

EMERGENCY PROVISIONAL VOTING

Overview

When an election occurs during a declared emergency, the governor may issue an executive order authorizing emergency workers to cast ballots outside their home precincts (Elections Code § 14313, Attachment A). This creates the potential for a provisional voter to cast a ballot not only outside of her or his home precinct but out of her or his home county, and still have all or part of the ballot counted. **(NOTE:** Emergencies can dislocate voters – think Hurricane Katrina. This discussion relates *only* to EC §14313 and emergency workers.)

This creates a variety of responsibilities for elections officials depending on the type of election and where the emergency is taking place. The following suggestions are based on activities successfully used for a September 1, 2009 10th Congressional District Special Election and 51st Assembly District Special Election. Emergency workers who were potentially voters in those elections were responding to declared emergencies in Mariposa, Los Angeles, and San Bernardino counties. This is not a step-by-step guide but rather a source of things to think about for emergency provisional voting.

The Law

Elections Code § 14313, creating emergency provisional voting, became effective January 1, 2010. It requires all of the following to issue emergency provisional ballots:

- The Governor must have declared a state of emergency.
- The Governor must issue an executive order authorizing an emergency worker to cast a ballot outside of his or her home precinct.

The code section allows great flexibility in what ballot is provided the voter (more on this later) and the processes used to issue it, and requires the elections official to transmit the ballot and any materials necessary to process the ballot to the county where the voter is registered.

Additionally, for the ballot to be counted, these two conditions must be met:

- The ballot must be cast before the close of polls on election day.
- The ballot must be received on or before the 10th day following the date of the election.

These provisional ballots shall be processed with the same procedures used for other provisional ballots with one vague exception:

- The “emergency worker” is a person officially engaged in responding to the declared emergency and whose vocation has been identified in an executive order relating to the emergency.

Examples of emergency proclamations and executive orders from the September 1, 2009 incidents are at the end of this paper.

Discussion

The law was drafted with the idea of a declared emergency occurring during a statewide election. The concept was tested and proven during two special elections occurring as the bill was last amended in the state Senate.

The Secretary of State is something of a partner with the Governor in issuing executive orders and emergency declarations. She attests to his signature and thus has an inside track on being able to provide useful information – often before it happens – to local elections officials in this unusual situation. It is helpful to keep in mind that the emergency declaration’s primary purpose is to allow the county having the emergency to draw on external resources (state, federal, other counties) and to temporarily suspend certain laws and requirements; elections and voting typically are not high emergency priorities. The Incident Commander and others charged with managing the emergency response are tightly focused on their jobs and, understandably, are apprehensive about having non-emergency workers in their domain. There are ways to deal with this.

Having the Secretary involved may also help the Governor’s Office better define “emergency worker” in the unlikely event it is ever questioned. In fire emergencies, everyone can relate to fire crews clearing fire breaks or hosing water on flames. But what about the responders who cooked the food for the fire crews, the EMTs and other medical crews in first aid stations, the Red Cross volunteers at evacuation centers, and others actively engaged in responding to the emergency who aren’t fire fighters? The suggested protocol for issuing an emergency provisional ballot is to assume that someone at an emergency base camp is an “emergency worker.”

The “home” elections official (where the voter is registered) will have been in contact with the “host” elections official (where the emergency is) so there should be no issue of the ballot being voted after the close of polls (which may not be 8 p.m.) or timely receiving the voted emergency provisional ballot.

Advanced Preparation

Unless you’re Los Angeles County and routinely deal with unimaginable calamity, you are not likely to have a great deal of experience responding to the unthinkable and thus do not have a vast array of resources in your warehouse. Still, there are a few things you can learn and do

that will not only help if you ever get into an emergency provisional voting situation but will also help you if your county ever is involved in a declared emergency.

All California counties (and the state) have an Office of Emergency Services (OES). It's required to get federal aid in responding to disasters and necessary to participate in mutual aid. State OES (and the counties) uses the Standardized Emergency Management System (SEMS), which explains how the Incident Command Systems (ICS) works to get everyone using the same structure and talking the same language to respond to emergencies. You don't need to know SEMS/ICS, just that it's there. Knowing its structure is helpful and knowing who to contact will make your job possible. Since we don't know whether we're going to be a "home" county or a "host" county until the situation arises, prepare to be either or both. (Note: In SEMS/ICS, any emergency regardless of size is an "incident." The strength of SEMS/ICS is that it applies equally to a house fire and forest fire, the difference is scale.)

