

May 14, 2020

The Honorable Mitch McConnell
Senate Majority Leader
S-230 U.S. Capitol
Washington, DC 20510

The Honorable Nancy Pelosi
Speaker of the House
H-232 U.S. Capitol
Washington, DC 20515

The Honorable Chuck Schumer
Senate Minority Leader
S-221 U.S. Capitol
Washington, DC 20510

The Honorable Kevin McCarthy
House Minority Leader
H-204 U.S. Capitol
Washington, DC 20515

Dear Majority Leader McConnell, Minority Leader Schumer, Speaker Pelosi, and Minority Leader McCarthy,

We write to urge you to provide timely federal funding for election safety measures in COVID-19 relief legislation. The undersigned are an ideologically and programmatically diverse coalition of organizations and individuals that share belief in the value of participatory democracy and modernized, effective government institutions. Our nation's governance structure has driven its prosperity, ensured our security, and endured through nearly 250 years of challenges and dramatic changes in everyday life. It is incumbent upon Congress to protect the democratic governance that is fundamental to our national success by ensuring that states and municipalities have the necessary resources to carry out safe elections in 2020.

Elections Provide a Crucial Sense of Stability and Security During a National Emergency

The COVID-19 national emergency has disrupted daily life in the United States in unprecedented ways. Over the course of the past one hundred years of American history, infectious diseases have provoked few emergency declarations, so the prophylactic actions currently required, including social distancing, are novel for a Presidential election year and today's electorate. Loss of employment is affecting more of us than at any time in most Americans' lifetimes, already reaching [estimates](#) as high as 20.2 percent. Uncertainty surrounding the progress of the virus and the duration of emergency measures is stressful, and households are confronting massive changes in their day-to-day activities. These cumulative effects on every aspect of life are frightening and threaten the political, social, and economic institutions upon which our shared sense of purpose and our well-being rely.

To counter the fear that Americans understandably feel at this time, and to reassure them that our government will stand strong regardless of what crisis comes, it has never been more important that our elections proceed as planned. Voting helps citizens feel in control of the forces that affect their daily lives. Voting is a civic act that reinforces trust in the collective decision-making processes that govern our nation, and in elected officials and their effectiveness. The process of coming together as a nation to cast ballots also confirms our shared commitment to democracy itself.

It Will Take Significant Effort to Hold Safe, Accessible Elections in 2020

To sustain our electoral system during the present national emergency, election administrators must be able to act immediately to secure infrastructure and human resources. Major federal elections, during which voter turnout peaks, take months or years to prepare, and it will take a similarly extended period of time for state and local officials to dramatically change the ways they conduct the wide array of voter registration and voting activities, and to implement intensified sanitation protocols. Such changes clearly will be necessary to ensure voters' comfort with electoral participation in 2020, because, for the foreseeable future, maintaining strict social distance will be the only way for Americans to fully protect themselves against COVID-19 infections. Moreover, some public health experts predict that COVID-19 infections may peak for a second time during this fall's election season.

We are concerned about the scope and scale of innovations election administrators must pursue to protect voters and poll workers for the remainder of 2020 and beyond. For example, long lines at Election Day polling places of individuals waiting to vote have become commonplace in recent election cycles, and, without intervention, are likely to persist in future elections. According to the Election Assistance Commission's (EAC) Election Administration and Voting Survey (EAVS), majorities of voters – 55.8 percent in 2019 – continue to prefer to cast ballots in person on Election Day. Any such lines that bring large numbers of Americans into close proximity when social distancing requirements are still in place are dangerous. Therefore, elections officials must find additional polling places that can ensure social distancing; and adopt methods of encouraging as many voters as possible to vote by mail to reduce the likelihood of long lines on Election Day.

Jurisdictions that wisely encourage voters to cast mail ballots to minimize crowds at polling places will need to secure vastly increased stores of paper ballots and envelopes, and budget for rapidly increasing postage costs, to meet significantly increased demand for absentee voting. Even where administrators do not undertake intensified efforts to push or facilitate mail voting, demand will rise sharply for the foreseeable future. In Wisconsin, for example, state statistics show that the share of votes cast by mail has not exceeded 30 percent, and has typically been much smaller, during election cycles going back to the 1980s; by comparison, in the state's April 2020 primary, more than 1.2 million of almost 1.55 million votes cast were submitted by mail. This means that more than 80 percent of those who participated in the election sought to vote by mail. Recent public polling similarly has found strong support for and desire to vote by mail in 2020: for instance, an overwhelming majority, 78 percent, of respondents in a TargetSmart survey highlighted in the April 16, 2020 edition of Electionline Weekly's newsletter said it was very or somewhat important that governments provide alternatives to in-person voting.

