



**Board of Directors
2019-2021**

April 10, 2020

Officers:

The Honorable Ralph Northam
Governor, Commonwealth of Virginia
1111 East Broad Street
Richmond, VA 23219

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Dear Governor Northam:

The League of Women Voters of Virginia (LWV-VA) appreciates your leadership of the Commonwealth during this state of emergency. Your postponement of the primary and support for consolidation of upcoming elections will help safeguard voting during the COVID-19 pandemic. Advance planning will be essential to public health and public trust in democratic elections during this time.

Review of recent advocacy, as well as new government and expert resources, indicate that Virginia can and should move with dispatch to expand Voting At Home (VAH).

Directors:

Erni Bridges
Janet Gorn
Andrienne Konstas
Carol Noggle
Julia Tanner

Time is of the essence to avoid large scale disenfranchisement and viral caseload rebound through close contact at the polls. We urge you to consider dedicating a project manager to rapid VAH expansion for the public health and safety.

Support for Voting at Home

By letter dated March 23, 2020, LWV-VA called for increased voting flexibility and expanded Voting By Mail (VBM) in order to ward off risks from voting in person.¹ Secure VAH options, including VBM, can preserve access to the ballot box as well as voter and poll worker safety.

You and the Commissioner of Elections have also received letters ***recommending increased Voting At Home and process flexibility*** in order to reduce spread of the novel coronavirus while preserving access to the ballot box, from organizations including the following.

¹ / See *LWV Calls on States to Expand Absentee and Mail-in Voting: Voters must be given extra assurances amid COVID-19 physical distancing measures*, League of Women Voters of the United States, March 16, 2020, <https://www.lwv.org/newsroom/press-releases/lwv-calls-states-expand-absentee-and-mail-voting>.

- American Civil Liberties Union Virginia (ACLU)²
- The Leadership Conference on Human and Civil Rights³
- Brennan Center for Justice⁴
- Common Cause⁵
- Fair Elections Center (FEC)⁶
- US Election Assistance Commission (EAC)⁷
- Voter Registrars Association of Virginia (VRAV) and Virginia Electoral Board Association (VEBA).⁸

In addition, Virginia Delegates Jennifer Carroll Foy, Patrick Hope, Mark Keam, Suhas Subramanyam, Jeion Ward, and Rodney Willett sent you a letter in support of Vote By Mail.⁹ Delegates Schuyler VanValkenburg and Cia Price have stated that they support an all-mail voting system.¹⁰ Delegates Marcus Simon and VanValkenburg hosted a virtual town hall supporting mail-in voting, joined by Amber McReynolds, CEO of the National Vote at Home Institute (NVHI) and David Bjerke, Registrar for the City of Falls Church.¹¹

Benefits of VAH

- *Increased Health & Safety*

² / See Letter to Governor Ralph Northam from Claire Guthrie Gastañaga, Executive Director, ACLU, dated March 31, 2020,

https://acluva.org/sites/default/files/field_documents/covid19_executive_action_voting_rights_letter_final.pdf

³ / See Letter to Members of Congress, Governors and State Election Officials, The Leadership Conference on Civil and Human Rights, March 17, 2020, <http://civilrightsdocs.info/pdf/policy/letters/2020/COVID-19-Coalition-Letter-updated-3.17.20.pdf>

⁴ / See *How to Protect the 2020 Vote from the Coronavirus*, Brennan Center, March 16, 2020,

<https://www.brennancenter.org/our-work/policy-solutions/how-protect-2020-vote-coronavirus>

⁵ / See *Common Cause Urges Congress to Hold Emergency Hearing to Examine Wisconsin and Other States' Responses to Our Elections during the COVID-19 Pandemic*, Common Cause, April 8, 2020,

<https://www.commoncause.org/wp-content/uploads/2020/04/Common-Cause-Urges-Congress-to-Hold-Emergency-Hearings-to-Examine-Wisconsin-Election-in-Response-to-COVID-19-4-8-20.pdf>

⁶ / See Letter to Governor Ralph Northam from Michelle E. Kanter Cohen, Senior Counsel, Fair Elections Center, dated April 6, 2020.