"Home" elections official key concept: Most counties have a mutual aid coordinator who can tell you if any emergency workers in your county have been sent to the declared emergency (or which one, if there is more than one), approximately how many were sent, which base camp they are assigned to, which 12-hour shift they are working, and when their shift begins. The coordinator cannot tell you their names or whether they are registered to vote, however. (Large counties may treat mutual aid coordination regionally and wind up with multiple coordinators.) "Home" counties can then forward this information to the "host" county who may find it useful.

The "host" county has the greatest responsibilities, hardest tasks, and greatest rewards. Its staff has to get access to the base camp, set up a polling place, and issue ballots. The rewards are the immense gratitude from the emergency workers who appreciate ROV staff going the extra mile to make voting available. Depending on the size of the county and the type of emergency, it can be difficult to identify the location of the base camp or camps and to gain access from the incident commander. Knowing your county's OES contacts in advance may help. Having the Secretary of State involved has already proven useful because it provides an executive level contact with the governor's office and state OES, both of whom have access to Incident Commanders and base camps that local elections officials do not.

The "host" county must also be a self-sufficient polling place at the base camp or remote polling location. Besides sending enough staff (at least two) and supplies, they need food, water, lights, a generator, and a vehicle capable of carrying everything. Some emergencies will allow time to put these together as you need them but others will occur at the last minute, so identifying what you need and where to get it in advance will help when you need it. There may be limited to no communication capability from the base camp. The command base will have its own communications center, but being self-sufficient means taking care of your self. Check with your OES (command or public information office), Sheriff, or Communications staff to see if there are satellite phones you can borrow.

Scenarios and Discussion

As this is being written, emergency provisional voting has occurred only in two special elections on the same day with no advance notice. As noted earlier, enabling legislation contemplated a regularly scheduled election. Implicit in all this is that the declared emergency actually allows voting to take place. (In Humboldt County, for example, the worst case election-disaster scenario is a Cascadia Subduction Earthquake of magnitude 9.0 or higher occurring 20–30 miles offshore from Eureka. Such an earthquake occurring coincident with an election effectively postpones voting.) Two scenarios follow.

It is difficult or impossible to suggest definitive procedures because emergencies vary widely in type and duration. In the September 1, 2009 experience, emergency provisional balloting took place in Mariposa, Los Angeles, and San Bernardino counties, But, there were declared emergencies in Yuba, Monterey, and Placer counties in August. Executive order S-17-09 refers to fires in Los Angeles, Mariposa, Monterey, Placer, Riverside, and San Bernardino although the mutual aid responders had been released in Monterey and Placer, their base camps disbanded and no emergency declared in Riverside. In future emergencies, a governor may order emergency provisional voting prior to a specific election day to accommodate emergency workers away from their home precincts and unable to return by election day even though the emergency is winding down.

Statewide Election

A declared emergency begins with an incident; for example, a large fire that a county and its available resources can't extinguish. This triggers a proclamation by the Governor declaring a State of Emergency (Note: in the Governor's absence, the Lt. Governor makes the proclamation and signs it as "Lt. Governor and Acting Governor"). See the attached proclamations for the fire emergencies for August, 2009. Declarations of emergency are most often followed by one or more executive orders to temporarily suspend various state laws and set in motion coordinated emergency response (SEMS/ICS). More examples are attached. For our purposes, at least one of the executive orders must authorize emergency provisional voting.

There are three key players in the election: the "host" county, the "home" county, and the Secretary of State, with these general roles:

- The "host" county has the declared emergency. It will establish emergency provisional polling places as necessary, issue and receive ballots, and forward ballots to the "home" county.
- The "home" county has emergency workers providing mutual aid to the emergency. It may provide the "host" ROV, if possible, with the number, location, and shifts to which the "home" county's emergency workers are assigned if the information can be obtained from the county's OES mutual aid coordinator. It will receive the voted

emergency provisional ballots and process them along with other provisional ballots during the official canvass.

- The Secretary of State is a liaison between the “host” and “home” counties, the Governor’s Office, and state OES. It can facilitate communication between the counties and between the state and counties. In emergencies occurring very close to election day, this communication becomes increasingly important.

“Host” Counties

To begin, the statute says that emergency workers identified in the executive order shall be issued a provisional ballot “using a process to be determined by the elections official” in the “host” county. The CACEO Provisional Committee’s advice is to use the same procedures and materials as you would for other provisional ballots to the greatest extent possible.

