

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

Harmeet K. Dhillon (SBN: 207873, 177 Post St., Ste 700, San Francisco, CA 94108)

Mark P. Meuser (SBN: 231335, 177 Post St., Ste 700, San Francisco, CA 94108)

Gregory P. Michael (SBN: 306814, 177 Post St., Ste 700, San Francisco, CA 94108)

TELEPHONE NO.: (415) 433-1700

FAX NO. (Optional): (415) 520-6593

ATTORNEY FOR (Name): California Republican Party

FOR COURT USE ONLY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO

STREET ADDRESS: 720 9th St

MAILING ADDRESS: 720 9th St

CITY AND ZIP CODE: Sacramento, CA 95814

BRANCH NAME: Gordon D. Schaber Sacramento County Courthouse

CASE NAME:

California Republican Party v. Newsom

CIVIL CASE COVER SHEET

☒ **Unlimited** (Amount demanded exceeds \$25,000) ☐ **Limited** (Amount demanded is \$25,000)

Complex Case Designation

☐ Counter ☐ Joinder
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER:
TBD

JUDGE: TBD

DEPT.: TBD

Items 1–6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:**Auto Tort**

- ☐ Auto (22)
☐ Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- ☐ Asbestos (04)
☐ Product liability (24)
☐ Medical malpractice (45)

Other PI/PD/WD (23)**Non-PI/PD/WD (Other) Tort**

- ☐ Business tort/unfair business practice (07)
☒ Civil rights (08)
☐ Defamation (13)
☐ Fraud (16)
☐ Intellectual property (19)
☐ Professional negligence (25)
☐ Other non-PI/PD/WD tort (35)

Employment

- ☐ Wrongful termination (36)
☐ Other employment (15)

Contract

- ☐ Breach of contract/warranty (06)
☐ Rule 3.740 collections (09)
☐ Other collections (09)
☐ Insurance coverage (18)

Other contract (37)**Real Property**

- ☐ Eminent domain/Inverse condemnation (14)
☐ Wrongful eviction (33)
☐ Other real property (26)

Unlawful Detainer

- ☐ Commercial (31)
☐ Residential (32)
☐ Drugs (38)

Judicial Review

- ☐ Asset forfeiture (05)
☐ Petition re: arbitration award (11)
☐ Writ of mandate (02)
☐ Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403)

- ☐ Antitrust/Trade regulation (03)
☐ Construction defect (10)
☐ Mass tort (40)
☐ Securities litigation (28)
☐ Environmental/Toxic tort (30)
☐ Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

- ☐ Enforcement of judgment (20)

Miscellaneous Civil Complaint

- ☐ RICO (27)
☐ Other complaint (not specified above) (42)

Miscellaneous Civil Petition

- ☐ Partnership and corporate governance (21)
☐ Other petition (not specified above) (43)

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. ☐ Large number of separately represented parties d. ☐ Large number of witnesses
b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
c. ☐ Substantial amount of documentary evidence f. ☐ Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. ☐ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive

4. Number of causes of action (specify): One (1) cause of action (for declaratory judgment)

5. This case ☐ is ☒ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: April 29, 2020

Harmeet K. Dhillon

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)–Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

1 HARMEET K. DHILLON (SBN: 207873)
harmeet@dhillonlaw.com
2 MARK P. MEUSER (SBN: 231335)
mmeuser@dhillonlaw.com
3 GREGORY R. MICHAEL (SBN: 306814)
gmichael@dhillonlaw.com
4 DHILLON LAW GROUP INC.
5 177 Post Street, Suite 700
6 San Francisco, California 94108
Telephone: (415) 433-1700
7 Facsimile: (415) 520-6593

8 Attorneys for Plaintiff
9 The California Republican Party

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF SACRAMENTO—UNLIMITED JURISDICTION**
12

13 **THE CALIFORNIA REPUBLICAN**
14 **PARTY,**

15 Plaintiff,

16 v.

17 **GAVIN NEWSOM**, in his official capacity
18 as the Governor of California; **XAVIER**
19 **BECERRA**, in his official capacity as the
Attorney General of California; and **ALEX**
20 **PADILLA**, in his official capacity as the
California Secretary of State

21 Defendants.
22

Case Number:

**COMPLAINT FOR DECLARATORY
JUDGMENT**

1 Plaintiff, the California Republican Party (“CAGOP”), through its attorneys, Dhillon Law
2 Group, Inc., files this Complaint for Declaratory Judgment against Gavin Newsom (“Newsom”), in
3 his official capacity as the Governor of the State of California; Xavier Becerra (“Becerra”), in his
4 official capacity as the Attorney General of California; and, Alex Padilla (“Padilla”), in his official
5 capacity as the California Secretary of State (Newsom, Becerra, and Padilla are collectively referred
6 herein as “Defendants”), and alleges as follows:

7 INTRODUCTION

8 1. This case concerns the urgent question of whether a campaign ballot gatherer (also
9 referred to as a “ballot harvester”) is a nonessential worker subject to Governor Newsom March 19,
10 2020 Executive Order that nonessential workers are to stay home (hereinafter “Stay Home Order”).
11 On May 12, 2020, there is a special election to fill vacancies in both Congressional District 25 and
12 State Senate District 28. Starting with the June, 2018 election, California campaigns have deployed
13 volunteers and/or paid staff to pick up and deliver mail-in ballots to help ensure the return for as many
14 ballots as possible for the cause or candidate they are advancing.

15 2. The CAGOP has a material interest in ensuring that as many ballots are returned for its
16 candidates as possible, using all legal means to meet this goal. However, because of public statements
17 by California officials that appear to contradict the Stay Home Order, it is impossible to ascertain for
18 certain that ballot harvesting is prohibited for these special elections under the Stay Home Order.

19 3. Various county public health and law enforcement officials have been enforcing the
20 state and local stay-at-home orders with zeal, ticketing and threatening to criminally prosecute
21 violators. At the same time, the California Election Code permits ballot harvesting as a legal election
22 activity.

23 4. The Governor’s Stay Home Order uses terminology relating to the election that is
24 inconsistent with the Election Code. Though the CAGOP has sought written guidance from the
25 Governor and has looked at the Secretary of State’s website to clarify the permissibility of ballot
26 harvesting in these special elections, under the current COVID-19 shutdown circumstances, these
27 officials have refused to clarify the law, putting CAGOP workers at risk of criminal prosecution if
28 they seek to collect and return ballots from voters, an activity Defendant Padilla seems to suggest is

1 perfectly healthy and safe. This vagueness, uncertainty, and contradictory nature of Defendants'
2 Executive Orders and public statements chill the CAGOP's ability to perform normal campaign
3 activities during the upcoming special election. If all candidates and their supporters are not abiding
4 by the same rules, these disparities could have a devastating impact on the integrity of the May 12
5 election.

6 **PARTIES**

7 5. Plaintiff CAGOP is a political party in California with its principal place of business
8 located at 1001 K. Street 4th Floor, Sacramento, CA 95814. The Republican State Central Committee
9 (the "RSCC") is the CAGOP's governing body. (Cal. Elec. Code §§ 7400, *et seq.*) As set forth in
10 Section 1.04.01 of the CAGOP Bylaws, RSCC and the CAGOP exercise their "federal and state
11 constitutional rights, as set forth in the First and Fourteenth Amendments to the United States
12 Constitution, and Article IV, Section 5 ... to represent and speak for [their] members [and] to endorse
13 and to nominate candidates for all partisan elective offices."

14 6. The CAGOP represents over 4.9 million registered Republican voters in the State of
15 California.

16 7. Defendant Gavin Newsom is made a party to this Action in his official capacity as the
17 Governor of California. The California Constitution vests the "supreme executive power of the State"
18 in the Governor, who "shall see that the law is faithfully executed." (Cal. Const. Art. V, § 1.)
19 Governor Newsom signed the State Order.

20 8. Defendant Xavier Becerra is made a party to this Action in his official capacity as the
21 Attorney General of California. Under California law he is the chief law enforcement officer with
22 supervision over all sheriffs in the state. (Cal. Const. Art. V, § 13.)

23 9. Defendant Alex Padilla is made a party to this Action in his official capacity as the
24 Secretary of State of the State of California. He is the chief election officer of the state and "shall
25 administer the provisions of the Elections Code." (Cal. Gov. Code § 12172.5; Cal. Elec. Code § 10.)

26 **JURISDICTION AND VENUE**

27 10. This Court has jurisdiction over this action pursuant to the California Constitution,
28 Article VI, Section 10, which grants the Superior Court "original jurisdiction in all causes except

1 those given by statute to other courts.”

2 11. This Court has jurisdiction over all Defendants, because each Defendant is a citizen of
3 California.

4 12. Venue is proper in this Court, because Defendants maintain offices, exercise their
5 authority in their official capacities, and it is the County in which the signing of the Executive Orders
6 by Governor Newsom. (Code Civ. Proc., § 395(a).)

7 **GENERAL ALLEGATIONS**

8 13. On or about March 13, 2020, President Donald J. Trump proclaimed a National State
9 of Emergency as a result of the threat of the emergence of a novel coronavirus, COVID-19.¹

10 14. Since the initial outbreak of COVID-19 in the United States in February and March
11 2020, Defendants have increasingly restricted—where not outright banned—Californians’
12 engagement in constitutionally-protected activities.²

13 15. On November 15, 2019, the Governor called a Special General Election for May 12,
14 2020 for both Congressional District 25 and State Senate District 28 to fill vacancies because the
15 incumbents voluntarily resigned from office. The Special Primary Election was consolidated with the
16 March 3 Presidential Primary Election.

17 16. On March 3, 2020, the Special Primary Elections were held for both Congressional
18 District 25 and State Senate District 28. The two candidates with the most votes in each of these races
19 moved on to the May 12, 2020 Special General Election.

20 17. Congressional District 25 is located within Los Angeles and Ventura counties.

21 18. State Senate District 28 is located entirely within Riverside County.

22 19. On or about March 4, 2020, California Governor Gavin Newsom proclaimed a State of
23

24 ¹ As of the date of this filing, the Proclamation of a National Emergency can be found online at:
25 [https://www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-](https://www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-concerning-novel-coronavirus-disease-covid-19-outbreak/)
26 [concerning-novel-coronavirus-disease-covid-19-outbreak/](https://www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-concerning-novel-coronavirus-disease-covid-19-outbreak/).

27 ² See, e.g., [https://www.usatoday.com/story/news/investigations/2020/04/09/coronavirus-deaths-u-s-](https://www.usatoday.com/story/news/investigations/2020/04/09/coronavirus-deaths-u-s-could-closer-60-k-new-model-shows/5122467002/)
28 [could-closer-60-k-new-model-shows/5122467002/](https://www.usatoday.com/story/news/investigations/2020/04/09/coronavirus-deaths-u-s-could-closer-60-k-new-model-shows/5122467002/)

1 Emergency as a result of the threat of COVID-19.³

2 20. On or about March 19, 2020, Newsom issued Executive Order N-33-20 in which he
3 ordered “all residents . . . to immediately heed the current State public health directives.”⁴ (“Stay
4 Home Order”).

5 21. The state public health directive requires “all individuals living in the State of
6 California to stay home or at their place of residence except as needed to maintain continuity of
7 operations of the federal critical infrastructure sectors as outlined at [https://www.cisa.gov/identifying-](https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19)
8 [critical-infrastructure-during-covid-19](https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19).”⁵

9 22. The public health directive provides that its directives “shall stay in effect until further
10 notice.”⁶

11 23. As a result of the Stay Home Order, campaigns and political parties have not been able
12 to conduct in-person campaign activities during this campaign. For example, candidates have been
13 unable to host or attend community events.

14 24. On or about March 22, 2020, the California Public Health Officer designated a list of
15 “Essential Critical Infrastructure Workers.”⁷ Included on the list of the “essential workforce” are
16 “Elections personnel.” This list was produced by the State Public Health Officer in accordance with
17 Newsom Executive Order N-33-20.⁸

18 25. The term “Elections personnel” does not appear anywhere in any California Election
19

20 ³ As of the date of this filing, the Proclamation of a State of Emergency can be found online at:
<https://www.gov.ca.gov/wp-content/uploads/2020/03/3.4.20-Coronavirus-SOE-Proclamation.pdf>.

21 ⁴ As of the date of this filing, Executive Order N-33-20 can be found online at:
22 [https://www.gov.ca.gov/wp-content/uploads/2020/03/3.19.20-attested-EO-N-33-20-COVID-19-](https://www.gov.ca.gov/wp-content/uploads/2020/03/3.19.20-attested-EO-N-33-20-COVID-19-HEALTH-ORDER.pdf)
23 [HEALTH-ORDER.pdf](https://www.gov.ca.gov/wp-content/uploads/2020/03/3.19.20-attested-EO-N-33-20-COVID-19-HEALTH-ORDER.pdf)

24 ⁵The State Public Health Directive was included in the text of Executive Order N-33-20.

25 ⁶ *Id.*

26 ⁷ As of the date of this filing, the list of Essential Critical Infrastructure Workers can be found online
27 at: <https://covid19.ca.gov/img/EssentialCriticalInfrastructureWorkers.pdf>.

28 ⁸ *Id.*

1 Code, or any California statute.

2 26. The term “Elections personnel” is not a term defined by any California Court case.

3 27. California has utilized the federal government’s designation of various critical
4 infrastructure sectors which includes the Election Infrastructure subsector of the Government
5 Facilities sector when determining what employees are essential.⁹ Relevant guidance from the federal
6 government’s Cybersecurity and Infrastructure Security Agency’s (“CISA”) Essential Critical
7 Infrastructure Workforce document utilizes the term “Elections personnel” and deems them
8 essential.¹⁰ U.S. Department of Homeland Security guidance makes clear that the Election Critical
9 Infrastructure is intended to apply to election administration personnel like those responsible for
10 setting up or maintaining voting systems and those managing the election process and not to “political
11 action committees,” “[c]ampaigns”, “[o]r any other non-state or local government election related
12 group.”¹¹ Accordingly, essential “Elections personnel” would not include campaign workers or others
13 engaged in ballot harvesting.

14 28. On or about March 20, 2020, California Governor Newsom issued Executive Order N-
15 34-20 in which he ordered that:

16 [The] Special General Election to be held within the 25th Congressional District of the
17 State; and the May 12, 2020, Special General Election to be held within the 28th Senate
18 District of the State shall each be held as an all-mail ballot election and conducted
19 according to those provisions of the Elections Code that govern all-mail ballots
elections, including but not limited to Elections Code sections 3000-3026 and 4100.¹²

20 29. According to Newsom’s March 20th Executive Order, the two May 12th Special
21

22 ⁹ Executive Order N-33-20 at 1-2.

23 ¹⁰ As of the date of this filing, the Essential Critical Infrastructure Workforce can be found online at:
24 https://www.cisa.gov/sites/default/files/publications/Version_3.0_CISA_Guidance_on_Essential_Critical_Infrastructure_Workers_1.pdf
25

26 ¹¹ U.S. Department of Homeland Security Election Security explanation at:
27 <https://www.dhs.gov/topic/election-security>

28 ¹² As of the date of this filing, Executive Order N-33-20 can be found online at:
<https://www.gov.ca.gov/wp-content/uploads/2020/03/3.20.20-EO-N-34-20-COVID-19-Elections.pdf>

1 General Elections are to be conducted pursuant to Elections Code §§ 3000-3026.

2 30. The Los Angeles County Registrar of Voters has published a guide to the May 12,
3 2020 Congressional District 25 Special General Election. This guide provides: “In compliance to the
4 Governor’s Executive Order related to COVID-19, all registered voters eligible for this election were
5 mailed a Vote by Mail ballot.”¹³

6 31. Even though “L.A. County is encouraging voters to stay at home and vote. In-person
7 voting is offered in a limited capacity”¹⁴

8 32. Ventura County Registrar of Voters has published a guide titled “Vote By Mail
9 Election.” This guide states that “This election will be conducted by mail only. There will be NO
10 polling locations.”¹⁵

11 33. Riverside County Registrar of Voters has published a guide titled “May 12, 2020
12 Special Vacancy Mail Ballot Election In-Person Voting Opportunities.” This guide provides that the
13 “generalized use of in-person voting may present risks to public health and safety in light of the
14 COVID-19 pandemic. The Riverside County Registrar of Voters recommends that voters only use the
15 below in-person voting opportunities if absolutely necessary.”¹⁶

16 34. Within Cal. Elec. Code §§ 3000-3026 is Cal. Elec. Code § 3017 which provides the
17 following:

18 A vote by mail voter who is unable to return the ballot may designate another person to
19 return the ballot to the elections official who issued the ballot, to the precinct board at a
20 polling place or vote center within the state, or to a vote by mail ballot dropoff location
21 within the state that is provided pursuant to Section 3025 or 4005. The person
designated shall return the ballot in person, or put the ballot in the mail, no later than

22 ¹³ As of the date of this filing, the guide can be found online at:
23 <https://lavote.net/docs/rcc/media/Factsheet-05122020.pdf>

24 ¹⁴ *Id.*

25 ¹⁵ As of the date of this filing, the guide can be found online at:
26 <https://recorder.countyofventura.org/wp-content/uploads/2020/04/CD-25-VBM-Information-For-Web-1.pdf>

27 ¹⁶ As of the date of this filing, the guide can be found online at:
28 <https://www.voteinfo.net/Elections/20200512/docs/In-PersonVotingOpportunities.pdf>

1 three days after receiving it from the voter or before the close of the polls on election
2 day, whichever time period is shorter.
3 (Cal. Elec. § 3017.)
4 35. Pursuant to Cal. Elec. Code § 3017, ballot harvesting may be used legally in elections
5 throughout California.
6 “Ballot harvesting” is political jargon for a practice in which organized workers or
7 volunteers collect absentee ballots from certain voters and drop them off at a polling
8 place or election office.¹⁷
9 36. Since the amendments of Cal. Elec. Code § 3017 in 2016, it has now become the
10 practice for volunteers or campaign staffers to collect and drop off “maybe 100 or 200 ballots.”¹⁸
11 37. On April 15, 2020, the CAGOP sent a letter to Newsom specifically asking him to
12 clarify application of his Executive Order so that all candidates could know whether the “Stay-at-
13 Home Order prohibits collection of ballots by persons who do not live in the same household as the
14 voter.”¹⁹
15 38. In its letter, the CAGOP wrote:
16 For the health and safety of voters in the 25th Congressional District and the 28th Senate
17 District, and any other voters casting a ballot in the near future, we request that you
18 make it clear that the existing Stay-at-Home Order prohibits collection of ballots by
19 persons who do not live in the same household as the voter.
20 39. As of the date of this filing, the CAGOP has received no written response to the letter.
21 40. The CAGOP is aware that an April 28, 2020 POLITICO article reported:
22 Newsom's office referred questions to Padilla. The state elections chief, a former
23 Democratic state senator, said that the practice presents no danger to voters — and may
24 ¹⁷ See, [https://www.sandiegouniontribune.com/opinion/the-conversation/sd-what-is-ballot-harvesting-
25 in-california-election-code-20181204-htmlstory.html](https://www.sandiegouniontribune.com/opinion/the-conversation/sd-what-is-ballot-harvesting-in-california-election-code-20181204-htmlstory.html)
26 ¹⁸ *Id.*
27 ¹⁹ As of the date of this filing, the April 15, 2020 letter can be found online at:
28 [http://image.victory.cagop.org/lib/fe32157175640478731379/m/1/f65cd88a-5c9b-4471-8b6e-
7dba4d31e2b0.pdf?](http://image.victory.cagop.org/lib/fe32157175640478731379/m/1/f65cd88a-5c9b-4471-8b6e-7dba4d31e2b0.pdf?)

1 actually be a boon for many voters during the current pandemic, even in an election
2 that will be all vote-by-mail.

3 “While traditional polling locations are harder to come by during the Covid-19
4 pandemic, voters must increasingly rely upon vote-by-mail ballots. California law
5 gives citizens a variety of options for casting their vote-by-mail ballots — including the
6 freedom to designate someone they trust to return their ballot,” Padilla spokesperson
7 Sam Mahood told POLITICO. “A pandemic is no time to make it harder for citizens to
8 cast their vote-by-mail ballots.”²⁰

9 41. Padilla’s statement ignores the terms of the Stay Home Order and is completely out of
10 step with other government officials’ pronouncements. Defendant Governor Newsom’s stated purpose
11 for ordering vote-by-mail ballots was to decrease the need for public interaction.²¹

12 42. Officials claim that they have had to close parks because Californians ignored stay-at-
13 home orders,²² yet Defendant Padilla is encouraging people to go door-to-door to pick up vote-by-
14 mail ballots—an activity in which two individuals, often strangers, come into physical contact to
15 transfer an envelope typically sealed with the aid of human saliva, often freshly applied.

16 43. At the same time that Los Angeles County, which has nine vote centers, “is
17 encouraging voters to stay at home and vote ... [i]n-person voting is offered in a limited capacity
18 ...”²³ Padilla is encouraging strangers to go door-to-door to collect vote-by-mail ballots, and calling
19 this practice “safe.”

20 44. The Los Angeles County Registrar of Voters is providing the following protection for
21 an individual to vote in-person:

- 22 a. Voters should wear a clean face-covering when visiting the Vote Center
- 23 b. Social distancing will be enforced at the check-in and voting process

24 ²⁰ [https://www.politico.com/states/california/story/2020/04/28/california-republicans-were-prepared-
25 to-match-democrats-on-ballot-harvesting-then-coronavirus-happened-1280474](https://www.politico.com/states/california/story/2020/04/28/california-republicans-were-prepared-to-match-democrats-on-ballot-harvesting-then-coronavirus-happened-1280474)

26 ²¹ [https://keyt.com/news/california/2020/03/20/governor-newsom-signs-order-to-expand-vote-by-
27 mail-options-and-extend-deadlines-for-upcoming-elections/](https://keyt.com/news/california/2020/03/20/governor-newsom-signs-order-to-expand-vote-by-mail-options-and-extend-deadlines-for-upcoming-elections/)

28 ²² [https://www.foxnews.com/politics/state-officials-grappling-surge-visitors-parks-trails-despite-
coronavirus-stay-at-home-orders](https://www.foxnews.com/politics/state-officials-grappling-surge-visitors-parks-trails-despite-coronavirus-stay-at-home-orders)

²³ As of the date of this filing, the guide can be found online at:
<https://lavote.net/docs/rcc/media/Factsheet-05122020.pdf>

- c. The Ballot Marking Devices will be sanitized after every voter
- d. Gloves will be provided to voters upon request
- e. Election Workers will be wearing protective gloves and masks.²⁴

45. While the Los Angeles County Registrar of Voters is discouraging people from coming into a vote center even when there are so many health and distancing precautions being taken, Padilla's strikingly cavalier statement that ballot harvesting "presents no danger to voters" is utterly lacking in supporting documentation, and appears to be completely out of step with CDC guidelines and State Public Health Officials recommendations. At a time when Governor Newsom warns of ongoing health risks to the public from everyday activities, Secretary Padilla's position seems to contradict Governor Newsom's Stay Home Order which only deems those election workers actually administering the election to be essential.

46. The CAGOP knows from decades of experience that voter turnout is often very low during a special election.

47. The CAGOP understands the importance of encouraging its members to vote in all elections, and has trained staff and volunteers to implement get out the vote operations to help ensure as many of its members participate in all elections.

