



Northern
California



November 1, 2023

Submitted via email (info@votescount.us)

cc: (tricia.webber@santacruzcounty.us)

Tricia Webber
County Clerk/Registrar of Voters
Santa Cruz County
701 Ocean Street, Room 310
Santa Cruz, CA 95060

RE: Written Comments on Draft of Santa Cruz County Updated Election Administration Plan

Dear Ms. Webber,

On behalf of the undersigned voting rights, disability right, and redistricting organizations, we write to provide comments on Santa Cruz County's Draft Updated Election Administration Plan posted on October 18, 2023 ("Draft EAP"). We are grateful for your hard work as the County Clerk/Registrar of Voters, on the EAP and all its functions. As you know, election administration has become increasingly difficult in recent years but is vital to the functioning of our democracy. We therefore submit the following comments and recommendations with the goal of seeing the successful implementation of the Voter's Choice Act ("VCA") in Santa Cruz County.

A. Inadequate Public Notice to Solicit Meaningful Public Input at the Public Hearings

Santa Cruz's implementation of the VCA continues to struggle from confounding insufficient time to solicit and integrate meaningful public input. As a result, the inadequate public notice for the four scheduled hurried public hearings about the Draft EAP did not provide a meaningful opportunity for the community to provide input as required by the VCA. There is inadequate notice on the County's website as a voter would have to know to scroll down to the bottom of the home page to get information about the updated draft EAP. As a result, nobody attended any of the four public hearings. We recommend that you redo the meetings with adequate public notice to provide a meaningful opportunity for the community to engage.

Furthermore, the public notice on page 65 of the Draft EAP is the one for the public hearings on the late draft EAP in May 2022. Please provide an updated public notice of the current Draft EAP comment period. The Draft EAP's Executive Summary also makes it sound like 2024 is the first year that the County will conduct elections under the VCA. However, the 2022 Midterms were conducted under the VCA, even though the EAP was adopted only weeks before the June primary. We recommend that you re-write the Executive Summary to clarify when the first EAP was adopted.

B. Language Accessibility Advisory (LAAC) and Voter Accessibility Advisory Committees (VAAC)

Additionally, despite the importance of LAAC and VAAC meetings, your office failed to schedule these meetings until very recently. Santa Cruz's last LAAC and VAAC meetings were in September of 2022. The recent meetings have also been scheduled with little notice to the public. For example, the LAAC and VAAC committees were first notified on October 15, 2023, of the first LAAC and VAAC meetings scheduled for October 17th and October 18th. This short window is not enough time for the public to review and provide comments on the Draft EAP. We appreciate your office scheduling a second LAAC/VAAC meeting.

Currently, Santa Cruz combines its VAAC and LAAC meetings. The VCA requires that all VCA have both a VAAC and LAAC, and a county can only combine them if they have less than 50,000 registered voters, which is not the case in Santa Cruz. Assemblymember Pellerin combined the VAAC and LAAC before she retired as County Clerk because of how difficult it was to find LAAC members. Santa Cruz had a vibrant VAAC for many years. But now, there are two VAAC members, the two SOS VAAC co-chairs, and only one LAAC member. As prepared, the Draft EAP does not match what is happening in Santa Cruz.

We recommend strengthening efforts to recruit VAAC and LAAC participants and committing to a regular meeting cadence in the EAP. Most VCA counties hold their VAAC and LAAC meetings on a quarterly basis, a frequency that we have found works well. Ahead of elections, sometimes LAACs may meet more often to help review outreach plans and translated materials.

C. Vote Center and Ballot Drop Box Locations

We appreciate that your 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.¹ We encourage you to also consider proximity to underrepresented voter populations not expressly mentioned by the VCA, such as system-impacted voters and 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.²

We further ask that you also consider whether the vote centers are located in places where all Santa Cruz County's voters trust and feel comfortable visiting. In the list of 'Vote Centers and Ballot Drop Box Locations' on page 50 of the Draft EAP, bullet-point 15 lists the Santa Cruz County Sheriff's Office as a proposed pop-up vote center. Vote center and ballot drop box locations placed in public-facing areas of sheriffs' offices or police departments can have an intimidating impact for some voters.³ With this in mind, we especially urge your office to avoid using law enforcement agencies as vote centers or dropbox locations and instead consider other vote center locations in Santa Cruz to ensure safety and comfort for voters during the upcoming 2024 Elections.

¹ Elections Code § 4005(a)(10)(B).

² See County of Sacramento Election Administration Plan: January 2020, <https://elections.saccounty.gov/Documents/EAP%20-%202019/EAP-English-2020.pdf>.

³ League of Women Voters of Cal. Educ. Fund, The Voter's Choice Act Toolkit (Feb. 2022), <https://docs.google.com/document/d/1LO3pedU6lW5HfEilQgHEDvvLyihMq9tTfklrBbpO-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).

D. Language and Voting Accessibility at Vote Centers

We are pleased to read that facsimile ballots in all ballot styles will be available at all vote centers. We recommend clarifying that facsimile ballots and related, multilingual signage should be posted prominently or laid out near the check-in area for voters to easily find. In certain counties, we have found that facsimile ballots are technically “available”, but often placed behind a desk or in a box and only actually shown to voters upon special request.

