



RESOLUTION NO. 2019-059

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
FRESNO, CALIFORNIA, IN SUPPORT OF THE VOTER'S  
CHOICE ACT

WHEREAS, on March 12, 2019, the Fresno County Board of Supervisors voted to transition to the Voter's Choice Act (VCA) election model in March 2020, rather than continuing with the current precinct model; and

WHEREAS, the VCA model increases voter's opportunity to receive service by increasing the days and opportunities for voters to vote, and reduces the total number of staff that must be recruited and trained for elections, resulting in well-trained, experienced staff; and

WHEREAS, the County held five community outreach meetings regarding the transition, and the majority of attendees favored the VCA model over the current precinct model; and

WHEREAS, the VCA requires participating counties to file and follow an education and outreach plan to prepare their citizenry for the voting method change; and

WHEREAS, the City of Fresno supports the County's change to the VCA model and wishes to participate in the citizen outreach.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. The City of Fresno supports Fresno County's transition to the VCA election model in March 2020.



2. The Council hereby requests to participate in education and outreach meetings required by the VCA.

3. The Council hereby requests the County Clerk provide notice to the Council regarding the date, time, and location of all future community meetings regarding the transition and any public hearings held in compliance with the VCA.

4. As allowed within federal and state grant requirements, City staff will work with the County Clerk to provide free or reduced price rides using City buses on days ballots are being accepted during the voting period. City Staff will also work with the County Clerk to ensure that voting centers are placed along or near City bus routes.

\* \* \* \* \*



STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the 21<sup>st</sup> day of March 2019.


AYES : Arias, Caprioglio, Chavez, Soria  
NOES : None  
ABSENT : Bredefeld, Esparza, Brandau  
ABSTAIN : None

Mayor Approval: March 25<sup>th</sup>, 2019  
Mayor Approval/No Return:                     , 2019  
Mayor Veto:                     , 2019  
Council Override Vote:                     , 2019

YVONNE SPENCE, MMC CRM  
City Clerk

By:   
Deputy                      Date                     

APPROVED AS TO FORM:  
DOUGLAS T. SLOAN  
City Attorney

By:  3/26/19  
Katie Doerr Date  
Chief Assistant City Attorney

Attachment: Exhibit A



DATE: March 12, 2019  
TO: Board of Supervisors  
SUBMITTED BY: Brandi Orth, Fresno County Clerk/Registrar of Voters  
SUBJECT: Voters Choice Act Legislation

**RECOMMENDED ACTION(S):**

- 1. Consider County Clerk's recommendation to implement the Voter's Choice Act in March 2020; and**
- 2. Provide direction to the County Clerk to:**
  - Option 1: Implement the Voter's Choice Act Model; or**
  - Option 2: Continue with the current precinct model and take the steps to acquire the necessary equipment to continue using this model, and consider an additional service to the precinct model adding three satellite election offices.**

Legislation now provides that all California counties have the opportunity to transition to the Voters Choice Act (VCA), California Elections Code sections 4005-4008, in 2020. The VCA authorizes a county to automatically mail every voter a ballot, provide additional secure ballot drop-off boxes located throughout the county and to establish regional Voting Assistance Centers, replacing multiple precinct locations. Voting Assistance Centers will allow voters to cast a ballot in-person at any vote center in their county. The County of Fresno must decide to either continue the current precinct model or implement the VCA in 2020. This item is countywide.

**ALTERNATIVE ACTION(S):**

Your Board may choose to support the move to implement the VCA or support remaining in a precinct voting model. Continuing with the present precinct model will require a larger capital outlay for the purchase of the new voting system. It is expected that the larger capital cost will be significantly offset by grants and matching funds.

**FISCAL IMPACT:**

The Net County Cost is dependent on which option your Board provides direction on. The following is a summary of the costs associated with options one and two:

- Option One – Implement VCA Model. The VCA model has an ongoing increase of approximately \$131,000 per election (5% of the total election costs) vs. the current precinct model. The VCA also has one-time costs of \$319,000 (\$69,000 IT implementation and \$250,000 for one-time voter outreach and education).
- Option Two - Current precinct model. The one-time equipment costs associated with the current precinct model will be \$1.6 million more than the VCA model. In addition, staff is recommending adding three satellite offices with an approximate ongoing cost of \$35,500 per election.

