ballot envelopes. It is the Secretary of State's understanding that not all counties/vote-by-mail ballot printing and/or mailing vendors can place IMBs on inbound vote-by-mail ballot

envelopes. The Secretary of State is currently discussing this issue with those county elections officials and vendors and will provide additional guidance in the near future.

REMOTE ACCESSIBLE VOTE-BY-MAIL (RAVBM) BALLOTS

Pursuant to newly enacted Elections Code section 3016.7, for the November 3, 2020 General Election, all county elections officials shall permit any voter to cast a ballot using a certified RAVBM system, regardless of whether the voter is a voter with disabilities or a military or overseas voter.

VOTING OPPORTUNITIES

Pursuant to Executive Order [N-67-20](#), and in order to maximize opportunities for voter participation in this election, where feasible, counties are encouraged to exceed the minimum requirements imposed by this Order, or otherwise imposed by law.

In-person voting opportunities

County elections officials are encouraged to provide as many in-person voting locations in their jurisdiction as were available at the March 2020 Presidential Primary Election. However, at a minimum and pursuant to Executive Order [N-67-20](#), for the November 3, 2020, General Election, county elections officials are authorized to provide in-person voting locations as follows:

Non-Voter's Choice Act (non-VCA) counties to provide at least one polling place per 10,000 registered voters (and operate them as "regular" polling locations or as vote centers), made available for voting during the following hours:

- a) From E-3 through E-1, for at least eight hours (during regular hours convenient for members of the public) each day; and
- b) On Election Day, from 7 a.m. until 8 p.m.

For purposes of the above, operating as a "regular" polling location means a voter is assigned to a specific polling location, and operating as a "vote center" means a voter is not assigned to a specific polling location in the county.

However, a non-VCA county that complies with all existing statutory requirements applicable to in-person voting locations and hours (e.g., the same amount of voting locations as were available in the March 3, 2020, Presidential Primary Election, and open only at a minimum on Election Day) is not required to provide in-person voting locations/hours as set forth in the above-described provisions of Executive Order [N-67-20](#).

Voter's Choice Act (VCA) counties shall continue to provide at least one in-person voting location per 10,000 registered voters within the county from E-3 through Election Day, however are not required to open any vote center prior to E-3.

Counties are nevertheless encouraged to open vote centers earlier, where feasible and as conditions warrant, to maximize opportunities for voter participation.

The minimum operating hours set forth in Elections Code sections 4005 and 4007 have not been affected by any executive order and remain as follows:

- a) From E-3 through E-1, for at least eight hours each day; and
- b) On Election Day, from 7 a.m. until 8 p.m.

Additionally, VCA counties are not required to conduct any in-person public meetings or workshops in connection with the preparation of plans for the administration of this election, as provided for in Elections Code section 4005(a)(10), as long as a draft of each such plan is posted on the county elections official's website in a manner consistent with Elections Code section 4005(a)(10)(E)(iii) and the county elections official accepts public comment on the draft plan for at least 10 days.

VCA counties are encouraged to take additional steps, where feasible, to facilitate and encourage public participation in the development of their plans.

The minimum number of in-person voting locations should be based upon voters registered as of August 7, 2020 (E-88).

Vote-by-mail ballot drop-off opportunities

The effect of Executive Order [N-67-20](#) is that all VCA counties and non-VCA counties are required to provide:

- At least one ballot drop-off location for every 15,000 registered voters within their jurisdiction, and
- Not less than two ballot drop-off locations within their jurisdiction, regardless of the number of registered voters.

In the event this number of drop-off locations is less than what was available at the March 2020 Presidential Primary Election in their jurisdiction, county elections officials are encouraged to provide at least that same number of drop-off locations.

Additionally, Executive Order [N-67-20](#) provides that ballot drop-off location(s) must be made available for ballot drop-off beginning no later than 9 a.m. on E-28 and continuing during regular business hours each day through the close of voting on Election Day.

Furthermore, Executive Order [N-67-20](#) provides that at least one vote-by-mail ballot drop-off location must be fully accessible to the public for at least twelve hours each day (during regular hours convenient for members of the public) between E-28 and Election Day, inclusive.

The minimum number of drop-off locations should be based upon voters registered as of August 7, 2020 (E-88).

