



**Testimony in support of  
HD.5075 An Act ensuring safe and participatory 2020 state elections in response to  
COVID-19**

**Submitted to the Joint Committee on Election Laws  
By Nancy Brumback, LWVMA Legislative Chair  
May 14, 2020**

The stated mission of the League of Women Voters is: Empowering voters, defending democracy. This bill, HD.5075, does both, and the League of Women Voters of Massachusetts urges this committee to favorably vote the bill out of committee without delay.

Massachusetts' elections this fall—our state primary September 1 and the general election November 3—are at risk of becoming casualties of the COVID-19 pandemic. We do not know how severe the impact of this pandemic will be in the fall. But to be certain that our elections can be carried out in a way that assures all voters and election workers can participate safely and that affirms the public's trust in the outcome, we must assume that the pandemic will still have a major impact on the public's actions. We cannot wait until September to find out. We must plan now to conduct our elections fairly, equitably and safely.

Make no mistake: A large proportion of the population will be taking precautions against COVID-19 infection this fall, including older people and those with underlying health issues. They are going to vote by absentee ballot. The issue is whether they can do so without causing massive disruption in our elections. A record turnout is expected in the November election. Massachusetts is one of only seven states that require an excuse to vote by absentee ballot (see map below), and so, in the past, only about 4% of Massachusetts voters have used mailed ballots. If that percentage rises to 50% or 70% or even higher, those ballots will swamp local elections offices if changes are not made now.

If we do not mail a ballot, without an application, to every registered voter prior to the November election, **a large percentage of those voters will still request absentee ballots.** And human nature being what it is, they will do that only days before the election. They will be contacting clerks' offices for applications for absentee ballots, which clerks will have to mail out while they are also processing the absentee ballots already received and conducting in-person early voting. Some voters will not receive and return their applications in time for a ballot to be mailed to them and returned. The risk of disenfranchisement is substantial. It is, therefore, fairer and more efficient to mail a ballot to every registered voter 19 days before the election, as called for in this bill. Many states already do this, with a noticeable increase in turnout and little to no indication of increased voter fraud.

Another key provision of this bill is to allow local election officials to open the mailed ballots, note they have been received in the pollbooks, and scan them at a central location. The officials will not tabulate or report the results until the polls have closed. If we don't pass legislation

allowing this, all of those mailed ballots, still sealed in their envelopes, will have to be delivered to individual precincts on Election Day to be opened, checked off, and scanned by poll workers at the precincts. It will be a daunting task given the expected volume of mailed ballots.

While the League supports mailing a ballot to all voters ahead of the November election, we also believe that in-person voting must be available, with provisions in place to assure voting is safe for voters and election workers. In-person voting is a necessary option if mailed ballots don't arrive in time, and may be the preferred way to vote for some voters. The proposed expansion of early voting in this bill—to two weeks before the September primary and three weeks before the November election—will spread out in-person voting and reduce the number of people coming to the polls on Election Day itself.

City and town election officials will need to recruit additional poll workers for the fall elections. Many of our current poll workers are in a high-risk demographic for COVID-19 infection and will not feel safe working in these elections. This bill would remove the requirement that election workers be residents of the city or town, and establish that they can be appointed without regard to political party enrollment or to lists submitted by political party committees, as is now the case. This change is necessary to ease the task of recruiting people to work at the polls this fall so that we avoid long lines and any possibility of closed polling places.

We need changes in our absentee ballot procedures. As the legislature did prior to the spring local elections, we must establish that concern about COVID-19 qualifies as a “physical disability” and a reason under our Constitutional restrictions to vote by absentee ballot. Massachusetts must create an online portal to allow voters to apply for an absentee ballot online in a single step. We register voters online; we can permit them to request an absentee ballot that way.

The legislature must pass this bill now so that the Secretary of State's office can begin to prepare for the changes needed for the fall elections, including printing absentee ballots and envelopes and working with the Postal Service to handle and track those ballots, developing guidelines for safe polling places, and recruiting additional poll workers. The League of Women Voters of Massachusetts, representing 47 local Leagues from Cape Cod to the Berkshires, urges you to act without delay.

There is an urgent need to empower voters and to defend democracy.

Thank you.

States with blended policies in the Step 3 – 4 – 5 range.

UT 100% VAH in 2019  
HI 100% in 2020  
CA changing for Nov. 2020. Could drop back to transitioning to 5 after.

NE has 11 counties on 100% VAH for 2020

ND has 30 counties using 100% mailed-out ballot voting

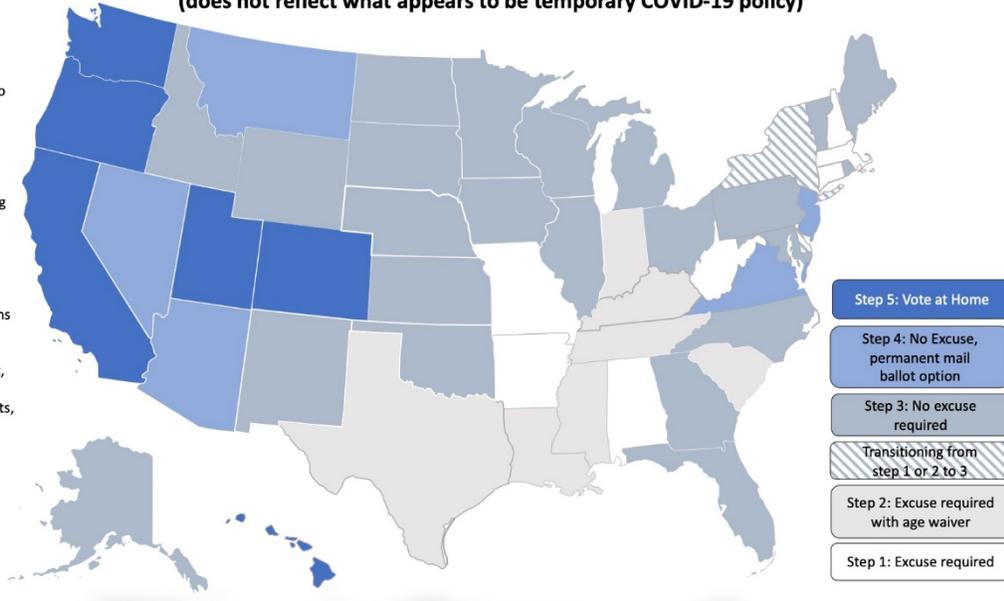
OH sends absentee request forms to all 8M voters, for some elections

MI, MN & PA have a permanent absentee list, but periodically send request forms, not ballots, to voters

AL, KS, & WI offer permanent absentee status to voters with disabilities

DC offers Step 4 to its voters

### Vote at Home Status by State – May 2020 (does not reflect what appears to be temporary COVID-19 policy)



Vote at Home Institute: <https://www.voteathome.org/>