These are the general tasks of the “host” county in the approximate chronological order they may occur:

- Identify county OES contacts in advance so when there is an emergency you have someone to call for access to base camps or areas where you want to set up your polling places. Having more than one OES contact enhances your likelihood of quick success when you need to mobilize. OES’s primary mission is responding to the emergency so your primary contact may be in the field or working the night shift when you need them.
- Identify and, if possible, prepare mobile polling place supply kits with provisional voting materials, tables, chairs, signs, a camera to record the day, lights (on light stands and flashlights and/or headlights), generator, an ice chest, blankets, a tent (in case of rain – think flood emergency rather than fire – or to provide shade), heater (November emergency), and a vehicle capable of carrying all of it.
- It’s the nature of emergencies that the “host” county usually knows there is a disaster happening before the Governor proclaims it so. This is the time to alert staff to the possibility of having to operate a unique polling place.
- The Secretary of State is in contact with the Governor’s Office for declared emergencies. Most likely, SoS staff will initiate email to alert counties of the impending executive order. Our limited experience with this provided advanced notice of the extended poll hours to 10 p.m. and related quarantine on releasing vote totals, and confirmed the “two-person rule” was in effect for carrying ballots. SoS also hosted a conference call to confirm status, communications, and procedures.
- Contact the Incident Commander or other designated responsible SEMS/ICS person, using SoS if necessary, to alert them of the requirement to make a polling place available to emergency workers. (Advance notice will allow the Commander or

Operations Chief to include notice of the polling place and voting opportunity in the shift briefings.) Also tell them you will have a self-sufficient crew arriving at the designated base camp which will help alleviate their concerns that they might have to take care of you. Again, the timing of this and the number of days involved is unknown. The statute allows great latitude in your processes.

In addition to contacting the commander, it is also a good idea if time allows to contact the SEMS/ICS public information officer. Each emergency has one or more PIO whose primary purpose is to feed the media with updates on the emergency response. Having a polling place for emergency workers is a public relations plus for everyone.

- The most desirable place to set up your polling place at a base camp probably will be near wherever food is prepared. Be visible but out of the way. Emergency workers run in 12-hour shifts so their routine quickly becomes eat, work, eat, sleep, eat, work.... Shift changes tend to be between 4 and 6, so your opportunity to reach all potential voters/emergency workers may be limited unless you are there all day or for more than one day. (Note: This discussion refers repeatedly to base camps as the preferred location for emergency provisional polling places, which may or may not be where the “host” county actually sets up. In SEMS/ICS, “base” and “camp” have two different functions. The “base” is where operations and administration of the incident takes place. “Camp” is where people sleep, eat, and recover from their work shift. They can be in the same general location, hence “base camp.” In large incidents or multiple fires in the same locale, for example, there may be one “base” but multiple “camps” which could affect your polling place setup.)
- Once the polling place is set up, it’s simply a matter of issuing provisional ballots as you normally do until the polls close at 8 p.m. or per the executive order. The only substantive election question to the emergency workers is likely to be, “Are you registered to vote in California?” If the response is, “Yes,” the voter gets a ballot and provisional envelope.

While the statute requires that the vocation of the emergency worker casting the provisional ballot be identified in the executive order, there is a heavy presumption that someone appearing at a polling place in an emergency base camp is responding to the emergency. There is no requirement to record the voter’s vocation or for the voter to attest or swear to her/his vocation.

- After the polls close, the polling place needs to be taken down and ballots returned to wherever you have designated for safe storage using the two-person rule.
- Following election day, the emergency provisional ballot envelopes can be sorted by “home” county and sent on. There are a several options to send them to the “home” counties: regular mail (not recommended – no accountability), USPS Priority Mail (generally three business days from one end of California to the other), 2nd Day UPS or

FedEx, Overnight UPS or FedEx, or SameDay FedEx (not recommended – high cost). For the September 1, 2009 event, “home” counties provided “host” counties with FedEx account numbers for shipping envelopes. “Host” and “home” counties should work this out before ballots are sent.

It may be a good idea for the “host” county to keep a photocopy of what is sent to the “home” counties in case there are questions during the canvass.

- Placer County in essence declares each election an emergency and opens its Emergency Operations Center on election day (5:30 a.m. until all ballots are returned and secure). OES provides access to its communications network which links law enforcement, public works, CalTrans, and other agencies, and provides a means to track calls throughout the day.
- Share pictures from the day.

“Home” Counties

For a statewide election, the most a “home” county can do for a “host” county is to wish the “home” county well and try to determine whether any of their emergency responders are providing mutual aid to the incident. This may not matter much to the emergency provisional poll workers providing ballots to whoever appears at the polling place.