48. The CAGOP is deeply concerned that if its staff and volunteers participate in ballot harvesting operations during the May 12, 2020 Special General Elections, law enforcement may cite them for violating various Public Health Officials' stay at home orders, not to mention Governor Newsom's Stay Home Order, and they could be prosecuted pursuant to Cal. Health & Safety Code § 120295 for engaging in this otherwise lawful activity.

49. Based on daily, dire health warnings by Governor Newsom, some CAGOP workers are reluctant to violate the Governor's directives.

50. The CAGOP is unable to ascertain from the contradictory edicts of Governor Newsom, Secretary Padilla, health officials, and election officials, whether ballot harvesting is considered "essential" or "nonessential" under the Stay Home Order.

51. The CAGOP staff have learned of individuals and businesses being cited for violating the Stay Home Order:

²⁴ *Id.*

- 1 a. April 1, 2020 - “Garcetti authorizes shutting off utilities to nonessential businesses
2 violating Safer at Home.”²⁵
3 b. April 2, 2020 - “Paddle boarder arrested at Malibu Pier for flouting state stay at home
4 order.”²⁶
5 c. April 4, 2020 - “L.A. files criminal charges against four stores for refusing to close
6 amid coronavirus.”²⁷

7 52. The CAGOP staff have heard Governor Newsom making numerous, daily comments
8 throughout the duration of the Stay Home Order about the need for nonessential workers to refrain
9 from traveling for non-essential purposes as defined by the state:

- 10 a. March 19, 2020: “We direct a statewide order for people to stay at home. That directive
11 goes into force and effect this evening.”²⁸
12 b. March 23, 2020: “But to make it easier for you, we’re going to shut down all state
13 parking lots.”²⁹
14 c. April 4, 2020: “We cannot allow cabin fever to come in, we cannot allow people to
15 congregate again in pews, on our beaches and in our parks.”³⁰
16 d. April 18, 2020: “If you don’t care about other strangers, you may care about your loved
17 ones, you may come home after one of these rallies...just be healthy.”³¹

18 ²⁵ [https://www.latimes.com/california/story/2020-04-01/l-a-will-shut-off-water-for-non-essential-](https://www.latimes.com/california/story/2020-04-01/l-a-will-shut-off-water-for-non-essential-businesses-operating-amid-coronavirus-restrictions)
19 [businesses-operating-amid-coronavirus-restrictions](https://www.latimes.com/california/story/2020-04-01/l-a-will-shut-off-water-for-non-essential-businesses-operating-amid-coronavirus-restrictions)

20 ²⁶ [https://ktla.com/news/local-news/officials-paddleboarder-arrested-at-malibu-pier-for-flouting-state-](https://ktla.com/news/local-news/officials-paddleboarder-arrested-at-malibu-pier-for-flouting-state-stay-at-home-order/)
21 [stay-at-home-order/](https://ktla.com/news/local-news/officials-paddleboarder-arrested-at-malibu-pier-for-flouting-state-stay-at-home-order/)

22 ²⁷ [https://www.latimes.com/california/story/2020-04-03/coronavirus-closures-los-angeles-criminal-](https://www.latimes.com/california/story/2020-04-03/coronavirus-closures-los-angeles-criminal-charges-against-four-stores)
23 [charges-against-four-stores](https://www.latimes.com/california/story/2020-04-03/coronavirus-closures-los-angeles-criminal-charges-against-four-stores)

24 ²⁸ 1:30 mark <https://www.latimes.com/california/ywo73fx6e38-123>

25 ²⁹ 1:05 mark <https://www.latimes.com/california/o-hd9ddeghe-123>

26 ³⁰ [https://www.latimes.com/california/story/2020-04-04/gavin-newsom-california-coronavirus-testing-](https://www.latimes.com/california/story/2020-04-04/gavin-newsom-california-coronavirus-testing-task-force)
27 [task-force](https://www.latimes.com/california/story/2020-04-04/gavin-newsom-california-coronavirus-testing-task-force)

28 ³¹ 1:04 mark <https://www.latimes.com/politics/r3l5ojb7qp4-123>

1 e. April 21, 2020: “If we all pull back, we could see a second wave that makes this pale in
2 comparison.”³²

3 f. April 23, 2020: “Yesterday was the deadliest day for this virus in this state. 115 human
4 beings lost their lives, families torn apart,” he said. “It’s also a reminder we’re not out
5 of the woods yet.”³³

6 53. Due to the relatively low voter turnout anticipated for this election, the effect
7 Defendants’ ambiguous Executive Orders may ultimately have on campaigns supported by CAGOP
8 will likely materially impact the final result of the May 12 elections. The CAGOP should not have to
9 risk its workers being criminally penalized for engaging in election activities whose legality is unclear
10 under the Stay Home Order. Nor should the CAGOP have to risk its candidates losing an election
11 because of the chilling effect of unclear and contradictory Executive Orders, which may be interpreted
12 differently by supporters of the other candidates in the race. At the same time the Governor is warning
13 of ongoing health risks and the need to continue to “flatten the curve,” Secretary Padilla is deeming
14 the door-to-door collection of strangers’ ballots to be safe and indeed desirable.

15 54. The essence of a fair election is that all candidates and parties operate under the same
16 ground rules, a circumstance that is notably absent in this election and which Defendants have refused
17 to remedy. Indeed, by their statements about public health, contradictory pronouncements about ballot
18 harvesting and “essential workers,” and conspicuous silence in the face of the CAGOP’s good-faith
19 request for clarification on the ballot harvesting issues, Defendants have injected confusion and
20 uncertainty into an election taking place in this most confusing and uncertain of times in modern
21 history. They may not be able to solve the social, economic, and public health challenges posed by the
22 coronavirus overnight, but they can, with ease, ensure that the fundamental civic endeavor of holding
23 a public election on transparent and even terms, serves as a touchstone of integrity and certainty in
24 these trying times. An election taking place during a health crisis is no time to be applying

25
26 ³² 1:15 mark [https://www.cbsnews.com/news/coronavirus-california-governor-gavin-newsom-](https://www.cbsnews.com/news/coronavirus-california-governor-gavin-newsom-precautions/)
27 [precautions/](https://www.cbsnews.com/news/coronavirus-california-governor-gavin-newsom-precautions/)

28 ³³ [https://www.cnn.com/2020/04/23/california-endures-deadliest-day-yet-due-to-coronavirus-gov-](https://www.cnn.com/2020/04/23/california-endures-deadliest-day-yet-due-to-coronavirus-gov-gavin-newsom-says.html)
[gavin-newsom-says.html](https://www.cnn.com/2020/04/23/california-endures-deadliest-day-yet-due-to-coronavirus-gov-gavin-newsom-says.html).

1 contradictory, confusing, and counterintuitive standards to the core civil right of free and fair
2 elections.

3 **FIRST CAUSE OF ACTION**

4 **For Declaratory Judgment (Cal. Code Civ. Proc., § 1060, *et seq.*)**

5 **(By CAGOP against all Defendants)**

6 55. An actual controversy has arisen and now exists between the CAGOP and Defendants
7 concerning their respective rights and duties in relation to Defendants' Stay Home Order. CAGOP
8 believes the Stay Home Order prohibits ballot harvesting, yet Defendants refuse to respond to
9 CAGOP's request to provide clarity as to the scope of the Stay Home Order. Furthermore, State
10 officials, including Defendant Padilla, have made public statements even encouraging the engagement
11 of in-person election activities in advance of the May 12 election, even though such actions would
12 seemingly violate Defendants' Stay Home Order, both in letter and spirit.

13 56. The CAGOP desires a judicial determination of its rights and duties under the
14 Executive Orders and a declaration as to whether engaging in ballot harvesting is permitted for the
15 upcoming May 12 election.

16 57. A judicial declaration is necessary and appropriate at this time under the circumstances
17 so that the CAGOP may ascertain its rights and duties under the Executive Orders. Absent such
18 declaratory relief, the CAGOP and its members will suffer irreparable harm and be forced to advocate
19 in the midst of a chaotic, uneven political playing field, all with the knowledge that choosing to
20 proceed in the incorrect manner bears severe consequences – political, criminal, or health.

21 58. The issuance of declaratory relief identifying whether the Order prohibits ballot
22 harvesting will confer a significant benefit on the general public, including several hundred thousand
23 voters in the special election. As such, in the interests of justice, the CAGOP is entitled to recover
24 reasonable attorneys' fees and costs pursuant to California Code of Civil Procedure Section 1021.5.

25 **PRAYER FOR RELIEF**

26 Plaintiff the California Republican Party respectfully prays for relief and judgment against
27 Defendants as follows, in amounts according to proof:

- 28 1. An order and judgment declaring that as long as Governor Newsom's Executive Order N-

33-20, with criminal penalties under Cal. Health & Safety Code § 120295, is in effect, in-person campaign activities, including but not limited to ballot harvesting is not “essential” activities within the meaning of these and any related orders;

2. Alternatively, an order and judgment declaring that as long as Governor Newsom’s Executive Order N-33-20, with criminal penalties under Cal. Health & Safety Code § 120295, is in effect, in-person campaign activities, including but not limited to ballot harvesting are “essential” activities within the meaning of these and any related orders;
3. For attorneys’ fees and costs pursuant to Cal. Code Civ. Proc., § 1021.5;
4. For costs of suit incurred herein; and
5. For such other and further relief as the Court deems just and proper.

Date: April 29, 2020

DHILLON LAW GROUP INC.

By:



Harmeet K. Dhillon

Mark P. Meuser

Gregory R. Michael

Attorneys for Plaintiff the California Republican Party

HARMEET K. DHILLON (SBN: 207873)
harmeet@dhillonlaw.com
MARK P. MEUSER (SBN: 231335)
mmeuser@dhillonlaw.com
GREGORY R. MICHAEL (SBN: 306814)
gmichael@dhillonlaw.com
DHILLON LAW GROUP INC.
177 Post Street, Suite 700
San Francisco, California 94108
Telephone: (415) 433-1700
Facsimile: (415) 520-6593

Attorneys for Plaintiff
The California Republican Party

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SACRAMENTO—UNLIMITED JURISDICTION

**THE CALIFORNIA REPUBLICAN
PARTY,**

Plaintiff,

vs.

GAVIN NEWSOM, in his official capacity
as the Governor of California; **XAVIER
BECERRA**, in his official capacity as the
Attorney General of California; and **ALEX
PADILLA**, in his official capacity as the
California Secretary of State

Defendants.

Case Number: (unassigned at time of signing)

**DECLARATION OF BRYAN WATKINS IN
SUPPORT OF EMERGENCY EX PARTE
APPLICATION FOR INTERIM
DECLARATORY RELIEF**

Date: TBD
Time: TBD
Dept.: TBD
Judge: TBD

1 I, Bryan Watkins, declare as follows:

2 1. I am the Field and Political Director for The California Republic Party, and have been
3 since August, 2019. The California Republican Party is the plaintiff in the lawsuit for which I am
4 making this declaration Except as to those matters stated on information and belief, I have personal
5 knowledge of the matters set forth here, and if called as a witnesses could and would competently
6 testify to them. As to those matters stated on information and belief, I believe them to be true.

7 2. On March 3, 2020, there was a Special Primary Election for Congressional District 25
8 and State Senate District 28. The two candidates with the most votes in each Special Primary Election
9 moved on to the May 12, 2020 Special General Election.

10 3. Elections are being held in both the Congressional District 25 and State Senate District
11 28 to fill vacancies because the incumbents voluntarily resigned from office.

12 4. Congressional District 25 is located within Los Angeles and Ventura counties. State
13 Senate District 28 is located entirely within Riverside county.

14 5. I have reviewed the Election Code, the Governor's Executive Orders N-33-20 and N-
15 34-20, and as a campaign professional, I do not know if ballot harvesting is considered essential or
16 nonessential as a result of contradictory orders and statements by the Defendants in this case.

17 6. Ballot harvesting is a tool used by some political organizations to pick up and deliver
18 vote-by-mail ballots.

19 7. The CAGOP is concerned that if it encourages its volunteers and staff to participate in
20 traditional in-person campaign activities in the days leading up to the May 12, 2020 Special General
21 Elections, law enforcement will issue criminal citations to its volunteers and staff for violating the
22 Stay Home Orders.

23 8. The CAGOP deploys volunteers and staff into a community to go door to door to
24 conduct in person campaign activities, including the pick up and delivery of mail-in ballots of its
25 members in elections in which this is permitted. However, Governor Newsom has publicly expressed
26 great concern over activities that he believes violate his Stay Home Orders.

27 9. As a result of California's Stay Home Orders, candidates have not been able to conduct
28 traditional campaign activities during the duration of this campaign. Candidates have been unable to

1 host or attend community events, or canvas for votes door-to-door.

2 10. I am aware that on April 15, 2020, the CAGOP sent a letter to Governor Newsom
3 specifically asking him to clarify his Executive Order so that all candidates could know whether the
4 “Stay-at-Home Order prohibits collection of ballots by persons who do not live in the same household
5 as the voter.” (Attached as Exhibit 7 is a true and correct copy of this letter).

6 11. I am not aware of any written response to the CAGOP letter.

7 12. I understand the importance of running effective ballot harvesting and other in-person
8 campaign efforts to help increase the Republican turnout for all elections, if this is legally permitted.

9 13. At present, the CAGOP is not engaged in ballot harvesting or other door-to-door in
10 person canvassing due to the Stay at Home Orders, the potential criminal penalties for engaging in
11 “non-essential” activities, the daily statements from the Governor that everyday activities pose
12 enormous health risks to the public, and the specific potential health risk posed by saliva-laden
13 envelopes being touched and transported by our CAGOP workers.

14 14. If the Democratic candidates for the two races in the special election are engaging in
15 ballot harvesting activities, despite the health risks that Governor Newsom has warned the public
16 about and despite the fact that campaign workers are not designed as “essential” in the Stay Home
17 Orders, then the CAGOP’s field efforts will be at a significant disadvantage, as will be the candidates
18 we are supporting.

19 I declare under the penalty of perjury under the laws of the State of California that the
20 foregoing is true and correct.

21
22 Date: April 29, 2020

DocuSigned by:
Bryan Watkins
DE3576428BCE46F...
Bryan Watkins

Exhibit 7



April 15, 2020

VIA EMAIL AND U.S. MAIL

The Honorable Gavin Newsom
Governor
State of California
1303 10th Street, Suite 1173
Sacramento, CA 95814

RE: Application of Statewide "Stay-at-Home Order" to May 12, 2020 special elections

Dear Governor Newsom:

This letter requests clarification on the application of your March 19, 2020 statewide "Stay-at-Home Order" (Executive Order N-33-20) to activities conducted in connection with the May 12, 2020 elections. In the March 19 order, you directed "all individuals living in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors ... [and] additional sectors as critical in order to protect the health and well-being of all Californians." The following day on March 20, 2020, you issued another Executive Order (Executive Order N-34-20) specifically applicable to upcoming elections. You declared that "state law would ordinarily require that these elections be conducted using in-person voting" but "the generalized use of in-person voting presents risks to public health and safety in light of the COVID-19 pandemic, and could risk undermining social distancing measures..." Accordingly, with respect to the May 12, 2020 special elections occurring in Los Angeles, Ventura and Riverside Counties to fill the Congressional and State Senate vacancies, you ordered that the election would be conducted as an all-mail election notwithstanding provisions of the Elections Code. For the same reasons, you should also suspend provisions of Section 3017 of the Elections Code permitting a voter to designate any other person to return a ballot.

It is true that in-person voting presents risks to public health and safety in light of COVID-19. It is also true that other activities in connection with voting present the same risk (or even higher) that must be mitigated during this historic event. As you know, Section 3017 of the Elections Code ordinarily allows a vote by mail voter to "designate any person to return the ballot to the elections official who issue the ballot" on their behalf. (Elec. Code § 3017(a)(2).) During normal times, this may involve a stranger visiting a voter's home and offering to return the voter's ballot to the elections official. During these times, this activity presents an intolerable risk to public health and safety.

Hon. Gavin Newsom

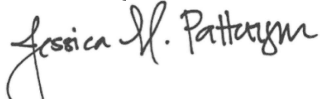
April 15, 2020

Page 2

For the health and safety of voters in the 25th Congressional District and the 28th Senate District, and any other voters casting a ballot in the near future, we request that you make it clear that the existing Stay-at-Home Order prohibits collection of ballots by persons who do not live in the same household as the voter. At this time, this activity is a threat to the health and well-being of Californians because it violates social distancing measures and causes the exchange of a physical item that has been in a person's household and likely contains saliva which is known to spread COVID-19. Furthermore, it is highly unlikely that we will meet all six criteria you set yesterday to reopen the state by May 12th.

Vote-by-mail ballots are arriving in mailboxes now. The application of your Statewide Stay-at-Home Order must be clarified and publicized immediately to discourage dangerous face-to-face interactions and collection of ballots and envelopes that undermine efforts to flatten the curve and stop the spread of COVID-19.

Sincerely,

A handwritten signature in black ink, reading "Jessica H. Patterson". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Jessica Millan Patterson
Chairwoman

HARMEET K. DHILLON (SBN: 207873)
harmeet@dhillonlaw.com
MARK P. MEUSER (SBN: 231335)
mmeuser@dhillonlaw.com
GREGORY R. MICHAEL (SBN: 306814)
gmichael@dhillonlaw.com
DHILLON LAW GROUP INC.
177 Post Street, Suite 700
San Francisco, California 94108
Telephone: (415) 433-1700
Facsimile: (415) 520-6593

Attorneys for Plaintiff
The California Republican Party

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SACRAMENTO—UNLIMITED JURISDICTION

**THE CALIFORNIA REPUBLICAN
PARTY,**

Plaintiff,

vs.

GAVIN NEWSOM, in his official capacity
as the Governor of California; **XAVIER
BECERRA**, in his official capacity as the
Attorney General of California; and **ALEX
PADILLA**, in his official capacity as the
California Secretary of State

Defendants.

Case Number:

**EMERGENCY *EX PARTE* APPLICATION
FOR INTERIM DECLATORY RELIEF
REGARDING APPLICABILITY OF
GOVERNOR NEWSOM'S EXECUTIVE
ORDER N-33-20 TO BALLOT HARVESTING
ACTIVITIES; MEMORANDUM OF POINTS
AND AUTHORITIES; DECLARATION OF
MEUSER; DECLARATION OF WATKINS;
[PROPOSED] ORDER**

Date: TBD

Time: TBD

Dept.: TBD


Judge: TBD

1 TO THE COURT AND ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF
2 RECORD:

3 Pursuant to California Rules of Court, rule 3.1203, Plaintiff, The California Republican Party
4 (“CAGOP”), hereby applies *ex parte* for emergency interim declaratory relief clarifying whether
5 Governor Gavin Newsom’s Executive Order N-33-20 “Stay Home Order” prohibits engagement in
6 ballot harvesting (the collection and submission of mail-in or absentee voter ballots by volunteers or
7 workers) for the duration of the Special General Election scheduled for May 12, 2020, activities that
8 are otherwise permissible pursuant to Cal. Elec. Code § 3017. Despite CAGOP’s request to
9 Defendants for clarification as to the lawfulness of such activities, Defendants have provided only
10 contradictory statements and confusion.

11 This Application is based upon California Code of Civil Procedure Section 1062.3, Civil Code
12 Section 527, and California Rules of Court, rule 3.1203; the attached Memorandum of Points and
13 Authorities, the Declarations of Mark P. Meuser and Bryan Watkins filed concurrently herewith; and
14 upon such further evidence and arguments as may be presented to or at the time of the *ex parte*
15 hearing. There has not been a previous application for such relief.

16 Respectfully submitted,
17 Date: April 29, 2020 DHILLON LAW GROUP INC.

18
19 By: 
20 Harmeet K. Dhillon
21 Mark P. Meuser
22 Gregory R. Michael
23 Attorneys for Plaintiff The California Republican
24 Party
25
26
27
28

1 HARMEET K. DHILLON (SBN: 207873)
harmeet@dhillonlaw.com
2 MARK P. MEUSER (SBN: 231335)
mmeuser@dhillonlaw.com
3 GREGORY R. MICHAEL (SBN: 306814)
gmichael@dhillonlaw.com
4 DHILLON LAW GROUP INC.
177 Post Street, Suite 700
5 San Francisco, California 94108
6 Telephone: (415) 433-1700
7 Facsimile: (415) 520-6593

8 Attorneys for Plaintiff
9 The California Republican Party

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF SACRAMENTO—UNLIMITED JURISDICTION**

12
13 **THE CALIFORNIA REPUBLICAN**
14 **PARTY,**

15 Plaintiff,

16 vs.

17 **GAVIN NEWSOM**, in his official capacity
as the Governor of California; **XAVIER**
18 **BECERRA**, in his official capacity as the
Attorney General of California; and **ALEX**
19 **PADILLA**, in his official capacity as the
California Secretary of State,
20

21 Defendants.
22

Case Number:

**MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
PLAINTIFF'S EMERGENCY *EX PARTE*
APPLICATION FOR INTERIM
DECLARATORY RELIEF**

Date: TBD

Time: TBD

Dept.: TBD

Judge: TBD

MEMORANDUM

Governor Gavin Newsom issued a statewide Stay Home Order on March 19, 2020. The terms of the Order strongly suggest that “ballot harvesting”—the collection and submission of voter ballots on behalf of those unable or unwilling to submit the ballot themselves—is prohibited while the Order is in effect. However, the Governor’s refusal to confirm that point upon request and recent statements made by California’s Secretary of State leaves that an open question that demands an answer. If such activities are somehow deemed “essential” under the Order notwithstanding the CAGOP’s view the Order considers them not, they are permitted under existing California law (Cal. Elec. Code, § 3017); if not, engagement in those activities could result in severe criminal consequences for the offender, including up to 90 days’ imprisonment and a fine of up to \$1,000. In the balance lies a special election on May 12 for two seats vacated by the resignations of their prior occupants, which are hotly contested by the two candidates of opposing parties competing for each seat.

The California Republican Party (hereinafter “CAGOP”) represents millions of registered Republicans throughout California. It and its members’ ability to meaningfully engage in the political process depends in significant part on a fair and neutral application of the law as it relates to election activities. This cannot be accomplished in light of the seemingly clear terms of the Stay Home Order prohibiting the practice contrasted with the Defendant Governor’s silence and refusal to confirm and the Secretary of State’s recent remarks which certainly appear to indicate ballot harvesting is permitted. Without assurances that the Executive Orders will be interpreted and enforced uniformly across the political spectrum, CAGOP and its members—as well as all other Californians—stand to lose their Constitutionally-protected right to contest this election on a level playing field with transparent and equally applied rules.

On May 12, 2020, there are two Special General Elections to fill vacancies in Congressional District 25 and State Senate District 28. CAGOP is aware that some groups were preparing to engage in ballot harvesting in advance of the election.¹ While normally permissible under California law, the Governor’s Stay Home Order appear to prohibit these actions during the current pandemic because

¹ See, e.g., <https://www.politico.com/states/california/story/2020/04/28/california-republicans-were-prepared-to-match-democrats-on-ballot-harvesting-then-coronavirus-happened-1280474>.

1 they are not essential. Indeed, the State has forcibly shuttered everything from schools to churches for
 2 the duration of the crisis,² and Governor Newsom issues dire health warnings and exhortations to
 3 “flatten the curve” on a daily basis.

