

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): James Gallagher 23397 PRO PER 437 Century Park Dr. Suite C, Yuba City, CA 95991		FOR COURT USE ONLY <h1 style="margin: 0;">ENDORSED FILED</h1> <h2 style="margin: 0;">JUN 11 2020</h2>	
TELEPHONE NO.: (530) 218-2202 FAX NO.: ATTORNEY FOR (Name):		SUPERIOR COURT OF CALIFORNIA COUNTY OF SUTTER CLERK OF THE COURT By <u>M. NAGRA</u> Deputy	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: 1175 Civic Center Blvd. MAILING ADDRESS: 1175 Civic Center Blvd. CITY AND ZIP CODE: Yuba City, CA 95991 BRANCH NAME: Civil			
CASE NAME: James Gallagher and Kevin Kiley v. Gavin Newsom			
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	
		CASE NUMBER: CVCS 20-0912 JUDGE: _____ DEPT: _____	

Items 1-5 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 <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input checked="" type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> 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. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Type of remedies sought (check all that apply):
- a. ☐ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): _____
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: June 11, 2020

James Gallagher

(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 complex case, this cover sheet will be used for statistical purposes only.

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

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 5 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. You do not need to submit a cover sheet with amended papers. 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 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

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 JAMES GALLAGHER, ~~SEN 2019~~ PRO PER
2 KEVIN KILEY, ~~SEN 2019~~ PRO PER
3 437 Century Park Dr, Ste C.
4 Yuba City, CA 95991
5 Telephone: (530) 751-9730
6 Fax: (530) 751-9449

ENDORSED FILED

JUN 11 2020

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SUTTER
CLERK OF THE COURT
By M. NAGRA Deputy

6 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
7 **COUNTY OF SUTTER**

9) Case No. CVCS '20 -0912
10 JAMES GALLAGHER and KEVIN)
11 KILEY,) COMPLAINT FOR
12) DECLARATORY JUDGMENT
13 Plaintiffs,) AND INJUNCTIVE RELIEF
14)
15 v.)
16)
17 GAVIN NEWSOM, in his official capacity)
18 as the Governor of the State of California)
19)
20 Defendant.)

21
22 Plaintiffs, JAMES GALLAGHER and KEVIN KILEY, allege as follows:

23 **THE PARTIES**

24 1. Plaintiff, JAMES GALLAGHER, is an individual residing in Sutter County.
25 Plaintiff is also an elected member of the California State Assembly representing the 3rd
26 Assembly District, wherein he is also currently serving as the Vice-Chairman of the Assembly
27 Committee on Elections.
28

COMPLAINT FOR INJUNCTIVE RELIEF AND DAMAGES

2. Plaintiff, KEVIN KILEY, is an individual residing Placer County. Plaintiff is also an elected member of the California State Assembly representing the 6th Assembly District.

3. Defendant, GAVIN NEWSOM, is being named in his official capacity as the Governor of the State of California.

JURISDICTION AND VENUE

4. This Court has jurisdiction over this action pursuant to the California Constitution, Article VI, Section 10, which grants the Superior Court “original jurisdiction in all causes except those given to other courts.”

5. The Court has jurisdiction over Defendant because Defendant is a citizen of California.

6. Venue is proper in this Court because Plaintiff is a resident of the County of Sutter and the acts complained of herein affect election procedures and voters in the County of Sutter.

ALLEGATIONS

7. On March 4, 2020, Defendant Governor Gavin Newsom declared an emergency pursuant to the California Emergency Services Act (Cal. Gov. Code §8550 et. seq.) citing the threat of the COVID-19 pandemic. As of the date of this filing the state of emergency has not been terminated pursuant to applicable law.

8. The California State Legislature, though recessing temporarily during the COVID-19 pandemic, has reconvened and has been in-session since May 4, 2020.

9. The Legislature is currently considering legislative bills dealing with elections procedures for the November 3, 2020 General Election, specifically Senate Bill (SB) 390 and Assembly Bill (AB) 860. SB 390, dealing with voting centers and elections procedures for the November 3, 2020 General Election, is currently in the Assembly Elections & Redistricting Committee. AB 860, dealing with mail-in ballots for the November 3, 2020 General Election, is in the Senate Appropriations Committee. Both bills contain an urgency clause which provides that they will take effect immediately upon passage and being signed by the Governor.

1 10. Plaintiff James Gallagher is a resident of the State of California and a voter
2 registered in the County of Sutter and therefore has an interest in ensuring that elections are
3 conducted in accordance with the duly enacted laws of the State of California.

4 11. Plaintiff Kevin Kiley is a resident of the State of California and a registered voter
5 and has an interest in ensuring that elections are conducted in accordance with the duly enacted
6 laws of the State of California.

7 12. Plaintiffs are also sitting legislators in the California State Legislature actively
8 working on both SB 390 and AB 860. Gallagher is currently the Vice-Chairman of the
9 Assembly Elections & Redistricting Committee.

10 13. On June 5, 2020 Defendant issued Executive Order N-67-20 (the “Executive
11 Order”) which provided directives related to the conduct of the November 3, 2020 General
12 Election, which directives significantly change the choices voters have with regard to voting
13 and the places and manner of casting votes.

14 14. The Executive Order exercises legislative powers by substantively amending,
15 altering, or changing existing California statutes, including but not limited to California
16 Elections Codes §§3000 et. seq., 3019.5, 3019.7, 4005, 4007, 12200-12286, and 12288.

17
18 **CAUSE OF ACTION – DECLARATORY JUDGMENT**

19 (Cal. Code of Civ. Proc. 1060, et seq.)

20 15. Plaintiff re-alleges the allegation stated in paragraphs 1-14 above.

21 16. By exercising legislative actions in the Executive Order, the Defendant is
22 currently in clear violation of the separation of powers, specifically Article IV, Sec. 1 of the
23 California Constitution which provides: “The legislative power of this State is vested in the
24 California Legislature which consists of the Senate and the Assembly, but the people reserve to
25 themselves the powers of initiative and referendum.”

26 17. There exists an actual controversy between the parties in that the Defendant is
27 contending that his Executive Order is valid use of his powers granted under the California
28 Constitution and applicable statute and is binding upon counties and their elections officials to

1 act in accordance with his Executive Order, despite existing statutory law created by the
2 Legislature to the contrary, and despite the fact that the Legislature is currently considering
3 pending legislation dealing with the exact subject matter of the Executive Order. Plaintiffs
4 contends that the Executive Order is not a valid use of power under the California Constitution
5 and applicable statute; is in fact an usurpation of legislative power, and therefore cannot have
6 the force of law.

7 18. Plaintiffs therefore seek a declaratory judgment of this Court that the Executive
8 Order so issued is null and void as it is an unconstitutional exercise of legislative powers
9 reserved only to the Legislature, nor is it a permitted action under the statutory framework
10 provided under the California Emergency Services Act [Cal. Gov. Code §§ 8550-8669.7].

11 19. Plaintiffs are interested parties as residents and registered voters of the State of
12 California who has an interest in the government operating in accordance with the state
13 constitution and duly enacted laws regarding elections, and as members of the Legislature who
14 have an interest in protecting the constitutional powers of the legislative branch pursuant to the
15 California Constitution.

16 20. A declaration of the validity of the Executive Order and the rights of the
17 respective parties under the California Constitution and applicable law is necessary in order to
18 clarify this important constitutional issue and resolve the controversy.

19 **GROUND FOR INJUNCTIVE RELIEF**

20 21. Plaintiff further seeks to restrain and enjoin the Defendant (1) carrying out or
21 implementing the provisions of the Executive Order and (2) from further exercising any
22 legislative powers in violation of the California Constitution and applicable statute, specifically
23 from unilaterally amending, altering, or changing existing statutory law or making new statutory
24 law.

25 22. The wrongful conduct of the Defendant, unless restrained and enjoined by an
26 order of the court, will cause great or irreparable harm to Plaintiff in that Defendant will be
27 permitted to act in violation of the constitutional principle of separation of powers, allowing for
28

1 unilateral action by one person without the checks and balance of the Legislature, as envisioned
2 by a republican form of government. Moreover, without an injunction, confusion over the rules
3 governing the November 3, 2020 General Election are likely to ensue. Monetary or traditional
4 forms of damages cannot possibly compensate for the violation of fundamental constitutional
5 rights and the usurpation by of constitutionally separated powers.
6

7 //

8 //

9 //

10
11
12 WHEREFORE, Plaintiff demands a judgment against Defendant as follows:

- 13 1. For interim declaratory relief that the Executive Order is null and void and a temporary
14 restraining order restraining Defendant and his agents, assigns and employees from
15 carrying out or implementing the provisions of the Executive Order and (2) from further
16 exercising any legislative powers in violation of the California Constitution and
17 applicable statute, specifically from unilaterally amending, altering, or changing existing
18 statutory law or making new statutory law.
- 19 2. That a preliminary injunction issue, declaring the Executive Order null and enjoining
20 Defendant and his agents and employees from carrying out or implementing the
21 provisions of the Executive Order and (2) from further exercising any legislative powers
22 in violation of the California Constitution and applicable statute, specifically from
23 unilaterally amending, altering, or changing existing statutory law or making new
24 statutory law during the pendency of this action.
- 25 3. Upon final hearing, an order and judgment declaring that Defendant's Executive Order
26 is null and void as an impermissible use of legislative power in violation of the
27 California Constitution and applicable California law;
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

4. That Plaintiff's receive costs and expenses incurred in this action.
5. That Plaintiff's receive such other additional relief as the court deems proper.

DATED: June 11, 2020

Respectfully Submitted

By 
JAMES GALLAGHER
~~Attorney for Plaintiff~~
PRO PER

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

GAVIN NEWSOM, in his official capacity as Governor of the State of California

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

JAMES GALLAGHER and KEVIN KILEY

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

JUN 11 2020

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SUTTER
CLERK OF THE COURT
By M. NAGRA Deputy

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.

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.courtinfo.ca.gov/selfhelp/espanol/), 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.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:
(El nombre y dirección de la corte es):

, 1175 Civic Center Blvd.
Yuba City, CA 95991

CASE NUMBER:
(Número del Caso):

CVCS '20 - 0912

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):

James Gallagher
437 Century Park Dr.,
Yuba City, CA 95991
(530) 751-9730

DATE:
(Fecha)

JUN 11 2020

Clerk, by M. NAGRA, Deputy
(Secretario) (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):

ENDORSED FILED

JUN 11 2020

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SUTTER
CLERK OF THE COURT
By M. NAGRA Deputy

JAMES GALLAGHER, ~~SEN 25307~~ PRO PER
KEVIN KILEY, ~~SEN 28104~~ PRO PER
437 Century Park Dr., Suite C
Yuba City, CA 95991
Telephone: (530) 751-9730
Fax: (530) 751-9449

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SUTTER

CVCS '20 -0912

JAMES GALLAGHER and KEVIN
KILEY,

Plaintiffs,

v.

GAVIN NEWSOM, in his official capacity
as Governor of California

Defendant.

Case No. _____

EX PARTE APPLICATION FOR
INTERIM DECLARATORY
RELIEF AND TEMPORARY
RESTRAINING ORDER AND
ORDER TO SHOW CAUSE;
POINTS & AUTHORITIES;
DECLARATION OF JAMES
GALLAGHER IN SUPPORT OF
APPLICATION; AND
CERTIFICATE RE NOTICE

Hearing Date: June 12, 2020
Time: 8:30 a.m.
Dept.: 1
Action Filed: June 11, 2020

APPLICATION

Pursuant to California Rules of Court Rule 3.1203, California Civ. Proc. Code 1062.3 and California Civil Code §527, Plaintiffs, JAMES GALLAGHER and KEVIN KILEY, hereby apply ex parte for interim declaratory relief that Executive Order N-67-20 is null and void as well as a temporary restraining order enjoining Defendant GAVIN NEWSOM, in his capacity as Governor of the State of California, his agents, employees and assignees, from i) enforcing or carrying out the terms of Executive Order N-67-20 and ii) from unilaterally changing existing statutory law. Plaintiff will seek an order requiring Defendant to show cause why a preliminary injunction should not issue to restrain defendant, his agents, employees and

EX PARTE APPLICATION FOR INTERIM DECLARATORY RELIEF, TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW CAUSE

1 assigns from enforcing or otherwise carrying out the terms of the Executive Order while this
2 action is pending.

