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Subcommittee on Elections
Minnesota House of Representatives

Dear Members of the Subcommittee:

As an election judge and concerned citizen, I'm glad you are engaging with a bill providing emergency procedures for elections during infectious disease outbreaks. In doing so, a certain perspective on the chaos across our eastern border is helpful.

The key point regarding the Wisconsin election is not the ugly specifics but the bigger picture one sees upon zooming out. The Wisconsin legislature did not provide any specific guidance for how an election could be tailored to the circumstances of an infectious disease outbreak. As a result, there was a free-for-all of improvisation by all the actors involved—state and local election officials, the governor, and the courts. Some of those improvisations remained in effect. Others were struck down by judicial action that was just as much a last-minute improvisation as anything else. It was a bloody mess.

You still have time to do this right. The bill would provide specific, delimited emergency authorities to the Secretary of State in case of an infectious disease emergency declaration by the Governor. Those authorities are designed to provide the Secretary just enough flexibility to, in consultation with local election officials, craft an orderly and safe election without major deviation from well-established election law, and without needing to engage in free-form improvisation that invites judicial intervention.

The specifics of the bill may evolve some. However, the general approach is laudable. I applaud you for getting underway on it swiftly through an informational hearing and look forward to your exercise of legislative responsibility. Thank you for your service when needed most.

Sincerely,

Max Hailperin