Legislation Details (With Text)

File #:	2022-0181		
Type:	Consent Calendar Item	**Status:**	Passed
File created:	2/15/2022	**In control:**	Clerk-Recorder-Assessor
On agenda:	4/5/2022	**Final action:**	4/5/2022
Title:	Secretary of State - Voter's Choice Act Funding; Delegated Authority to Registrar of Voters for Implementation of the Voter's Choice Act		
Sponsors:	Clerk-Recorder-Assessor		
Indexes:			
Attachments:	1. Summary Report, 2. Attachment 1 - Resolution, 3. Attachment 2 - VCA-SOS County of Sonoma Agreement		

Date	Ver.	Action By	Action	Result
4/5/2022	1	Board of Supervisors	Approved as recommended	Pass

To: Board of Supervisors
Department or Agency Name(s): Clerk-Recorder-Assessor-Registrar of Voters
Staff Name and Phone Number: Kim Barrett (707) 565-3471
Vote Requirement: Majority
Supervisorial District(s): Countywide

Title:
Secretary of State - Voter's Choice Act Funding; Delegated Authority to Registrar of Voters for Implementation of the Voter's Choice Act

Recommended Action:
Adopt a resolution authorizing the Clerk-Recorder-Assessor-Registrar of Voters to enter into a contract proposed by the California Secretary of State, in order to seek maximum reimbursement of expenses related to implementation of the Voter's Choice Act for any Primary and/or General election(s) incurred after January 1, 2022 and prior to November 8, 2022. Delegate authority for the Clerk-Recorder-Assessor-Registrar of Voters to enter into any future contracts with the Secretary of State and agreements to secure locations for Vote Centers, Ballot Drop Boxes, and other locations necessary for election purposes.

Executive Summary:
California Elections Code Sections 4005-4008 gives California counties the opportunity to transition to the Voters Choice Act (VCA) model for conducting elections. The VCA authorizes a county to establish regional Vote Centers to replace local polling places, provide a minimum number of secure ballot drop boxes, and conduct additional voter outreach. Instead of being assigned to a specific polling place that is only open on Election Day, voters can choose to vote at any Vote Center on the day that is most convenient for them. Implementing the VCA would also create resilience during disasters, and ensure that voters are not disenfranchised on Election Day by being unable to vote the correct ballot. It would also be a solution to on-going issues with recruiting and retaining poll workers and polling places. The Board of Supervisors approved moving to the VCA model of voting on March 16, 2021. The VCA originally included a requirement to mail all active, registered voters a ballot in the mail, however subsequent legislation has mandated that change for all

counties, regardless of if the VCA model is implemented or not.

In addition to the required outreach, the California Secretary of State is providing grant funding for enhanced outreach for those counties transitioning to the VCA model in the 2022 election cycle. The grant of $128,000 will enable the Registrar of Voters to reach more voters during the first year of the transition.

The Registrar of Voters is also requesting delegated authority to enter into agreements to secure locations essential for election purposes, including in-person voting locations, ballot drop box locations, training and outreach, as well as delegated authority to enter into contracts with the State of California and/or the California Secretary of State to receive funding for elections. This is necessary due to mandated, compressed timelines around elections.

Discussion:

Background

Senate Bill 450 (2016) added Election Codes Sections 4005-4008, authorized 14 California counties to implement the Voter Choice Act (VCA) model for the 2018 election cycle and authorized all California counties to implement the VCA model for the 2020 election cycle. The Registrar of Voters (ROV) Office is required to install one secure ballot drop box for every 15,000 voters, and the boxes must be open by the 28th day before an election. The law also requires one in-person voting location per 50,000 voters be open a minimum of eight hours a day for the ten days before the election, as well as one in-person voting location per 10,000 voters will be open a minimum of eight hours a day for the three days before the election and from 7:00am to 8:00pm on Election Day itself.

The VCA requires additional outreach to voters in order to educate them about the VCA and their options for voting. At a minimum, this would include two direct mailings, and public service announcements in various media. Overall, the costs of the additional outreach per election would be approximately $120,000. This cost would include two separate mailings to voters at approximately $45,000 each for printing and postage, as well as various public service announcements and advertisements, estimated to cost $30,000. The increase in outreach spending was approved by the Board of Supervisors for each election as part of the approval of the move towards the VCA model on March 16, 2021.

