EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-34-20

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 hundreds of local governments across the state have also declared states of emergency, imposed or recommended social distancing, and taken other significant steps in response to COVID-19; and

WHEREAS various political subdivisions within California are in the process of changing from an at-large method of election to district elections, existing law requires public hearings to be conducted within prescribed timeframes as part of this change, and conducting such hearings within these timeframes would be incongruent with public health officials' guidance regarding social distancing; and

WHEREAS California held a Presidential Primary Election on March 3, 2020, for which ballot counting, tabulation, and other responsibilities related to the official canvass, including certification of the canvass, audits and/or manual tallies of election results, and reporting of the official canvass results, remain outstanding or ongoing; and

WHEREAS COVID-19 and the response thereto may impair the ability of relevant state and local officials, including county elections officials and the Secretary of State, and the volunteers supporting them, to meet statutory deadlines associated with these responsibilities; and

WHEREAS on November 15, 2019, I proclaimed a Special General Election to be held on May 12, 2020, to fill a vacancy in the State Senate seat representing the 28th Senate District of the State, in Riverside County; and

WHEREAS on November 15, 2019, I proclaimed a Special General Election to be held on May 12, 2020, to fill a vacancy in the U.S. House of Representatives seat representing the 25th Congressional District of the State, which covers portions of the counties of Ventura and Los Angeles; and

WHEREAS on April 7, 2020, a Special Recall Election will be held in the City of Westminster, in the County of Orange; 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 could risk undermining social 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 three elections to go forward in a manner that is accessible, secure, and safe.

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 and 8571, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1) The timeframes for conducting the hearings required when a political subdivision changes from an at-large method of election to a district-based election, as set forth in Elections Code section 10010, are suspended for any subdivision, until such time as neither state nor local public health officials recommend or impose social distancing measures in the relevant subdivision. Following that time, the relevant subdivision shall hold the required hearings in a manner that ensures the public is provided advance notice and is afforded an opportunity to participate in the postponed hearings; subdivisions are urged to ensure that this process includes effective outreach to individuals with disabilities, individuals who primarily speak languages other than English, and other individuals who may have particularized needs.

2) Notwithstanding Elections Code sections 3019, 15100–15112, 15300–15376, 15400–15402, 15450–15490, and 15500–15505; California Code of Regulations, Title 2, sections 20027, 20108.75, 20108.8, and 20110–20126; and any other applicable provision of state law, all deadlines associated with completing, auditing, and reporting on the official canvass of the March 3, 2020, Presidential Primary Election are extended by 21 days. Counties are urged to complete activities related to the official canvass according to the deadlines ordinarily imposed by state law, to the extent possible. The Secretary of State is requested to issue guidance to county elections officials concerning compliance with this paragraph.

3) Notwithstanding Elections Code sections 1500 and 4000–4007 (including, but not limited to, the conditions otherwise imposed on all-mail ballot elections in Election Code section 4000 and 4001.5), and any other applicable provision of state law, the April 7, 2020, Special Recall Election to be held in the City of Westminster; the May 12, 2020, Special General Election to be held within the 25th Congressional District of the State; and the May 12, 2020, Special General Election to be held within the 28th Senate District of the State shall each be held as an all-mail ballot election and conducted according to those 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 the other provisions of this Order, elections officials are

also authorized, and encouraged, to make in-person voting opportunities available on or before Election Day for each of these elections in a manner consistent with public health and safety, to maximize voter accessibility. 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.

4) Notwithstanding Elections Code sections 3019, 15100–15112, 15300–15376, 15400–15402, 15450–15490, and 15500–15505; California Code of Regulations, Title 2, sections 20027, 20108.75, 20108.8, and 20110–20126; and any other applicable provision of state law including, but not limited to, any applicable state regulation, all deadlines associated with completing, auditing, and reporting on the official canvass of the May 12, 2020, Special General Elections to be held within the 25th Congressional District of the State and the 28th Senate District of the State are extended by 21 days. Counties are urged to complete activities related to the official canvass according to the deadlines ordinarily imposed by state law, to the extent possible. The Secretary of State is requested to issue guidance to county elections officials concerning compliance with this paragraph.

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 20th day of March 2020.

GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State