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ELECTIONS DIVISION

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**REVISED GUIDANCE: CONDUCTING  
THE NOVEMBER 3, 2020, GENERAL ELECTION  
DURING THE COVID-19 PANDEMIC<sup>1</sup>**

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<sup>1</sup> Previous versions of this guidance document and visuals reference a number of Executive Orders and legislation; specifically, Assembly Bill 860 and Senate Bill 423 superseded Executive Orders N-64-20 and N-67-20 upon their enactment.

## INTRODUCTION

The Secretary of State issues this revised guidance document to ensure the November 3, 2020, General Election is secure and safe for voters and election workers.

### I. CONDUCTING THE ELECTION

Based upon the above, there are five different methods by which counties can conduct the November 2020 General Election. The below chart identifies those methods along with a short description. The information contained below the chart provides a fuller description.

#### November 3, 2020, General Election

Method of Conducting the Election	Election Specifics	Authority
1 Voter's Choice Act (VCA) – Vote Centers	<p><b>In-Person Voting Locations:</b> VCA counties, at a minimum: must open vote centers E-3 through E-1 for 8 hours a day; on Election Day from 7am - 8pm. (can open vote centers before E-3, if desired)</p> <p><b>Ballot Drop-off Locations:</b> no change - must have at least 2 OR 1 per 15,000 voters (whichever results in the greater number of locations); E-28 through Election Day open at a minimum during regular business hours (Elections Code sections 4005, 4007)</p> <p><b>1 Exterior Drop Box:</b> E-28 through Election Day open a minimum of 12 hours.</p>	Election conducted under Elections Code sections 1601, 4005-4007
2 Consolidated Polling Place - Countywide Voting	<p><b>In-Person Voting Locations:</b> 1 per 10,000 voters; must open consolidated polling places E-3 through E-1 for 8 hours a day; on Election Day from 7am - 8pm; voters can vote anywhere in the county.</p> <p><b>1 In-Person Voting Location:</b> E-28 through Election Day must offer full services (EC section 1602(d)(1)) and urged to offer appointments at this location.</p> <p><b>Ballot Drop-off Locations:</b> must have at least 2 OR 1 per 15,000 voters (whichever results in the greater number of locations); E-28 through Election Day open at a minimum during regular business hours.</p> <p><b>1 Exterior Drop Box:</b> E-28 through Election Day open a minimum of 12 hours.</p>	Election conducted under Elections Code section 1602(b), (c), (d)
3 Consolidated Polling Place - Voters Assigned to Specific Location	<p><b>In-Person Voting Locations:</b> 1 per 10,000 voters; must open consolidated polling places E-3 through E-1 for 8 hours a day; on Election Day from 7am - 8pm; voters assigned to specific voting location.</p> <p><b>1 In-Person Voting Location:</b> E-28 through Election Day must offer full services (Elections Code section 1602(d)(1)) and urged to offer appointments at this location.</p> <p><b>Ballot Drop-off Locations:</b> must have at least 2 OR 1 per 15,000 voters (whichever results in the greater number of locations); E-28 through Election Day open at a minimum during regular business hours.</p> <p><b>1 Exterior Drop Box:</b> E-28 through Election Day open a minimum of 12 hours.</p>	Election conducted under Elections Code section 1602(b), (c), (d)
4 Traditional Polling Place	<p><b>In-Person Voting Locations:</b> Counties will provide polling places in the same manner as they had in the March 2020 Primary, open on Election Day from 7am - 8pm.</p> <p><b>Ballot Drop-off Locations:</b> At County Discretion.</p>	Election conducted under Elections Code section 12223; see also, Elections Code section 1602(a)
5 All Mail Ballot	<p>Counties will continue to run their election as an All Mail Ballot Election.</p> <p><b>Ballot Drop-off Locations:</b> At County Discretion.</p>	Election conducted under Elections Code section 3005

## **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, for the November 2020 General Election, county elections officials are authorized to provide in-person voting locations as follows:

**Method #1: Voter's Choice Act (VCA).** 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 and are not required to open any vote center prior to E-3. (Elec. Code, § 1601.)