State and Federal grant funds may be utilized to offset the one-time costs in options one and two. It should be noted the State grant funds do have a match requirement; however, the Federal grant funds may be utilized for the match.





Whichever option your Board directs, the Department will return to your Board for the purchase of voting equipment or other implementation costs as appropriate.

#### DISCUSSION:

On February 12, 2019, your Board directed the County Clerk/Registrar of Voters (County Clerk) to provide attendance records from the VCA community outreach meetings which were held on February 13<sup>th</sup>, 15<sup>th</sup>, and 16<sup>th</sup>, 2019. Your Board also directed the County Clerk to provide a cost analysis of the current vs. proposed VCA voting systems.

#### Community Outreach Meetings

To assist in evaluating the option to implement the VCA in Fresno County, five community outreach meetings were held and attended by a total of 98 constituents. Those meetings were held in Kerman, Sanger, Clovis and two in Fresno. At the meetings, the current precinct model was explained as well as the VCA model and a discussion was held as to which model would best serve the voters. The conversations were robust with many questions and concerns expressed and the County Clerk appreciated the public's willingness to engage in this conversation. Common themes in these discussions were:

- The VCA model would represent a big change and would require extensive communication to voters;
- Some voters may need to travel further to Voting Assistance Centers, compared to traditional precinct locations and that may cause difficulty for voters who do not have access to transportation;
- Under the VCA Model – issuance of vote by mail ballots would increase 35% (from 65% to 100%). Some of the voters may be opposed to receiving a vote by mail ballot, but the voters will have the option to deposit their vote by mail ballots at numerous ballot drop off locations throughout the County;
- Voting Assistance Centers would provide a higher level of service to voters and would be especially advantageous for voters who cannot get to their assigned precinct location and are now required to vote provisionally;
- Staff at Voting Assistance Centers could be better trained as opposed to Precinct Officers under the traditional precinct model;
- Voting Assistance Centers would be more dependent on technology and equipment;
- Voting Assistance Centers would provide more days and opportunities for voters to participate;
- Traditional precinct locations do not serve voters well if they are not assigned to that precinct location and are required to vote on a provisional ballot; and
- Ballot drop off boxes would save postage and allow voters to avoid mail delays.

The majority of the attendees at the meetings favored the VCA model over the current precinct model. However, some individuals strongly favored the current traditional precinct model and were opposed to the VCA model. A few individuals felt that either model was good. During these sessions, some individuals expressed their concern for the possibility of non-citizens voting, lack of voter ID required by State law, and the impact of extended hours on precinct watching.

To further evaluate implementation of the VCA, the County Clerk spoke with counties that have



converted to the VCA Model and other counties considering conversion. The VCA was successfully adopted by five counties (Sacramento, San Mateo, Napa, Nevada and Madera) and it is now optional for all counties. Each of these five counties has committed to continuing to use the VCA model in 2020. Additionally, Los Angeles County has decided to implement the VCA and roughly a dozen additional counties have indicated that they are conducting an evaluation process similar to Fresno County.

#### **Cost Analysis Current vs. Proposed VCA**

The Department utilized data from the November 2018 election to construct the cost analysis comparing the traditional precinct model and the VCA Model. The Department concluded that this data would provide for an adequate comparison between both models even though the data does not reflect the nuances related to primary elections (i.e. party ballots). It should be noted, these numbers do not reflect the costs of the basic equipment and programs for ballot layout that are the same regardless of which model is used. The purpose of this comparison is to explain the operational cost difference in the precinct model vs. the VCA model. It should be noted the detail for these costs is provided in the Attachments to this item.

