EXECUTIVE ORDER N-48-20

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 Executive Order N-33-20, directing all Californians to heed State Public Health Officer directives requiring them to stay home except for essential needs; and

WHEREAS local governments throughout the State have also proclaimed local emergencies, imposed stay-at-home orders and other forms of physical distancing, and taken other significant steps in response to COVID-19; and

WHEREAS on May 19, 2020, a Special Recall Election will be held in the City of Santa Ana, in the County of Orange; and

WHEREAS on June 2, 2020, a Special Municipal Election will be held in the City of Commerce, in the County of Los Angeles; and

WHEREAS on June 2, 2020, a Special Recall Election will be held in the El Rancho Unified School District, in the County of Los Angeles; and

WHEREAS state law would ordinarily require that these elections be conducted using in-person voting at polling locations 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 risks undermining physical distancing measures imposed by the State Public Health Officer, as well as other aspects of the response to COVID-19; and

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

WHEREAS California's existing vote-by-mail procedures can be used to allow these elections to go forward in a manner that is accessible, secure, and safe; and

WHEREAS various political subdivisions of the State have been in the process of changing from an at-large method of election to district-based elections, requiring a series of public hearings, which are intended to be conducted before the expiration of a safe-harbor provision under Elections Code section 10010; and

WHEREAS on March 20, 2020, I issued Executive Order N-34-20, which suspended the timeframes for conducting these public hearings; and

WHEREAS uncertainty regarding Elections Code section 10010 could nevertheless induce political subdivisions to hold these public hearings in the near future—at a time when public health requires that Californians stay home except for essential needs, and otherwise engage in physical distancing, to minimize the spread of COVID-19; and

WHEREAS holding these hearings in the near future—at a time when public health requires that Californians stay home except for essential needs—would threaten public health and safety, and would force Californians to choose between fully participating in their democratic process and safeguarding their own health and safety, as well as the health and safety of their communities; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

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, 8571, and 8627, 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 4000 and 4001.5), and any other applicable provision of state law, the following elections shall each be held as an all-mail ballot election:

    - The May 19, 2020, Special Recall Election to be held in the City of Santa Ana;

    - The June 2, 2020, Special Municipal Election to be held in the City of Commerce; and

    - The June 2, 2020, Special Recall Election to be held in the El Rancho Unified School District.

    Each of these elections shall be conducted according to the provisions of the Elections Code that govern all-mail ballot elections, including but not limited to Elections Code sections 3000–3026 and 4100. The respective county elections officials responsible for conducting each respective election shall transmit vote-by-mail ballots to all voters eligible to vote in each respective election.

    Notwithstanding any other provision of this Order, elections officials are also authorized to make in-person voting opportunities available for each of these elections, on or before Election Day, in a manner that is consistent with public health and safety. The purpose of this authorization is to maximize voter opportunities to participate in these elections without jeopardizing public health and safety.

    Elections officials shall provide maximum possible notice to voters about how to participate in each of these elections, paying particular attention to the needs of voters at high risk from COVID-19, individuals with disabilities, and other voters with particularized needs.

2) To clarify the scope of Paragraph 1 of Executive Order N-34-20, (March 20, 2020), without changing its effective date, that paragraph is modified to read as follows:

The timeframes set forth in Elections Code section 10010, subdivisions (a) and (e), are suspended as to any political subdivision of the State. The purpose of this suspension is to protect public health and safety during the period when the State Public Health Officer and other public health officials have determined that it is necessary to engage in physical distancing to minimize the spread of COVID-19. This suspension shall be in effect until further notice.

This paragraph pauses the timeframes set forth in Elections Code section 10010, subdivisions (a) and (e), but does not restart them: this paragraph should be construed to toll those timeframes, such that days elapsed during the suspension set forth in this paragraph are not counted, but any days that elapsed prior to that suspension are still counted.

This paragraph shall not preclude a prospective plaintiff obtaining reimbursement from a political subdivision under subdivision (f) of Elections Code section 10010, in the manner set forth in that subdivision.

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 California to be affixed this 9th day of April 2020.

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GAVIN NEWSOM
Governor of California

ATTEST:

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ALEX PADILLA
Secretary of State