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**REVISED JULY 16, 2021**  
**ELECTION ADMINISTRATION GUIDANCE**  
**RELATED TO THE**  
**SEPTEMBER 14, 2021, CALIFORNIA GUBERNATORIAL RECALL ELECTION**

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# INTRODUCTION

The Secretary of State issues this guidance document for the uniform conduct of the September 14, 2021, California gubernatorial Recall Election. This guidance takes into consideration the recent enactment of Senate Bill 152 (SB 152) (Chapter 34 of the Statutes of 2021), which can be found at:

[https://leginfo.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220SB152](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB152)

## I. CONDUCTING THE ELECTION

There are six different methods by which counties can conduct the September 14, 2021, California gubernatorial Recall Election. Our office will survey each county to determine what method each county will be using to conduct the recall election; the survey will be due by July 16, 2021 (E-60).

The below chart identifies the six methods along with a short description. The information contained below the chart provides a fuller description.

California Gubernatorial Recall Election		
Method of Conducting Election	Election Specifics	Authority
<b>Method #1 -</b> Existing Voter's Choice Act (VCA) - Vote Centers	<b>In-Person Voting Locations: no change; 1 per 50,000 voters OR at least 2 at a minimum;</b> must open vote centers E-10 through E-4 for a minimum of 8 hours a day. (can open vote centers before E-10, if desired)	Election conducted under EC sections 4005-4007  Number of locations required based on voter registration numbers determined by February 10, 2021, Report of Registration
	<b>In-Person Voting Locations: no change; 1 per 10,000 voters, at a minimum;</b> must open vote centers E-3 through E-1 for a minimum of 8 hours a day; on Election Day from 7am - 8pm. (can open vote centers before E-3, if desired)	
OR	<b>Ballot Drop-off Locations: no change;</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 (EC sections 4005, 4007)	
	<b>1 Exterior Drop Box: no change;</b> E-28 through Election Day open a minimum of 12 hours	
<b>Method #2 -</b> Existing Voter's Choice Act (VCA) - Vote Centers  [Must have conducted a prior election pursuant to either Elections Code section 4005 or 4007]	<b>In-Person Voting Locations: 1 per 60,000 voters - must have at least 1 at a minimum;</b> must open vote centers E-10 through E-4 for 8 hours a day at regular hours convenient for the public. For jurisdictions with less than 60,000 voters, a minimum of 1 vote center. (can open vote centers before E-10, if desired)	Election conducted under EC section 1601  Number of locations required based on voter registration numbers determined by February 10, 2021, Report of Registration
	<b>In-Person Voting Locations: 1 per 30,000 voters - must have at least 1 at a minimum;</b> must open vote centers E-3 through E-1 for 8 hours a day at regular hours convenient for the public; on Election Day from 7am - 8pm. (can open vote centers before E-3, if desired)	
OR	<b>Ballot Drop-off Locations: no change;</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 (EC sections 4005, 4007)	
	<b>1 Exterior Drop Box: no change;</b> E-28 through Election Day open a minimum of 12 hours	
<b>Method #3 -</b> Consolidated Polling Place - "VCA-Like" Vote Centers - Countywide Voting	<b>In-Person Voting Locations: 1 per 10,000 voters;</b> 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	Election conducted under EC section 1602(b), (c), (d)  Number of locations required based on voter registration numbers determined by February 10, 2021, Report of Registration
	<b>1 In-Person Voting Location:</b> E-28 though Election Day must offer full services (EC section 1602(d)(1)) and urged to offer appointments at this location	
OR	<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 though Election Day open at a minimum during regular business hours	
	<b>1 Exterior Drop Box:</b> E-28 though Election Day open a minimum of 12 hours	
<b>Method #4 -</b> Consolidated Polling Place - "VCA-Like" Quasi-Vote Centers - Voters Assigned to Specific Location	<b>In-Person Voting Locations: 1 per 10,000 voters;</b> 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	Election conducted under EC section 1602(b), (c), (d)  Number of locations required based on voter registration numbers determined by February 10, 2021, Report of Registration
	<b>1 In-Person Voting Location:</b> E-28 though Election Day must offer full services (EC section 1602(d)(1)) and urged to offer appointments at this location	
OR	<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 though Election Day open at a minimum during regular business hours	
	<b>1 Exterior Drop Box:</b> E-28 though Election Day open a minimum of 12 hours	
<b>Method #5 -</b> Traditional Polling Place	<b>In-Person Voting Locations:</b> Open on Election Day from 7am - 8pm	Election conducted under EC section 12223; see also, EC section 1602(a)
	<b>Ballot Drop-off Locations:</b> At County Discretion	
<b>Method #6 -</b> All Mail Ballot	Only applies to Alpine, Plumas and Sierra Counties: counties will continue to run their election as an All-Mail Ballot Election	Election conducted under EC section 3005
	<b>Ballot Drop-off Locations:</b> At County Discretion	

