



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

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September 2, 2020

County Clerk/Registrar of Voters (CC/ROV) Memorandum #20193

TO: All County Clerks/Registrars of Voters

FROM: /s/ Lisa Alarcón
Special Counsel

RE: General Election: Senate Bill (SB) 423 Waiver Request Form
for the November 3, 2020 General Election

County elections officials seeking to adjust or partially waive the 1) minimally required number, 2) location, and/or 3) operational duration of their vote centers or consolidated polling places, or their ballot drop-off locations for the November 3, 2020 General Election must submit the attached SB 423 Waiver Request Form with required final plan to the Secretary of State's office no later than Monday, **September 14, 2020**. Please complete and email this waiver request form with a copy of your county's final plan to the following: 2020ElectionsResponse@sos.ca.gov.

Prior to submitting this waiver request form, county elections officials are required to develop a draft plan that includes, but is not limited to, a written analysis of in-person voting needs in their county. This impact analysis must:

- a) identify how the county's proposed levels of in-person voting are designed to safely accommodate the anticipated demand for voting services;
- b) report on the county's efforts to secure the otherwise required number of voting locations; and
- c) discuss how the county will prevent a disparate impact on any protected class of voters with respect to availability of voting locations and machines as well as language accessibility, including, but not limited to, the needs of disabled voters and individuals who do not have a history of voting by mail. (Elec. Code section 1604(a)(2)(A).)

The county elections official must publicly notice the draft plan in all legally required languages for that county, post a copy of the draft plan in all legally required languages for that county on the elections official's website, and accept comments on the draft plan for at least ten (10) days. (Elec. Code section 1604(a)(2)(B).)

Following the 10-day public notice period, county elections officials must consider any comments received from the public, amend the draft plan in response to the public comments to the extent the official deems appropriate, and may adopt a final plan. (Elec. Code section 1604(a)(2)(C).)

The final plan must be posted on the county's website and submitted to the Secretary of State's office along with the waiver request form no later than Monday, **September 14, 2020**. This deadline allows those counties that have not already publicly noticed their draft plans to do so in a timely manner and, thereafter, submit their final plans to the Secretary of State's office.

Upon receipt of a county's waiver request form and final plan, the Secretary of State's office will review the information provided and may request additional follow up information and/or contact you to provide assistance with seeking additional locations before making its determination.

In making its determination on whether to provide a partial waiver or modification, the Secretary of State's office will assess whether the county elections official demonstrated the following:

- 1) best efforts to secure the required in-person voting locations;
- 2) their plan does not have a negative disparate impact on disabled voters or any protected class of voters; and
- 3) their plan does not reduce in-person voting locations below a number of locations necessary to safely and efficiently accommodate the anticipated demand for in-person voting services.
(Elec. Code section 1604(a)(3).)

The Secretary of State's office will seek to respond to waiver requests within three (3) to five (5) business days, depending on whether more information, or providing assistance in finding alternative locations, is needed. After the Secretary of State's office has made a determination, a response will be posted on its website.

If you have any questions, please contact me at (213) 335-1929, or via email at LAlarcon@sos.ca.gov, or to submit a completed waiver request form with your county's final plan, please send to the following: 2020ElectionsResponse@sos.ca.gov.

Thank you.

Attachment



**SB 423 WAIVER REQUEST FORM
 NOVEMBER 3, 2020 GENERAL ELECTION**

This Waiver Request Form must be completed by county elections officials seeking to adjust or partially waive the 1) minimally required number, 2) location, and/or 3) operational duration of their vote centers or consolidated polling places, or their ballot drop-off locations. Please complete and email a copy of this form with required attachments to the following address: 2020ElectionsResponse@sos.ca.gov.

County Name	
Contact Name	
Contact Phone	
Contact Email	
Date of Request	
How many locations are you required to have?	
How many locations have you secured?	
For how many locations are you currently seeking a waiver?	

Before your waiver request can be considered, the following must be provided to the Secretary of State's office:

Copy of your county's final plan analyzing the impact of this waiver request on your in-person voting needs, as detailed pursuant to California Elections Code section 1604(a)(2). Overall, this final plan must address how your proposed levels of in-person voting are designed to provide the following: a) safely accommodate the anticipated demand for voting services; b) detailed efforts to secure the otherwise required number of voting locations; c) how you will prevent a disparate impact on any protected class of voters with respect to availability of voting locations and machines as well as language accessibility, including, but not limited to, the needs of disabled voters and individuals who do not have a history of voting by mail.

5. Miles to the next nearest voting or ballot drop-off location(s).

Thank you for your submission. The Secretary of State's office (SOS) will review the information provided and may request additional follow up. As part of its review, the SOS may also contact you to provide assistance with seeking locations before making its determination.

To be Completed by SOS:

Waiver has been denied.

Waiver has been approved.

Waiver has been approved with the following modifications:

Date:

SOS Contact Name: