



### Testimony in Support of HD. 5075

An Act Ensuring Safe and Participatory 2020 State Elections in Response to COVID-19

Joint Committee on Election Laws

May 14, 2020

Dear Chairman Finegold, Chairman Lawn, and members of the Election Laws Committee,

Please accept this letter as testimony in support of HD 5075 sponsored by Representative Lawn, Representative Moran, Senator Lesser, Senator Hinds and 87 other legislators.

The COVID-19 crisis threatens not only public health but also our democracy by keeping voters at home, suppressing registration efforts, and imperiling the health of poll workers. We hope that the pandemic will have abated by the fall and that the virus does not resurge, but there is no guarantee that this will be the case. We must take action now to ensure that the fall elections are as safe and participatory as possible. Even if the immediate crisis has passed by then, many Massachusetts voters will still be fearful of public interaction -- and this is the *best-case scenario*.

That is why we, the undersigned 68 organizations, respectfully urge you to favorably report HD. 5075, An Act Ensuring Safe and Participatory 2020 State Elections in Response to COVID-19. We believe that this bill will *most* effectively prepare the Commonwealth for the threats that COVID-19 poses to our fall elections by mailing all registered voters ballots for the November general election, reducing the voter registration deadline, allowing for central tabulation of mailed ballots, expanding early voting, establishing an on-line portal for absentee ballot requests, ensuring that coronavirus precautions constitute a physical disability for the purpose of requesting an absentee ballot, and much more.

#### **Expanded absentee and vote by mail:**

Currently, only 3-5% of Bay Staters vote by mail. That number will rise to 60, 70, or even 90% of voters this fall, depending on the state of the coronavirus pandemic. Voter turnout in the November presidential election has traditionally been very high—usually 75% and this year may be even higher. With over 3 million ballots to process this fall, our local officials, many of who work alone or part time, will just not be able to keep up with the demands of the multi-step absentee ballot request process. Our current request process is essentially all done by hand including responding to inquiries, fulfilling requests for applications requests for ballots, matching signatures, mailing ballots, receiving ballots, and then sorting, storing, processing, and

counting ballots received. We just do not see how our cities and towns will be able to do all the steps required.

In other states' elections this spring that had much lower turnout, we have seen the results of election systems unprepared for huge numbers of absentee ballot requests. In Wisconsin and Ohio, for example, the volume of requests was too high for local officials to keep up with, resulting in thousands not receiving their ballots on time despite properly requesting them.

Sending every voter a ballot by mail for the November election solves this significant problem by cutting clerks' workload in half. It's a tried and true voting system that has worked well in states across the country for decades. Colorado, Oregon, Washington, Utah, and much of California, send all eligible voters their ballots, and many more states will likely be switching to this system for 2020. The policy has proven successful in increasing access to the ballot while also ensuring elections are fair and secure.

HD. 5075 would make several other necessary changes to mail voting in the Commonwealth. First, it is absolutely critical to change the way we process absentee ballots once they are received. Because the volume will be so high, it will be impossible to process them all on election day at the polls. That is why HD. 5075 gives clerks the authority to scan absentee and early voting ballots in the local election office before primary or election day. Results may not be determined or announced before the polls close.

For the November election only, the bill would also extend the deadline for ballots to be received. Currently, ballots must be received by Election Day unless they are sent from overseas military. Accordingly, for the November election only, HD. 5075 would change this to require that absentee ballots be postmarked by election day and received by the same date specified for overseas ballots. Many other states, including some of the largest such as California, North Carolina and Texas, already have this rule. For the September primary, mailed ballots will still have to be received by Election Day because of a tight deadline for printing the November election ballot.

The bill will also create a statewide Internet portal for voters to apply for an absentee ballot. This is particularly important for the September primaries where voters would need to apply to receive an absentee ballot. It will streamline the process and make it more accessible to voters while reducing workload on local officials. Many other states have a similar portal for absentee ballot requests, and Massachusetts already has an online portal for voter registration and for tracking absentee ballots.

## **Protections for In-Person Voting and Poll Workers**

Mail-in balloting will help keep our elections safe and participatory, but voters must still have the option of casting ballots in person. Sometimes voters do not receive their ballots. Sometimes a voter may have spoiled their ballot and need a new one. Voters with disabilities may be unable to mark a paper ballot and need to access the proper, specialized, voting equipment that is available only at polling places.

HD 5075 would enact strong protections to ensure that voters who prefer to vote in person can do so without risking their or the greater public's health. These protections include expanding early voting hours and the early voting period to two weeks before the primary and three weeks before the general elections, which would reduce the concentration of voters at any one time, removing the check-out table thereby reducing the number of election workers needed at each polling location, and removing the requirement that poll workers be registered local voters, which would make it easier for younger poll workers to serve.

## **Voter Registration**

During the crisis and well after, voter registration efforts will be severely curtailed. Far fewer voters will register at the RMV, and third-party registration efforts at events or door-to-door efforts will be dramatically reduced. That is why it is critical that HD 5075 builds on the precedent set by S.2608, which cut the voter registration deadline from 20 days to 10 days and does the same for Massachusetts' primary and general elections.

## **Funding**

Federal funds that have already been appropriated can help pay for these changes. Massachusetts has been allocated [\\$8.2 million dollars as part of the CARES act to pay for COVID-related elections changes](#). Our Congressional delegation is also working hard to provide additional money for this purpose. In addition, our state has approximately \$40 million in a Help America Vote Act fund that can help pay for needed equipment, data changes, online portals, training and other expenses.

In summary, while we cannot predict what the state of COVID-19 will be this fall, we believe that the strongest protections necessary must be implemented now to ensure that voters can participate safely in our democracy, and that these changes are manageable for local elections officials. We believe that HD 5075, particularly by mailing ballots to voters for the general election, will do just that.

We understand that HD. 5075 details significant changes to the administration of elections in Massachusetts. Those changes are critical responses to a change that we cannot control—the coronavirus pandemic and resulting tsunami of mailed ballots that our state will receive regardless of your actions. Passing this bill is the best opportunity to ride that wave and to protect our citizens' right to vote. Although the state primary is four months and general election six months away, it will take at least that long to implement the necessary reforms, prepare our election officials and polling places for these changes, purchase new equipment, and educate voters. Action is needed now, as soon as possible.

We respectfully urge you to report HD 5075 favorably out of committee very soon.

Sincerely,

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