

MEMORANDUM

To: Interested Parties

Re: How to Protect the 2020 Vote from the Coronavirus

Date: March 16, 2020

This document benefited from the input of multiple election officials and voting rights experts. It may be updated to account for new developments and comments.

The coronavirus disease 2019 (Covid-19) presents a difficult and novel challenge to the administration of the 2020 general election. Recent election emergencies have largely been caused by catastrophic weather events, and our country has done little election planning for pandemics. Unlike a hurricane, a pandemic does not have a discrete and relatively predictable end point. And avoiding large-scale social contact is a central feature of combating the crisis. These elements create distinct challenges for election officials on top of the significant and ongoing threats to the security of our election infrastructure.

Given the scope of the challenge, large-scale preparation, backed by the concerted support of the government and the public, is needed immediately to ensure that the 2020 election is free, fair, accessible, and secure. We will need substantial modifications to our election procedures, substantial flexibility, and a substantial infusion of resources to ensure that every eligible American can register and vote safely, securely, accessibly, and as conveniently as possible; to ensure that every ballot cast by an eligible voter counts; to maintain the security of the election; and to ensure the safety of election workers. Below we outline the critical changes needed to ensure the election works.

The key recommendations fall into five categories: (1) polling place modification and preparation; (2) expanded early voting; (3) a universal vote-by-mail option; (4) voter registration modification and preparation, including expanded online registration; and (5) voter education and manipulation prevention. We recommend that each state government establish an election pandemic task force to determine how best to implement relevant policy recommendations in their state. State and local officials must understand the laws and [emergency rules](#) applicable to their jurisdictions and consider appropriate adjustments to ensure that election officials have the authority needed to accomplish these modifications. For its part, Congress should immediately appropriate funds to ensure that election officials have the resources needed to make the needed adjustments to their voting systems. Congress should also establish baseline national rules to

ensure that every eligible American can vote safely, securely, and accessibly in the midst of the pandemic. In the absence of Section 5 of the Voting Rights Act, care must be taken to ensure that changes are nondiscriminatory and do not negatively impact access for communities of color.

1. Polling Places

People without Internet and mail access, those who need language assistance to vote, and people with disabilities who rely on voting machines to cast a private and independent ballot may be disenfranchised if polling places are closed. To ensure that everyone can vote, jurisdictions should do their best to keep polling places open and safe for voters and election workers alike, and they should take steps to guard against long lines and mass confusion.

a. Polling place siting

- To the extent permissible under public health mandates, jurisdictions that offer polling place voting must continue to do so. Many people do not wish to, do not know how to, do not have access to, or cannot use mail voting.
 - In particular, Native American tribes should be permitted to designate buildings on reservations that can be used to register to vote and pick up and submit ballots (as would be provided by the Native American Voting Rights Act).
 - Polling sites are also critical for the operation of same-day registration, real-time address updates, and provisional balloting for certain individuals.
- Preparations should be made now to modify polling place siting decisions to account for Covid-19.
 - Polling places are routinely sited in buildings that primarily serve communities identified as high risk for serious Covid-19 illness, like senior care facilities. Alternative locations should be immediately identified in case the health risk is too great to use those locations in November and, in the event of a change, voters should immediately be given individualized notice of the change, with a second notice to be given within weeks of the November election. Funding should be provided to account for increased rental costs and costs associated with making new polling sites accessible to people with disabilities.
 - If polling places are moved out of senior care facilities or other residential sites, plans should be implemented to ensure that the residents of those facilities are able to cast a ballot.
 - In determining modifications to polling location plans, election administration officials must assess the impact of voting changes on vulnerable communities and ensure that polling place location changes increase, not limit, accessibility for racial and language minority voters as well as students and voters with disabilities.
- Where there is insufficient access to polling places, states should add vote centers where every ballot in a jurisdiction is available on demand. This will require immediate funding to set up the necessary technology.

b. Healthy polling places

- Polling places will need to be sanitized to prevent transmission of the virus, in compliance with the guidance issued by government health agencies.
 - The Centers for Disease Control and Prevention (CDC) has issued [guidance](#) for preventing transmission of Covid-19 at polling places, including that poll workers should stay home if they are sick, clean frequently touched surfaces, disinfect potentially contaminated surfaces after cleaning, wash hands frequently, and clean and disinfect voting machines and other equipment.
 - The U.S. Election Assistance Commission (EAC) has posted [guidance](#) from vendors regarding the cleaning of voting machines.
 - Polling places should be equipped with soap, water, and drying materials and an alcohol-based hand sanitizer.
 - Procedures should be established to ensure that hand sanitizer use does not jam ballot scanners.
 - Ballot-marking procedures should be established to minimize viral transmission. For instance, where possible, voters should be provided with disposable pens to mark paper ballots and should also be encouraged to bring their own pens to the polling place. Election officials should consult with their machine vendors to determine whether Q-tips or other disposable devices can be used to mark votes, instead of voters using their fingers.