4 The CAGOP intends to use all legally available activities in order to assist its candidates for
 5 these Special General Elections. However, the continued uncertainty as to whether in-person
 6 campaign activities are essential or nonessential has a chilling effect on the CAGOP’s ability to put all
 7 available resources into the field to contest this election. The vigorous prosecution of violations of the
 8 Order by California’s authorities puts the CAGOP’s volunteers and staff at serious and imminent risk
 9 of being fined and/or arrested if they go into the communities to conduct any in-person campaign
 10 activities. Given the uncertainty on the face of the Executive Orders, and Defendants’ steadfast refusal
 11 to clarify their scope, the Court should issue immediate, emergency interim declaratory relief until
 12 such time as the Governor issues an amended or clarifying Order.

13 **STATEMENT OF FACTS**

14 On March 13, 2020, President Donald J. Trump proclaimed a National State of Emergency as
 15 a result of the threat of the emergence of a novel coronavirus, COVID-19.³ Since the initial outbreak
 16 of COVID-19 in the United States in February and March 2020, Defendants have increasingly
 17 restricted Californians’ engagement in public activities.⁴

18 On March 3, 2020, the Special Primary Elections for both Congressional District 25 and State
 19 Senate District 28 were held. The two candidates with the most votes in each Special Primary Election
 20 moved on to the May 12, 2020 Special General Election. (Watkins Decl., ¶ 2). Both Congressional
 21 District 25 and State Senate District 28 are holding elections to fill vacancies because the incumbent
 22

23 ² See, e.g., [https://abc7news.com/health/watch-live-newsom-announces-businesses-will-reopen-in-](https://abc7news.com/health/watch-live-newsom-announces-businesses-will-reopen-in-four-stages/6133560/)
 24 [four-stages/6133560/](https://abc7news.com/health/watch-live-newsom-announces-businesses-will-reopen-in-four-stages/6133560/).

25 ³ As of the date of this filing, the Proclamation of a National Emergency can be found online at:
 26 [https://www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-](https://www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-concerning-novel-coronavirus-disease-covid-19-outbreak/)
 27 [concerning-novel-coronavirus-disease-covid-19-outbreak/](https://www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-concerning-novel-coronavirus-disease-covid-19-outbreak/).

28 ⁴ California Governor Gavin Newsom stated earlier this week that the State will relax the shelter-in-
 place order in “coming weeks not months” if the spread of the coronavirus continues to decline.
[https://www.sfgate.com/bayarea/article/California-school-year-start-coronavirus-updates-](https://www.sfgate.com/bayarea/article/California-school-year-start-coronavirus-updates-15232003.php)
[15232003.php](https://www.sfgate.com/bayarea/article/California-school-year-start-coronavirus-updates-15232003.php); see also [https://www.usatoday.com/story/news/investigations/2020/04/09/coronavirus-](https://www.usatoday.com/story/news/investigations/2020/04/09/coronavirus-deaths-u-s-could-closer-60-k-new-model-shows/5122467002/)
[deaths-u-s-could-closer-60-k-new-model-shows/5122467002/](https://www.usatoday.com/story/news/investigations/2020/04/09/coronavirus-deaths-u-s-could-closer-60-k-new-model-shows/5122467002/)

1 voluntarily resigned from office. (Watkins Decl., ¶ 3). Congressional District 25 is located within Los
2 Angeles and Ventura counties. State Senate District 28 is located entirely within Riverside County.
3 (Watkins Decl., ¶ 4).

4 On March 4, 2020, California Governor Gavin Newsom proclaimed a State of Emergency as a
5 result of the threat of COVID-19. (Meuser Decl., Ex. 1.)

6 On March 19, 2020, Newsom issued Executive Order N-33-20 in which he ordered “all
7 residents are directed to immediately heed the current State public health directives” (also referenced
8 as “Stay Home Order”). (Meuser Decl., Ex. 2.)

9 On March 20, 2020, California Governor Newsom issued Executive Order N-34-20. The
10 relevant portion of this Order states:

11
12 [The] Special General Election to be held within the 25th Congressional
13 District of the State; and the May 12, 2020, Special General Election to be
14 held within the 28th Senate District of the State shall each be held as an all-
15 mail ballot election and conducted according to those provisions of the
16 Elections Code that govern all-mail ballots elections, including but not
17 limited to Elections Code sections 3000-3026 and 4100. (Meuser Decl., Ex.
18 3.)

19 According to Newsom’s March 20th Executive Order, the two May 12th Special Elections are
20 to be conducted pursuant to Cal. Elec. Code §§ 3000-3026. (Meuser Decl., Ex. 3.) Since the
21 amendments of Cal. Elec. Code § 3017 in 2016 by Assembly Bill 1921, it has now become the
22 practice for individual volunteers or campaign staffers to collect and drop off “maybe 100 or 200
23 ballots.”⁵

24 The CAGOP typically deploys volunteers and staff into a community to conduct traditional in-
25 person campaign activities. (Watkins Decl., ¶ 8). However, the CAGOP is concerned that if it
26 encourages its volunteers and staff to participate in traditional in-person campaign activities in the
27 days leading up to the May 12, 2020 Special General Elections, law enforcement could cite its
28 volunteers and staff for violating the Stay Home Order. (Watkins Decl., ¶ 7). The CAGOP also has
concerns regarding the health risks associated with handling saliva-laden ballot envelopes, which

⁵ *Id.*

1 Secretary Padilla has deemed to be a “safe” activity. (Watkins Decl., ¶ 13)

2 Because of the Governor’s silence and the Secretary of State’s seemingly contradictory
3 statements, the CAGOP does not know if its planned in-person election activities are permitted under
4 the Order. (Watkins Decl., ¶ 5). It is public knowledge that individuals and businesses are being cited
5 for violating the Stay Home Order:

- 6 • April 1, 2020 - “Garcetti authorizes shutting off utilities to nonessential businesses
7 violating Safer at Home.”⁶
- 8 • April 2, 2020 - “Paddle boarder arrested at Malibu Pier for flouting state stay at home
9 order.”⁷
- 10 • April 4, 2020 - “L.A. files criminal charges against four stores for refusing to close
11 amid coronavirus.”⁸

12 Governor Newsom has made many public announcements about the need for nonessential
13 workers not to be out in public:

- 14 • March 19, 2020: “We direct a statewide order for people to stay at home. That directive
15 goes into force and effect this evening.”⁹
- 16 • March 23, 2020: “But to make it easier for you, we’re going to shut down all state
17 parking lots.”¹⁰
- 18 • April 4, 2020: “We cannot allow cabin fever to come in, we cannot allow people to
19

20
21 ⁶ [https://www.latimes.com/california/story/2020-04-01/l-a-will-shut-off-water-for-non-essential-](https://www.latimes.com/california/story/2020-04-01/l-a-will-shut-off-water-for-non-essential-businesses-operating-amid-coronavirus-restrictions)
22 [businesses-operating-amid-coronavirus-restrictions](https://www.latimes.com/california/story/2020-04-01/l-a-will-shut-off-water-for-non-essential-businesses-operating-amid-coronavirus-restrictions)

23 ⁷ [https://ktla.com/news/local-news/officials-paddleboarder-arrested-at-malibu-pier-for-flouting-state-](https://ktla.com/news/local-news/officials-paddleboarder-arrested-at-malibu-pier-for-flouting-state-stay-at-home-order/)
24 [stay-at-home-order/](https://ktla.com/news/local-news/officials-paddleboarder-arrested-at-malibu-pier-for-flouting-state-stay-at-home-order/)

25 ⁸ [https://www.latimes.com/california/story/2020-04-03/coronavirus-closures-los-angeles-criminal-](https://www.latimes.com/california/story/2020-04-03/coronavirus-closures-los-angeles-criminal-charges-against-four-stores)
26 [charges-against-four-stores](https://www.latimes.com/california/story/2020-04-03/coronavirus-closures-los-angeles-criminal-charges-against-four-stores)

27 ⁹ 1:30 mark <https://www.latimes.com/california/ywo73fx6e38-123>

28 ¹⁰ 1:05 mark <https://www.latimes.com/california/o-hd9ddeghe-123>

congregate again in pews, on our beaches and in our parks”¹¹

- April 18, 2020: “If you don’t care about other strangers, you may care about your loved ones, you may come home after one of these rallies...just be healthy.”¹²
- April 21, 2020: “If we all pull back, we could see a second wave that makes this pale in comparison.”¹³
- April 23, 2020: “Yesterday was the deadliest day for this virus in this state. 115 human beings lost their lives, families torn apart,” he said. “It’s also a reminder we’re not out of the woods yet.”¹⁴

As a result of these concerns and the confusion created by the Governor’s Stay Home Order and Defendants’ public statements in relation to the special election, CAGOP sent a letter to Newsom on April 15, 2020 specifically asking him to clarify whether the “Stay-at-Home Order prohibits collection of ballots by persons who do not live in the same household as the voter.” (Decl. Watkins ¶ 10). However, as of the date of this filing, no written clarification by the Governor, the Attorney General, or the Secretary of State has been issued. (Decl. Watkins ¶ 11).

The CAGOP is aware that an April 28, 2020 POLITICO article reported:

Newsom's office referred questions to Padilla. The state elections chief, a former Democratic state senator, said that the practice presents no danger to voters — and may actually be a boon for many voters during the current pandemic, even in an election that will be all vote-by-mail.

“While traditional polling locations are harder to come by during the Covid-19 pandemic, voters must increasingly rely upon vote-by-mail ballots. California law gives citizens a variety of options for casting their vote-by-mail ballots —

¹¹ <https://www.latimes.com/california/story/2020-04-04/gavin-newsom-california-coronavirus-testing-task-force>

¹² 1:04 mark <https://www.latimes.com/politics/r3l5ojb7qp4-123>

¹³ 1:15 mark <https://www.cbsnews.com/news/coronavirus-california-governor-gavin-newsom-precautions/>

¹⁴ <https://www.cnn.com/2020/04/23/california-endures-deadliest-day-yet-due-to-coronavirus-gov-gavin-newsom-says.html>

including the freedom to designate someone they trust to return their ballot,” Padilla spokesperson Sam Mahood told POLITICO. “A pandemic is no time to make it harder for citizens to cast their vote-by-mail ballots.”¹⁵

These remarks by Padilla’s spokesperson contradict other government officials’ dire pronouncements of serious health risks if Californians engage in most everyday activities outside their homes. Defendant Governor Newsom’s stated purpose for ordering vote-by-mail ballots was to decrease the need for public interaction.¹⁶ Officials claim that they have had to close parks because Californians ignored stay-at-home orders,¹⁷ yet Defendant Padilla has encouraged Californians to go door-to-door to pick up vote-by-mail ballots – an activity in which two individuals, often strangers, come into physical contact to transfer an envelope.

At the same time that Los Angeles County, which has nine vote centers, “is encouraging voters to stay at home and vote”¹⁸ and the Governor’s Executive Order appears to ban ballot harvesting for the sake of public health, Secretary Padilla is encouraging strangers to go door-to-door to collect vote-by-mail ballots, and calling this practice “safe.”

The Los Angeles County Registrar of Voter is providing the following protection for an individual to vote in-person:

- a. Voters should wear a clean face-covering when visiting the Vote Center
- b. Social distancing will be enforced at the check-in and voting process
- c. The Ballot Marking Devices will be sanitized after every voter
- d. Gloves will be provided to voters upon request
- e. Election Workers will be wearing protective gloves and masks (Meuser Decl., Ex. 6.)

While the Los Angeles County Registrar of Voters is discouraging people from coming into a

¹⁵ <https://www.politico.com/states/california/story/2020/04/28/california-republicans-were-prepared-to-match-democrats-on-ballot-harvesting-then-coronavirus-happened-1280474>

¹⁶ <https://keyt.com/news/california/2020/03/20/governor-newsom-signs-order-to-expand-vote-by-mail-options-and-extend-deadlines-for-upcoming-elections/>

¹⁷ <https://www.foxnews.com/politics/state-officials-grappling-surge-visitors-parks-trails-despite-coronavirus-stay-at-home-orders>

¹⁸ As of the date of this filing, the guide may be found online at: <https://lavote.net/docs/rcc/media/Factsheet-05122020.pdf>

1 vote center even when there are so many health and distancing precautions being taken, Padilla's
 2 strikingly cavalier statement that ballot harvesting "presents no danger to voters" is completely
 3 lacking in supporting documentation and appears to be completely out of step with CDC guidelines,
 4 and State Public Health Officials recommendations.

5 At present, the CAGOP is not engaged in ballot harvesting because it believes the activity has
 6 been banned by the Stay at Home Order and the CAGOP, its staff, and its volunteers would face
 7 potential criminal penalties for engaging in this "non-essential" activity. The CAGOP believes ballot
 8 harvesting has been banned by the Stay at Home Order due to the plain language of the Order, the
 9 daily statements from the Governor that everyday activities pose enormous health risks to the public,
 10 and the specific potential health risk posed by ballots being touched and transported by the ballot
 11 harvesters. (Watkins Decl., ¶ 13.)

12 If, however, this reading is mistaken and the Democratic candidates for the two races in the
 13 special election are able to legally engage in ballot harvesting activities despite the health risks that
 14 Governor Newsom has warned the public about and despite the fact that campaign staff and
 15 volunteers are not designated as "essential" in the Stay Home Order, the CAGOP and its candidates
 16 will be significantly disadvantaged by the chilling effect of the vague, broadly worded Stay at Home
 17 Order absent the relief requested from this court. (Watkins Decl., ¶ 14). Moreover, the public's
 18 confidence in the election could be undermined by disparate application and interpretation of the
 19 extraordinary, Stay Home Order as a result of the Defendant Governor's silence and Defendant
 20 Secretary's recent statements.

21 ARGUMENT

22 I. Legal Standard

23 Trial courts have broad equitable power to fashion any appropriate remedies. (*Zarrah v.*
 24 *Zarrah* (1988) 205 Cal.App.3d 1, 4.) In doing so, "they may consider any unjust or harsh results, and
 25 adopt means to avoid them." (*Shapiro v. Sutherland* (1998) 64 Cal.App.4th 1534, 1552 [citing *Casas*
 26 *v. Thompson* (1986) 42 Cal.3d 131, 141].) "Equitable relief is by its nature flexible, and the maxim
 27 allowing a remedy for every wrong (Cal. Civ. Code, § 3523) has been invoked to justify the invention
 28 of new methods of relief for new types of wrongs." (*Ibid.* [citing 11 Witkin, Summary of Cal. Law

1 (9th ed. 1990) Equity, § 3, p. 681].)

2 CAGOP initiated this action for declaratory judgment pursuant to California Code of Civil
3 Procedure Section 1060, which provides that “any person interested under a written instrument...who
4 desires a declaration of his or her rights...may, in cases of actual controversy...bring an original
5 action...in superior court for a declaration of his or her rights....” (Code Civ. Proc., § 1060.) Section
6 1062.3 provides that “shall be set for trial at the earliest possible date and shall take precedence over
7 all other cases....” (Code Civ. Proc., § 1062.3.) “The powers of a court acting under this section in
8 granting declaratory relief are as broad and extensive as those exercised by such court in any ordinary
9 suit in equity.” (*Adams v. Cook* (1940) 15 Cal.2d 352, 362).

10 CAGOP respectfully requests that this Court exercise its broad equitable powers to declare
11 whether ballot harvesting—at least in the first instance—is permitted or prohibited under the Stay
12 Home Orders. This matter is urgent, given the rapidly approaching election.

13 **II. The Court Should Issue Emergency Interim Declaratory Relief**

14 **A. The Terms of the Order Prohibit Ballot Harvesting.**

15 Governor Newsom’s Executive Order N-33-20 orders “all residents ... to immediately heed
16 the current State public health directives.”¹⁹ The state public health directive orders Californians “to
17 stay home or at their place of residence except as needed to maintain continuity of operations of the
18 federal critical infrastructure sections as outlined at [https://www.cisa.gov/identifying-critical-](https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19)
19 [infrastructure-during-covid-19](https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19).”²⁰ The Order remains in effect as of the date of this filing. On or about
20 March 22, 2020, the California Public Health Officer designated a list of “Essential Critical
21 Infrastructure Workers.”²¹ By the terms of the Executive Order and subsequent guidance from the
22 California Public Health Officer, California has adopted the federal standards for determining critical
23 infrastructure, including employees who are deemed essential to maintain the continuity of that
24 infrastructure. The plain language of these orders appears to prohibit ballot harvesting, exempting

25 _____
26 ¹⁹ Executive Order N-33-20 at 1.

27 ²⁰The State Public Health Directive was included in the text of Executive Order N-33-20.

28 ²¹ As of the date of this filing, the list of Essential Critical Infrastructure Workers can be found online
at: <https://covid19.ca.gov/img/EssentialCriticalInfrastructureWorkers.pdf>.

1 only “elections personnel.” The normal reading of that phrase - and the reading encouraged by
2 reference to the U.S. Department of Homeland Security Security’s Cybersecurity and Infrastructure
3 Security Agency’s Essential Critical Infrastructure Workforce guidelines - suggests that it
4 encompasses government election workers and government contractors who are mission critical to the
5 support and maintenance of election devices, not campaign personnel.

6 California law is silent on what “Elections personnel” means, but instructive guidance from
7 the U.S. Department of Homeland Security (DHS) excludes campaign workers. DHS has deemed
8 “Election Infrastructure” as critical infrastructure as subsector of the Government Facilities sector.²²
9 DHS guidance does utilize the term “Elections personnel”²³ but its guidance makes clear that the
10 Election Critical Infrastructure is intended to apply to election administration personnel like those
11 responsible for setting up or maintaining voting systems and those managing the election process and
12 not to “political action committees,” “[c]ampaigns”, “[o]r any other non-state or local government
13 election related group.”²⁴ Accordingly, essential “Elections personnel” would not include campaign
14 workers or others engaged in ballot harvesting.

15 Finally, the Governor’s Executive Order and accompanying guidance from officials do not
16 appear to include any other categories of personnel or other exceptions that would apply to those
17 engaged in ballot harvesting activities.

18
19
20
21
22 ²² Statement by Secretary Jeh Johnson on the Designation of Election Infrastructure as a Critical
23 Infrastructure Subsector, January 6, 2017, available at:
24 <https://www.dhs.gov/news/2017/01/06/statement-secretary-johnson-designation-election-infrastructure-critical>

25 ²³ See DHS’s Cybersecurity and Infrastructure Security Agency (CISA) memorandum dated March
26 19, 2020 available at: <https://www.cisa.gov/sites/default/files/publications/CISA-Guidance-on-Essential-Critical-Infrastructure-Workers-1-20-508c.pdf>

27 ²⁴ U.S. Department of Homeland Security Election Security explanation at:
28 <https://www.dhs.gov/topic/election-security>

B. Both the Governor Defendant's Silence and Secretary of State Defendant's Statements Cast Doubt on the Seeming Prohibition of Ballot Harvesting Under the Stay Home Order

As explained, the Defendant Governor's Executive Order and public health officials' guidance would necessarily exclude campaign workers and others from ballot harvesting so long as the Order remains in effect. However, the seeming clarity in the Order has been clouded by the Governor's deafening silence and refusal to respond to the CAGOP's requests for guidance and the Defendant Secretary of State's recent comments which certainly appear to permit harvesting.

On April 15, 2020, the CAGOP sent a letter to Newsom specifically asking him to clarify the scope of his Executive Order so that all candidates could know whether the "Stay-at-Home Order prohibits collection of ballots by persons who do not live in the same household as the voter."²⁵ As of the date of this filing, the CAGOP has received no written response to the letter.

In the meantime, as referenced above, Defendant Padilla's statements that ballot harvesting "presents no danger to voters" ignores the terms of the Stay Home Order and is completely out of step with other government officials' pronouncements. Defendant Governor Newsom's stated purpose for ordering vote-by-mail ballots was to decrease the need for public interaction.

The CAGOP cannot square these contradicting statements and, without clarification, will be unable to determine what types of campaign activity is acceptable.

C. CAGOP and Voters Across California Will Be Irreparably Harmed Absent Issuance of Emergency Interim Declaratory Relief.

The apparent inconsistencies of the Executive Orders and statements by Defendant Padilla jeopardize the CAGOP and its members' ability to fully engage in the political process on an equal basis. "No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined." (*Wesberry v. Sanders* (1964) 376 U.S. 1, 17.) It is for this

²⁵ As of the date of this filing, the April 15, 2020 letter may be found online at: <http://image.victory.cagop.org/lib/fe32157175640478731379/m/1/f65cd88a-5c9b-4471-8b6e-7dba4d31e2b0.pdf>

1 reason that the right to vote is widely held to be the foundation of our democracy. (*Democratic Nat’l*
2 *Comm. v. Hobbs* (9th Cir. 2020) 948 F.3d 989, 998.)

3 Despite the CAGOP having requested clarification from Defendants as to the meaning of the
4 Executive Orders, Defendants have provided none. To the contrary, one Defendant, Secretary Padilla,
5 has proclaimed that ballot harvesting is “safe,” while Governor Newsom daily warns of
6 consequences—legal, policy, and health – if Californians deviate in any way from his Stay Home
7 Order. The Executive Orders render the legal permissibility of ballot harvesting and election activities
8 seriously in doubt in advance of the May 12 Special General Election. This ambiguity creates a
9 chaotic, uneven playing field for political parties and candidates contesting these elections. With the
10 election just days away, and citizens being ordered to shelter in place, ballot harvesting, ultra vires or
11 not, may very well prove critically important to the outcome of the election. After-the-fact
12 compensation or a delayed form of the relief sought in this application will not make CAGOP or its
13 members whole; the harm caused by Defendants’ vague Executive Orders are fundamentally
14 irreparable. (See, e.g., *Prigmore v. City of Redding* (2012) 211 Cal. App. 4th 1322, 1333 [loss of
15 fundamental freedoms constitutes irreparable harm].)

16 The Defendants have forced the CAGOP and its campaign workers to guess at the import of
17 their conflicting statements, forcing the CAGOP to choose between engaging in an otherwise legal
18 activity and risking arrest, criminal citation, and other consequences; or staying at home as Governor
19 Newsom has urged, and risking those reading the contradictory Executive Orders and statements
20 differently and gaining an electoral advantage, thereby throwing the integrity of the election into
21 doubt. In general, there are no “do-overs” in elections – the time to set the rules and answer these
22 questions is now, not after the election.

CONCLUSION

For the foregoing reasons, the CAGOP respectfully requests that the Court grant this application and issue immediate interim declaratory relief, declaring that Defendants' Executive Orders either (i) permit or (ii) prohibit ballot harvesting in connection with the upcoming May 12 election.

Date: April 29, 2020

DHILLON LAW GROUP INC.

By:



Harmeet K. Dhillon

Mark P. Meuser

Gregory R. Michael

Attorneys for Plaintiff The California Republican Party

1 HARMEET K. DHILLON (SBN: 207873)

harmeet@dhillonlaw.com

2 MARK P. MEUSER (SBN: 231335)

mmeuser@dhillonlaw.com

3 GREGORY R. MICHAEL (SBN: 306814)

gmichael@dhillonlaw.com

4 DHILLON LAW GROUP INC.

5 177 Post Street, Suite 700

San Francisco, California 94108

6 Telephone: (415) 433-1700

7 Facsimile: (415) 520-6593

8 Attorneys for Plaintiff

9 The California Republican Party

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11 **COUNTY OF SACRAMENTO– UNLIMITED JURISDICTION**

12
13 **THE CALIFORNIA REPUBLICAN**
14 **PARTY,**

15 Plaintiff,

16 vs.

