

Electoral and Voting Integrity in the Time of COVID-19: Principles and Recommendations

The right to vote is the most fundamental of our rights because it is the guarantor of all other constitutional rights and freedoms. Democracy only works when all eligible voters are able to participate and there is robust competition for elective office. No one should have to choose between protecting personal or public health and exercising the right to vote or to run for office.

In light of the state of emergency related to the COVID-19 pandemic, changes must promptly be made on the state level, including through emergency legislation, to ensure that the November 2020 election occurs on schedule and with full participation. Any postponements of special and local elections prior to November must be temporary—only as long as necessary to put in place new procedures to safeguard voters and poll workers and to enable the electoral process to function, including through expanded remote registration and balloting procedures.

The ACLU of Massachusetts therefore makes the following recommendations for ensuring robust election processes during the current public health emergency.

Expand access to voting and registration by mail:

- Expand access to voting by mail, including by creating universal access to no-excuse absentee voting and universal distribution of mail-in ballots, in multiple languages, with prepaid postage and self-sealing envelopes.
- Expand other early voting options to reduce traffic at polling places on Election Day.
- Preserve the option of in-person voting, because not all eligible voters will receive information by mail, while taking appropriate measures to ensure the health and safety of poll workers, elections officials, and voters who seek to cast their ballots in-person.
- Accept voter registration requests received at least 10 days before the election.¹

Revise signature gathering burdens for potential candidates:

- For the duration of the current pandemic, reduce the number of signatures required to gain access to the ballot and increase the time allowed to gather signatures, without causing a delay in the election.
- For the duration of the current pandemic, accept signatures provided by mail on a form other than an official nomination paper, provided that the signer attests under the pains and penalties of perjury (1) that they are a registered voter, (2) the address at which they are registered to vote, and (3) that they are signing to support a particular candidate's nomination for a specific office.

¹ The ACLU believes the voter registration cutoff should be shortened as a general matter, not just during the state of emergency. We also urge the legislature to adopt Election Day Registration, which is the gold standard for enabling all eligible voters to cast a ballot.

- Invest in other means to gather and accept electronic signatures on nomination papers.

Authorize and fund robust public information campaigns about the special procedures:

- Fund and implement robust public education efforts in multiple languages to inform the public of the new procedures, including options for voting by mail, early-in person voting, any changes to Election Day polling locations, and changes to signature gathering processes.
- Develop and fund robust training for local election officials regarding the new procedures and safety measures, using remote conferencing platforms for training to the maximum extent possible.
- Prioritize and invest in recruitment of poll workers who may be at lower risk for the COVID-19 virus.

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