



Northern  
California

**VIA ELECTRONIC MAIL**

September 12, 2023

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**RE: August 2023 Draft Election Administration Plan**

Dear Placer County Elections Office:

We write on behalf of the American Civil Liberties Union of Northern California (“ACLU NorCal” or “we/us”) regarding the Placer County Voter’s Choice Act Draft Election Administration Plan, dated August 29, 2023 (“August 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 Placer County Elections Office (“Elections Office” or “you”) regarding the August 2023 EAP Draft. The comments track the order of the different sections of the August 2023 EAP Draft. Sections omitted in this letter do not have a comment from us.

**Part 1: Election Administration**

1. Vote Center and Ballot Drop-Off Location Count

A. *Vote Centers*

We appreciate the Elections Office for including the general days and hours of operation for the vote centers in Placer County. As vote center locations for 2024 are finalized, we ask the Elections Office to specify in *Attachment A* the hours of operation for *each* vote center.<sup>1</sup> We also appreciate that the Elections Office has included the anticipated number of staff that will be at each vote center.<sup>2</sup> In the first paragraph of this section, the Elections Office states that, “Each

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<sup>1</sup> Cal. Elec. Code § 4005(a)(10)(I)(vi)(VII).

<sup>2</sup> *Id.* § 4005(a)(10)(I)(vi)(IX).

vote center will be staffed by five to seven vote center workers.” Can the Elections Office please confirm that five to seven vote center workers will be staffed at both 11-Day Vote Centers and 4-Day Vote Centers?

We appreciate the Elections Office for planning to recruit “at least one Spanish-speaking vote center worker, and targeted Tagalog, Punjabi and/or Korean-speaking vote center workers to provide language assistance at its vote centers.” Can the Elections Office please provide the planned methods of recruitment for bilingual vote center workers and include specific numbers of bilingual vote center workers in the County’s final EAP?<sup>3</sup>

We appreciate that the Elections Office listed the factors that it is required by state law to consider in determining its vote center locations, such as proximity to public transportation routes and to specified communities.<sup>4</sup> We encourage you to also consider proximity to underrepresented voter populations not expressly mentioned by the VCA, such as system-impacted voters, students and youth (i.e., proximity to college or university campuses), and tribal voters. We further ask the Elections Office to also consider whether its vote centers are located at places that voters across all of Placer County’s communities trust and feel comfortable.

Specifically, we ask that you consider whether the planned vote center locations are near 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 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.<sup>5</sup>

We also ask that the Elections Office increase access for system-impacted voters who have no other in-person voting options by considering 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.<sup>6</sup>

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<sup>3</sup> *Id.* § 4005(a)(10)(I)(vi)(IX).

<sup>4</sup> *Id.* § 4005(a)(10)(B).

<sup>5</sup> See County of Sacramento Election Administration Plan: January 2020, <https://elections.saccounty.net/VoteCenters/Pages/Previous-Versions-Election-Administration-Plan.aspx>.

<sup>6</sup> 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/](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

Finally, we recommend the Elections Office include in its EAP a link to the “Placer County Vote Center Implementation” ArcGIS StoryMap<sup>7</sup> that was demonstrated at the September 7th, 2023, Placer County Voting Accessibility Advisory Committee (“VAAC”) meeting and posted on the Placer County Elections website. We see that this plan is still in development, and we look forward to seeing further details about vote centers, including the total number of poll workers for each location, reflected in the final EAP.

### *B. Ballot drop-off locations*

We appreciate the Elections Office for going above and beyond by planning to provide 21 (twenty-one) 24/7 drop boxes and 6 (six) additional drop boxes to be used at various locations and times. We further ask you to specify whether each drop box will be located inside or outside.<sup>8</sup>

#### 2. Vote Center Requirements

We appreciate the Elections Office for listing its overall vote center requirements in the August 2023 EAP Draft. We ask that you also define the term “cradle point technology” in bullet-point B, and we ask that you provide more clarity about how this technology interacts with voters’ overall registration options. Similarly, please define “cradle point” and “secure tunnel,” as used in bullet-points G and O, respectively. Additionally, the last sentence of bullet-point B currently reads: “*Register to vote, update his or her voter registration, and vote pursuant to Election Code section 2170.*” We ask the Elections Office to clarify this sentence, as it currently appears to be fragmented.

We appreciate that the August 2023 EAP Draft states in bullet-point D that vote center staff will be able to utilize Placer County’s Elections Management System (EMS) to determine if a ballot has been received from the voter. We ask that the Elections Office also explain how vote center staff will be properly trained in the use of this system.

We further request that your office provide greater clarity in bullet-point E between: (1) Ballot on Demand (BoD) printers that are “capable of providing a regular, provisional or replacement ballot” and (2) “accessible voting machine[s].” Based on the current description, BoD printers could be confused with Dominion ICX ballot-marking devices (BMDs).

We further request that the Elections Office specify in its EAP whether its BMDs will provide accessible ballots in languages other than English. If Placer County’s BMDs do not have

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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.