3 This application is based on the declaration of James Gallagher, and the memorandum of
4 points and authorities filed concurrently.

5 **MEMORANDUM OF POINTS & AUTHORITIES**

6
7 1. PLAINTIFF IS LIKELY TO PREVAIL ON THE MERITS OF THE CASE AS
8 DEFENDANT IN ISSUING HIS ORDER IS IN CLEAR VIOLATION OF THE
9 STATE CONSTITUTION AND APPLICABLE STATUTES.

10 The argument is straightforward. Legislative power is vested in the California
11 Legislature. Cal. Const., Article IV, Sec. 1. The Governor does not have the power, even in an
12 emergency pursuant to the California Emergency Services Act (Cal. Gov. Code §8550 et. seq.),
13 to amend, change or modify existing statutory law. The Governor has, in fact, done so with his
14 Executive Order N-67-20. He must be enjoined by this Court in order to uphold the provisions
15 of the California Constitution and the separation of powers that is at the heart of our California
16 Republic.

17 a. The Governor's Order Unduly Exercises Legislative Power By Amending
18 Existing Statutory Law and Making New Statutory Law

19 The Governor's Executive Order does in fact change, alter and modify state statutes
20 regarding California elections as follows:

- 21 1. Paragraph 1 re-iterates provisions of a previous order (N-48-20) for the November 3,
22 2020 election, that all voters (except those who are inactive) shall receive a mail-
23 ballot whether they have requested one or not. This substantively amends, changes,
24 and alters the provisions of Elections Code §3001 et. seq. which provides that a
25 mail-ballot is an elective process in which a voter may request to vote by mail.
26 2. Paragraph 2 states that all counties elections officials shall use the Secretary of
27 State's ballot tracking system. This substantively amends, changes, and alters
28

1 Elections Code §3019.5 and 3019.7, which provide counties with other methods of
2 tracking ballots.

- 3 3. Paragraph 3 allows counties to opt-out of their statutory obligation pursuant to
4 Elections Code §12286(a)(3) to provide a polling place in each voting precinct for
5 the November 3, 2020 election. If they do, they must provide for voting procedures
6 outlined in subsections (a), (b), and (c) of the Order which are substantively different
7 from those outlined in existing state statute (Elections Code §§12280-12288).
8 4. Paragraph 5 substantively amends, alters and changes Elections Code §4005(a)(10)
9 which requires that an elections official provide for in-person publicly noticed
10 meetings with Voting Rights Act protected groups and disability rights groups
11 regarding the conduct of an upcoming election and provides instead that an elections
12 official can provide information on-line with public comment.

13
14 b. The Governor is Expressly Prohibited from Exercising Such Legislative Acts by the
15 California Constitution and the Legislature has not Authorized any Such Action through
the California Emergency Services Act (CESA).

16 The California Constitution clearly lays out the doctrine of separation of powers, namely
17 that executive power is vested in the Governor (Article V, Sec. 1) and legislative power is
18 vested in the Legislature (Article IV, Sec. 1). The Constitution specifically prohibits the
19 exercise of those separated powers by a person who is not so authorized. Article III, Sec. 3.
20 There is nothing in the California Constitution that gives the Governor power to unilaterally
21 make or change statutory law. His role is limited to signing or vetoing bills properly passed
22 through the deliberative process of the Legislature, or eliminating appropriations therein. See
23 Article V, Sec. 10.

24 Not having any constitutional power to change the statutory laws as he has, the
25 Governor cites Government Codes §§8567, 8571 and 8627 as justification for his Order. See
26 Executive Order attached as Exhibit "A" to Declaration of James Gallagher. A clear reading of
27 these statutes, however, shows that they do no such thing.
28

1 California Government Code §8567 gives him the power to make executive orders
2 necessary to carry out the provisions of the California Emergency Services Act (CESA) found
3 in §§8550-8669.7, namely, to respond to whatever emergency has been properly declared. It
4 does not grant “legislative” power to the Governor, i.e. the power to make or change statutory
5 law. The terms of this section are clear that he can “make, amend, and rescind orders and
6 regulations necessary to carry out the provisions of this chapter.” (emphasis added). Orders and
7 regulations have the common meaning of executive orders and agency regulations that are
8 promulgated as part of executive power to implement and execute what a legislative statute has
9 authorized. They have the “force of law” but they are not statutory or legislative in nature.
10 Had the Legislature intended in this section to delegate legislative power (i.e. that he could
11 modify statutory law) they would have used the term “statute” as is used elsewhere in CESA,
12 for instance in Government Code §8571.

13 Moving to Gov. Code §8571, this statute is much more narrow in scope than posited by
14 the Governor. The statute in full states as follows:

15 “During a state of war emergency or a state of emergency the Governor may suspend
16 any regulatory statute, or statute prescribing the procedure for conduct of state
17 business, or the orders, rules, or regulations of any state agency, including
18 subdivision (d) of Section 1253 of the Unemployment Insurance Code, where the
19 Governor determines and declares that strict compliance with any statute, order, rule,
20 or regulation would in any way prevent, hinder, or delay the mitigation of the effects
21 of the emergency.” Cal Gov. Code §8571.

22 On its face, there are three clear caveats in the statute: 1) it allows only the suspension
23 of certain statutes; 2) those statutes are defined and thereby limited, i.e. “regulatory statute, or
24 statute prescribing the procedure for conduct of state business,” or again the traditional
25 executive function of “the orders, rules or regulations of any state agency...” and 3) the
26 suspension may done only when the Governor determines and declares that “strict compliance
27 with any statute, order, rule or regulation would in any way prevent, hinder, or delay the
28 mitigation of the effects of the emergency.” Cal. Gov. Code §8571. Election law statutes do
not appear to fall within this limited definition. Even if they did, they could only be suspended
by the terms of this statute, not amended, altered or changed.

1
2 2. PLAINTIFF WILL BE GREATLY HARMED IF DEFENDANT IS PERMITTED TO
3 EXERCISE UNCONSTITUTIONAL LEGISLATIVE POWER.

4 The immediate harm posed by the continued violation of the California Constitution's
5 separation of powers calls out for an injunction. California Code of Civil Procedure §527
6 provides that no ex parte temporary restraining order shall issue unless "it appears from the
7 facts shown by affidavit or by the verified complaint that great or irreparable injury will result
8 to the applicant before the matter can be heard on notice." Furthermore, the required showing
9 of harm may decrease as the likelihood of success on the merits increases. Earth Island Institute
10 v. U.S. Forest Service, 351 F.3d 1291 (9th Cir. 2003).

11 Plaintiff James Gallagher is a California resident and a sitting California legislator. As
12 Plaintiff says in his declaration the California State Assembly and Senate are currently
13 considering legislative bills concerning the exact subject of the Governor's Executive Order N-
14 67-20. *See* Declaration of James Gallagher filed concurrently herewith. The existence of this
15 pending legislation is a clear intention of the Legislature to act within its authorized powers. By
16 issuing an order outside of his authorized powers and invading the legislative sphere, the
17 Governor has clearly and fundamentally violated the separation of powers outlined in the
18 California Constitution. Plaintiffs and their colleagues have been usurped of their constitutional
19 powers to make, amend and alter statutory law as granted to them by the California
20 Constitution. Imagine the implications if this were to stand and the Governor continued to
21 exercise these legislative powers. For instance, if the Legislature were to pass legislation with
22 provisions differing from the Executive Order and the Governor vetoed the legislation, would
23 his Executive Order still stand? If he signed the legislation, would the enacted legislation or the
24 Executive Order hold sway?

25 Meanwhile, elections officials need clarity as to what rules will be in place for the
26 November 3, 2020 General Election. *See* Declaration of James Gallagher filed concurrently
27 herewith. The Governor is currently telling them one thing and existing statutory law is telling
28

1 them another. If this confusion is allowed to continue without some clarity as to which rules to
2 follow, it could affect the conduct of the November election.

3 Finally, the Governor continues to legislate in other areas as well. As of the date of this
4 application, Defendant has issued over 40 executive orders thus far, affecting over 200
5 California laws. *See* Declaration of James Gallagher and Exhibit "A" attached thereto. If he is
6 not so enjoined, there is a high likelihood that Defendant will continue to pass executive orders
7 usurping the power of the Legislature and undermining the California Constitution. If this
8 cornerstone principal of American government is undermined, Plaintiff and, all citizens for that
9 matter, cannot be assured that the constitutional protections and other provisions of the social
10 contract outlined by our state and federal constitutions will be enforceable, and if they are not
11 enforceable they are moot. I cannot imagine something more injurious to our republic.

12 Thus it falls to the judicial branch to provide the proper check and remedy this
13 substantial wrong. An ex parte interim declaration as to the validity of the Executive Order and
14 temporary restraining order as requested is therefore necessary at this time.

15
16
17 DATED: June 11, 2020

Respectfully Submitted,

18
19 By  _____

20 JAMES GALLAGHER

21 ~~Attorney for Plaintiff~~

22 PRO PER

23
24
25
26
27
28

EX PARTE APPLICATION FOR INTERIM DECLARATORY RELIEF, TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW CAUSE

ENDORSED FILED

JUN 11 2020

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SUTTER
CLERK OF THE COURT
By M. N A G R A Deputy

JAMES GALLAGHER, ~~SEN 200101~~ PRO PER
KEVIN KILEY, ~~SEN 200101~~ PRO PER
437 Century Park Dr., Suite C
Yuba City, CA 95991
Telephone: (530) 751-9730
Fax: (530) 751-9449

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SUTTER**

	)	Case No. <u>CVCS 20-0912</u>
JAMES GALLAGHER and KEVIN)	
KILEY,	)	DECLARATION OF
	)	JAMES GALLAGHER IN
Plaintiffs,	)	SUPPORT OF EX PARTE
	)	APPLICATION FOR INTERIM
v.	)	DECLARATORY RELIEF AND
	)	TEMPORARY RESTRAINING
GAVIN NEWSOM, in his official capacity	)	ORDER AND ORDER TO SHOW
as the Governor of the State of California	)	CAUSE
)	
Defendant.)	

I, JAMES GALLAGHER, hereby declare as follows:

1. I am an individual residing in and registered to vote in Sutter County. I am an elected member of the California State Assembly representing the 3rd Assembly District and also currently serve as the Vice-Chairman of the Assembly Committee on Elections.

2. On March 4, 2020, Defendant, Governor Gavin Newsom, declared an emergency pursuant to the California Emergency Services Act citing the threat of the COVID-19 pandemic. As of the date of this filing the state of emergency has not been terminated pursuant to applicable law.

DECLARATION OF JAMES GALLAGHER

1 3. I am aware of that Defendant has issued over 40 executive orders related to
2 declaration of emergency regarding COVID-19. A compilation of those executive orders and
3 their changes to applicable law is attached as Exhibit "A" and incorporated by reference herein.

4 4. The California State Legislature, though recessing temporarily during the
5 COVID-19 pandemic, has reconvened and has been in-session since May 4, 2020.

6 5. The Legislature is currently considering legislative bills dealing with elections
7 procedures for the November 3, 2020 General Election, specifically Senate Bill (SB) 390 and
8 Assembly Bill (AB) 860. SB 390, dealing with voting centers and elections procedures for the
9 November 3, 2020 General Election, is currently in the Assembly Elections & Redistricting
10 Committee. AB 860, dealing with mail-in ballots for the November 3, 2020 General Election,
11 is in the Senate Appropriations Committee. Both bills contain an urgency clause which
12 provides that they will take effect immediately upon passage and being signed by the Governor.

13 6. I have been engaged in working on both SB 390 and AB 860 in my work as a
14 legislator and as the Vice-Chair of the Assembly Elections & Redistricting Committee.

15 7. On June 5, 2020 Defendant issued Executive Order N-67-20 (the "Executive
16 Order") which provided directives related to the conduct of the November 3, 2020 General
17 Election, which directives significantly change the choices voters have with regard to voting
18 and the places and manner of casting votes. The Executive Order is attached as Exhibit "B" and
19 incorporated by reference herein.

