

## ELECTIONS DEPARTMENT

Providing a responsive, transparent, and professional approach to conducting elections.

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May 25, 2021

Marin County Board of Supervisors  
3501 Civic Center Drive  
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**SUBJECT:** Implementation of California Voter's Choice Act by the 2022 Statewide Primary Election

Dear Board Members:

**RECOMMENDATION:** Approve resolution confirming implementation of the California Voter's Choice Act (Senate Bill 450, Allen, 2016) in Marin County, and authorize Registrar of Voters to perform all activities required to implement the Act.

**SUMMARY:** The Elections Department is proceeding to implement the California Voter's Choice Act (VCA) consistent with prior direction from your Board. Key elements of this model include, effective with the June 7, 2022 statewide primary election, mailing a ballot to all registered voters and providing in-person services at regional vote centers for multiple days as opposed to traditional polling places on Election Day. Currently, more than 80 percent of all voters in Marin County are registered as permanent vote-by-mail voters.

Vote centers are similar to traditional polling places but will provide greater flexibility and convenience for voters needing special assistance by being open for more days and allowing voters to visit any location.

### Background

California approved the Voter's Choice Act in 2016, which was intended to modernize elections by allowing counties to conduct all vote-by-mail elections and replace polling places with regional vote centers. Senate Bill 450 initially allowed 14 counties to implement VCA for 2018 elections (five of which did) and authorized all counties to implement VCA starting in 2020. Fifteen counties to date have implemented VCA as illustrated on the attached map, including two of Marin's comparable counties—Napa and San Mateo. In addition to Marin, five other counties have adopted or are exploring VCA implementation for 2022.

The Board of Supervisors approved the purchase of a new voting system in 2019 with the intent of transitioning to VCA in 2022. As part of the

FY 2019-20 budget, the Board approved a limited term project manager to help manage the transition to VCA.

In 2020, California counties had the unanticipated opportunity to use a vote center-like model for the November presidential election when implementing legislative requirements approved by the State in response to the COVID-19 pandemic. Since all registered voters were mailed a ballot for the November 2020 election, the Elections Department introduced laptop computers at voting locations, a requirement under VCA, so poll workers could securely access voting records before issuing a ballot to ensure a person had not already voted. This technology drastically reduced the number of provisional ballots typically issued in a major election because voters were not required to surrender their vote-by-mail ballot before getting a precinct ballot. For comparison, 6,190 provisional ballots were issued in the March 2020 primary election and 633 provisional ballots were issued in November. This is significant because processing provisional ballots after the election is a time-intensive, manual effort requiring a lot of staff resources that could be used elsewhere to help produce final results earlier.

#### Requirements of VCA

When VCA is fully implemented, all active registered voters will automatically be mailed a vote-by-mail packet beginning 29 days before each election. If a voter needs special in-person assistance, such as registering to vote or updating voter registration, receiving a replacement vote-by-mail ballot, or voting on accessible voting equipment, they will be able to visit any regional vote center. In addition, ballot drop boxes will be available throughout the county.

The number of vote centers and ballot drop boxes is determined by the number of registered voters on the 88<sup>th</sup> day before an election. As specified in the VCA, a limited number of vote centers would be open starting 10 days before an election with the number increasing starting three days before the Election and on Election Day. Ballot drop boxes would be available starting 28 days before an election. Using today's voter registration figures, Marin County would open four vote centers ten days before an election and would open an additional 14 vote centers starting three days before the election, for a total of 18. The number of required drop boxes would be 12.

Vote center locations are selected based on specific statutory criteria, such as population centers, parking, access to public transportation, rate of vote by mail usage, minority language communities, and proximity to low-income communities. Locations will also be evaluated based on size, availability, accessibility, computer connectivity and security.

#### Advantages of VCA

VCA makes voting more convenient by increasing access to a ballot. First, all active registered voters will be sent a ballot and postage-paid return envelope in the mail starting 29 days before an election. Second, a number of regional



vote centers will open starting 10 days before an election and the number will increase starting three days before an election.

