

Testimony in Support of HD 5075
An Act Ensuring Safe and Participatory 2020 State Elections in Response to COVID-19
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Joint Committee on Election Laws
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Common Cause strongly supports HD 5075 sponsored by Representative Lawn, Representative Moran, Senator Lesser, Senator Hinds and 90 other legislators. We also support aspects of all of the other bills that you are hearing today. They all attempt to respond to the current crisis by allowing anyone who wants an absentee ballot to receive one. But HD 5075 responds most appropriately and fully to the crisis while also recognizing practical constraints.

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.

The Commonwealth Must Mail Every Voter a Ballot in November:

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 it 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 saw 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 tens of

thousands not receiving their ballots on time despite properly requesting them. This number could be as high as hundreds of thousands.

The same problem is likely to occur here in Massachusetts if we do not eliminate the time-consuming, overwhelming process of requesting absentee ballots.

Sending every voter a ballot by mail for the November election will cut clerks' workload in half. It will ensure that every voter who wants to vote at home can do so.

Vote by mail is 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. In fact, California just announced that it will move to full vote by mail for 2020. The policy has proven successful in increasing access to the ballot while also ensuring elections are fair and secure.

Other Changes are Also Needed in the Process of Absentee Balloting: Central Tabulation; Extended Deadline

Because the volume of mail ballots will be so high, it will be impossible to process them all on Election Day at the polls, which is currently required. Rather than shipping ballots to the polls and counting them all on Election Day, 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. This is how other states process their mail ballots.

For the November election only, HD 5075 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. However, clerks report receiving trays and trays of ballots being received after the deadline. With increased volume and a postal service that is not performing at peak capacity, extending the deadline is a way to ensure that tens of thousands of ballots are counted. Accordingly, for the November election only, HD 5075 would allow absentee ballots to 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.

Online Portal

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

Sincerely,

Pam Wilmot, Common Cause Massachusetts