20 8. The Defendant's Executive Order substantively changes provisions of the
21 California Elections Code including but not limited to California Elections Codes §§3000 et.
22 seq., 3019.5, 3019.7, 4005, 4007, 12200-12286, and 12288. as follows:

- 23 a. Paragraph 1 re-iterates provisions of a previous order (N-48-20) for the
24 November 3, 2020 election, that all voters (except those who are inactive) shall
25 receive a mail-ballot whether they have requested one or not. This substantively
26 amends, changes, and alters the provisions of Elections Code §3001 et. seq.
27 which provides that a mail-ballot is an elective process in which a voter may
28 request to vote by mail.

DECLARATION OF JAMES GALLAGHER

- 1 b. Paragraph 2 states that all counties elections officials shall use the Secretary of
2 State's ballot tracking system. This substantively amends, changes, and alters
3 Elections Code §3019.5 and 3019.7, which provide counties with other methods
4 of tracking ballots.
- 5 c. Paragraph 3 allows counties to opt-out of their statutory obligation pursuant to
6 Elections Code §12286(a)(3) to provide a polling place in each voting precinct
7 for the November 3, 2020 election. If they do, they must provide for voting
8 procedures outlined in subsections (a), (b), and (c) of the Order which are
9 substantively different from those outlined in existing state statute (Elections
10 Code §§12280-12288).
- 11 d. Paragraph 5 substantively amends, alters and changes Elections Code
12 §4005(a)(10) which requires that an elections official provide for in-person
13 publicly noticed meetings with Voting Rights Act protected groups and disability
14 rights groups regarding the conduct of an upcoming election and provides
15 instead that an elections official can provide information on-line with public
16 comment.

17 9. I am interested and gravely concerned as a legislator that the legislative powers
18 of the Legislature are being unduly exercised by the Governor. Based on his actions shown in
19 Exhibit "A" it appears that Defendant continues to believe he has the authority to issue orders
20 changing state statutes unilaterally without the action of the Legislature.

21 10. I have an interest as a voter in ensuring that elections are conducted in
22 accordance with the duly enacted laws of the State of California. The Executive Order currently
23 issued would allow for elections to be conducted in contravention to the statutory law of the
24 State of California.

25 11. I am aware, through both conversations and letters I have received, that elections
26 officials in my legislative district have concerns over how elections are to be conducted in the
27
28

DECLARATION OF JAMES GALLAGHER

1 November 3, 2020 election. They are hoping to have these concerns addressed in the legislative
2 process.

3 12. The Executive Order creates confusion as to what rules will be applicable to the
4 November 3, 2020 election: the Executive Order, existing statutory law on the books, or the
5 provisions of SB 390 and AB 860 pending in the Legislature. Elections officials need to begin
6 planning so that they can conduct the election accordingly.
7

8 I declare under penalty of perjury under the laws of the State of California that the
9 foregoing is true and correct.
10

11 DATED: June 11, 2020

12 By _____
13 JAMES GALLAGHER
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DECLARATION OF JAMES GALLAGHER

EXHIBIT “A”

Assembly California Legislature



KEVIN KILEY
ASSEMBLY MEMBER, SIXTH DISTRICT

Statutes and Regulations Affected by Executive Order Related to COVID-19 Prior to May 7, 2020

Statutes changed by Executive Orders in response to COVID-19

The Bagley-Keene Act and the Brown Act

Requires a local legislative body or state body to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local Legislative body or state body. The requirements in both Acts require the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are waived by Executive Order N-25-20, and Executive Order N-29-20 suspends additional technical requirements.

Business and Professions Code

Section 1206.5 – relating to certification and licensure requirements. Executive Order N-25-20 suspends this code section as to all persons who meet the requirements under the Clinical Laboratory Improvement Amendments of section 353 of the Public Health Service Act for high complexity testing and who are performing analysis of samples to test for SARS-CoV-2, the virus that causes COVID-19, in any certified public health lab or licensed clinical laboratory.

Section 2290.5(b) - The requirements related to the responsibility of a health care provider to obtain verbal or written consent before the use of telehealth services and to document that consent, as well as any implementing regulations. Suspended by Executive Order N-43-20.

Section 19620.15(h)(3)(C) – Relating to the use of the Fair and Expositions Fund. Suspended, for the duration of the proclaimed emergency, for employees providing critical support for fairgrounds that are or may be activated for emergency activities by Executive Order N-40-20.

Sections 19942, 19951, 19954, 19955 - The deadlines to pay annual fees, including any installment payments, currently due or that will become due during the proclaimed emergency and any accompanying regulations; the expiration dates of all licensees, work permits, findings of suitability, or other approvals, and any accompanying regulations; the deadlines for submission and processing of any application or related fee, and any accompanying regulations; the deadline for completing the annual financial reports and audited reports, and the deadlines for satisfying any outstanding requirements, including conditions or restrictions on licenses, work permits, findings of suitability, or other approvals. Extended for a period of 60 days, by Executive Order N-40-20, for any card room or third-party provider of proposition player service that suspends operations due to the proclaimed emergency.

Section 24048 – Relating to The Director of the Department of Alcoholic Beverage Control. Now has the authority to suspend, for a period of up to 60 days, the deadlines for renewing licenses upon payment of annual fees and license renewal penalty fees that are due by Executive Order N-40-20.

The timeframes set forth in Business and Professions Code, Division 4, Part 1, Chapter 3, Article 2 (Section 10150, et seq.), regarding real estate broker licensing exams, are extended by Executive Order N-52-20 for a period of 60 days.

The timeframes set forth in the Business and Professions Code Division 4, Part 1, Chapter 3, Article 2.5 (Section 10170 et seq.), relating to continuing education requirements for real estate licensees, are hereby extended for a period of 60 days via Executive Order N-52-20.

The deadlines specified in existing Orders issued by the Real Estate Commissioner pursuant to Business and Professions Code, Division 4, Part 1 are hereby extended for a period of 60 days by the issuance of Executive Order N-52-20.

Civil Code

Section 56.35 – Relating to the penalties for violations of the confidentiality of medical information. Suspended as applied to inadvertent, unauthorized access or disclosure of health information during the good faith provision of telehealth services by Executive Order N-43-20.

Section 56.36 – Relating to the administrative fines, civil penalties, and private right of action as well as any other cause of action. Suspended as applied to inadvertent, unauthorized access or disclosure of health information during the good faith provision of telehealth services by Executive Order N-43-20.

Sections 1798.29 and 1798.82 – Relating to the civil penalties for health care facilities and providers and any cause of action. Suspended as applied to any breach resulting

from inadvertent, unauthorized access or disclosure that occurs during the good faith provision of telehealth services by Executive Order N-43-20.

Section 1940 & 1954.25 – restricts a local government’s exercise of its police power to impose substantive limitations on residential or commercial evictions. Executive Order N-28-20 suspends these code sections.

Section 3054 - funds in any account held by an individual who received financial assistance shall be exempt from any lien or standoff via Executive Order N-57-20.

Code of Civil Procedure

Section 1167 – related to unlawful detainers. The deadline for a tenant to provide a response when served an eviction notice from a residence or dwelling for nonpayment of rent, shall be extended for a period of 60 days by Executive Order N-37-20

Section 2025.310 (b) - The extent that subdivision limits a court’s authority to provide that a party deponent may appear at a deposition by telephone, is suspended by Executive Order N-38-20.

Section 1010.6(b) through (d) - To the extent those subdivisions limit a court’s authority to order parties to accept electronic service, or to perform service electronically they are suspended by Executive Order N-38-20.

Code of Civil Procedure Part 2 Title 6.5 and Part 2 Title 9 Division 2 - Suspended by N-57-20 to implement exemption of levy, execution or garnishment from financial assistance made available under the CARES Act.

Code of Civil Procedure section 695.221(e). - Concerning credits to the State from certain collections received from federal tax refund offsets when the recipient of such a refund owes past due support, is suspended via Executive Order N-52-20.

Corporations Code:

Sections 20 and 600 - For any shareholder meetings that already have been scheduled, or must occur before June 30, 2020, the requirements to request and receive the consent of shareholders for meetings of shareholders to be held by electronic transmission or by electronic video screen communication are hereby suspended by Executive Order N-40-20.

Section 601 - The requirement to provide written notice of such meetings is hereby suspended, to the extent that a corporation has provided notice to its shareholders that a meeting will occur at a physical location and subsequently provides notice by a press release, website posting and other means reasonably designed to inform shareholders

that the meeting will occur by electronic transmission or by electronic video screen communication by Executive Order N-40-20.

Education Code

Sections 1622(a), 1622(b)(2), 1622(d) - Requires that the Superintendent of Public Instruction disapprove the budget if the county board of education has not adopted a LCAP or if the budget does not include the expenditures necessary to implement the LCAP. Executive Order N-56-20 waives this provision.

Section 8263(a) - Regulations with respect to non-CalWORKS early learning and care services provided to children of essential critical infrastructure workers and children with disabilities or special health care needs whose individualized education programs and individual family support plans include early childhood education services, are waived by Executive Order N-47-20.

Section 8263(b) - Regulations for a written referral from a legal, medical, or social services agency for children at risk of abuse or neglect to have priority for services, are waived by Executive Order N-47-20.

Section 8263(b)(1) - Provisions intended to ensure that neglected or abused children who are recipients of child protective services, or children who are at risk of being neglected or abused, retain first priority for services by Executive Order N-45-20.

Section 8263(b)(2) and (3) - Any accompanying regulations and the enrollment priorities are waived with respect to non-CalWORKS early learning and care services provided to children of essential critical infrastructure workers by Executive Order N-45-20.

Section 8273 - Any accompanying regulations or other written policies or procedures related to assessment of fees for families using preschool and child care and development services, are suspended for a period of 60 days by Executive Order N-45-20.

Section 8351 - California Department of Social Services may, for the next 60 days and in consultation with the California Department of Education, waive any of the licensing, contractual, and payment requirements or other written policies or procedures related to CalWORKs Stage One Child Care by Executive Order N-45-20.

Section 8482.3(f) - Any of the reporting, auditing, or other requirements related to applicants for grants under the After School Education and Safety Program may be waived for the period covered by this suspension by Executive Order N-45-20.

Sections 8483.7(a)(1)(C) and 8483.7(a)(1)(D) - Calculations applicable to calendar year 2019 required for recipients of the After School Education and Safety grant, are suspended by Executive Order N-45-20.

Section 8426(d)(2) and (3) - Calculations applicable to calendar year 2019 required for recipients of the 21st Century High School After School and Enrichment for Teens (ASSETs) are suspended to the extent such suspension is consistent with applicable federal statutes and regulations, by Executive Order N-45-20.

Section 33352(b)(4) and (5). - Requires the Department of Education to collect Data regarding the administration of the physical fitness test. Waived for the 2019-2020 school year by Executive Order N-56-20.

Section 41422 – Requires affidavits to submit the members of the governing board of the school district, the governing board of the county office of education, or the governing board or body of the charter school and of the county superintendent of schools. Executive Order N-26-20 suspends this code section on the condition that the superintendent of the school district, the county superintendent of schools, or the charter school leader certifies in writing to the Superintendent of Public Instruction that the closure occurred to address COVID-19.

Sections 42127(a)(2)(A), 42127(c)(3), 42127(d)(1), 42127(d)(2). - Requires the budget adopted by a governing board of a school district on or before July, 1 2020, under qualifications requirements that the governing board adopt a LCAP prior to adopting a budget and that the budget include the expenditures identified in the LCAP that ensure the budgets eligibility. Executive Order N-56-20 waives those qualifications for submitting said budget.

Section 44242.7(a) – related to the presentation of disciplinary cases to the Committee of Credentials for initial review. Executive Order N-35-20 provides a 60-day extension.

Section 44244(b)(1) – related to the formal review of disciplinary cases and determination of any adverse action by the committee of Credentials. Executive Order N-35-20 provides a 60-day extension.

Section 44343.5 – related to the processing of military spouse or partner applications. Executive Order N-35-20 provides a 60-day extension.

Section 44350 – related to processing educator applications. Executive Order N-35-20 provides a 60-day extension.