## In-person Voting Opportunities

County elections officials are encouraged to provide as many in-person voting locations as possible. However, at a minimum, for the September 14, 2021, California Gubernatorial Recall Election, county elections officials are authorized to provide in-person voting locations as follows:

**Method #1: Voter's Choice Act (VCA).** VCA may choose to conduct the gubernatorial recall election pursuant to either Elections Code section 4005 or 4007, as applicable.

**Method #2: Voter's Choice Act (VCA) – using Section 1601.** VCA counties that previously conducted an election pursuant to either Elections Code section 4005 or 4007 may choose to have its vote centers open in accordance with the following provisions (in lieu of the requirements of Elections Code section 4005(a)(3) and (4)):

E-10 through E-4 (10-day vote centers) - at least one vote center shall be provided for every 60,000 registered voters (based upon the February 10, 2021, Report of Registration). For a jurisdiction with fewer than 60,000 registered voters, a minimum of one vote center shall be provided.

E-3 through E (4-day vote centers) - at least one vote center shall be provided for every 30,000 registered voters (based upon the February 10, 2021, Report of Registration). For a jurisdiction with fewer than 30,000 registered voters, a minimum of one vote center shall be provided.

(Elec. Code, § 1601.)

The minimum operating hours are as follows:

- a) 10-day vote centers, for a minimum of eight hours per day at regular hours convenient for members of the public,
- b) 4-day vote centers, for a minimum of eight hours per day at regular hours convenient for members of the public; and
- c) On Election Day, from 7 a.m. until 8 p.m.

**Methods #3 and #4: “VCA-like” Consolidated Polling Place** - Counties to provide at least one "consolidated" polling place per 10,000 registered voters:

Method #3 – “VCA-like” vote centers (county-wide voting; voters not assigned to a specific polling location in the county)

-OR-

Method #4 – “VCA-like” quasi-vote centers (voters assigned to a specific polling location)

“VCA-like” 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:

- “VCA-like” consolidated polling places shall be established pursuant to Section 1602(b)(1), (2), and (3).
- County elections officials shall provide each “VCA-like” 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 #5: 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).)

It is important to note that Section 12241 (consolidation of precincts) does not apply to the September 14, 2021, California gubernatorial Recall Election. (SB 152, SEC. 4.) However, when forming precincts, the provisions in Section 12223(b) are still available.

**Method #6: All Mail Ballot.** Counties continue to conduct the September 14, 2021, California gubernatorial Recall Election as an All-Mail Ballot election.

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

**Methods #1 and #2:** Counties using Method #1 or #2 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.

The minimum number of drop-off locations should be based upon the February 10, 2021, Report of Registration.

**Methods #3 and #4:** For counties using “VCA-like” consolidated polling places, the following applies to ballot drop-off locations (same meaning as in Section 3025):

- Provide at least two (2) ballot drop-off locations within the county or at least one (1) ballot drop-off location for every 15,000 registered voters, whichever results in more ballot drop-off locations.
  - 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.
- Counties are encouraged to maximize the number of ballot drop-off locations that are exterior drop boxes.

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

**Method #6:** Counties can provide drop-off locations at their discretion.

## Local Election Consolidation

Senate Bill 152 addresses the statutory vehicle for local election consolidation with the California Gubernatorial Recall Election. (Elec. Code, § 1605(f).) The provisions of Elections Code section 10406 do not apply; this gubernatorial recall election was not called by the Governor and there is not a statute calling for a statewide special election.

