

Statement for the Record before the  
U.S. House of Representatives, Committee on House Administration, Subcommittee on Elections  
**Hearing Title: The Impact of COVID-19 on Voting Rights and Election Administration: Ensuring  
Safe and Fair Elections**

Thursday, June 4, 2020

Submitted by the Niskanen Center<sup>1</sup>

**Introduction**

Chairwoman Lofgren, Ranking Member Davis, Subcommittee on Elections Chair Fudge, and Members of the Committee, thank you for holding this important hearing on the current and potential impacts of COVID-19 on voting rights and election administration.

The coronavirus pandemic threatens to radically disrupt the November elections, potentially resulting in millions of citizens being unable to vote or to have their votes counted. Mass disenfranchisement on this scale puts the integrity of American democracy at risk. A secure election in the United States means that voters, poll workers, election officials, ballots, and vote counts are free, fair, and safe from any undue influence. As we find ourselves in an unprecedented public health and economic crisis, these measures are now especially critical. The 2016 election was fraught with evidence of tampering and undue foreign influence. The breakdown during the Iowa Democratic presidential primary this year is a troubling harbinger for future elections if the security of the voting process is not addressed seriously and urgently.

As a nation, we have managed to hold general elections during the Civil War, World War I, the Spanish flu epidemic, WWII, and most recently, when hurricane Sandy disrupted the 2012 elections. No presidential election has ever been suspended, postponed, or delayed in U.S. history. But elections pose unique public health risks during a global pandemic. Standard voting practices bring together large groups of people in public places using shared machines and materials—a potent recipe for the spreading of germs. Voters also tend to be older and thus at higher-risk for the COVID-19 virus; the same is true of poll workers, making voter disenfranchisement a real threat.

At the Niskanen Center, we believe that election security must transcend partisan divisions and advance a practical policy vision that addresses the urgent needs of states in administering future elections. We

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applaud the work of the Committee on House Administration and Subcommittee on Elections towards furthering these shared goals. We must work together to address temporary state needs in a bipartisan fashion, to ensure the safety and security of elections now and through November 2020. For its part, the Niskanen Center respectfully requests the Committee consider the following recommendations:

1. Waive the 20 percent state funding match for disbursement of election support funding from CARES Act in exigent circumstances and provide additional election assistance funding;
2. Provide additional funding for PPE and crackdown on COVID-19 procurement scams;
3. Delay 20-day reporting requirement for states and extend the obligation date;
4. Support measures to end ballot harvesting; and
5. Create a new program that funds university and college students to work to prepare for and administer elections.

## **Voter Disenfranchisement and High-Risk Populations**

According to a recent report by the Pew Research Center, over 67 percent of adults believe that the coronavirus will significantly disrupt American's ability to vote in November—that includes 50 percent of Republicans and 80 percent of Democrats.<sup>2</sup> Nearly 70 percent of American adults favor allowing any voter to vote by mail if they prefer. Following the primary elections in Wisconsin at the height of the pandemic in that state, the Milwaukee Health Department estimated that twenty-six individuals might have been infected while at the polls last month. Another 26 may have been infectious when they participated in the election, totaling 52 voters and two poll workers infected by COVID-19 while voting in person in Milwaukee County alone.<sup>3</sup> The reality is that many more people likely contracted the illness while performing their civic duty, and it could prove fatal for an untold number of them. This is exactly what states need to—and can—avoid with the right changes and support.

Currently, 29 states allow no-excuse absentee voting, while 31 states require a valid excuse like travel or recent illness. Just eight states have more than half their votes cast by mail. Twenty-five states cannot move polling places in an emergency. The U.S. Election Assistance Commission reported that “the percentage of voters who cast their ballots on a voting machine at a polling place on Election Day has declined steadily over the past decade, while the number of states offering early voting, no-excuse absentee voting, and vote by mail has increased.”<sup>4</sup> Only five states are currently all or mostly vote-by-mail, meaning that to meet the challenge of making quick changes to accommodate voters, states and local jurisdictions need to ramp up their existing operations now.