Vote centers will be open a minimum of eight hours per day, including two weekends before the election, and from 7 a.m. to 8 p.m. on Election Day. Vote centers will replace traditional polling places that are only open on Election Day. Two important criteria for locating vote centers include considering sites in minority language communities and low-income communities, which has been done when reserving locations for traditional polling places. In addition, VCA requires ballot drop off locations to be available throughout the county starting 28 days before an election.

Implementing VCA requires many changes to current election administration, including the following:

- Identifying vote center and drop box locations using required criteria
- Establishing a Language Accessibility Advisory Committee (LAAC); the required Voting Accessibility Advisory Committee (VAAC) was established over 10 years ago
- Procuring ballot printing equipment and other supplies
- Developing a vote center worker “boot camp” to include online basic training and hands-on equipment lab
- Developing the required Election Administration Plan (EAP) that includes a Voter Education and Outreach Plan; publishing the EAP in the required languages; and hosting the required community meetings before finalizing the plan and submitting it to the Secretary of State for approval
- Convening outreach partners and beginning the prescribed outreach campaign to educate voters about the new model
- Holding required LAAC and VAAC meetings

**EQUITY IMPACT:** Voting is an American principle and a basic democratic right that should be protected, promoted, and practiced. In addition to the enhanced accessibility and convenience afforded by VCA, the Registrar’s Office will continue to work with community representatives to ensure equity of voting opportunities and will maintain voting statistics to inform access to voting among all eligible members of the Marin County community.

Implementing VCA requires an Election Administration Plan and public process for receiving feedback before the plan is finalized. Specific meetings will include stakeholders representing language minority communities and representatives from the disability community. Part of the public process will include soliciting input about which vote centers should be staffed by workers who are fluent in Spanish and Vietnamese—the County’s required languages—so that voters in the language minority groups can participate effectively in the electoral process. A component of the EAP is an outreach and education plan that must be approved by the Secretary of State. The Elections Department will work with public partners, such as non-profit

agencies, to help educate voters about the change prior to the 2022 primary election. The draft plan and subsequent versions will be translated into Spanish and Vietnamese and posted on the Department's website.

Prior to each election, voters will receive a translated notice with information about voting options, ballot drop-off locations, and vote center locations.

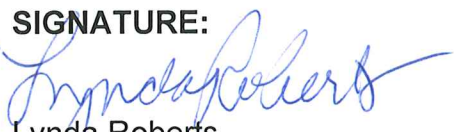
**FISCAL/STAFFING IMPACT:** Additional one-time start-up costs are estimated at approximately \$530,000 to procure required ballot printing equipment, equipment transport carts, signage, and line management equipment; set-up online training for vote center workers; and to conduct required voter outreach and education. It is anticipated that grant funds will offset approximately 95 percent of these one-time purchases.

In acquiring the new ballot printing equipment, the Elections Department will receive a credit of approximately \$62,500 towards this purchase from our vendor by returning 25 ballot marking devices that we now deem are not necessary with the new vote center model. Recall this was a component of our contract with our vendor that your Board approved in 2019. The department will plan to bring an item to the Board before the end of June requesting authorization to purchase the ballot printing equipment.

We also anticipate new state funding will offset required voter education and outreach. The Secretary of State will notify counties implementing VCA this year about available funding.

It is anticipated that new ongoing costs for the vote center model will total approximately \$400,000 pending the number of days vote centers are open; the upgrade of online election results reporting; online vote center worker training; continued voter education and outreach; and the increased need for technology support. The department will work with the County Administrator to include staffing and funding recommendations in the FY 2021-22 Proposed Budget.

**REVIEWED BY:**  County Administrator  N/A  
 Department of Finance  N/A  
 County Counsel  N/A  
 Human Resources  N/A

**SIGNATURE:**  
  
 Lynda Roberts  
 Registrar of Voters