When the Lieutenant Governor issued the proclamation calling the California Gubernatorial Recall Election, if a district, city, or other political subdivision that previously called a special local election that has not yet been conducted, the district, city or other political subdivision may call

that special local election to be consolidated with the California Gubernatorial Recall Election if all the following conditions are met:

- (1) The special local election was called prior to June 15, 2021.
- (2) The original date on which the special local election was called is not more than 30 days before and not more than 30 days after the September 14, 2021, California Gubernatorial Recall Election.
- (3) The call to consolidate the special local election with the gubernatorial recall election is issued within four days from July 1, 2021 (the date of issuance of the Lieutenant Governor's proclamation).

(Elec. Code, § 1605(f).)

## **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 prior elections 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, any county elections officials may establish a vote center, polling place, or "VCA-like" consolidated polling place in a location whose primary purpose is the sale and dispensation of alcoholic beverages. (Elec. Code, § 1603(c).)

Counties using "VCA-like" 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).)

After finalizing the locations of "VCA-like" consolidated polling places and ballot drop-off locations, the county elections official shall provide public 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 final locations. If the election is called 70 or more days prior to the date on which the election will be held, the elections official shall accept public comment for at least 5 days after providing public notice of the proposed locations. (Elec. Code, § 1602(f).)

Following the 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. Notice of any such adjustments shall be immediately posted on the county election official's internet website and social media platforms. (Elec. Code, § 1602(f).)

### **SB 152/Section 1604 Waiver Process**

County elections officials may seek to adjust or partially waive the minimally required number, location, and/or operational duration of their "VCA-like" consolidated polling places or their ballot drop-off locations as described in Section 1602, or to partially waive the provisions regarding the maximum number of voters in a precinct as required by Section 12223 for the September 14, 2021, California gubernatorial Recall Election.

To seek a waiver, county elections officials must complete and submit a [Section 1604 Waiver Request Form](#) with their plan to the Secretary of State's office no later than Monday, July 26, 2021 (E-50). [CCROV #21088](#), issued July 9, 2021, sets forth the process for requesting a waiver and includes the waiver request form. The completed waiver request form can be sent to the following email address: [2021RecallWaiverRequest@sos.ca.gov](mailto:2021RecallWaiverRequest@sos.ca.gov).

The Secretary of State shall not grant a county a complete waiver of the minimally required number, location, or operational duration of consolidated polling places or ballot drop-off locations described in Section 1602. (Elec. Code, § 1604(a).)

Counties conducting their elections under Method #5 (traditional polling place model, and not utilizing the provisions of Section 1602), can request a waiver regarding the maximum number of voters in a precinct. However, the Secretary of State shall not grant a county a waiver of the provisions regarding the maximum number of voters in a precinct as required by Section 12223 that would result in more than 3,000 voters being assigned to any single precinct. (Elec. Code, § 1604(a).)

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 analysis must demonstrate all of the following:

- (A) The official made best efforts to secure the required in-person voting locations.
- (B) The plan will not have a negative disparate impact on disabled voters or any protected class of voters.

Note: "protected class" means a class of voters who are members of a race, color, or language minority group, as referenced and defined in the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

- (C) The plan will 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(b).)

The 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, July 26, 2021. (E-50).

Upon receipt of a county's waiver request form and plan, the Secretary of State's office will review the information provided and may request additional follow up information 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 requirements set forth in Elections Code section 1604(b).

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

### **Appointments**

All 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, counties using consolidated polling locations are urged to offer voters the ability to schedule an appointment to visit at least one consolidated polling place beginning not later than E-28. (Elec. Code, § 1602(d)(2).)

### **Drive-through Locations**

All county elections officials are urged to provide drive-through ballot drop-off or voting locations. 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. 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).)

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

## **Polling Place Materials**

Elections Code section 14105.1 requires elections officials to furnish to polling places printed copies of the notices specified in Section 9083.5, which refer to elections for voter-nominated offices and top-two open primary information.