Sections 47604.33, 47606.5, 52060, 52061, 52064.1, 52066, and 52067. - Executive Order N-56-20 extends the deadlines for local school district governing boards, county boards of educations, or the governing bodies of charter schools to adopt the LCAP and the budget overview for parents by December 15,2020 instead of July 1, 2020.

Sections 49076, 49558 and 49557.3 - Any accompanying regulations for the limited purpose of authorizing the sharing of data between the California Department of Social

Services and the California Department of Education to identify students who may be eligible for the Pandemic SNAP benefit, are waived by Executive Order N-45-20.

Section 52064 - Executive Order N-56-20 waives and Extends the deadline for a charter school to submit the LCAP to its Chartering authority and the county superintendent of schools to December 15, 2021.

Section 52064.5(e)(2). - Requires the governing board of school district, the county board of education, and the governing body of a charter school to review data to be publicly reported for Dashboard local indicators in conjunction with the adoption of the LCAP. Waived by Executive Order N-56-20 with respect to the review and adoption that would otherwise be required by July 1, 2020.

Section 52070(d) and 52070.5(d) - Executive Order N-56-20 extends the deadline for a county superintendent or the Superintendent of Public Instruction to approve the LCAP to January 14, 2021.

Sections 51210(a)(7), 51220(d), 51222, and 51223. - Related to minimum instructional minutes in physical education for grades 1-12. Waived, as well the requirements for adequate facilities for physical education courses pursuant to section 51241(b)(2), by Executive Order N-56-20.

Section 60641(a) – requires that students be administered academic assessments in mathematics, English, language arts, and science, as provide for in Education Code section 60640. Executive Order N-30-20 waives these requirements for the 2019-20 school year for all schools in the state.

Section 60800. - Requires each LEA maintaining any of grades 5,7 and 9 to administer a physical fitness performance test to each student. Waived for the 2019-2020 school year by Executive Order N-56-20.

Section 8434(g). Related to the election of a representative for family childcare providers is extended from June 1, 2020 to August 1, 2020 by Executive Order N-52-20.

Section 89030.5. Permits a change in the criteria for admission to a California State University campus to become effective only after public hearings have been held and only after a period of at least six months or one year (as applicable) has elapsed after that change is approved by the chancellor, are waived through June 30, 2021 by Executive Order N-52-20.

Articles 1-11, 12, 15.5-18, 20, and 21 of Chapter 2 of Part 6 of Division 1 - Regulations that restrict a child care and development program impacted by COVID-19 from serving children of essential critical infrastructure workers provided that services are provided consistent with an informal directive or bulletin issued by the State Superintendent of

Public Instruction pursuant to SB 117 (Chapter 3, Statutes of 2020) and that costs associated with all services provided pursuant to the informal directive or bulletin are within the budget authority of the California Department of Education, are suspended for a period of 60 days by Executive Order N-45-20.

Article 22.5 of Chapter 2 of Part 6 of Division 1 - Any accompanying regulations related to the After School Education and Safety Program that restricts a program funded pursuant to that Article from operating during the hours that school is ordinarily in session while a school is closed to address COVID19 or from serving school-age children of essential critical infrastructure workers, are suspended for a period of 60 days by Executive Order N-45-20.

Article 22.6 of Chapter 2 of Part 6 of Division 1 - Any accompanying regulations related to 21st Century Community Learning Centers grant includes requirements beyond the requirements imposed by federal statutes or regulations, those requirements are suspended for a period of 60 days by Executive Order N-45-20.

Elections Code

Section 10010 – Refers to the timeframes for conducting the hearings required when a political subdivision changes from an at-large method of election to a district-based election. Suspended until the state or local public health official discontinues social distancing measures by Executive Order N-34-20. Following this time, hearing shall be held in a manner that ensures the public is provided advance notice and is afforded an opportunity to participate in the postponed hearings. Timeframes for conducting public hearings set forth to any political subdivision of the State. This suspension shall be in effect until further notice by Executive Order N-48-20.

Sections 3019, 15100-15112, 53300-15376, 15400-15402, 15450-15490, and 15505 – Refers to all deadlines associated with completing, auditing, and reporting on the official canvass of the March 3, 2020 Presidential Primary Election. Executive Order N-34-20 extends the deadlines by 21 days.

Sections 1500, 4000-4007 – refers to the following elections:

- April 7th, 2020, Special Recall Election held in the City of Westminster
- May 12, 2020, Special General Election held within the 25th Congressional District of California
- May 12, 2020, Special General Election to be held within the 28th Senate District of the State
- Executive Order N-34-20 requires the elections stated above to be held as an all-mail ballot election and conducted according to those provisions of the elections Code that govern all-mail ballot elections
- 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.

Sections 3019, 15100-15112, 15300-15376, 15400-15402, 15450-15490, and 15500-15505 – refers to all deadlines associated with completing, auditing, and reporting on the official canvass of the following elections:

- May 12, 2020, Special General Election held within the 25th Congressional District of California
- May 12, 2020, Special General Election to be held within the 28th Senate District of the State
- Executive Order N-34-20 extends deadlines related to the official canvassing of these elections by 21 days.

Family Code

Section 359 and Section 506. Related to the provision of law that allows adult applicants to be married as long as they are physically present within the State of California and present proof of this fact. Executive Order N-58-20 amends this regulation to allow for the couple to be physically present via video or teleconference that includes both live video and audio for the next 60 days.

Section 422(b) related to the solemnization of a marriage. Executive Order N-58-20 amends this regulation to allow being transmitted via email or other electronic means to the person solemnizing the marriage.

Sections 422-423 or Section 506 related to the requirement of entry of a signature upon a marriage license or certificate. Executive Order N-58-20 justifies the use of an electronic reproduction of a signature.

Section 8807. The provisions related to timelines for, and the commencement of, an investigation of a proposed independent adoption and timelines for the corresponding report as required by and accompanying rules or regulations are suspended by Executive Order N-53-20.

Section 7911.1. In relation to the physical, in-person certification functions including, but not limited to, face-to-face visits, on-site inspections, evaluations, reviews, certification, and complaint investigations, except for investigations regarding allegations that present a serious risk to the health and safety of persons in care (“Priority 1” investigations), required for out-of-state group homes within the Department of Social Services’ jurisdiction as set forth in and accompanying rules, regulations, or interim licensing standard, are suspended for the duration of the COVID-19 emergency in California or any state with a facility certified by the Department of Social Services via Executive Order N-53-20.

Financial Code

Financial Code Section 1411 - amends to read no financial institution shall have any lien upon or right to set off against any financial assistance or fund via Executive Order N-57-20.

Government Code

Section 911 – relating to the time for presenting a claim, and the time within which the Department of General Services may act upon such a claim. Executive Order N-35-20 provides a 60-day extension.

Section 11517 (c)(2) – related to an agency’s action on an administrative law judge’s proposed decision. Executive Order N-35-20 provides a 60-day extension.

Section 1774(a) – related to the Governor’s reappointment of an incumbent to an office. Executive Order N-35-20 provides a 60-day extension.

Section 1774(b) – related to transmittal of the required information about reappointment of an incumbent to the Secretary of the Senate, are extended for a period of 60 days. Executive Order N-35-20 provides a 60-day extension.

Administrative Procedure Act, Section 11340 et seq. - Executive Order N-55-20 declares that regulatory action taken by DHCS to implement or interpret N-55-20 exempt from the Administrative Procedure Act.

Administrative Procedures Act Chapter 3.5 of Part 1 of Title 2 - The Administrative Director of the Division of Workers’ Compensation shall adopt, amend, or repeal any regulations that the Administrative Director deems necessary to implement executive order providing for a rebuttable presumption that a worker who contracts COVID-19 did so on the job (Executive Order N-62-20). Any regulations so promulgated by the Administrative Director shall be exempt. Executive Order N-62-20.

Section 12011.5(c) – related to State Bar’s transmittal of its report to the Governor of its evaluation of all judicial candidates referred by the Governor. Executive Order N-35-20 provides a 60-day extension.

Section 12820 - The deadline for transfer of Division of Juvenile Justice to the California Health and Human Services Agency and the establishment of the Department of Youth and Community Restoration, is extended from July 1, 2020, to July 1, 2021 by Executive Order N-40-20.

Sections 11346.4(b), 11346.1(e) and (h), 11349.4(a), and 11349.3(a) - The deadlines related to the filing, refiling, certification and/or review of regulations and emergency

regulations, are extended for a period of 60 calendar days to allow state agencies additional time to finalize regulatory changes pursuant to the Administrative Procedure Act by Executive Order N-40-20.

Section 18671.1 - To protect the health and welfare of employees, state department representatives, hearing officers, administrative law judges, counsel, and others who conduct business relating to evidentiary appeals before the State Personnel Board, the six-month time limitation by which the Board shall render its decision after the filing of an appeal shall be extended by 60 days by Executive Order N-40-20.

Section 19635 - The deadline for serving a notice of adverse action is extended by 60 days by Executive Order N-40-20.

Section 19995.4 (b)-(e) - The deadlines related to leadership and development training for supervisors, managers, and career executive assignment employees, are extended for a period of 60 days by Executive Order N-40-20.

Section 21220 – States that a person who has been retired under this system, for service or for disability, may not be employed in any capacity thereafter by the state, the university, a school employer, or a contracting agency. To ensure adequate state staffing during the COVID-19 pandemic, Executive Order N-25-20 suspends this requirement. Executive Order N-35-20 extends this same suspension to local governments to ensure adequate staffing during a time of crisis.

Section 21224(a) – States that a retired person may serve without reinstatement from retirement or loss or interruption of benefits upon appointment by the appointing power of a state agency or public agency employer either during an emergency to prevent stoppage of public business or because the retired person has specialized skills needed in performing work of limited duration. To ensure adequate state staffing during the COVID-19 pandemic, Executive Order N-25-20 suspends this requirement. Executive Order N-35-20 extends this same suspension to local governments to ensure adequate staffing during a time of crisis.

Sections 21220, 21224(a), and 7522.56(b), (d), (f), and (g), 19888.1 – relating to work hour limitations for retired annuitants, permanent and intermittent personnel, and state management and senior supervisors. Executive Order N-25-20 suspends these code section provisions.

Section 22844 - The deadlines related to notification of requirement to enroll in Medicare administrative review of termination of enrollment in basic health benefits plan including requests for administrative review, acknowledgement of receipt of administrative review requests, and provision of administrative review decisions, administrative review of the basis for delayed effective date including requests for administrative review, acknowledgement of receipt of administrative review requests, and provision of administrative review decisions, administrative review of decisions resulting from an appeals process related to coverage including requests for administrative review, acknowledgement of receipt of administrative review requests,

and provision of administrative review decisions, requests for administrative hearings related to administrative review decisions and provision of the CalPERS Board of Administration's decision related to administrative hearing, are extended for a period of 60 days by Executive Order N-40-20.

Section 30061(b)(4) - The deadlines shall be extended by 30 days to allow counties sufficient time to submit updated Juvenile Justice Crime Prevention Act and the Youthful Offender Block Grant program plans to the Board of State and Community Corrections by Executive Order N-40-20.

Section 68115 - To the extent any provision of law imposes or implies a limitation on the subject matter the Chairperson of the Judicial Council may address via emergency order or statewide rule, that limitation is suspended by Executive Order N-38-20.

Section 68115 and Section 68072 - To the extent or any other provision of law, imposes or implies a limitation on the authority of the Judicial Council or its Chairperson to provide for an emergency statewide or local rule or order amending the California Rules of Court or any other applicable court rule, or for any other expedited procedure for amending the California Rules of Court or any other applicable court rule, that limitation is suspended Executive Order N-38-20.

Section 3304(d) - The deadline for opening and completing investigations of alleged misconduct by public safety officers is extended by 60 days by Executive Order N-40-20.

Section 7522.56(b), (d), (f), and (g) – States that a retired person shall not serve, be employed by, or be employed through a contract directly by, a public employer in the same public retirement system from which the retiree receives the benefit without reinstatement from retirement. States appointments shall not exceed a total for all employers in that public retirement system of 960 hours or other equivalent limit in a calendar or fiscal year. States that a retired person shall not be eligible to be employed for a period of 180 days following the date of retirement. States that a retired person who accepted a retirement incentive upon retirement shall not be eligible for employment for a period of 180 days. To ensure adequate state staffing during the COVID-19 pandemic, Executive Order N-25-20 suspends this requirement. Executive Order N-35-20 extends this same suspension to local governments to ensure adequate staffing during a time of crisis.