Voters tend to be older and thus higher-risk for the virus, and the same is true of poll workers. In the 2018 general election, six-in-ten poll workers were 60 or older, and a quarter were over 70 years of age, which is problematic given their higher risk for COVID-19.<sup>5</sup>

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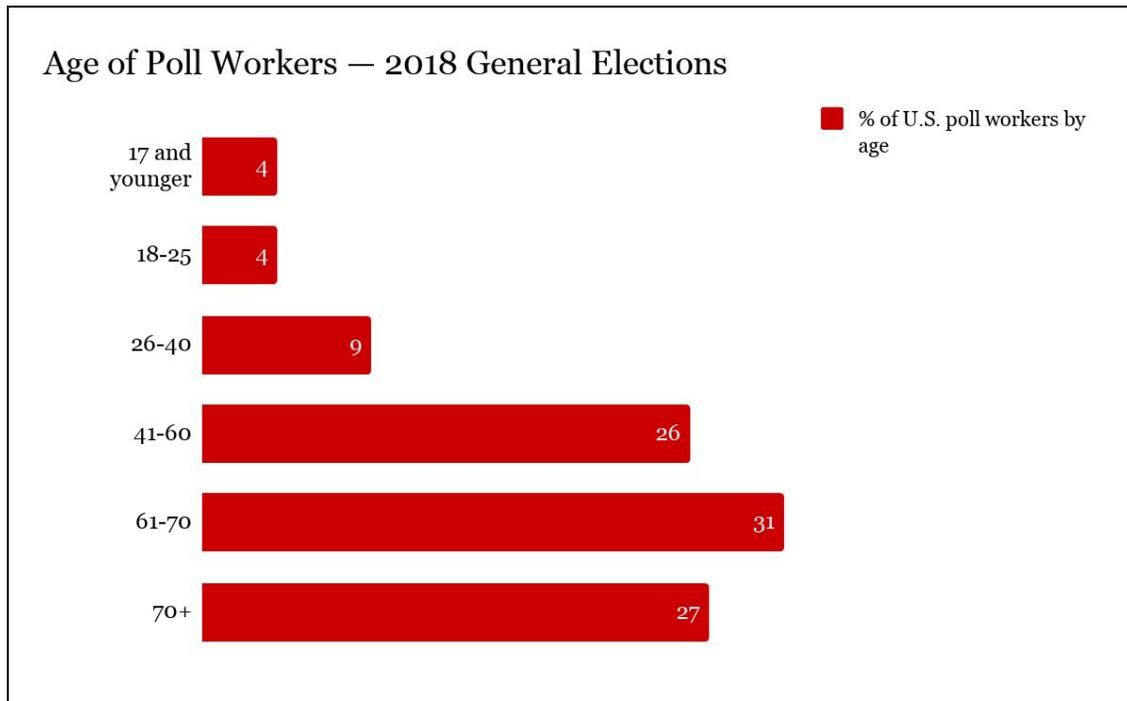
<sup>2</sup> Pew Research Center, Election 2020, <https://www.pewresearch.org/topics/2020-election/>.

<sup>3</sup> The report could not conclusively determine the exact source of every related case. Milwaukee Journal Sentinel, May 6, 2020, <https://www.jsonline.com/story/news/politics/2020/05/06/coronavirus-milwaukee-26-may-have-been-infected-during-voting/5177021002/>.

<sup>4</sup> National Conference of State Legislatures, Voting Outside the Polling Place: Absentee, All-Mail and other Voting at Home Options, May 19, 2020, <https://www.ncsl.org/research/elections-and-campaigns/absentee-and-early-voting.aspx>.

<sup>5</sup> Pew Research Center, Older people account for large shares of poll workers and voters in U.S. general elections, <https://www.pewresearch.org/fact-tank/2020/04/06/older-people-account-for-large-shares-of-poll-workers-and-voters-in-u-s-general-elections/>.

**Figure 1: Percent of U.S. Poll Workers by Age — 2018 General Elections<sup>6</sup>**



The concerns about a resurgence in the fall of the virus, coupled with difficulty finding poll workers, is just one example of how the system breaks down during a pandemic.

### **Empowering the States to Lead the Way**

The Elections Clause in Article I of the Constitution contemplates both a federal role and a robust state role in elections. It allows states to determine the “times, places, and manner” of congressional elections, but *only subject to* Congress’s authority to “make or alter” state regulations. Whenever a state enacts a law relating to a congressional election, it is exercising power under the Elections Clause; states do not have any inherent authority to enact such measures. Time, place, and manner includes rules about public notices, voter registration, voter protection, fraud prevention, and how votes are counted, among other things.

At any point, Congress can pass federal laws regulating congressional elections that preempt any contrary state statutes. Yet Congress has (rightfully) refrained from encroaching on the time, place, and manner

<sup>6</sup> Data taken from a chart published by Pew Center. Pew Research Center, Older people account for large shares of poll workers and voters in U.S. general elections, <https://www.pewresearch.org/fact-tank/2020/04/06/older-people-account-for-large-shares-of-poll-workers-and-voters-in-u-s-general-elections/>.

logistics. The federal government should only intervene to protect against discrimination, violence, and intimidation during elections, or to enact election regulations that states have not addressed.