Although the office that is the subject of this recall election is a voter-nominated office, this is not a top-two open primary election. For this reason, county elections officials are not required to place notices regarding voter-nominated offices and primary elections at their polling places.

All other polling place materials, required by the Elections Code, must still be furnished.

## **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. County Voter Information Guides**

#### **Preparation and Mailing**

Each county elections official, except as provided in Section 13305, is required to prepare and mail, at least 10 days before the recall election, a county voter information guide for the upcoming gubernatorial recall election. (Elec. Code, § 11324.) Counties are urged to mail county voter information guides earlier than E-10, and as early as is feasible.

**Note:** Pursuant to Section 13305, county voter information guides do not need to be mailed to the following categories of voters: 1) permanent vote by mail voters, 2) voters in an all-mail ballot election conducted pursuant to Division 4 (commencing with Section 4000), and 3) voters in an all-mail precinct in which the election is conducted pursuant to Section 3005.

#### **Content**

As required by the Elections Code, each county's voter information guide shall contain a substantial facsimile of the official ballot, notice of the polling place, estimated costs of the recall prepared by the Department of Finance (DOF) [see below for specific text], political party endorsements, in addition to the other requirements. (Elec. Code, §§ 11324, 13263, 13300, 13302, 13303.)

Text to be included in state and county voter information guides related to estimated costs of the recall is as follows, and is also found in [CCROV #21090](#), issued July 9, 2021:

## Estimated Costs to Administer the California Gubernatorial Recall Election

Pursuant to Elections Code section 11108(d), the Department of Finance, in consultation with the Secretary of State and county elections officials, has estimated the costs to administer the recall election of Governor Gavin Newsom to be \$276 million.

For more information relating to the costs of the recall election, please see the Secretary of State's website at: <https://elections.cdn.sos.ca.gov/recalls/dept-finance-letter.pdf>

Translations of the above text will be provided to county elections officials via email to county translations coordinators soon as they are available.

Additionally, counties must mail separately or as part of the county voter information guide a printed copy of the Statement of Reasons for recall that appeared on the notice of intent to recall that was filed by the proponents of the recall with the Secretary of State, and the Answer to the statement of reasons for recall that was filed by Governor Newsom. (Elec. Code, § 11325(a).) Both the statement and answer shall be printed on the same page, or on facing pages of the document, and shall be of equal prominence. (Elec. Code, § 11325(b).) See [CCROV #20182](#) issued July 2, 2021, for more information.

Governor Newsom may file a 200-word statement with county elections officials to be sent to each voter, together with the county voter information guide. (Elec. Code, §§ 11327, 13307.) Moreover, pursuant to Section 13307(a)(1): "...The statement shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations." The Secretary of State will not translate the statement, as filed statements could vary between counties. Additionally, the Secretary of State will not reimburse for the costs of translations.

A qualified political party may submit to county elections officials "a **list of all candidates** for voter-nominated office" who will appear on the recall ballot and who have been endorsed by the party. If received by July 16, 2021 (E-60), the county elections officials "shall **print the names of the candidates** for voter-nominated office" who were endorsed by that political party in the voter information portion of the county voter information guide." (Elec. Code, § 13302(b).) [Note: under Section 13302(b), words indicating a disapproval of the recall (e.g., "No on Recall") do not qualify as a candidate who has been endorsed by a party, and do not qualify as a "name" of a candidate. Additionally, Governor Gavin Newsom is not a candidate for voter-nominated office in this recall election, and as such his name cannot be printed as being endorsed by a political party in county voter information guides for this recall election.]

County elections officials may, but are not required to, include with the county voter information guide an application for a vote-by-mail ballot. (Elec. Code, § 1605(b).) If a county elections official does not include an application for a vote-by-mail ballot with the county voter information guide, the county is not required to print a notice on the envelope that a vote-by-mail ballot application is enclosed. (See, Elec. Code, § 13315.)

