



June 18, 2020

Dear Representative Lawn, Representative Moran, Representative Hill, Senator Finegold, Senator Creem, Senator Fattman:

Two weeks ago, the House passed a strong elections bill to help protect voters and election workers from the coronavirus this fall. The Senate has taken that bill and made some small but impactful improvements. We thank both branches for their significant and quick action. The legislation will help every voter who wants to cast a ballot from the safety of their own home to do so and will help ensure that our election system is prepared for a tsunami of mail ballots. We are especially grateful that both the House and Senate bills include provisions mailing applications to all voters, requiring return postage on applications and ballots, creating an online portal, and setting a 10-day voter registration deadline. To ease the burden on election officials, the bills allow clerks to process ballots before election day, use electronic poll books, eliminate the check-out table, and waive certain poll worker requirements.

But the clock is ticking and every day that passes means less time to implement this huge reform. We hope you will quickly resolve the differences between the House and Senate and get the bill to the Governor as soon as possible.

There are five differences between the House and Senate version of the bill that we think are particularly important:

Online Portal

Background: Establishing an online portal is critical to ensure local election officials are not overwhelmed processing paper applications and to provide convenient access to mail ballots for voters. We remain very concerned about the clerks' workload in the fall. Processing a ten- to twenty-fold increase in mail ballot applications and then processing the returned ballots has crushed election officials in other states this spring, even in relatively low-turnout elections. Massachusetts already has similar online portals, including the current online voter registration system. Many other states, including Maine, Vermont, and New York, have portals. Idaho developed one in three weeks. These states do not require signatures.

Action: We urge you to retain the portal's completion date specified in the Senate bill, along with its language confirming that a signature is not required to submit a ballot request.

Expanded deadline for requesting a ballot

Background: While we recognize that the current deadline for requesting a mail ballot of only a few hours before the election is too short, the seven days proposed by both the House and Senate bills (albeit for different election cycles) is too long and puts us behind 22 other states that are more generous to voters. Many voters do not think about the election until the week before, and a seven-day deadline would force those voters to cast ballots in person or keep them from participating at all. The House bill correctly requires that ballot requests for the 2020 elections be submitted by noon of the Friday before the elections, but unfortunately codifies a seven-day deadline after this year. Conversely, the Senate Bill has our requested Friday deadline for future election cycles but a seven-day deadline for 2020.

Action: Retain the Friday deadline for this year's elections and all elections going forward and thereby allow more people to cast a mail ballot.

Postmarked Ballots

Background: Both the House and Senate bills embrace what seventeen other states, including California, North Carolina, Ohio, and Texas, already do – count ballots that are mailed on or before Election Day as opposed to being received by then. The problem is that many pieces of mail, including all metered mail, do not get postmarked, so by requiring a postmark the bill will cause tens of thousands of ballots properly mailed and received by the deadline to go uncounted. Other states have dealt with this issue simply by counting ballots with other kinds of postal marks or other evidence of mailing.

Action: Include in the final bill the phrasing adopted in the Senate that a postmark is evidence of mailing and allow the Secretary to issue guidance on other such evidence.

Polling Place Consolidation Equity

Background: In other states that held primaries this spring, inequitable polling place closures resulted in significant barriers to voting for specific populations. For example, nearly 70% of Black Americans in Wisconsin live in Milwaukee, and the city was reduced to five polling places, down from the usual 180. We saw other such closures with disparate impacts across the country.

Action: Include the strongest possible language to prohibit municipalities from changing or eliminating polling locations if doing so would disparately impact historically disenfranchised groups such as was included in the Senate bill.

Sending Ballot Applications

Background: Both the House and Senate have different but equally feasible plans for sending ballot applications. The House bill required two separate mailings of applications: one before the primary and another before the general. The Senate plan has a separate mailing before the primary where voters could request a ballot for either election, and then includes an application in the voter guide sent by the Secretary.

Action: Our support of the Senate plan is conditional on ensuring that voters can request ballots for both elections on a single application as they currently can do for absentee ballots. The inclusion in the voter guide will much more likely be ignored than an application in a separate mailing.

Thank you for your leadership on moving this bill forward so that Massachusetts can conduct fair and accessible elections this fall without risking public health. Time is of the essence, and every week we delay is one lost for election officials to implement these important reforms.

Sincerely,

Pam Wilmot, Common Cause Massachusetts

Gavi Wolfe, the ACLU of Massachusetts

Janet Domenitz, MASSPIRG

Cheryl Clyburn Crawford, MassVOTE

Patricia Comfort, the League of Women Voters of Massachusetts

Beth Huang, Massachusetts Voter Table

Sophia Hall, Lawyers for Civil Rights

The Election Modernization Coalition is comprised of the ACLU of Massachusetts, Common Cause Massachusetts, the League of Women Voters of Massachusetts, Lawyers for Civil Rights, MASSPIRG, MassVOTE, and the Massachusetts Voter Table. The Coalition's longstanding goals include ensuring elections are accessible, participatory, accurate, and safe.

Cc: House Speaker Robert DeLeo, Senate President Karen Spilka,