It is the responsibility of the states to fund elections, but this emergency requires assistance from Congress. It is not an opportunity to make widespread changes to how our elections are conducted in each state, it is a time when assessing individual state needs and quickly providing each state the tools, flexibility, and funding it needs is the only way to move forward.

### **CARES Act**

Following the passage of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) on March 27, 2020, all 50 states, American Samoa, the District of Columbia, Guam, the Northern Marianas, Puerto Rico, and the U.S. Virgin Islands made requests for specific funding necessary to hold safe and secure elections **totaling \$479,519,998.00** (*see Appendix A*).

The CARES Act included \$400 million in new Help America Vote Act (HAVA) emergency funds, made available to states to prevent, prepare for, and respond to the coronavirus for the 2020 federal election cycle. This supplemental appropriation funding is being distributed by the U.S. Election Assistance Commission (EAC) to provide states with resources to protect the 2020 elections from the effects of the novel coronavirus.<sup>7</sup> The CARES Act is particular about the use of the funds. They must be used “to prevent, prepare for, and respond to coronavirus, domestically or internationally, for the 2020 Federal election cycle.”

The award instructions and EAC’s Guidance on Use of HAVA Funds for Expenses Related to COVID-19 provide many examples and answer questions about the use of CARES Act and other HAVA funds to address the pandemic.<sup>8</sup> For several states, the requirements to access and utilize funding make compliance difficult. The 20 percent state funding match has forced a number of states to consider forgoing the grants, for budgetary reasons, but also practical hurdles—the state legislatures have adjourned for the year, and cannot appropriate the funds. For others, the reporting requirements are arduous and complicated and require information difficult to thoroughly provide on such a tight timeline.

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<sup>7</sup> U.S. Election Assistance Commission, 2020 CARES Act Grants, <https://www.eac.gov/payments-and-grants/2020-cares-act-grants>.

<sup>8</sup> U.S. Election Assistance Commission, 2020 CARES Act Grants, <https://www.eac.gov/payments-and-grants/2020-cares-act-grant-faqs#Is-there-a-state-match-requirement-and-when/how-do-states-have-to-provide-the-match?%C2%A0s>.

***Waive the 20 percent state funding match for disbursement of election support funding from CARES Act in exigent circumstances and provide additional election assistance funding***

Per the CARES Act, states must match 20 percent of the total amount awarded and incur costs to meet that amount by March 27, 2022. States may either deposit matching funds in their state election accounts or track eligible funds/activities from their state and local general operating budgets to meet the match obligations.

State and local funds used for matches must be different from funds used to meet Maintenance of Effort or state match associated with HAVA Requirement Payments or the 2018 and 2020 HAVA grants. American Samoa, Guam, the Northern Mariana Islands and the U.S. Virgin Islands are exempt from the match requirement.<sup>9</sup> States must pay back the portion of expended federal funds for which they cannot meet the match. In these cases, EAC will work with the state to determine the amount owed.<sup>10</sup>

According to original analysis, if states meet the match requirements, they must deposit nearly **\$80 million dollars** (\$79,519,998.00) to utilize the federal grants. For several states, this requirement is problematic. For example, Maine is struggling to claim the \$3,299,827 offered by the federal government in the CARES Act, because the state cannot appropriate the \$659,965 owed for its matching portion, as the legislature is currently adjourned.<sup>11</sup>

Similarly, Florida is still working to secure the \$4,050,771 in matching funds required to access \$20,253,853 in federal funds. In mid-May, the Florida State Association of Supervisors of Elections, a bipartisan group that represents county-level election supervisors across Florida, sent Governor Ron DeSantis a second letter urging him to access the funding.<sup>12</sup> However, the Florida legislature finished its session in March (before the CARES Act became law) and has not been back in session since.

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<sup>9</sup> U.S. Election Assistance Commission, 2020 CARES Act Grants, <https://www.eac.gov/payments-and-grants/2020-cares-act-grant-faqs#Is-there-a-state-match-requirement-and-when-how-do-states-have-to-provide-the-match?%C2%A0s>.

<sup>10</sup> U.S. Elections Assistance Commission, 2020 CARES Act Grants, <https://www.eac.gov/payments-and-grants/guidance-meeting-match-cares-act-grants-under-hava#If-the-state-doesn%E2%80%99t-meet-its-matching-requirement.-will-it-have-to-pay-all-the-funds-back-to-the-federal-government?>.

<sup>11</sup> Scott Thistle, Maine may struggle to claim federal pandemic funding for elections, <https://www.pressherald.com/2020/04/27/feds-offer-election-funds-in-coronavirus-act-but-maine-may-struggle-to-claim-it/#>.

<sup>12</sup> Alex Daugherty and David Smiley, Florida supervisors urge DeSantis to ‘act immediately’ to accept federal election funds, <https://www.miamiherald.com/news/politics-government/article242699171.html>.