17 **GAVIN NEWSOM**, in his official capacity
18 as the Governor of California; **XAVIER**
19 **BECERRA**, in his official capacity as the
20 Attorney General of California; and **ALEX**
PADILLA, in his official capacity as the
California Secretary of State

21 Defendants.
22

Case Number:

PROOF OF SERVICE

Date: TBD

Time: TBD

Dept.: TBD

Judge: TBD

Proof of Service

I, Mark P. Meuser declare that:

I am employed in the City and County of San Francisco, California. I am over the age of eighteen years and not a party to the within entitled cause; my business address is 177 Post Street, Suite 700, San Francisco, California 94108. On October 10, 2017, I served the following documents on the parties listed below:

- **EMERGENCY EX PARTE APPLICATION FOR AN ORDER TEMPORARILY ENJOINING AND PROHIBITING DEFENDANTS FROM ENFORCING NEWSOM'S EXECUTIVE ORDER N-33-20 AGAINST INDIVIDUAL'S ENGAGED IN CAL. ELEC. CODE §3017(C)(2) PICK UP AND DELIVERY OF BALLOTS;**
- **MEMORANDUM OF POINTS AND AUTHORITIES;**
- **DECLARATION OF MEUSER;**
- **DECLARATION OF WATKINS;**
- **[PROPOSED] ORDER**

- ☒ I electronically served the documents listed above as follows:
Benjamin Glickman at Benjamin.glickman@doj.ca.gov
Thomas Patterson at Thomas.patterson@doj.ca.gov

Dated April 29, 2020

DocuSigned by:

Mark Meuser

F43541ADD018493...
Mark P. Meuser

1 HARMEET K. DHILLON (SBN: 207873)
harmeet@dhillonlaw.com
2 MARK P. MEUSER (SBN: 231335)
mmeuser@dhillonlaw.com
3 GREGORY R. MICHAEL (SBN: 306814)
gmichael@dhillonlaw.com
4 DHILLON LAW GROUP INC.
177 Post Street, Suite 700
5 San Francisco, California 94108
6 Telephone: (415) 433-1700
7 Facsimile: (415) 520-6593

8 Attorneys for Plaintiff
9 The California Republican Party

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF SACRAMENTO– UNLIMITED JURISDICTION**

12
13 **THE CALIFORNIA REPUBLICAN**
14 **PARTY,**

15 Plaintiff,

16 vs.

17 **GAVIN NEWSOM**, in his official capacity
18 as the Governor of California; **XAVIER**
19 **BECERRA**, in his official capacity as the
20 Attorney General of California; and **ALEX**
PADILLA, in his official capacity as the
California Secretary of State

21 Defendants.
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Case Number:

[PROPOSED] ORDER

Date: TBD
Time: TBD
Dept.: TBD
Judge: TBD

1 Application having been made by Plaintiff the California Republican Party, and good cause appearing
2 therefor, IT IS ORDERED:

3 _____ That Executive Order N-33-20 prohibits in-person campaign activities, including but
4 not limited to those in-person activities that are conducted pursuant to Cal. Elec. Code § 3017
5 during the duration of the Special General Elections held on May 12, 2020,

6 OR

7 _____ That Executive Order N-33-20 does not prohibit traditional in-person campaign
8 activities, including but not limited to those in-person campaign activities conducted pursuant
9 to Cal. Elec. Code § 3017, during the duration of the Governor's Proclamation of a State of
10 Emergency.

11
12 Date: _____, 2020

13 _____
14 Superior Court Judge
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HARMEET K. DHILLON (SBN: 207873)
harmeet@dhillonlaw.com
MARK P. MEUSER (SBN: 231335)
mmeuser@dhillonlaw.com
GREGORY R. MICHAEL (SBN: 306814)
gmichael@dhillonlaw.com
DHILLON LAW GROUP INC.
177 Post Street, Suite 700
San Francisco, California 94108
Telephone: (415) 433-1700
Facsimile: (415) 520-6593

Attorneys for Plaintiff
The California Republican Party

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SACRAMENTO—UNLIMITED JURISDICTION

**THE CALIFORNIA REPUBLICAN
PARTY,**

Plaintiff,

vs.

GAVIN NEWSOM, in his official capacity
as the Governor of California; **XAVIER
BECERRA**, in his official capacity as the
Attorney General of California; and **ALEX
PADILLA**, in his official capacity as the
California Secretary of State

Defendants.

Case Number: (unassigned at time of signing)

**DECLARATION OF MARK MEUSER IN
SUPPORT OF EMERGENCY *EX PARTE*
APPLICATION INTERIM DECLARATORY
RELIEF**

Date: TBD

Time: TBD

Dept.: TBD

Judge: TBD

1 I, Mark P. Meuser, declare as follows:

2 1. I am the attorney for Plaintiff in the above captioned matter. I have personal knowledge
3 of the matter set forth herein and if called as a witness could and would competently testify thereto.

4 2. Attached as Exhibit 1 is a true and correct copy of Governor Newsom's Proclamation
5 of a State of Emergency.

6 3. Attached as Exhibit 2 is a true and correct copy of Governor Newsom's March 19,
7 2020 Executive Order N-33-20.

8 4. Attached as Exhibit 3 is a true and correct copy of Governor Newsom's March 20,
9 2020 Executive Order N-34-20.

10 5. Attached as Exhibit 4 is a true and correct copy of the U.S. Department of Homeland
11 Security, Cybersecurity & Infrastructure Security Agency Office of the Director Advisory
12 Memorandum on Infrastructure Workers During Covid-19 Response.

13 6. Attached as Exhibit 5 is a true and correct copy of the State Public Health Officer's list
14 of "Essential Critical Infrastructure Workers".

15 7. Attached as Exhibit 6 is a true and correct copy of Los Angeles County Media
16 Factsheet.

17 **NOTICE DECLARATION**

18 8. On April 29, 2020, at approximately 8:00 a.m., I sent an email to Benjamin Glickman,
19 Supervising Deputy Attorney General of California for the Government Law Section and Thomas
20 Patterson, Senior Assistant Attorney General of California and notified them that we intended to file a
21 Complaint and an Ex Parte Application today with the Court. At the same time, I provided them with
22 a courtesy copy of the documents that we are filing with the Court.

23 I declare under the penalty of perjury under the laws of the State of California that the
24 foregoing is true and correct.

25
26 Date: April 29, 2020

DocuSigned by:
Mark Meuser
E43541ADD018493
Mark P. Meuser

HARMEET K. DHILLON (SBN: 207873)
harmeet@dhillonlaw.com
MARK P. MEUSER (SBN: 231335)
mmeuser@dhillonlaw.com
GREGORY R. MICHAEL (SBN: 306814)
gmichael@dhillonlaw.com
DHILLON LAW GROUP INC.
177 Post Street, Suite 700
San Francisco, California 94108
Telephone: (415) 433-1700
Facsimile: (415) 520-6593

Attorneys for Plaintiff
The California Republican Party

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SACRAMENTO– UNLIMITED JURISDICTION

**THE CALIFORNIA REPUBLICAN
PARTY,**

Plaintiff,

vs.

GAVIN NEWSOM, in his official capacity
as the Governor of California; **XAVIER
BECERRA**, in his official capacity as the
Attorney General of California; and **ALEX
PADILLA**, in his official capacity as the
California Secretary of State

Defendants.

Case Number:

**DECLARATION OF MARK MEUSER IN
SUPPORT OF THE EMERGENCY EX
PARTE APPLICATION INTERIM
DECLARATORY RELIEF**

Date: TBD
Time: TBD
Dept.: TBD
Judge: TBD

1 I, Mark P. Meuser, declare as follows:

2 1. I am the attorney for Plaintiff in the above captioned matter. I have personal knowledge
3 of the matter set forth herein and if called as a witness could and would competently testify thereto.

4 2. Attached as Exhibit 1 is a true and correct copy of Governor Newsom's Proclamation
5 of a State of Emergency.

6 3. Attached as Exhibit 2 is a true and correct copy of Governor Newsom's March 19,
7 2020 Executive Order N-33-20.

8 4. Attached as Exhibit 3 is a true and correct copy of Governor Newsom's March 20,
9 2020 Executive Order N-34-20.

10 5. Attached as Exhibit 4 is a true and correct copy of the U.S. Department of Homeland
11 Security, Cybersecurity & Infrastructure Security Agency Office of the Director Advisory
12 Memorandum on Infrastructure Workers During Covid-19 Response.

13 6. Attached as Exhibit 5 is a true and correct copy of the State Public Health Officer's list
14 of "Essential Critical Infrastructure Workers".

15 7. Attached as Exhibit 6 is a true and correct copy of Los Angeles County Media
16 Factsheet.

17 **NOTICE DECLARATION**

18 8. On April 29, 2020, at approximately 10:00 a.m., I sent an email to Benjamin Glickman,
19 Supervising Deputy Attorney General of California for the Government Law Section and Thomas
20 Patterson, Senior Assistant Attorney General of California and notified them that we intended to file a
21 Complaint and an Ex Parte Application today with the Court. At the same time, I informed them that I
22 would provide them with a courtesy copy of the documents that we are filing with the Court once we
23 had filed.

24 I declare under the penalty of perjury under the laws of the State of California that the
25 foregoing is true and correct.

26
27 Date: April 29, 2020

By:

DocuSigned by:
Mark Meuser
F43541ADD018493...
Mark P. Meuser

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Exhibit 1

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

PROCLAMATION OF A STATE OF EMERGENCY

WHEREAS in December 2019, an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19), was first identified in Wuhan City, Hubei Province, China, and has spread outside of China, impacting more than 75 countries, including the United States; and

WHEREAS the State of California has been working in close collaboration with the national Centers for Disease Control and Prevention (CDC), with the United States Health and Human Services Agency, and with local health departments since December 2019 to monitor and plan for the potential spread of COVID-19 to the United States; and

WHEREAS on January 23, 2020, the CDC activated its Emergency Response System to provide ongoing support for the response to COVID-19 across the country; and

WHEREAS on January 24, 2020, the California Department of Public Health activated its Medical and Health Coordination Center and on March 2, 2020, the Office of Emergency Services activated the State Operations Center to support and guide state and local actions to preserve public health; and

WHEREAS the California Department of Public Health has been in regular communication with hospitals, clinics and other health providers and has provided guidance to health facilities and providers regarding COVID-19; and

WHEREAS as of March 4, 2020, across the globe, there are more than 94,000 confirmed cases of COVID-19, tragically resulting in more than 3,000 deaths worldwide; and

WHEREAS as of March 4, 2020, there are 129 confirmed cases of COVID-19 in the United States, including 53 in California, and more than 9,400 Californians across 49 counties are in home monitoring based on possible travel-based exposure to the virus, and officials expect the number of cases in California, the United States, and worldwide to increase; and

WHEREAS for more than a decade California has had a robust pandemic influenza plan, supported local governments in the development of local plans, and required that state and local plans be regularly updated and exercised; and

WHEREAS California has a strong federal, state and local public health and health care delivery system that has effectively responded to prior events including the H1N1 influenza virus in 2009, and most recently Ebola; and

WHEREAS experts anticipate that while a high percentage of individuals affected by COVID-19 will experience mild flu-like symptoms, some will have more serious symptoms and require hospitalization, particularly individuals who are elderly or already have underlying chronic health conditions; and

WHEREAS it is imperative to prepare for and respond to suspected or confirmed COVID-19 cases in California, to implement measures to mitigate the spread of COVID-19, and to prepare to respond to an increasing number of individuals requiring medical care and hospitalization; and

WHEREAS if COVID-19 spreads in California at a rate comparable to the rate of spread in other countries, the number of persons requiring medical care may exceed locally available resources, and controlling outbreaks minimizes the risk to the public, maintains the health and safety of the people of California, and limits the spread of infection in our communities and within the healthcare delivery system; and

WHEREAS personal protective equipment (PPE) is not necessary for use by the general population but appropriate PPE is one of the most effective ways to preserve and protect California's healthcare workforce at this critical time and to prevent the spread of COVID-19 broadly; and

WHEREAS state and local health departments must use all available preventative measures to combat the spread of COVID-19, which will require access to services, personnel, equipment, facilities, and other resources, potentially including resources beyond those currently available, to prepare for and respond to any potential cases and the spread of the virus; and

WHEREAS I find that conditions of Government Code section 8558(b), relating to the declaration of a State of Emergency, have been met; and

WHEREAS I find that the conditions caused by COVID-19 are likely to require the combined forces of a mutual aid region or regions to appropriately respond; and

WHEREAS under the provisions of Government Code section 8625(c), I find that local authority is inadequate to cope with the threat posed by COVID-19; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code section 8625, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist in California.

IT IS HEREBY ORDERED THAT:

1. In preparing for and responding to COVID-19, all agencies of the state government use and employ state personnel, equipment, and facilities or perform any and all activities consistent with the direction of the Office of Emergency Services and the State Emergency Plan, as well as the California Department of Public Health and the Emergency Medical Services Authority. Also, all residents are to heed the advice of emergency officials with regard to this emergency in order to protect their safety.
2. As necessary to assist local governments and for the protection of public health, state agencies shall enter into contracts to arrange for the procurement of materials, goods, and services needed to assist in preparing for, containing, responding to, mitigating the effects of, and recovering from the spread of COVID-19. Applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, are suspended to the extent necessary to address the effects of COVID-19.
3. Any out-of-state personnel, including, but not limited to, medical personnel, entering California to assist in preparing for, responding to, mitigating the effects of, and recovering from COVID-19 shall be permitted to provide services in the same manner as prescribed in Government Code section 179.5, with respect to licensing and certification. Permission for any such individual rendering service is subject to the approval of the Director of the Emergency Medical Services Authority for medical personnel and the Director of the Office of Emergency Services for non-medical personnel and shall be in effect for a period of time not to exceed the duration of this emergency.
4. The time limitation set forth in Penal Code section 396, subdivision (b), prohibiting price gouging in time of emergency is hereby waived as it relates to emergency supplies and medical supplies. These price gouging protections shall be in effect through September 4, 2020.
5. Any state-owned properties that the Office of Emergency Services determines are suitable for use to assist in preparing for, responding to, mitigating the effects of, or recovering from COVID-19 shall be made available to the Office of Emergency Services for this purpose, notwithstanding any state or local law that would restrict, delay, or otherwise inhibit such use.
6. Any fairgrounds that the Office of Emergency Services determines are suitable to assist in preparing for, responding to, mitigating the effects of, or recovering from COVID-19 shall be made available to the Office of Emergency Services pursuant to the Emergency Services Act, Government Code section 8589. The Office of Emergency Services shall notify the fairgrounds of the intended use and can immediately use the fairgrounds without the fairground board of directors' approval, and

notwithstanding any state or local law that would restrict, delay, or otherwise inhibit such use.

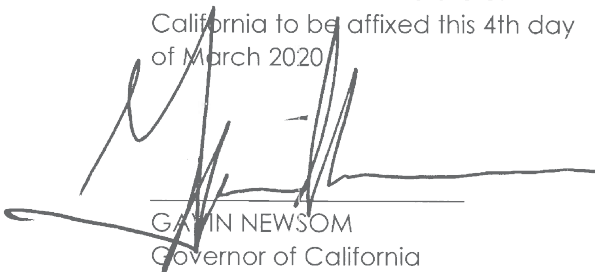
7. The 30-day time period in Health and Safety Code section 101080, within which a local governing authority must renew a local health emergency, is hereby waived for the duration of this statewide emergency. Any such local health emergency will remain in effect until each local governing authority terminates its respective local health emergency.
8. The 60-day time period in Government Code section 8630, within which local government authorities must renew a local emergency, is hereby waived for the duration of this statewide emergency. Any local emergency proclaimed will remain in effect until each local governing authority terminates its respective local emergency.
9. The Office of Emergency Services shall provide assistance to local governments that have demonstrated extraordinary or disproportionate impacts from COVID-19, if appropriate and necessary, under the authority of the California Disaster Assistance Act, Government Code section 8680 et seq., and California Code of Regulations, Title 19, section 2900 et seq.
10. To ensure hospitals and other health facilities are able to adequately treat patients legally isolated as a result of COVID-19, the Director of the California Department of Public Health may waive any of the licensing requirements of Chapter 2 of Division 2 of the Health and Safety Code and accompanying regulations with respect to any hospital or health facility identified in Health and Safety Code section 1250. Any waiver shall include alternative measures that, under the circumstances, will allow the facilities to treat legally isolated patients while protecting public health and safety. Any facilities being granted a waiver shall be established and operated in accordance with the facility's required disaster and mass casualty plan. Any waivers granted pursuant to this paragraph shall be posted on the Department's website.
11. To support consistent practices across California, state departments, in coordination with the Office of Emergency Services, shall provide updated and specific guidance relating to preventing and mitigating COVID-19 to schools, employers, employees, first responders and community care facilities by no later than March 10, 2020.
12. To promptly respond for the protection of public health, state entities are, notwithstanding any other state or local law, authorized to share relevant medical information, limited to the patient's underlying health conditions, age, current condition, date of exposure, and possible contact tracing, as necessary to address the effect of the COVID-19 outbreak with state, local, federal, and nongovernmental partners, with such information to be used for the limited purposes of monitoring, investigation and control, and treatment and coordination of care. The

notification requirement of Civil Code section 1798.24, subdivision (i), is suspended.

13. Notwithstanding Health and Safety Code sections 1797.52 and 1797.218, during the course of this emergency, any EMT-P licensees shall have the authority to transport patients to medical facilities other than acute care hospitals when approved by the California EMS Authority. In order to carry out this order, to the extent that the provisions of Health and Safety Code sections 1797.52 and 1797.218 may prohibit EMT-P licensees from transporting patients to facilities other than acute care hospitals, those statutes are hereby suspended until the termination of this State of Emergency.
14. The Department of Social Services may, to the extent the Department deems necessary to respond to the threat of COVID-19, waive any provisions of the Health and Safety Code or Welfare and Institutions Code, and accompanying regulations, interim licensing standards, or other written policies or procedures with respect to the use, licensing, or approval of facilities or homes within the Department's jurisdiction set forth in the California Community Care Facilities Act (Health and Safety Code section 1500 et seq.), the California Child Day Care Facilities Act (Health and Safety Code section 1596.70 et seq.), and the California Residential Care Facilities for the Elderly Act (Health and Safety Code section 1569 et seq.). Any waivers granted pursuant to this paragraph shall be posted on the Department's website.

I FURTHER DIRECT that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this proclamation.

IN WITNESS WHEREOF I have
hereunto set my hand and caused
the Great Seal of the State of
California to be affixed this 4th day
of March 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

Exhibit 2

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

EXECUTIVE ORDER N-33-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS in a short period of time, COVID-19 has rapidly spread throughout California, necessitating updated and more stringent guidance from federal, state, and local public health officials; and

WHEREAS for the preservation of public health and safety throughout the entire State of California, I find it necessary for all Californians to heed the State public health directives from the Department of Public Health.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8627, and 8665 do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

- 1) To preserve the public health and safety, and to ensure the healthcare delivery system is capable of serving all, and prioritizing those at the highest risk and vulnerability, all residents are directed to immediately heed the current State public health directives, which I ordered the Department of Public Health to develop for the current statewide status of COVID-19. Those directives are consistent with the March 19, 2020, Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response, found at: <https://covid19.ca.gov/>. Those directives follow:

ORDER OF THE STATE PUBLIC HEALTH OFFICER
March 19, 2020

To protect public health, I as State Public Health Officer and Director of the California Department of Public Health order all individuals living in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors, as outlined at <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>. In addition, and in consultation with the Director of the Governor's Office of Emergency Services, I may designate additional sectors as critical in order to protect the health and well-being of all Californians.

Pursuant to the authority under the Health and Safety Code 120125, 120140, 131080, 120130(c), 120135, 120145, 120175 and 120150, this order is to go into effect immediately and shall stay in effect until further notice.

The federal government has identified 16 critical infrastructure sectors whose assets, systems, and networks, whether physical or virtual, are considered so vital to the United States that their incapacitation or

destruction would have a debilitating effect on security, economic security, public health or safety, or any combination thereof. I order that Californians working in these 16 critical infrastructure sectors may continue their work because of the importance of these sectors to Californians' health and well-being.

This Order is being issued to protect the public health of Californians. The California Department of Public Health looks to establish consistency across the state in order to ensure that we mitigate the impact of COVID-19. Our goal is simple, we want to bend the curve, and disrupt the spread of the virus.

The supply chain must continue, and Californians must have access to such necessities as food, prescriptions, and health care. When people need to leave their homes or places of residence, whether to obtain or perform the functions above, or to otherwise facilitate authorized necessary activities, they should at all times practice social distancing.

- 2) The healthcare delivery system shall prioritize services to serving those who are the sickest and shall prioritize resources, including personal protective equipment, for the providers providing direct care to them.
- 3) The Office of Emergency Services is directed to take necessary steps to ensure compliance with this Order.
- 4) This Order shall be enforceable pursuant to California law, including, but not limited to, Government Code section 8665.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.



IN WITNESS WHEREOF I have
hereunto set my hand and caused
the Great Seal of the State of
California to be affixed this 19th day
of March 2020.


GAVIN NEWSOM
Governor of California

ATTEST:



ALEX PADILLA
Secretary of State

Exhibit 3

EXECUTIVE ORDER N-34-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS hundreds of local governments across the state have also declared states of emergency, imposed or recommended social distancing, and taken other significant steps in response to COVID-19; and

WHEREAS various political subdivisions within California are in the process of changing from an at-large method of election to district elections, existing law requires public hearings to be conducted within prescribed timeframes as part of this change, and conducting such hearings within these timeframes would be incongruent with public health officials' guidance regarding social distancing; and

WHEREAS California held a Presidential Primary Election on March 3, 2020, for which ballot counting, tabulation, and other responsibilities related to the official canvass, including certification of the canvass, audits and/or manual tallies of election results, and reporting of the official canvass results, remain outstanding or ongoing; and

WHEREAS COVID-19 and the response thereto may impair the ability of relevant state and local officials, including county elections officials and the Secretary of State, and the volunteers supporting them, to meet statutory deadlines associated with these responsibilities; and

WHEREAS on November 15, 2019, I proclaimed a Special General Election to be held on May 12, 2020, to fill a vacancy in the State Senate seat representing the 28th Senate District of the State, in Riverside County; and

WHEREAS on November 15, 2019, I proclaimed a Special General Election to be held on May 12, 2020, to fill a vacancy in the U.S. House of Representatives seat representing the 25th Congressional District of the State, which covers portions of the counties of Ventura and Los Angeles; and

WHEREAS on April 7, 2020, a Special Recall Election will be held in the City of Westminster, in the County of Orange; and

WHEREAS state law would ordinarily require that these elections be conducted using in-person voting at polling locations throughout the jurisdiction; and

WHEREAS the generalized use of in-person voting presents risks to public health and safety in light of the COVID-19 pandemic, and could risk undermining social distancing measures imposed by the State Public Health Officer, as well as other aspects of the response to COVID-19; and

WHEREAS our elections must be accessible, secure, and safe; and

WHEREAS California's existing vote-by-mail procedures can be used to allow these three elections to go forward in a manner that is accessible, secure, and safe.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

- 1) The timeframes for conducting the hearings required when a political subdivision changes from an at-large method of election to a district-based election, as set forth in Elections Code section 10010, are suspended for any subdivision, until such time as neither state nor local public health officials recommend or impose social distancing measures in the relevant subdivision. Following that time, the relevant subdivision shall hold the required hearings in a manner that ensures the public is provided advance notice and is afforded an opportunity to participate in the postponed hearings; subdivisions are urged to ensure that this process includes effective outreach to individuals with disabilities, individuals who primarily speak languages other than English, and other individuals who may have particularized needs.
- 2) Notwithstanding Elections Code sections 3019, 15100–15112, 15300–15376, 15400–15402, 15450–15490, and 15500–15505; California Code of Regulations, Title 2, sections 20027, 20108.75, 20108.8, and 20110–20126; and any other applicable provision of state law, all deadlines associated with completing, auditing, and reporting on the official canvass of the March 3, 2020, Presidential Primary Election are extended by 21 days. Counties are urged to complete activities related to the official canvass according to the deadlines ordinarily imposed by state law, to the extent possible. The Secretary of State is requested to issue guidance to county elections officials concerning compliance with this paragraph.
- 3) Notwithstanding Elections Code sections 1500 and 4000–4007 (including, but not limited to, the conditions otherwise imposed on all-mail ballot elections in Election Code section 4000 and 4001.5), and any other applicable provision of state law, the April 7, 2020, Special Recall Election to be held in the City of Westminster; the May 12, 2020, Special General Election to be held within the 25th Congressional District of the State; and the May 12, 2020, Special General Election to be held within the 28th Senate District of the State shall each be held as an all-mail ballot election and conducted according to those provisions of the Elections Code that govern all-mail ballot elections, including but not limited to Elections Code sections 3000–3026 and 4100. The respective county elections officials responsible for conducting each respective election shall transmit vote-by-mail ballots to all voters eligible to vote in each respective election. Notwithstanding the other provisions of this Order, elections officials are

also authorized, and encouraged, to make in-person voting opportunities available on or before Election Day for each of these elections in a manner consistent with public health and safety, to maximize voter accessibility. Elections officials shall provide maximum possible notice to voters about how to participate in each of these elections, paying particular attention to the needs of voters at high risk from COVID-19, individuals with disabilities, and other voters with particularized needs.

