



Northern
California

VIA ELECTRONIC MAIL AND PUBLIC COMMENT FORM

August 16, 2023

Juan Pablo Cervantes, County Clerk, Recorder and Registrar of Voters
Humboldt County Elections Office
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RE: Draft Election Administration Plan for the March 2024 Election

Dear Humboldt County Elections Office:

We write on behalf of the American Civil Liberties Union of Northern California (“ACLU NorCal” or “we/us”) regarding the Humboldt County Election Administration Plan Draft 1.2, dated July 2023 (“July 2023 EAP Draft”). ACLU NorCal is committed to seeing the successful implementation of the Voter's Choice Act (VCA) across the state and ensuring that the administration of elections works for all, including voters with limited English proficiency (LEP), voters with disabilities, voters of color, low-income voters, and other underrepresented communities.

We therefore submit the following comments and suggestions to the Humboldt County Elections Office (“Elections Office” or “you”) regarding the First Draft March 2024 EAP. The comments in this letter track the order of the sections of the July 2023 EAP Draft.

A. Voter Education and Outreach Plan

We appreciate that the Elections Office specified a variety of media channels, including newspapers, radio, television, and social media, for its voter education and outreach plans. We especially applaud the Elections Office for including voter education and outreach plans for bilingual and LEP voters, voters with disabilities, system-impacted voters, students, and tribal voters in the July 2023 EAP Draft. We also appreciate the specification of the content and the times for the Elections Office’s two required direct contacts with voters.

We ask that the Elections Office specify when it will conduct various media outreach activities and what information it will highlight in each media and public service announcement (PSA). How will media be used to inform the public about upcoming elections and to promote the toll-free voter assistance number? We also ask that the Elections Office explicitly state in its voter outreach content that the voter assistance hotline (1) will operate at least 29 days before the election; (2) is accessible to voters with hearing disabilities; and (3) is capable of providing

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assistance to voters in Spanish and Hmong.¹ We also ask that the Elections Office describe the plan for at least one English PSA to inform voters of relevant dates regarding upcoming elections, describe options for how to vote, and promote the toll-free voter assistance phone line; such PSAs must be accessible for voters who are deaf or hard of hearing and for voters who are blind or visually impaired.²

Finally, we urge the Elections Office to consider encouraging voters to update their language and party preferences before voter guides and ballots are mailed out and to inform voters about same-day voter registration, early voting, and signing up with BallotTrax to track their vote-by-mail (VBM) ballots.

a. Accessible Website with Voter Resources

We applaud the Elections Office for making information about the VCA and its implementation clear and easy to find. We appreciate that the website contains information and links regarding the VCA, the July 2023 EAP Draft, and a timeline for the VCA implementation steps with clearly stated deadlines and dates for public input. We are glad to see that the Elections Office is hosting EAP public consultation meetings in addition to Language Accessibility Advisory Committee (LAAC) and Voting Accessibility Advisory Committee (VAAC) meetings and that the dates and details for joining the upcoming meetings are clearly stated on the website. We also appreciate that the website has been designed with accessibility guidelines in mind.

We further appreciate that the Elections Office has kept language access in mind by providing a Google Translate dropdown menu that allows website visitors to translate the website's content into their preferred language. To improve the website's language accessibility, we suggest amending the instructions for translating the website to say, "scroll down," instead of "scroll up," as the Google Translate dropdown menu is currently located in the footer of the website. The instructions and dropdown menu for translation could also be shared on the main VCA page in addition to the Language Accessibility page.

Further, we note that the Google Translate feature only translates content on the webpage itself and does not translate any files linked from the website (e.g., PDF files of past meeting minutes and the July 2023 EAP Draft). We encourage the Elections Office to audit its website for such linked files and to upload translated versions in Spanish and Hmong (or at minimum, to place the content of these files in text form on the website itself, allowing the Google Translate feature to translate that information). We remind the Elections Office that it is required to post "[t]he draft plan, the amended draft plan, and the adopted final plan for the administration of elections" on its website in Spanish and Hmong.³ These requirements allow for non-English-language communities to participate in the EAP development process, which is consistent with the VCA's goal of "accommodating non-English proficient voters . . . as well as requiring

¹ Cal. Elec. Code. § 4005(a)(10)(I)(vii).

² *Id.* § 4005(a)(10)(I)(i)(VIII).

