



AMERICAN CIVIL LIBERTIES UNION

Northern
California

May 6, 2020

Supervisor Gordon Mar
Supervisor Aaron Peskin
Supervisor Matt Haney
John Carroll, Clerk
San Francisco Government Audit
& Oversight Committee
City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, California 9410
john.carroll@sfgov.org

**RE: Ordinance “Municipal Elections
Code – Expanded Vote-by-Mail for
the November 3, 2020 Election –
Voter’s Choice Act” – SUPPORT**

Via Electronic Mail

Dear Members of the Government Audit & Oversight Committee:

The American Civil Liberties Union of Northern California (“ACLU”) is pleased to support Supervisor Ronen’s Ordinance “Municipal Elections Code- Expanded Vote-by-Mail for the November 3, 2020 Election – Voter’s Choice Act” (“Ordinance”), which seeks to ensure fair and safe access to the ballot for all of San Francisco’s voters during the November 2020 election by requiring the expansion of the use of vote-by-mail (“VBM”) ballots; implementation of public health measures to protect elections staff, poll workers, and voters during the distribution and collection of VBM ballots as well as through in-person voting and ballot drop-off opportunities; outreach to communities with historically low voter turnout; and a report to the Board of Supervisors regarding the plan for administration of the November 2020 election.

The COVID-19 pandemic poses unique challenges to administering the November 2020 election. San Francisco must act proactively to ensure the election is safe, secure, and accessible for all voters. No one should be forced to choose between exercising their constitutional right to vote and protecting their health. The first and most commonsense step to ensuring this is to send all registered voters a ballot and allow them to safely vote from home. However, expanding the availability of VBM is *not enough* to safeguard our democracy.

San Francisco must also allow voters the option to safely vote in person. We encourage San Francisco to set a strong standard by committing to having as many in-person voting locations as is safely possible and providing opportunities for early voting. Without significant options for in-person voting locations as well as early voting, there is a severe risk that historically underrepresented voters will face significant barriers to voting, long lines, and be disenfranchised. For example, voters with limited-English proficiency and disabilities rely on services that are

American Civil Liberties Union of Northern California

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provided at in-person voting locations.¹ Voters who are housing insecure or unhoused – as more voters will be this November due to displacement from the economic fallout of COVID-19 – are more likely to not receive a VBM ballot and would therefore need in-person voting options. Further, Black, Latinx, and Native American voters are also historically less likely to use VBM and Asian American voters are more likely to have their VBM ballots rejected.²

San Francisco officials must also engage in robust public education efforts to inform voters of their voting options, encourage eligible voters to register to vote, and remind those already registered to update their registration if they have moved. This outreach must be in all required languages, available in accessible formats, and delivered through a wide range of platforms and formats.

Finally, we strongly support the requirement that the San Francisco Department of Elections provide a report to the Board of Supervisors regarding the administration plan for the November 2020 election. Transparency about this plan, including providing meaningful opportunities for public input, will help protect confidence in the election system. Voter's Choice Act counties follow a similar model under which they must publish election administration plans in all required languages and allow communities to provide input. This process not only helps elections offices form a strong partnership with local groups and community members, but it also improves implementation of the election. We encourage that San Francisco's plan include information about voting locations and hours, drop box locations and hours, public outreach strategies and media plans (including to limited-English speaking communities and people with disabilities), budget for outreach and media, plans to make voting locations safe/healthy, and plans to ensure access to VBM and voting locations for limited-English proficient voters and voters with disabilities. We further urge that the plan be made available for public comment for at least 15 days.

For these reasons, the ACLU of Northern California supports the Ordinance.

Sincerely,



Christina E. Fletes-Romo
Voting Rights Attorney



Brittany Stonesifer
Voting Rights Attorney

¹ See, e.g., Disability Rights California, *Best Processes to Reduce and Eliminate Accessibility Barriers for Voters with Disabilities* (2013), <http://futureofelections.org/wp/wp-content/uploads/2013/09/FOCE.12-DRC-Barriers-and-Best-Processes-Voters-with-Disabilities.pdf>.

² See, e.g., Asian-Americans Advancing Justice, *Asian Americans Face Higher than Average Vote-by-Mail Rejection Rates in California* (Aug. 2017); Mindy S. Romero, CCEP, *The California Voter Experience: Why African-American Voters Choose to Vote at the Polls or Vote-by-Mail, and How They Perceive Proposed Changes to California's Voting System* (Sept. 2016); Mindy S. Romero, *The California Voter Experience: Vote-by-Mail vs. the Polls* (July 2016); Mindy S. Romero, CCEP, *Disparities in California's Vote-by-Mail Use Changing Demographic Composition: 2002-2012* (Mar. 2014); Native American Rights Fund, *Vote by Mail in Native American Communities*, available at www.narf.org/vote-by-mail.

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