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 Sections 4005 and 4007 have not been modified 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 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 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).

**Methods #2 and #3: Consolidated Polling Place.** Counties to provide at least one "consolidated" polling place per 10,000 registered voters and operate them using:

Method #2 - vote centers (voter is not assigned to a specific polling location in the county)

-OR-

Method #3 - “regular” polling locations (voter is assigned to a specific polling location)

Consolidated polling places must be 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:

- Consolidated polling places shall be established pursuant to Section 1602(b)(1), (2), and (3).
- County elections officials shall provide each consolidated polling place with enough ballots, provisional ballots, and provisional ballot envelopes to ensure every voter can be accommodated, as necessary. (Elec. Code, § 1602(b)(5).)
- County elections officials shall provide at least one location, open at least during regular business hours beginning E-28, at which a voter may do any of the following:
  - Return, or vote and return, the voter’s vote-by-mail ballot.
  - Register to vote, update a voter registration, and vote pursuant to Section 2170.
  - Receive and vote a provisional ballot pursuant to Section 3016 or Sections 14310-14313.
  - Receive a replacement ballot upon verification that a ballot for the same election has not been received from the voter by the county elections official. If the county elections official is unable to determine if a ballot for the same election has been received from the voter, the county elections official may issue a provisional ballot.
  - Vote a regular, provisional, or replacement ballot using accessible voting equipment that provides for a private and independent voting experience. (Elec. Code, § 1602 (d)(1).)
- County elections officials are urged to offer voters the ability to schedule an appointment to visit the above-referenced location. (Elec. Code, § 1602(d)(2).)

**Method #4: Traditional Polling Place.** Non-VCA counties that comply with all existing statutory requirements applicable to in-person voting locations and hours are not required to provide in-person voting locations/hours as set forth in Section 1602(b). (Elec. Code, § 1602(a).)

**Method #5: All Mail Ballot.** Counties continue to conduct the November 2020 General Election as an All Mail Ballot election.

### **Vote-by-Mail Ballot Drop-off Opportunities**

**Methods #1 - #3:** Counties using Method #1, #2 or #3 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.

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

**Methods #2 and #3:** For counties using consolidated polling places, the following applies to ballot drop-off locations (same meaning as in Section 3025):

- A consolidated polling place that includes an exterior ballot drop box counts only as a single ballot drop-off location.
- They must consist of a secure, accessible, and locked ballot box located as near as possible to established public transportation routes and that is able to receive voted ballots.
- All ballot drop-off locations shall be open at least during regular business hours beginning not less than E-28 through the close of voting on Election Day.
- At least one ballot drop-off location shall be an exterior drop box that is fully accessible to the public for a minimum of 12 hours per day from E-28 through the close of voting on Election Day.
- Because health directives to prevent the spread of COVID-19 may result in reduced access to some buildings, counties are encouraged

to maximize the number of ballot drop-off locations that are exterior drop boxes or that are located in buildings, such as supermarkets or drugstores, that are likely to be considered essential businesses that will remain open to the public notwithstanding any physical distancing measures that are in place during the period beginning E-28 and ending on Election Day.

**Method #4:** Counties can provide drop-off locations at their discretion.

**Method #5:** Counties can provide drop-off locations at their discretion.

## II. VOTING OPPORTUNITIES

### Determination of Locations and Public Notice and Comment Period

In general, 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 Section 4005(a)(10)(B) to determine communities with the greatest need for in-person voting and ballot drop-off needs. Additionally, notwithstanding Section 12288, county elections officials may establish a vote center, polling place, or consolidated polling place in a location whose primary purpose is the sale and dispensation of alcoholic beverages. (Elec. Code, § 1603(c).)

Counties using consolidated polling places, for purposes of determining consolidated polling place and ballot drop-off locations, must consider the following:

- Consolidated polling places shall be established pursuant to Section 1602(b)(1), (2), and (3).
- For both consolidated polling places and ballot drop-off locations: the proximity to communities with historically low vote-by-mail usage and consider other criteria described in Section 4005(a)(B)(10), to the extent data is readily available. (Elec. Code, § 1602(e).)