Processing emergency provisional ballots should follow your normal provisional processing routines. It is unlikely the emergency worker cast a precinct ballot, but it is possible s/he voted by mail, so attention needs to be given to your usual fraud detection procedures.

Special Elections (not statewide)

The primary differences in a statewide election and a non-statewide special election are the ballot and the canvass schedule. For an emergency in a statewide election, emergency workers from 20 counties might respond which may require several dozen ballot types (or more in a primary), a very complicated undertaking. Consequently, emergency workers will likely get to vote the “top of the ticket” and state ballot measure races in statewide elections and have those votes counted. Special elections, like the 10th Congressional District and 51st Assembly District elections September 1, 2009, have special ballots that the “host” county may not have. A special primary election has a three-day canvass, which makes getting the emergency provisional ballot returned an even greater emergency.

“Home” counties

Besides offering moral support to the “host” counties, the “home” counties can do three things to help in a special election. First, decide on the ballot to use. Second, contact the local mutual

aid coordinator to try to find out if any local emergency workers have been sent to the incident. Third, give them your FedEx account number to get your ballots back promptly.

- You will need to remake the emergency provisional ballot, so try to use a pdf facsimile of a typical provisional ballot. Where there is a single “home” county having an election, this is relatively simple. For special elections involving more than one county, consider using the ballot from the first county in the candidate rotation. For example, in the CD10 special election, Alameda, Contra Costa, Sacramento, and Solano counties make up the district. Solano has the lead rotation by being part of the 7th Assembly District and that was the ballot used after being modified for emergency voting (sample attached following executive orders). Email the ballot to the “host” county.
- Having done your advance preparation, you know who to contact to find out what, if any, local emergency responders have been sent to the incident. Contacting them now may provide you with information that you can pass on to the “host” county to help them anticipate or target where your voters are likely to be or whether you have any emergency workers at the incident.
- In a special primary election, the canvass is an abysmally short three days – the Friday after the election – so the 10 days allowed by statute to forward emergency provisional ballots from the “host” county to the “home” county is not helpful. The two (or more) counties should discuss how the ballots are coming back before they are shipped. (FedEx has same day delivery (by 6 p.m. to designated locations) in California for about \$150. The price drops by 80 percent for next day delivery.) If the “home” county needs to get a head start on the emergency provisional ballots, a process like remote voter registration affidavits might work: the “host” county could fax or scan and email the emergency provisional envelopes to the “home” county and overnight the hardcopies.

ELECTIONS CODE
SECTION 14313

14313. (a) Upon the declaration of a state of emergency by the Governor and the issuance of an executive order authorizing an emergency worker to cast a ballot outside of his or her home precinct, elections officials in the counties included in the executive order shall, upon demand, issue to an emergency worker a provisional ballot that may be identical to the provisional ballot offered to other voters in the county, using a process to be determined by the elections official. The elections official shall transmit for processing any ballot cast, including any materials necessary to process the ballot, pursuant to this section to the elections official in the county where the voter is registered to vote.

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

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

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

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

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

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



Office of the Governor

ARNOLD SCHWARZENEGGER
THE PEOPLE'S GOVERNOR

PROCLAMATION

State of Emergency - Los Angeles and Monterey Counties

PROCLAMATION

by the Governor of the State of California

WHEREAS on August 26, 2009, fires started in Los Angeles County and continue to burn;
and

WHEREAS on August 27, 2009, fires started in Monterey County and continue to burn; and

WHEREAS the fires have burned approximately 13,000 acres, and have threatened structures, destroyed homes, and have forced hundreds of people to be evacuated and sent to emergency shelters;
and

WHEREAS the circumstances of these fires, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment and facilities of any single county, city and county, or city and require the combined forces of a mutual aid region or regions to combat; and

WHEREAS under the provisions of section 8558(b) of the California Government Code, I find that conditions of extreme peril to the safety of persons and property exist due to the fires in Los Angeles and Monterey Counties.

NOW, THEREFORE, I, ARNOLD SCHWARZENEGGER, Governor of the State of California, in accordance with the authority vested in me by the state Constitution and statutes, including the California Emergency Services Act, and in particular, section 8625 of the California Government Code, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist within Los Angeles and Monterey Counties.

IT IS HEREBY ORDERED that all agencies of the state government utilize and employ state personnel, equipment and facilities for the performance of any and all activities consistent with the direction of the California Emergency Management Agency (CalEMA) and the State Emergency Plan, and that CalEMA provide local government assistance under the authority of the California Disaster Assistance Act.