However, a non-VCA county that complies with all existing statutory requirements applicable to in-person voting locations and hours (e.g., the same amount of voting locations as were available in the March 3, 2020, Presidential Primary Election, and open only at a minimum on Election Day) is not required to provide any drop-off locations.

Determination of locations

County elections officials should, when determining where to locate polling places, vote centers, or early voting locations, consider voter turnout from the March 2020 Presidential Primary Election and all the criteria in Elections Code section 4005(a)(10)(B) to determine communities with the greatest need for in-person voting and ballot drop-off needs.

Pickup schedules and ballot retrievers

Ballots shall be retrieved from vote-by-mail drop boxes pursuant to Section 20136(d) of the California Code of Regulations. The Secretary of State has adopted emergency regulations by amending Section 20136(d). The changes made to Section 20136 provide greater flexibility to county elections officials by changing the required time for retrieving ballots from unstaffed vote-by-mail ballot drop boxes, after the 10th day before the election, from every 24 hours to every 48 hours. These regulations are in effect as of June 24, 2020 and will expire on February 20, 2021 and can be found at: <https://www.sos.ca.gov/administration/regulations/current-regulations1/>.

Two ballot retrievers are required as is currently set forth in the California Code of Regulations. Counties are encouraged to have their staff adhere to any physical distancing and other safety requirements in place at the time. If two retrievers cannot maintain proper physical distancing in the same vehicle, they can drive separately to each location.

Appointments and drive-through locations

Counties are encouraged to allow voters to make appointments at the office of the elections official from E-29 up to and including Election Day, in order to receive in-person voting assistance.

Recognizing the challenge in finding in-person voting locations, counties are encouraged to use drive-through/pop-up locations for voters to drop off their voted ballots.

Accessibility at in-person locations

County elections officials should ensure all in-person voting locations comply with the Secretary of State's Polling Place Accessibility Guidelines found at: <https://www.sos.ca.gov/elections/publications-and-resources/polling-place-accessibility-guidelines/polling-place-accessibility-checklist/>.

County elections officials are encouraged to provide as many opportunities for curbside voting as feasible.

Polling locations - state and local government facilities

As highlighted in the Executive Order [N-67-20](#), county elections officials are encouraged to consider using all mechanisms provided by existing law to secure voting locations, which may include the use of public buildings (such as school buildings and state office buildings) pursuant to Elections Code sections 12283 and 12284.

With respect to and pursuant to Executive Order [N-67-20](#), the executive order is not limiting a county's ability to fulfill the requirements provided by existing law concerning procedures for the November 3, 2020, General Election.

RETURN OF VOTE-BY-MAIL BALLOTS (POSTMARK+17)

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which the ballot was mailed, the vote by mail ballot identification envelope is date stamped by the elections official upon receipt of the vote by mail ballot from the United States Postal Service or a bona fide private mail delivery company, and is signed and dated pursuant to Section 3011 on or before election day.

VOTE-BY-MAIL BALLOT PROCESSING

In accordance with newly enacted subpart (2) of subdivision (b) of Elections Code section 15101, for the November 3, 2020 General Election, any jurisdiction having the necessary computer capability may start to process vote by mail ballots on E-29. Processing vote by mail ballots includes opening vote by mail ballot return envelopes, removing ballots, duplicating any damaged ballots, and preparing the ballots to be machine read, or machine reading them, including processing write-in votes so that they can be tallied by the machine, but under no circumstances may a vote count be accessed or released until 8 p.m. on the day of the election. All other jurisdictions shall start to process vote by mail ballots at 5 p.m. on the day before the election.

PUBLIC HEALTH AND SAFETY

Secretary of State

The Secretary of State will:

- Consult state public health and safety offices regarding recommendations for in-person voting, vote-by-mail ballot drop-off locations, and county ballot processing sites for the health and safety of both voters and county election workers.
- Develop guidance and materials based upon the consultation with state public health and safety offices and provide this information to county elections officials as well as on the Secretary of State's website.