#### **VCA Ongoing Costs**

<u>Item</u>	<u>(reduction)/additional costs</u>
Precinct ballot printing (Attachment B)	(61,303)
Voting Assistance Center staff (Attachment C)	78,245
VCA vote by mail (additional distribution) (Attachment D)	189,835
Paper roster and street index	(9,100)
Provisional ballot processing	(30,000)
Drayage of voting location materials	(13,700)
Voting Location materials costs	(40,000)
Election night staff	(13,000)
Drop box labor	35,500
Training materials	(5,000)
<b>Total ongoing increase for VCA model per election</b>	<b>\$131,477</b>

#### **VCA One-time Costs\***

<u>Item</u>	<u>(reduction)/additional costs</u>
IT implementation	\$69,000
Outreach/voter education (see Attachment E)	\$250,000

#### **VCA One-time Savings – Voting Systems Equipment\***

Current precinct model (268 precincts)	\$3.3 million
VCA model (50 voting assistance centers)	<u>\$1.7 million</u>
Total one-time savings	(\$1.6 million)

\*Note – State and Federal grant funds may be utilized to offset these costs.

The equipment costs for the precinct model are higher due to the need for a higher number of ballot tabulators and accessible voting units at traditional precinct locations (approximately 268) compared to the 50 voting assistance centers associated with the VCA model (which have more equipment per location but fewer total units required). However, vote by mail requirements and the difference in staffing costs for the additional days make the VCA model slightly more expensive to operate on an ongoing basis.



### **Advantages/Disadvantages**

#### **Advantages of continuing the use of the current precinct model:**

- Voters are familiar with the current system;
- Precinct locations are closer to voter's residences; and
- Vote by mail ballots are only issued to those voters who request them (less printing/mailing costs).

#### **Advantages of changing to the VCA Model:**

- Vote centers are open 4 to 10 days – more opportunities for voters to receive service;
- Voter registration available at all sites as opposed to just the Main Election Office;
- Reduced total number of staff to be recruited and trained potentially resulting in better trained staff and consistent service; and
- Voters may vote at any voting assistance center without using a provisional ballot.

#### **Disadvantages of the Precinct model:**

- Provisional ballots – voters who do not go to their assigned precinct location must be issued a provisional ballot, which can mean the voter potentially misses voting on candidates and issues for their proper precinct in addition to additional processing costs;
- Precinct locations are open for only one day; and
- Staffing is difficult due to large numbers, legal requirements, and 15 hour work days resulting in inconsistent service.

#### **Disadvantages of the VCA model:**

- Change in general may be confusing, especially in the beginning;
- Voters who receive a vote by mail ballot may not want one (additional printing/mailing costs); and
- Additional ongoing costs primarily associated with increased staffing hours and vote by mail requirements.

Voting equipment for the current paper-based precinct model election system used by the County is over 20 years old. Regardless of the VCA, Fresno County will need to purchase a new voting system. The voting model used by the County will have a significant impact on the quantity and type of equipment purchased and thus the cost of the purchase (see Attachment A). This capital outlay may be offset by grant funds, but potential additional costs may be incurred by switching voting models. It is prudent to explore the VCA model as an option for the Fresno County at this time.

The County Clerk's staff have dedicated much time studying the issues associated with these two systems and seeking community input. Based on this review, it is recommended that the County of Fresno implement the VCA Model and change to the Voting Assistance Center model as the voters in general will be better served with this model. If the Board does not support this recommendation, then the Department will move forward with continuing the traditional precinct model.

If the Board of Supervisors favors continuing the current precinct model, an additional service may be added to introduce three satellite offices (locations to be determined), open for four days for voters to receive the correct ballot (thereby reducing the number of provisional ballots); allow voter registration and the same level of service currently offered at the main elections office. The cost of providing this additional service is approximately \$35,500 per election, an increase





of 1.4% to total election bill.

As requested by your Board, Attachment F shows the details and costs if the current Supervisorial District Two Special Election were conducted under the VCA model. The VCA has reduced requirements for special elections. In this scenario, if the VCA model had been implemented, the total cost between a precinct model and the VCA model would be \$15,045 less as detailed in Attachment F.

Pending Legislation:

Recently introduced legislation, Assembly Bill No. 363 (AB 363) by Gonzalez, is proposing new requirements for those counties who remain in the precinct model. AB 363 would require that a certain number of precinct locations (by formula in the bill equating to 46 for Fresno County) also be open the Saturday, Sunday and Monday before election day, for minimum of 8 hours per day. This would add increased costs to the precinct model, while also increasing the number of provisional ballots.