- To comply with government health organizations' recommended social distancing policies, polling places will require reconfiguration to allow substantial space between voting privacy booths, distance between poll workers, etc.
 - Increased funding and preparation will be needed for resources such as additional machines, additional staff, and larger voting spaces.
 - Reconfiguration plans should account for voters with disabilities to ensure these voters do not face extra burdens by the placement of voting equipment and check-in stations.

- Adequate polling place resources, including voting machines, ballots, and poll workers, should be provided to minimize lines, since crowds and exposure time are key determinants of the likelihood of contracting viruses, and since long lines are in part a function of inadequate election day resources. (This is particularly critical since the CDC recently [recommended](#) canceling gatherings of 50 people or more for eight weeks.)
 - Increased funding for and deployment of polling place resources is needed to minimize lines.
 - Resource plans should include recruitment of additional poll workers to account for potential absences due to sickness or fear of Covid-19.
 - Plans may include recruiting workers who were displaced or laid off due to the effects of Covid-19 and nonessential federal, state and local workers (who do not have a conflict of interest), expanding student and bilingual poll worker programs, using temporary staffing agencies, and relaxing poll worker qualifications.

- Funding should be provided to increase incentive compensation for poll workers and to pay overtime to poll workers working to process lines that remain after poll closing hours.
 - Jurisdictions should also consider recruiting additional poll workers who can serve as “greeters” to triage different types of voters — for example, identifying voters who are there to drop off a ballot as opposed to casting a ballot on a machine, or those who need language assistance.
 - Resource plans should also account for online or webinar-based trainings of poll workers.
 - Jurisdictions that are required to provide language assistance in languages other than English should hire professional interpreters to offer assistance by phone at any stage of the voting process where translation is needed.
 - Curbside voting options should be made available, especially for voters with disabilities or illnesses who may not be able to leave their vehicles. (Note that as a general matter, curbside voting is not a legal cure to inaccessible polling locations.)
- Jurisdictions should prepare for a surge in provisional voting due to delays in processing of voter registration applications, voter confusion resulting from polling site closures and consolidation, and unfamiliarity with absentee voting.
 - Poll workers must receive additional training on provisional voting procedures, including training to ensure that every person who presents themselves as eligible to vote has a right to cast a provisional ballot.
 - Election officials should stock extra provisional envelopes, provisional voter affidavits, and provisional voter notices of rights in all languages the jurisdiction is required to offer under Section 203 of the Voting Rights Act.
 - To account for anticipated concerns about the safety of certain polling places in states that have strict precinct voting requirements, provisional ballots cast by voters registered in the jurisdiction, but cast in the wrong precinct, should count for the races on which the voter is eligible to vote, and states should suspend restrictions that would prevent voters’ ballots from counting.

2. Early In-Person Voting

- States should expand early voting options to reduce long lines and administrative stress on Election Day.
 - States that do not offer early in-person voting should implement it for this year — either by creating an early voting program or by modifying their existing absentee voting program to allow voters to cast absentee ballots in person.
 - States that offer early in-person voting should expand the number of locations at which it is offered and extend the days and hours on which it is offered.
 - Ideally, states should offer at least two weeks of early in-person voting, but states should offer a minimum of five days, including at least one Saturday and one Sunday.

- Voters should be encouraged to vote in advance of Election Day to minimize crowding of polling places.
- A significant infusion of resources is needed to expand flexible early voting, allow for ballots on demand in states that choose to offer early voting at vote centers, and implement technologies, like online wait time apps, that can help direct voters to locations with the shortest lines.

3. Mail Voting

a. Mail voting option for all, at no cost

- Mail-in ballot options should be extended to all voters.
 - All voters should be offered the option to cast their ballot by mail (with multiple submission options, as provided below), so as to enable voters to avoid lines at the polls and exposure to Covid-19.
 - However, in-person voting options consistent with public health must also be maintained.
 - Inactive and recently purged voters (who may have been improperly removed from the rolls) should be sent provisional ballots by mail if they request a mail ballot.
 - In the few states that have appropriate voter list and election infrastructure and widespread mail voting, it may be appropriate for election authorities to arrange to automatically send mail ballots to every registered voter, while maintaining in-person options for those who cannot vote by mail.
 - Given that mail-in voting may be the only option for people who need assistance or are immune-compromised to cast a ballot, states must allow voters who cannot vote in person — particularly people with disabilities, illness, or language assistance needs — to obtain assistance completing and submitting ballots from individuals they designate.
 - An immediate infusion of resources is needed for mail ballot tracking software, as well as for additional facilities costs for mail ballot processing and ballot duplication efforts.
- Voters should not bear the return postage cost for absentee ballots.
 - In addition, absentee ballots without postage should be delivered by the U.S. Postal Service.
- Jurisdictions should order adequate paper ballots and absentee ballot envelopes to account for the potential need to mail ballots to every registered voter.
 - At a minimum, enough paper ballots and absentee ballot envelopes should be printed to cover 120 percent of the number of registered voters in the jurisdiction at the time the ballots and envelopes are ordered. This will account for the anticipated surge in voter registrations before the presidential election and should

