



Legislation Text

File #: 2021-0049, **Version:** 1

To: Sonoma County Board of Supervisors

Department or Agency Name(s): County Clerk-Recorder-Assessor

Staff Name and Phone Number: Deva Marie Proto, (707) 565-3811

Vote Requirement: 4/5th

Supervisory District(s): All

Title:

Implementation of the Voter's Choice Act Model for Future Elections

Recommended Action:

Review the proposed Voter's Choice Act Model for Sonoma County elections and take one of the following actions regarding the proposed model:

- A) Approve and implement the Voter's Choice Act for future elections to allow for greater access to elections by the public and to create more flexibility for voters during disasters beginning with the November 2021 election.
- B) Approve use of \$195,000 in FY 2020-21 General Fund Contingencies to fund facilities, staffing, Election Administration Plan formation and outreach costs necessary to implement the Voter's Choice Act model, and of this amount approve a budget adjustment to the Clerk-Recorder-Assessor FY 2020-21 adopted budget in the amount of \$20,000 for Election Administration Plan formation and translation costs. (4/5th Vote Required)

Or

- C) Direct the Clerk-Recorder-Assessor-Registrar of Voters to continue to perform elections under the existing polling place model.

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 send every active, registered voter a ballot in the mail, provide a minimum number of secure ballot drop boxes, and establish regional Vote Centers to replace local polling places. Instead of being assigned to a specific polling place that is only open on Election Day, voters can choose to vote at any Vote Centers on the day that is most convenient for them. Implementing the VCA would also create resilience during disasters, and ensure that voters were 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 current goal would be to implement the VCA model prior to the November 2021 Election, which may be a county-wide election if the Board decides to place a county measure on the ballot. This would allow the ROV Office to be prepared in the event of a disaster, and ensure that no voters would be disenfranchised. To implement the full VCA model in Sonoma County the Board of Supervisors would need to provide direction to the ROV on how to proceed as this consideration will require the Board to authorize use of \$195,000 in FY

2020-21 General Funds Contingencies. Of this amount, staff is requesting approval for a \$20,000 budget adjustment in the current fiscal year for costs associated with the development of the Election Administration Plan required by the California Secretary of State. While Board's Use of General Fund Contingencies Policy states that decisions on use of contingencies should only occur at the Board's annual budget hearings, and during mid-year budget updates, staff is requesting an exception to Board policy to enable the ROV to immediately begin work to implement the VCA for the next county-wide election, currently predicted to be November 2021. The VCA model will ensure disaster resiliency, convenience for voters, and increased safety and fraud prevention measures. Alternatively, the Board may decide to direct the ROV to continue to carryout elections under the existing polling place model.

Discussion:

Background

Senate Bill 450 (2016) added Election Codes Sections 4005-4008, authorized 14 California counties to implement the VCA model for the 2018 election cycle and authorized all California counties to implement the VCA model for the 2020 election cycle. The Voter's Choice Act authorizes a county to conduct elections as all-mailed ballot elections, if certain conditions are met related to ballot drop boxes, in-person voting locations, and election administration plans. As in current elections, all ballots cast by mail must be postmarked on or before Election Day in order to be counted. 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 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.

Five counties (Madera, Napa, Nevada, Sacramento, and San Mateo) opted to implement the VCA for the 2018 elections. These counties saw an increase in voter turnout in comparison to previous elections, and received positive feedback from their voters. The counties did see increased costs, mainly due to increased public outreach and acquiring the hardware and software required to implement the Vote Center model. Ten additional counties (Amador, Butte, Calaveras, El Dorado, Fresno, Los Angeles, Mariposa, Orange, Santa Clara, and Tuolumne) implemented the VCA for 2020 elections and had similar results. Other counties, such as Marin, are currently in the process of implementing the VCA for future elections. Overall, the majority of California voters now reside in a county utilizing the VCA model, with more expected.

Based on statistics from VCA counties, Vote Centers are not utilized significantly during the initial seven days (an average of one voter per day). As a result, the ROV Office is hopeful that the requirement to have voting locations open more than four days will be changed via legislation in the future. For the 2021 election year, recently passed Senate Bill 29 requires the ROV Office to mail all eligible voters a ballot in the mail, but does not change the requirements for in-person voting locations.

November 2020 Elections Conducted under Similar VCA Model

Due to the COVID-19 pandemic in early 2020, the Secretary of State and County Registrars immediately began meeting to explore options for conducting a safe election in November. On May 8, Governor Gavin Newsom issues Executive Order N-64-20, which mandated that all active, registered voters in California be sent a ballot in November 2020 Election. This was soon codified into law when Newsom signed Senate Bill 860 on June 18.

