



Dear Senator:

On behalf of Campaign Legal Center, I am writing to strongly urge you to include in the Health and Economic Recovery Omnibus Emergency Solutions (“HEROES”) Act an additional \$3.6 billion in crucial funding and specific requirements for states to ensure that our election infrastructure is strong for the 2020 general elections. The COVID-19 pandemic has seriously impacted our election infrastructure and additional funding is needed now.

During the primary season, voters have withstood countless barriers to the ballot box, including standing in lines for hours, not receiving their absentee ballots, dealing with suddenly closed or understaffed polling locations, and the threat of a global pandemic—all of which made voting unconscionably difficult. Faced with a resurgence of COVID-19 in the fall, without immediate federal action, voters will be put in the position of choosing between public health and a healthy democracy. This should not be the case.

On May 15th, the House of Representatives passed the HEROES Act, which provides \$3.6 billion in election administration safeguards to help state and local governments prepare for the November elections. Each day that passes without a vote in the Senate brings us closer to November, which in turn makes it harder for election officials to adequately prepare for the general election. State and local jurisdictions desperately need more money immediately to cover the costs they face because of the pandemic—and they need it as soon as possible so they can begin implementing the necessary precautions to ensure that the election can be conducted safely, fairly, and securely.

The Senate has the ability to provide the necessary funding to protect ballot access and help state and local election officials prepare to conduct elections this fall. Allocating an additional \$3.6 billion in election-related aid will assist states that are currently unprepared and unable to address the necessary

changes needed to ensure that Americans will be able to exercise their right to vote.

Lawmakers must act swiftly to not only include funding but also specific requirements on how the money should be spent as well as oversight for those expenditures. CLC believes the following practical fixes will give Americans faith that voting will be safe, easy, and secure.

- **Correcting flawed “signature match” policies in which voters’ ballots can be rejected due to innocuous mistakes, by providing voters with notice of any technical errors with their ballots and an opportunity to remedy those errors so their votes can be counted.**

CLC and partners have fought battles over insufficient “signature match” policies across the country, from a successful suit in Arizona in 2018 to current challenges in North Dakota and New Jersey. As an example, the New Jersey “signature match” system threatens to disenfranchise voters due simply to their penmanship. One of CLC’s clients, Mr. Riggs, suffers from Parkinson’s disease, which causes him severe hand tremors and difficulty signing his name. His illness also means he can no longer vote in person, and because of his difficulty signing his name, he cannot be sure that his vote by mail will be counted—threatening his constitutional right to vote.

- **Prohibiting the requirement of notarization or witness signatures on absentee ballots during the pandemic.**

CLC filed a lawsuit in Minnesota challenging the state’s “witness requirement” for absentee ballots. In Minnesota, absentee voters must fill out their ballot in the physical presence of a witness who needs to sign a witness certificate. Only a registered Minnesota voter, a notary, or another person authorized to administer oaths may play this witness role. One of our clients is in a high-risk category for severe illness from COVID-19 due to her age and preexisting health conditions, so standing in line at an on-site polling place is simply not an option. But because she lives alone, neither is requiring her to find a witness outside of her household to certify her identity with a signature by voting absentee ballot.

Similar witness requirements have been suspended for the elections during the pandemic through state executive action or judicial order in states from Virginia to South Carolina to Rhode Island, but this approach has not been uniformly applied across the country. These policies are totally inconsistent with the requirements of social distancing for the COVID-19 pandemic and are simply untenable for this year.

- **Expanding ballot access, including the option to use no-excuse absentee ballots or vote-by-mail, requiring states to automatically send absentee ballots, and including prepaid postage for all federal vote-by-mail ballots.**

In Tennessee, CLC is challenging the state's strict limits on eligibility for voting absentee. One of our clients wants to vote absentee in order to avoid exposing his father to COVID-19. Another has preexisting health conditions that put her at greater risk of serious illness or death from COVID-19. Under the current law, neither of them can vote absentee or by mail, so they are forced to choose between exercising their constitutional right to vote or putting themselves and their families at risk.

In Texas, which has similarly strict limitations on who can vote absentee even during the COVID-19 crisis, CLC is litigating on behalf of Texas's Latino community, which has been disproportionately impacted by the pandemic and is largely unable to vote by mail under Texas's strict eligibility criteria.

- **Extending online registration and online absentee ballot requests.**
- **Requiring at least 15 consecutive days of in-person voting to allow people to avoid long lines and congested polling locations, minimizing vulnerability to both voters and poll workers and preserving in-person options for voters who do not have access to mail voting.**
- **Defraying the costs of states for public education campaigns to ensure that voters are aware of all available options to access the ballot.**
- **Removing the 20 percent matching fund requirement for states to obtain federal funding for election assistance.**
- **Protecting ballot access for voters on Native American reservations and tribal lands, who often lack access to mail**

In order for these precautions to take effect, Congress must provide additional funding to states and localities and specific requirements to ensure safe and secure elections in 2020 during the COVID-19 pandemic. Congress must appropriate the needed funding and adopt key policy measures to ensure both Americans' safety and a fair voting process.

Our democracy works best when everyone participates. This should be a bipartisan goal—there is zero evidence that making it possible for voters afraid of contact with the virus to vote remotely will aid one party over another. There is simply no excuse for not enacting commonsense reforms

that ensure national safeguards. There is plenty of room to design legislation that provides states with the flexibility to design their own mail balloting systems that best suit their circumstances as long as they meet the goal of providing citizens the ability to vote safely and securely.

Congress can determine how we weather the outbreak of the coronavirus pandemic as well as the health of our democracy. We need not choose between public health and safety and our commitment to free and fair elections: we can have both. These critical reforms will ensure that all Americans can safely cast their ballots while following public health guidelines to keep themselves, their families, and their communities safe.

The House has passed the key HEROES Act and now is the time for the Senate to take action to assure Americans' constitutional right to vote will not be conditioned on their willingness to subject themselves, their families, or their communities to a heightened risk of COVID-19. CLC urges you to support additional election funding and specific requirements for states to ensure that our election infrastructure is strong for the 2020 general elections.

Sincerely,

A handwritten signature in black ink, appearing to read "Trevor Potter". The signature is fluid and cursive, with a long horizontal stroke extending from the top of the first letter.

Trevor Potter
President, Campaign Legal Center