

The 2020 California Special Elections

June 17, 2020

California held special elections on May 12, 2020, featuring races in two Southern California jurisdictions: a race for the 25th federal congressional district, and a race for the California state Senate's 28th District. Due to the ongoing coronavirus pandemic, special procedures were implemented--every registered voter received a ballot through the mail, and most in-person voting was suspended. There were no in-person voting options for Riverside County, only 10 options in Los Angeles County, and 3 in-person options in Ventura County. Despite these challenges, turnout rates for both the Congressional seat and the State Senate seat were within the normal range for a special election in California--a significant accomplishment, given the difficult circumstances.

These elections are not a perfect model for understanding California's preparedness for the 2020 Presidential election because in-person voting options were more restricted than they will be in November. Nevertheless, these elections show California's legacy of extensive voting by mail is paying dividends, and Governor Newsom's [Executive Order](#) requiring all county elections officials to mail ballots to all registered voters puts California on firm ground going into the presidential election.

Transferring the lessons of these special elections to other states may also be an issue, especially for states that do not have the existing vote-by-mail infrastructure that California has. However, close to 1,000,000 ballots were mailed out across the 2 special elections, which means more ballots were needed in this special election cycle than there are voters in [15 states](#).

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I. Preliminaries

A. Elections in Play

The California special election took place on May 12, 2020, featuring races in two Southern California jurisdictions: a race for the 25th federal congressional district, and a race for the California state Senate's 28th District.

Following the resignation of Congresswoman **Katie Hill (D)** in 2019, the state scheduled a special election to fill the vacant 25th District seat. The first round of the election took place on March 3. No candidates received a majority of the votes, so a run-off election was scheduled between **Democrat Christy Smith** and **Republican Mike Garcia** to fill the seat. Mr. Garcia won the run-off election with about [55% of the vote](#).

On account of the COVID-19 pandemic, this election was conducted almost entirely via mail-in-ballots. Although drop-in-locations were available, every voter was mailed a ballot per Governor Newsom's [executive order](#) on March 20. The race was contentious, as Hill had beaten incumbent Rep. Steve Knight in a close 2018 race, which flipped the seat blue for the first time in 25 years. Moreover, Republicans had not flipped a congressional seat in California in [22 years](#), and invested [millions](#) of dollars on the outcome of this race.

There was also a state-level special election in Riverside County on May 12. After a primary on March 3, **Democrat Elizabeth Romero** and **Republican Melissa Melendez** advanced to a [special election](#) to fill the vacant 28th District Senate seat. **Melissa Melendez** won this [special election](#) with 55.3% of the vote.

B. COVID Update

California was among the first states to identify COVID-19 [cases](#), issuing a shelter-in-place order on March 13th. The shelter-in-place [order](#) limited travel to “permitted work, local shopping or other permitted errands.” On March 19th, the state laid out a four-stage reopening process called the “[Resilience Roadmap](#).” This policy allows for the gradual resumption of higher-risk activities. During

the May 12th elections, California was in stage 1. There is no guarantee of linear progress through these stages. If COVID-19 cases accelerate at any point, greater restrictions will be implemented and the stages duration will be lengthened.

C. Key Players

California Governor Gavin Newsom (D) [declared](#) a special election for California's 25th Congressional District on November 15, 2019 following **Katie Hill's (D)** [resignation](#) on November 3, 2019. The primary, held on March 3, 2020, failed to produce a candidate with more than 50% of the primary vote. The top 2 finishers, **Christy Smith (D)** and **Mike Garcia (R)**, participated in a runoff election on May 12, 2020. On May 13, 2020, Smith [conceded](#) the race to Garcia, marking the first time since 1998 that the Republican Party was able to [flip](#) a Democratic-held House seat in California.