On August 6, Newsom signed another bill, Senate Bill 423, which authorized counties to conduct the November 2020 election under either a traditional polling place model (with the same number of polling places as March) or under a model similar to the VCA (“VCA-similar”), but without the requirement to have locations open for 11 days, and without some of the administrative requirements.

Due to the impacts of COVID-19, Sonoma County conducted the election under the VCA-similar model, with 20 drop boxes and 30 in-person voting locations open for four days (the ROV Office functions as one drop box and one in-person voting location). Another consideration related to the implementation of the VCA-similar model for the November 2020 Election, was Sonoma County’s propensity toward disaster. In the traditional polling place election, if a voting location become unavailable or is evacuated due to a disaster or emergency, voters assigned to that polling place may not be able to vote on all the local contests or measures they are entitled to unless they come to the ROV Office. Depending on the timing and scale of the disaster and the number of impacted voters, the ROV Office would likely not have the infrastructure or capacity to serve the voters appropriately. An election conducted under the VCA model would ensure that voters in areas affected by disasters would not be disenfranchised because they could simply go to any other voting location in the County, and receive the ballot to which they are entitled.

Security and fraud concerns related to the November 2020 election were also minimized by using the VCA-similar model. By reducing the number of voting locations and increasing the number of poll workers in each location, there were fewer locations to protect from any disasters or violent incidents and poll workers had more support from each other in the voting location. Additionally, since poll workers were looking up voters in real time to determine if they were currently registered and had not already cast a vote in the election, there was less chances for fraudulent voting. Currently, the poll workers use manual paper rosters that do not indicate if a voter has been sent multiple ballots (due to updated registration information or because the first ballot had not been received), and needs to be manually updated by the poll workers to indicate changes in voter statuses, leaving room for errors.

Grant funding, via the CARES Act, was made available to elections offices to offset the increased costs for the November 2020 Election. Sonoma County’s grant reimbursement was \$967,000, and the funds were used to purchase necessary mobile ballot printers, drop boxes, hardware and software, pay for staffing costs associated with the change to a VCA-similar model, procure personal protective equipment for the voting locations, and cover costs for voter outreach and voting location rentals.

Feedback on the VCA-similar model in November, was generally positive. Poll workers and field support officers were surveyed, and reported positive outcomes with the new model. They found the system allowing any voter to vote at any location to be beneficial to the voters and generally easy to use. Anecdotal feedback from voters themselves was also encouraging. Voters liked the increased availability of ballot drop boxes, and the additional flexibility of choosing how, when and where to vote.

Implementation of VCA Model in Sonoma County

Sonoma County currently operates under a traditional polling place election model. This means that for a county-wide election, approximately 175-225 polling places are open from 7:00am to 8:00pm on Election Day. Each polling place is staffed by approximately five poll workers. Every voter is assigned to one polling place, which may or may not be the location to which they are closest, and each polling place typically has only one ballot type. If a voter goes to a location other than the one to which they are assigned, or does not have a

polling place because they reside in a mailed ballot precinct, the voter may be unable to vote on certain local contests or measures. The March 2020 Presidential Primary Election had 47 different ballot types, with seven versions of each type based on political party. The November 2020 Presidential General Election had 122 different ballot types. Over the years, both polling places and poll workers have become more difficult to find and retain.

Election Administration Plan (EAP)

An Election Administration Plan would need to be drafted, in consultation with the public. The Registrar of Voters would be required to establish a Language Accessibility Advisory Committee (LAAC) that is comprised of representatives of language minority communities, as well as a Voting Accessibility Advisory Committee (VAAC) that is comprised of voters with disabilities.

Public meetings for feedback would be required. One public meeting must include representatives, advocates, and other stakeholders representing each community for which the county is required to provide voting materials and assistance in a language other than English, and one meeting must include representatives from the disability community and community organizations and individuals that advocate on behalf of, or provide services to, individuals with disabilities. The plan must be translated into all required languages and available on the ROV website.

The election administration plan must consider a multitude of factors when determining the locations for ballot drop boxes and Vote Centers, including proximity to public transportation, population centers, language minority communities, voters with disabilities, low-income communities, and accessible and free parking. The plan must also include discussions about security, contingency plans, and voter education/outreach. Public comment on the plan via the ROV website must be accepted for 14 days prior to a public hearing on the plan and the final plan must be sent to the California Secretary of State for approval. Following approval from the Secretary of State, the County can move forward with implementing the VCA model for the next county-wide election, currently predicted to be November 2021. Once implemented, the plan shall be reviewed within two years of its adoption, and at least once every four thereafter, via a public meeting process.