Section 19888.1 – States that the appointing power, to prevent the stoppage of public business when an actual emergency arises, or because the work will be of limited duration, not to exceed 60 working days, may make emergency appointments without utilizing persons on employment lists. The length of employment, and the circumstances appropriate for the appointment of an individual under emergency appointments shall be restricted by the State Personnel Board by rule so as to prevent the use of emergency appointments to circumvent employment lists. To ensure adequate state staffing during the COVID-19 pandemic, Executive Order N-25-20 suspends this requirement. Executive Order N-35-20 extends this same suspension to local governments to ensure adequate staffing during a time of crisis.

Harbors and Navigation Code

The requirements specified in Harbors and Navigation Code section 1176 and in California Code of Regulations, title 7, sections 217.5 and 217.10 that a pilot be found fit-for-duty as a condition of having his or her license renewed and that a pilot trainee be found fit-for-duty to be allowed to continue in the training program are temporarily waived. The temporary waiver of a fit-for-duty determination provided by Executive Order N-52-20 applies to pilots whose license expires between April 1, 2020, and July 31, 2020, and to trainees whose anniversary of admission to the training program falls between these same dates.

The three-year maximum length of the training program for pilot trainees specified in Harbors and Navigation Code section 1171.5 (c) and California Code of Regulations, title 7, section 214 (c) is extended by one year for trainees who have been unable to train on vessels because of the COVID-19 pandemic under Executive Order N-52-20.

Health and Safety Code

Section 1250 – waives any of the licensing and staffing requirements of Chapters 1, 3.3. 8.5 and 9 of division 2 of the Health and Safety Code and any accompanying regulations with respect to any clinic, adult by Executive Order N-35-20

Section 1797.172(b) – relating to the Director of the Emergency Medical Services authority. Executive Order N-25-20 grants the authority to implement additions to local optional scopes of practice without first consulting with a committee of local EMS medical directors named by the EMS Medical Directors Association of California.

Sections 120125, 120140, 131080, 120130(c), 120135, 120145, 120175 and 120150 – relates to powers given to health officials to take the necessary measures to ascertain the nature of the disease. Executive Order N-33-20 utilizes the power given under these code sections 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, and orders the Department of Public Health to develop for the current statewide status of COVID-19.

Section 50214, subdivision (a) – restricts a local jurisdiction from expending Homeless Emergency Aid Program funds on preparing for and addressing the impacts of the COVID-19 pandemic on homeless individuals, including through implementing guidance from the Department of Public Health on hand and respiratory hygiene and protective congregate living protocols, and providing isolation and quarantine capacity. Executive Order N-32-20 suspends this code section.

Section 50219, subdivision (c) - restricts a local jurisdiction from expending Homeless Housing, Assistance, and Prevention Program funds on preparing for and addressing

the impacts of the COVID-19 pandemic on homeless individuals, including through expanding shelter and housing services and capacity. Executive Order N-32-20 suspends this code section.

Chapter 3.35 of Division 2 - The California Department of Social Services may, for the next 60 days and in consultation with the California Department of Education, waive any accompanying regulations, or other written policies or procedures related to Child Care Provider Registration by Executive Order N-45-20.

Section 107110 - The specific certification requirements are suspended for any person who is licensed under the Medical Practice Act by Executive Order N-39-20.

Section 1280.15 - The deadlines related to notification to the Department of Public Health and to patients of the unauthorized access or disclosure of health information, are extended from a period of 15 days to a period of 60 days when the unauthorized access or disclosure is related to the good faith provision of telehealth services. The administrative penalties and any cause of action arising out of the Section related to unauthorized access or disclosure of health information, are suspended when the unauthorized access or disclosure occurs during the good faith provision of telehealth services as a result of the use of technology that does not fully comply with federal or state law by Executive Order N-43-20.

Section 1280.17 - The administrative penalties for health care providers and any cause of action arising out of the Section related to safeguards of health information, are suspended for health care providers as applied to any inadvertent, unauthorized access or disclosure of health information during the good faith provision of telehealth services as a result of the use of technology that does not fully comply with federal or state law by Executive Order N-43-20.

Sections 116908 and 116910 - The authority of urban and community water systems to discontinue residential service for non-payment is suspended by Executive Order N-42-20.

Section 11834.10(a) and California Code of Regulations, Title 9, section 10513 - Related to the authority of Department of Health and Consumer Services to authorize a licensee to operate beyond the conditions and limitations imposed upon them for the purpose of ensuring sufficient bed capacity. Suspended via Executive Order N-55-20.

Sections 11836.12 and 11837.3(a)(1) and California Code of Regulations, Title 9, section 9876.5(b) - Suspended by Executive Order N-55-20 to the extent that it would prevent DUI educations programs from receiving grant or other funding sources in lieu of raising fees. Would prevent blanket leaves-of-absence for participants in such programs if operations are suspended.

Sections 1342.8 and 1380.3 and Welfare and Institutions Code sections 14182(b)(9), 14456, and 1449.5 - Executive Order N-55-20 amends these sections of code to allow

Department of Health and Consumer Services to temporarily delay or suspend- or permit Medi-Cal managed care plans to temporarily delay or suspend- annual medical audits, surveys of physician offices, facility site reviews, plan and county data collection from providers and similar audit or review activities.

Sections 123950 and 123870(b) and California Code of Regulation, Title 2, section 60330 - Prevents the California Children's Services Medical Therapy Program from offering physical and occupational therapy services in non-school settings. Suspended by Executive Order N-55-20.

Health and Safety Code section 123148(b)(1) - Suspended to the extent it requires a health care professional to review COVID-19 test results before those test results may be disclosed to a patient via the Internet or other electronic means, on the condition that any such disclosure must be conducted in accordance with an order of the State Public Health Officer or a local public health officer, and with guidance issued by the California Department of Public Health pursuant this paragraph. The California Department of Public Health shall issue guidance concerning large-scale COVID-19 testing, as well as appropriate test interpretation, isolation, and care measures to be undertaken in conjunction with such testing. N-52-20

Labor Code

Sections 1401(a), 1402, and 1403 – relates to advance notice given to employees when an employer orders a mass layoff, relocation, or termination at a covered establishment. Executive Order N-31-20 suspends these statutes because of the need to prevent or mitigate the spread of COVID-19.

Section 5402 – Time limitations to reject liability of a workers comp claim are shortened from 90 days to 30 if related to a COVID-19 claim by Executive Order N-62-20.

Penal Code

Section 396(b) – Prohibits price gouging in times of emergency. All prohibitions against price gouging set forth in subdivision (b) shall be extended through September 4, 2020 by Executive Order N-44-20.

Section 396, subdivision (f) – relates to the time limitation on protections against residential evictions. Executive Order N-28-20 waives this code section.

Section 2900(b) – The time during which an inmate is housed in the jail or other facility is computed as part of the term of judgement. Suspend intake into Division of Juvenile Justice (DJJ) facilities for 30 days by Executive Order N-36-20.

Section 3041, subdivision (a)(2) - Gives any person the right to be present at a parole hearing, that right is satisfied by the opportunity to appear by video conference video conference by Executive Order N-36-20.

Section 3041.7 – Inmates who choose to go forward with their parole hearing by videoconference during the next 60 days, can do so under Executive Order N-36-20.

Section 3043 – For hearings conducted by video conference during the next 60 days, and during the term of any extensions, the right of victims, victims' next of kin, members of the victims' family and victims' representatives to be present at a parole hearing will be satisfied due to Executive Order N-36-20.

Section 4750(j) – relates to the time limitation set for for any jurisdiction submitting a claim for reimbursement by the State Controller. Executive Order N-35-20 provides a 60-day extension.

Section 11105 - Restricts the exercise of the California Department of Justice's authority to conduct criminal background checks on identifying information other than fingerprints for individuals performing tasks that require licensure pursuant to pursuant to Division 2 of the Business and Professions Code or providing services or care pursuant to the California Community Care Facilities Act (Chapter 3 of Division 2 of the Health and Safety Code), the California Residential Care Facilities for the Elderly Act (Chapter 3.2 of Division 2 of the Health and Safety Code), the California Child Day Care Facilities Act (Chapter 3.4 of Division 2 of the Health and Safety Code) or In-Home Supportive Services (Article 7 of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code and Welfare and Institutions Code sections 14132.95, 14132.952, and 14132.956). These provisions are suspended for a period of 60 days via Executive Order N-52-20.

Public Resources Code

Section 2100 – relates to any project using Homeless Emergency Aid Program funds, Homeless Housing, Assistance, and Prevention Program funds, or funds appropriated in Senate Bill 89 signed on March 17, 2020. Any regulations adopted pursuant to this provision are suspended by Executive Order N-32-20.

Sections 21092.3 and 21152, and California Code of Regulations, Title 14, sections 15062(c)(2) and (c)(4); 15072(d); 15075 (a),(d), and (e); 15087(d); and 15094(a), (d), and (e) - Pertains to the timeline of public filing, posting, notice and public access requirements for projects undergoing or exempt from California Environmental Quality Act Review. Executive Order N-54-20 suspends this process for a period of 60 days, but does not include those provisions governing the time for public review.

Sections 21080.3.1 and 21082.3 - Regulates the timelines within which a California Native American tribe must request consultation and a lead agency must begin the consultation process relation to an Environmental Impact Report, Native Declaration or Mitigated Negative Declaration under the California Environmental Quality Act. Executive Order N-54-20 suspends this rule for 60 days.

Section 14571.6, subdivisions (a) and (b) - Suspended for a period of 60 days by Executive Order N-54-20.

Sections 14585 and California Code of Regulations, Title 14, section 2500 - Requires a recycling center to operate a minimum number of hours per week or remain open during specific periods of time. Executive Order N-54-20 suspends these regulations for a period of 60 days and permits recycling centers to receive handling fees in accordance with guidelines for weekly hours and times of operation developed by the Department of Resources Recycling and Recovery who shall develop and issue guidance no later than April 27th, 2020.

Section 42283 - Prohibits retail establishments from (a) providing without charge reusable grocery bags or recycled bags to customers at point of sale or (b) provide single use carryout bags to customers at point of sale. N-54-20 suspends this regulation for a period of 60 days to allow people to not have to bring their own bags from home in an effort to prevent the spread of COVID-19.

Government Code sections 65943, 65950, 65952, and 65956, and in Public Resources Code sections 30512, 30513, 30603, 30606, 30621, 30622, 30625, 30714, and 30812 – Pertaining to the time limits set forth in the Permit Streamlining Act. These code sections are suspended via Executive Order N-52-20, with respect to actions by or matters before the California Coastal Commission or the State Water Resources Control Board, for a period of 60 days. This paragraph pauses the time limits in the referenced sections but does not restart them, and should be construed to toll those timeframes for 60 days, such that no time should be counted for 60 days, but that any days that elapsed prior to this suspension are still counted.

Revenue and Taxation Code

Division 1 (Sections 75.52, 2610.5, 2618, 2922, 2705, and 4103,) - related to penalties for late payment of property taxes, is suspended until May 6, 2021 to the extent that it requires a tax collector to impose penalties, costs, or interest for the failure to pay taxes on property on the secured or unsecured roll, or to pay a supplemental bill, before the date and time such taxes became delinquent. A tax collector shall cancel such penalties,

costs, and interest provided specified conditions are satisfied, under Executive Order N-61-20.

Section 441(b) and Section 463 (a) – The deadline for certain businesses to file Business Personal Property Statements is extended to May 31, 2020 by Executive Order N-61-20.

Section 6369(b)(2) - Masks, gloves, eye protection, gowns and other critical materials that protect public health sold to or purchased by the State, such materials sold to or purchased by the State shall be deemed to be intended for use in the prevention of disease by Executive Order N-46-20.

Section 6369(a)(5) - Gross receipts from the sales to or purchases by the State of such materials shall be exempt from sales and use taxes by Executive Order N-46-20.