<sup>7</sup> <https://storymaps.arcgis.com/stories/b5f2dc17df3c4f6d8ce33caa73bf7052>

<sup>8</sup> Cal. Elec. Code § 4005(a)(1)(B).

this capability, please describe your plans for assisting LEP voters with disabilities.

Next, we appreciate the Elections Office for conveying that all vote center locations will be surveyed for accessibility compliance with state law and HAVA. We also appreciate the Elections Office for providing layouts of each vote center location in *Attachment C*. We understand that this process is still ongoing, and we look forward to seeing the finalized vote center layouts online and in the updated EAP as soon as possible.

In bullet-point G, acronyms such as “IPSEC,” “IKE2,” “AES,” “SHA256,” “NIST,” and “FIP” are used without definition. We ask you to clearly define these acronyms in your EAP to facilitate public understanding and transparency.

Bullet-point I states: “Placer County Elections actively recruits poll workers through a variety of means to ensure all requirements are met.” Please elaborate on your office’s plan to use a “variety of means” to recruit poll workers. Specifically, as requested above, please describe your plans for recruitment of bilingual poll workers. For example, during the September 7, 2023, Language Accessibility Advisory Committee (“LAAC”) meeting, representatives from your office indicated that stipends may be available for bilingual poll workers.

Further, regarding the “precinct/language combinations as required by section 14201 of the California Elections Code and the Secretary of State” described in bullet-point M, please describe with greater detail how vote center staff will be trained in handling facsimile ballots and informing voters on the existence and function of facsimile ballots.

Finally, please describe in greater detail how each criterion in bullet-point Q was considered, including specifically how Native voters are considered in “[a]reas that are geographically isolated” and how the Elections Office has evaluated the need for mobile vote centers.

### 3. Public Input and Notification Considerations

We appreciate the Elections Office for its level of engagement and involvement at public consultation meetings, as well as at LAAC and VAAC meetings. We look forward to attending future meetings to improve Placer County VCA implementation together.

Under bullet-point C, sub-point 3, we ask the Elections Office to specify the time and place of the public hearing that will be held on September 25, 2023.

Under bullet-point D, please describe in greater detail the Elections Office’s plans to send all active registered voters a “vote-by-mail packet” with a return envelope and instructions for

the use and return of the ballot.<sup>9</sup> We suggest that you add instructions on what will be included in the vote-by-mail packet and voter information guide, as well as on how to return a vote-by-mail ballot.

We thank the Elections Office for describing its outreach plans in bullet-point E. However, we are very concerned that any messaging that uses the term “*all-mailed ballot election*” could incorrectly lead voters to think that they have no in-person voting options. We therefore ask that you clearly state *all* voting options in all of your voter outreach material. We also ask you to list in the EAP all of the languages this notice will be translated to.

## **Part 2: Education and Outreach Plan**

### **1. Voter Contact - General**

We appreciate your office for outlining methods and channels you plan to utilize to provide information to voters in 2024. We ask you to further explain the exact media outlets you will partner with, what information you plan to highlight in each media activity and public service announcement (PSA), and when each outreach activity is planned.

For example, can the Elections Office clarify how it plans to use PSAs<sup>10</sup> to reach language minority communities? We also ask that the Elections Office describe its plans for this PSA to be accessible for voters who are deaf or hard of hearing and for voters who are blind or visually impaired.<sup>11</sup> We also urge your office to do specific outreach to inform voters to sign up with BallotTrax to track their mailed ballots.

We also appreciate the Elections Office’s inclusion of its plans to send out two direct mailers, as required by the VCA, in addition to the County Voter Information Guide and the vote-by-mail ballot package. We also appreciate that these mailers will include information to advise voters of the availability of the toll-free voter assistance hotline and the important details and deadlines pertaining to the 2024 elections, specifically. We ask that the Elections Office explicitly state in its voter outreach content that the voter assistance hotline: (1) will operate for at least 29 days before the election; (2) is accessible to voters with hearing disabilities; and (3) is capable of providing assistance to voters in Filipino, Korean, Panjabi, and Spanish.<sup>12</sup> We also request that the Elections Office specify when each direct contact will be conducted.

We thank the Elections Office for including a phone bank to manage “high call volumes and provide telephone assistance to voters,” as described in bullet-point B. We suggest that the

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<sup>9</sup> *Id.* § 4005(a)(8)(B)

<sup>10</sup> *Id.* § 4005(a)(10)(I)(i)(IX).

<sup>11</sup> *Id.* § 4005(a)(10)(I)(i)(VIII).

<sup>12</sup> *Id.* § 4005(a)(10)(I)(vii).



Elections Office widely publicize the number for this phone bank.

## 2. Voter Contact - Language Minority Communities

Thank you for including a distinct section on voter education and outreach for bilingual and non-English language voters. We appreciate opportunities for public participation and look forward to continuing to participate in Placer County LAAC meetings to learn more about your accessibility plans.