Counties

County elections officials are encouraged to:

- Utilize guidance and materials developed by the Secretary of State regarding the health and safety protocols for in-person voting, vote-by-mail ballot drop-off locations, and county ballot processing sites such that they are implemented in a manner that will increase public confidence in the process.
- Utilize guidance provided by their respective county's department of public health with respect to all of the above.
- Add a greeter at their in-person voting locations to ensure physical distancing.
- Develop guidelines for line management at their in-person voting locations to ensure physical distancing.

POLL WORKERS

Secretary of State

The Secretary of State will:

- Contact public and private entities to determine who is willing to be a poll worker and/or help with other election-related activities.
- Compile information to facilitate the recruitment and referral of poll workers and voting locations and provide this information to county elections officials as well as on the Secretary of State's website.
- Work with the Governor to encourage state employees to be poll workers.
- Through the Democracy at Work program, encourage employers and employees to be poll workers or host a voting location.

Counties

County elections officials are encouraged to:

- Utilize the information compiled by the Secretary of State.
- Message the need for poll workers to other county employees.
- Reach out to non-profits, community-based organizations, and other organizations to recruit poll workers.

Training

Counties should modify their current poll worker training programs to include appropriate state and local health and safety guidelines. Counties have the discretion to provide some poll worker training via online video streaming, but should ensure poll workers have the opportunity to have hands-on training with respect to proper use of personal protective equipment, ensuring physical distancing, and proper cleaning and maintenance of voting equipment.

REPORTING

The Secretary of State will request each county elections official to report by the 15th of every month, with the first report due by June 15, 2020, to the Secretary of State regarding the number and locations of in-person voting opportunities secured for the November 2020 election, progress with respect to the recruitment of poll workers, and total HAVA expenditures encumbered related to the COVID-19 pandemic. The Secretary of State may request additional information as needed.

The June reporting templates and information were distributed by the Secretary of State in CCROV [#20110](#) and CCROV [#20111](#). New reporting templates will be sent out at the beginning of each month.

VOTE-BY-MAIL BALLOT IDENTIFICATION ENVELOPE

County elections officials are urged, to the extent feasible, to utilize the Secretary of State's best practices, found at CC/ROV #[20080](#), for the design of vote-by-mail voter identification envelopes.

Utilizing these uniform guidelines can assist in statewide voter education efforts, ensure voters receive their materials timely, and aid voters in understanding the materials that are sent to them. As many voters will experience voting by mail for the first time, the Secretary of State's office encourages counties to utilize the resources provided by the Center for Civic Design to assist in a successful rollout of increased vote-by-mail voting.

VOTER EDUCATION AND OUTREACH

Secretary of State

The Secretary of State will:

- Utilize email addresses supplied by voters and maintained in the statewide voter registration database to communicate a public education message related to the November 2020 election.
- Create and translate information and materials to educate voters, and provide this information to counties and on the Secretary of State's website for distribution and for use at polling locations.
- Include in the Official Voter Information Guide a public education message related to the changes to the November 2020 election.

Counties

County elections officials who do not conduct elections pursuant to Elections Code section 4005 are encouraged to:

- Solicit public input, to the extent feasible, regarding the changes to in-person voting locations; changes related to the November 2020 election should be as open and transparent to their voters as possible.
- Send a mailing prior to the mailing of their county voter information guide, which should include information on how to request in-language VBM materials, how to request an RAVBM ballot, and encouraging voters to update their voter registration signature.
- Use media, including the use of social media, newspaper, radio, and/or television, to conduct outreach similar to what is recommended in Elections Code section 4005.

All county elections officials are encouraged to:

- Include information about the changes to the November 2020 election in their voter information guides.
- Work with community-based organizations (CBOs) that are familiar with under-represented communities to prepare and disseminate materials with specific information about all aspects of VBM.
- Develop rapid response messaging and a troubleshooting system.

LANGUAGE ACCESS

Secretary of State

The Secretary of State will:

- Develop and provide a glossary of key election and health-related terms translated into the 10 required languages and provide this information on the Secretary of State's website.
- Explore a statewide contract for language assistance that provides telephonic or video translation services at all voting locations within a county.

Counties

County elections officials are encouraged to:

- Use the glossaries and translated election materials created by the Secretary of State.
- Offer ballot marking devices for in-person language access.
- Continue engaging local Language Accessibility Advisory Committees (LAACs) to recruit bilingual poll workers.