I FURTHER DIRECT that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this proclamation.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 28th Day of August 2009.

Emergency Provisional Voting
Attachment B – Governor’s Emergency Proclamations



ARNOLD SCHWARZENEGGER
Governor of California

ATTEST:
DEBRA BOWEN
Secretary of State



Office of the Governor

ARNOLD SCHWARZENEGGER
THE PEOPLE'S GOVERNOR

PROCLAMATION

08/29/2009

State of Emergency in Mariposa County

PROCLAMATION by the Governor of the State of California

WHEREAS on August 26, 2009, a wildfire started in Big Meadow area of Mariposa County and continues to burn; and

WHEREAS the wildfire has burned approximately 3,400 acres, threatened homes, closed roads, and forced people to be evacuated and sent to emergency shelters; and

WHEREAS on August 28, 2009 Mariposa County declared a local emergency and requested that the Governor declare a state of emergency; and

WHEREAS the circumstances of the wildfire by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment and facilities of any single county, city and county, or city and require the combined forces of a mutual aid region or regions to combat; and

WHEREAS under the provisions of section 8558(b) of the California Government Code, I find that conditions of extreme peril to the safety of persons and property exist due to the wildfire in Mariposa County.

NOW, THEREFORE, I, JOHN GARAMENDI, Acting Governor of the State of California, in accordance with the authority vested in me by the state Constitution and statutes, including the California Emergency Services Act, and in particular, section 8625 of the California Government Code, **I HEREBY PROCLAIM A STATE OF EMERGENCY** to exist within Mariposa County.

IT IS HEREBY ORDERED that all agencies of the state government utilize and employ state personnel, equipment and facilities for the performance of any and all activities consistent with the direction of the California Emergency Management Agency (CalEMA) and the State Emergency Plan, and that CalEMA provide local government assistance under the authority of the California Disaster Assistance Act.

I FURTHER DIRECT that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this proclamation.

Emergency Provisional Voting
Attachment B – Governor’s Emergency Proclamations

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 29th Day of August 2009.



JOHN GARAMENDI
Lieutenant Governor and
Acting Governor of California

ATTEST:
DEBRA BOWEN
Secretary of State



Office of the Governor

ARNOLD SCHWARZENEGGER
THE PEOPLE'S GOVERNOR

EXECUTIVE ORDER S-16-09

08/31/2009

WHEREAS due to the destruction caused by numerous wildfires in August 2009, I and the Lieutenant Governor have proclaimed a State of Emergency to exist in the Counties of Los Angeles, Mariposa, Monterey, Placer, Santa Cruz and Yuba; and

WHEREAS these fires caused harm to people and property, burned over 100,000 acres, damaged or destroyed numerous homes and other structures, caused evacuations, and caused damage to resources and watershed; and

WHEREAS these fires caused the loss of valuable personal and business records; and

WHEREAS the people who lost or sustained damage to their homes, property, businesses or places of employment, may need to obtain or replace important government records such as certificates of birth, death, fetal death, or marriage, as well as marriage dissolution records, driver's licenses, identification cards, vehicle registration certificates, and certificates of title, to obtain assistance from federal, state and local governmental agencies, make claims for and collect insurance, find new employment, and for other purposes related to losses suffered in the fire; and

WHEREAS those who need to obtain or replace important government records to mitigate their losses and rebuild their lives as a consequence of the fires require immediate assistance from state and local governmental agencies to replace those records; and

WHEREAS existing law requires the Office of Vital Records of the Department of Public Health, along with local registrars, county recorders and county clerks, to impose fees upon persons requesting copies of certificates of birth, death, fetal death, and marriage, and marriage dissolution records, and existing law requires the State Department of Motor Vehicles to impose fees upon persons requesting replacement driver's licenses, identification cards, vehicle registration certificates, and certificates of title; and

WHEREAS existing law requires the State Department of Motor Vehicles to impose late fees on persons who are late in renewing their vehicle registration or late in transferring ownership of a vehicle; and

WHEREAS the State Department of Housing and Community Development administers the Manufactured Housing Act pursuant to which the Department has adopted regulations imposing fees for plan checking, inspections and related fees; and

WHEREAS the State Department of Housing and Community Development administers the Mobilehome Parks Act pursuant to which the Department has adopted regulations imposing fees for inspections and related fees; and

WHEREAS the suspension of statutory and regulatory requirements for imposition of fees would assist fire victims; and

Emergency Provisional Voting
Attachment C – Governor’s Executive Orders

WHEREAS the State Employment Development Department and the California Emergency Management Agency estimate that numerous workers are, or will be, unemployed as a result of the fires and are in need of immediate financial assistance; and

WHEREAS the suspension of the statutory one-week waiting period for unemployment insurance applicants who are unemployed due to the fires would provide these unemployed workers with immediate financial assistance.