About 15 state legislatures have already adjourned for the year, which means that unless they can call a special session to order before the December 31, 2020 expiration date, they will not reconvene until early 2021 and cannot appropriate matching funds.<sup>13</sup>

Not only are the required matching amounts and logistical hurdles problematic for states, but also making funds available at a time when states are dealing with spiking costs, high unemployment, and fewer tax dollars is almost impossible. Plummeting state revenue is an increasing obstacle to securing matching funding, even if a state legislature is in session. A representative from the National Association of Counties explained that Utah would likely only claim half of the funds available because the state's legislature cannot appropriate the entire commitment.<sup>14</sup> Nevada's secretary of state, Barbara K. Cegavske said, "Emergency funding should not come with match requirements, especially considering the fact states are going to have an extremely difficult time meeting the match at a time when state budgets are decimated."<sup>15</sup>

In recognition of the struggles states are facing to appropriate matching funds, Senator Susan Collins (R-ME) and Senator Michael Bennet (D-CO) authored a bipartisan letter urging lawmakers to modify the requirement for states to provide a 20 percent match.<sup>16</sup> Specifically, the Senators ask that Congress empower the Election Assistance Commission (EAC) to waive the requirement where exigent circumstances related to the pandemic may prevent states from making use of available funding.<sup>17</sup>

State and county leaders continue to express concern about mounting election costs. In a recent conversation with bipartisan secretaries of state, officials in Ohio suggested that even after receiving \$12 million from the CARES Act, they need an additional \$66-86 million to cover primary and November election costs associated. Accessing and appropriating the matching 20 percent to receive federal funds is exacerbated by the states' respective needs. A recent report by the Brennan Center found that five

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<sup>13</sup> NCSL, 2020 Legislative Calendar, [https://www.ncsl.org/Portals/1/Documents/NCSL/2020\\_session\\_calendar1.pdf](https://www.ncsl.org/Portals/1/Documents/NCSL/2020_session_calendar1.pdf).

<sup>14</sup> Nicole Goodkind, States say they cannot access emergency COVID-19 election funding because of steep match rates, <https://fortune.com/2020/05/05/coronavirus-stimulus-cares-act-voting-funds-state-elections/>.

<sup>15</sup> Nicole Goodkind, States say they cannot access emergency COVID-19 election funding because of steep match rates, <https://fortune.com/2020/05/05/coronavirus-stimulus-cares-act-voting-funds-state-elections/>.

<sup>16</sup> Senators Bennet and Collins, Letter to Senate to modify 20 percent state match, [https://www.bennet.senate.gov/public/\\_cache/files/b/3/b3951d86-149b-4fc8-856b-1b5fcdd7339d/3FF6DD6B9CF7F7320F05DB73FE5C2794.bennet-collins-election-letter.pdf](https://www.bennet.senate.gov/public/_cache/files/b/3/b3951d86-149b-4fc8-856b-1b5fcdd7339d/3FF6DD6B9CF7F7320F05DB73FE5C2794.bennet-collins-election-letter.pdf).

<sup>17</sup> Senators Bennet and Collins, Letter to Senate to modify 20 percent state match, [https://www.bennet.senate.gov/public/\\_cache/files/b/3/b3951d86-149b-4fc8-856b-1b5fcdd7339d/3FF6DD6B9CF7F7320F05DB73FE5C2794.bennet-collins-election-letter.pdf](https://www.bennet.senate.gov/public/_cache/files/b/3/b3951d86-149b-4fc8-856b-1b5fcdd7339d/3FF6DD6B9CF7F7320F05DB73FE5C2794.bennet-collins-election-letter.pdf).

states—Ohio, Michigan, Pennsylvania, Georgia, and Missouri—will have about 20 percent of the required costs for necessary election changes *even with* the current supplement funding provided by the CARES Act.<sup>18</sup>

Many states have expressed concern regarding the expenses they have already incurred, and the ability to use the most recent funds—as well as any future funds—to reimburse themselves for these expenses in order to maintain an appropriate security posture.<sup>19</sup> A waiver for the states of the 20 percent matching requirement, combined with additional funding in the next relief package, is necessary to ensure safe and secure elections.

***Provide additional funding for PPE and crackdown on COVID-19 procurement scams***

On April 2, 2020, the National Association of Secretaries of State authored a letter to the House Committee on Administration expressing its appreciation of the initial grants. However, it also underscored ongoing concerns about the requirements under the CARES Act, and the fact that state legislatures “across the country are also dealing with depleted surpluses, lower tax revenues, increased healthcare costs and other financial challenges in response to the pandemic.”<sup>20</sup> A portion of that financial hardship is due to the difficulty finding, procuring, and paying for quality personal protective equipment (PPE).