For those counties implementing the VCA election model in 2022, additional outreach funding is being granted by the California Secretary of State to provide enhanced outreach during the first election cycle under the VCA, and ensure that voters are informed of the changes. A total of $128,000 is being granted by the Secretary of State to Sonoma County for reimbursement of expenses related to implementation of the Voter's Choice Act (VCA) for any Primary and/or General election(s) incurred after January 1, 2022 and prior to November 8, 2022. Of the $120,000 in additional outreach costs per election the grant will offset these expenses as follows, $64,000 is allocated for the Primary election (which will fall within Fiscal Year 2021-22) and $64,000 allocated for General election (which will fall within Fiscal Year 2022-23). Eligible expenses for reimbursement include advertisement, printing, translation, and design of education and outreach materials; educational workshops and associated translation services; and Community input meetings with the Language Access Advisory Committee, Voting Access Advisory Committee and other groups.

<u>Delegation of Authority for Future Contracts and Location Agreements</u>

Identifying a facility for use as a Vote Center requires additional space and technical specifications as determined by the Secretary of State, the county-specific Election Administration Plan, and State and Federal law. Facilities within Sonoma County that meet these requirements are typically in high demand for other types of reservations from the public. A delegation of authority is needed to expedite the process of securing these facilities through a license or lease with a third party. As facilities are identified, they may require immediate deposit payments and a signed agreement from the County. Due to the high demand, many facilities are not flexible in waiting for a board-approved signature due to the time it takes for signatures to go through multiple levels or departments, and the time delay risks losing potential election locations to private entities with no such delay. Further, the Registrar of Voters expects that some facilities may pull out of agreements and a replacement Polling Place/Vote Center or Drop Box location will need to be identified on a very compressed timeframe that would be facilitated by the delegation of authority. Presently, the Registrar of Voters has to request approval of a lease or license from the Department of General Services. The delegation of authority to the Registrar of Voters would improve efficiency to facilitate agreements that are secured within the short and unpredictable timelines that often occur prior to elections.

Government Code section 25350.51 authorizes the Board of Supervisors to delegate authority to appropriate officers to enter into leases or licenses for a term that does not exceed five years and monthly rent that does not exceed $10,000. The Registrar of Voters requests delegated authority under this section to enter into leases or licenses for Vote Centers, Drop Boxes or other locations for election purposes, subject to the availability of appropriated funding. All agreements would be subject to review by County Counsel and approval as to form and legality. The delegation would allow the Registrar of Voters to sign off on approved agreements in a timely manner to secure facilities without impacting mandated election timelines.

The Registrar of Voters seeks additional delegation of authority to enter into contracts for State and Federal grant funding for election related activities. The Federal funds are distributed through the State of California via State contracts. Current procedure requires board approval, which creates approximately a month and a half delay in securing funding. In certain situations, the lag in approval can cause the Registrar of Voters office to be unable to expend the full amount of the grant due to timing constraints for spending and claiming expenses. The department is asking for delegated authority for the Registrar of Voters to enter into all funding and grant agreements with the State of California and/or the California Secretary of State to expedite funding for elections.

Strategic Plan:
N/A

Prior Board Actions:
March 16, 2021 - Authorized the change of voting model to Voter's Choice Act (VCA)

FISCAL SUMMARY

Expenditures	**FY 21-22 Adopted**	**FY22-23 Projected**	**FY 23-24 Projected**
Budgeted Expenses		$64,000	
Additional Appropriation Requested	$64,000		
Total Expenditures	**$64,000**	**$64,000**	
Funding Sources			

General Fund/WA GF			
State/Federal	$64,000	$64,000	
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources	**$64,000**	**$64,000**	

Narrative Explanation of Fiscal Impacts:
A total of $128,000 is being granted by the Secretary of State to Sonoma County for reimbursement of expenses related to implementation of the Voter's Choice Act (VCA) for any Primary and/or General election(s) incurred after January 1, 2022 and prior to November 8, 2022. $64,000 is allocated for the Primary election (Fiscal Year 2021-22) and $64,000 allocated for General election (Fiscal Year 2022-23). The $64,000 for Fiscal Year 2021-22 will be added through the third quarter Consolidated Budget Adjustment (CBA) process.

Staffing Impacts:			
Position Title (Payroll Classification)	**Monthly Salary Range (A-I Step)**	**Additions (Number)**	**Deletions (Number)**

Narrative Explanation of Staffing Impacts (If Required):
N/A

Attachments:
1. Resolution
2. VCA-SOS County of Sonoma Agreement #21S10114

Related Items "On File" with the Clerk of the Board:
N/A