



July 16, 2020

To: Members of the U.S. Senate

From: Virginia Kase, Chief Executive Officer

Subject: Additional Funding Necessary for 2020 November Election

Dear Member of Congress:

America continues to cope with the COVID-19 pandemic and continued funding and support of our communities is essential during this time. Congress must focus their efforts to repair a downward turning economy, put people back on their feet after unforeseeable job and income loss, and ensure the health and safety of all communities. But we also urge Congress to pass additional measures in the next stimulus bill that would fully fund state election efforts and direct states and counties to administer the 2020 elections in a safe, fair, and accessible manner through expanded early voting, preserving in-person voting options, and by instituting universal no-excuse absentee voting.

To adequately undertake these important measures to ensure the remaining primary elections and the November 2020 elections safe, will require adequate funding that only the federal government can provide. Congress must provide states with at least \$4 billion to prepare for the remaining 2020 elections, in a timely manner. In the last coronavirus response package, Congress provided only \$400 million to states for election assistance. While a step in the right direction, that sum will defray only a fraction of the costs associated with implementing the necessary adjustments to safeguard the electoral process. **In its next package, Congress must provide an additional \$3.6 billion to help states prepare for 2020 elections amid the COVID-19 crisis.**

These funding levels have already been provided through the Health and Economic Recovery Omnibus Emergency Solutions ("HEROES") Act, which passed in the U.S. House of Representatives on May 15, 2020. This critical funding including in this



legislation provides \$3.6 billion and voting rights guardrails that are necessary to help state and local governments adequately prepare for the November 2020 elections.

When Congress allocated \$400 million for election assistance appropriated to states in March in the Coronavirus Aid, Relief, and Economic Security (“CARES”) Act it was an important first step, but we must go farther to protect our elections. The experiences of recent primary elections in states like Georgia, Wisconsin, and Nevada, provide compelling evidence that state and local officials lack the necessary resources to operate elections fairly and safely during the COVID-19 public health crisis. In too many states during the primary season, long lines, poll closures, poll worker shortages and insufficient training coupled with broken machines, and surges in absentee ballot requests that went unfulfilled left many voters – particularly voters of color – unable to safely exercise their fundamental right to vote.

In the Georgia primary held in June, some voters of color had to wait in lines of up to seven hours in inclement weather in order to cast their ballot, due to polling place closures, voters not receiving absentee ballots on time, the need to clean and sanitize voting machines, insufficient numbers of and malfunctioning machines, and inadequate training of poll workers. This is modern-day voter suppression. The problems in Georgia were exacerbated by the fact that the Supreme Court’s *Shelby County v. Holder* decision, which was handed down seven years ago last week, gutted Section 5 of the Voting Rights Act, which had required states with proven records of discriminatory voting practices, like Georgia, to obtain federal approval before making any election changes.

Voters in the Wisconsin primary in April also faced barriers to the ballot box. Thousands of voters did not receive their absentee ballot on time, and in Milwaukee – home to the state’s largest communities of color – officials decreased the number of polling places from 180 to just five. This required many voters to stand in line for hours – jeopardizing their personal health and safety – in order to exercise their franchise.

Many voters – particularly people of color, Native Americans, people with disabilities, limited-English proficient citizens, students, and other historically marginalized citizens – will not have equal access to the ballot box, and the promise of our democracy will not be fulfilled unless states offer voters a range of options through which to submit completed ballots. **Voters, armed with options, can make election day plans that best suit them.**

States must be free to allocate this funding to their elections without requirements to match any or all of the funding provided by the federal government. States are already experiencing increased costs associated with containing the pandemic and fighting to overcome severe damage to their economies. Any funding allocated by Congress must include accountability measures that provide latitude to states for instituting precautionary measures around elections, while ensuring that the earmarked funding for elections is directed towards response efforts related to the upcoming elections.

The League suggests that the additional \$3.6 Billion dollars that Congress must allocate be used to do the following:

**Voter Education:**

- Elections administrators must conduct public education by publishing changes to their official websites and promoting these sites to voters. The League recommends that changes be published within three hours of final decisions being made prior to election day and as soon as practicable on election day.
- States and jurisdictions must undertake robust voter education campaigns as they make necessary changes to their policies and practices and must actively work to quash information that will cause voter confusion and frustration by disseminating inaccurate information. With less than four months until the general election, states have a critical need to begin preparations to position states with a smoother administration of upcoming elections.

**Voter Registration:**

- Online voter registration should be accessible to all. Voters should be allowed to check their registration and update their information through an online portal.
- State election officials should be prepared for an influx of users and ensure that stable and secure systems are in place that can handle a large amount of traffic.
- Election day registration or same day registration can be universally used in all states and jurisdictions. Voters should be allowed to register or update their information on Election Day and cast a regular ballot.
- Voter registration deadlines should comply with the National Voter Registration Act (NVRA). If election dates are moved, states should extend registration deadlines to comply with the NVRA, which will reduce voter confusion related to deadlines and minimize NVRA challenges.

