

Governor Issues Executive Order Extending Election Deadlines; Clarifies List of “Essential Workers” Not Subject to Stay at Home Order

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Governor Newsom has issued Executive Order N-34-20, extending by 21 days all deadlines relating to completing and reporting the canvass of votes for the March 3, 2020 Statewide Primary election. For those local jurisdictions that held consolidated local elections in March, this means the deadline to certify the results of the election and seat newly elected officials could be extended by 21 days as well. The Governor urged counties to complete election canvasses within original deadlines, if possible, but this order could mean that local consolidated elections will not be certified until late April.

Executive Order N-34-20 also “suspends” the hearings required before a political subdivision can switch from an at-large voting system to a district-based system. The suspension lasts until such time as neither state nor local officials impose or recommend social distancing measures in the particular political subdivision. Affected local entities must hold the hearings thereafter. This order also changes various upcoming special elections to be entirely mailed ballot elections. However, this order does not affect the November 2020 elections.

The Governor and the State Public Health Officer also have issued a list of the types of “Essential Critical Infrastructure Workers” who are permitted to go to work despite the Governor’s “stay at home” command in Executive Order No. N-33-20. This list is generally the same as the categories described in the advice RWG issued yesterday on this topic, but it is somewhat more detailed. The list of “Essential Critical Infrastructure Workers” covers many types of jobs that local government employees perform, including public safety, water and other utilities, public health and welfare, and others. The list says that all construction workers are “essential,” answering a question our clients asked frequently yesterday. We believe that those building and safety and planning staff members needed to support and regulate construction should also be considered “essential.”

The text of Executive Order N-34-20 can be found [here](#).

The text of the list of “Essential Critical Infrastructure Workers” can be found [here](#).

Please contact your RWG attorney with questions or for more information.