



NATHAN FLETCHER

CHAIR

**SUPERVISOR, FOURTH DISTRICT
SAN DIEGO COUNTY BOARD OF SUPERVISORS**

AGENDA ITEM

DATE: October 19, 2021

TO: Board of Supervisors

SUBJECT

**IMPLEMENTATION OF VOTER'S CHOICE ACT IN SAN DIEGO COUNTY
BEGINNING IN 2022 (DISTRICTS: ALL)**

OVERVIEW

San Diego County's current model to conduct elections is a traditional polling place model, in which voters must cast their ballot in person at an assigned polling place unless they have requested their ballot by mail. Additionally, if a voter chooses to go to a polling place other than their assigned poll or if they wish to vote in-person and do not have their mail-in ballot to deliver to a poll worker they will need to vote provisionally. The processing of provisional ballots during the post-election canvass is extremely labor-intensive and depending on the number of provisional ballots it can take two weeks or more to process, delaying the final results of the election. However, there is a favorable alternative in the law that allows counties to move from the traditional polling place model to a one-stop vote center model under the California Voter's Choice Act (VCA).

The VCA vote center model provides voters with more flexible and convenient options for casting their ballot and streamlines election day events for election administrators. Vote centers provide a place for voters to cast a ballot in person and provide voters with additional related services. Under the VCA vote center model, all active registered voters are automatically mailed a ballot which they can return by mail or drop off at any designated drop-off location or vote center. Voters who do not want to vote via mail can take their ballot and vote at any vote center established within the county. Because vote centers nearly eliminate the need to cast a provisional ballot, this reduces the post-election administrative tasks required to certify each election. At vote centers, voters have access to replacement ballots, can use language assistance and translated materials, and are able to register to vote. Vote centers are open for multiple days in advance of election day, giving voters additional time to cast a ballot in person.

In 2019, the Registrar of Voters conducted a feasibility study at the Board's direction to consider moving to a VCA vote center model. At that time, the Registrar concluded that adopting the VCA vote center model was not operationally feasible for the 2020 elections but may be feasible with

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enough lead time for future elections. Since then, due to legislation and emergency orders necessitated by the COVID-19 pandemic, the Registrar conducted the November 3, 2020 presidential general election under a model closer to the VCA vote center model. During that election, over 1.4 million of the 1.6 million county voters chose to cast their mail-in ballot instead of voting at a consolidated polling place. Further, for all future elections, all voters will now be mailed a vote-by-mail ballot regardless of preference, pursuant to Assembly Bill 37 (Berman). Based on data from the past ten years, many of the county's traditional polling places are not being used to capacity as close to eighty percent of voters had signed up to permanently receive their ballots by mail. These changing voter trends are common throughout the State, prompting a number of California counties to move to the VCA vote center model.

Fifteen California counties, representing nearly 50 percent of California voters, including Los Angeles County and Orange County, have already moved to the VCA vote center model. The Secretary of State has confirmed ten additional counties that will transition to VCA in 2022. These include Alameda, Kings, Marin, Merced, San Benito, Santa Cruz, Sonoma, Stanislaus, Ventura, and Yolo counties. These twenty-five counties that have already transitioned or will transition to the VCA in 2022 represent a total of 13,604,289 registered voters, or nearly 62 percent of California voters, as of August 31, 2021.

Today's action, if approved, authorizes the Registrar of Voters to implement the VCA vote center model in San Diego County beginning with the June 2022 gubernatorial primary election cycle and perform all activities required under the VCA. Additionally, it will authorize the Director, Department of Purchasing and Contracting to issue a competitive solicitation for the purchase and installation of secure mail ballot drop boxes throughout the County, which are necessary to facilitate a transition to the VCA vote center model. With today's voter registration numbers, the County would need to have 132 ballot drop-off sites.

**RECOMMENDATION(S)
CHAIR NATHAN FLETCHER**

1. Authorize the Registrar of Voters to implement the vote center model in San Diego County beginning with the June 2022 gubernatorial primary election cycle and direct the department to perform all activities required under the California Voter's Choice Act.
2. In accordance with Section 401, Article XXIII of the County Administrative Code authorize the Director, Department of Purchasing and Contracting to issue a competitive solicitation for the purchase and installation of secure mail ballot drop boxes, and upon successful negotiations and determination of a fair and reasonable price; award contract for a term of one (1) year, with five (5) option years and up to an additional six months if needed, and to amend the contract as needed to reflect changes to services and funding.

EQUITY IMPACT STATEMENT

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A person's vote can influence policy and who represents them in government, which in turn impacts their environment, health, and quality of life. Having the appropriate resources to conduct a fair, accurate, and transparent election allows all eligible citizens to have a part in matters that affect them.