NOW, THEREFORE, I, ARNOLD SCHWARZENEGGER, Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, including the Emergency Services Act and in particular Government Code sections 8567 and 8571, do hereby issue this Executive Order, effective immediately, to mitigate the effects of the emergency due to the wildfires in the Counties of Los Angeles, Mariposa, Monterey, Placer, Santa Cruz and Yuba (hereafter referred to as the "Counties"):

1. The provisions of Health and Safety Code sections 103525.5 and 103625, and the provisions of Penal Code section 14251, requiring the imposition of fees, are hereby suspended with regard to any request for copies of certificates of birth, death, fetal death, and marriage, or marriage dissolution records by any resident of the Counties who suffered a loss of a family member, or who suffered loss or damage to property, business, or employment, as a result of the wildfires. Copies of certificates of birth, death, fetal death, and marriage, and marriage dissolution records, shall be provided to such persons without charge.
2. Health and Safety Code section 18031 and California Code of Regulations Title 25, section 4044, requiring the imposition of fees, are hereby suspended for any registered owner of a manufactured home whose home was damaged or destroyed as a result of the wildfires, and it is hereby ordered that the required inspections or plan checking be performed without charge by the State Department of Housing and Community Development.
3. Health and Safety Code section 18503 and California Code of Regulations Title 25, section 1020.1, requiring the imposition of fees, is hereby suspended for any registered owner of a manufactured home located in a jurisdiction for which the State Department of Housing and Community Development is the enforcement agency and whose home was damaged or destroyed as a result of the wildfires, and it is hereby ordered that the required inspections or plan checking be performed without charge by the Department.
4. Health and Safety Code sections 18114 and 18116, requiring the imposition of fees, and California Code of Regulations Title 25 section 5660 subsections (b),(c), (f), and (g) relating to fees for salvage transfers, transfer penalties and duplicate certificates of title or registration are hereby suspended with regard to any late renewal of registration certificate or certificate of title for a manufactured home by any registered owner who lost those documents as a result of the fires. Those documents shall be replaced without charge.
5. The provisions of Vehicle Code sections 9265(a), 9867, 14901, 14902 and 15255.2, requiring the imposition of fees, are hereby suspended with regard to any request for replacement of a driver's license, identification card, vehicle registration certificate or certificate of title by any resident of the Counties who suffered a loss of such documents as a result of the wildfires. A replacement driver's license, identification card, vehicle registration certificate, or certificate of title shall be provided to such persons without charge.
6. The provisions of Vehicle Code sections 4602 and 5902, requiring the timely registration or transfer of title, are hereby suspended with regard to any registration or transfer of title by any resident

Emergency Provisional Voting
Attachment C – Governor’s Executive Orders

of the Counties who suffered a loss of such registration or title documents as a result of the wildfires. The time covered by this suspension shall not be included in calculating any late penalty pursuant to Vehicle Code section 9554.

7. The provisions of Unemployment Insurance Code section 1253 imposing a one-week waiting period for unemployment insurance applicants are suspended as to all applicants who are unemployed as a result of the wildfires in the Counties, who apply for unemployment insurance benefits during the time period beginning August 26, 2009 and ending on the close of business on September 26, 2009, and who are otherwise eligible for unemployment insurance benefits in California.

8. The California Emergency Management Agency shall coordinate assistance programs offered by all relevant federal, state and local agencies and departments, including, but not limited to, the Federal Emergency Management Agency, the California Conservation Corps, the Department of Public Health, the Department of Health Care Services, the California Emergency Medical Services Authority, the Department of Mental Health, the Department of Social Services, the Department of Consumer Affairs, the Employment Development Department, the Department of the Highway Patrol, the Department of Forestry and Fire Protection, the Department of Veterans Affairs, the Department of Aging, the Department of Transportation, the Department of Insurance, and the Franchise Tax Board.

9. All State agencies with responsibility, regulatory authority or expertise related to recovery efforts in connection with these fires shall cooperate fully and act expeditiously in coordination with the California Resources Agency and the California Environmental Protection Agency, to facilitate the mitigation of the effects of the fires and the environmental restoration of the affected areas.