The one-time cost for Election Administration Plan translation services and outreach is \$20,000.

Polling Centers and Drop Boxes

Sonoma County currently has just over 303,000 active, registered voters. Over 84% are permanent Vote-by-Mail voters, and additional voters are automatically mailed ballots because they reside in “mailed ballot” precincts that do not have a polling place because they only have a limited number of registered voters. Based on our current registration, seven voting locations would be required to be open for a total of 11 days, 24 additional voting locations would be required to be open for a total of four days, and 21 drop boxes would be required to be open for 28 days. One of the voting locations/drop boxes can be the ROV Office.

Each voting location is required to have a secure system allowing it to immediately access voter registration data and determine whether a voter has already cast a ballot in the election. Additionally, each voting location is required to provide language assistance and translated materials in every language required by law for that county. Sonoma County is required to provide translated materials and assistance for Spanish, Vietnamese, Khmer and Tagalog. Finally, each voting location must have three accessible ballot marking devices and comply with the accessibility requirements described in the federal Americans with Disabilities Act of 1990,

the federal Help America Vote Act of 2002, and the federal Voting Rights Act of 1965.

To ensure that facilities would be available for the 11 day voting period, the Board of Supervisors would need to commit to the usage of six Sonoma County Veterans Memorial Buildings, at a current cost of approximately \$25,000 for utilities, janitorial and General Services staffing. Other facilities, both public and private, would need to be procured for the four day voting period as determined via the public election administration plan and availability. Approximate costs, based on the November 2020 Election, would be an additional \$5,500.

Poll Workers and Ongoing IT Support Needs

Current poll workers work one day and receive a stipend for their service. The ROV Office would need to work with the Human Resources Department to develop a new staffing strategy for elections to consider the extended training and work time. Other VCA counties have a variety of staffing strategies, including paying volunteers a stipend for the entire 11 day period, paying workers hourly, and a hybrid strategy. Costs for staffing would depend on the plan developed between the ROV Office and Human Resources, but would likely add 30-50% to current payroll costs, or approximately \$40,000 per election.

The increased work to set up the technical aspects of the VCA model would necessitate the addition of a 0.25 FTE Department Information Systems Specialist II, at an annual cost of \$45,124.20. This position would be responsible for maintaining and updating the hardware/software required for the VCA model, as well as preparing the equipment for each election. This would include configuring the 31 secure routers, specific to each voting location, and testing and ensuring the secure connection at each facility. It would also be responsible for procuring, and manually wiping, imaging and programming the necessary laptops for each election (approximately 120 laptops per election). This position would also be allocated to assist current staff with ROV redistricting efforts in late 2021 and 2022. Should the Board approve implementation of the VCA, a request to add 0.25 FTE will be considered as part of the FY 2021-22 budget process.

VCA Community Outreach

The VCA requires additional outreach to voters in order to educate them about the VCA and their options for voting. This would include two direct mailings, and public service announcements in various media. Overall, the costs of the additional outreach 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.

Other VCA Equipment Needs and Considerations

The one-time costs related to VCA implementation would normally be approximately \$829,000. Electronic hardware/software costs would include secure routers (\$85,000), mobile ballot printer units (\$612,000), laptops (\$42,000), and label printers (\$6,000). Other costs would include ballot drop boxes with signage and fire suppression (\$72,000), and generators for emergency operations due to disasters (\$12,000). However, these items have already been acquired, for use in the November 2020 Election, and were paid for by CARES Act grant funding, along with a grant obtained through the Center for Tech and Civic Life.

The VCA would require all active, registered voters be sent a ballot in the mail, over the current 85% of voters that are permanent Vote-by-Mail voters. This would generally be an increased cost per election. However, with the addition of ballot drop boxes, there was \$15,000 in postage related savings in the November 2020 Election, compared to the March 2020 Election, despite mailing out approximately 27% more ballots. It should

also be noted that introduced legislation would, if passed, mandate the mailing of ballots to all active, registered voters for 2021 elections (Senate Bill 29) or for all future elections (Assembly Bill 37), regardless of a county's VCA implementation status.

While 32 laptops were purchased for the November 2020 election, via the grant, approximately 75 additional laptops, at an approximate cost of \$78,000 would need to be purchased. These laptops could be purchased through the funds currently held in the Registrar of Voters Accumulated Capital Outlay (ACO) account which is being used for the annual costs for the current election system, and then reimbursed by the State. Additional grant funding will likely be available through the State for counties moving to implement the VCA in the 2021-2022 elections cycle. These monies would be available to help offset the County's implementation costs, which would include the purchase of these laptops.

