

**MN's
Democracy
Doesn't Pause.**

How Our Elections Can Proceed During A Pandemic



Common Cause Minnesota is a statewide nonpartisan good government organization with approximately 18,000 multipartisan statewide members and allies. We don't care who Minnesotans vote for, but we do care that they are empowered through that process of accessing and casting their vote and that partisan interests don't interfere with either. We're leading the charge to protect the integrity of our voter registration and election systems by holding our government and elected officials accountable, and tirelessly beating the drum that Minnesota voters must be kept first, ahead of partisan, self and special interests. We empower and amplify our grassroots base as well as communities that have been ignored or marginalized by traditional power structures.

INTRODUCTION

In the last several days, there has been a huge surge in interest to adopt vote-by-mail to safely administer the 2020 elections in nationally and in Minnesota. It is important to recognize that any necessary adjustments to our elections must be realistic and made within the context of Minnesota's existing election infrastructure and not based on the election administration in other states. Vote-by-mail differs from no-excuse absentee voting. We are lucky in that we've already got 1,000 precincts operating under a vote-by-mail process: a little over 100,000 Minnesotans already doing it.

EXECUTIVE SUMMARY

The COVID-19 pandemic has created a unique set of circumstances that presents a range of challenges for the safe and secure administration of MN's upcoming primary and general elections. Protecting our elections in a context that is shifting dramatically by the hour is an unequivocal challenge, but we remain confident MN is up to the task and that elections can be held safely in 2020.

However, it is vital that any change in how MN votes balances:

- **the new public health reality,**
- **ensures the integrity of our elections, and**
- **acknowledges the very real realities and barriers historically faced by native reservations in greater MN in accessing polling places and voting-by-mail. Many native Minnesotans don't have traditional street address or use PO Boxes in which case they would not by default receive a ballot in the mail.**
- **acknowledge the need to ensure that as polling places are closed, consolidated and/or moved there aren't unintended outcomes that make it harder for others to vote.**

While the Minnesota primary isn't until August, there are three school elections this spring in Minnesota. Houston County is trying to fill an open county commissioner seat. Local jurisdictions will need time and resources to meet these challenges. We have urged Governor Walz, local elected officials, local jurisdictions and now this body to move quickly but deliberately.

RECOMMENDATIONS BY COMMON CAUSE MN Minnesota currently has 3,389,772 registered voters as of May 1, 2019. MN already has no-excuse absentee voting. In 2016 countywide absentee voting ranged from 7.5% to 29.6% and a range of 3-5% statewide vote-by-mail rate.¹ Approximately 100,000 greater MN voters representing 1,000 precincts have already been voting

¹ Office of the Secretary of State, <https://www.sos.state.mn.us/elections-voting/2016-general-election-results/2016-election-statistics/>

by mail. The infrastructure is already there. They've voted securely without any demonstrated basis for fears of voter intimidation, forgery of signatures or ineligible voters casting ballots. **Any vote-by-mail program requires responsible funding for implementation and necessary outreach to educate impacted voters.**

As the primary election debacle in Ohio showed, when the primary was suspended two and a half hours before the polls opened,² rushed decisions can throw elections into chaos. **Fortunately, Minnesota has the strategic advantage of time to adjust our upcoming elections and a vote-by-mail process already in place.** Given the increased need to limit public interactions and practice social distancing, as of today we advise:

- **A uniform and measured expansion of the current early voting and no-excuse absentee voting.** In recent elections, Minnesota had about 24% of its vote cast by mail or via early voting. Making sure the language clearly communicates a both-and approach to ensuring eligible Minnesotans have access to the ballot; early voting, no-excuse absentee voting, in-person and vote-by-mail.
- **Local jurisdictions must immediately prepare to scale up for the expansion of no-excuse absentee voting and a vote-by-mail system.**
- **Maintain accommodations for in-person early voting and election day voting.** For some voters, absentee voting is not feasible. This is particularly true for voters with disabilities who require the use of ballot marking devices³ and those who need access to translation services. **Even '100% vote-by-mail states' like Washington State still have in-person voting as an option during early voting and on election day.**
- **Any in-person voting must be conducted in such a manner that voters, poll workers, and election administrators are kept safe and healthy by following the most recent CDC sanitary and mass gathering protocols.** We recognize there may come a point when in-person voting must be severely modified due to COVID-19, but until that time, we strongly recommend in-person voting be allowed.
- **Decisions to close, move or consolidate polling places to protect vulnerable populations made by local jurisdictions should ensure no groups are disparately impacted by their actions,** particularly communities of color, immigrant communities or other historically disenfranchised voter.