Also, Senate Bill 72 (SB 72) by Umberg, is proposing new requirements for those counties who remain in the precinct model. It would require counties to operate early voting satellite offices. SB 72 would require the Secretary of State to determine the number of satellite offices each county must open and staff. Currently the bill does not specify the amount of days each satellite office must be open prior to the election.

REFERENCE MATERIAL:

BAI #6, February 12, 2019

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachment A – Capital Expenditure Comparison  
Attachment B – Ballot Printing Cost Savings  
Attachment C – VCA Staff Costs  
Attachment D – Additional Vote by Mail Ballot Distribution  
Attachment E – Voter Outreach and Education  
Attachment F – Supervisorial District Two Special Election Comparison of Costs (Current Precinct vs. VCA model)

CAO ANALYST:

Yussel Zalapa



## **Attachment A**

### **Capital Expenditure Comparison - Current Precinct Model/Voter's Choice Act Model**

In the fall of 2018, the Fresno County Clerk/Registrar of Voters (County Clerk) released a Request For Proposal (RFP) seeking bids for a new voting system. This new system would include new servers and software for the administration of elections, accessible ballot marking equipment for precinct location voting, equipment for the central scanning of ballots and tabulating of results, and potentially the tabulation of ballots at precinct locations. Multiple vendors replied to the RFP.

Each vendor was invited to demonstrate their proposed system. Following the demonstrations, each vendor was asked to provide two clarified cost proposals following strict County equipment counts. One proposal was to satisfy the equipment needs of a new voting system in the current precinct model while the second proposal was to satisfy the equipment needs of implementing the new Voter's Choice Act (VCA) model.

The differences between the two proposals would be 250 additional precinct tabulators and 83 additional accessible ballot marking units for the current precinct model versus 50 ballot on demand equipment set-ups for the new VCA model.

<b>One-time Equipment Costs</b>	
Current Precinct model (268 precincts)	\$3.3 Million
VCA model (50 voting Assistance centers)	\$1.7 Million
One-time reduction in costs with VCA model	(\$1.6 Million)

As provided in the table above, purchasing the new voting system equipment for the current precinct model will cost approximately \$1.6 million more than purchasing the necessary equipment to implement the VCA model. The capital purchase will be offset with State and Federal grant funds. The State grant funds do have a match requirement; however, the Federal grant funds may be utilized for the match.





## **Attachment B**

### **Ballot Printing Cost Savings – Precinct Model/VCA Model**

#### **Precinct Model:**

Under the current precinct model, every precinct is required to have ballots on hand for 75% of registered voters in the precinct (Elections Code §14102(a)(1)). These ballots are delivered to the precincts the morning of the election by the Precinct Inspector and unused ballots are returned to the Elections Warehouse the evening of the election. Unused ballots are required to be controlled and destroyed as soon as possible (Elections Code § 14403).

In Fresno County, additional ballots are printed and held at the Main Elections Office located on Kern Street (beginning 29 days prior to an election) for distribution for vote by mail requests and conditional registration voters during the 15 days up to, and including Election Day. Enough copies of the ballot are ordered for this purpose to serve 15% of registered voters in each precinct. All of these "office" ballots that are unused must be destroyed following Election Code requirements.

Fresno County also orders a supply of ballots to be used during provisional and vote by mail processing to address physically damaged ballots, ballots with identifying information, or provisional ballots voted out of registered precinct. Ballots equal to 5% of the registered voters in each precinct are ordered for this adjudication purpose. Any unused ballots in this category must also be destroyed following Election Code requirements.

Below is a breakdown of unused ballot costs for the current precinct model.

<b>Unused Ballots Destroyed in November 2018</b>	
Precinct ballots	82,000
"Office ballots"	69,204
Adjudication ballots	41,000
Total unused ballots destroyed	192,204
<b>Total cost of unused ballots (\$.28 per ballot)</b>	<b>\$53,817</b>

#### **Voters Choice Act Model:**

Under the Voters Choice Act (VCA), counties are not required to provide pre-printed precinct ballots. Instead, Elections Code § 14102(c) requires that counties using the VCA model furnish "sufficient materials for voting". Fresno County's current Voting System RFP satisfies this requirement through a ballot on demand system. The respondents to the Voting System RFP and Fresno County's current printing vendor estimate the cost saving per on demand ballot printed to be \$.08 each. In November 2018, 93,581 ballots were cast at the precincts.