Section 19522(a)(1) - The deadline related to the submission by the Franchise Tax Board of an annual report to the Legislature on all changes to the Internal Revenue Code enacted into law in 2019, is extended for a period of 60 days by Executive Order N-40-20.

Unemployment Insurance Code

Section 1253(d) – Relating to unemployment insurance applicants who are unemployed because of the COVID-19, and who are otherwise eligible for unemployment insurance benefits. Executive Order N-25-20 waives the one-week waiting period for this section.

Section 2627(b)(1) – Relating to the Employment Development Department’s one week waiting period. Executive Order N-25-20 waives this requirement for disability insurance applicants who are unemployed and disabled because of the COVID-19, and who are otherwise eligible for disability insurance benefits.

Vehicle Code

Section 34620 – relates to interstate motor carriers, operating under the provisions of that declaration, who have an active United States Department of Transportation number and interstate operating authority. Executive Order N-31-20 exempts the requirement to hold an active Motor Carrier Property Permit, while conducting intrastate transportation within California in support of emergency relief efforts.

Section 34501.2 – relates to the hours-of-service limits for intrastate transportation drivers Executive Order N-31-20 allows for the extension of hours-of-service while operating a vehicle engaged in interstate or intrastate transportation, in support of emergency relief efforts. Will be in effect for the duration of the Federal Motor Carrier Safety Administration’s Emergency Declaration 2020-02.

Section 34620 subdivisions (a) and (b) and California Code of Regulations Title 13, sections 220.00 subdivision (i) and 220.4 - Requires the use of current Motor Carrier Property Permits. Executive Order N-54-20 suspends that requirement through June 30, 2020 for permits that expired on March 31, 2020, through June 30, 2020.

Section 13002 - Pertains to the expiration of identification cards. Executive Order N-54-20 suspends the expiration of these cards for a period of 60 days for identification cards that expired on or after March 4th, 2020, or will expire within 60 days from the date that N-54-20 was issued (April 22nd, 2020).

Section 4156, subdivision (b) - Pertains to the expiration and validation of temporary driving permits. Executive Order N-54-20 suspends the expiration of these permits for a period of 60 days. Applicable to temporary permits that expired on or after March 4th, 2020 or that will expire within 60 days of the date of N-55-20 (April 22nd, 2020.)

Sections 4603, 9552, 9553, 9554 - Pertains to the timing and imposition of late fees for expiring or late paid vehicle registration. Executive Order N-54-20 waives penalties that may accrue as a result of registrant's failure to timely submit payment provided the applicant timely submits an application for renewal accompanied by payment within 60 days following the original date of expiration.

Sections 4000(a)(1) and 5204(a) - Pertains to the registration and registration display requirements for vehicles operated upon a highway. Executive Order N-54-20 suspends these requirements until June 30, 2020. Applicable to registrations expired on or after March 4, 2020, and before June 2020.

Section 5902 - Specifies that a transferee of a vehicle must forward a certificate of ownership and apply for a transfer of registration. Executive Order N-54-20 suspends this regulation for a period of 60 days from the date of the order (April 22nd, 2020). Applicable to transfers that occurred on or after March 4th, 2020.

Section 4152.5 - Pertaining to the governing of the registration of vehicles previously registered in a foreign jurisdiction. Executive Order N-54-20 suspends this regulation for a period of 60 days from this order (April 22nd, 2020).

Section 2501 - Requires all licenses issued to privately owned or operated ambulances used to respond to emergency calls, privately owned armored cars, and fleet owner inspection and maintenance stations that expire one year after the licenses are issued are hereby extended for a period of 60 days from the license expiration date. This extension is applicable to licenses expired on or after March 4, 2020, or will expire within 60 days from the date of the issuance of Executive Order N-52-20.

Section 12804.9(c) - Refers to holders of current commercial driver's licenses or certificates, whose required medical certificate has or will expire on or after March 1, 2020. Any accompanying regulations, pertaining to possessing a valid medical certificate in order to maintain a valid commercial driver license or certificate, are waived until June 30, 2020 via Executive Order N-52-20.

Sections 22518, 22520.5 and 22520.6 - Suspended for a period of 60 days, to the extent necessary to allow commercially licensed food trucks to operate and sell food in designated safety roadside rest areas in compliance with a temporary permit issued by Caltrans. Caltrans is authorized to develop and implement a process to issue and administer temporary permits allowing commercially licensed food truck vendors that otherwise are in compliance with state and local licensing and permitting requirements to operate and sell food in designated safety roadside rest areas via Executive Order N-52-20.

Section 12814.5(e) - The prohibition against renewals by mail of driver's licenses is waived for a period of 60 days by Executive Order N-40-20.

Section 13002.1(b) - The requirements for in-person renewals of identification cards, and any accompanying regulations, are waived for a period of 60 days by Executive Order N-40-20.

Water Code

Section 85200(d) - The deadline specified for an appointing authority to fill a vacancy on the Delta Stewardship Council is extended for a period of 60 days by Executive Order N-45-20.

Welfare and Institutions Code

Section 1961(A) - The deadlines shall be extended by 30 days to allow counties sufficient time to submit updated Juvenile Justice Crime Prevention Act and the Youthful Offender Block Grant program plans to the Board of State and Community Corrections by Executive Order N-40-20.

Section 4100 – states that the Director of State Hospitals may adopt emergency regulations in accordance with the Administrative Procedure Act. Also states that the adoption of emergency regulations is deemed to address an emergency. Pursuant to Executive Order N-35-20, any provisions or requirements that affect the execution of laws relating to care, custody, and treatment of persons with mental illness committed to or in the custody of the State Department State Hospitals, are waived. The waiver expires 30 days from the date of issuance, with the potential for a 30-day extension for waivers.

Section 7200 – Indicates the state hospital institutions that are to be used for the care, treatment, and education of the mentally disordered. Pursuant to Executive Order N-35-20, any provisions or requirements that affect the execution of laws relating to care, custody, and treatment of persons with mental illness committed to or in the custody of the State Department State Hospitals, are waived. The waiver expires 30 days from the date of issuance, with the potential for a 30-day extension for waivers.

Section 14100.2(h) - The criminal penalties and any cause of action arising out of this Section related to persons who knowingly release or possess information about Medi-Cal beneficiaries, are suspended as applied to health care providers, health care facilities, and health care administrators for any inadvertent, unauthorized release of confidential information during the good faith provision of telehealth services by Executive Order N-43-20.

Sections 14132.95, 14132.952, and 14132.956 - Regulations and written policies and procedures related to the In-Home Supportive Services program, are waived for up to 60 days by Executive Order N-47-20.

Section 11461.6 - The California Department of Social Services may, for the next 60 days and in consultation with the California Department of Education, waive any accompanying regulations, or other written policies or procedures related to the Emergency Child Care Bridge for Foster Children by Executive Order N-45-20.

Sections 18940 & 11265 – requires redeterminations of benefits for the following: those who are currently eligible for benefits under Medi-Cal, CalFresh, CalWORKs, the Cash Assistance Program for Immigrants, the California Food Assistance Program, or In-Home Supportive Services benefits. Executive Order N-29-20 suspends the redetermination process for these programs for a period of 90 days from the date of this executive order.

Section 11200 – relates to any month or partial month in which California Work Opportunity and Responsibility to Kids (CalWORKS) aid or services are received. Executive Order N-29-20 ensures that during the COVID-19 pandemic, months on aid during this crisis are not counted towards the 48-month time limit.

Section 10831 - Suspended including implementing sections MPP Section 40-105.3: Requires the Dept of Social Services to implement an identity verification for CalWORKs Applicants who are not able to present photo ID in person by Executive Order N-59-20.

Section 11054 – Implanting regulations MPP sections 40-115.22 and 40-128.11. The requirements set forth in 11054 need not be in writing, County Welfare Depts may accept oral affirmation of belief if applicant is unable to provide a physical signature. N-59-20

Section 11266.5 - Related to the state eligibility criteria for the lump-sum diversion program. These eligibility requirements are waived by Executive Order N-59-20.

Sections 14132.100, 14132.101, 14132.106, 14170 and 14087.325(e)(2). - Outlines the deadlines for providers to submit and for Department of Health Care Services to review a cost report, change of scope of service request or reconciliation request. Executive Order N-55-20 extends this deadline for an additional 90 days beyond the date on which such action would be due otherwise.

Section 14171 subdivisions (e), (f) and (d) - Makes time limitations for administrative hearings and final issue decisions related to the administration or services of Medical or DCHS mandatory. Executive Order N-55-20 suspends these limitations and additionally suspends interest on unrecovered overpayments during delays.

Section 14043.341 - Requires that in-person signatures and printed names be collected in connection with certain deliveries of Medi-Cal covered drugs. Executive Order N-55-20 suspends this rule and otherwise amends this section to allow any form of delivery service tracking or electronically documented proof of delivery to suffice.

Section 14043.75 or Administrative Procedure Act, Government Code section 11340 et seq. - Amended by Executive Order N-55-20 to allow DCHS, for the purpose of responding to the effects of COVID-19, to issue bulletins or guidance related to provider enrollment without advance notice or public hearing.

Sections 4080(d), 4096.5(d) and 5675(b); California Code of Regulations, Title 9, sections 531, 532(a), 534(d), and 1918-1938; California Code of Regulations, Title 22, sections 72443-72475 and 77012; and the Interim Short-Term Residential Treatment Program (STRTP) Regulations, Version II, sections 17(d) and (e), and 20(d), 24(a) and (b) - suspended by Executive Order N-55-20 to the extent that they would restrict Department of Health and Consumer Services from granting Short Term Residential Treatment Programs, Special Treatment Programs, Psychiatric Health Facilities, Mental Health Rehabilitation Centers, Community Treatment Facilities, Community Residential Treatment Systems/Social Rehabilitation Programs and Psychiatric Health Facilities flexibility related to staffing requirements as well as on-site program reviews.

Section 14711(c) - Amended by Executive Order N-55-20 to allow Department of Health and Consumer Services to reimburse county behavioral health departments for administrative costs related to specialty mental health services for up to 30 percent of the total actual cost of direct client services.

Section 14182(c)(12)(A) - Outlines the timeframes for Department of Health and Consumer Services to allow Medi-Cal managed care plans to conduct beneficiary risk assessments. Executive Order N-55-20 suspends these existing timeframes and extends them for an additional 90 days.

Article 2 of Chapter 5 of Part 4 of Division 9 of the Welfare and Institutions Code - facilitates the continued provision of care and supervision during the COVID-19 pandemic, the Department of Social Services may, to the extent necessary and for a period not to exceed 60 days, temporarily waive, in whole or in part, Resource Family Approval Program standards set forth in the Resource Family Approval Program pursuant to and any accompanying regulations, written directives, or other related policies or procedures, including but not limited to standards regarding annual updates, inactive status, home environment, caregiver training, complaint investigation protocols, and face-to-face interview requirements under Executive Order N-53-20.

Subdivision (d) of Section 309, subdivision (e) of Section 361.2, subdivision (c) of Section 361.4, subdivision (a) of Section 361.45, subdivisions (a) and (e) of Section 727.05, and subparagraph (B) of paragraph (1) of subdivision (a) of Section 16504.5 facilitates the continued provision of care and supervision during the COVID-19 pandemic, the Department of Social Services may, to the extent necessary to ensure such care and supervision and for a period not to exceed 60 days, waive any requirements in, and accompanying regulations and written directives or other related policies or procedures related to the emergency placements of children, wards, and nonminor dependents via the order of Executive Order N-53-20.

Subdivision (e) Section 11461.36 - Ensures support for foster care placements during the COVID-19 emergency, the 365-day payment limitation pursuant to of the Welfare and Institutions Code and accompanying rules or regulations are suspended. Payment may be extended for up to an additional 60 days for any case that reaches 365 days of emergency caregiver payments during the COVID-19 emergency via Executive Order N-53-20.