- 4) Notwithstanding Elections Code sections 3019, 15100–15112, 15300–15376, 15400–15402, 15450–15490, and 15500–15505; California Code of Regulations, Title 2, sections 20027, 20108.75, 20108.8, and 20110–20126; and any other applicable provision of state law including, but not limited to, any applicable state regulation, all deadlines associated with completing, auditing, and reporting on the official canvass of the May 12, 2020, Special General Elections to be held within the 25th Congressional District of the State and the 28th Senate District of the State are extended by 21 days. Counties are urged to complete activities related to the official canvass according to the deadlines ordinarily imposed by state law, to the extent possible. The Secretary of State is requested to issue guidance to county elections officials concerning compliance with this paragraph.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have
hereunto set my hand and caused
the Great Seal of the State of
California to be affixed this 20th day
of March 2020.

GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

Exhibit 4



March 28, 2020

ADVISORY MEMORANDUM ON IDENTIFICATION OF ESSENTIAL CRITICAL INFRASTRUCTURE WORKERS DURING COVID-19 RESPONSE

FROM: Christopher C. Krebs
Director
Cybersecurity and Infrastructure Security Agency (CISA)

A handwritten signature in black ink, appearing to read "Chris Krebs", written over the printed name and title.

As the Nation comes together to slow the spread of COVID-19, on March 16th the President issued updated Coronavirus Guidance for America that highlighted the importance of the critical infrastructure workforce.

The Cybersecurity and Infrastructure Security Agency (CISA) executes the Secretary of Homeland Security's authorities to secure critical infrastructure. Consistent with these authorities, CISA has developed, in collaboration with other federal agencies, State and local governments, and the private sector, an "Essential Critical Infrastructure Workforce" advisory list. This list is intended to help State, local, tribal and territorial officials as they work to protect their communities, while ensuring continuity of functions critical to public health and safety, as well as economic and national security. Decisions informed by this list should also take into consideration additional public health considerations based on the specific COVID-19-related concerns of particular jurisdictions.

This list is advisory in nature. It is not, nor should it be considered, a federal directive or standard. Additionally, this advisory list is not intended to be the exclusive list of critical infrastructure sectors, workers, and functions that should continue during the COVID-19 response across all jurisdictions. Individual jurisdictions should add or subtract essential workforce categories based on their own requirements and discretion.

The advisory list identifies workers who conduct a range of operations and services that are typically essential to continued critical infrastructure viability, including staffing operations centers, maintaining and repairing critical infrastructure, operating call centers, working construction, and performing operational functions, among others. It also includes workers who support crucial supply chains and enable functions for critical infrastructure. The industries they support represent, but are not limited to, medical and healthcare, telecommunications, information technology systems, defense, food and agriculture, transportation and logistics, energy, water and wastewater, law enforcement,

and public works.

State, local, tribal, and territorial governments are responsible for implementing and executing response activities, including decisions about access and reentry, in their communities, while the Federal Government is in a supporting role. Officials should use their own judgment in issuing implementation directives and guidance. Similarly, while adhering to relevant public health guidance, critical infrastructure owners and operators are expected to use their own judgement on issues of the prioritization of business processes and workforce allocation to best ensure continuity of the essential goods and services they support. All decisions should appropriately balance public safety, the health and safety of the workforce, and the continued delivery of essential critical infrastructure services and functions. While this advisory list is meant to help public officials and employers identify essential work functions, it allows for the reality that some workers engaged in activity determined to be essential may be unable to perform those functions because of health-related concerns.

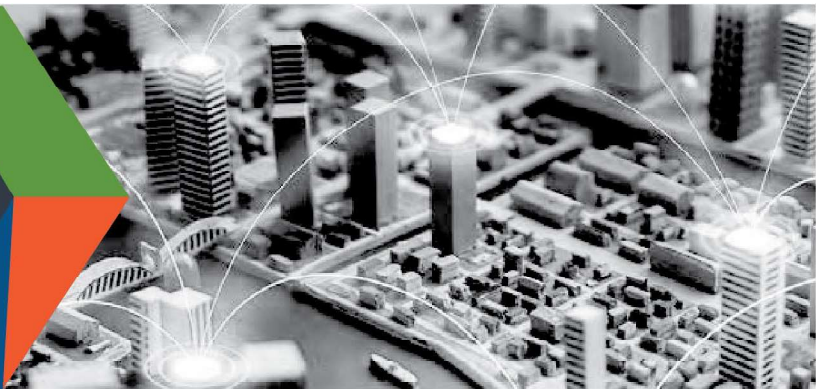
CISA will continue to work with our partners in the critical infrastructure community to update this advisory list if necessary as the Nation's response to COVID-19 evolves.

Should you have questions about this list, please contact CISA at CISA.CAT@cisa.dhs.gov.

Attachment: "Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response Version 2.0"

**CISA**
CYBER+INFRASTRUCTURE

DEFEND TODAY, SECURE TOMORROW



Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response

Version 3.0 (April 17, 2020)

THE IMPORTANCE OF ESSENTIAL CRITICAL INFRASTRUCTURE WORKERS

Functioning critical infrastructure is imperative during the response to the COVID-19 emergency for both public health and safety as well as community well-being. Certain critical infrastructure industries have a special responsibility in these times to continue operations.

This advisory guidance and accompanying list are intended to support state, local, tribal, territorial and industry partners in identifying the critical infrastructure sectors and the essential workers needed to maintain the services and functions Americans depend on daily and that need to be able to operate resiliently during the COVID-19 pandemic response.

This document gives advisory guidance on defining essential critical infrastructure workers. Promoting the ability of such workers to continue to work during periods of community restriction, access management, social distancing, or closure orders/directives is crucial to community resilience and continuity of essential functions. The term “workers” as used in this guidance is intended to apply to both employees and contractors performing the described functions.

CISA will continually solicit and accept feedback on the list and will evolve the list in response to stakeholder feedback. We will also use our various stakeholder engagement mechanisms to work with partners on how they are using this list and share those lessons learned and best practices broadly. Feedback can be sent to CISA.CAT@CISA.DHS.GOV.

CONSIDERATIONS FOR GOVERNMENT AND BUSINESS

This list was developed in consultation with federal agency partners, industry experts, and State and local officials, and is based on several key principles:

1. Response efforts to the COVID-19 pandemic are locally executed, state managed, and federally supported.
2. Everyone should follow guidance from the Centers for Disease Control and Prevention (CDC), as well as state and local government officials, regarding strategies to limit disease spread.
3. Employers must comply with applicable Occupational Safety and Health Administration (OSHA) requirements for protecting critical infrastructure workers who remain on or return to the job during the COVID-19 pandemic. As the nation relies on these workers to protect public health, safety, and community well-being, they must be protected from exposure to and infection with the virus so that they can continue to carry out

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For more information,
email CISA.CAT@cisa.dhs.gov



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their responsibilities. OSHA has guidance and enforcement information for workplaces at www.osha.gov/coronavirus.

4. Businesses and government agencies may continue to implement organization-specific measures, which protect the workforce while meeting mission needs.
5. Workers should be encouraged to work remotely when possible and focus on core business activities. In-person, non-mandatory activities should be delayed until the resumption of normal operations.
6. When continuous remote work is not possible, businesses should enlist strategies to reduce the likelihood of spreading the disease. This includes, but is not limited to, physically separating staff, staggering work shift hours or days, and other social distancing measures. While the CDC recommends that everyone wear a cloth face cover to contain respiratory droplets when around others, critical infrastructure employers must consider how best to implement this public health recommendation for source control in the workplace. For example, employers may provide disposable facemasks (e.g., surgical masks) instead of cloth face coverings when workers would need to wear masks for extended periods of time (e.g., the duration of a work shift) or while performing tasks in which the face covering could become contaminated.
7. Consider the impact of workplace sick leave policies that may contribute to an employee decision to delay reporting medical symptoms. Sick employees should not return to the workplace until they meet the criteria to stop home isolation.
8. Critical infrastructure has an obligation to limit to the extent possible the reintegration of in-person workers who have experienced an exposure to COVID-19 but remain asymptomatic in ways that best protect the health of the worker, their co-workers, and the general public. An analysis of core job tasks and workforce availability at worksites can allow the employer to match core activities to other equally skilled and available in-person workers who have not experienced an exposure. CDC guidance on safety practices for critical infrastructure workers is maintained at <https://www.cdc.gov/coronavirus/2019-ncov/community/critical-workers/implementing-safety-practices.html>
9. All organizations should implement their business continuity and pandemic plans or put plans in place if they do not exist. Delaying implementation is not advised and puts at risk the viability of the business and the health and safety of the workers.
10. Reliance on technology and just-in-time supply chains means that certain workers must be able to access certain sites, facilities, and assets to ensure continuity of functions. The vast majority of our economy relies on technology and therefore information technology (IT) and operational technology (OT) workers for critical infrastructure operations are essential. This includes workers in many roles, including workers focusing on management systems, control systems, and Supervisory Control and Data Acquisition (SCADA) systems, and data centers; cybersecurity engineering; and cybersecurity risk management.
11. Government workers, such as emergency managers, and the business community need to establish and maintain lines of communication.
12. Essential critical infrastructure workers need continued and unimpeded access to sites, facilities, and equipment within quarantine zones, containment areas, or other areas where access or movement is limited to perform functions for community relief and stability; for public safety, security and health; for maintaining essential supply chains and preserving local, regional, and national economic well-being.
13. Essential critical infrastructure workers need sustained access to designated quarantine, containment, or

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restricted areas; and should be exempted from curfews, shelter-in-place orders, and transportation restrictions or restrictions on movement.

14. Whenever possible, local governments should consider adopting specific state guidance on essential workers to reduce potential complications of workers crossing jurisdictional boundaries. When this is not possible, local jurisdictions should consider aligning access and movement control policies with neighboring jurisdictions to reduce the burden of cross-jurisdictional movement of essential critical infrastructure workers.

IDENTIFYING ESSENTIAL CRITICAL INFRASTRUCTURE WORKERS

The following list of identified essential critical infrastructure workers is intended to be overly inclusive reflecting the diversity of industries across the United States.



HEALTHCARE / PUBLIC HEALTH

- Workers, including laboratory personnel, that perform critical clinical, biomedical and other research, development, and testing needed for COVID-19 or other diseases.
- Healthcare providers including, but not limited to, physicians; dentists; psychologists; mid-level practitioners; nurses; assistants and aids; infection control and quality assurance personnel; pharmacists; physical, respiratory, speech and occupational therapists and assistants; social workers; optometrists; speech pathologists; chiropractors; diagnostic and therapeutic technicians; and radiology technologists.
- Workers required for effective clinical, command, infrastructure, support service, administrative, security, and intelligence operations across the direct patient care and full healthcare and public health spectrum. Personnel examples may include, but are not limited, to accounting, administrative, admitting and discharge, engineering, accrediting, certification, licensing, credentialing, epidemiological, source plasma and blood donation, food service, environmental services, housekeeping, medical records, information technology and operational technology, nutritionists, sanitarians, respiratory therapists, etc.
 - Emergency medical services workers.
 - Prehospital workers included but not limited to urgent care workers.
 - Inpatient & hospital workers (e.g. hospitals, critical access hospitals, long-term acute care

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- hospitals, long-term care facilities, inpatient hospice, ambulatory surgical centers, etc.).
- Outpatient care workers (e.g. end-stage-renal disease, Federally Qualified Health Centers, Rural Health Clinics, community mental health clinics, organ transplant/procurement centers, and other ambulatory care settings/providers, comprehensive outpatient rehabilitation facilities, etc.).
- Home care workers (e.g. home health care, at-home hospice, home dialysis, home infusion, etc.).
- Workers at Long-term care facilities, residential and community-based providers (e.g. Programs of All-Inclusive Care for the Elderly (PACE), Intermediate Care Facilities for Individuals with Intellectual Disabilities, Psychiatric Residential Treatment Facilities, Religious Nonmedical Health Care Institutions, etc.).
- Workplace safety workers (i.e., workers who anticipate, recognize, evaluate, and control workplace conditions that may cause workers' illness or injury).
- Workers needed to support transportation to and from healthcare facility and provider appointments.
- Workers needed to provide laundry services, food services, reprocessing of medical equipment, and waste management.
- Workers that manage health plans, billing, and health information and who cannot work remotely.
- Workers performing cybersecurity functions at healthcare and public health facilities and who cannot work remotely.
- Workers performing security, incident management, and emergency operations functions at or on behalf of healthcare entities including healthcare coalitions, who cannot practically work remotely.
- Childcare, eldercare, and other service providers for essential healthcare personnel.
- Vendors and suppliers (e.g. imaging, pharmacy, oxygen services, durable medical equipment, etc.).
- Workers at manufacturers (including biotechnology companies and those companies that have shifted production to medical supplies), materials and parts suppliers, technicians, logistics and warehouse operators, printers, packagers, distributors of medical products and equipment (including third party logistics providers, and those who test and repair), personal protective equipment (PPE), isolation barriers, medical gases, pharmaceuticals (including materials used in radioactive drugs), dietary supplements, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing, disinfecting or sterilization supplies (including dispensers), sanitary goods, personal care products, pest control products, and tissue and paper towel products.
- Donors of blood, bone marrow, blood stem cell, or plasma, and the workers of the organizations that operate and manage related activities.
- Pharmacy staff, including workers necessary to maintain uninterrupted prescription, and other workers for pharmacy operations.
- Workers in retail facilities specializing in medical good and supplies.
- Public health and environmental health workers, such as:
 - Workers specializing in environmental health that focus on implementing environmental controls, sanitary and infection control interventions, healthcare facility safety and emergency preparedness planning, engineered work practices, and developing guidance and protocols for appropriate PPE to prevent COVID-19 disease transmission.
 - Public health/ community health workers (including call center workers) who conduct community-based public health functions, conducting epidemiologic surveillance and compiling, analyzing, and communicating public health information, who cannot work remotely.
- Human services providers, especially for at risk populations such as:
 - Home delivered meal providers for older adults, people with disabilities, and others with chronic

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- health conditions.
 - Home-maker services for frail, homebound, older adults.
 - Personal assistance services providers to support activities of daily living for older adults, people with disabilities, and others with chronic health conditions who live independently in the community with supports and services.
 - Home health providers who deliver health care services for older adults, people with disabilities, and others with chronic health conditions who live independently in the community with supports and services.
- Government entities, and contractors that work in support of local, state, and federal public health and medical mission sets, including but not limited to supporting access to healthcare and associated payment functions, conducting public health functions, providing medical care, supporting emergency management, or other services necessary for supporting the COVID-19 response.
- Mortuary service providers, such as:
 - Workers performing mortuary funeral, cremation, burial, cemetery, and related services, including funeral homes, crematoriums, cemetery workers, and coffin makers.
 - Workers who coordinate with other organizations to ensure the proper recovery, handling, identification, transportation, tracking, storage, and disposal of human remains and personal effects; certify cause of death; and facilitate access to mental and behavioral health services to the family members, responders, and survivors of an incident.

LAW ENFORCEMENT, PUBLIC SAFETY, AND OTHER FIRST RESPONDERS

- Public, private, and voluntary personnel (front-line and management, civilian and sworn) in emergency management, law enforcement, fire and rescue services, emergency medical services (EMS), and security, public and private hazardous material responders, air medical service providers (pilots and supporting technicians), corrections, and search and rescue personnel.
- Personnel involved in provisioning of access to emergency services, including the provisioning of real-time text, text-to-911, and dialing 911 via relay.
- Personnel that are involved in the emergency alert system (EAS) ((broadcasters, satellite radio and television, cable, and wireline video) and wireless emergency alerts (WEA).
- Workers at Independent System Operators and Regional Transmission Organizations, and Network Operations staff, engineers and technicians to manage the network or operate facilities.
- Workers at emergency communication center, public safety answering points, public safety communications centers, emergency operation centers, and 911 call centers.
- Fusion Center workers.
- Workers, including contracted vendors, who maintain, manufacture, or supply equipment and services supporting law enforcement, fire, EMS, and response operations (to include electronic security and life safety security personnel).
- Workers and contracted vendors who maintain and provide services and supplies to public safety facilities, including emergency communication center, public safety answering points, public safety communications centers, emergency operation centers, fire and emergency medical services stations, police and law enforcement stations and facilities.
- Workers supporting the manufacturing, distribution, and maintenance of necessary safety equipment and uniforms for law enforcement and all public safety personnel.

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- Workers supporting the operation of firearm, or ammunition product manufacturers, retailers, importers, distributors, and shooting ranges.
- Public agency workers responding to abuse and neglect of children, spouses, elders, and dependent adults.
- Workers who support weather disaster and natural hazard mitigation and prevention activities.
- Security staff to maintain building access control and physical security measures.

FOOD AND AGRICULTURE

- Workers supporting groceries, pharmacies, convenience stores, and other retail (including unattended and vending) that sells human food, animal and pet food and pet supply, and beverage products, including retail customer support service and information technology support staff necessary for online orders, pickup, and delivery.
- Restaurant carry-out and quick serve food operations, including dark kitchen and food prep centers, carry-out, and delivery food workers.
- Food manufacturer workers and their supplier workers including those employed at food ingredient production and processing facilities; aquaculture and seafood harvesting facilities; livestock, poultry, seafood slaughter facilities; pet and animal feed processing facilities; human food facilities producing by-products for animal food; beverage production facilities; and the production of food packaging.
- Farmers, farm and ranch workers, and agribusiness support services to include those employed in auction and sales; grain and oilseed handling, storage, processing, and distribution; animal food, feed, and ingredient production, packaging, and distribution; manufacturing, packaging, and distribution of veterinary drugs; and truck delivery and transport.
- Farmers, farm and ranch workers, and support service and supplier workers producing food supply domestically and for export, to include those engaged in raising, cultivating, harvesting, packing, storing, or delivering to storage or to market or to a carrier for transportation to market any agricultural or horticultural commodity for human consumption; agricultural inspection; fuel ethanol facilities; biodiesel and renewable diesel facilities; storage facilities; and other agricultural inputs.
- Workers and firms supporting the distribution of food, feed, and beverage and ingredients used in these products, including warehouse workers, vendor-managed inventory controllers, and blockchain managers.
- Workers supporting the sanitation and pest control of all food manufacturing processes and operations from wholesale to retail.
- Workers supporting the growth and distribution of plants and associated products for home gardens.
- Workers in cafeterias used to feed workers, particularly worker populations sheltered against COVID-19.
- Workers in animal diagnostic and food testing laboratories.
- Government, private, and non-governmental organizations' workers essential for food assistance programs (including school lunch programs) and government payments.
- Workers of companies engaged in the production, storage, transport, and distribution of chemicals, medicines, vaccines, and other substances used by the food and agriculture industry, including seeds, pesticides, herbicides, fertilizers, minerals, enrichments, and other agricultural production aids.
- Animal agriculture workers to include those employed in veterinary health (including those involved in supporting emergency veterinary or livestock services); raising, caring for and management of animals for food; animal production operations; livestock markets; slaughter and packing plants, manufacturers, renderers, and associated regulatory and government workforce.

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- Transportation supporting animal agricultural industries, including movement of animal medical and reproductive supplies and materials, animal vaccines, animal drugs, feed ingredients, feed and bedding, live animals, animal by-products, and deceased animals for disposal.
- Workers who support sawmills and the manufacture and distribution of fiber and forest products, including, but not limited to timber, paper, and other wood and fiber products, as well as manufacture and distribution of products using agricultural commodities.
- Workers engaged in the manufacture and maintenance of equipment and other infrastructure necessary for agricultural production and distribution.

ENERGY

- Workers supporting the energy sector, regardless of the energy source (including, but not limited to, nuclear, fossil, hydroelectric, or renewable), segment of the system, or infrastructure the worker is involved in, who are needed to construct, manufacture, repair, transport, permit, monitor, operate engineer, and maintain the reliability, safety, security, environmental health, and physical and cyber security of the energy system, including those who support construction, manufacturing, transportation, permitting, and logistics.
- Workers and contractors supporting energy facilities that provide steam, hot water or chilled water from central power plants to connected customers.
- Workers conducting energy/commodity trading/scheduling/marketing functions who can't perform their duties remotely.
- Workers supporting the energy sector through renewable energy infrastructure (including, but not limited to, wind, solar, biomass, hydrogen, ocean, geothermal, and hydroelectric) and microgrids, including those supporting construction, manufacturing, transportation, permitting, operation and maintenance, monitoring, and logistics.
- Workers and security staff involved in nuclear re-fueling operations.
- Workers providing services related to energy sector fuels (including, but not limited to, petroleum (crude oil), natural gas, propane, liquefied natural gas (LNG), compressed natural gas (CNG), natural gas liquids (NGL), other liquid fuels, nuclear, and coal) and supporting the mining, processing, manufacturing, construction, logistics, transportation, permitting, operation, maintenance, security, waste disposal, storage, and monitoring of support for resources.
- Workers providing environmental remediation and monitoring, limited to immediate critical needs technicians.
- Workers involved in the manufacturing and distribution of equipment, supplies, and parts necessary to maintain production, maintenance, restoration, and service at energy sector facilities across all energy sector segments.

Electricity Industry

- Workers who maintain, ensure, restore, or who are involved in the development, transportation, fuel procurement, expansion, or operation of, the generation, transmission, and distribution of electric power, including call centers, utility workers, engineers, retail electricity, construction, maintenance, utility telecommunications, relaying, and fleet maintenance technicians who cannot perform their duties remotely.
- Workers at coal mines, production facilities, and those involved in manufacturing, transportation,

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permitting, operation, maintenance, and monitoring at coal sites.