Below is the detail cost savings realized with Ballot on Demand:

<b>Ballot on Demand Savings</b>	
93,581 ballots x \$.08 saving per ballot (VCA model)	7,486
Total cost of unused ballots (precinct model)	53,817
<b>Total reduction in costs with VCA model</b>	<b>(\$61,303)</b>

As provided in the table above, the total amount potentially saved under the VCA model due to not pre-printing precinct ballots would be \$61,303.



## **Attachment C**

### **Voting Assistance Center Staffing Costs**

#### **Current Precinct Model Staffing – November 2018 (420 voting precincts):**

The Election Coordinator position is a highly experienced field support staff that oversee approximately ten precincts per election. Each individual precinct requires the following staffing: one Inspector and a minimum of three County Clerk positions during major elections. Additionally specialized County Clerk positions may be required in consolidated Precinct locations. Below is a breakdown of these staffing costs.

<b>Current Precinct Model Staffing Costs Per Election</b>	
43 Election Coordinator positions	\$28,001
420 Inspector positions	\$77,770
1304 Clerk positions (including Students and Precinct Guides)	<u>\$197,884</u>
<b>Total</b>	<b>\$303,655</b>

#### **Voter's Choice Act Staffing:**

Under the Voter's Choice Act (VCA), Voting Assistance Centers will be activated in progression following legal requirements with an increase in staffing closer to Election Day. Based on the Act, starting ten days before an election and through the Friday before Election Day, one vote center is required for every 50,000 registered voters. On election day and the Saturday, Sunday, and Monday leading up to the Election Day, one vote center is required for every 10,000 registered voters. Based on this Fresno County will require ten Vote Centers open ten days prior to Election Day, plus Election Day. An additional 40 Voting Assistance Centers will be open three days prior to, plus Election Day.

<b>VCA Staffing Costs</b>	
<b>11-Day Vote Centers</b>	<b>Staff Hours</b>
10 Vote Centers X 7 days X 8 hrs. per day X 6 Staff per Vote Center =	3,360
10 Vote Centers X 3 days X 8 hrs. per day X 8 Staff per Vote Center =	1,920
10 Vote Centers X 1 day X 15 hrs. per day X 10 Staff per Vote Center =	1,500
<b>4-Day Vote Centers</b>	
40 Vote Centers X 3 days X 8 hrs. per day X 8 Staff per Vote Center =	7,680
40 Vote Centers X 1 day X 15 hrs. per day X 10 Staff per Vote Center =	6,000
<b>Total staff hours</b>	<b>20,460</b>
Staff Training: 500 Staff X 10 Training hrs. =	5,000
<b>Total staff hours and training time</b>	<b>25,460</b>
<b>*Total cost of staff and training time</b>	<b>\$381,900</b>

\*Note – total staff costs based on MSF cost recovery for Extra Help staff.

<b>Current Precinct vs. VCA Model Staff Ongoing Costs Per Election</b>	
VCA model staff costs	381,900
Current precinct model staff costs	<u>303,655</u>
<b>Difference</b>	<b>\$78,245 (additional ongoing costs for VCA model per election)</b>



#### **Attachment D**

##### **Additional Vote by Mail Ballot Distribution**

Under the Voter's Choice Act (VCA) model, all voters will receive a vote by mail ballot which will result in an additional 174,000 vote by mail ballots mailed to those voters who have not requested one.