⁷ / See *Election Management Resources, Voting by Mail/Absentee Voting*, U.S. Election Assistance Commission, <https://www.eac.gov/election-officials/voting-by-mail-absentee-voting>

⁸ / See Letter to Governor Ralph Northam from Allison J. Robbins, President, VRAV, and Barbara Tabb, President, VEBA, dated March 19, 2020, <http://www.vebanews.org/download/letter-to-chris-piper-commissioner-virginia-department-of-elections/#>

⁹ / See also earlier letter, *Del. Carroll Foy Calls For Vote-By-Mail in Virginia in Light of COVID-19*, March 19, 2020, reprinted, THE HAMPTON ROADS MESSENGER, <https://hamptonroadsmessenger.com/posts/del-carroll-foy-calls-for-vote-by-mail-in-virginia-in-light-of-covid-19/>

¹⁰ / Mel Leonor, *Democrats' call for vote-by-mail grows; ACLU warns against closing polls*, RICHMOND TIMES-DISPATCH, April 3, 2020, https://www.richmond.com/news/virginia/democrats-call-for-vote-by-mail-grows-aclu-warns-against-closing-polls/article_68812b3f-e13f-5400-98cd-59478b0b13a1.html

¹¹ / See Livestream, *Vote at Home Virtual Town Hall*, <https://www.facebook.com/events/235016841204877/permalink/236507251055836/>

Expanding Voting at Home will decrease physical encounters in the elections process, decreasing the risk to public health by keeping voting germ free. At this time, the U.S. Centers for Disease Control and Prevention (CDC) supports “voting methods that minimize direct contact with other people and reduce crowd size at polling stations.”¹² California Secretary of State Alex Padilla, Colorado Secretary of State Jena Griswold, and Michigan Secretary of State Jocelyn Benson recently engaged in a virtual discussion of state election preparedness during the COVID-19 pandemic and the importance of voting by mail as well as a large scale public awareness campaign.¹³ The public is already moving to support voting at home during the pandemic.¹⁴

- *Potential for Significant Cost Savings*
The National Vote at Home Institute finds Voting at Home can **decrease the burdens and costs of election administration**.¹⁵

A [2016 study of Colorado from the Pew Charitable Trusts](#) found that after Colorado moved to all-mail elections, same day registration, and vote centers:

- **Costs decreased an average of 40 percent in five categories.** Factors included a 98 percent reduction in the casting of provisional ballots with high cost printed envelopes, and lower labor costs from fewer voting locations.
- Nearly two-thirds of voters said they returned their ballots in person, usually to a nearby drop box, rather than by mail.

If many polling places are unnecessary and those remaining transition to vote centers serving only voters without alternative means of access, costs for Virginia may similarly decrease over time, due to lower labor costs and printing/production expense.

- *Increased Voter Participation, including by low-propensity voters*

Studies indicate VAH will **increase voter participation**, including participation by

¹² / See *Recommendations for Election Polling Locations: Interim guidance to prevent spread of coronavirus disease 2019 (COVID-19)*, CDC, updated March 27, 2020, <https://www.cdc.gov/coronavirus/2019-ncov/community/election-polling-locations.html>

¹³ / *Elections in the Coronavirus Pandemic: How States Are Working to Protect America’s Right to Vote*, Center for American Progress, April 8, 2020, <https://www.americanprogress.org/events/2020/04/02/482629/preparing-elections-pandemic/>

¹⁴ / Americans believe voting during the pandemic should be at home/by mail, according to a Reuters/IPSOS poll (72%, including 65% of Republicans): *Most Americans, unlike Trump, want mail-in ballots for November if coronavirus threatens*, Thomson Reuters, April 7, 2020, <https://www.reuters.com/article/us-usa-election-poll/most-americans-unlike-trump-want-mail-in-ballots-for-november-if-coronavirus-threatens-reuters-ipsos-poll-idUSKBN21P3G0>