accommodate spikes in turnout for voters changing their minds and deciding to vote in person during early voting periods or at a polling place on Election Day.

- Jurisdictions that are required to provide language assistance under Section 203 of the Voting Rights Act must provide ballots and other voting materials, including updates about the changes to election procedures, in all required languages. These jurisdictions should also offer language assistance by phone.
- Covid-19 could unexpectedly impact printing vendor capacity, and officials should order ballots as soon as possible.
 - Voting system vendors should ensure there are enough commercial printers that know the vendor ballot specifications to meet additional demand and that election officials have the specifications so they too can print ballots as needed.
 - Where possible, states should use no-glue envelopes and instruct voters not to lick envelopes.

b. Requesting, receiving, and returning mail ballots

Options for requesting, receiving, and returning mail-in ballots should be expanded, while maintaining the security of the voting system.

- States should offer multiple methods of requesting mail-in ballots, including online, in person, by phone, and by mail.
 - States generally allow voters to request mail-in ballots in person or through the mail, but a number of states supplement these request methods. At least one supplemental method should be offered to voters in affected jurisdictions.
 - Jurisdictions should consider establishing secure processes by which voters who are unable to leave their homes can be offered an option to receive a blank ballot electronically.
 - In states that have tabulators that work only with certain ballots, email printed ballots should be an option of last resort (and will have to be counted by hand or duplicated before scanning).
 - Funding should be provided for this purpose, including for the duplication of ballots and the implementation of secure electronic technology for transmittal of blank ballots.
 - Web portals for online absentee ballot requests should be screen-reader compatible for voters with visual impairments.
- Secure options for returning ballots should be expanded.
 - States should offer voters drop boxes in accessible locations, if they are able to do so securely. Outside of government offices, drop boxes should be equipped with secure cameras.
 - Voters should also be offered secure curbside drop-off options at polling places.
 - States should allow voters who are unable to leave their homes to designate individuals to return their completed ballots.

- Deadlines for mail-in ballots to be requested and returned should be relaxed.
 - Voters in jurisdictions affected by Covid-19 should be permitted to request a mail-in ballot as close as possible to Election Day.
 - Mail-in ballot receipt deadlines should be extended to account for delays in U.S. Mail, ballot drop box retrieval, or other administrative processing delays caused by Covid-19. The receipt deadlines must not be extended so far as to prevent compliance with the federal Electoral College deadlines, though Congress should extend those deadlines.

- c. Processing and counting mail ballots
 - Election canvassing and certification deadlines should be extended to account for delays in receiving and processing mail-in ballots, and ballot processing times should be adjusted.
 - Election canvassing and certification deadlines should be extended to account for broader use of vote by mail, extended mail-in ballot deadlines, and disruptions to U.S. Mail service, while remaining consistent with (also extended) federal Electoral College deadlines.
 - In addition, while the CDC has stated, with respect to packages from China, that “there is likely very low risk of spread from products or packaging that are shipped over a period of days or weeks at ambient temperatures,” it is conceivable that election officials will decide to quarantine mail-in ballots prior to canvassing them. Deadlines should be extended further to account for that.
 - Election officials should be permitted to begin processing mail-in ballots prior to the close of polls on Election Day, in order to save time and reduce the overall administrative burden.
 - While it would be completely inappropriate to move Election Day either nationally or in a particular state, the deadlines for counting ballots and resolving election disputes can and should be extended to ensure a fair and accurate count before the end of the year. Specifically, Congress should extend the Electoral College deadlines, merging or moving closer together the December 8, 2020 “safe harbor” deadline for states to resolve controversies over the appointment of electors and the December 14 meeting of the electors, and extending these deadlines to occur closer to the end of the calendar year.

 - Reasonable, uniform processes for evaluating the validity of mail ballots should be implemented to prevent widespread disenfranchisement as a result of an uptick in mail ballots.
 - Uniform processes for signature matching should be implemented and funding for signature matching software should be provided. Because signature matching can lead to voter disenfranchisement, especially for voters with disabilities and illnesses, voters whose signatures are found not to match should be offered timely

notice and a meaningful opportunity to cure or prove that they personally cast the ballot.