Since mid-March, states have scrambled to secure enough PPE from the private market. According to the Niskanen Center, the taxonomy of the state and territory requests prior to the CARES ACT is as follows:

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<sup>18</sup> Christopher R. Deluzio, Elizabeth Howard, David Levine, Paul Rosenzweig, and Derek Tisler, Ensuring Safe Elections, Brennan Center for Justice,

[https://www.brennancenter.org/sites/default/files/2020-04/2020\\_04\\_5StateCostAnalysis\\_FINAL.pdf](https://www.brennancenter.org/sites/default/files/2020-04/2020_04_5StateCostAnalysis_FINAL.pdf).

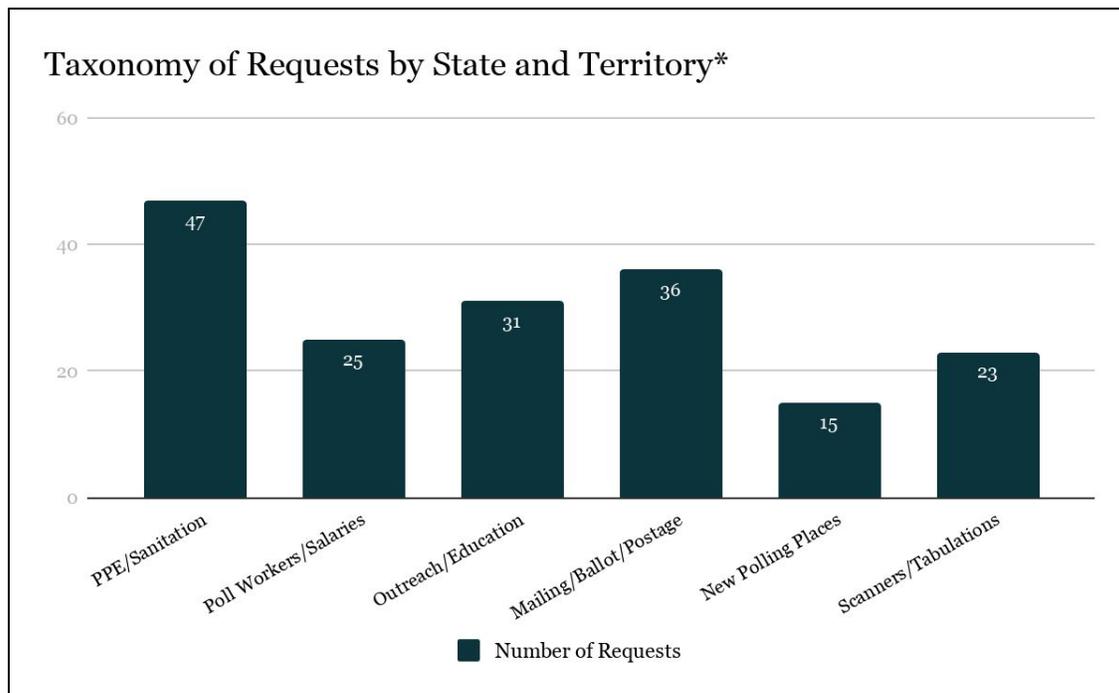
<sup>19</sup> Letter to the Committee on House Administration from Ranking Member Rodney Davis,

[https://republicans-cha.house.gov/sites/republicans.cha.house.gov/files/documents/Letter%20to%20Chairperson%20Lofgren%20from%20Ranking%20Member%3B%20NASS\\_0.pdf](https://republicans-cha.house.gov/sites/republicans.cha.house.gov/files/documents/Letter%20to%20Chairperson%20Lofgren%20from%20Ranking%20Member%3B%20NASS_0.pdf).

<sup>20</sup> National Association of Secretaries of State, Letter to the House Committee on Administration,

<https://republicans-cha.house.gov/sites/republicans.cha.house.gov/files/documents/4.2.20%20NASS%20CARES%20Funding%20Letter%20to%20House%20Admin%5B4%5D.pdf>.

**Figure 2: Taxonomy of Requests by State and Territory<sup>21</sup>**



In March, Washington state ordered more than 300 million items of PPE, but received less than 10 percent of those items as of early May.<sup>22</sup> California is awaiting a \$247 million refund from a Chinese firm that was supposed to deliver 200 million N95 respirator masks (having only received 15 million). Georgia requested 3 million gowns from the Federal Emergency Management Agency, but had only received about 200,000 as of mid-May.<sup>23</sup> For many states, securing the right PPE requires them to consider entering into state compacts.<sup>24</sup> This would signal to the reputable manufacturers in the supply chain that there will be sufficient business to justify the cost of ramping up production and keeping costs low.