Prior to finalizing the locations of the above-referenced consolidated polling places and ballot drop-off locations, the county elections official shall publicly notice in all legally required languages for that county the proposed consolidated polling place locations and ballot drop-off locations, shall post a copy of those locations on the elections official's internet website, and shall accept public comments on the proposed locations for at least 10 days after publicly noticing the proposed locations. (Elec. Code, § 1602(f).)

Following the 10-day public comment period, the elections official shall consider any comments the official receives from the public, and shall adjust consolidated polling place and ballot drop-off locations in response to the public comments to the

extent the official deems appropriate before finalizing the locations to be used as consolidated polling places and ballot drop-off locations. (Elec. Code, § 1602(f).)

### **SB 423 Waiver Process**

In [CC/ROV # 20193](#), the Secretary of State set forth the process to consider requests from counties to adjust or partially waive the minimally required number, location, or operational duration, of vote centers, consolidated polling places, or ballot drop-off locations described in Sections 1602, 4005, and 4007. (Elec. Code, § 1604(a).)

The standalone waiver request form can be found at:

<https://elections.cdn.sos.ca.gov/statewide-elections/2020-general/sb423-waiver.pdf>

### **Appointments**

Counties are encouraged to allow voters to make appointments at the office of the elections official from E-28 up to and including Election Day, in order to receive in-person voting assistance.

In addition, beginning E-28 counties using consolidated polling locations are urged to offer voters the ability to schedule an appointment to visit at least one consolidated precinct location. (Elec. Code, § 1602(d)(2).)

### **Drive-through Locations**

Recognizing the challenge in finding in-person voting locations, all counties are urged to use drive-through/pop-up locations for voters to drop off their voted ballots. If a voter is waiting in a vehicle, the voter is considered “in line” for the purposes of keeping the polls open a sufficient time to enable them to vote pursuant to Section 14401. (Elec. Code, § 1603(b)).

### **Accessibility at In-person Locations**

All 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/>.

Counties using consolidated polling places shall have at least three voting machines that are accessible to voters with disabilities in accordance with Section 1602(b)(4)(A). Additionally, the consolidated polling places shall comply with the accessibility requirements described in the federal Americans with Disabilities Act of 1990 (ADA), the federal Help America Vote Act of 2002 (HAVA), and the federal Voting Rights Act of 1965 (VRA). (Elec. Code, § 1602(b)(4)(B).)

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

### **Polling Locations - State and Local Government Facilities**

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 Sections 12283 and 12284.

## **III. VOTE-BY-MAIL BALLOTS**

### **Mailing**

All Californians who are registered (and otherwise eligible) to vote in the November 2020 General Election shall receive vote-by-mail ballots. Consistent with 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 2020 General Election.

In accordance with newly enacted Section 3000.5(a), for the November 2020 General Election, **all** county elections officials shall, no later than E-29, begin mailing the materials specified in 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.

### **Tracking**

Pursuant to the newly enacted subdivision (d) of Section 3019.7, 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).

Counties using BallotTrax are generally required to use Intelligent Mail Barcodes (IMbs), with exceptions as authorized by the Secretary of State. For example, 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 for additional guidance.

### **Remote Accessible Vote-by-Mail (RAVBM)**

Pursuant to newly enacted Section 3016.7, for the November 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. For more information please visit the Secretary of State website at: <https://www.sos.ca.gov/elections/voting-resources/remote-accessible-vote-mail>.

### **Identification Envelope**

County elections officials are urged, to the extent feasible, to utilize the Secretary of State's best practices, found at CCROV [#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.

### **Retrieval**

Ballots shall be retrieved from vote-by-mail drop boxes pursuant to Section 20136(d) of the California Code of Regulations (CCR). The Secretary of State has adopted emergency regulations by amending CCR 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 10<sup>th</sup> 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.

### **Return (Postmark +17)**

In accordance with newly enacted subdivision (d) of Section 3020, for the November 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 (USPS) 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 USPS 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 USPS 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 USPS or a bona fide private mail delivery company, and is signed and dated pursuant to Section 3011 on or before Election Day.