According to the FEC, a dozen individuals [filed](#) paperwork to run for Rep. Hill's open seat. On January 15, 2020, the **Secretary of State of California Alex Padilla** announced **6 Democrats** and **6 Republicans** would appear on the California primary [ballot](#). Both the special election for Rep. Hill's seat and the regular primary election for the November general election were held on March 3. While the primary determined which candidates would appear in the 2020 general election on November 3, the special election determined who would finish the remainder of Rep. Hill's term. For this reason, many candidates appeared on both ballots for both races.

The California Republican Party initiated a [lawsuit](#) against Gavin Newsom and Alex Padilla to stop ballot harvesting. [Ballot harvesting](#) is the practice of going door-to-door to collect mail-in ballots, and in some cases, helping voters fill out their ballots. This practice came about after a 2016 law that amended the process for [absentee ballot collection](#). Before 2016 only certain persons, like a relative or roommate could return a ballot. After this law, voters could designate any person to return their ballot. This allowed volunteers and campaign workers to collect ballots. The lawsuit alleges that the practice [violates social distancing and shelter-in-place policies](#), and so should have been banned for the special election. The [lawsuit](#) sought a declaratory judgment against Newsom and Padilla, however such relief was not granted prior to the election.

II. Election Preparations

A. Vote By Mail

[California](#) processes more mail-in ballots than any other state. The vote-by-mail system has been in place for approximately 60 years. In fact, 2 out of every 3 voters voted by mail even before Governor Newsom's executive order.

Governor Newsom signed an [executive order](#) requiring mail-in ballots to be sent to every 25th House district voter and every 28th State Senate district voter in order to avoid long lines at polling places that could lead to the spread of COVID-19.

The California Secretary of State has published [regulations](#) on how the number of drop-off boxes and their locations are determined by the county elections official. Factors include “concentrations of population, geographic areas, voter convenience, proximity to public transportation, community-based locations, security, and available funding.”

In Los Angeles, ballots were [mailed](#) 29 days before Election Day. If a person missed the vote-by-mail request deadline, they could still request one by filling out an [Emergency Vote by Mail form](#).

B. In-Person Voting

Los Angeles County Registrar Dean Logan announced that the county would have [10](#) in-person voting locations for the District 25 special election. These [vote centers](#) were open from 8:00 AM to 5:00 PM from Saturday, May 2 to Monday, May 11 and from 7:00 AM to 8:00 PM on Election Day, May 12.

In order to maintain safety in the in-person voting procedures, elections administrators took the following precautions at polling places:

- Social distancing of at least six feet between voters
- Election workers wearing protective gloves and masks
- Wiping down surfaces and Ballot Marking Devices after every voter
- Limiting the number of voters in the voting area at one time

Breaking from the normal tradition of having vote centers inside churches, community centers, or schools, some vote centers were actually repurposed mobile homes. Some locations, including one in Stephen Sorensen County Park, Lake Los Angeles, CA had its voting center completely outside, with its voting machines placed under canopies.

Los Angeles County initially stated that its [voting centers](#) would be open during the 10 days prior to the election. However, of the 10 vote centers, only [7](#) ever opened before Election Day. Of those [7](#), [5](#) were open for 3 days or fewer. Vote centers for Los Angeles County were largely spread around the district. Notable vote center [locations](#) included the Livingstone Cathedral of Worship, Porter Ranch Town Center, the College of the Canyons, and the Pampered Pooch Pet Hotel.

Ventura County offered [three](#) in-person voting options. They offered 1 location to vote the Saturday before the election open from 10:00 AM to 3:00 PM, and 2 locations on Election Day open from 7:00 AM to 8:00 PM. Ventura County used both the Simi Valley Public Library and the Ronald Reagan Presidential Library as their [vote centers](#).

Based upon the difference between the [vote total](#) and the [mail ballots](#) returned, it appears that approximately 30,000 people cast ballots in-person across Los Angeles and Ventura county.

