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June 2, 2020

The Honorable Marcia L. Fudge, Chairperson
House Administration Committee Subcommittee on Elections
1309 Longworth House Office Building
Washington, DC 20003

The Honorable Rodney Davis, Ranking Member
House Administration Committee Subcommittee on Elections
1309 Longworth House Office Building
Washington, DC 20003

Dear Chairperson Fudge, Ranking Member Davis and Members of the Subcommittee,

We at the R Street Institute (“R Street”) commend you for holding a hearing on the impact of COVID-19 on voting rights and election administration. As the COVID-19 pandemic and stay-at-home orders impact Americans across the country, there has been an unprecedented strain placed upon our election system. Ensuring that upcoming elections can be held safely and securely and allowing for the legitimate transfer of power are crucial to the future of our democracy.

As a free-market public policy research organization with a strong record on 10th amendment issues, we firmly believe that congressional action on election issues must respect federalism and that state elections officials must remain free to administer their elections without unnecessary federal mandates and red tape.¹ However, Congress undoubtedly has a role to play in ensuring that states have the resources needed to hold safe and secure elections in the midst of an unprecedented pandemic, and the support provided so far is insufficient.

There are several steps Congress and state election officials can take to address the unique challenges of running a secure election in the midst of a pandemic and to ensure that Americans are not forced to put their lives at risk in order to participate in the democratic process.

¹ Kevin Kosar, “Pelosi and the Democrats Again Try to Federalize Elections,” *The American Spectator*, May 13, 2020. <https://spectator.org/pelosi-heroes-act-democrats-federalize-elections-voting/>

Provide timely elections assistance to help states prepare for November 2020

As Congress looks ahead to the 2020 elections and considers future rounds of coronavirus relief legislation, we urge you to build upon the \$400 million in elections assistance grants already provided by the CARES Act and appropriate additional emergency, one-time funding to assist state elections officials in preparing for and responding to the coronavirus crisis.

A recent report coauthored by the R Street Institute; the Brennan Center for Justice at NYU Law; the Alliance for Securing Democracy; and the University of Pittsburgh Institute for Cyber Law, Policy and Security looked at federal funding needs for state and local elections in five states with diverging election administration systems and needs. The report found that the \$400 million provided by the CARES Act likely covers anywhere from just 10 percent of what is needed to run a safe and secure election in Georgia to 18 percent of what is needed in Ohio.² According to the report authors, there are many costs associated with running an election during a pandemic, including but not limited to:

- “developing the infrastructure necessary to support changed voter behavior (e.g., more voters choosing to register online or vote by mail);
- protecting voters and election workers during elections (e.g., giving poll workers PPE, allowing curbside voting, cleaning polling places and ensuring that election staff can work off-site as needed without exposing election offices to cyberattacks); and
- educating the public about changes made to election procedures and polling locations (including notice of changed elections, moved polling sites and new voting options to reduce density at in-person locations).”³

In addition to these increased costs, state budgets are already suffering from a massive drop in revenues due to COVID-19 closures and rising public relief costs. For example, five western states have estimated their collective cost of the pandemic at \$5 trillion.⁴ Without increased federal investment, state budgets simply will not be able to shoulder the increased costs of running safe and secure elections. Congress must step up now if we want to avoid the possibility of catastrophic election-day scenarios in November that could throw the legitimacy of our democratic process into question.

² Christopher R. Deluzio, Elizabeth Howard, David Levine, Paul Rosenzweig and Derek Tisler, “Ensuring Safe Elections: Federal Funding Needs for State and Local Governments During the Pandemic,” April 30, 2020. <https://www.rstreet.org/wp-content/uploads/2020/04/2020-State-Cost-Analysis.pdf>

³ Deluzio et al, pp. 1-2.

⁴ Western States Pact, Letter to House of Representatives, May 11, 2020. https://drive.google.com/file/d/116kXTpHswSQnYQA_FUyiJXpYIESlwUZr/view

Support expanded absentee voting in the states

Every state already allows some form of mail-in voting, and we can expect that many more voters will seek to cast their ballots by mail in November 2020. Greater investment is needed to ensure that this can be done safely and securely, without compromising election integrity.

Some Republicans, including President Trump, have wrongly associated absentee voting with a long wish-list of progressive elections priorities and opposed its expansion out of concern for voting fraud. In fact, casting ballots by mail has been routinely used by millions of Americans, including members of the military, for decades and has proven secure. 29 states already allow no-excuse absentee voting, while 16 states allow absentee voting with an excuse. Five states, including GOP stronghold Utah, already mail ballots to every registered voter.⁵ In the 2016 federal election, nearly a quarter of American voters from all states cast their ballots by mail.⁶

Although election security concerns are of the utmost importance, evidence indicates that there have been relatively few cases of voting fraud or ballot harvesting in states that already allow voters to cast their ballots absentee. For example, Oregon has been allowing all voters to vote by mail for more than two decades, and election fraud has been nearly nonexistent. In the last election, more than 2 million votes were cast in Oregon and less than a dozen individuals voted illegally.⁷ On a national level, in an election in which nearly 140 million Americans cast ballots, no states reported indications of widespread fraud in 2016.⁸

Absentee voting can be made sufficiently secure by keeping clean voter registration rolls, tracking ballots via barcodes, providing ballot drop boxes, verifying signatures on ballots through automation and hitting lawbreakers with steep fines. With increased resources, states can enhance security measures and improve their infrastructure to meet the demand of voters who wish to vote absentee without compromising security.

With less than six months to the November 2020 election and the future of the COVID-19 pandemic far from certain, the time is now for Congress to provide the investment needed for states to make the necessary preparations to safeguard their elections. We thank you again for

⁵ National Conference of State Legislatures, "Voting Outside the Polling Place: Absentee, All-Mail and Other Voting at Home Options," May 19, 2020. <https://www.ncsl.org/research/elections-and-campaigns/absentee-and-early-voting.aspx>

⁶ Alexa Corse, "Poll Finds 67% of American Voters Support Mail-In Ballots for November Elections," *The Wall Street Journal*, April 23, 2020. <https://www.wsj.com/articles/poll-finds-67-of-voters-support-mail-in-ballots-for-november-elections-11587463200>

⁷ Chris Lehman, "10 Oregon Voters Plead Guilty to Voter Fraud in 2016 Presidential Election," *Oregon Live*, April 29, 2019. <https://www.oregonlive.com/politics/2019/04/10-oregon-voters-plea-guilty-to-voter-fraud-in-2016-presidential-election.html>

⁸ Michael Wines, "All This Talk of Voter Fraud? Across U.S., Officials Found Next to None," *New York Times*, Dec. 18, 2016. <https://www.nytimes.com/2016/12/18/us/voter-fraud.html>

your work on this crucial issue and look forward to working with members of the Committee to support safe, secure and fair federal elections.

Sincerely,

Caroline Kitchens
Director of Government Affairs, R Street Institute

Kevin Kosar
Vice President of Research Partnerships, R Street Institute