



## **Statement of the Election Modernization Coalition\* Regarding Election Laws Committee Legislation Expanding Vote By Mail**

The Joint Committee on Election Laws approved a plan today to expand vote by mail options in the Commonwealth, as well as to expand early voting, and retain in-person voting options for the September 1 primary election and November 3 general election.

Among other things, the legislation would require that the Secretary of the Commonwealth both mail a ballot application to every registered voter by July 15 and create an on-line portal where voters can request a ballot. In the application, voters could request ballots for both the primary and the general election.

The legislation is a significant step in the right direction, but with four amendments will do even more to safeguard our fall elections from the impact of COVID-19. These changes are necessary to help ensure that everyone who needs to vote by mail can do so and that our local election officials can keep up with an expected tsunami of additional mail ballots.

With this legislation, Massachusetts will join many other states in sending a mailed ballot application to all voters for the first time in 2020. While not as strong as the original proposal to automatically mail ballots to registered voters in November, this change, along with the on-line portal, other reforms in the legislation, and our proposed changes, is substantial and significant. It will encourage many more people to vote in the safety of their own home and will improve the ability of local election officials to deal with many more mailed ballots and safer in-person voting.

We urge the legislature to strengthen the bill by adopting four critical provisions, all of which were in the original H.4737:

- Allow local election officials to process mail ballots before election day in a central location
- Count all ballots mailed by election day (for the general election only)
- Provide return postage for ballots (and applications if possible)
- Provide more time for voter registration before the elections

In state after state this spring, we have seen beleaguered election officials unable to keep up with the demand for absentee ballots. Even here in Massachusetts, we saw that many voters did not receive ballots they properly applied for before the deadline, and others mailed in ballots that were not received in time. For example, the Plymouth town clerk, among others, reported “trays and trays” of ballots mailed before election day but received after the polls closed. But these were primaries or special elections, and the turnout was very low in comparison to an expected record turnout in November. Adopting these recommended amendments to the bill will help election officials prepare for the flood of ballots and ensure that those who need to vote by mail can effectively do so.

### **Early central processing of ballots**

Officials need to be able to process mail and early voting ballots before election day at their office or another secure location as opposed to at precinct polling places on election day. Opening, unfolding, checking in, and feeding tens of thousands of ballots or, in the case of Boston, hundreds of thousands, cannot realistically be done in one day.

### **Counting all ballots mailed by Election Day**

Massachusetts must ensure that all ballots mailed by election day in November are counted, even if they arrive within a few days after the polls close. With an expected dramatic increase in the volume of mail-in ballots and a postal service that is not performing at peak capacity, extending the deadline will help ensure that tens of thousands of voters are not disenfranchised. Many other states, including California, Illinois, Maryland, New Jersey, North Carolina, Ohio, and Texas, already follow this rule to make sure that every vote counts in all of their elections. 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.

### **Pre-paid postage**

The state should cover the cost of returning ballots. Many voters rarely send mail anymore and, especially if we are in a second surge, they should also be spared a trip to the post office for a stamp. Providing return postage will help ensure that every voter can cast a ballot by mail. Federal funds already allocated can help pay for prepaid return postage.

### **Later voter registration cutoff**

We should maximize voter registration by shortening the black-out period for voter registration, just as it was shortened for the spring local elections, or by adopting Election Day Registration, as 21 other states have already done. 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. Allowing for more time to register or update registrations, or better yet adopting Election Day registration, will help compensate for these COVID-related deficits.

The coalition intends to work with House and Senate leaders to adopt these four recommendations to further protect voters and election officials in the face of the COVID-19 pandemic.

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