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June 9, 2020

County Clerk/Registrar of Voters (CC/ROV) Memorandum #20111

TO: All County Clerks/Registrars of Voters

FROM: /s/ Susan Lapsley
Deputy Secretary of State, HAVA Director and Counsel

RE: General Election: November 2020 Coronavirus Funding

Recognizing the threat COVID-19 continues to pose to public health, Governor Gavin Newsom issued Executive Orders N-64-20 and N-67-20 to ensure that the November 3, 2020, General Election is secure and safe for voters and election workers. These Executive Orders require county elections officials to send vote-by-mail ballots to Californians registered to vote in the General Election, while ensuring that those who may need to access in-person voting opportunities are able to do so safely during three days of early voting starting the Saturday before election day.

Additionally, Assembly Bill 860 and Senate Bill 423 are pending before the Legislature, which address how other aspects of the November election, such as voter education and outreach, will be implemented while preserving public health.

In light of the above, we will be requiring monthly reports from each county, due the 15th of each month beginning June 15 through January 15. Each monthly report will require detailed information and updates on: (1) your plan for implementation of the November 2020 election; and (2) any election-related coronavirus costs incurred or expected to be incurred.

For information about the report for implementation, please see CC/ROV Memorandum # 20110.

Coronavirus Election-Related Costs:

New federal HAVA funding was authorized by the federal Coronavirus Aid, Relief and Economic Security (CARES) Act to be used for election activities related to the coronavirus pandemic. Congress allocated \$400 million dollars for the 2020 federal election cycle for election-related costs to prevent, prepare for, and respond to the coronavirus. The funds must be expended by December 31, 2020 and have a 20% match requirement. However, the Election Assistance Commission (EAC) has issued guidance that it will be flexible and allow such things as staff time to count toward that

match. The funding authorization also requires a report to the EAC and Congress 20 days following the November 2020 election detailing how the funds were spent.

The EAC has also authorized previously allocated HAVA funds to be used for election-related activities to prevent, prepare for, and respond to the coronavirus. Accordingly, the Secretary of State is seeking legislative approval to use the CARES Act funds and additional HAVA funds for election-related coronavirus costs.

Election-related coronavirus costs include any costs that your county incurs that is in addition to your normal election-related costs as a result of the pandemic. Such costs include, but are not limited to: additional staff time and resources (both temporary and permanent staff included as well as regular time and overtime), planning costs, cleaning supplies, protective masks and equipment for staff and poll workers, consulting and training costs, equipment purchases, etc. For any cost claimed, appropriate documentation must be provided.

The report due June 15 requests information that details election-related coronavirus costs incurred or expected to be incurred:

- (1) January 26, 2020 up through and including March 27, 2020. This is the “pre-award” period. Costs incurred during this time may be used for the match requirement.
- (2) March 28 through May 31, 2020. These costs may be used for either the match or seeking reimbursement once the funds are allocated.
- (3) June 1 through November 30, 2020. These are your expected November 2020 election-related coronavirus costs which will be used for planning and may be used for either the match or seeking reimbursement once the funds are allocated and actually incurred.

Claims for Reimbursement:

A county contract will be sent to each county with the county specific information and allocation included as soon as the legislative approval process is complete. Until then, please use the attached contract template to begin the process within your county to seek approval from your County Board of Supervisors, if required, along with obtaining the appropriate County Resolution for the funding (required).

Return the contract by August 15. If your county needs more time to return your county contract, please submit an estimation of when the contract will be authorized and what steps need to occur to make that happen.

Reimbursement prior to receiving a signed contract will be allowed, however, if a signed contract is not received, the Secretary of State may require repayment of any funds provided.

Kathryn Chaney (KC) will be the contact for the contract process for these contracts. Please send your completed June 15th cost report to KC. If you have any questions

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about the status of your contract or reimbursement claims please contact her at (916) 695-1657 or by email kchaney@sos.ca.gov.

Link:

[June 15 County Report \(XLSX\)](#)

Attachments:

Contract Template

SCOPE OF WORK

A. PURPOSE OF AGREEMENT

The purpose of this Agreement is to provide the County of [County] (County) with federal reimbursement funds (HAVA funds), CDFA Number 90.404, administered by the U.S. Election Administration Commission (EAC) to comply with the requirements of HAVA Section 101 for additional costs associated with the national emergency related to coronavirus. The funds are to be spent “to prevent, prepare for, and respond to coronavirus, domestically or internationally, for the 2020 Federal election cycle,” subject to the provisions of this Agreement and requirements of state and federal law, regulation and procedures. The provisions of this Agreement are to be interpreted to further this purpose.

B. CONTACTS

The program representatives during the term of Agreement will be:

For County: [Registrar] [Phone]

For State: Kathy Chaney (916) 695-1657

C. USE OF FUNDS

The funds are to be spent to prevent, prepare for, and respond to coronavirus for the 2020 Federal election cycle. In accordance with EAC guidance, the funds can be used for election related costs incurred after March 28, 2020, in conducting election activities in the face of the coronavirus pandemic. Such costs include, but are not limited to, increased vote by mail, expanded early voting, improving the safety of voting in-person, and staff and election worker salaries and benefits.