Because large majorities of voters may wish to change their voting practices for the foreseeable future, it will be important for election administrators to increase their efforts to share information with and provide assistance to the public. Proactive, effective communications that are placed in a wide variety of media and sent by mail to registered voters are a more efficient means of educating and serving voters than responding individually to inquiries and problems, but will require resources available well in advance of any Election Day.

In addition, we note that during the 2018 federal election, the EAC found that more than two-thirds of all poll workers in the United States were 61 years or older. This has long been the case, in part because poll workers are usually temporary employees for whom this work provides some extra income, but not a long-term source of support. Unfortunately, there is significant overlap between the population of trained and experienced poll workers, and the group of people who appear to be most vulnerable to severe COVID-19 illness. As a result, jurisdictions that have held elections since COVID-19-related disruptions began have encountered large numbers of vacancies as older poll workers opted not to appear for duty, in the interest of preserving their health. Shortages of poll workers are very likely to persist until a vaccine provides dependable protection against life-threatening sickness, and to necessitate unprecedentedly large-scale recruitment efforts to fill empty positions with people who are willing and able to accept some risk from close contact with strangers. New, inexperienced poll workers will require more training than administrators may be accustomed to providing.

Protecting and Educating Voters Will Entail Expenses That States and Municipalities Cannot Bear

These and other adaptations necessary to ensure voters' and poll workers' safety in 2020 will be costly. The Brennan Center for Justice developed an early estimate of many expenses which did not take into account updated guidance around sanitation and use of personal protective equipment, nor the costs of adopting protective measures for primary and local elections in addition to the fall federal election. Even so, its preliminary findings were that states and municipalities would need to spend as much as \$89 million for additional, unplanned ballot printing, \$593 million for postage, \$164 million to install and maintain secure ballot drop-off locations, and \$260.9 million for ballot tracking and processing mechanisms. Additional staffing to manage mail ballot volume would cost another \$164.6 million, and election administrators would also need to substantially increase spending to optimize in-person voting locations for safety against viral spread, expand capacity of online service portals, and inform voters of changes and their voting options. In sum, according to updated analysis by the Brennan Center in partnership with Alliance for Securing Democracy, the University of Pittsburgh Institute for Cyber Law, Policy, and Security, and the R Street Institute, the minimum expenses that just the five states of Georgia, Michigan, Missouri, Ohio, and Pennsylvania will incur to adapt 2020 elections to pandemic conditions already surpass the total amount of federal funding allocated for that purpose.

While conducting safe elections will be expensive by any measure, states and municipalities are less able to bear this burden than at any other time in recent history. Tax revenues have plummeted while businesses are shuttered and millions have lost employment, and state and local governments that may not run at a deficit are already warning that staff furloughs and service cuts will follow. New York Governor Cuomo has "forecasted 20 percent budget cuts for schools, hospitals and local governments" in the absence of additional federal assistance. In an April 19, 2020 address, Los Angeles Mayor Garcetti announced that the city had frozen hiring and expected to be forced to furlough city employees for at least 26 days over the course of its next fiscal year. Missouri Governor Parson has reduced the state's budget by \$227 million, restraining spending on elementary and secondary education, mental and physical health, and services for seniors, among other important programs. Citing a tourism shutdown, Hawaii

Governor Ige has signaled that the state may cut as much as \$1.5 billion, or nearly 19 percent, of its budget. Calling the situation “severe,” the Center on Budget and Policy Priorities has found that based on unemployment levels alone and not even taking into account the amount of lost sales tax or the added burden of COVID-19-related expenses, states are likely to experience budget shortfalls in excess of \$500 billion in aggregate in 2020 and 2021.

As they uniformly face financial catastrophe, state and local governments simply lack the ability to do what is necessary to protect the electorate during this year’s federal elections. It would be unconscionable for Congress to willfully put voters in harm’s way by ignoring the daunting challenges that state and local election administrators are confronting as they plan for an election cycle for which federal authorities ultimately are responsible. We urge you to include additional funding to states to implement election safety procedures in COVID-19 relief legislation, in recognition of Congress’s paramount responsibility for protecting and advancing the tenacious democratic character that defines our nation and sets it apart as a world leader.

Thank you for your consideration, with best regards,

ACLU

Demand Progress

Issue One

Joint Center for Political and Economic Studies

Joseph Rainey Center for Public Policy

NALEO Educational Fund

R Street Institute

Daniel Shoag (Case Western Reserve University*)

Stand Up Republic

Stan Veuger (American Enterprise Institute Scholar*)

* Affiliation listed for identification purposes only