¹⁵ / See *Policy and Research Guide*, National Vote at Home Institute, at 5, updated April 5, 2020, <https://www.voteathome.org/wp-content/uploads/2019/03/VAH-Policy-and-Research-Guide.pdf>; see also, e.g., [PEW study of Colorado](#) elections 2014, finding that VAH saves \$6 per voter per election; Randy Dotinga, *King of All He Tabulates*, Voice of San Diego, in which the San Diego registrar estimates saving \$2 - \$3 million every election with VAH, Jan. 3, 2014, <https://www.voiceofsandiego.org/topics/news/king-of-all-he-tabulates/>

low-propensity voters,¹⁶ without increasing security risk. Research has found no evidence of systematic fraud with mail-in ballots,¹⁷ as also noted by Christopher Newport University Political Science Professor Quentin Kidd.¹⁸ Moreover, studies of existing vote by mail initiatives show voter trust retention.¹⁹ Nevertheless, minimizing risk of fraud increases public confidence in election results. The U.S. Cybersecurity & Infrastructure Security Agency (CISA), among other entities, is providing centralized information and resources to help assure secure elections.²⁰ Ballot tracking, signature verification, chain-of-custody documentation, voter opportunity to cure rejected ballots, ballot management, video cameras at vote centers, and post-election audits are among measures often recommended for vote-by-mail implementation.²¹

Even with regard to the June primary, the two week postponement will give election officials additional time to develop procedures and obtain protective supplies and personal protective equipment. In connection with November, Voting at Home holds strong potential, provided essential policy decisions are made in time and uniform guidance given statewide for the conduction of elections.

Implementation

The transition to safer voting will require rapid cost analysis, executive action, legislative measures, dedicated project management, strong support from the executive and legislative branches, and a strong voter awareness campaign.

¹⁶ / See, e.g., Alan S. Gerber, Gregory A. Huber and Seth J. Hill (2013). *Identifying the Effect of All-Mail Elections on Turnout: Staggered Reform in the Evergreen State*, Pol. Sci. Research & Methods, 1, pp 91116, http://journals.cambridge.org/abstract_S2049847013000058 (all-mail elections in Washington State increased turnout more for lower-participating registrants than for frequent voters); Amelia Showalter, *Utah 2016: Evidence for the positive turnout effects of "Vote At Home" ...*, May 3, 2018 ("In the 2016 general election, twenty-one counties in Utah administered voting entirely by mail.... Increase[ing] turnout by 5-7 points. Low-propensity voters, including young voters, showed the greatest increase...."),

https://docs.wixstatic.com/ugd/ef45f5_fcc651c4d4f1456b8340bb4c2cc0ca12.pdf

¹⁷ / *Myth Busting the Top Ten Objections to "Vote at Home" Systems*, National Vote at Home Institute, updated Spring, 2020, <https://www.voteathome.org/wp-content/uploads/2019/07/Myth-Busting-the-Top-10-VAH-Objections.pdf>; Michael Wines, *All This Talk of Voter Fraud? Across U.S., Officials Found Next to None*, NEW YORK TIMES, Dec. 18, 2016; Stephanie Saul & Reid J. Epstein, <https://www.nytimes.com/article/mail-in-voting-explained.html>, NEW YORK TIMES, April 8, 2020 ("Studies have shown that all forms of voting fraud are extremely rare in the United States").

¹⁸ / Mike Gooding, *Professor says no evidence of fraud from mail-in ballots*, April 8, 2020, WVEC-TV, <https://www.13newsnow.com/article/news/politics/debating-the-merits-of-mail-in-voting/291-736b5bfb-7072-4efb-88f6-972229a0b898>

¹⁹ / *Issue Brief, Colorado Voting Reforms: Early Results, 2013 election overhaul has yielded greater efficiency and a better experience for citizens*, Pew Charitable Trusts, March 22, 2016.