Although this section of the guidance document is intended to reflect what can be placed in county voter information guides, our office has received inquiries about whether county elections

officials can print statements from replacement candidates in their county voter information guides. The answer is NO. Replacement candidates, as they are statewide candidates, **cannot have** candidate statements printed in county voter information guides. Likewise, county elections officials are not required to print a “501 list” in their county voter information guides of the replacement candidates who have accepted the voluntary spending limits. Instead, replacement candidate statements and 501 information will be provided in the state Official Voter Information Guide, as replacement candidates are running for a statewide office.

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

##### **Ballot Layout and Format Requirements**

The following shall appear on the September 14, 2021, California Gubernatorial Recall Election ballots:

- The question: “Shall GAVIN NEWSOM be recalled (removed) from the office of Governor?”
- To the right of that question, the words “Yes” and “No” on separate lines with an enclosed voting space to the right of each.

(Elec. Code, § 11320(a), (b).) Please note that Governor Gavin Newsom’s political party preference will not appear on the September 14, 2021, California Gubernatorial Recall Election ballots. (See, Elec. Code, § 11320(c)(3).)

Additionally, the following shall also appear on the September 14, 2021, California Gubernatorial Recall Election ballots:

- Across the top of the ballot shall be printed in boldface capital type not smaller than 30-point, the words “OFFICIAL BALLOT.”
- The following instructions to voters shall be printed on the ballot. The instructions shall begin with the words “INSTRUCTIONS TO VOTERS:” in no smaller than 16-point capital type. Thereafter, there shall be printed in 10-point capital type all of the following directions that are applicable to the ballot:
  - “HOW TO VOTE:”
  - “To vote on the recall question, mark the voting target to the right of the word “YES” or “NO”.
  - “To vote for a candidate whose name appears on the ballot, mark the voting target next to the candidate’s name.”
  - “To vote for a qualified write-in candidate, write the person’s name in the blank space provided for that purpose after the names of the other candidates for the same office.”
  - “If you wrongly mark, tear, or deface this ballot, return it to the precinct board member and obtain another.”
  - “On vote by mail ballots mark with pen or pencil.”

- Above the list of candidates, the following statement:
  - “Candidates to succeed GAVIN NEWSOM as Governor if he is recalled.”
- If there is not a local election consolidated with the California gubernatorial Recall Election, the ballot must include the statement regarding voter-nominated offices. The suggested language, modified to remove references to nonpartisan offices is as follows:
 

“All voters, regardless of the party preference they disclosed upon registration, or refusal to disclose a party preference, may vote for any candidate for a voter-nominated office. The party preference, if any, designated by a candidate for a voter-nominated office is selected by the candidate and is shown for the information of the voters only. It does not imply that the candidate is nominated or endorsed by the party or that the party approves of the candidate.”
- If there is a local election consolidated with the California gubernatorial Recall Election, the ballot must include the above statement regarding voter-nominated offices as well. County elections officials should consult with their county counsels to determine if this statement should include references to nonpartisan offices.
- The names of the replacement candidates shall appear under the recall question.
- Immediately to the right of and on the same line as the name of the candidate, or immediately below the name if there is not sufficient space to the right of the name, there shall be identified, as specified by the Secretary of State, the designation made by the candidate pursuant to Section 8002.5. The identification shall be in substantially the following form:
  - (1) In the case of a candidate who designated a political party preference pursuant to Section 8002.5, “Party Preference: \_\_\_\_\_.”
  - (2) In the case of a candidate who did not state a preference for a political party pursuant to Section 8002.5, “Party Preference: None.”
- The candidate’s ballot designation, if any, shall appear immediately under the name of each candidate, and not separated from the name by any line, unless the designation made by the candidate pursuant to Section 8002.5 must be listed immediately below the name of the candidate pursuant to Section 13105, and in that case immediately under the designation.
- Following the list of candidates, the ballot shall provide one blank line with a voting space to the right of it for the voter to write in a name not printed on the ballot.

(Elec. Code, §§ 11320(c), 11322, 11381, 13105, 13107, 13203, 13204, 13206.)

Please consult the Elections Code (specifically Chapter 3 of Division 13, beginning with section 13200), and your county counsel, for other additional or county specific requirements related to ballot printing and layout. To the extent there is a consolidation, consult with your county counsel regarding the addition of further instructions regarding other contests that may appear on your ballot.