²Office of the Secretary of State, <https://www.sos.state.mn.us/elections-voting/election-day-voting/polling-place-accessibility/>

Given the already existing infrastructure in place in 1,000 MN precincts, the step of implementing that process on a wider scale should the Governor issue a Peacetime State of Emergency, addresses our concern of whether our elections infrastructure is able to accommodate the shift within the time frame given; presuming that HAVA financial resources will be responsibly allocated and not held up within partisan dynamics.

As such, the remainder of this policy statement is focused on basic policy considerations for Minnesota as we contemplate the rapid expansion of early voting, no-excuse absentee voting and vote-by-mail. Whatever is accomplished in the next few months will serve to lay the foundation for a broader expansion of each. We stress that no one should be allowed to use this process to unfairly advantage and/or chill voter turnout by placing partisan agendas ahead of what is fundamentally being considered here; how can we ensure that all eligible Minnesotans have access to the ballot in the event the Governor issues a Peacetime State of Emergency?

A note on Common Cause Minnesota's current position on safe election administration for Minnesota's 2020 elections

The foremost consideration for Common Cause MN is developing a thoughtful and balanced set of recommendations that reflect our core democratic values in a time of uncertainty. We obviously must also consider any potential additional costs that local jurisdictions are likely to incur as a result of any changes. In light of federal, state, and local revenue shortfalls, and the need to funnel money into the health and social service systems, we are sensitive to the fact that we are operating in a severely resource constrained environment. In addition, any modifications to our elections must reflect the following guiding principles:

- **Any changes to election administration must be made through an expansive equity lens so as not to disenfranchise any Minnesota voter.** Any change must account for the impact on the elderly and immuno-compromised, the homeless, disabled voters, limited language proficiency voters, indigenous populations, people of color, and non-English speakers.
- **Decisions are made in advance, as much as possible, to give the public adequate notice and be accompanied by a robust voter outreach program to ensure Minnesotans are informed.**
- **Federal funding for states to address COVID-19 elections contingency plans should not be needlessly held up as part of a partisan bargaining chip.** Congress allocated \$400 million for state elections efforts “to prevent, prepare for, and respond to coronavirus, domestically or internationally, for the 2020 Federal election cycle.” The money would flow through the Help America Vote Act mechanism. Common Cause MN

recommends it be immediately passed with strong bipartisan support.

Our current analysis must be contextualized in a nimble and responsive framework that evolves in lockstep with the current public health landscape. Therefore, we are preemptively issuing the caveat that we recognize our thinking may need to evolve in the upcoming weeks.

WHY MINNESOTA IS PREPARED FOR A LIMITED AND TEMPORARY TRANSITION TO VOTE-BY-MAIL & EXPANSION OF NO-EXCUSE VOTING

A successful vote-by-mail program is 100% dependent on the accuracy of the voter file. Common Cause MN has confidence in the securities currently in place to ensure that only eligible voters can register and be placed on voter rolls. Our key concerns remain our native Minnesotans residing on reservations with limited access to polling places and using PO Boxes and greater MN constituents that may be experiencing homelessness and don't have recent address info registered with the Secretary of State, as well as other Minnesotans in similar circumstances of home instability due to job loss resulting from COVID-19 impact.

It is this concern which underlies our strong recommendation that in addition to vote-by-mail, we keep in-person voting, expand on early voting and no-excuse voting at the forefront of COVID-19 elections contingency planning. We also recommend an increase drop boxes statewide to allow for more than vote-by-mail access.