²⁰ / *COVID-19 & Elections*, CISA, <https://www.cisa.gov/covid-19-and-elections>

²¹ / See, e.g., *Covid19 and Trustworthy Elections, Verified Voting*, April 7, 2020, www.verifiedvoting.org/wp-content/uploads/2020/04/Verified-Voting-COVID19-Recommendations-4.7.20-1.pdf

The National Conference of State Legislatures (NCSL) and the National Association of State Election Directors (NASSED) have collected key considerations for changing elections policies and procedures in light of COVID-19.²²

You have the authority, through executive orders and emergency powers, as well as your veto authority, to make or call for legislative changes germane to underlying legislation during the veto session and reconvened General Assembly. The Commonwealth's legal code also permits certain election changes in emergencies, including adjustments in polling place locations and alternative procedures for handling absentee ballots and applications.²³

Timing

A project timeline from the U.S. Government Coordinating Council (GCC) and Sector Coordinating Council (SCC), if applied to Virginia, indicates ***planning and action for a transition to mail-in voting should start as soon as possible***.²⁴ The GCC/SCC plan starts 210 days prior to Election Day. For the November 3, 2020 election, that date was **April 7, 2020**. Printing and mail fulfillment companies are sounding alerts that time is “running short for states and counties to prepare for a possible massive surge of mail-in voting in November prompted by the coronavirus pandemic.”²⁵ We urge you to act with dispatch and urge the Commissioner of Elections to start planning, holding discussions with his elections community, and drafting uniform guidance and directives for rapid actions, as soon as feasible.

Fortunately, Virginia is already on the road to VAH, with all paper ballots, existing ballot tracking,²⁶ and the move to no excuse absentee voting.²⁷

²² / See *COVID-19 and Elections*, NCSL, April 9, 2020, <https://www.ncsl.org/research/elections-and-campaigns/state-action-on-covid-19-and-elections.aspx>; COVID-19 Resources, <https://www.nased.org/covid19>

²³ / See *Election Emergencies*, National Conference of State Legislatures (NCSL), Table 1: Election Emergency Statutes, April 7, 2020, <https://www.ncsl.org/research/elections-and-campaigns/election-emergencies.aspx>, citing Va. Code Ann. §§ 24.2-310, 24.2-603.1, 24.2-604.2, 24.2-638, 24.2-713, 44-146.17.

²⁴ / The GCC/SCC project plan template is the *Vote By Mail / Absentee Voting Timeline, GCC and SCC Resources, Voting by Mail / Absentee Voting*, U.S. Election Assistance Commission, <https://www.eac.gov/election-officials/voting-mail-absentee-voting>, available in PDF and Excel versions: <https://www.eac.gov/sites/default/files/electionofficials/vbm/VBMProjectTimeline.pdf> and <https://www.eac.gov/sites/default/files/electionofficials/vbm/VBMProjectTimeline.xlsx>

²⁵ / See Joseph Marks, *The Cybersecurity 202: Mail-in voting surge is already facing time crunch in run-up to November election*, THE WASHINGTON POST, April 9, 2020 (“Cybersecurity 202”), <https://www.washingtonpost.com/news/powerpost/paloma/the-cybersecurity-202/2020/04/09/the-cybersecurity-202-mail-in-voting-surge-is-already-facing-time-crunch-in-run-up-to-november-election/5e8e525188e0fa101a75e726/>

²⁶ / Virginia uses the [Ballot Scout](#) tool to add USPS bar codes to absentee ballot envelopes, enabling elections administrators and voters to track ballots through the postal process.