**Early In-Person Voting:**

- States should expand early voting options especially weekend hours on the weekend before Election Day.

- Between 14 and 30 days of early in-person voting should be allowed, including the weekend before Election Day, to reduce long lines and administrative stress on Election Day.
- Early voting sites should follow the same procedures outlined for polling places (see below).
- Elections administrators must educate the public about the option to vote early and encourage voters to take advantage of this policy.
- Administrators should also publish changes to their official websites and promote these sites to voters. The League recommends that changes be published within 3 hours of final decisions being made.

### **Expanded Access to Absentee Mail-In Ballots:**

- All states should move to include a no-excuse absentee system and any eligible voter in the state should be sent a ballot automatically or allowed to request a mail-in ballot while preserving some in-person locations with enough time for delivery and return.
- Absentee mail-in ballots should include instructions on how to cast their ballots and all options for returning ballots should be clearly explained to the voter.
- In states where ballots are required to be returned by mail, postage should be pre-paid by the appropriate government entity within the state or jurisdiction. The federal government must provide funding to states for any expansion to the mail-in provisions in times of national emergencies or pandemics. Reimbursement programs should be explicitly rejected since states and local election officials are unlikely to have funds to successfully implement and scale up expanded mail in options. As an alternative, postal carriers should be instructed to accept and deliver ballots regardless of sufficiency of postage.
- States must allow voters who need assistance to designate individuals to provide support completing and submitting ballots, including voters with disabilities, illnesses, or who have language access needs.
- Options for requesting, receiving, and returning mail-in ballots should be expanded, while maintaining the security of the voting system and ensure that administrators are effectively trained on accessing the influx of these types of ballots in ways are inclusive of communities of color.
- States should offer multiple methods of requesting mail-in ballots, including online, in person, by phone, and by mail.
- Secure options for returning ballots, including ballot box drop-off, should be expanded and deadlines for mail-in ballots to be requested and returned should be relaxed. Where possible, voters should be allowed to return ballots to any polling location in the appropriate county or jurisdiction.

### **Polling Place Adjustments:**

- Elections officials should follow the guidelines of the Centers for Disease Control (CDC) during a national pandemic.
- Polling places must be adequately sanitized to prevent transmission of the virus, and should follow guidance issued by the Centers for Disease Control and Prevention (including requiring sick poll workers to stay home, regularly cleaning frequently touched surfaces, disinfecting potentially contaminated surfaces, such as voting machines and other equipment, and frequent hand washing and sanitizing).
- Polling places should be reconfigured in order to adhere to “social distancing” protocol, demarking the space between voting booths, poll workers, and voters standing in line.
- Jurisdictions with polling places must follow public health guidelines while continuing to provide voting services at these sites. In-person voting is essential given that many people (including Native American tribes living on tribal lands) do not have access to mail voting. Denying these in-person voting options in some circumstances amounts to a violation of federal voting rights law.
- State and local officials must make any necessary modifications regarding polling place site determinations and administration of those locations. When considering such modifications, election administration officials must identify locations that both protect vulnerable communities and ensure that Black, Latino, Asian, and Native American racial and language minority voters, voters with disabilities, and students have the access they need to cast their vote.
- Jurisdictions should prepare for a surge in provisional voting due to delays in the processing of voter registration applications, voter confusion resulting from polling place closures and consolidations, and unfamiliarity with absentee voting.

The voting rights principles outlined above will ensure voters can safely participate in elections in 2020 and these policy recommendations were carefully crafted with longstanding League positions at top of mind and reconciled with our work with coalition voting rights partners in response to the current global pandemic. The League has joined with many coalition partners to call for these measures. Election experts and administrators agree that, if states and counties are to run safe and effective elections in 2020, they must have adequate resources to provide **both** vote-by-mail and in-person options.



Throughout our history – from the Civil War to the Great Depression to World War II – our nation has carried out fair and safe elections during crises. But the chaos and discriminatory barriers we have witnessed in recent primary elections should serve as a wake-up call for our democracy. It is crucial that the federal government do everything in its power to ensure that the November election runs more smoothly than state primaries held during the COVID-19 crisis and that all citizens have a meaningful opportunity to cast their ballot. If the United States is to continue serving as the world's beacon of democracy, Congress must take immediate steps to provide states with the resources necessary to conduct fair and safe elections in November.

The House has done its part, and now it is time for the Senate to follow suit.

Sincerely,

A handwritten signature in black ink, appearing to read "Virginia Kase". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Virginia Kase  
Chief Executive Officer  
League of Women Voters of the United States