10. State agencies shall, as necessary for the protection of public health and the environment, assist local governments to enter into contracts and arrange for the procurement of materials, goods, and services necessary to quickly remove dangerous debris, repair damaged resources, and restore and protect the impacted watershed. Because strict compliance with the provisions of the Government Code and the Public Contract Code applicable to state contracts would prevent, hinder, or delay these efforts, applicable provisions of those statutes, including, but not limited to, advertising and competitive bidding requirements, are suspended to the extent necessary to address the effects of the fires.

11. The Department of Forestry and Fire Protection, the California Department of Corrections and Rehabilitation, and the California Conservation Corps, shall use employees, corps members, inmate and ward labor, where appropriate, to protect public health, safety, and water quality on public lands or where otherwise requested by private property owners.

IT IS FURTHER REQUESTED that the Franchise Tax Board and the Board of Equalization consider using their administrative powers where appropriate to provide those individuals and/or businesses impacted by the wildfires with extensions for filing, audits, billing, notices, assessments and relief from subsequent penalties.

IT IS ALSO REQUESTED that the Public Utilities Commission direct utility companies with transmission lines in the affected areas to ensure that all dead and dying trees and vegetation are completely cleared from their utility right-of-ways to mitigate the potential threat to human health and safety and public property.

This Executive Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

Emergency Provisional Voting
Attachment C – Governor’s Executive Orders

I FURTHER DIRECT that as soon as hereafter possible, this Order shall be filed in the Office of the Secretary of State and that widespread publicity and notice be given to this Order.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 31st Day of August 2009.



ARNOLD SCHWARZENEGGER
Governor of California

ATTEST:
DEBRA BOWEN
Secretary of State



Office of the Governor

ARNOLD SCHWARZENEGGER
THE PEOPLE'S GOVERNOR

EXECUTIVE ORDER S-17-09

08/31/2009

WHEREAS there are wildfires burning throughout the State of California, with major fires burning in the counties of Los Angeles, Mariposa, Monterey, Placer, Riverside, and San Bernardino; and

WHEREAS I and the Lieutenant Governor have recently proclaimed a State of Emergency to exist in the counties of Los Angeles, Mariposa, Monterey, and Placer; and

WHEREAS a number of counties are providing mutual aid to help combat these fires, and firefighters and other emergency workers from throughout the State are responding to these fires, and therefore are away from their homes; and

WHEREAS a special election will be held on September 1, 2009 in California's 10th Congressional District and its 51st Assembly District; and

WHEREAS because of these fires, firefighters and emergency workers in the six counties listed above and in counties providing mutual aid, are away from their polling places and it may be difficult or impossible for these individuals to vote in these elections.

NOW, THEREFORE, I, ARNOLD SCHWARZENEGGER, Governor of the State of California, by virtue of the power and authority vested in me by the Constitution and statutes of the State of California, including Government Code section 8571, hereby issue the following orders:

1. Operation of Elections Code sections 3009, 3011, 3017, 3021, 14212, and 14279 is temporarily suspended with respect to any September 1, 2009 special election in the State, for all duly-eligible voters who are public safety workers, emergency service workers or other persons officially engaged in responding to the fires described above. This suspension shall apply to any such voter who is from the above-listed counties or from any county that is providing mutual aid to help combat these fires.
2. Notwithstanding any other provision of law, elections officials in the above-referenced counties shall, upon demand, issue a provisional ballot to any person described in paragraph one permitting that person to vote on all measures appearing on any September 1, 2009 special election ballot. Ballots shall be made available at the office of the registrar of voters in the six affected counties, as well as the emergency incident bases in those counties. Upon return of such ballot by the voter by the close of the polls on September 1, 2009, the elections official shall immediately transmit for processing said ballot to the elections official in the county where the voter is registered to vote
3. The California Emergency Management Agency (CalEMA), the California Department of Forestry and Fire Protection (CalFIRE), and registrars of voters in the six affected counties shall work together and take necessary steps to get ballots to the emergency incident bases in the six affected counties. The registrars of voters in the counties covering California's 10th Congressional District and its 51st Assembly District shall be responsible for ensuring that a facsimile or other copy of the ballots is available at the office of the registrar of voters in each of the six affected counties and at the emergency incident bases in those counties.

Emergency Provisional Voting
Attachment C – Governor’s Executive Orders

4. The Secretary of State shall, in conjunction with local elections officials, prescribe the procedures for carrying out the provisions of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

I FURTHER DIRECT that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given to this Order.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 31st day of August, 2009.