³ *Id.* § 4005(a)(10)(E)(iii).

extensive community involvement and voter education.”⁴

Finally, besides the website and the outreach efforts described above, can you please share in the EAP any other plans your office has for educating the public about the VCA? We were excited to learn during the August 8, 2023, VAAC meeting, for example, about the Elections Office’s plans for launching a marketing campaign specifically for VCA outreach. We encourage the Elections Office to include in the EAP its plans to conduct VCA outreach through the new branding components, radio advertisements, infographics, online how-to videos, and other channels. We also appreciate that the Elections Office is planning to give a short introduction on the VCA at its public hearing on August 17, 2023, for which there will be more press releases and social media outreach to increase attendance, and to potentially provide printed materials on the VCA at the Humboldt County Fair. We recommend that the Elections Office document these efforts and any similar efforts to conduct VCA outreach at community events or to increase turnout for those events.

b. Resources for Voter Education and Outreach

We are glad to see that the Elections Office is committed to spending the necessary resources on voter education and outreach to ensure that voters are fully informed about the upcoming elections and the VCA. However, we note that the July 2023 EAP Draft includes only a placeholder stating that “budget figures [are] in development.”⁵ Regarding the budget, can the Elections Office please include, with specificity, the amount of money it plans to spend on voter education and outreach activities for the 2024 elections in its EAP?

We also note that page 7 of the July 2023 EAP Draft currently references Appendix I for specific information regarding the education and outreach budget, which we presume should be Appendix F. We request that the Elections Office ensure they reference the correct appendices throughout the EAP in its next iteration.

c. Voters with Disabilities

We thank you for including a distinct section on voter education and outreach for voters with disabilities and for including the minutes from the June 29, 2023, Voters with Disabilities Consultation. We appreciate these opportunities for public participation and look forward to continuing to participate in VAAC meetings to learn about your accessibility plans and provide additional feedback.

We appreciate the Election Office’s plan to create a webpage to educate voters about the accessible voting tools available and to ensure that all election information is available in an accessible, text-based format on the website. Can you please clarify in the EAP how all voting materials will be made available in accessible formats as required by the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973?⁶

Please also include a specific outreach plan with information on the content and timing of

⁴ S. Floor Analyses on S.B. 450, S. 2015-16 Reg. Sess. (Cal. Aug. 25, 2016).

⁵ Figure F.

⁶ Cal. Elec. Code. § 4005(a)(8)(C).

your voter education and outreach specifically for voters with disabilities. We appreciate your plans to emphasize the availability of Remote Accessible Vote-by-Mail (RAVBM) ballots and how to request them in partnership with organizations like the Tri-County Independent Living Center, North Coast Regional Center, and Meals on Wheels. We suggest the Elections Office reach out directly to these organizations as suggested by the virtual attendees at the consultation to continue developing its outreach plan.

d. Bilingual and Non-English Language Voters

Thank you for including a distinct section on voter education and outreach for bilingual and non-English language voters and for including the minutes from the June 28, 2023, Bilingual and Non-English Language Voter VCA Consultation. We appreciate these opportunities for public participation and look forward to continuing to participate in LAAC meetings to learn about your language access plans and provide additional feedback.

We recommend that you provide more specificity in the EAP on the content and timing of your voter education and outreach for Spanish and Hmong-speaking communities. For example, can you please state what information you will highlight in your outreach to these communities and when you will conduct this outreach? Please also describe the plan for at least one PSA, in each of Spanish and Hmong and in media serving communities that speak those languages, to provide information on the upcoming elections and promote the toll-free voter assistance line.⁷

We appreciate the mention of Spanish-language media channels in the July 2023 EAP Draft, and we ask that you also include a specific outreach plan for Hmong-speaking voters in your next iteration of the EAP. The Elections Office should consider reaching out to organizations like the New Rising Hmong Association, which virtual attendees at the consultation suggested, and Hmong Innovating Politics. We also note that a virtual attendee in the Secretary of State's August 2, 2023, LAAC Public Committee Meeting mentioned that radio may be more effective for Hmong community outreach than mailers, and the Elections Office should consider if certain media channels are more popular among various communities when creating its education and outreach plan for bilingual and non-English language voters.⁸

Finally, we ask that you correct the first paragraph of Section 3, which currently refers to the VAAC and outreach and education for voters with disabilities, to reflect the LAAC and specific outreach plans for Humboldt County's Spanish and Hmong-speaking communities.

⁷ *Id.* § 4005(a)(10)(I)(i)(IX).