- Workers who produce, process, ship, and handle coal used for power generation and manufacturing.
- Workers in the electricity industry including but not limited to those supporting safety, construction, manufacturing, transportation, permitting, operation/maintenance, engineering, physical and cyber security, monitoring, and logistics
- Workers needed for safe and secure operations at nuclear generation including, but not limited to, those critical to the broader nuclear supply chain, the manufacture and delivery of parts needed to maintain nuclear equipment, the operations of fuel manufacturers, and the production and processing of fuel components used in the manufacturing of fuel.
- Workers at fossil fuel (including but not limited to natural gas, refined, distillate, and/or coal), nuclear, and renewable energy infrastructure (including, but not limited to wind, solar, biomass, hydrogen, geothermal, and hydroelectric), and microgrids, including those supporting safety, construction, manufacturing, transportation, permitting, operation, maintenance, monitoring, and logistics.
- Workers at generation, transmission, and electric black start facilities.
- Workers at Reliability Coordinator, Balancing Authority, local distribution control centers, and primary and backup Control Centers, including, but not limited to, independent system operators, regional transmission organizations, and local distribution control centers.
- Workers that are mutual assistance/aid personnel, which may include workers from outside of the state or local jurisdiction.
- Vegetation management and traffic control for supporting those crews.
- Instrumentation, protection, and control technicians.
- Essential support personnel for electricity operations.
- Generator set support workers, such as diesel engineers used in power generation, including those providing fuel.

Petroleum Industry

- Workers who support onshore and offshore petroleum drilling operations; platform and drilling construction and maintenance; transportation (including helicopter operations), maritime transportation, supply, and dredging operations; maritime navigation; well stimulation, intervention, monitoring, automation and control, extraction, production; processing; waste disposal, and maintenance, construction, and operations.
- Workers in the petroleum industry including but not limited to those supporting safety, construction, manufacturing, transportation, permitting, operation/maintenance, engineering, physical and cyber security, monitoring, and logistics.
- Workers for crude oil, petroleum, and petroleum product storage and transportation, including pipeline, marine transport, terminals, rail transport, storage facilities, racks, and road transport for use as end-use fuels such as gasoline, diesel fuel, jet fuel, and heating fuels or feedstocks for chemical manufacturing.
- Petroleum and petroleum product security operations center workers and workers who support maintenance and emergency response services.
- Petroleum and petroleum product operations control rooms, centers, and refinery facilities.
- Retail fuel centers such as gas stations and truck stops, and the distribution systems that support them.
- Supporting new and existing construction projects, including, but not limited to, pipeline construction.
- Manufacturing and distribution of equipment, supplies, and parts necessary for production, maintenance, restoration, and service of petroleum and petroleum product operations and use, including end-users.

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- Transmission and distribution pipeline workers, including but not limited to pump stations and any other required, operations maintenance, construction, and support for petroleum products.

Natural Gas, Natural Gas Liquids (NGL), Propane, and Other Liquid Fuels

- Workers who support onshore and offshore drilling operations, platform and drilling construction and maintenance; transportation (including helicopter operations); maritime transportation, supply, and dredging operations; maritime navigation; natural gas and natural gas liquid production, processing, extraction, storage and transportation; well intervention, monitoring, automation and control; waste disposal, and maintenance, construction, and operations.
- Workers in the natural gas, NGL, propane, and other liquid fuels industries including but not limited to those supporting safety, construction, manufacturing, transportation, permitting, operation/maintenance, engineering, physical and cyber security, monitoring, and logistics.
- Transmission and distribution pipeline workers, including compressor stations and any other required operations maintenance, construction, and support for natural gas, natural gas liquid, propane, and other liquid fuels.
- Workers at Liquefied Natural Gas (LNG) and Compressed Natural Gas (CNG) facilities.
- Workers at natural gas, propane, natural gas liquids, liquified natural gas, liquid fuel storage facilities, underground facilities, and processing plants and other related facilities, including construction, maintenance, and support operations personnel.
- Natural gas processing plants workers and those who deal with natural gas liquids.
- Workers who staff natural gas, propane, natural gas liquids, and other liquid fuel security operations centers, operations dispatch and control rooms and centers, and emergency response and customer emergencies (including leak calls) operations.
- Workers supporting drilling, production, processing, refining, and transporting natural gas, propane, natural gas liquids, and other liquid fuels for use as end-use fuels, feedstocks for chemical manufacturing, or use in electricity generation.
- Workers supporting propane gas service maintenance and restoration, including call centers.
- Workers supporting propane, natural gas liquids, and other liquid fuel distribution centers.
- Workers supporting propane gas storage, transmission, and distribution centers.
- Workers supporting new and existing construction projects, including, but not limited to, pipeline construction.
- Workers supporting ethanol and biofuel production, refining, and distribution.
- Workers in fuel sectors (including, but not limited to nuclear, coal, and gas types and liquid fuels) supporting the mining, manufacturing, logistics, transportation, permitting, operation, maintenance, and monitoring of support for resources.
- Workers ensuring, monitoring, and engaging in the physical security of assets and locations associated with natural gas, propane, natural gas liquids, and other liquid fuels.
- Workers involved in the manufacturing and distribution of equipment, supplies, and parts necessary to maintain production, maintenance, restoration, and service of natural gas, propane, natural gas liquids, and other liquid fuels operations and use, including end-users.

WATER AND WASTEWATER

Workers needed to operate and maintain drinking water and wastewater and drainage infrastructure, including:

- Operational staff at water authorities.

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- Operational staff at community water systems.
- Operational staff at wastewater treatment facilities.
- Workers repairing water and wastewater conveyances and performing required sampling or monitoring, including field staff.
- Operational staff for water distribution and testing.
- Operational staff at wastewater collection facilities.
- Operational staff and technical support for SCADA Control systems.
- Chemical equipment and personal protection suppliers to water and wastewater system.
- Workers who maintain digital systems infrastructure supporting water and wastewater operations.

TRANSPORTATION AND LOGISTICS

- Workers supporting or enabling transportation and logistics functions, including truck drivers, bus drivers, dispatchers, maintenance and repair technicians, warehouse workers, truck stop and rest area workers, driver training and education centers, Department of Motor Vehicle (DMV) workers, enrollment agents for federal transportation worker vetting programs, towing and recovery services, roadside assistance workers, intermodal transportation personnel, and workers that construct, maintain, rehabilitate, and inspect infrastructure, including those that require cross-jurisdiction travel.).
- Workers supporting the distribution of food, fuels, pharmaceuticals and medical material (including materials used in radioactive drugs), and chemicals needed for water or water treatment and energy maintenance.
- Workers supporting operation of essential highway infrastructure, including roads, bridges, and tunnels (e.g., traffic operations centers and moveable bridge operators).
- Workers of firms providing services, supplies, and equipment that enable warehouse and operations, including cooling, storing, packaging, and distributing products for wholesale or retail sale or use, including cold- and frozen-chain logistics for food and critical biologic products.
- Mass transit workers providing critical transit services and performing critical or routine maintenance to mass transit infrastructure or equipment.
- Workers supporting personal and commercial transportation services including taxis, delivery services, vehicle rental services, bicycle maintenance and car-sharing services, and transportation network providers.
- Workers, including police, responsible for operating and dispatching passenger, commuter, and freight trains and maintaining rail infrastructure and equipment.
- Maritime transportation workers, including port authority and commercial facility personnel, dredgers, port workers, security personnel, mariners, ship crewmembers, ship pilots, tugboat operators, equipment operators (to include maintenance and repair, and maritime-specific medical providers), ship supply workers, chandlers, and repair company workers. Refer to the United States Coast Guard's Marine Safety Information Bulletin "Maintaining Maritime Commerce and Identification of Essential Maritime Critical Infrastructure Workers" for more information.
- Workers, including truck drivers, railroad employees, maintenance crews, and cleaners, supporting transportation of chemicals, hazardous, medical, and waste materials that support critical infrastructure, capabilities, functions, and services, including specialized carriers, crane and rigging industry workers.
- Bus drivers and workers who provide or support intercity, commuter, and charter bus service in support of other essential services or functions.

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- Automotive repair, maintenance, and transportation equipment manufacturing and distribution facilities (including those who repair and maintain electric vehicle charging stations).
- Transportation safety inspectors, including hazardous material inspectors and accident investigator inspectors.
- Manufacturers and distributors (to include service centers and related operations) of lighting and communication systems, specialized signage and structural systems, emergency response equipment and support materials, printers, printed materials, packaging materials, pallets, crates, containers, and other supplies needed to support manufacturing, packaging staging and distribution operations, and other critical infrastructure needs.
- Postal Service, parcel, courier, last-mile delivery, and shipping and related workers, to include private companies, who accept, process, transport, and deliver information and goods.
- Workers who supply equipment and materials for maintenance of transportation equipment.
- Workers who repair and maintain vehicles, aircraft, rail equipment, marine vessels, bicycles, and the equipment and infrastructure that enables operations that encompass movement of cargo and passengers.
- Workers who support air transportation for cargo and passengers, including operation distribution, maintenance, and sanitation. This includes air traffic controllers, flight dispatchers, maintenance personnel, ramp workers, fueling agents, flight crews, airport safety inspectors and engineers, airport operations personnel, aviation and aerospace safety workers, security, commercial space personnel, operations personnel, accident investigators, flight instructors, and other on- and off-airport facilities workers.
- Workers supporting transportation via inland waterways, such as barge crew, dredging crew, and river port workers for essential goods.
- Workers critical to the manufacturing, distribution, sales, rental, leasing, repair, and maintenance of vehicles and other transportation equipment (including electric vehicle charging stations) and the supply chains that enable these operations to facilitate continuity of travel-related operations for essential workers.
- Warehouse operators, including vendors and support personnel critical for business continuity (including heating, ventilation, and air conditioning (HVAC) and electrical engineers, security personnel, and janitorial staff), e-commerce or online commerce, and customer service for essential functions.

PUBLIC WORKS AND INFRASTRUCTURE SUPPORT SERVICES

- Workers who support the construction, maintenance, or rehabilitation of critical infrastructure.
- Workers supporting construction materials production, testing laboratories, material delivery services, and construction inspection.
- Workers who support the operation, inspection, and maintenance of essential public works facilities and operations, including bridges, water and sewer main breaks, fleet maintenance personnel, construction of critical or strategic infrastructure, traffic signal maintenance, emergency location services for buried utilities, maintenance of digital systems infrastructure supporting public works operations, and other emergent issues.
- Workers such as plumbers, electricians, exterminators, builders (including building and insulation), contractors, HVAC Technicians, landscapers, and other service providers who provide services, including temporary construction, that are necessary to maintaining the safety, sanitation, and essential operation

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of residences, businesses and buildings, such as hospitals and senior living facilities.

- Workers personnel, who support operations that ensure, the availability of and access to needed facilities, transportation, energy, and communications through activities such as road and line clearing.
- Workers who support the effective removal, storage, and disposal of residential, industrial, and commercial solid waste and hazardous waste, including at landfill operations.
- Workers who support the operation, inspection, and maintenance of essential dams, locks, and levees.
- Workers who support the inspection and maintenance of aids to navigation and other government-provided services that ensure continued maritime commerce.

COMMUNICATIONS AND INFORMATION TECHNOLOGY

Communications

- Maintenance of communications infrastructure, -- including privately owned and maintained communication systems, -- supported by technicians, operators, call centers, wireline and wireless providers, cable service providers, satellite operations, Internet Exchange Points, Points of Presence, Network Access Points, back haul and front haul facilities, and manufacturers and distributors of communications equipment.
- Government and private sector workers, including government contractors, with work related to undersea cable infrastructure and support facilities, including cable landing sites, beach manhole vaults and covers, submarine cable depots, and submarine cable ship facilities.
- Government and private sector workers, including government contractors, supporting Department of Defense internet and communications facilities.
- Network Operations staff, engineers, and technicians to include IT managers and staff, HVAC and electrical engineers, security personnel, software and hardware engineers, and database administrators that manage the network or operate facilities.
- Workers responsible for infrastructure construction and restoration, including but not limited to engineers, technicians, and contractors for construction and engineering of fiber optic cables, buried conduit, small cells, other wireless facilities, and other communications sector-related infrastructure. This includes permitting, construction of new facilities, and deployment of new technology as required to address congestion or customer usage due to unprecedented use of remote services.
- Installation, maintenance, and repair technicians that establish, support, or repair service as needed.
- Central office personnel to maintain and operate central office, data centers, and other network office facilities, including critical support personnel assisting front line workers.
- Customer service and support staff, including managed and professional services, as well as remote providers of support to transitioning workers to set up and maintain home offices, who interface with customers to manage or support service environments and security issues including payroll, billing, fraud, logistics, and troubleshooting.
- Workers providing electronic security, fire, monitoring, and life safety services, and who ensure physical security, cleanliness, and the safety of facilities and personnel, including those who provide temporary licensing waivers for security personnel to work in other States or Municipalities.
- Dispatchers involved with service repair and restoration.
- Retail customer service personnel at critical service center locations to address customer needs, including new customer processing, distributing and repairing equipment, and addressing customer issues, in order to support individuals' remote emergency communications needs

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- Supply chain and logistics personnel to ensure goods and products are available to provision these front-line workers.
- External Affairs personnel to assist in coordinating with local, state, and federal officials to address communications needs supporting COVID-19 response, public safety, and national security.
- Workers responsible for ensuring that persons with disabilities have access to and the benefits of various communications platforms, including those involved in the provision of telecommunication relay services, closed captioning of broadcast television for the deaf, video relay services for deaf citizens who prefer communication via American Sign Language over text, and audio-description for television programming.

Information Technology

- Workers who support command centers, including, but not limited to, Network Operations Command Centers, Broadcast Operations Control Centers, and Security Operations Command Centers.
- Data center operators, including system administrators, HVAC and electrical engineers, security personnel, IT managers and purchasers, data transfer solutions engineers, software and hardware engineers, and database administrators for all industries, including financial services.
- Workers who support client service centers, field engineers, and other technicians and workers supporting critical infrastructure, as well as manufacturers and supply chain vendors that provide hardware and software, support services, research and development, information technology equipment (to include microelectronics and semiconductors), HVAC and electrical equipment for critical infrastructure, and test labs and certification agencies that qualify such equipment (to include microelectronics, optoelectronics, and semiconductors) for critical infrastructure, including data centers.
- Workers needed to preempt and respond to cyber incidents involving critical infrastructure, including medical facilities; state, local, tribal, and territorial (SLTT) governments and federal facilities; energy and utilities; banks and financial institutions; securities and other exchanges; other entities that support the functioning of capital markets, public works, critical manufacturing, food, and agricultural production; transportation; and other critical infrastructure categories and personnel, in addition to all cyber defense workers who can't perform their duties remotely.
- Suppliers, designers, transporters, and other workers supporting the manufacture, distribution, provision, and construction of essential global, national, and local infrastructure for computing services (including cloud computing services and telework capabilities), business infrastructure, financial transactions and services, web-based services, and critical manufacturing.
- Workers supporting communications systems, information technology, and work from home solutions used by law enforcement, public safety, medical, energy, public works, critical manufacturing, food and agricultural production, financial services, education, and other critical industries and businesses.
- Workers required in person to support Software as a Service businesses that enable remote working, performance of business operations, distance learning, media services, and digital health offerings, or required for technical support crucial for business continuity and connectivity.

OTHER COMMUNITY- OR GOVERNMENT-BASED OPERATIONS AND ESSENTIAL FUNCTIONS

- Workers to ensure continuity of building functions, including but not limited to security and environmental controls (e.g., HVAC), the manufacturing and distribution of the products required for these functions, and the permits and inspections for construction supporting essential infrastructure.

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- Elections personnel to include both public and private sector elections support.
- Workers supporting the operations of the judicial system, including judges, lawyers, and others providing legal assistance.
- Workers who support administration and delivery of unemployment insurance programs, income maintenance, employment service, disaster assistance, workers' compensation insurance and benefits programs, and pandemic assistance.
- Federal, State, and Local, Tribal, and Territorial government workers who support Mission Essential Functions and communications networks.
- Trade Officials (FTA negotiators; international data flow administrators).
- Workers who support radio, print, internet and television news and media services, including, but not limited to front line news reporters, studio, and technicians for newsgathering, reporting, and publishing news.
- Workers supporting Census 2020.
- Weather forecasters.
- Clergy for essential support.
- Workers who maintain digital systems infrastructure supporting other critical government operations.
- Workers who support necessary permitting, credentialing, vetting, and licensing for essential critical infrastructure workers and their operations.
- Customs and immigration workers who are critical to facilitating trade in support of the national emergency response supply chain.
- Educators supporting public and private K-12 schools, colleges, and universities for purposes of facilitating distance learning or performing other essential functions.
- Workers at testing centers for emergency medical services and other healthcare workers.
- Staff at government offices who perform title search, notary, and recording services in support of mortgage and real estate services and transactions.
- Residential and commercial real estate services, including settlement services.
- Workers supporting essential maintenance, manufacturing, design, operation, inspection, security, and construction for essential products, services, supply chain, and COVID-19 relief efforts.
- Workers performing services to animals in human care, including zoos and aquariums.

CRITICAL MANUFACTURING

- Workers necessary for the manufacturing of metals (including steel and aluminum), industrial minerals, semiconductors, materials and products needed for medical supply chains and for supply chains associated with transportation, aerospace, energy, communications, information technology, food and agriculture, chemical manufacturing, nuclear facilities, wood products, commodities used as fuel for power generation facilities, the operation of dams, water and wastewater treatment, processing and reprocessing of solid waste, emergency services, and the defense industrial base. Additionally, workers needed to maintain the continuity of these manufacturing functions and associated supply chains, and workers necessary to maintain a manufacturing operation in warm standby.
- Workers necessary for the manufacturing of materials and products needed to manufacture medical equipment and PPE.
- Workers necessary for mining and production of critical minerals, materials and associated essential supply chains, and workers engaged in the manufacture and maintenance of equipment and other

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infrastructure necessary for mining production and distribution.

- Workers who produce or manufacture parts or equipment that supports continued operations for any essential services and increase in remote workforce, including computing and communication devices, semiconductors, and equipment such as security tools for Security Operations Centers (SOCs) or data centers.
- Workers manufacturing or providing parts and equipment that enable the maintenance and continued operation of essential businesses and facilities.

HAZARDOUS MATERIALS

- Workers who manage hazardous materials associated with any other essential activity, including but not limited to healthcare waste (medical, pharmaceuticals, medical material production, and testing operations from laboratories processing and testing kits) and energy (including nuclear facilities).
- Workers who support hazardous materials response and cleanup.
- Workers who maintain digital systems infrastructure supporting hazardous materials management operations.

FINANCIAL SERVICES

- Workers who are needed to provide, process, and maintain systems for processing, verification, and recording of financial transactions and services, including payment, clearing, and settlement; wholesale funding; insurance services; consumer and commercial lending; public accounting; and capital markets activities.
- Workers who are needed to maintain orderly market operations to ensure the continuity of financial transactions and services.
- Workers who are needed to provide business, commercial, and consumer access to bank and non-bank financial services and lending services, including ATMs, lending and money transmission, lockbox banking, and to move currency, checks, securities, and payments (e.g., armored cash carriers).
- Workers who support financial operations and those staffing call centers, such as those staffing data and security operations centers, managing physical security, or providing accounting services.
- Workers supporting production and distribution of debit and credit cards.
- Workers providing electronic point of sale support personnel for essential businesses and workers.

CHEMICAL

- Workers supporting the chemical and industrial gas supply chains, including workers at chemical manufacturing plants, laboratories, distribution facilities, and workers who transport basic raw chemical materials to the producers of industrial and consumer goods, including hand sanitizers, food and food additives, pharmaceuticals, paintings and coatings, textiles, building materials, plumbing, electrical, and paper products.
- Workers supporting the safe transportation of chemicals, including those supporting tank truck cleaning facilities and workers who manufacture packaging items.
- Workers supporting the production of protective cleaning and medical solutions, PPE, chemical consumer and institutional products, disinfectants, fragrances, and packaging that prevents the contamination of food, water, medicine, among others essential products.

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- Workers supporting the operation and maintenance of facilities (particularly those with high risk chemicals and sites that cannot be shut down) whose work cannot be done remotely and requires the presence of highly trained personnel to ensure safe operations, including plant contract workers who provide inspections.
- Workers (including those in glass container manufacturing) who support the production and transportation of chlorine and alkali manufacturing, single-use plastics, and packaging that prevents the contamination or supports the continued manufacture of food, water, medicine, and other essential products.

DEFENSE INDUSTRIAL BASE

- Workers who support the essential services required to meet national security commitments to the federal government and U.S. Military, including, but are not limited to, space and aerospace workers, nuclear matters workers, mechanical and software engineers (various disciplines), manufacturing and production workers, IT support, security staff, security personnel, intelligence support, aircraft and weapon system mechanics and maintainers, and sanitary workers who maintain the hygienic viability of necessary facilities.
- Personnel working for companies, and their subcontractors, who perform under contract or sub-contract to the Department of Defense (DoD) and the Department of Energy (DoE) (on nuclear matters), as well as personnel at government-owned/contractor operated facilities, and who provide materials and services to the DoD and DoE (on nuclear matters), including support for weapon systems, software systems and cybersecurity, defense and intelligence communications, surveillance, sale of U.S. defense articles and services for export to foreign allies and partners (as authorized by the U.S. government), and space systems and other activities in support of our military, intelligence, and space forces.

COMMERCIAL FACILITIES

- Workers who support the supply chain of building materials from production through application and installation, including cabinetry, fixtures, doors, cement, hardware, plumbing (including parts and services), electrical, heating and cooling, refrigeration, appliances, paint and coatings, and workers who provide services that enable repair materials and equipment for essential functions.
- Workers supporting ecommerce through distribution, warehouse, call center facilities, and other essential operational support functions, that accept, store, and process goods, and that facilitate their transportation and delivery.
- Workers in hardware and building materials stores necessary to provide access to essential supplies, consumer electronics, technology and appliances retail, and related merchant wholesalers and distributors.
- Workers distributing, servicing, repairing, installing residential and commercial HVAC systems, boilers, furnaces and other heating, cooling, refrigeration, and ventilation equipment.
- Workers supporting the operations of commercial buildings that are critical to safety, security, and the continuance of essential activities, such as on-site property managers, building engineers, security staff, fire safety directors, janitorial personnel, and service technicians (e.g., mechanical, HVAC, plumbers, electricians, and elevator).
- Management and staff at hotels and other temporary lodging facilities that provide for COVID-19 mitigation, containment, and treatment measures or provide accommodations for essential workers.

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RESIDENTIAL/SHELTER FACILITIES AND SERVICES

- Workers providing dependent care services, particularly those whose services ensure essential workers can continue to work.
- Workers who support food, shelter, and social services, and other necessities of life for needy groups and individuals, including in-need populations and COVID-19 responders including travelling medical staff.
- Workers in animal shelters.
- Workers responsible for the leasing of residential properties to provide individuals and families with ready access to available housing.
- Workers responsible for handling property management, maintenance, and related service calls who can coordinate the response to emergency “at-home” situations requiring immediate attention, as well as facilitate the reception of deliveries, mail, and other necessary services.
- Workers performing housing and commercial construction related activities, including those supporting government functions related to the building and development process, such as inspections, permitting, and plan review services that can be modified to protect the public health, but fundamentally should continue and enable the continuity of the construction industry (e.g., allow qualified private third-party inspections in case of federal government shutdown).
- Workers performing services in support of the elderly and disabled populations who coordinate a variety of services, including health care appointments and activities of daily living.
- Workers responsible for the movement of household goods.