Other counties that have transitioned to the VCA vote center model have documented increased turnout among all types of voters, but in particular, those voters who participate at lower rates including youth, Latinos, and Asian-American voters (McGhee et al 2019).¹

FISCAL IMPACT

Funds for today's recommendations are included in the Fiscal Year (FY) 2021-22 Operational Plan in the Registrar of Voters. Costs are estimated to be \$22.0 million but are ultimately driven by election requirements such as number of registered voters, number of voting and mail ballot drop off locations, voter outreach and communications and one or two-card ballot. The funding source is unassigned General Fund fund balance, program revenue planned for the June 2022 Gubernatorial Primary Election and savings from conducting the California Gubernatorial Recall Election. Staff will return to the Board if planned funds are not sufficient in Fiscal Year 2021-22. Ongoing costs to implement including General Fund impacts and staff years will be reflected in the FY 2022-23 Operational Plan development.

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

N/A

BACKGROUND

On July 9, 2019 (5), Chair Nathan Fletcher received support for his proposal from the Board of Supervisors (Board) to direct the Chief Administrative Officer to conduct a feasibility study on the California Voter's Choice Act (VCA) voter center model and report back to the Board within 120 days.

On October 29, 2019 the Board received the Registrar of Voter's Vote Center Model Feasibility Study which analyzed security, staffing, siting of the vote centers, fraud prevention, and a comparative cost analysis between (1) the traditional polling place model, (2) the vote center model, and (3) an all-mail ballot model.

The 2019 Study found that implementing the VCA's vote center model is operationally and legally feasible in the future given enough implementation time. The Study provided an in-depth look at how elections were traditionally administered in the County's pre-COVID-19 environment. The

¹ McGhee, E., M. Romero, L. Daly, T. Khousser. 2019. New Electorate Study: How Did the Voter's Choice Act Affect Turnout in 2018? New Electorate Project.

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Study also recognized how voter-focused state laws are changing that environment by adding increased complexity and cost to the administration of elections.

California Voter's Choice Act

In 2016, the State of California enacted the Voter's Choice Act (VCA), which changed election laws to reflect trends towards voting by mail and allowed polling places to be replaced with vote centers. Beginning in 2018, select counties were permitted to conduct elections under the VCA vote center model and mail every active registered voter a ballot. These counties include Madera, Napa, Nevada, Sacramento, and San Mateo. In 2020, any county was allowed to conduct elections under the VCA vote center model. That year, Amador, Butte, Calaveras, El Dorado, Fresno, Los Angeles, Mariposa, Orange, Santa Clara, and Tuolumne moved to the VCA vote center model. The Secretary of State has confirmed ten additional counties that will transition to VCA in 2022. These include Alameda, Kings, Marin, Merced, San Benito, Santa Cruz, Sonoma, Stanislaus, Ventura, and Yolo counties. These twenty-five counties that have already transitioned or will transition to the VCA in 2022 represent a total of 13,604,289 registered voters, or nearly 62 percent of California voters, as of August 31, 2021.

The VCA vote center model includes two major changes for voters: mailing all active voters a vote-by-mail (VBM) ballot and establishing regional vote centers in place of polling places. The VCA vote center model also contains specific outreach requirements for extensive community involvement to ensure voters are well informed on the new voting model. The advantages for voters include having more options when voting and being able to vote early at any vote center in the county, up to ten days before election day, including weekends. Voters also have the option to return their VBM ballot in the mail or drop it off at any vote center or drop-off location.

These regional vote centers are to be located based on specified demographics and public input to ensure the greatest access for all voters. Consideration must be given to population centers, access to public transportation, low rate of VBM usage, communities where English is not the first language, and proximity to low-income or geographically isolated communities. Each location would need to be evaluated for accessibility, connectivity, and building security.

The administration of the VCA vote center model is governed by an Election Administration Plan that will be approved by the California Secretary of State. The crafting of the Plan will involve extensive public engagement and opportunities for public comment. The Plan will include voter education and outreach strategies, identification of vote center and VBM drop-off locations, the layout and staffing of vote centers, and security plans.

The VCA vote center model offers advantages in the administration of elections. A more centralized and uniform model allows an election to be better monitored and managed. The County has recently procured a voting system which has the capacity and capabilities to meet the demands of the vote center model. Robust technologies exist to better manage new policies the State mandates. Existing and new security measures can be employed to match the standards needed to safeguard every ballot and election under the vote center model.

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Transitioning to the VCA vote center model does not come without several considerations for a successful rollout. Attracting qualified and available individuals to work at each vote center for several weeks, the onboarding and administration of these individuals, the siting and availability of qualified vote centers and mail ballot drop-off locations, and the implementation of an extensive voter education & outreach plan, must all be factored in when making this change. However, the Registrar of Voters has most recently been able to conduct the last two statewide elections (i.e. November 2020 presidential general and the September 2021 gubernatorial recall elections) in a similar format, giving the voting public exposure to how the model will work under the VCA vote center model.