We further ask your office to provide greater detail about what efforts are made to recruit, assign, and train bilingual Spanish speaking poll workers in all vote centers. For example, will bilingual poll workers in Santa Cruz County receive an extra stipend? What type of identification will bilingual poll workers wear to indicate they speak Spanish?

We appreciate that the County plans to have election workers staffed outside of each vote center to allow for voters to drive up and return their ballots. We assume that this election worker will facilitate curbside voting, but relying on this person may not necessarily work outside during inclement weather or the required rest and meal breaks. We ask your office to confirm that there will still be signage in compliance with AB 545 (Pellerin).

E. Detention Facilities, Probation, and Parole

We appreciate that your office added a section describing the established relationships with county detention facilities and the probation department to provide support such as voter registration training, election information, and more. We further ask that your 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 another detention facility during the November 2022 statewide general election.⁴

F. Other Recommendations

We recommend that, when referring to the ballot tracking system, the EAP note that it is also known as BallotTrax. Second, there are many voters who do not have access to the internet. Elections officials are able to sign voters up for BallotTrax if the voter makes the request by phone. This option should be discussed in the Draft EAP as well as on your website.

We recommend also training election officers how a voter would be able to vote using a ballot marking device (BMD) so they will be able to answer voters’ questions about using the BMD. We recommend including a fuller explanation of ballot marking devices. We recommend the following language:

The ballot-marking devices (BMDs) have features that enable voters with temporary or permanent disabilities to exercise their right to vote privately and independently. “Privately and independently” means these devices enable them to vote without having to rely on another person to help them mark

⁴ 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.

their ballot and without having to reveal how they are voting to anyone else, protecting their right to cast a secret ballot. These features include a touchscreen; a handheld controller with directional control buttons in shapes and colors and a “select” button; options to change text size and color contrast on the screen; headphones for listening to an audio version of the ballot and audio instructions for navigating and marking the ballot electronically; and ports for connecting tactile buttons or a voter’s sip-and-puff device.

Finally, Santa Cruz County’s hospital program is a good and very impactful program. It is currently combined with curbside voting in one heading. We think that it deserves its own heading.

G. Additional Suggestions For Outreach

We appreciate your office for including a list of media partners that the County plans on collaborating with. We ask your office to consider the following radio stations and local news outlets as well when conducting vote center outreach and education. This is a non-exhaustive list, and we encourage your office to continuously search for more media outlets.

Radio Stations & Local News Outlets:

- KSQL (99.1 FM) - Spanish language radio station based in Santa Cruz⁵
- KAPU (104.7 FM) - Radio station based in Watsonville, popular among the local Hawaiian and Pacific Islander community⁶
- Noticias Watsonville - Spanish language news channel affiliated with Santa Cruz Local, with podcasts and a Whatsapp channel in Spanish⁷

We further appreciate your office for including a list of community partners that the County plans on collaborating with. We ask your office to consider the following community organizations and groups as well when conducting vote center outreach and education. This is a non-exhaustive list, and we encourage your office to search for more community organizations and groups to collaborate with.

Community Organizations & Groups:

- Community Action Board of Santa Cruz (CAB)⁸
- Santa Cruz County Latino Affairs Commission⁹
- UC Santa Cruz political/advocacy student groups¹⁰
- Multicultural student groups at UC Santa Cruz¹¹ (e.g., Bayanihan at UCSC¹² to connect better with the local Filipino-American community)
- LEAD Filipino¹³
- Tobera Project¹⁴

Regarding Santa Cruz County community events, we noticed that the Santa Cruz Juneteenth Parade and

⁵ <https://www.univision.com/radio/san-francisco-ksol-fm/que-buena-98-9-99-1-fm>

⁶ <https://www.kapu.org/>

⁷ <https://santacruzlocal.org/noticias-watsonville/>

⁸ <https://cabinc.org/>

⁹ <https://scclatinoaffairs.org/Home/Events.aspx>

¹⁰ <https://someca.ucsc.edu/organizations/2023-2024-organizations.html>

¹¹ <https://aapirc.ucsc.edu/resources/index.html>

¹² <https://www.facebook.com/BayanihanUCSC/>

¹³ <https://leadfilipino.org/>

¹⁴ <https://www.toberaproject.com/>

Celebration¹⁵ was not included in the list provided. We encourage you to consider and include this event alongside the others listed in the Draft EAP. Additionally, we encourage your office to include other cultural events that may be scheduled in your community, such as Lunar New Year events.

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Thank you for your attention and the opportunity to provide suggestions for further improvement of your office's Draft EAP. We look forward to seeing Santa Cruz 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,

/s/ Brandee Calagui
Legal Policy Assistant
under the supervision of

/s/ Angelica Salceda
Democracy and Civic Engagement Director
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/s/ Russia Chavis Cardenas
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/s/ Fred Nisen
Managing Attorney
Voting Rights Practice Group
Disability Rights California

/s/ Sietse Goffard
Senior Voting Rights Coordinator
Advancing Justice – Asian Law Caucus

¹⁵ <https://www.santacruzjuneteenth.com/events>