⁸ *See, e.g.,* Penny Lo et al., *Access to Adequate Healthcare for Hmong Women: A Patient Navigation Program to Increase Pap Test Screening*, 11 *Hmong Stud. J.* 1, 5 (2010) ("Hmong radio is the main channel for Hmong community news in Sacramento County."); Ctr. for Soc. Innovation & Cal. Common Cause, *Reaching Low-Propensity Voters in California's November 2020 Elections* 18 (2020) (stating that ethnic mainstream media such as Hmong TV and radio stations is an established information source for members in the Hmong community, with one Hmong Fresno resident stating he watches TV channels like Hmong TV and Hmong USA to learn about ongoing issues and listens to radio channels to help him complete his ballot and voting information).

e. Other Underserved Communities

As mentioned above, we are glad to see that the July 2023 EAP Draft considered voter education and outreach for other underserved communities not expressly mentioned in the VCA.

Regarding students and young voters, we applaud your collaborations with local non-profits and organizations at Cal-Poly Humboldt to increase civic engagement and knowledge of the VCA. We also appreciate the Elections Office making itself available for regular tours with high school students and continuing to allow people to vote at the local community college, College of the Redwoods, by designating it as a Vote Center. We encourage the Elections Office to share greater detail about its collaborations and plans for voter education and outreach for students and youth in its next iteration of the EAP.

Regarding system-impacted voters, we appreciate that the Elections Office offers training and materials to a liaison from the Humboldt County Jail every six months with the aim of providing up-to-date and accurate information on voting. We also appreciate the provision of training materials, affidavits of registration, and voter eligibility information to jail staff.

Regarding unhoused voters, we noted from the minutes included in the July 2023 EAP Draft that virtual attendees of the Voters with Disabilities Consultation requested that you consider the needs of Humboldt County's unhoused population "as those who were interested in voting had issues in the past." In the minutes, you stated that same-day voter registration at the Vote Centers and collaboration with the Redwood Coast Regional Center would be ways to conduct voter education and outreach for voters without a consistent mailing address. We suggest the Elections Office provide more details on these education and outreach efforts in the section for "Other Underserved Communities" in its next iteration of the EAP to address the attendees' comments from the community consultation. We also suggest that your office add information to its website and voter outreach materials about voter eligibility and registration options for unhoused voters.

Regarding tribal voters, in-person attendees at the Voters with Disabilities Consultation conveyed their concerns about reaching and adequately serving tribal voters. In the minutes from that meeting, the Elections Office mentioned that "in addition to trying to visit the tribal community and speak directly with members, [it] also [has] plans to create a pop-up Vote Center on the Hoopa Tribe's Reservation." We applaud these efforts and encourage the Elections Office to explicitly include them in detail in the EAP.

Finally, we appreciate that the Elections Office is planning to have a presence in multiple community events to reach different voter populations and voters at large, and we appreciate your inclusion of the names of those events in the July 2023 EAP Draft.

B. Vote Centers

We applaud the Elections Office for exceeding the minimum required number of vote centers open 10 days and 3 days before the election. We ask that the Elections Office specify the

hours of operation for each vote center⁹ open on days other than Election Day and whether each vote center is inside or outside.

We appreciate that the Elections Office considered factors required by state law in determining its vote center locations, such as proximity to public transportation routes and various communities.¹⁰ In addition to the factors stated in the July 2023 EAP Draft, we request that you please clarify whether the following required factors were also considered: “location proximity to communities of eligible voters who are not registered to vote and may need access to same day voter registration”; “[a]ccess to accessible and free parking” at vote center locations; “distance and time a voter must travel by car or public transportation to a” vote center location; “[t]raffic patterns near” vote center locations; and “need for mobile vote centers.”¹¹ In particular, we suggest planning to provide a roving or mobile vote center in order to give voters in rural or hard-to-reach areas, voters with disabilities, and unhoused voters a greater chance to vote in person.