Under the VCA vote center model, the number of vote centers used in any election is required to be based on total voter registration. Using today's registration figures, San Diego County would have a minimum of 197 vote centers, all would be open for four days, including election day, with 40 of the 197 vote centers being open an additional seven days for a total of 11 days. Although voters would still be encouraged to vote at the closest vote center to where they reside, technically and legally they are able to vote at any vote center in the county.

All vote centers would be equipped with multiple electronic poll books containing the roster of eligible voters. Electronic poll books greatly increase the efficiency of assisting voters and reduce the number of instances where a voter must vote provisionally.

The VCA vote center model requires a number of mail ballot drop-off locations to be available beginning 29 days before each election based on the current voter registration figures. With today's voter registration numbers, the County would have 132 ballot drop-off sites beginning 29 days before the election, in addition to any of the County's vote centers. The Registrar would plan to provide a combination of staffed and permanent mail ballot drop boxes. During the November 2020 Presidential General Election, 676,648 mail ballots were dropped off at one of 126 locations. This represented 47 percent of all mail ballots cast during the election.

Voter Impacts

Other counties that have transitioned to the VCA vote center model have documented increased turnout among all types of voters, but in particular, those voters who participate at lower rates including youth, Latinos, and Asian-American voters (McGhee et al 2019).

The VCA vote center model provides voters with greater flexibility in their options to vote, increasing the number of days when ballots can be completed in person. The greater flexibility can be an asset to protect and enhance voting rights in San Diego County.

Even though the Registrar has begun to pilot vote centers in San Diego County, extensive public engagement and education will be necessary to successfully move to the VCA vote center model as it represents a departure from the traditional polling location model. Input will be received through the creation of the Election Administration Plan, as well as through the Language Accessibility Advisory Committee and Voting Accessibility Advisory Committee.

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Current Events

In San Diego County, as well as across the State, there is an increasing trend toward voting by mail. Nearly eighty percent of San Diego County's 1.97 million registered voters are permanent VBM voters.

When it comes to voting in San Diego elections for the past decade, the majority of all ballots cast has been by mail with 88 percent of all ballots cast in the November 2020 Presidential General Election being by mail.

Unrelated to the Voter's Choice Act is Assembly Bill 37 (Umberg). This legislation would go into effect January 1, 2022 and would require all local elections officials, regardless of voting model, to mail all active registered voters a ballot for all elections.

Additionally, as a result of the COVID-19 global pandemic, the Governor's two Executive Orders (N-64-20 and N-67-20), and related legislation (Assembly Bill 860 - Berman and Senate Bill 423 - Umberg) permitted the Registrar of Voters to conduct the November 3, 2020 general election under a "VCA-like" voting model. The Registrar made available 235 in-person voting sites open for four days, 125 mail ballot drop-off locations open for nearly a month and every active registered voter receiving a ballot in the mail. The administration of the November 2020 election has San Diego County well positioned to make a change to the VCA vote center model.

On July 7, 2020 (14) the Board authorized an increase in the purchase threshold with the County's vendor, Tenex Software Solutions allowing the Registrar of Voters to purchase additional electronic poll books essential to in-person voting during the November 2020 presidential general election. The Secretary of State-certified electronic poll books increases the efficiency of the voting process including looking up eligible voters, verifying voter status, providing and recording mail ballot and replacement ballot information, allowing the County to register voters and update a voter's record and greatly reducing the number of provisional ballots cast and needing verification post-election day.

The Registrar again operated under a "VCA-like" model for the September 14, 2021 California Gubernatorial Recall Election. Over 1.96 million ballots were mailed to the county's registered voters, 131 mail ballot drop-off locations were open and 221 in-person voting sites were open for four days beginning September 11, 2021.

Today's action, if approved, authorizes the Registrar of Voters to implement the vote center model in San Diego County beginning with the June 2022 gubernatorial primary election cycle and perform all activities required under the California Voter's Choice Act. Additionally, it will authorize the Director, Department of Purchasing and Contracting to issue a competitive solicitation for the purchase and installation of secure mail ballot drop boxes throughout the county.

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LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today's proposed action supports the values represented in the County of San Diego's 2021-2026 Strategic Plan of integrity, stewardship and commitment by administering elections with the highest level of professional standards, accountability, security and transparency.

Respectfully submitted,

CHAIR NATHAN FLETCHER
Supervisor, Fourth District

ATTACHMENT(S)

ATTACHMENT A - 2019 Feasibility Study, California Voter's Choice Act – Vote Center Model

[Note: Due to the size of the attachment, the document is available online through the Clerk of the Board's website at [Feasibility Study - Vote Centers 2019 v. 10.19.2019a \(sandiegocounty.gov\)](https://www.sandiegocounty.gov/files/assessor/2019%20Feasibility%20Study%20-%20Vote%20Centers%202019%20v.%2010.19.2019a.pdf)]