ARNOLD SCHWARZENEGGER
Governor of California

ATTEST:
DEBRA BOWEN
Secretary of State



Office of the Governor

ARNOLD SCHWARZENEGGER
THE PEOPLE'S GOVERNOR

EXECUTIVE ORDER S-18-09

09/01/2009

WHEREAS due to the destruction caused by numerous wildfires that began in August 2009, I and the Lieutenant Governor have proclaimed a State of Emergency to exist in the Counties of Los Angeles, Mariposa, Monterey, Placer, Santa Cruz and Yuba; and

WHEREAS many of these fires continue to threaten people and property, are burning thousands of acres, damaging or destroying homes and other structures, causing emergency evacuations, and causing people to seek emergency shelter; and

WHEREAS on August 31, 2009, I issued Executive Order S-16-2009 which, among other things, waives certain fees for replacement of vital records, eliminates the waiting period for unemployment insurance benefits, improves coordination of disaster assistance services, expedites contracting for resources essential to responding and recovering from the fires, and accelerates restoration of burned areas; and

WHEREAS on September 1, 2009, I proclaimed a state of emergency for the wildfires in San Bernardino County that continue to burn and threaten people and property; and

NOW, THEREFORE, I, ARNOLD SCHWARZENEGGER, Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, including the Emergency Services Act and in particular Government Code sections 8567 and 8571, do hereby issue this Executive Order, effective immediately, to mitigate the effects of the emergency due to the wildfires in San Bernardino County.

IT IS HEREBY ORDERED the all benefits and provisions of Executive Order S-16-2009 are extended to San Bernardino County.

I FURTHER DIRECT THAT, as soon as hereafter possible, this Order shall be filed in the Office of the Secretary of State and that widespread publicity and notice be given to this Order.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 1st day of September 2009.



ARNOLD SCHWARZENEGGER
Governor of California

ATTEST:
DEBRA BOWEN
Secretary of State



Office of the Governor

ARNOLD SCHWARZENEGGER
THE PEOPLE'S GOVERNOR

EXECUTIVE ORDER S-19-09

09/01/2009

WHEREAS on August 31, 2009 I issued Executive Order S-17-09, which suspended certain provisions of the Elections Code to facilitate voting by firefighters and other emergency service workers who are away from their homes fighting wildfires, and who therefore may find it difficult or impossible to vote in the special elections of September 1, 2009; and

WHEREAS some of these firefighters and other workers may not be able to reach a polling place until after 8:00 p.m., when the polls typically close; and

WHEREAS it is therefore appropriate to keep certain polling places open after 8:00 p.m., and to set a uniform time for extended voting.

NOW, THEREFORE, I, ARNOLD SCHWARZENEGGER, Governor of the State of California, by virtue of the power and authority vested in me by the Constitution and statutes of the State of California, including Government Code section 8571, hereby issue the following order, which shall supplement and be construed in conformity with Executive Order S-17-09:

1. Notwithstanding Elections Code section 14212, elections officials in the counties of Los Angeles, Mariposa, Monterey, Placer, Riverside, and San Bernardino shall allow firefighters and other emergency workers to cast their ballots in any special election held on September 1, 2009 until 10:00 p.m. on that day, in those areas designated for extended voting by local elections officials. Those officials shall consult with the Secretary of State, the California Emergency Management Agency, and the California Department of Forestry and Fire Protection in determining which areas to so designate.
2. In accordance with Elections Code section 15152, election results shall not be released until after 10:00 p.m. on September 1, 2009.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

I FURTHER DIRECT that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given to this Order.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 1st day of September 2009.



ARNOLD SCHWARZENEGGER
Governor of California

ATTEST:
DEBRA BOWEN
Secretary of State

Emergency Provisional Voting
 Attachment D – Sample Special Election Emergency Provisional Ballot

OFFICIAL BALLOT - SPECIAL PRIMARY ELECTION
 Alameda, Contra Costa, Sacramento and Solano Counties

PROV

A	Special Primary Election	B	September 1, 2009	C																																																																																							
INSTRUCTIONS TO VOTERS:																																																																																											
<p>To vote for the candidate of your choice, BLACKEN the oval to the left of the candidate's name. To vote for a qualified write-in candidate, fill in the oval next to the write-in line and write the candidate's name on the write-in line. Do not vote for more than the authorized number of candidates. Do not make any marks outside of the oval. Use a ballpoint pen with black ink. Do not cross out or erase or your vote may not count. If you make a mistake, ask a pollworker or call the Registrar of Voter's Office at (707) 784-6675 for a replacement ballot.</p>																																																																																											
TO VOTE:																																																																																											
<p>Blacken the oval (●) that appears next to your choice</p>																																																																																											
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