HYGIENE PRODUCTS AND SERVICES

- Workers who produce hygiene products.
- Workers in laundromats, laundry services, and dry cleaners.
- Workers providing personal and household goods, repair, and maintenance.
- Workers providing disinfection services for all essential facilities and modes of transportation and who support the sanitation of all food manufacturing processes and operations from wholesale to retail.
- Workers necessary for the installation, maintenance, distribution, and manufacturing of water and space heating equipment and its components.
- Support required for continuity of services, including commercial disinfectant services, janitorial and cleaning personnel, and support personnel functions that need freedom of movement to access facilities in support of front-line workers.
- Workers supporting the production of home cleaning, pest control, and other essential products necessary to clean, disinfect, sanitize, and ensure the cleanliness of residential homes, shelters, and commercial facilities.
- Workers supporting agriculture irrigation infrastructure.
- Workers supporting the production of home cleaning and pest control products.

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Exhibit 5

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ESSENTIAL WORKFORCE

On March 19, 2020, Governor Newsom issued Executive Order N-33-20 directing all residents immediately to heed current State public health directives to stay home, except as needed to maintain continuity of operations of essential critical infrastructure sectors and additional sectors as the State Public Health Officer may designate as critical to protect health and well-being of all Californians.

In accordance with this order, the State Public Health Officer has designated the following list of “Essential Critical Infrastructure Workers” to help state, local, tribal, and industry partners as they work to protect communities, while ensuring continuity of functions critical to public health and safety, as well as economic and national security.

Sector Index:

1. [Health and Public Health Sector](#)
2. [Emergency Services Sector](#)
3. [Food and Agriculture Sector](#)
4. [Energy Sector](#)
5. [Water and Wastewater Sector](#)
6. [Transportation and Logistics Sector](#)
7. [Communications and Information Technology Sector](#)
8. [Government Operations and Other Community-Based Essential Functions](#)
9. [Critical Manufacturing Sector](#)
10. [Financial Services Sector](#)
11. [Chemical Sector](#)
12. [Defense Industrial Base Sector](#)
13. [Industrial, Commercial, Residential and Sheltering Facilities and Services](#)

Relevant Guidance For All Sectors:

- [Face Coverings Guidance](#)
 - [Orientación Sobre el Uso de Mascarillas de Tela](#)
- [Self-Isolation for Older Adults and Those Who Have Elevated Risk](#)
 - [Aislamiento para Adultos Mayores y Personas que Tienen un Riesgo Elevado](#)
- [Employers, health care workers and workers in general industry](#)

1. HEALTHCARE / PUBLIC HEALTH

Sector Profile

The Healthcare and Public Health (HPH) Sector is large, diverse, and open, spanning both the public and private sectors. It includes publicly accessible healthcare facilities, research centers, suppliers, manufacturers, and other physical assets and vast, complex public-private information technology systems required for care delivery and to support the rapid, secure transmission and storage of large amounts of HPH data.

Essential Workforce, if remote working is not practical:

1. Health care providers and caregivers (including physicians, dentists, psychologists, mid-level practitioners, nurses, assistants, and aids; infection control and quality assurance personnel; pharmacists; physical, respiratory, speech and occupational therapists and assistants; social workers and providers serving individuals with disabilities including developmental disabilities; optometrists; speech pathologists; chiropractors; diagnostic and therapeutic technicians; and radiology technologists).
2. Workers required for effective clinical, command, infrastructure, support service, administrative, security and intelligence operations across the direct patient care and full healthcare and public health spectrum, including accounting, administrative, admitting and discharge, engineering, accrediting, certification, licensing, credentialing, epidemiological, source plasma and blood donation, food service, environmental services, housekeeping, medical records, information technology and operational technology, nutritionists, sanitarians; emergency medical services workers; prehospital workers including but not limited to urgent care workers; inpatient and hospital workers; outpatient care workers; home care workers; workers at long-term care facilities, residential and community-based providers; workplace safety workers).
3. Workers needed to support transportation to and from healthcare facilities and provider appointments.
4. Workers needed to provide laundry services, food services, reprocessing of medical equipment, and waste management.
5. Vendors and suppliers (including imaging, pharmacy, oxygen services, durable medical equipment)
6. Workers who perform critical clinical research, development, and testing needed for COVID-19 response.
7. Workers in other medical and life science facilities (including Ambulatory Health and Surgical, Blood Banks, Clinics, Community Mental Health, Comprehensive Outpatient rehabilitation, End Stage Renal Disease, Health Departments, Home Health care, Hospices, Hospitals, Long Term Care, Organ Pharmacies, Procurement Organizations, Psychiatric, Residential, Rural Health Clinics and Federally Qualified Health Centers, and retail facilities specializing in medical goods and supplies, including cannabis).
8. Workers for health manufacturing (including life science companies, and companies that have shifted production to medical supplies), materials and parts suppliers, technicians, logistics and warehouse operators, printers, packagers, and distributors of medical equipment (including those who test and repair), personal protective equipment (PPE), isolation barriers, medical

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gases, pharmaceuticals (including materials used in radioactive drugs, and cannabis products), dietary supplements, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing, disinfecting or sterilization supplies, personal hygiene products, and tissue and paper towel products.

9. Public health / community health workers, including those who compile, model, analyze and communicate public health information.
10. Behavioral and mental health workers responsible for coordination, outreach, engagement, and treatment to individuals in need of mental health and/or behavioral services.
11. Donors of blood bone marrow, blood stem cell, or plasma and the workers of the organizations that operate and manage related activities.
12. Workers that manage health plans, billing, and health information.
13. Workers who conduct community-based public health functions, conducting epidemiologic surveillance, compiling, analyzing and communicating public health information.
14. Workers performing IT and cybersecurity functions at healthcare and public health facilities.
15. Workers performing security, incident management, and emergency operations functions at or on behalf of healthcare entities including healthcare coalitions.
16. Pharmacy employees, including workers necessary to maintain uninterrupted prescription filling.
17. Workers in retail facilities specializing in medical goods and supplies.
18. Public health and environmental health workers, including workers specializing in environmental health that focus on implementing environmental controls, sanitary and infection control interventions, healthcare facility safety and emergency preparedness planning, engineered work practices, and developing guidance and protocols for appropriate PPE to prevent COVID-19 disease transmission; Public health/ community health workers (including call center workers) who conduct community- based public health functions, conducting epidemiologic surveillance and compiling, analyzing, and communicating public health information.
19. Mortuary services providers, including workers performing mortuary, funeral, cremation burial, cemetery, and related services, including funeral homes, crematoriums, cemetery workers and coffin makers.
20. Workers who coordinate with other organizations to ensure the proper recovery, handling, identification, transportation, tracking, storage, and disposal of human remains and personal effects; certify cause of death; and facilitate access to behavioral and mental health services to the family members, responders, and survivors of an incident.
21. Workers supporting veterinary hospitals and clinics.

Relevant Sector Guidance:

- [All Facility Letters for health care facilities, including long-term care facilities](#)
- [Health care facilities, Skilled Nursing Facilities](#)
- [Individuals with Access and Functional Needs](#)
- [Medical Waste Management - Interim Guidelines](#)
- [Outpatient Healthcare Facility Infection Control Recommendations for Suspect COVID-19 Patients](#)
- [Prioritization of Patients for Laboratory Testing for COVID-19](#)
- [Veterinary Professionals and Premises](#)
- Regional Centers:
 - [Visits to Licensed Residential Facilities](#)
 - [Risk Mitigation Strategies for ARFPSHN, ICF/DD-CN](#)
- [Adult and Senior Care Facilities](#)

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- [Cuidado a los Adultos Mayores](#)
- [Community care facilities, including assisted living facilities and child care](#)
- [Medi-Cal Managed Care Health Plans: COVID – 19 Screening and Testing](#)
- [Coverage Options Fact Sheet](#)
 - [Opciones De Cobertura](#)
- [Department of Managed Health Care All Plan Letter](#)
- [California Department of Insurance Bulletin](#)

2. EMERGENCY SERVICES SECTOR

Sector Profile

The Emergency Services Sector (ESS) is a community of highly-skilled, trained personnel, along with the physical and cyber resources, that provide a wide range of prevention, preparedness, response, and recovery services during both day-to-day operations and incident response. The ESS includes geographically distributed facilities and equipment in both paid and volunteer capacities organized primarily at the federal, state, local, tribal, and territorial levels of government, such as city police departments and fire stations, county sheriff's offices, Department of Defense police and fire departments, and town public works departments. The ESS also includes private sector resources, such as industrial fire departments, private security organizations, and private emergency medical services providers.

Essential Workforce, if remote working is not practical:

1. Public, private, and voluntary personnel (front line and management) in emergency management, law enforcement, fire and rescue services, emergency medical services, corrections, rehabilitation and reentry, search and rescue, hazardous material response, and technicians supporting maritime and aviation emergency response.
2. Public Safety Answering Points and 911 call center employees; personnel involved in access to emergency services including the emergency alert system and wireless emergency alerts.
3. Fusion Center employees
4. Workers who support weather disaster / natural hazard monitoring, response, mitigation, and prevention, including personnel conducting, supporting, or facilitating wildfire mitigation activities
5. Workers – including contracted vendors -- who maintain, manufacture, or supply equipment and services supporting law enforcement, fire, EMS, and emergency service response operations (including safety equipment, electronic security, and uniforms)
6. Workers responding to abuse and neglect of children, elders and dependent adults.
7. Animal control officers and humane officers
8. Security staff to maintain building access control and physical security measures
9. Workers and contracted vendors who maintain and provide services and supplies to public safety facilities, including emergency communication center, public safety answering points, public safety communications centers, emergency operation centers, fire and emergency medical services stations, police and law enforcement stations and facilities.

Relevant Sector Guidance:

- [Public Health Guidance about COVID-19 for California State Prisons](#)
- [First responders, including paramedics and EMTs](#)

3. FOOD AND AGRICULTURE

Sector Profile

The Food and Agricultural (FA) Sector is composed of complex production, processing, and delivery systems and has the capacity to feed people and animals both within and beyond the boundaries of the United States. Beyond domestic food production, the FA Sector also imports many ingredients and finished products, leading to a complex web of growers, processors, suppliers, transporters, distributors, and consumers. This sector is critical to maintaining and securing our food supply.

Essential Workforce, if remote working is not practical:

1. Workers supporting groceries, pharmacies, convenience stores, and other retail that sells food or beverage products, and animal/pet food, retail customer support service, information technology support staff, for online orders, pickup/takeout or delivery.
2. Workers supporting restaurant carry-out and quick serve food operations, including food preparation, carry-out and delivery food employees.
3. Food manufacturer employees and their supplier employees to include those employed in food ingredient production and processing-facilities; aquaculture and seafood harvesting facilities; livestock, poultry, seafood slaughter facilities; pet and animal feed processing facilities; human food facilities producing by-products for animal food; beverage production facilities; and the production of food packaging, including recycling operations and processing.
4. Farmers, farm and ranch workers, and agribusiness support services to include those employed in auction and sales; grain and oilseed handling, storage, processing and distribution; animal food, feed, and ingredient production, packaging, and distribution; manufacturing, packaging, and distribution of veterinary drugs; truck delivery and transport.
5. Farmers, farm and ranch workers, support service workers and their supplier employees producing food supply domestically and for export to include those engaged in raising, cultivating, harvesting, packing, storing, or delivering to storage or to market or to a carrier for transportation to market any agricultural or horticultural commodity for human consumption; those engaged in producing and harvesting field crops; cannabis growers; agricultural and commodity inspection; fuel ethanol facilities; storage facilities; biodiesel and renewable diesel facilities; and other agricultural inputs
6. Employees and firms supporting food, feed, and beverage distribution and ingredients used in these products including warehouse workers, vendor-managed inventory controllers, and blockchain managers.
7. Workers supporting the sanitation of all food manufacturing processes and operations from wholesale to retail.
8. Workers supporting the growth and distribution of plants and associated products for home gardens.
9. Workers in cafeterias used to feed workers, particularly worker populations sheltered against COVID-19
10. Workers in animal diagnostic and food testing laboratories
11. Workers essential for assistance programs and government payments
12. Government, private, and non-governmental organizations' workers essential for food assistance programs (including school lunch programs) and government payments.

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13. Employees of companies engaged in the production, storage, transport, and distribution of chemicals; medicines, including cannabis; vaccines; and other substances used by the food and agriculture industry, including seeds, pesticides, herbicides, fertilizers, minerals, enrichments, and other agricultural production aids.
14. Animal agriculture workers to include those employed in veterinary health (including those involved in supporting emergency veterinary or livestock services); raising of animals for food; animal production operations; livestock markets; slaughter and packing plants, manufacturers, renderers, and associated regulatory and government workforce.
15. Transportation supporting animal agricultural industries, including movement of animal medical and reproductive supplies and material, animal vaccines, animal drugs, feed ingredients, feed, and bedding, live animals, animal medical materials; transportation of deceased animals for disposal; and associated regulatory and government workforce
16. Workers who support sawmills and the manufacture and distribution of fiber and forest products, including, but not limited to timber, paper, and other wood and fiber products
17. Employees engaged in the manufacture and maintenance of equipment and other infrastructure necessary to agricultural production and distribution
18. Workers at animal care facilities that provide food, shelter, veterinary and/or routine care and other necessities of life for animals.

Relevant Sector Guidance:

- [Food, Beverage, Other Services](#)
 - [Alimentos, Bebidas y Otros Sitios de Servicios Relacionados](#)
- [Food Industry and Food Supply Chain](#)

4. ENERGY

Sector Profile

The Energy Sector consists of widely diverse and geographically dispersed critical assets and systems that are often interdependent of one another. This critical infrastructure is divided into three interrelated segments or subsectors—electricity, oil, and natural gas—to include the production, refining, storage, and distribution of oil, gas, and electric power. The Energy Sector supplies fuels to the transportation industry, electricity to households and businesses, and other sources of energy that are integral to growth and production across the Nation. In turn, it depends on the Nation's transportation, information technology, communications, finance, water, and government infrastructures.

Essential Workforce, if remote working is not possible:

1. Workers supporting the energy sector, regardless of the energy source, segment of the system, or infrastructure the worker is involved in, or who are needed to monitor, operate, engineer, and maintain the reliability, safety, environmental health, physical and cyber security of the energy system, including power generation, transmission and distribution.
2. Workers supporting the energy sector, regardless of the energy source, needed for construction, manufacturing, transportation and logistics, maintenance, and permitting.
3. IT and OT technology for essential energy sector operations including support workers, customer service operations, call centers, and emergency response and customer emergency operations; energy management systems, control systems, Supervisory Control and Data Acquisition SCADA systems, and energy sector entity data centers; cybersecurity engineers; and cybersecurity risk management.
4. Workers providing services related to energy sector fuels and supply chains, supporting the procurement, mining, drilling, processing, refining, manufacturing, refueling, construction, logistics, transportation (including marine transport, terminals, rail and vehicle transport), permitting operation and maintenance, security, waste disposal, storage, and monitoring of support for resources;
5. Workers supporting environmental remediation and monitoring.
6. Workers supporting manufacturing and distribution of equipment, supplies, and parts necessary to maintain production, maintenance, restoration, and service at energy sector facilities across all energy sectors, and regardless of the energy source.
7. Workers at Independent System Operators and Regional Transmission Organizations, and Network Operations staff, engineers and technicians to manage the network or operate facilities.
8. Workers at Reliability Coordinator, Balancing Authorities, and primary and backup Control Centers, including but not limited to independent system operators, regional transmission organizations, and balancing authorities; and workers involved in energy commodity trading and scheduling.
9. Mutual assistance personnel, which may include workers from outside of the state or local jurisdiction
10. Retail fuel centers such as gas stations and truck stops, and the distribution systems that support them.

5. WATER AND WASTEWATER

Sector Profile

The Water and Wastewater Sector is a complex sector composed of drinking water and wastewater infrastructure of varying sizes and ownership types. Multiple governing authorities pertaining to the Water and Wastewater Sector provide for public health, environmental protection, and security measures, among others.

Essential Workforce, if remote working is not practical:

Employees needed to operate and maintain drinking water and wastewater/drainage infrastructure, including:

1. Operational staff at water authorities
2. Operational staff at community water systems
3. Operational staff at wastewater treatment facilities
4. Workers repairing water and wastewater conveyances and performing required sampling or monitoring
5. Operational staff for water distribution and testing
6. Operational staff at wastewater collection facilities
7. Operational staff and technical support for SCADA Control systems
8. Chemical disinfectant suppliers for water and wastewater and personnel protection
9. Workers that maintain digital systems infrastructure supporting water and wastewater operations

6. TRANSPORTATION AND LOGISTICS

Sector Profile

The Transportation Systems Sector consists of seven key subsectors, or modes:

- Aviation includes aircraft, air traffic control systems, and airports, heliports, and landing strips. Commercial aviation services at civil and joint-use military airports, heliports, and sea plane bases. In addition, the aviation mode includes commercial and recreational aircraft (manned and unmanned) and a wide variety of support services, such as aircraft repair stations, fueling facilities, navigation aids, and flight schools.
- Highway and Motor Carrier encompasses roadway, bridges, and tunnels. Vehicles include trucks, including those carrying hazardous materials; other commercial vehicles, including [bicycles](#), commercial motor coaches and school buses; vehicle and driver licensing systems; taxis, transportation services including Transportation Network Companies, and delivery services including Delivery Network Companies; traffic management systems; AND cyber systems used for operational management.
- Maritime Transportation System consists of coastline, ports, waterways, and intermodal landside connections that allow the various modes of transportation to move people and goods to, from, and on the water.
- Mass Transit and Passenger Rail includes terminals, operational systems, and supporting infrastructure for passenger services by transit buses, trolleybuses, monorail, heavy rail—also known as subways or metros—light rail, passenger rail, and vanpool/rideshare.
- Pipeline Systems consist of pipelines carrying natural gas hazardous liquids, as well as various chemicals. Above-ground assets, such as compressor stations and pumping stations, are also included.
- Freight Rail consists of major carriers, smaller railroads, active railroad, freight cars, and locomotives.
- Postal and Shipping includes large integrated carriers, regional and local courier services, mail services, mail management firms, and chartered and delivery services.

Essential Workforce, if remote working is not practical:

1. Employees supporting or enabling transportation functions, including truck drivers, bus drivers, dispatchers, maintenance and repair technicians, warehouse workers, truck stop and rest area workers, towing and recovery services, roadside assistance workers, intermodal transportation personnel, and workers that maintain and inspect infrastructure
2. Working supporting or providing services that enable logistics operations for essential sectors, wholesale and retail sale, including warehousing, cooling, storing, packaging, and distributing products for wholesale or retail sale or use.
3. Workers supporting maintenance and operation of essential highway infrastructure, including roads, bridges, and tunnels.

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4. Workers of firms providing services, supplies, and equipment that enable warehouse and operations, including cooling, storing, packaging, and distributing products for wholesale or retail sale or use.
5. Mass transit workers providing critical transit services and/or performing critical or routine maintenance to mass transit infrastructure or equipment.
6. Employees supporting personal and commercial transportation services, including taxis, bicycle services, Transportation Network Companies, and delivery services including Delivery Network Companies
7. Workers responsible for operating dispatching passenger, commuter and freight trains and maintaining rail infrastructure and equipment
8. Maritime transportation and inland waterway workers – to include maintenance and repair – including port authority and commercial facility personnel, dredgers, port workers, mariners, ship crewmembers, ship pilots and tugboat operators, ship supply, Chandler, and equipment operators.
9. Workers who support the operation, inspection, and maintenance of essential dams, locks, and levees.
10. Workers who support the inspection and maintenance of aids to navigation and other government-provided services that ensure continued maritime commerce.
11. Workers supporting transportation of chemicals, hazardous, medical, waste and recyclable materials to support critical sectors and infrastructure.
12. Automotive repair, maintenance, and transportation equipment manufacturing and distribution facilities.
13. Transportation safety inspectors, including hazardous material inspectors and accident investigator inspectors
14. Manufacturers and distributors (to include service centers and related operations) of lighting and communication systems, specialized signage and structural systems, emergency response equipment and support materials, printers, printed materials, packaging materials, pallets, crates, containers, and other supplies needed to support manufacturing, packaging staging and distribution operations
15. Postal, parcel, courier, last-mile delivery, and shipping workers, to include private companies who accept, process, transport, and deliver information and goods.
16. Workers who supply equipment and materials for maintenance of transportation equipment.
17. Employees who repair and maintain vehicles, aircraft, rail equipment, marine vessels, bicycles, and the equipment and infrastructure that enables operations that encompass movement of cargo and passengers
18. Workers who support air transportation for cargo and passengers, including operation distribution, maintenance, and sanitation. This includes air traffic controllers, flight dispatchers, maintenance personnel, ramp workers, fueling agents, flight crews, airport safety inspectors and engineers, airport operations personnel, aviation and aerospace safety workers, security, commercial space personnel, operations personnel, accident investigators, flight instructors, and other on- and off-airport facilities workers.
19. Workers critical to the manufacturing, distribution, sales, rental, leasing, repair, and maintenance of vehicles and other transportation equipment (including electric vehicle charging stations) and the supply chains that enable these operations, subject to adhering public health guidance issued by CDPH.
20. Workers who support the operation, inspection, and maintenance of essential public works facilities and operations, including bridges, water and sewer main breaks, fleet maintenance personnel, construction of critical or strategic infrastructure, construction material

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suppliers, traffic signal maintenance, emergency location services for buried utilities, maintenance of digital systems infrastructure supporting public works operations, and other emergent issues

21. Workers who support, such as road and line clearing, to ensure the availability of needed facilities, transportation, energy and communications.

7. COMMUNICATIONS AND INFORMATION TECHNOLOGY

Sector Profile

The Communications Sector provides products and services that support the efficient operation of today's global information-based society. Communication networks enable people around the world to contact one another, access information instantly, and communicate from remote areas. This involves creating a link between a sender (including voice signals) and one or more recipients using technology (e.g., a telephone system or the Internet) to transmit information from one location to another. Technologies are changing at a rapid pace, increasing the number of products, services, service providers, and communication options. The national communications architecture is a complex collection of networks that are owned and operated by individual service providers. Many of this sector's products and services are foundational or necessary for the operations and services provided by other critical infrastructure sectors. The nature of communication networks involves both physical infrastructure (buildings, switches, towers, antennas, etc.) and cyber infrastructure (routing and switching software, operational support systems, user applications, etc.), representing a holistic challenge to address the entire physical-cyber infrastructure.

The IT Sector provides products and services that support the efficient operation of today's global information-based society and are integral to the operations and services provided by other critical infrastructure Sectors. The IT Sector is comprised of small and medium businesses, as well as large multinational companies. Unlike many critical infrastructure Sectors composed of finite and easily identifiable physical assets, the IT Sector is a functions-based Sector that comprises not only physical assets but also virtual systems and networks that enable key capabilities and services in both the public and private sectors.

