

April 8, 2020

Senator Mary Kiffmeyer, Chair, Senate Elections Committee

Senator Jim Carlson, Minority Lead, Senate Elections Committee

Representative Mike Freiberg, Chair, House Government Operations Committee

Representative David Quam, Minority Lead, House Government Operations Committee

**Re: COVID-19 and Our Elections**

Dear Committee Chair and Minority Leads,

The COVID-19 pandemic has already threatened the right to vote and public trust in elections in other states. Our neighbor, Wisconsin, serves as an example of how being unprepared causes confusion and conflict.<sup>1</sup> The Minnesota legislature has acted already to protect our healthcare system and our economy. Likewise, you must act quickly to provide resources and policy responses to protect the vote of every Minnesota voter.

As you know, voting for the primary election begins in June, and voting for the general election begins in September. We hope that the pandemic dissipates before then. But it is not enough to hope that the pandemic does not affect our elections. Hope is not a plan. Public health officials may continue to recommend preventative measures that will impact election administration through the end of the year.

No voter should have to choose between staying safe and exercising their right to vote. Nor should we ask election administrators and election judges to endanger their health. Thus, our circumstances need legislative action to protect Minnesotans and our election process.

Legislative action should enable three goals:

1. Maximize our existing voting processes to minimize spread of the disease;
2. Fortify polling places from spread of the disease during the voting process; and
3. Invest in resources so election officials can serve voters sufficiently.

What follows are several policy proposals that are already recommended by national policy experts for elections<sup>2</sup> and public health.<sup>3</sup> While not every policy proposal might be a good fit for

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<sup>1</sup> See "Wisconsin votes as National Guard is called out, many polling places closed," NBCNews, April 7, 2020. <https://www.nbcnews.com/politics/2020-election/wisconsin-set-vote-national-guard-called-out-many-polling-places-n1178206>

<sup>2</sup> E.g., "How to Protect the Vote from Corona Virus," Brennan Center for Justice, March 16, 2020. <https://www.brennancenter.org/our-work/policy-solutions/how-protect-2020-vote-coronavirus>

<sup>3</sup> E.g., "Recommendations for Election Polling Locations," Centers for Disease Prevention and Control, March 27, 2020. <https://www.cdc.gov/coronavirus/2019-ncov/community/election-polling-locations.html>

Minnesota, we believe that each should receive serious, but swift, consideration in consultation with election administrators.

### **Maximize Existing Absentee and Mail Voting**

The most pressing election challenge we face during the COVID-10 pandemic is also the most obvious: face-to-face interactions likely need restriction to protect public health, especially voters vulnerable to infection. Minnesota can address this through several actions:

- Send every active registered voter an absentee ballot in the mail in order to reduce the administrative overload of absentee ballot request forms.
- If absentee ballot request forms are still required, provide free, pre-addressed envelopes with pre-paid postage.
- Change to a postmarked-by deadline to account for any United States Postal Service interruptions or inundations.<sup>4</sup>
- Expand the notice period for rejected absentee ballots from 5 days to 10 (Minn. Stat. 203B.121, subd. 2(c)(3)).
- Provide guidance for methods to witness absentee ballots while simultaneously abiding by social distancing protocols.
- Expand when absentee ballots can begin to be processed by election judges.
- Require self-sealing envelopes that do not require licking to close.
- Expand health care facility voting.

### **Fortify Polling Places**

Mail balloting may not work for every voter. Many voters may need assistance while voting from election judges. Other eligible voters may not have a traditional mailing address needed to receive a ballot.<sup>5</sup> As is typical in Minnesota, many voters will need to register on Election Day. Thus, we must fortify our polling places against infection:

- Expand in-person absentee voting locations, and authorize the use of voting centers.

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<sup>4</sup> This is particularly important because USPS reportedly may go bankrupt this summer without aid. “Postal Service will not survive the summer.’ Lawmakers warn it could go bankrupt,” Miami Herald, March 24, 2020. <https://www.miamiherald.com/news/coronavirus/article241470831.html>

<sup>5</sup> For example, many tribal communities do not use mailing addresses used by most Minnesotan voters. Native voters have encountered significant challenges with mail-only balloting in other states.

- Require that polling places follow CDC recommendations for preventing transmission of COVID-19 at polling places and EAC recommendations for cleaning voting machines, such as:
  - Physical distancing of six feet by voters, including demarcation with tape
  - Sneeze guards and masks for election judges
  - Hand sanitizer; running water, soap, and towels
  - Sanitizing pens and voter privacy envelopes
- Prepare for additional Election Day registrations, since organizations like nonprofits and campaigns will not be able to conduct voter registration campaigns during the summer due to social distancing.
- Increased distance between voting booths and standing in line will result in needing more space or fewer voters at once time and slow down the process, which may require seeking out and paying for different, larger polling place locations.
- Additional signage about social distancing at polling places.
- Move polling places away from locations where vulnerable Minnesotans live, such as senior living facilities, while also adding measures to ensure those vulnerable populations can still easily vote.

### **Invest in Resources to Serve Voters**

Most importantly, the legislature must also authorize all federal HAVA funds from both the Consolidated Appropriations Act of 2020 and the CARES Act. The legislature should also consider appropriating additional funds to local governments as needed. These funds can be used by election officials to:

- Provide sufficient assistance to voters, including those with disabilities and language access needs.
- Address needs of voters with disabilities who may not be able to stand in line for long periods of time.
- Recruit additional election judges for absentee ballot processing and sanitizing polling places.<sup>6</sup>
- Provide election judge training by webinar or other online method to account for social distancing protocols.

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<sup>6</sup> Again, in Wisconsin, the National Guard had to be called in to fill the gaps in poll worker staffing.

- Account for costs of additional election judge training to address public health issues.
- Print an increased number of ballots and envelopes for absentee balloting.
- Ensure election-related websites have sufficient capacity for increased web traffic, such as online voter registration, especially if there are polling place changes or absentee ballot procedure changes.
- Educate voters through aggressive public campaigns about the voting process in general, witnessing, agent delivery, mailing due dates, etc.
- Require that emergency changes to polling place locations be published online within just a few hours.
- Add technological capacity to process absentee ballots in a timely manner.

The resiliency of our republic relies on your swift action. We ask that you consider these proposals to ensure safe access to the ballot, no matter what this pandemic might bring.

Sincerely,

Michelle Witte, Executive Director  
League of Women Voters of Minnesota

Andrea Zuber, Chief Executive Officer  
The Arc Minnesota

Oballa Oballa, President  
LeadMN - College Students Connecting for Change

Cc: Governor Tim Walz  
Lieutenant Governor Peggy Flanagan  
Secretary of State Steve Simon