Allowable costs are for those costs that are in addition to normal election costs and do not supplant funds already allocated under state or local budget authority to cover the costs. Allowable costs do not include costs that are currently paid with state or local election jurisdiction funds, as part of the normal conduct of elections. Allowable costs include:

1. Vote by Mail

Increased costs related to all aspects of voting by mail are allowable to the extent that they represent expenditures incurred as a result of the pandemic. The funds can be used to cover the costs of the increase in vote

by mail ballots needed due to the pandemic that are not already covered by state or local funds. Allowable uses under this section include:

- a. Additional printing costs,
- b. Additional mailing and postage costs,
- c. Additional envelope costs, and
- d. Ballot tracking costs.

2. Equipment

Increased costs related to equipment needs for processing increased vote by mail ballots and meeting the in-person voting requirements are allowable. Allowable costs under this section include:

- a. Automated sorters,
- b. Ballot scanners,
- c. Automated openers,
- d. Signature verification systems,
- e. Acquisition of additional voting equipment, including high speed or central count tabulators
- f. Electronic pollbooks,
- g. Ballot on demand systems,
- h. Drop boxes,
- i. ADA equipment and peripherals,
- j. Additional laptops and mobile IT equipment, and
- k. Software licenses.

3. Staffing

Staffing costs, including permanent and temporary staffing, are allowable. This includes salaries and benefits associated with the portion of work as a result of the pandemic. Allowable costs under this section include:

- a. Staff time associated with planning, training, and response,
- b. Temporary elections office staffing,
- c. Overtime salary and benefit costs for elections staff and workers, and
- d. Additional staff or election worker time needed for processing, tabulation, signature verification, voter hotlines, etc.

4. Security

Additional security costs incurred due to the pandemic are allowable. These costs may be related to physical security and/or cybersecurity. Allowable costs under this section include:

- a. Costs associated with election offices working remotely while planning and conducting the election due to the pandemic are allowable such as securing systems that enable remote access, ensuring Virtual Private Network and other remote access systems are fully patched, enhancing system monitoring to receive early detection and alerts on abnormal activity, implementing multi-factor

- authentication, ensuring all machines have properly configured firewalls as well as anti-malware and intrusion prevention installed,
- b. Installation and security for drop-boxes, and
- c. Security cameras or systems for additional election facilities.

5. Training

Increased costs related to specialized training of staff and election workers due to coronavirus are allowable. Allowable costs under this section include:

- a. Training election workers and staff on proper cleaning processes,
- b. Training election workers and staff on proper voting location set up and configuration,
- c. Training election workers and staff on how to determine, set and maintain proper physical distancing,
- d. Training election workers and staff on proper usage and disposal of personal protective equipment, and
- e. Training of poll workers on sanitization procedures for in-person voting and voting equipment.

6. Supplies

Increased costs associated with cleaning and disinfection of election offices, polling location areas and associated voting equipment are allowable.

Similarly, costs associated with providing clean and safe election offices and polling locations for voters and election workers is allowable. Examples of allowable costs include:

- a. Cleaning supplies for polling locations,
- b. Protective masks, gloves and face shields for staff and poll workers,
- c. Hand sanitizer and dispensers,
- d. Electronic wipes,
- e. Pre- and post-election deep cleaning of polling places,
- f. Barrier supplies and construction, and
- g. Table covers/protectors.

7. Outreach and Communication

Costs related to voter education and outreach are allowable. The outreach and communication information must be on voting procedure changes, rights or technology. Items intended to "get out the vote" or merely encourage voting are not allowable. Allowable costs under this section include:

- a. Public communication of changes in registration, voting locations, ballot return options, or voting procedures, including information on coronavirus precautions being implemented during the voting process,
- b. Development, procurement, and dissemination of communication to voters about changes in registration, voting locations, ballot return options, or voting procedures, including information on coronavirus precautions being implemented during the voting process, and

- c. Public communication encouraging voters to use early voting, where voter crowds may be smaller throughout the day.

8. Facilities

Unanticipated costs for polling locations and election facilities are allowable costs.

- a. Leasing of new polling places when existing sites must be closed,
- b. Leasing of additional election facilities to facilitate physical distancing for election workers,
- c. Additional costs or fees charged by existing sites due to coronavirus,
- d. Costs associated with moving a location from one site to another, and
- e. Additional costs associated with delivery, set up and configuration of polling locations due to coronavirus.

9. Other Costs

The above costs are presumed to be allowable. However, the above costs are not meant to be exhaustive.

D. Expiration and Matching Requirement

The funds must be expended by December 31, 2020. Any funds expended must meet the federally mandated 20% match requirement.