C. County-Specific Preparations

The Los Angeles County Registrar encouraged people to vote by mail and created 22 [drop-boxes](#) where people could place their ballots. Ventura County offered 2 [drop-boxes](#) locations for voters to return their ballots. The [25th District](#) is spread over 1690 square miles with an average population density of 430 people per square mile, so there is one drop-box for every 70 square miles and one drop-box for 17,700 voters. Drop box location decisions are largely [discretionary](#), but based upon the established locations for the special election, it would appear that voter convenience and population centers were predominant factors in their decision.

Riverside County held no in-person polling locations and [announced](#) that 493,833 vote-by-mail ballots would be mailed. In addition, the county provided only 8 ballot [drop-boxes](#) for a [county](#) that covers about 2,000 square miles, and with an average population density of 450 people per square mile.

III. Primary Results Post-Mortem

A. Voter Turnout

Per Governor Newsom's executive order, California's Special Election was mainly conducted through the mail. Over the election period, 425,060 ballots were mailed to the registered voters throughout the 25th District. Out of these ballots, [174,310](#) ballots were returned. [Demographic analysis](#) suggests that age groups above 50 years old had the highest return rate out of all age groups (averaging above 50%).

For the State Senate race, Riverside County saw similar results. Riverside County mailed out 491,034 ballots and received [189,672](#) back from the voters.

All told, the turnout rate for the 25th District Special Election was [41%](#). The turnout rate for the 28th State Senate District Election was [39%](#). These turnout rates are fairly typical for a California special election, as in the [Assembly District 1 race in 2019](#), the [Senate District 1 race in 2019](#), and the [Assembly District 45 race in 2018](#). Some special elections have even worse turnout, with only 10 to 15 percent of voters returning a ballot, for example the [Senate District 33 race in 2019](#), and the [Congressional District 34 race in 2017](#).

B. Adequacy of Vote Centers

It does appear that vote centers had the appropriate [materials](#) in order to accommodate in-person voting. Polling places were required to follow social distancing guidelines and poll workers were required to clean the booth after each voter. It looks like vote centers followed these [procedures](#) and took appropriate measures to ensure the health and safety of the voters.

C. Voter Experience

Some voters did [not receive](#) their ballots in time for the election. [Olga Garcia](#), a 25th District voter, for example, was unable to vote by mail but was able to cast a ballot at one of the polling centers offered in Los Angeles. Upon entering the polling place, Ms. Garcia found poll workers wiping down stations and upholding social distancing practices. Poll workers are also required to wear face coverings and gloves when [working](#) at polling places. All of these practices were [required](#) by the counties in order to maintain public health and safety during COVID.

We found no reported instances of long lines at any in-person polling places. Moreover, there does not appear to have been issues at the polling place regarding safety or missing materials. Nor does it look like new coronavirus outbreaks occurred because of voting.

IV. Looking Towards the Future

Governor Newsom issued an [executive order](#) requiring all county elections officials to mail ballots to all registered voters for the general election this November. Newsom still expects [in-person voting](#) to occur, especially for voters with disabilities or language barriers. More recently, in a subsequent [executive order](#), Newsom created guidelines for in-person voting. This new executive order requires counties to provide at least three days of early voting, and to provide at least 1 polling place for every 10,000 registered voters. It also requires counties to have at least 1 drop-box for every 15,000 registered voters starting in early October.

There is some doubt, however, as to whether these executive orders are enforceable. Some California State Representatives [sued](#) in order to prevent these executive orders from taking effect, and the judge recently put a hold on the orders until the trial. The argument is that such power belongs to the state legislature, and no governor, under any circumstances, can usurp this power from the legislative branch. It does appear, however, that state representatives have already begun drafting [legislation](#) that mirrors these executive orders.

If, however, the executive orders or similar legislation take effect by November, California may be on track to conducting a safe presidential election with high voter participation. California has already proven that elections can take place during a pandemic that has high turnout rates while not increasing contracted cases of COVID or having voters stand for hours in line to vote in-person. Mailing everyone a ballot weeks in advance, while providing an opportunity to have another mailed if the first ballot is lost, coupled with early voting and other in-person options has certainly helped voters safely access the ballot during COVID.