According to a recent report by ProPublica, the scarcity of masks and other PPE has created an unregulated and chaotic market that pits states against one another in bidding wars—which also inevitably

<sup>21</sup> Includes American Samoa, the District of Columbia, Guam, Northern Marianas, Puerto Rico, and the U.S. Virgin Islands.

<sup>22</sup> Pricilla Alvarez and Kristen Holmes, Supply shortages remain a top concern as states move towards reopening, <https://www.cnn.com/2020/05/07/politics/state-ppe-shortages/index.html>.

<sup>23</sup> Pricilla Alvarez and Kristen Holmes, Supply shortages remain a top concern as states move towards reopening, <https://www.cnn.com/2020/05/07/politics/state-ppe-shortages/index.html>.

<sup>24</sup> Harvard Safra Center, PANDEMIC RESILIENCE: GETTING IT DONE MAY 12, 2020, A Supplement to the Roadmap to Pandemic Resilience, [https://ethics.harvard.edu/files/center-for-ethics/files/roadmap-supplement\\_final\\_1.pdf](https://ethics.harvard.edu/files/center-for-ethics/files/roadmap-supplement_final_1.pdf).

drives up costs.<sup>25</sup> Both federal and state contracts with untested companies have resulted in payments “as much as six times the manufacturer’s list price.”<sup>26</sup> This not only exacerbates the growing deficits states and counties face as we edge closer to November elections; it also creates significant opportunity for fraud.

In a letter to Vice President Mike Pence in late April, Senator Charles Grassley (R-IA) expressed grave concerns about individuals and corporations “taking advantage of the COVID-19 pandemic by engaging in fraud or selling counterfeit and faulty personal protective equipment (PPE) to hospitals and other healthcare providers.”<sup>27</sup> In the letter, Senator Grassley highlights the 130 investigations opened by the U.S. Immigration and Customs Enforcement, which led to the seizure of \$3 million in illicit proceeds and the interruption of over 225 shipments of “mislabeled, fraudulent, or counterfeit PPE and COVID-19 testing kits.”<sup>28</sup>

It is difficult for the federal government, states, and counties to procure PPE and other necessary medical and sanitation supplies. But providing adequate funding to states so that they can purchase from reputable manufacturers is the first step towards helping individuals participate in elections, and in ensuring worker safety. Funding for the states will also allow authorities to focus on cracking down on worldwide fraud.

***Delay 20-day reporting requirement for states and extend the obligation date***

For many states reporting and expenditure requirements developed by EAC for CARES Act disbursements are unnecessarily arduous. On April 2, 2020, the same National Association of Secretaries of State (NASS) authored a letter to the House Committee on Administration, indicating concerns about asking states to report on expenditures no later than 20 days after each federal election in 2020. As noted by NASS, “ Elections do not end on Election Day. Processes like signature verification, tabulating votes,

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<sup>25</sup> Propublica, The Secret, Absurd World of Coronavirus Mask Traders and Middlemen Trying to Get Rich off Government Money, June 1, 2020, <https://www.healthleadersmedia.com/innovation/secret-absurd-world-coronavirus-mask-traders-and-middlemen-trying-get-rich-government>.

<sup>26</sup> Propublica, The Secret, Absurd World of Coronavirus Mask Traders and Middlemen Trying to Get Rich off Government Money, June 1, 2020, <https://www.healthleadersmedia.com/innovation/secret-absurd-world-coronavirus-mask-traders-and-middlemen-trying-get-rich-government>.

<sup>27</sup> Letter to Vice President Mike Pence from Senate Finance Committee Chairman Senator Charles E. Grassley, [https://www.finance.senate.gov/imo/media/doc/2020-04-22%20CEG%20to%20VP%20Pence%20\(fraud,%20faulty%20or%20fake%20PPE\).pdf](https://www.finance.senate.gov/imo/media/doc/2020-04-22%20CEG%20to%20VP%20Pence%20(fraud,%20faulty%20or%20fake%20PPE).pdf).

<sup>28</sup> Press Release, ICE HSI launches Operation Stolen Promise (April 15, 2020), <https://www.ice.gov/news/releases/ice-hsi-launches-operation-stolen-promise>.

determining provisional ballot qualifications, canvassing, preparing for the electoral college, certifying and auditing the election can take election officials days, weeks and sometimes months to complete.”<sup>29</sup>

Compiling reports to the EAC within the short designated timeframe is a recipe for incomplete analysis or noncompliance. As Ranking Member Davis highlighted in the April 6, 2020 letter to this Committee and Chairperson Lofgren, election administration procedures now extend long after Election Day, and there should be flexibility provided on this reporting requirement.<sup>30</sup> Therefore, we concur with NASS and Ranking Member Davis in recommending that the EAC reporting requirement be moved, and propose a June 1, 2020 deadline for all federal elections to ensure complete and accurate reporting.