²⁷ / See Virginia General Assembly Legislative Information System, [H.B. 1](#), [H.B. 207](#), and [S.B. 111](#) (2020). Virginia is at level 3, moving to level 4 out of 5, on the NVHI mailed-ballot readiness scale; see *Policy and Research Guide*, National Vote at Home Institute, at 5, updated April 5, 2020, <https://www.voteathome.org/wp-content/uploads/2019/03/VAH-Policy-and-Research-Guide.pdf>

Logistics, nevertheless, will require months of attention. A dedicated project manager reporting to the Commissioner of Elections could help achieve successful implementation. The Commonwealth can take advantage of existing expert guidance including the Vote at Home Scale Plan, the Center for Civic Design Toolkit of Designs for Scaling Up Vote-By-Mail, COVID-19 resources compiled by NASED, and three webinars and a list of 33 ways election offices are responding to COVID-19, from the Center for Tech and Civic Life.²⁸

Timing and Logistics

The Vote by Mail ideal, sending a ballot with prepaid return postage to every eligible voter, would maximize physical safety in the current situation. LWV-VA supports Vote by Mail, and also supports eliminating the witness requirement, for reasons of consumer safety, elections efficiency, and increased voter participation.

LWV-VA also supports enfranchisement of communities that need in-person voting. Secure drop boxes can receive ballots from voters seeking to avoid mail or desiring to vote at the last minute.²⁹ Outreach informing voters early and often will be important.³⁰ Vote centers with safe in-person assistance could be available for populations in need,³¹ preserving ballot access without unacceptable risk of debilitating illness or loss of life. Extending the date for postmarked ballot receipt would also enhance participation, consistent with the NVHI Vote at Home Scale Plan. Early vote counting time should also be accommodated, as more voting options are available.

In summary, we urge you to accompany VAH expansion by clear, concise, and early communications encouraging voters to vote at home. Increasing secure Voting At Home will minimize risks and move the Commonwealth towards a well conducted and safe election.

²⁸ / *Vote at Home Scale Plan*, National Vote at Home Institute, https://www.voteathome.org/wp-content/uploads/2020/03/VAHScale_StrategyPlan.pdf; *A tool kit of resources for scaling up vote by mail*, Center for Civic Design, <https://civicedesign.org/tool-kit-for-scaling-up-vbm/>; *COVID-19 Resources*, NASED, <https://www.nased.org/covid19>; *Free Vote at Home Webinars for Election Officials*, January 6, 2020, Center for Tech and Civic Life, <https://www.techandcivicliflife.org/vote-at-home/>; *33 Ways Election Offices are Responding to COVID-19*, Center for Tech and Civic Life, April 6, 2020, <https://www.techandcivicliflife.org/covid-19-responses/>

See also Ballot Drop Box, Cybersecurity and Infrastructure Security Agency (CISA) Elections Infrastructure Government Coordinating Council and Sector Coordinating Council Joint COVID Working Group, https://www.cisa.gov/sites/default/files/publications/ballot_drop_box_final-508.pdf.

²⁹ / *See 33 Ways Election Offices are Responding to COVID-19*, *supra*, at #23, Drive-Thru Voting. *See* recommendations for drop box implementation, NVHI, <https://www.voteathome.org/wp-content/uploads/2018/12/Optimizing-ballot-return-choices.pdf>

³⁰ / As stated by Michigan Secretary of State Jocelyn Benson, the key to ensuring our democracy remains healthy is to use tools like vote by mail and also to be clear and concise to voters about the rules. *Elections in the Coronavirus Pandemic*, *supra*.

³¹ / *See* letter of the ACLU, *supra*; *see also All-Mail Elections (aka Vote-By-Mail), Possible Disadvantages*, National Conference of State Legislatures (NCSL), <https://www.ncsl.org/research/elections-and-campaigns/all-mail-elections.aspx> (Mar. 24, 2020).



In the event of any questions, please do not hesitate to contact me at president@lwv-va.org.

Respectfully,

A handwritten signature in blue ink that reads "Deb Wake". The signature is written in a cursive, flowing style.

Deb Wake
President, League of Women Voters of Virginia

Cc: Chris Piper, Commissioner, Department of Elections