

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

July 13, 2021

FROM

BOB PAGE, Registrar of Voters

SUBJECT

Contract with Westbound Communications for Voter Education and Outreach Activities Related to the 2021 Statewide Special Gubernatorial Recall Election

RECOMMENDATION(S)

Approve the Contract with Westbound Communications for voter education and outreach activities in an amount not to exceed \$300,000 for a term from July 13, 2021, through the certification of the results of the September 14, 2021 California Gubernatorial Recall Election and any potential recount.

(Presenter: Bob Page, Registrar of Voters, 387-2100)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Improve County Government Operations.

Operate in a Fiscally-Responsible and Business-Like Manner.

Pursue County Goals and Objectives by Working with Other Agencies and Stakeholders.

FINANCIAL IMPACT

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). ~~Funding for the recall election was not included in the Registrar of Voters' (ROV) 2021-22 budget.~~ The State appropriated \$~~215-243.6~~ million in its adopted 2021-22 budget to finance recall election costs for all counties. It is anticipated that the revenue received from the State will fully fund the County's cost to conduct the recall election. Adequate appropriation and revenue will be included in a future budget adjustment presented to the Board for approval.

BACKGROUND INFORMATION

The recommended Contract will enable Registrar of Voters (ROV) to continue to educate voters about their options for registering to vote and casting a ballot in the recall election as well as the measures used by ROV and the Secretary of State to ensure the results are accurate, secure, and transparent.

Pursuant to the Contract, Westbound Communications (Westbound) would update the voter education and outreach program it helped ROV develop for the 2020 Presidential General Election, when the program was statutorily mandated by the State.

As before, ROV and Westbound would collaborate with a diverse group of community stakeholders to help distribute election information to eligible voters throughout the county, including those that are traditionally hard to reach. Westbound would also assist ROV with educational materials, media relations, messages on social media and other electronic services, and paid advertisements.

On June 28, 2021, the State Legislature approved and Governor Newsom signed Senate Bill 152, which requires the County to have a voter education and outreach program for the September

14, 2021 California Gubernatorial Recall Election. Additionally, the Voter Bill of Rights in the California Elections Code requires ROV to answer voter questions about election processes for all elections.

Given the interest in election administration throughout the country during and after the 2020 Presidential General Election, ROV expects there is a significant appetite amongst the county's voters for election information. ROV recommends contracting with Westbound to help ROV fulfill this community need and the statutory requirements.

The voter education program will include the following information about ROV's administration of the recall election:

- ROV must mail a ballot to all active registered voters
- ROV must offer the Secretary of State's ballot tracking service to voters
- ROV will operate polling places throughout the county on Election Day
- Voters may cast their voted ballots in mail ballot drop boxes for the four weeks prior to Election Day
- Voters may cast their voted ballots through the U.S. Postal Service so long as the return envelope is postmarked on or before Election Day and received by ROV no later than seven days after Election Day
- ROV will provide early voting services at ROV's San Bernardino office and five more locations

The recommended Contract was negotiated without a specific termination date, because the date for the recall election had not been set at the time. It also contemplated adjustments to the scope of work depending on when the recall election was called.

The Contract will terminate when the election has been certified and a potential recount is completed. ROV must provide the election results from the County to the Secretary of State within 30 days of Election Day; and the Secretary of State must certify the election within 38 days of Election Day. A recount must be requested within five days of the official canvass deadline or ordered within 43 days, but it is not known how long it could take counties to complete a recount.

PROCUREMENT

Given the short amount of time to conduct the recall election and Westbound's experience helping ROV develop the voter education and outreach program for the 2020 Presidential General Election, ROV recommends contracting with Westbound without completing a competitive procurement.

County Purchasing reviewed ROV's non-competitive procurement justification and supports ROV's recommendation, recognizing the importance of voter education and that time constraints limit the ROV's ability to conduct a competitive procurement.

ROV engaged Westbound for the last election through an augmentation of the scope of work of Contract 4400014904 (County Contract No. 20-621) for COVID-19 communications. On August 11, 2020 (Item No. 21), the Board of Supervisors (Board) approved Amendment No. 1 to that contract, increasing the amount by \$250,000 and extending the term of the contract to December 31, 2020, for voter education services.

On September 15, 2020 (Item No. 75), the Board approved Amendment Nos. 2A and 2B to Contract 4400014904 (County Contract No. 20-621), extending the term for COVID-19 communications and adding COVID-19 testing outreach. These amendments did not alter ROV's voter education scope of work.

On January 26, 2021 (Item No. 33), the Board approved Amendment No. 3 to Contract 4400014904 (County Contract No. 20-621), increasing the amount for voter education services by \$20,064. Westbound completed the voter education services on December 31, 2020.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Jolena Grider, Deputy County Counsel, 387-5455) on June 18, 2021; Purchasing (Bruce Cole, Supervising Buyer, 387-2148) on June 23, 2021; Finance (Amanda Trussell, Principal Administrative Analyst, 387-5423) on June 28, 2021; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on June 28, 2021.