- Ballots should not be rejected based on technical defects that do not substantially relate to ensuring that the ballot was actually completed and cast by the voter.
 - Mail ballot requirements that necessitate in-person interaction — such as getting an absentee ballot notarized or witnessed, or curing defects with an absentee at a government office — should be modified.
- Mail ballot processing and administrative capacity should be expanded.
- An immediate infusion of funding is needed to expand capacity to process a surge in the number of mail ballots, including purchasing high-speed ballot scanners and automated mail sorting systems, securing additional warehouse space to store the additional equipment and supplies needed for mail balloting, and increasing election staff to process mail ballots and ballot applications.
 - In jurisdictions that are required to provide language assistance pursuant to Section 203 of the Voting Rights Act, language assistance hotlines should be set up to provide general information and answer questions in mandated languages.

4. Voter Registration

Covid-19 may severely disrupt the ability of Americans to register to vote and elections officials to process registration applications. Quarantines, illnesses, and social distancing will likely reduce access to government offices that provide voter registration services or lead to postal service disruptions, particularly in the critical weeks leading up to voter registration deadlines, when most registrations typically occur.

a. Bolster online registration

- Online voter registration (OVR) systems must be bolstered to ensure they can accommodate a surge in use.
- OVR systems should be tested and their capacity bolstered to ensure that they can handle surges in web traffic.
 - In the jurisdictions that manually process online registrations, OVR systems should be automated end to end, so that both the submission and the processing of registration applications occur electronically.
 - This will require a significant infusion of resources immediately
 - If registration processing is still manual, then jurisdictions will need a significant increase in staffing to process registrations, and contingency plans will be needed to ensure that registrations are processed if government offices close.
- States that link OVR systems to department of motor vehicle (DMV) databases should ensure that citizens without DMV records can still register online.
- Ideally, states should ensure that the existing OVR system is capable of processing online registrations for registrants without DMV records (capturing

signatures from other government databases or allowing voters to provide signatures when they first vote).

- Alternatively, states should provide a secure alternative electronic method to register to vote for those who cannot access the OVR system.
- States that do not have OVR should work to set up such a system immediately.
 - This will require a significant infusion of resources in the short term.
 - If that is not achievable, states should set up alternative electronic systems for registration.
- b. Increase staffing
- Voter registration processing capacity should be enhanced with additional staffing to address a surge in voter interest and major disruptions to normal processes.
 - States that offer same-day registration (SDR) should prepare for an even greater surge in same-day registrations, if voters were unable to register in advance due to government office closures.
 - States without SDR should anticipate needing additional polling place staffing on Election Day to accommodate emergency addition of an SDR option.
- c. Flexible registration deadlines
- States should prepare to extend voter registration deadlines in light of anticipated government office shutdowns, online access difficulties, and breakdowns in other voter registration systems.
 - An extension should be mandatory if large numbers of voters are unable to leave their homes, if government registration offices close, or if there are disruptions to online service as the voter registration deadline approaches.
 - If disruptions continue beyond the extended voter registration deadline, states should offer same-day registration and voting for voters affected by disruptions.
- Voters who submit timely registrations should be permitted to vote and have their votes counted, even if mail disruptions prevent their registrations from reaching election officials. To accomplish this, states should adopt one of the following options:
 - allow SDR for all voters in this election;
 - offer SDR (with a regular ballot) for voters who affirm that they submitted timely registrations or were unable to do so due to Covid-19; or
 - provide a provisional ballot to voters who affirm that they submitted timely registrations and ensure that those ballots are counted in a manner that does not penalize registrants for disruptions to the mail delaying receipt of voter registrations.
 - States should also count all provisional ballots cast by voters whose registrations were delayed by mail disruptions. In the event of mail disruptions, postmark dates alone should not be considered dispositive of timeliness, and election officials

should accept other indications by the U.S. Postal Service that the ballot was mailed on or before the close of polls on Election Day.

5. Voter Education and Manipulation Prevention

Fear and confusion around a pandemic create a fertile environment for disinformation and efforts to manipulate the electoral process for improper purposes and partisan gain. State officials, advocates, and citizens should take steps to guard against the use of Covid-19 to suppress voters or otherwise manipulate the election.

- States and localities should be clear and transparent about changes to voting rules.
- Aggressive public education campaigns must be mounted to inform voters regarding changes to voting rules and options.
 - Enhanced advertising in languages other than English should be provided to ensure that all voters understand changes to voting rules and options.
 - Election websites should be made fully accessible to voters with disabilities.
 - Funding will be needed to reach large numbers of voters affected by changes to voting rules and options.
- States will also need to plan to combat disinformation about voting rules changes, including strengthening the resiliency of tools for voter information like polling place lookup websites.