## **Processing**

In accordance with newly enacted subpart (2) of subdivision (b) of Section 15101, for the November 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.

## **IV. PUBLIC HEALTH AND SAFETY**

### **Secretary of State**

The Secretary of State has:

- Consulted 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.
- Developed 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.
- Worked with health officials, elections officials, and other stakeholders to establish guidelines for the use of personal protective equipment by individuals at in-person voting locations, including election workers, precinct board members, and voters. (Elec. Code, § 1604(d)).

A guidance document entitled, "Election Administration Guidance Under COVID-19," along with checklists, posters, and a COVID-19 glossary of terms may be found at <https://www.sos.ca.gov/elections/upcoming-elections/general-election-november-3-2020> under COVID-19 Health and Safety Guidance.

The Election Administration Guidance Under COVID-19 can be found directly at: <https://elections.cdn.sos.ca.gov/statewide-elections/2020-general/election-admin-guidance.pdf>

## **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.

## **V. POLL WORKERS**

### **Secretary of State**

The Secretary of State will continue to:

- 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.

The Secretary of State has updated the Poll Worker Training Standards and partnered to create a COVID-19 Election Worker Safety Training PowerPoint presentation, both can be found at:

<https://www.sos.ca.gov/elections/voting-resources/voting-california/help-strengthen-our-democracy/poll-worker-info/poll-worker-training-standards>

## **VI. VOTER EDUCATION AND OUTREACH**

### **Secretary of State**

The Secretary of State will continue to:

- 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 General 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 General Election.
- Conduct a statewide voter education and outreach campaign regarding new procedures in place for the November 2020 General Election, including, but not limited to, procedures relating to voting by mail, newly consolidated polling places and services provided therein, available language assistance, voter registration, conditional voter registration and voting, and accessible vote-by-mail voting. (Elec. Code, § 1604(b).)

### **Counties**

All county elections officials shall conduct a voter education and outreach campaign in all legally required languages for that county notifying voters about

mail ballots, early voting opportunities, accessible voting options, and where and how to remedy any voting related problem. (Elec. Code, § 1603(a).)

In addition, all county elections officials are encouraged to:

- Include information about the changes to the November 2020 General 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.

County elections officials who do not conduct elections pursuant to 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 General Election should be as open and transparent to their voters as possible.
  - This is a requirement, pursuant to Section 1602(f), for counties who are using consolidated polling places.
- 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 Section 4005.

## **VII. LANGUAGE ACCESS**

### **Secretary of State**

The Secretary of State will:

- Develop and provide a glossary of key election and COVID-19 terms translated into over 20 different languages and provide this information on the Secretary of State's website. Currently, there are 18 translated glossaries available for use, which can be found at <https://www.sos.ca.gov/elections/upcoming-elections/general-election-november-3-2020> under COVID-19 Health and Safety Guidance.

- Offer third-party telephonic-based interpreter services to all county elections officials. The Secretary of State has contracted with a certified vendor to offer this service, which features 24-hour access to interpreters available for use by any county elections official, including their support staff and volunteers. For more information, please refer to CCROV [#20194](#) issued on September 3, 2020, available at: <https://elections.cdn.sos.ca.gov/ccrov/pdf/2020/september/20194rm.pdf>

## **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.

## **VIII. REPORTING**

The Secretary of State has requested each county elections official to report on, among other items, regarding the number and locations of in-person voting opportunities secured for the November 2020 General Election, progress with respect to the recruitment of poll workers, and total HAVA expenditures encumbered related to the COVID-19 pandemic.

The survey results can be found at this link under the header “Helpful Resources”:

<https://www.sos.ca.gov/elections/upcoming-elections/general-election-november-3-2020>.

Additional reporting templates will be sent out if more information is needed.

## **IX. SECRETARY OF STATE STRIKE TEAM**

The Secretary of State, pursuant to Section 1604(c), shall establish a strike team to assist counties as needed to:

- Acquire suitable locations for vote centers, polling places, and consolidated polling places, and
- Acquire other assets necessary for the safe and successful conduct of the November 2020 General Election.