Essential Workforce – Communications, if remote working is not practical:

1. Maintenance of communications infrastructure- including privately owned and maintained communication systems- supported by technicians, operators, call-centers, wireline and wireless providers, cable service providers, satellite operations, Internet Exchange Points, Network Access Points, back haul and front haul facilities, and manufacturers and distributors of communications equipment.
2. Workers performing functions related to undersea cable infrastructure and support facilities, including cable landing sites, beach manhole vaults and covers, submarine cable depots, and submarine cable ship facilities
3. Government and private sector employees supporting Department of Defense internet and communications facilities.
4. Workers who support radio, television, and media service, including, but not limited to front line news reporters, studio, and technicians for newsgathering, reporting, and publishing news.
5. Network Operations staff, engineers and/or technicians to include IT managers and staff, HVAC & electrical engineers, security personnel, software and hardware engineers, and database administrators that manage the network or operate facilities
6. Workers responsible for infrastructure construction and restoration, including contractors for construction and engineering of fiber optic cables, buried conduit, small cells, other wireless facilities, and other communications sector-related infrastructure. This includes construction of

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new facilities and deployment of new technology required to address congestion or customer usage on remote services.

7. Installation, maintenance and repair technicians that establish, support or repair service as needed.
8. Central office personnel to maintain and operate central office, data centers, and other network office facilities, and critical support personnel assisting front line employees
9. Customer service and support staff, including managed and professional services as well as remote providers of support to transitioning employees to set up and maintain home offices, who interface with customers to manage or support service environments and security issues, including payroll, billing, fraud, logistics and troubleshooting
10. Workers providing electronic security, fire, monitoring, and life safety services, and who ensure physical security, cleanliness, and the safety of facilities and personnel, including those who provide temporary licensing waivers for security personnel to work in other States or Municipalities.
11. Dispatchers involved with service repair and restoration
12. Retail customer service personnel at critical service center locations for onboarding customers, distributing and repairing equipment and other supply chain personnel, to support individuals' remote emergency communications needs;
13. External Affairs personnel to assist in coordinating with local, state, and federal officials to address communications needs supporting COVID-19 response, public safety, and national security.
14. Workers responsible for ensuring that persons with disabilities have access to and the benefits of various communications platforms, including those involved in the provision of telecommunication relay services, closed captioning of broadcast television for the deaf, video relay services for deaf citizens who prefer communication via American Sign Language over text, and audio-description for television programming.

Essential Workforce - Information Technology, if remote working is not practical:

15. Workers who support command centers, including, but not limited to Network Operations Command Centers, Broadcast Operations Control Center and Security Operations Command Centers
16. Data center operators, including system administrators, HVAC & electrical engineers, security personnel, IT managers and purchasers, data transfer solutions engineers, software and hardware engineers, and database administrators
17. Workers who support client service centers, field engineers, and other workers supporting critical infrastructure, as well as manufacturers and supply chain vendors that provide hardware and software, support services, research and development, information technology equipment (to include microelectronics and semiconductors), and HVAC and electrical equipment for critical infrastructure and test labs and certification agencies that qualify such equipment for critical infrastructure.
18. Workers needed to pre-empt and respond to cyber incidents involving critical infrastructure,, and entities supporting the functioning of critical infrastructure sectors
19. Suppliers, designers, transporters and other workers supporting the manufacture, distribution, and construction of essential global, national and local infrastructure for computing services (including cloud computing services and teleworking capabilities), business infrastructure, financial transactions, web-based services, and critical manufacturing

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20. Workers supporting communications systems, information technology, and work from home solutions
21. Employees required to support Software as a Service businesses that enable remote working, performance of business operations, distance learning, media services, and digital health offerings, or required for technical support crucial for business continuity and connectivity.

8. GOVERNMENT OPERATIONS AND OTHER COMMUNITY-BASED ESSENTIAL FUNCTIONS

Essential Workforce, if remote working is not practical.

1. Critical government workers, as defined by the employer and consistent with Continuity of Operations Plans and Continuity of Government plans.
2. County workers responsible for determining eligibility for safety net benefits
3. The Courts, consistent with guidance released by the California Chief Justice
4. Workers who support administration and delivery of unemployment insurance programs, income maintenance, employment service, disaster assistance, workers' compensation insurance and benefits programs, and pandemic assistance
5. Workers to ensure continuity of building functions, including but not limited to security and environmental controls, the manufacturing and distribution of the products required for these functions, and the permits and inspection for construction.
6. Elections personnel
7. Federal, State, and Local, Tribal, and Territorial employees who support Mission Essential Functions and communications networks
8. Trade Officials (FTA negotiators; international data flow administrators)
9. Weather forecasters
10. Workers that maintain digital systems infrastructure supporting other critical government operations
11. Workers who support necessary credentialing, vetting and licensing operations for critical sector workers and operations.
12. Workers who are critical to facilitating trade in support of the national, state, and local emergency response supply chain
13. Workers supporting public and private childcare establishments, pre-K establishments, K-12 schools, colleges, and universities for purposes of distance learning, provision of school meals, or care and supervision of minors to support essential workforce across all sectors
14. Staff at government offices who perform title search, notary, and recoding services in support of mortgage and real estate services and transactions;
15. Workers and instructors supporting academies and training facilities and courses for the purpose of graduating students and cadets that comprise the essential workforce for all identified critical sectors
16. Clergy for essential support and faith-based services that are provided through streaming or other technologies that support physical distancing and state public health guidelines.
17. Human services providers, especially for at risk populations, including home delivered meal providers for older adults, people with disabilities, and others with chronic health conditions; home-maker services for frail, homebound, older adults; personal assistance services providers to support activities of daily living for older adults, people with disabilities, and others with chronic health conditions who live independently in the community with supports and services; home health providers who deliver health care services for older adults, people with disabilities, and others with chronic health conditions who live independently in the community with supports and services.
18. Government entities, and contractors that work in support of local, state, and federal public health and medical mission sets, including but not limited to supporting access to healthcare and associated payment functions, conducting public health functions, providing medical care,

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supporting emergency management, or other services necessary for supporting the COVID-19 response.

Relevant Sector Guidance:

- Schools and institutions of higher education
 - [Guidance for schools \(PDF\)](#)
 - [Directrices para las escuelas sobre el nuevo coronavirus o COVID-19 \(PDF\)](#)
 - [Guidance for colleges and universities](#)
 - [Directrices para las instituciones de educación superior sobre el nuevo coronavirus o COVID-19](#)
- [Guidance for K-12 Schools: Distance Learning, School Meals, Child Care and Student Supervision](#)
- [Guidance for Using Disinfectants at Schools and Child Cares](#)
 - [Recordatorios para el uso de desinfectantes en las escuelas y guarderías](#)
- [Community care facilities, including assisted living facilities and child care](#)

9. CRITICAL MANUFACTURING

Sector Profile

The Critical Manufacturing Sector identifies several industries to serve as the core of the sector: Primary Metals Manufacturing, Machinery Manufacturing, Electrical Equipment, Appliance, and Component Manufacturing, Transportation Equipment Manufacturing Products made by these manufacturing industries are essential to many other critical infrastructure sectors.

Essential Workforce, if remote working is not practical

1. Workers necessary for the manufacturing of metals, industrial minerals, semiconductors, materials and products needed for supply chains of the critical infrastructure sectors.
2. Workers necessary for the manufacturing of materials and products needed to manufacture medical equipment and personal protective equipment
3. Workers necessary for mining and production of critical minerals, materials and associated essential supply chains, and workers engaged in the manufacture and maintenance of equipment and other infrastructure necessary for mining production and distribution.
4. Workers who produce or manufacture parts or equipment that supports continued operations for any essential services and increase in remote workforce, including computing and communication devices, semiconductors, and equipment such as security tools for Security Operations Centers (SOCs) or data centers.
5. Workers manufacturing or providing parts and equipment that enable the maintenance and continued operation of essential businesses and facilities.

10. FINANCIAL SERVICES

Sector Profile

The Financial Services Sector includes thousands of depository institutions, providers of investment products, insurance companies, other credit and financing organizations, and the providers of the critical financial utilities and services that support these functions. Financial institutions vary widely in size and presence, ranging from some of the world's largest global companies with thousands of employees and many billions of dollars in assets, to community banks and credit unions with a small number of employees serving individual communities. Whether an individual savings account, financial derivatives, credit extended to a large organization, or investments made to a foreign country, these products allow customers to: Deposit funds and make payments to other parties; Provide credit and liquidity to customers; Invest funds for both long and short periods; Transfer financial risks between customers.

Essential Workforce, if remote working is not practical:

1. Workers who are needed to process and maintain systems for processing financial transactions and services, including payment, clearing, and settlement; wholesale funding; insurance services; and capital markets activities
2. Workers who are needed to maintain orderly market operations to ensure the continuity of financial transactions and services.
3. Workers who are needed to provide business, commercial, and consumer access to banking and non-bank financial and lending services, including ATMs, lending money transmission, and to move currency, checks, securities, and payments
4. Workers who support financial operations, such as those staffing call, data and security operations centers, managing physical security, or providing accounting services.
5. Workers supporting production and distribution of debit and credit cards.
6. Workers providing electronic point of sale support personnel for essential businesses and workers.

11. CHEMICAL & HAZARDOUS MATERIALS

Sector Profile

The Chemical Sector—composed of a complex, global supply chain—converts various raw materials into diverse products that are essential to modern life. Based on the product produced, the sector can be divided into five main segments, each of which has distinct characteristics, growth dynamics, markets, new developments, and issues: Basic chemicals; Specialty chemicals; Agricultural chemicals; Pharmaceuticals; Consumer products.

Essential Workforce, if remote working is not practical:

1. Workers supporting the chemical and industrial gas supply chains, including workers at chemical manufacturing plants, workers in laboratories, workers at distribution facilities, workers who transport basic raw chemical materials to the producers of industrial and consumer goods, including hand sanitizers, food and food additives, pharmaceuticals, textiles, building materials, plumbing, electrical and paper products.
2. Workers supporting the safe transportation of chemicals, including those supporting tank truck cleaning facilities and workers who manufacture packaging items
3. Workers supporting the production of protective cleaning and medical solutions, personal protective equipment, disinfectants, and packaging that prevents the contamination of food, water, medicine, among others essential products
4. Workers supporting the operation and maintenance of facilities (particularly those with high risk chemicals and/ or sites that cannot be shut down) whose work cannot be done remotely and requires the presence of highly trained personnel to ensure safe operations, including plant contract workers who provide inspections
5. Workers who support the production and transportation of chlorine and alkali manufacturing, single-use plastics, and packaging that prevents the contamination or supports the continued manufacture of food, water, medicine, and other essential products, including glass container manufacturing
6. Workers at nuclear facilities, workers managing medical waste, workers managing waste from pharmaceuticals and medical material production, and workers at laboratories processing test kits
7. Workers who support hazardous materials response and cleanup
8. Workers who maintain digital systems infrastructure supporting hazardous materials management operations
9. Workers who support the removal, storage, and disposal of residential and commercial solid waste and hazardous waste, including landfill and recycling operations.

12. DEFENSE INDUSTRIAL BASE

Sector Profile

The Defense Industrial Base Sector is the worldwide industrial complex that enables research and development, as well as design, production, delivery, and maintenance of military weapons systems, subsystems, and components or parts, to meet U.S. military requirements. The Defense Industrial Base partnership consists of Department of Defense components, Defense Industrial Base companies and their subcontractors who perform under contract to the Department of Defense, companies providing incidental materials and services to the Department of Defense, and government-owned/contractor-operated and government-owned/government-operated facilities. Defense Industrial Base companies include domestic and foreign entities, with production assets located in many countries. The sector provides products and services that are essential to mobilize, deploy, and sustain military operations.

Essential Workforce, if remote working is not practical:

1. Workers who support the essential services required to meet national security commitments to the federal government and U.S. Military, including, but are not limited to, space and aerospace workers, nuclear matters workers, mechanical and software engineers (various disciplines), manufacturing and production workers, IT support, security staff, security personnel, intelligence support, aircraft and weapon system mechanics and maintainers, and sanitary workers who maintain the hygienic viability of necessary facilities.
2. Personnel working for companies, and their subcontractors, who perform under contract or sub-contract to the Department of Defense (DoD) and the Department of Energy (DoE) (on nuclear matters), as well as personnel at government-owned/contractor operated facilities, and who provide materials and services to the DoD and DoE (on nuclear matters), including support for weapon systems, software systems and cybersecurity, defense and intelligence communications, surveillance, sale of U.S. defense articles and services for export to foreign allies and partners (as authorized by the U.S. government), and space systems and other activities in support of our military, intelligence, and space forces.

13. INDUSTRIAL, COMMERCIAL, RESIDENTIAL, and SHELTERING FACILITIES AND SERVICES

Essential Workforce, if remote working is not practical:

1. Construction Workers who support the construction, operation, inspection, and maintenance of construction sites and construction projects (including housing, commercial, and mixed-use construction); and workers who support the supply chain of building materials from production through application/installation, including cabinetry, fixtures, doors, cement, hardware, plumbing, electrical, heating/cooling, refrigeration, appliances, paint/coatings, and employees who provide services that enable repair materials and equipment for essential functions.
2. Workers such as plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, construction material sources, and essential operation of construction sites and construction projects (including those that support such projects to ensure the availability of needed facilities, transportation, energy and communications; and support to ensure the effective removal, storage, recycling and disposal of solid waste and hazardous waste)
3. Workers such as plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, businesses, and buildings such as hospitals and senior living facilities, including any facility supporting COVID-19 response.
4. Workers who support the supply chain of building materials from production through application and installation, including cabinetry, fixtures, doors, cement, hardware, plumbing (including parts and services), electrical, heating and cooling, refrigeration, appliances, paint and coatings, and workers who provide services that enable repair materials and equipment for essential functions.
5. Workers in hardware and building materials stores, consumer electronics, technology and appliances retail, and related merchant retailers, wholesalers and distributors that support essential workforce functions where sales and operations cannot be conducted online
6. Warehouse operators, including vendors and support personnel critical for business continuity (including heating, ventilation, and air conditioning (HVAC) and electrical engineers, security personnel, and janitorial staff), e-commerce or online commerce, and customer service for essential functions.
7. Workers supporting the operations of commercial buildings that are critical to safety, security, and the continuance of essential activities, such as on-site property managers, building engineers, security staff, fire safety directors, janitorial personnel, and service technicians (e.g., mechanical, HVAC, plumbers, electricians, and elevator).
8. Workers supporting ecommerce through distribution, warehouse, call center facilities, and other essential operational support functions, that accept, store, and process goods, and that facilitate their transportation and delivery
9. Workers distributing, servicing, repairing, installing residential and commercial HVAC systems, boilers, furnaces and other heating, cooling, refrigeration, and ventilation equipment.
10. Workers managing or servicing hotels or other commercial and residential buildings that are used for COVID-19 mitigation and containment measures, treatment measures, provide accommodation for essential workers, or providing housing solutions, including measures to protect homeless populations.

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11. Workers responsible for the leasing of residential and commercial properties to provide individuals and families with ready access to available housing.
12. Residential and commercial real estate workers, limited to scheduled property viewings to a potential buying party. This does not extend to open-house viewings, nor viewings with more than one buying party at a time.
13. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities and critical sector services
14. Workers responsible for handling property management, maintenance, and related service calls who can coordinate the response to emergency “at-home” situations requiring immediate attention, as well as facilitate the reception of deliveries, mail, and other necessary services.
15. Workers supporting the entertainment industries, studios, and other related establishments, provided they follow covid-19 public health guidance around physical distancing.
16. Workers that provide or determine eligibility for food, shelter, in-home supportive services, child welfare, adult protective services and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals (including family members)
17. Workers performing services in support of the elderly and disabled populations who coordinate a variety of services, including health care appointments and activities of daily living.
18. Workers who provide support to vulnerable populations to ensure their health and well-being including family care providers.
19. Workers providing dependent care services, particularly those whose services ensure essential workers can continue to work.
20. Workers who support food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals, such as those residing in shelters.
21. Workers in laundromats, laundry services, and dry cleaners.
22. Workers providing disinfection services, for all essential facilities in essential sectors
23. Workers necessary for the installation, maintenance, distribution, and manufacturing of water and space heating equipment and its components.
24. Support required for continuity of services, including commercial disinfectant services, janitorial/cleaning personnel, and support personnel functions that need freedom of movement to access facilities in support of front-line employees.

Relevant Sector Guidance:

- [Cleaning & Waste Management for Residences 2/2020](#)
- [Essential/Emergency Personnel Providing Critical In-Home Services](#)
- [Home cleaning with COVID-19 positive individuals](#)
- [Recommended Strategic Approaches for COVID-19 Response for Individuals Experiencing Homelessness](#)
- [Flow Chart: COVID-19 Recommended Protocol for People Experiencing Homelessness](#)
- [Homeless Assistance Providers](#)
- [Immigrant Communities](#)
 - [Las Comunidades de Inmigrantes](#)
- [Pets & People](#)

Exhibit 6



MAY 12, 2020

CONGRESSIONAL DISTRICT 25 SPECIAL GENERAL ELECTION

PURPOSE OF THIS ELECTION

This election was called by California Governor Gavin Newsom to fill the 25th Congressional District vacancy created when Katie Hill resigned from Congress. Learn about this Election by visiting **LAVote.net**.

**ALL REGISTERED VOTERS
WERE MAILED A
VOTE BY MAIL BALLOT.**

VOTE IN-PERSON



May 2 - May 11: 8AM - 5PM
Election Day, May 12: 7AM - 8PM

See a list of Vote Centers on
LAVote.net

FACTS ABOUT THE ELECTION



Registered Voters

351,896



Vote Centers

9*

**Vote Center dates and hours vary by location. See reverse side for a full list.*



Vote by Mail Drop Boxes

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VOTER INFORMATION AND GUIDANCE RELATING TO COVID-19

In compliance to the Governor's Executive Order related to COVID-19, all registered voters eligible for this election were mailed a Vote by Mail ballot.

L.A. County is encouraging voters to stay at home and vote. In-person voting is offered in a limited capacity and we will strictly follow public health and safety guidelines to ensure a safe voting environment.

COVID-19 Information for Voting In-Person:

1. Voters should wear a clean face-covering when visiting the Vote Center
2. Social distancing will be enforced at the check-in and voting process
3. The Ballot Marking Devices will be sanitized after every voter
4. Gloves will be provided to voters upon request
5. Election Workers will be wearing protective gloves and masks

If you have any questions or concerns please call 1-800-815-2666 or email **VoterInfo@rrcc.lacounty.gov**.





VOTE CENTERS



Pampered Pooch Pet Hotel

40222 La Quinta Lane, Palmdale, CA 93551
Saturday, May 2, 2020 - Monday, May 11, 2020: 8AM-5PM
Tuesday, May 12, 2020: 7AM-8PM



College of the Canyons

26455 Rockwell Road, Valencia, CA 91355
Saturday, May 2, 2020 - Monday, May 11, 2020: 8AM-5PM
Tuesday, May 12, 2020: 7AM-8PM

Livingstone Cathedral of Worship

37721 100th Street E, Littlerock, CA 93543
Saturday, May 2, 2020: 8AM-5PM
Sunday, May 3, 2020: 8AM-5PM
Monday, May 4, 2020: 8AM-5PM

George A Cavalho Santa Clarita Sports Complex

20870 Centre Pointe Parkway, Santa Clarita, CA 91350
Tuesday, May 5, 2020: 8AM-5PM
Wednesday, May 6, 2020: 8AM-5PM
Thursday, May 7, 2020: 8AM-5PM

Acton Community Club

3748 Nickels Avenue, Acton, CA 93510
Friday, May 8, 2020: 8AM-5PM
Saturday, May 9, 2020: 8AM-5PM
Sunday, May 10, 2020: 8AM-5PM



Porter Ranch Town Center

(In between Walmart and Color Me Mine)
19821 Rinaldi Street, Porter Ranch, CA 91326
Monday, May 11, 2020: 8AM-5PM
Tuesday, May 12, 2020: 7AM-8PM



Stephen Sorensen County Park

16801 E Avenue P, Palmdale, CA 93591
Tuesday, May 12, 2020: 7AM-8PM




Palmdale Elks Lodge

2705 E Avenue Q, Palmdale, CA 93591
Tuesday, May 12, 2020: 7AM-8PM



Castaic Regional Sports Complex

31230 N Castaic Road, Castaic, CA 91384
Tuesday, May 12, 2020: 7AM-8PM

 Open on Election Day



VOTE BY MAIL DROP BOXES (AVAILABLE 24 HOURS)

Jackie Robinson Park

8773 East Avenue R,
Littlerock, CA 93543

Everett Martin Park

35548 North 92nd Street,
East Littlerock, CA 93543

Lake Los Angeles Park Association at Sorensen Community Regional Park

16801 East Avenue P,
Lake Los Angeles, CA 93591

Castaic Regional Sports Complex

31230 Castatic Road,
Castaic, CA 91384

Vasquez Rocks Natural Area and Nature Center

10700 Escondido Canyon Road,
Agua Dulce, CA 91350

Pico Canyon Park

25600 Pico Canyon Road,
Newhall, CA 91381

Acton Park

3751 Syracuse Avenue,
Acton, CA 93510

Pearblossom Parks and Recs

33922 121st Street E,
Pearblossom, CA 93553

High Desert Regional Health Center

335 East Avenue I,
Lancaster, CA 93535

Metrolink-Santa Clarita

22122 Soledad Canyon Road,
Santa Clarita, CA 91350

Santa Clarita Park

27285 Seco Canyon Road,
Santa Clarita, CA 91350

Canyon Country Jo Anne Darcy Library

18601 Soledad Canyon Road,
Santa Clarita, CA 91351

Valencia Library

23743 West Valencia Boulevard,
Santa Clarita, CA 91355

Old Town Newhall Library

24500 Main Street,
Santa Clarita, CA 91321

Los Angeles County Fire Station 37

38318 9th Street E,
Palmdale, CA 93550

Los Angeles County FireStation 134

43225 25th Street W,
Lancaster, CA 93536

Los Angeles County Fire Station 131

2629 East Avenue S,
Palmdale, CA 93550

Los Angeles County Fire Station 117

44851 30th Street E,
Lancaster, CA 93535

Los Angeles County Fire Station 143

28580 Hasley Canyon Road,
Castaic, CA 91384

Los Angeles County Fire Station 76

27223 Henry Mayo Drive,
Valencia, CA 91355

Los Angeles County Fire Station 132

29310 Sand Canyon Road,
Canyon Country, CA 91387

Porter Ranch Library

11371 Tampa Avenue,
Porter Ranch, CA 91326

Reminder: All ballots must be returned by 8 PM on Election Day.

SUMMONS (CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

Gavin Newsom in his official capacity as California Governor; Xavier Becerra in his official capacity as California Attorney General; Alex Padilla in his official capacity as California Secretary of State.

YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):

California Republican Party

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): Gordon D. Schaber Sacramento County
Courthouse, 720 9th St., Sacramento CA, 95814

CASE NUMBER: (Número del Caso):
TBD

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Harmeet K. Dhillon, Mark Meuser, Gregory Michael, Dhillon Law Group 177 Post St. # 700, San Francisco CA 94108, 415-433-1700

DATE:
(Fecha) 04/29/2020

Clerk, by
(Secretario)

, Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010).)

[SEAL]

NOTICE TO THE PERSON SERVED: You are served

- ☒ as an individual defendant.
- ☐ as the person sued under the fictitious name of (specify):
- ☐ on behalf of (specify):
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):
- ☐ by personal delivery on (date)