We also ask the Elections Office to consider whether its vote centers are located at places everyone in Humboldt County’s communities trusts and feels comfortable. We appreciate that no vote centers (or ballot drop box locations) were placed in public-facing areas of sheriffs’ offices or police departments because of the significant potential for these sites to have an intimidating impact for some voters.¹² At the same time, the Elections Office can increase access to system-impacted voters who have no other in-person voting options by establishing vote centers inside local jails. For example, Los Angeles County established a vote center inside the Century Regional Detention Facility in February 2020, utilized it for the March 2020 and June 2022 primary elections, and added a second vote center inside a detention facility during the November 2022 statewide general election.¹³

Finally, we thank the Elections Office for thinking of ways to accommodate unhoused voters in the context of voter education and outreach and ask that you consider whether any planned vote center locations are close enough to areas with concentrated unhoused populations. Establishing vote centers near service centers, shelters, and/or public libraries can improve access for these voters. For example, following feedback that the first VCA election in Sacramento County in 2018 was not accessible to many unhoused voters, that county added a

⁹ Cal. Elec. Code. § 4005(a)(10)(I)(vi)(VI).

¹⁰ *Id.* § 4005(a)(10)(B).

¹¹ *Id.*

¹² League of Women Voters of Cal. Educ. Fund, *The Voter’s Choice Act Toolkit* (Feb. 2022), <https://docs.google.com/document/d/1LO3pedU6lW5HfEilQgHEDvvLy1hMq9tTfkrBbpO-o/edit> (stating that even locating vote centers at city halls near police departments or having the presence of police officers nearby may disincentivize voting).

¹³ See Naila Awan, *Jail-based Polling Locations: A Way to Fight Voter Disenfranchisement*, Prison Policy Initiative (Oct. 25, 2022), https://www.prisonpolicy.org/blog/2022/10/25/jail_voting/; Naila Awan & Wanda Bertram, *Jail-Based Polling Places are Key to Expanding Ballot Access*, Law360 (Jun. 23, 2023, 3:25 PM), <https://www.law360.com/articles/1690482/jail-based-polling-places-are-key-to-expanding-ballot-access>; Assemb. Elections on A.B. 544, Assemb. 2023-24 Reg. Sess. (Cal. Apr. 17, 2023). Note that vote centers should be placed inside jails for voters without other options and not near sheriffs’ offices or police departments to ensure comfort and avoid intimidation for system-impacted voters.

vote center in 2020 in an area of central Sacramento with a high density of unhoused people, shelters, and service centers and committed to partnering with specific service providers to reach unhoused voters.¹⁴

a. Staffing

Thank you for stating the number of election board members staffing each vote center. Please also include in the EAP the number of bilingual staff and languages spoken at each vote center.¹⁵

We ask that the Elections Office also provide a specific plan for training vote center staff members in each of the roles identified. Trainings should include a live instruction at a model vote center and not rely solely on videos or written manuals. Additionally, as recommended by virtual attendees in Bilingual and Non-English Language Voter VCA Consultation, the Elections Office should consider holding virtual segments of trainings after work hours and on weekends to facilitate greater access. The Elections Office should ensure that back-up staff members also receive adequate training to avoid disenfranchising voters.¹⁶

To ensure trainings are accessible to vote center staff members with disabilities, the Elections Office should also consider the in-person feedback from the Voters with Disabilities Consultation suggesting that the layout of training spaces be made accessible for individuals who use mobility devices and that any training materials or presentations use large, plain font for staff members with vision impairments.

Regarding training content, we are glad to see that vote center staff members will receive “instructional, voting equipment, and election management software training,” along with training on how to respond to potential disruptions, natural disasters, and emergency situations. Can you please provide greater detail on the content of the trainings of these subjects, including what instructions vote center staff members will be trained to provide voters? Can you please also clarify if vote center workers will be trained on the purpose and proper handling of facsimile ballots, prepared to inform voters of the existence of facsimile ballots, and made aware that if a voter requests a facsimile ballot, the worker must provide it to the voter and not have the voter find it themselves?¹⁷

Regarding recruitment, we request that the Elections Office provide a specific plan for recruiting bilingual staff members. This plan should specify the time, location, and frequency of recruitment efforts. We appreciate that the Elections Office brought up this topic at the Bilingual and Non-English Language Voter VCA Consultation and suggest that the Elections Office reach

¹⁴ See County of Sacramento Election Administration Plan: January 2020, <https://elections.saccounty.net/VoteCenters/Pages/Previous-Versions-Election-Administration-Plan.aspx>.

¹⁵ Cal. Elec. Code. § 4005(a)(10)(I)(vi)(IX).

¹⁶ Inadequate training and incorrect information provided to backup poll workers who were called to serve at the last minute resulted in voter disenfranchisement in Alameda County during the November 2020 election. See Jose Feroso, *Alameda County's Election was Marred by Systemic Problems, Say Voting Rights Groups*, The Oaklandside (Nov. 18, 2020), <https://oaklandside.org/2020/11/18/alameda-countys-election-was-marred-by-systemic-problems-say-voting-rights-groups/>.