While we shared concerns over potential risks in voter fraud, after speaking to local jurisdictions currently functioning under vote-by-mail, Rochester being one of them, and the Office of the Secretary of State it was evident that since it's use, there has not been a single instance of voter fraud tied to vote-by-mail in these areas. Also, the same degree of potential intimidation exists with in-person voting as with vote-by-mail. I can easily drive my, friend or family member to the voting place and tell them who to vote for. Again I stress, we strongly recommend that this body place constituents ahead of partisan agendas in its consideration of how to best ensure access to the ballot under COVID-19 CDC recommended guidelines for elections.

Absent documented and objective evidence to the "fear" of fraud, we should keep our focus on how to best serve Minnesota eligible voters. Common Cause MN welcomes any such documentation and/or evidence so we can work to hold make sure it doesn't happen again.

CONSIDERATIONS AS WE EXPAND NO-EXCUSE ABSENTEE VOTING

A review of best practices in Washington, Colorado and California, states that have transitioned to vote-by-mail or greatly increased their capacity for absentee voting, can serve as guideposts for Minnesota. Meeting increased voter demand for no-excuse absentee voting will require local

jurisdictions to:

- **Ensure Minnesotans receive their ballots and can send them back in timely manner.**
 - **Designate an abundance of secure drop box locations:** In Washington, Oregon and Colorado, voters routinely prefer to drop their ballots in a secure drop box rather than mail them.⁴
 - **Modify procedures for ballot processing and counting:** We recommend the mail ballot processing be centralized instead of how it's done now across the state. Unfortunately, there will not be a reduced reliance on in-person support staff for election administration. Washington State relies on temporary hires who are demographically similar to poll workers to count ballots. However, the need for temporary staff may provide employment opportunities for individuals who are unemployed due to the public health emergency.
 - **Extend timelines to receive postmarked ballots:** Deadline should be changed to ballots postmarked on Election Day and received no later than 3 days after Election Day as it's been the practice in California.⁵
- **Let Minnesotans know about their new options.** Minnesotans are already cautious when casting ballots. In order to avoid the chilling effect COVID-19 fears may leave on voters, the state should conduct a robust education and outreach program for both voters and local jurisdictions.
- **Prepare for additional costs.** While vote-by-mail can, over time, decrease overall election costs, under current circumstances, local jurisdictions have to prepare for additional costs associated with printing, instituting or expanding on infrastructure, voter outreach and education, equipment maintenance, translation services, and staff training.⁶
- **Provide clear guidance to postal services:** In states with efficient vote-by-mail systems, election administrators rely heavily on cooperation and competency of the postal service. Postal service management and workers would need to work closely with election administrators to optimize the vote-by-mail protocols, ensuring active voters are not mislabeled as inactive and all eligible voters are able to cast their ballots.

⁴ U.S. Election Assistance Commission, 10/17/2017, [EAVs Deep Dive: Early, Absentee and Mail Voting](#). The 2016 Survey of the Performance of American Elections revealed that 73% of Colorado voters, 59% of Oregon voters and 65% of Washington voters dropped off their ballots rather than mailed them.

⁵ California Secretary of State, [Vote by Mail](#).

⁶ National Conference of State Legislators, 3/18/2020, [All-Mail Elections \(aka Vote-By-Mail\)](#).

Achieving efficient, secure and accurate elections is challenging at any time, but especially under the current uncertain and difficult circumstances. But protecting our democracy during this crisis must take its important place in the priorities that are addressed, as all agree that the upcoming November election is among the most important our country has conducted. Common Cause Minnesota remains committed to helping our elected officials, election administrators and voters rise to the challenge of ensuring that our democracy continues to function effectively, as it did after the emergencies presented by 9/11 and Superstorm Sandy.

Our strong recommendation is that in addition to vote-by-mail, we keep in-person voting, expand on early voting and no-excuse voting at the forefront of COVID-19 elections contingency planning. We also recommend an increase in statewide drop boxes for voters to securely drop off their ballots.

We ask that legislators continue to work with the Secretary of State's Office and those of us committed to the nonpartisan work of empowering Minnesota voters and protecting the integrity of the voting process and the right of eligible Minnesota to access it during this unprecedented time.

Thank you for your dedication and commitment to keep Minnesota Voter first, ahead of self, partisan and special interest.

**Annastacia Belladonna-Carrera,
Executive Director
Common Cause MN
*50 years of Holding Power Accountable***