As equally troublesome is the requirement that states obligate or spend all CARES Act funding by December 31, 2020. Again, as highlighted by NASS, this deadline is complicated by the adjournment of legislatures and other appropriations restraints. By extending the reporting deadline to June 1, 2021, and allowing states to reimburse any costs incurred in administration of the elections through March 1, 2021, these measures will help ensure comprehensive reporting on total expenditures.

### ***Support measures to end ballot harvesting***

The federal government must step in to ensure that elections are free from discrimination, intimidation, and fraud, but it is critical to differentiate rumors about widespread voter suppression, intimidation, fraud, and illegality from facts about real election security threats.

Sensationalist claims are circulating about the potential for “rigged” elections in November, which dangerously undermines our electoral integrity and the basis of our democracy. In reality, many studies conclude that impersonation fraud by voters, and fraud at the polls, rarely happen.<sup>31</sup> In fact, in the review by Kansas Secretary of State Kris Kobach of 84 million votes cast across 22 states, he found just 14 instances of fraud referred for prosecution, which amounts to a 0.0000017 percent fraud rate.<sup>32</sup> The

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<sup>29</sup> National Association of Secretaries of State, Letter to the House Committee on Administration, <https://republicans-cha.house.gov/sites/republicans.cha.house.gov/files/documents/4.2.20%20NASS%20CARES%20Funding%20Letter%20to%20House%20Admin%5B4%5D.pdf>.

<sup>30</sup> Letter to the Committee on House Administration from Ranking Member Rodney Davis, [https://republicans-cha.house.gov/sites/republicans.cha.house.gov/files/documents/Letter%20to%20Chairperson%20Lofgren%20from%20Ranking%20Member%3B%20NASS\\_0.pdf](https://republicans-cha.house.gov/sites/republicans.cha.house.gov/files/documents/Letter%20to%20Chairperson%20Lofgren%20from%20Ranking%20Member%3B%20NASS_0.pdf).

<sup>31</sup> Brennan Center, Debunking the Voter Fraud Myth, [https://www.brennancenter.org/sites/default/files/analysis/Briefing\\_Memo\\_Debunking\\_Voter\\_Fraud\\_Myth.pdf](https://www.brennancenter.org/sites/default/files/analysis/Briefing_Memo_Debunking_Voter_Fraud_Myth.pdf).

<sup>32</sup> Brennan Center, Debunking the Voter Fraud Myth, [https://www.brennancenter.org/sites/default/files/analysis/Briefing\\_Memo\\_Debunking\\_Voter\\_Fraud\\_Myth.pdf](https://www.brennancenter.org/sites/default/files/analysis/Briefing_Memo_Debunking_Voter_Fraud_Myth.pdf).

differential risk associated with potential fraud associated with absentee voting during this national emergency is significantly lower than the risk of contracting the coronavirus while voting in-person—particularly for high-risk individuals.

Nonetheless, when there is clear evidence that federal action can ensure safe and secure elections in a specific way, it is the responsibility of federal and state governments to ensure that elections are conducted with integrity. The threat of ballot harvesting creates significant vulnerabilities in the chain-of-custody of ballots because individuals collecting ballots are not required to identify themselves at a voter’s home, and there is often no state infrastructure that tracks who collects ballots and where they go. Ensuring protection against ballot harvesting should be an important federal priority. As recently reported to this committee:

In 2018, North Carolina’s 9th Congressional election was overturned because of practices of ballot harvesting. In the days after the election for the North Carolina’s 9th Congressional District, affidavits were submitted by voters and by individuals who worked for McRae Dowless, a political consultant to the Republican candidate. One voter attested that she handed her signed absentee ballot over to Dowless but left her ballot blank. One individual hired by Dowless to pick up ballots testified that she was instructed to pick up ballots and deliver them to Dowless’s office, where he allegedly had stacks of absentee ballots on his desk. Additionally, an analysis of absentee ballots received over the course of the election concluded that the rate of unreturned absentee ballots was “significantly irregular,” probably affecting the outcome of the election. Ultimately, the North Carolina State Board of Elections declined to certify the result of North Carolina’s 9th Congressional election “in light of claims of numerous irregularities and concerted fraudulent activities related to absentee by-mail ballots and potentially other matters,” and ordered a new election be held. The ballot harvesting ban in North Carolina played a key role in catching election fraud and the state passed a law to strengthen protections against its practice.<sup>33</sup>