The following table provides a break out of VCA Model implementation costs:

Election Service Needs	Current Voting Model	Proposed VCA Model	Difference
Facilities for Polling Centers	\$2,500 (does not include costs for General Services)	\$30,500 (includes costs for General Services)	\$28,000
Poll Worker Stipend	\$90,000	\$130,000	\$40,000
Community Outreach	\$45,000	\$165,000	\$120,000
Postage	\$105,000	\$90,000	-\$15,000
Changes Per County-wide Election Costs*	\$242,500+	\$415,500+	\$173,000
.25 FTE Information Systems Specialist (ongoing cost)	N/A	\$45,000	\$45,000
Additional laptops (one time cost)	N/A	\$78,000	\$78,000
Election Administration Plan formation, outreach and translation (one time cost)		\$20,000	\$20,000
Grand Total	\$242,500	\$558,500	\$316,000
Other Start Up Costs (already acquired)	N/A	\$829,000	\$N/A (already acquired)

* County-wide elections are usually the two elections (primary and general) held in even years. Special election costs would be billed directly to the districts calling the election.

Costs for each election vary widely, based on the number of voters, number of districts, and length of the ballot. The County bears the costs for the county, state and federal portions of the election, while the cities, schools and districts pay their proportionate costs. For a primary election, the County generally pays approximately 75% of the overall costs, and for a general election, the share is approximately 55%. Cost estimates for the purposes of this board item are based on a county-wide election, and are for the totality of costs, not the County's share of the costs.

Overall, the increase in approximate cost per county-wide election would be \$173,000, or a 10-20% increase overall. The cost of the March 2020 Election exceeded \$1.5 million total. The County's increased share of the cost per election would vary from approximately \$96,000 to \$131,000. Ongoing annual costs would be approximately \$45,000 for additional staffing. These costs may be offset by funding through the state, and changes in facilities, staffing and outreach. However, the benefits to voters, including resilience for disasters, more flexibility and choice, and increased education, would be worth the additional expense.

Prior Board Actions:

10/13/2020 - Authorization to enter into a grant agreement with the Center for Tech and Civic Life; 8/4/2020 - Approval of a Coronavirus Funding Agreement with the Secretary of State; 8/14/2018 - Approval of purchase of modern voting system

FISCAL SUMMARY

Expenditures	FY 20-21 Adopted	FY21-22 Projected	FY 22-23 Projected
Budgeted Expenses		\$296,000	\$220,000
Additional Appropriation Requested	\$20,000		
Total Expenditures	\$20,000	\$296,000	\$220,000
Funding Sources			
General Fund/WA GF		\$175,000	\$143,000
State/Federal			
Fees/Other		\$43,000	\$77,000
Use of Fund Balance		\$78,000	
Contingencies	\$20,000		
Total Sources	\$20,000	\$296,000	\$220,000

Narrative Explanation of Fiscal Impacts:

A total of \$195,000 in FY 20/21 General Fund Contingencies are requested to cover VCA costs. Of this amount, \$20,000 in additional appropriations are requested in FY 20/21 for one-time Election Administration Plan translation services and outreach costs, and \$175,000 will be programmed as part of the FY 21/22 Supplemental Budget to fund the County's share of election cost associated with the VCA which includes the cost for 0.25 Department Information Systems Specialist. The FY 20/21 budget adjustment will be made as part of Q3 Consolidated Budget Adjustments.

Total per election cost increases would be approximately \$173,000, with increases over time related to increased registration, postage and staffing costs. The County's increased share of the cost per election would vary from approximately \$96,000 to \$131,000, depending on the type of election. Cities, schools and districts proportionate share of the cost is approximately \$43,000 in FY 21/22 and \$73,000 in FY 22/23.

Ongoing annual costs related to the addition of a 0.25 Department Information Systems Specialist are approximately \$45,000. One-time use of \$78,000 in available ROV Accumulated Capital Outlay fund balance would be used to purchase additional laptops in FY 21-22, and likely reimbursed through the state.

The gubernatorial primary is currently scheduled for June 2022, and the gubernatorial general election will be in November 2022.

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

Narrative Explanation of Staffing Impacts (If Required):

The 0.25 FTE Department Information Systems Specialist would be responsible for maintaining and updating the hardware/software required for the VCA model during off elections, as well as preparing the equipment for each election. This would include configuring the 31 secure routers, specific to each voting location, and ensuring and testing the secure connection at each facility. It would also be responsible for procuring, and manually wiping, imaging and programming the necessary laptops for each election (approximately 120 laptops per election). Should the Board approve implementation of the VCA, a request to add 0.25 FTE will be considered as part of the FY 2021-22 budget process.

Attachments:

Power point presentation

Related Items "On File" with the Clerk of the Board:

N/A