<b>Breakdown of Additional Vote by Mail Ballots Required with the VCA Model</b>	
Registered Voters in November 2018	455,000
Registered Voters receiving a vote by mail ballot	
Permanent Vote by Mail	(237,559)
Vote by Mail Precincts	(14,036)
Individually requested one-time Vote by Mail	<u>(29,763)</u>
<b>Voters who did not receive a vote by mail ballot in November 2018</b>	<b>173,642</b>

Under VCA, costs related to providing vote by mail ballots to these additional voters include:

<b>Ongoing Costs of Additional Vote by Mail Ballots Required with the VCA Model Per Election</b>	
\$.28 per ballot X 174,000 ballots	48,720
\$.50 per envelope and inserting per ballot X 174,000 ballots	87,000
\$.12 postage per ballot X 174,000 ballots	20,880
\$.66 return postage* per returned ballot (est. 50,356)	<u>33,235</u>
Total	<b>\$189,835</b> (additional ongoing costs for VCA model per election)

\*Return postage is .55 cents plus .11 cents service fee charged by post office. Election Code § 3010(a)(2), effective January 1, 2019, requires counties to pay return postage on all vote by mail ballots. The estimated 50,356 in returned ballots assumes this additional group of vote by mail ballots will be returned at a rate of 58%, with 50% of those being returned to drop off boxes and precinct locations. (Sacramento County reported 38% at drop boxes, 34% by mail and 28% at vote centers).

Under the VCA model, the additional cost associated with providing vote by mail ballots to all voters is based on the most recent available data. Data analysis indicates that there is an upward trend in the use of vote by mail ballots. If this trend continues, the cost difference would change.





## **Attachment E**

### **Voter Outreach and Education to Implement the Voter's Choice Act**

The Voter's Choice Act (VCA) requires participating counties to file and follow an education and outreach plan to prepare their citizenry for the voting method change. Each county must organize multiple committees, plan a series of community meetings, provide at least two direct contacts, as required by law, with each registered voter and provide a media plan to supplement the other activities. Counties are encouraged to hold additional educational outreach meetings, especially in conjunction with community groups.

Some portions of the education and outreach plan are at no or minor cost. For example, Sacramento and Nevada counties have reported improved participation and minor costs when effectively partnering with community organizations to hold educational meetings. Other portions of the education and outreach plan would require a large outlay of funds. The two direct contacts with registered voters, as required by law, are estimated to cost Fresno County approximately \$250,000 for two postcard mailings. Therefore, it is estimated that Fresno County will expend \$250,000 in one-time voter outreach and education.

There are grants and alternative funding sources available for education and outreach activities associated with the VCA. It may be possible to fully offset this cost in the short term.

The majority of the activities and responsibilities associated with this activity are not required as continuing activities beyond the implementation year of the VCA. Voter Outreach/Education has thus been listed separately in this cost comparison.



## **Attachment F**

### **Supervisory District Two - Special Election Comparison of Costs of Current Precinct vs. Voter's Choice Act (VCA) Model**

#### **Precinct Model utilized for March 5, 2019 Election**

113,598 registered voters

78 precinct precincts, 9 mail precincts

71,596 vote by mail ballots issued (as of 2/21/2019)

#### **VCA Model – Election Code § 4005(b) Requirements**

2 vote centers open 10 days and Election Day

2 vote centers open Election Day only

8 drop boxes available 28 days prior to Election Day

All Voters receive a vote by mail ballot (currently 42,002 additional vote by mail ballots)

<b>Operational Cost Comparison Current Precinct vs. VCA Model for Special Election for Supervisory District Two</b>	
<b>Item</b>	<b>(Reduction)/Additional Costs</b>
Precinct model ballot printing (see a below)	(20,740)
Voting assistance center staff (see b below)	(13,360)
Additional vote by mail ballots (see c below)	41,959
Paper roster and street index elimination	(2,275)
Provisional ballot processing elimination	(3,750)
Drayage of voting location materials	(3,425)
Voting location materials cost	(10,000)
Election night staff costs	(3,250)
Drop box staff costs	1,740
Training materials	(1,944)
<b>Total operational cost reduction for VCA model</b>	<b>(\$15,045)</b>

#### **(a) Ballot Printing for Precinct Ballots**

The estimated quantities of unused ballots for the Special Election for Supervisory District Two are based upon the ordering requirements as described in Attachment B and the following assumptions: 30% participation for the election

<b>Estimated Unused Ballots Destroyed in Special Election for Supervisory District Two</b>	
Precinct ballots	42,245
Office ballots	16,825
Adjudication ballots	15,000
<b>Total estimated unused ballots destroyed</b>	<b>74,070</b>
<b>Total cost of estimated unused ballots destroyed (\$.28 per ballot)</b>	<b>(\$20,740)</b>