We suggest that the Elections Office provide greater clarity as to how “[d]ata provided to Placer County Elections from the California Secretary of State and data from the U.S. Federal Census,” referenced in bullet-point A, will be used for language service provision. We also suggest providing a link to this information or instructions on how to find this information.

We appreciate the Elections Office’s efforts in utilizing available regional media to inform voters in language minority communities. We recommend that you provide more specificity on the content and timing of your voter education and outreach for language minority communities. Can you also please state what information you will highlight in your outreach and when you will conduct the outreach for these communities? We suggest providing a more in-depth media plan in reaching language minority voters.

We further applaud the Elections Office for holding Voter Education Workshops in each required section 14201 language and for collaborating with LAAC representatives to “determine the best time, place, location and format of a voter education workshop.” We request that the Elections Office specify how it plans to inform the community of these events and identify when and where they will be held. We also ask for the Elections Office to specify the content of the voter education workshops in the final EAP.

We appreciate the Elections Office for automatically sending facsimile ballots (by mail or email, based on the voters identified preference) to “voters in a covered precinct with a required language under section 14201 of the California Elections Code.” Can the Elections Office also please specify any planned outreach to remind voters to update their language preferences? We also ask that you provide a more detailed description of how you categorize each covered-language precinct.

## 3. Voter Contact - Voters with Disabilities

Thank you for including a distinct section on voter education and outreach for voters with disabilities. We appreciate these opportunities for public participation and look forward to continuing to participate in VAAC meetings to learn more about your accessibility plans.

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

of your voter education and outreach for voters with disabilities. We do appreciate the inclusion of your plans to share information with the disability community about the Vote Center model and voting options, including RAVBM.

We also appreciate your office's voter education workshop that will help to increase accessibility and participation of eligible voters with disabilities. We request that the Elections Office specify how it plans to conduct outreach for this voter education workshop and specify the content and timing of the workshop.

We thank the Elections Office for including a list of services it provides to voters with disabilities. We ask that you also provide a detailed description of how poll workers will be trained to assist voters with disabilities. Additionally, bullet-point D states: "Follow the instructions on our website: [www.placercountyelections.gov](http://www.placercountyelections.gov)." We suggest the Elections Office give a direct link in the EAP or provide clear steps to access the referenced services for voters with disabilities, instead of providing a general link to the Placer County Elections webpage.

#### 4. Vote Center and Ballot Drop-off Location Information

We appreciate the Elections Office for reiterating the number of vote centers and ballot drop boxes, as well as which attachments to refer to for locations details. We also applaud the Elections Office for providing the layouts of each vote center location. We are excited for the locations to be finalized. We remind the Elections Office to update the final EAP with the following: the hours of operation for each vote center and ballot drop box location, whether each vote center and ballot drop box location will be inside or outside and maps of each vote center and ballot drop box location.

In the September 7, 2023, VAAC meeting, the Elections Office noted that the following drop box location does not meet the accessibility requirements: Loomis Town Clerk's Office 3665 Taylor Road. We look forward to hearing updates on this location. We also see that the drop box location in Olympic Valley (Olympic Valley Public Service District 305 Olympic Valley Road) is listed as "Potential" in *Attachment B*. We ask you to clarify what this indication means.

In the September 7, 2023, VAAC meeting, the Elections Office also presented information regarding the use of curbside voting. We ask the Elections Office to include information in its EAP about how curbside voting will be offered in Placer County. Finally, we request that the Elections Office also include where to find curbside voting locations and provide more detailed instructions on how to request and vote using curbside voting.

#### 5. Vote Center Ballot Security and Privacy Plans

We appreciate the Elections Office's description of Placer County's general plans to

ensure voter privacy and to ensure security at every election. We request that the Elections Office provide specific details pertaining to Placer County's security goals, details on the security measures at vote centers, disruption prevention measures, and plans for continuance of operations in the event of a disruption.<sup>13</sup> We also ask that you provide specifics on poll worker trainings in relation to vote center ballot security and privacy.

We further request that your office confirm that there will be poll worker training for the following: maintaining the security of voting equipment, using ePollbook software to access the voter registration and EMS, and responding to potential interpersonal disruptions. We request that the Elections Office also offer training to poll workers on how to respond to natural disasters and emergency situations.

#### 6. Budget

We appreciate the Elections Office for including the cost comparisons for the 2016 elections and the 2020 elections to indicate the anticipated short-term and long-term costs and savings from the adoption of the VCA.<sup>14</sup> Under this section, there is a chart describing the cost comparisons. Under the column "Outreach Activity," we ask the Elections Office to elaborate on the outreach activity "League of Women Voters (Outreach Programs)" further in the final EAP.. Similarly, we ask the Elections Office to elaborate on the activities anticipated under "Social Media/News Releases.\*"

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Thank you for your attention and the opportunity to provide suggestions for further improvement of your office's EAP. We look forward to seeing Placer 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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under the supervision of



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<sup>13</sup> *Id.* § 4005(a)(10)(K)(VIII)

<sup>14</sup> *Id.* § 4005(a)(10)(I)(v).