Sections 11460, 11461, 11461.3, 11461.36, 11461.4, 11463, and 11464 - Establishes temporary payment amounts, based on COVID-19-related criteria established by the Department, not to exceed the rate paid on behalf of an eligible child placed with an intensive services foster care resource family or, for a child determined to require the level of care provided by a short-term residential therapeutic program, the rate established by the Department for that program. Payment amounts shall be determined in consultation with the Department of Finance and shall be subject to such necessary budgetary action as may otherwise be required by law under Executive Order N-53-20.

Section 826.8 - Authorizes the Department of Social Services to, the extent necessary to achieve the purpose of this paragraph, temporarily verify foster care status, as described in Welfare and Institutions Code, for dependents or wards of the juvenile court whose cases have not been dismissed, for the limited purpose of facilitating foster youth access

to programs providing cellular telephones or other communication technology to foster youth under Executive Order N-53-20.

Section 827, subdivisions (a)(1), (a)(4), and (a)(5). - Allows for county child welfare agencies, county probation departments, and Title IV-E agreement Tribes may share information, as specified by the Department of Social Services, from a juvenile case file with entities that are not otherwise entitled under section 827 to access such information without a court order, if sharing such information is necessary to establish eligibility for, or access to cellular technology under Executive Order N-53-20.

Sections 11400 and 11403 - Determines state eligibility criteria for payments to nonminor dependents living in or requesting approval of a Supervised Independent Living Placement requiring any physical, in-person, face-to-face application, meetings, inspections, visits, and signature requirements. Suspended by Executive Order N-53-20.

Sections 388, 388.1, 11400, and 11403 - Determines state extended foster care eligibility for all youth entering or reentering extended foster care requiring any physical, in-person, face-to-face application, meetings, visits, and signature requirements, as well as the maximum age criteria for nonminor dependents. Suspended by Executive Order N-53-20.

Article 4.5 (commencing with Section 11360) and Article 4.7 (commencing with Section 11385), as applicable, of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code - Determines redetermination requirements for payments made pursuant to the Kinship Guardianship Assistance Program. Suspended via Executive Order N-53-20.

Section 11405 - Outlines visitation requirements and accompanying rules or regulations that are suspended by Executive Order N-53-20.

Section 1766(b)(2) - Regulates the timeline of the notification of a scheduled discharge consideration hearing to the probation department, the court of the committing county and the youths counsel. Executive Order N-49-20 reduces this timeline from 60 days to 30 days prior to the hearing.

Sections 676.5(a), 1766(b)(3)(A) and 1767(b) - Regulates the right of victims or other individuals to appear at discharge consideration hearings and re-entry discipline hearings as well as the right of the youth to have a parent, guardian, mentor or other individual present at the hearing. Executive Order N-49-20 amends this to allow this rule to be satisfied by the opportunity to appear by the technology that is being used to conduct the hearing.

Section 1766(b)(5)(A) - Regulates the timeline that follows the determination that a youth is ready for discharge to county supervision. Executive Order N-49-20 designates that the date of discharge should be no later than 14 days after the date of such determination of discharge.

Misc. California Statutes

AB 1762 Section 77 (Chapter 230, Statutes of 2003) - Relates to the use of Laboratory Services Reservation system. The uncodified provisions requiring the use of this system shall not be required in connection with COVID-19 testing under Executive Order N-55-20.

Code of Regulations

Title 1 Section 100(c) - The deadlines related to the filing, refiling, certification and/or review of regulations and emergency regulations, are extended for a period of 60 calendar days to allow state agencies additional time to finalize regulatory changes pursuant to the Administrative Procedure Act by Executive Order N-40-20.

Title 2 Sections 599.517 and 599.518 - The deadlines related to notification of requirement to enroll in Medicare administrative review of termination of enrollment in basic health benefits plan including requests for administrative review, acknowledgement of receipt of administrative review requests, and provision of administrative review decisions, administrative review of the basis for delayed effective date including requests for administrative review, acknowledgement of receipt of administrative review requests, and provision of administrative review decisions, administrative review of decisions resulting from an appeals process related to coverage including requests for administrative review, acknowledgement of receipt of administrative review requests, and provision of administrative review decisions, requests for administrative hearings related to administrative review decisions and provision of the CalPERS Board of Administration's decision related to administrative hearing, are extended for a period of 60 days by Executive Order N-40-20.

Title 15 Section 3041(b)(2) – prohibiting an inmate from being paid during an unauthorized absence from a compensated assignment, shall be waived for any inmate who loses a current compensated assignment as a result of a modified program or transfer until such time as the inmate receives a new compensated assignment by Executive Order N-40-20.

Title 18 Section 1591(c)(2) – related to sales tax, shall be suspended as applied to masks, gloves, eye protection, gowns and other critical materials that protect public health sold to or purchased by the State, and such materials sold to or purchased by the State shall be deemed intended for use in the prevention of disease by Executive Order N-46-20.

Title 9 Section 852 - Prevents a patient from receiving psychiatric medication without the patient's physical signature. Suspended by Executive Order N-55-20.

Title 9 Section 13035(f)(1) - Prevents Department of Health and Consumer Services from providing Alcohol or Other Drug Counselors from offering an extension of time to complete their certification. Executive Order N-55-20 suspends this in an effort to mitigate the effects of COVID-19 on those individuals trying to get certified.

Title 22 Section 53887(a)(2)(B)(1) - Prevents the Department of Health and Consumer Services from extending the deadline for fee-for-service providers to submit information required for a Medical Exemption Request. Executive Order N-55-20 suspends this rule and allows for extensions of up to 90 days.

Title 22 Sections 1279.5-2(a)(16)-(17), 1279.5-3(a), 1279.5-5 and 1279.-6 Executive Order N-50-20 Requires the Employment Development Department to waive strict compliance of establishing an efficient electronic means of expediting access to Work Share programs for lay-off aversions.

Statutes and Regulations Affected by Executive Order Related to COVID-19 Since May 7, 2020

Executive Order N-63-20 (38th COVID-related order)
Extending Deadlines Impacted by COVID-19
May 7, 2020

- 1) The time in which to complete the evaluation required under Education Code section 17311(b)(3) (concerning Public School Project Inspectors) is extended to September 1, 2020, as to any inspector who has previously passed an initial evaluation under that subdivision and whose reevaluation would otherwise be due on or before May 6, 2020.
- 2) Notwithstanding the three-year period set forth in Government Code section 4459.8(a), any certification under Government Code section 4459.5 (concerning Certified Access Specialists) that would otherwise have expired between March 19, 2020 and May 31, 2020 is extended for 60 days from the date of this Order. Such certifications may be subject to further renewal as otherwise provided by law.
- 3) The timeframes set forth in Health and Safety Code sections 13144.2, and 13144.3, are suspended for 60 days. As a result, the deadline for submitting applications under Health and Safety Code section 13144.2 is extended to June 30, 2020, and current listings under Health and Safety Code section 13144.3 are extended to August 29, 2020. No penalty shall be imposed for failure to pay a renewal fee under Health and Safety Code section 13144.2, if that fee is received by June 30, 2020.

- 4) The timeframes set forth in Health and Safety Code sections 13127 and 13128 are suspended for 60 days. As a result, the deadline for renewing registrations under Health and Safety Code section 13127 is extended to June 30, 2020, and current registrations under Health and Safety Code section 13128 are extended to August 29, 2020. No penalty shall be imposed for failure to pay a registration fee under Health and Safety Code section 13127, subdivision (c)(1), if that fee is received by June 30, 2020.
- 5) The timeframes set forth in California Code of Regulations, Title 19, sections 938, 939, and 944 are suspended for 60 days. As a result, both current certifications and the deadlines for renewing those certifications under California Code of Regulations, Title 19, sections 938 and 939 are extended to August 29, 2020. In addition, the deadline for filing a notice of renewal under California Code of Regulations, Title 19, sections 944 is extended to June 30, 2020, and no late fee shall be charged if a notice of renewal is received by that date.
- 6) The term of office specified in Government Code section 8204 is extended for a period of 60 days for any notary public whose commission has expired since March 1, 2020 or whose commission is set to expire over the next 60 days, on the conditions that:
 - a. The notary public shall annotate on each notarial act completed during the extension the following: "The notary commission extended pursuant to Executive Order N-63-20."; and
 - b. The notary public shall maintain a valid surety bond pursuant to Government Code section 8212 during the extension.
- 7) The requirement in Civil Code section 1185(b)(3)(A) that an identification card or driver's license issued by the California Department of Motor Vehicles is current or has been issued within the last 5 years in order to serve as satisfactory evidence of identity for an officer or notary public to acknowledge an instrument is, for a period of 60 days, suspended with respect to any identification card or driver's license issued by the California Department of Motor Vehicles showing an expiration date of March 1, 2020 or later.
- 8) The deadlines specified in the following statutes and regulations shall be extended for a period of 60 days:
 - a. Labor Code sections 142.2 and 147, related to reports by the Division of Occupational Safety and Health (Cal/OSHA) and the Occupational Safety & Health Standards Board (OSHSB) on proposed standards or variances;
 - b. Labor Code section 99, related to the Labor Commissioner's filing of claims and liens of employees, and Civil Code section 8414 to the extent it governs the deadlines for filing and recording such claims and liens;
 - c. Labor Code sections 4616(b)(1) and California Code of Regulations, Title 8, sections 9767.2(a) and (b) and 9767.8(d), related to the period in which the administrative director must act upon Medical Provider Network applications or requests for modifications or reapprovals;
 - d. California Code of Regulations, Title 8, section 17304, related to the period in which the Return-To-Work Supplement Program must receive an application for a Return-to-Work Supplement;
 - e. California Code of Regulations, title 8, section 17309, related to filing a Return-to Work Supplement appeal and any reply or responsive papers;

- f. Labor Code section 123.5 and California Code of Regulations, Title 8, sections 9713, 9714, and 9714.5, related to the period in which Workers' Compensation Administrative Law Judges must file decisions;
 - g. Labor Code 5313, related to the period in which the Workers' Compensation Appeals Board must act on any decision submitted by a Workers' Compensation Administrative Law Judge;
 - h. Government Code section 3505.4(a) and California Code of Regulations, Title 8, section 32802(a)(1), related to the period in which a party must request that the parties' differences be submitted to a factfinding panel under Meyers-Milias-Brown Act post-impasse resolution procedures;
 - i. Government Code section 3548.1, related to the period in which a party must request that the parties' differences be submitted to a factfinding panel under Educational Employment Relations Act post-impasse resolution procedures; and
 - j. Government Code section 3591, related to the period in which a party must request that the parties' differences be submitted to a factfinding panel under Educational Employment Relations Act post-impasse resolution procedures.
- 9) The deadlines specified in or that apply to the following statutes and regulations shall be extended for a period of 60 days to the limited extent that the time to issue a citation or file a complaint, claim, or appeal would otherwise elapse in the 60-day period following this Order:
- a. All Labor Code sections and related regulations setting the time for the Labor Commissioner to issue any citation under the Labor Code, including a civil wage and penalty assessment pursuant to Labor Code section 1741;
 - b. All Labor Code sections and related regulations setting deadlines for any employer or other person to appeal or petition for review of any citation issued by the Labor Commissioner;
 - c. Labor Code sections 98, 98.7, 1700.44, and 2673.1, related to workers' rights to file complaints and initiate proceedings with the Labor Commissioner;
 - d. Labor Code section 6317, related to the issuance of Cal/OSHA citations; and
 - e. Labor Code sections 6319, 6600, 6600.5, 6601, and 6601.5, related to the appeal of citations, notices, or orders of Cal/OSHA.
- 10) Any statute or regulation that requires a public employer to post notice on "employee bulletin boards" is suspended, provided that the public employer provides such notice to its employees through electronic means, such as through electronic mail to its employees, posting on an employer-operated website frequented by its employees, or any other electronic means customarily used by the public employer to communicate with its employees.
- 11) Any statute or regulation that permits a party or witness to participate in a hearing in person, a member of the public to be physically present at the place where a presiding officer conducts a hearing, or a party to object to a presiding officer conducting all or part of a hearing by telephone, television, or other electronic means, is suspended, provided that all of the following requirements are satisfied:

- a. Each participant in the hearing has an opportunity to participate in and to hear the entire proceeding while it is taking place and to observe exhibits;
 - b. A member of the public who is otherwise entitled to observe the hearing may observe the hearing using electronic means; and
 - c. The presiding officer satisfies all requirements of the Americans with Disabilities Act and Unruh Civil Rights Act.
- 12) The timeframe in California Code of Regulations, Title 11, section 1950(c)(1)(C), is extended from 180 days to one year for the purpose of authorizing the Executive Director of the Commission on Peace Officer Standards and Training (POST) to issue discretionary exemptions to individual law enforcement agencies seeking to temporarily reemploy peace officers who retired or separated in good standing from the requesting agency. The term of any such temporary peace officer reemployment shall expire no later than one year from the date of this Order, unless further extended by Executive Order.
- 13) On a case-by-case basis, POST's Executive Director is authorized to grant individual technical and scheduling waivers or exceptions to address disruptions caused by the COVID-19 pandemic. The Executive Director shall notify the POST Commission of any such waiver or exception and shall rescind the waiver or exception once it is no longer necessary.
- 14) To protect the health, safety, and welfare of students and instructors in Basic Academy training courses, POST temporarily may allow lecturebased Basic Academy instruction to be delivered online in a format POST deems appropriate. For any instruction conducted online, POST shall require that students be closely monitored by instructors to ensure students gain a thorough understanding of the materials. POST shall continue to require in-person instruction for testing and practical skills training. Any prohibitions set forth in POST policies, procedures, or the California Code of Regulations (including but not limited to California Code of Regulations, Title 11, section 1052) that limit the ability to conduct online Basic Academy training for lecture-based courses are temporarily waived.
- 15) Law enforcement agencies are encouraged to adopt telephonic, remote, or other procedures for registration and reporting under the Sex Offender Registration Act that are consistent with State and local public health guidance regarding physical distancing, and to post or publicize such procedures through means calculated to reach any person subject to the Act.
 - a. To the extent that a law enforcement agency institutes telephonic, remote, or other procedures to enable physical distancing, all provisions of the Sex Offender Registration Act (Penal Code sections 290 to 290.024, inclusive) and implementing procedures that require persons subject to the Act to appear in person, and all provisions of the Act and implementing procedures that require such persons to provide a signature, fingerprints, and photograph, are suspended for 60 days.
 - b. To ensure that lack of technology does not prevent any individual from complying with registration and reporting requirements, law enforcement agencies are encouraged to provide alternative means of registration and reporting, including permitting the physical presence of registrants

consistent with State and local public health guidance regarding physical distancing.

The requirement to register and all other registration and reporting requirements of the Sex Offender Registration Act remain in place.

Executive Order N-64-20 (39th COVID-related order)

2020 General Election Vote-By-Mail Ballots

May 8, 2020

- 1) Notwithstanding any limitation on the distribution of vote-by-mail ballots in Elections Code sections 1500 and 4000-4007, or any other provision of state law, each county elections officials shall transmit vote-by-mail ballots for the November 3, 2020 General Election to all voters who are, as of the last day on which vote-by-mail ballots may be transmitted to voters in connection with that election, registered to vote in that election. As set forth in this paragraph, every Californian who is eligible to vote in the November 3, 2020 General Election shall receive a vote-by-mail ballot.
- 2) Nothing in this Order shall be construed to limit the extent to which inperson voting opportunities are made available in connection with the November 3, 2020 General Election. It is the intent of this Order that my Administration continue to work with the Legislature and the Secretary of State to determine how requirements for in-person voting opportunities and other details of the November election will be implemented—guided by California’s longstanding commitment to making its elections accessible, as enshrined in existing California law, while recognizing the exigencies of the COVID-19 pandemic.
- 3) My Administration continues working in partnership with the Secretary of State and the Legislature on requirements for in-person voting opportunities and on how other details of the November election will be implemented. Nothing in this Order is intended, or shall be construed, to limit the enactment of legislation on that subject.

EXHIBIT “B”

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-67-20

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 on November 3, 2020, California—like the other states of the United States—will hold a General Election, and Californians throughout the state will exercise their right to vote; and

WHEREAS while the future course of the COVID-19 pandemic cannot be known with certainty, state, national, and international projections reflect ongoing danger from the pandemic throughout the remainder of this year, and experts believe that COVID-19 will remain a threat to public health during the November election; and

WHEREAS California and its counties must take action now—to procure supplies, secure polling places, enlist volunteers, and draw up plans, among other steps—to ensure that the November 3, 2020 General Election is held in a manner that is accessible, secure, and safe; and

WHEREAS to preserve public health in the face of the threat of COVID-19, and to ensure that the November election is accessible, secure, and safe, all Californians who are registered to vote in that election must be empowered to vote by mail, as an alternative to in-person voting, where appropriate; and

WHEREAS it is also essential to ensure that all Californians who may need access to in-person voting opportunities—including individuals with disabilities, individuals who speak languages other than English, individuals experiencing homelessness, and others who may find vote-by-mail less accessible than in-person voting—are able to access such opportunities and exercise their right to vote; and

WHEREAS it is vital that California voters not be disenfranchised as a result of the COVID-19 pandemic, and that the November election be conducted in a way that promotes eligible voters' participation in our democracy; and

WHEREAS on May 8, 2020, I issued Executive Order N-64-20, which provides that Californians registered to vote in the November 3, 2020 General Election shall receive vote-by-mail ballots; and

WHEREAS as contemplated by Executive Order N-64-20, my Administration

WHEREAS to curb the spread of COVID-19, in-person voting opportunities for the November election must be made available in sufficient numbers to prevent overcrowding and to otherwise maintain physical distancing at in-person voting locations; and

WHEREAS public and private entities and individuals are encouraged to cooperate with county elections officials in administering the November election (including by volunteering their time and property, where appropriate), and county elections officials are encouraged to consider using all mechanisms provided by existing law to secure voting locations and elections personnel for that election, which may include the use of public buildings (such as school buildings and state office buildings) pursuant to Elections Code sections 12283–12284, and which may (in light of the threat posed by the COVID-19 pandemic) also include the assignment of public employees as disaster services workers pursuant to Government Code section 3100; and

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

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, 8571, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

- 1) As provided by Executive Order N-64-20, all Californians who are registered (and otherwise eligible) to vote in the November 3, 2020 General Election shall receive vote-by-mail ballots. Consistent with Elections Code section 2226, this provision is not intended, and shall not be construed, to mean that voters in an inactive voter registration status shall receive vote-by-mail ballots in connection with the November 3, 2020 General Election.
- 2) Notwithstanding any contrary provision of state law (including, but not limited to, Elections Code sections 3019.5 and 3019.7), all county elections officials are required to use the Secretary of State's vote-by-mail ballot tracking system, created pursuant to Elections Code section 3019.7, and to use Intelligent Mail Barcodes on all vote-by-mail ballot envelopes.

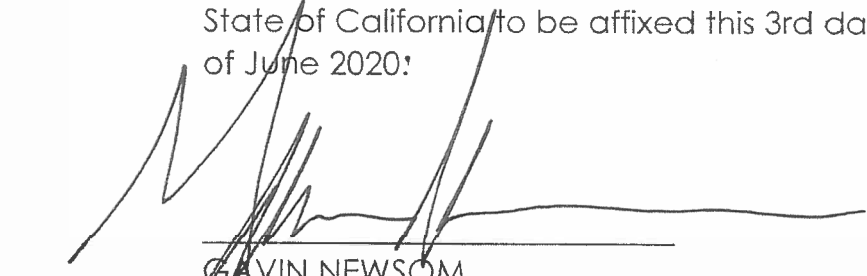
- a) At least one polling place per 10,000 registered voters is made available for voting during the following hours:
 - i) From Saturday, October 31, 2020, through Monday, November 2, 2020, for at least eight hours (during regular hours convenient for members of the public) each day; and
 - ii) On Tuesday, November 3, 2020, from 7 a.m. until 8 p.m.
 - b) At least the following number of vote-by-mail ballot drop-off locations (as defined in Elections Code section 3025(a)(2)) is made available for ballot drop-off beginning no later than 9 a.m. on Tuesday, October 6, 2020, and continuing during regular business hours each day through the close of voting on Tuesday, November 3, 2020:
 - i) At least one vote-by-mail ballot drop-off location per 15,000 registered voters; and
 - ii) Not less than two vote-by-mail ballot drop-off locations regardless of the number of registered voters; and
 - c) At least one vote-by-mail ballot drop-off location required by subparagraph (b) is fully accessible to the public for at least twelve hours each day (during regular hours convenient for members of the public) between Tuesday, October 6, 2020 and Tuesday, November 3, 2020, inclusive.
- 4) Notwithstanding any contrary provision of state law (including, but not limited to, any such provision of Elections Code section 4005 or section 4007, as applicable), a county that is subject to the California Voter's Choice Act shall not, in connection with the November 3, 2020 General Election, be required to open any vote center (as that term is used in Elections Code sections 357.5, 4005, and 4007) prior to Saturday, October 31, 2020. Counties are nevertheless encouraged to open vote centers earlier, where feasible and as conditions warrant, to maximize opportunities for voter participation in the November 3, 2020 General Election.
- 5) Notwithstanding any contrary provision of state law (including, but not limited to, any such provision of Elections Code section 4005(a)(10)), no county elections official shall be required to conduct any in-person

- 6) Nothing in this Order is intended, or shall be construed, to limit a county's ability to fulfill the requirements imposed on that county by existing law (including, but not limited to, any provision of law conditionally suspended by Paragraph 3 as to counties not subject to the California Voter's Choice Act) concerning procedures for the November 3, 2020 General Election. In particular, any county described in Paragraph 3 that complies with all such requirements applicable to that county (and that therefore need not avail itself of the conditional suspension set forth in Paragraph 3) may do so without additionally satisfying any separate requirements that would otherwise be imposed by Paragraph 3. Additionally, where feasible, counties are encouraged to exceed the minimum requirements imposed by this Order, or otherwise imposed by law in connection with the administration of the November 3, 2020 General Election, to maximize opportunities for voter participation in that election.
- 7) The Legislature and the Secretary of State are requested to continue working in partnership with my Administration to ensure that the November 3, 2020 General Election is safe, secure, and accessible for all, including by ensuring (and by working with county elections officials to ensure) that there is sufficient voter education and outreach to prepare voters to participate in that election. Nothing in this Order is intended, or shall be construed, to limit in any way the enactment of legislation concerning the November 3, 2020 General Election.

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 3rd day of June 2020:



GAVIN NEWSOM
Governor of California

ENDORSED FILED

JAMES GALLAGHER, ~~SEN 253757~~ PRO PER
KEVIN KILEY, ~~SEN 288494~~ PRO PER
437 Century Park Dr., Suite C
Yuba City, CA 95991
Telephone: (530) 751-9730
Fax: (530) 751-9449

JUN 11 2020

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SUTTER
CLERK OF THE COURT
By M. NAGRA Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SUTTER

<hr/>		)	Case No. <u>CVCS '20 -0912</u>
JAMES GALLAGHER and KEVIN)	
KILEY,		)	CERTIFICATE RE: NOTICE TO
		)	ADVERSE PARTY
Plaintiffs,)	
		)	<i>EX PARTE</i> APPLICATION FOR
v.		)	INTERIM DECLARATORY
		)	RELIEF AND TEMPORARY
		)	RESTRAINING ORDER AND
		)	ORDER TO SHOW CAUSE;
GAVIN NEWSOM, in his official capacity)	
as Governor of California		)	Hearing Date: June 12, 2020
		)	Time: 8:30 a.m.
Defendant.		)	Dept.: 1
		)	Action Filed: June 11, 2020
<hr/>)	

EX PARTE APPLICATION FOR INTERIM DECLARATORY RELIEF, TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW CAUSE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

I, JAMES GALLAGHER, declare that:

I hereby certify that within a reasonable time before this application for ex parte relief I informed Defendant that this application would be made by providing electronic service at 9:57 a.m. on June 11, 2020 upon:

Benjamin Glickman at Benjamin.glickman@doj.ca.gov and
Thomas Patterson at Thomas.Patterson@doj.ca.gov

of the following documents:

1. Ex Parte Application for Interim Declaratory Relief and a Temporary Restraining Order;
2. Declaration of James Gallagher;
3. [Proposed] Order

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



JAMES GALLAGHER