If more than 135 candidates qualify to appear on the ballot for the September 14, 2021, California gubernatorial recall election, the Secretary of State may, if it is reasonably necessary to accommodate the limitations of voting systems or vote tabulating devices for certified candidates, authorize county elections officials to modify any of the ballot format requirements set forth in Division 13, including, but not limited to, all of the following:

- (1) Ballot font size.
- (2) Ballot column width.
- (3) Ballot instructions.
- (4) Party labels.
- (5) Ballot rotation.

(Elec. Code, § 1605(e).)

### **Ballot Tint and Watermark**

[CCROV #21093](#), issued July 13, 2021, released the assigned ballot tint and watermark for the September 14, 2021, California gubernatorial recall election.

As provided in the CCROV, the tint for the background and watermark is Lavender PMS Purple, and the watermark is the CA State Seal.

### **Mailing**

All Californians who are registered, active and otherwise eligible to vote in the September 14, 2021, California gubernatorial recall election shall receive vote-by-mail ballots. (Elec. Code, § 3000.5.)

In accordance with Section 3000.5(a), 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 Section 3019.7(d), county elections officials are required to use the Secretary of State's vote-by-mail ballot tracking system (unless the county uses a system that meets or exceeds the level of service provided by the Secretary of State's vote-by-mail ballot tracking system).

Counties using the Secretary of State's vote-by-mail ballot tracking system are encouraged to use Intelligent Mail Barcodes (IMBs). The Secretary of State's office understands that not all counties/vote-by-mail ballot printing and/or mailing vendors can place IMBs on inbound vote-by-mail ballot envelopes.

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

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. (Elec. Code, § 1605(c).)

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 regulations for Section 20136(d) may be found on the Secretary of State's website at <https://www.sos.ca.gov/administration/regulations/current-regulations/elections/emergency-vbm-ballot-drop-boxes-and-vbm-drop-locations/>.

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 all safety requirements in place at the time of the retrieval.

## **Return (Postmark +7)**

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 seventh 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.

(Elec. Code, § 1605(d).)

## **Processing**

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 Election Day. (Elec. Code, § 1605(a).)

All other jurisdictions shall start to process vote by mail ballots at 5 p.m. on the day before the election. (Elec. Code, § 15101.)

## **V. PUBLIC HEALTH AND SAFETY**

COVID-19 has dramatically affected life in California - including significant impacts on elections. In March 2020, the State Public Health Officer and Director of the California Department of Public Health issued an order requiring most Californians to stay at home to disrupt the spread of COVID-19 among the population.

While that stay-at-home order is no longer in effect, COVID-19 and associated variants remain a continuing threat, and the public health departments remain actively engaged in monitoring, mitigation, and response strategies. The presence of the COVID-19 virus will continue to be an important consideration in the future, and in particular for the September 14, 2021, California Gubernatorial Recall Election.

The current California Department of Public Health COVID-19 guidance can be found at: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Guidance.aspx>.

County elections officials should consult their local public health officials for up-to-date health and safety guidance. If state and/or local health guidance is issued, county elections officials should adhere to that guidance. It is essential that county elections officials take all possible steps to ensure the safety of workers and voters.

## **VI. 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.
- 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.

## **VII. 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 public education messages.
- 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.
- Conduct a statewide voter education and outreach campaign regarding procedures in place for the California gubernatorial Recall 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.

### **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 how the county will be conducting the California gubernatorial Recall Election 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.

## **VIII. LANGUAGE ACCESS**

### **Secretary of State**

The Secretary of State will 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.

### **Counties**

County elections officials are encouraged to:

- Use 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.

## **IX. REPORTING**

The Secretary of State, by February 1, 2022, must report on the final costs of the recall election to the Department of Finance and the Joint Legislative Budget Committee. (Section 16.00 of Assembly Bill 128 (Chapter 21 of the Statutes of 2021).)

The Secretary of State will be requesting the following from each county elections official:

- (1) The total cost of the gubernatorial recall election by county.
- (2) The costs broken out by category for each county.
- (3) Any funds remaining, by county, that can be used to offset state costs for the next election conducted by the county.

A reporting template will be provided to counties.