¹⁷ Cal. Elec. Code. § 14201(c)(1)-(2).

out to the organizations that serve LEP populations suggested by the virtual attendees. The Elections Office can also reach out to the Secretary of State for assistance in recruitment of bilingual vote center workers. Lastly, can you please confirm (1) whether you will conduct any recruitment efforts at community events, such as the ones listed for voter education and outreach, and (2) whether bilingual staff members will receive compensation for their additional language skills?

b. Design and Layout

We thank the Elections Office for sharing information about its vote center design and layout and for keeping accessibility and privacy in mind. To ensure the vote center is accessible to voters with disabilities, could you please provide in the EAP the type and number of reasonable modifications at each vote center, if any?¹⁸

Regarding language access, we note that the July 2023 EAP Draft states that accessibility aids and services will be posted, and we request that the Elections Office also post information about the availability of language assistance at its vote centers. The Elections Office must post information about availability of language assistance in English, Spanish, and Hmong,¹⁹ information notifying voters of the languages other than English in which language assistance is available from the vote center workers (posted in English and those languages other than English),²⁰ and information informing voters of the languages in which facsimile ballots are available (posted in English and those languages other than English).²¹ Finally, if feasible, please consider the suggestion from virtual attendees at the Bilingual and Non-English Language Voter VCA Consultation of always having translation services available for voters at the vote centers.

c. Security and Contingency Plans

We appreciate the Election Office's security and contingency plans, especially for situations of voter intimidation. We thank the Elections Office for listing examples of voter intimidation and providing procedures for election workers and third parties to respond to and/or report instances of voter intimidation. We ask that the Elections Office similarly include a plan for responding to situations of electioneering and provide examples of electioneering.

C. Ballot Drop Boxes

We applaud the Elections Office for providing more than the minimum required number of drop boxes and ensuring that all drop boxes will be open for 12-hours each day. We ask that the Elections Office specify the hours of operation for each drop box location²² and whether each drop box location is inside or outside.²³ To promote accessibility, we encourage the Elections

¹⁸ *Id.* § 4005(a)(10)(I)(vi)(X).

¹⁹ *Id.* § 4005(a)(6)(B).

²⁰ *Id.* § 14200(g).

²¹ *Id.* § 14201(c)(3).

²² *Id.* § 4005(a)(10)(I)(vi)(VII).

²³ *Id.* § 4005(a)(10)(I)(vi)(IV).

Office to keep at least one drop box accessible 24/7.

We appreciate that the Elections Office considered factors required by state law in determining its drop box locations, such as proximity to public transportation routes and various communities.²⁴ In addition to the factors stated in the July 2023 EAP Draft, we request that you please clarify whether the following required factors were also considered: “location proximity to communities of eligible voters who are not registered to vote and may need access to same day voter registration”; “[a]ccess to accessible and free parking” at drop box locations; “distance and time a voter must travel by car or public transportation to a” drop box location; and “[t]raffic patterns near” drop box locations.²⁵ Finally, we encourage you to consider proximity to voter populations not expressly mentioned by the VCA, such as system-impacted voters, students and youth (i.e., proximity to college or university campuses), unhoused voters, and tribal voters.

D. Remote Access Vote by Mail

We are glad to see that RAVBM will be available to all voters. However, virtual attendees in the Voters with Disabilities Consultation requested that you make information about RAVBM more widely and readily available. Can you please clarify in the EAP (1) how a voter may request a RAVBM or a replacement ballot and (2) if RAVBM will be available in all covered languages?

E. Cost Analysis and Resource Allocation

We appreciate the Elections Office’s description of expected short-term and long-term costs and savings from adoption of the VCA. We look forward to seeing estimates of these short-term and long-term costs and savings, along with a cost comparison to recent elections in Humboldt County conducted prior to VCA implementation.²⁶

Thank you again for your attention and the opportunity to provide suggestions for further improvement of your office’s EAP. We look forward to seeing Humboldt County continue its VCA implementation and to successful administration of the 2024 elections. If you have any questions regarding the comments in this letter, please do not hesitate to reach out.

Sincerely,



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²⁴ *Id.* § 4005(a)(10)(B).

²⁵ *Id.*

²⁶ *Id.* § 4005(a)(10)(I)(v).