

# EXECUTIVE DEPARTMENT STATE OF CALIFORNIA

## EXECUTIVE ORDER N-~~34-20~~-XX-XX

**WHEREAS** on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

**WHEREAS** on March 19, 2020 I issued a statewide shelter-in-place order in response to COVID-19; and

**WHEREAS** various political subdivisions within California are in the process of changing from an at-large method of election to district elections, existing law requires public hearings to be conducted within prescribed timeframes as part of this change, and conducting such hearings within these timeframes would be incongruent with public health officials' guidance regarding social distancing; and

**WHEREAS** on xxx, 2020, I proclaimed a Presidential General Election to be held on November 3, 2020; and

**WHEREAS** state law would ordinarily permit only certain voters to be able to receive, cast, and return a ballot through electronic transmission; and

**WHEREAS** state law would ordinarily require that this election be conducted using in-person voting at polling locations or vote centers throughout the jurisdiction; and

**WHEREAS** the generalized use of in-person voting presents risks to public health and safety in light of the COVID-19 pandemic, and could risk undermining social distancing measures imposed by the State Public Health Officer, as well as other aspects of the response to COVID-19; and

**WHEREAS** state law would ordinarily establish the close of registration for voter affidavits to be the fifteenth day before Election Day and conditional voter registration for any unregistered voters to occur at an in-person voting location between the fourteenth day before Election Day to Election Day; and

**WHEREAS** state law would ordinarily require all eligible ballots to be postmarked by Election Day and received by the elections official no later than three days after Election Day; and

**WHEREAS** County Elections officials are making preparations now to meet the many deadlines for the November 3, 2020 Presidential General Election, and

**WHEREAS** our elections must be accessible, secure, and safe; and

**WHEREAS** California's existing vote-by-mail procedures can be used to allow this election to go forward in a manner that is accessible, secure, and safe.

**NOW, THEREFORE, I, GAVIN NEWSOM**, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following Order to become effective immediately:

**IT IS HEREBY ORDERED THAT:**

1) Notwithstanding Elections Code sections 1500 and 4000-4007 (including, but not limited to, the conditions otherwise imposed on all mail ballot elections in Elections Code sections 3000-3026 and 4100 and any other applicable provision of state law), the November 3, 2020, Presidential General Election to be held in the State of California shall be held as an all-mail ballot election and conducted according to those provisions of the Elections Code that govern all-mail ballot elections. The respective county elections officials responsible for conducting this election shall transmit vote-by-mail ballots to all voters eligible to vote in this election and must begin making necessary preparations as soon as possible to ensure voting is accessible and secure for all voters.

2) Elections Code sections 3016.5 and 3000-3503 permits voters with disabilities and military and overseas voters to receive and cast a ballot through a certified remote accessible vote by mail system (RAVBM). The aforementioned codes are hereby expanded to extend RAVBM voting to all voters.

3) Per Elections Code 3019.7, the Secretary of State established a vote-by-mail tracking system that all counties may use for voters to track their vote-by-mail ballots through the mail system and their return status as they are being processed by elections officials. In order to provide voters greater ability to track the status of their ballots, it is hereby ordered that all county elections officials are required to utilize the Secretary of State's vote-by-mail tracking system. A county elections official may opt out of utilizing the Secretary of State's system if the county elections official operates a similar system that provides the same level of service or more to a voter.

4) Recognizing that there are limited circumstances that may require in-person voting assistance, appointments to receive in-person voting assistance may be set at the county elections' office or a satellite office for certain voters at the discretion of the county elections official, which will include, but is not limited to:

- a) Voters with disabilities,
- b) Voters without internet access;
- c) Emergency voting as described in Elections Code 3021; and
- d) Confidential voters.

5) Notwithstanding the other provisions of this Order, elections officials are also authorized, and encouraged, to make in-person voting opportunities available on or before Election Day in a manner consistent with public health and safety, to maximize voter accessibility. Elections officials shall provide maximum possible notice to voters about how to participate in the November 3, 2020 Presidential Election, paying particular attention to the needs of voters at high risk from COVID-19, individuals with

disabilities, individuals in protected language communities and other voters with particularized needs. The Secretary of State will prepare at least one direct mailing to be sent to every registered voter in the State of California notifying that the November 3, 2020 Presidential General Election will be conducted as an all-mailed ballot election across the State. County election officials shall conduct a voter awareness program outlining the change to an all-mailed ballot election without polling places and with limited vote center voting options.

6) Notwithstanding Elections Code 2102, the voter registration deadline will be extended from the fifteenth day prior to Election Day to Election Day for both paper affidavits and online voter registrations. Online voter registrations may be processed up to the day before the election to reduce the need for in-person voting assistance and limit risks for public health and safety due to COVID-19. Starting seven days before Election Day, the online voter registration form on the Secretary of State's website will be updated for voters to indicate a preference to receive their ballots through a certified RAVBM system. County election officials will have discretion as to the best method of providing the ballot to a voter based on available resources and circumstances at the time of the request.

7) Consistent with Elections Code 3019(d)(1) and notwithstanding Elections Code 3020(b), any vote-by-mail ballots returned to the elections official shall be considered timely cast if they are postmarked by Election Day and received by the elections official no later than 5 p.m. two days prior to the certification of the election to allow for any potential delays related to mail delivery that may occur as result of COVID-19.

8) Whereas the State has historically required county election officials to be reimbursed for expenses incurred in meeting state mandates and procurement of election equipment, supplies and services, funding will be released in the form of grants for immediate use for specified purposes. The Secretary of State is requested to issue further guidance to election officials, which will include, but is not limited to, increased election materials, facility space, and outreach materials in response to this Order. As necessary to assist local governments and for the protection of public health, state agencies shall enter into contracts to arrange for the procurement of materials, goods, and services needed to assist in preparing for, containing, responding to, mitigating the effects of, and recovering from the spread of COVID-19, applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, are suspended to the extent necessary to address the effects of COVID-19.

9) Notwithstanding Elections Code sections 3019, 15100–15112, 15300– 15376, 15400–15402, 15450–15490, and 15500–15505; California Code of Regulations, Title 2, sections 20027, 20108.75, 20108.8, and 20110–20126; and any other applicable provision of state law including, but not limited to, any applicable state regulation, all deadlines associated with completing, auditing, and reporting on the official canvass of the November 3, 2020 Presidential General Election is extended by 21 days. Counties

are urged to complete activities related to the official canvass according to the deadlines ordinarily imposed by state law, to the extent possible. The Secretary of State is requested to issue guidance to county elections officials concerning compliance with this paragraph.

**IT IS FURTHER ORDERED** 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 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.

**IN WITNESS WHEREOF** I have  
hereunto set my hand and caused  
the Great Seal of the State of  
to be of fixed this xxth day of xxx 2020  
GAVIN NEWSOM  
Governor of California

**ATTEST:**  
ALEX PADILLA  
Secretary of State