Absent a prohibition on ballot harvesting like that in North Carolina, the possibility of undue influence presents a real threat to our democracy. States must ensure that all election officials are authorized by law to engage in official duties, and that any individuals allowed to collect and transmit United States ballots are permitted to do so by law. To ensure that individuals of all abilities can vote, it is as equally imperative that states ensure that family members and household members are authorized to collect

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<sup>33</sup> Committee on House Administration, Ranking Member Davis, Committee Republicans’ Report Highlights How Ballot Harvesting is Ripe for Voter Fraud & Abuse, <https://republicans-cha.house.gov/sites/republicans.cha.house.gov/files/documents/California%20Report%20Summary.pdf>.

ballots and submit them safely. This also applies to medical and workers in nursing care institutions, hospice facilities, assisted living centers, assisted living facilities, assisted living homes, residential care institutions, adult day health care facilities, or adult foster care homes.<sup>34</sup>

Making states aware of the threats to democracy associated with ballot harvesting and making practical exceptions that allow trusted family and household members to assist those in voting is critical to preserving the integrity of our elections.

### **Providing for Creative Solutions**

At Niskanen, we don't see a one-size-fits-all solution for election security in every state. Still, we do see the need for responsive guidelines that take seriously the risks associated with elections during a pandemic, in particular the likelihood that we may have far fewer volunteers to work at polling places in our primaries and in the November election.

#### ***Create a new program that funds university and college students to work to prepare for and administer elections***

One of the most urgent threats to a safe and secure election is the availability of poll workers to work leading up to and on election day. Given the average age of poll workers, most are high-risk for severe complications resulting from contracting COVID-19. In addition to providing quality protective gear, it would also be prudent to stand up a grant program that incentivizes college-age individuals and students to participate in election administration and, specifically, to work polls across America on election day.

College-age students are significantly less likely to experience severe complications as a result of contracting COVID-19. Currently, the relative risk of dying from COVID-19 for individuals ages 15-24 is 0.55 (deaths per 100,000 population), whereas the risk jumps to 2.24 for individuals 45-54; 2.09 for individuals ages 55-64; and 2.13 for individuals between the ages of 65-74.<sup>35</sup> To minimize health risks associated with voting in person and working in election administration, it makes sense to utilize the populations that are least likely to develop severe complications: healthy, low-risk, college-age students. And for many in that age demographic, payment for the work is becoming increasingly necessary.

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<sup>34</sup> Election Fraud Prevention Act, 116th Congress, 2D Session, <https://republicans-cha.house.gov/sites/republicans.cha.house.gov/files/documents/HR%206882.pdf>.

<sup>35</sup> Centers for Disease Control, cited by Justin Fox, Coronavirus Deaths by Age: How It's Like (and Not Like) Other Disease, Bloomberg, May 7, 2020, <https://www.bloomberg.com/opinion/articles/2020-05-07/comparing-coronavirus-deaths-by-age-with-flu-driving-fatalities>.

To ease the financial hardship many Americans are currently experiencing, the CARES Act provided for economic impact payments to most individuals making less than \$75,000 per year. Parents with children 16 and under are also eligible for an additional \$500 per child, leaving “children” still claimed as dependents on their parents’ tax return (aged 17 to 24) ineligible for stimulus funds.

Of the 16.9 million students enrolled in colleges and universities across America, COVID-19 presents a unique challenge. Many students are in debt, and rely on work programs on campus or temporary summer jobs to supplement the cost of future classes, having a car, and paying interest on student loans.<sup>36</sup> High unemployment, the loss of campus jobs due to school closures, and ineligibility for stimulus funds have put college age students in positions of significant financial hardship.

Legislation that offers temporary grants to college-age individuals to facilitate nationwide availability of election assistance for primary and general elections is a smart, temporary way to ensure that Americans can participate safely in in-person voting if they choose. It would also provide financial assistance to struggling co-eds, and encourage civic engagement across the spectrum. We strongly urge the committee to consider this proposition.

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<sup>36</sup> Hao Liu, Most college students won’t get stimulus checks-but they should. May 5, 2020. <https://fortune.com/2020/05/05/stimulus-checks-college-students-debt/>.

State	Federal Share	State Share 20%	Total Award	Request Letter
Alabama	6,498,674	1,299,734	7,798,408	<a href="#">Funds Request</a>
Alaska	3,000,000	600,000	3,600,000	<a href="#">Funds Request</a>
American Samoa	600,000	n/a	600,000	<a href="#">Funds Request</a>
Arizona	7,874,848	1,574,970	9,449,818	<a href="#">Funds Request</a>
Arkansas	4,719,034	943,807	5,662,841	<a href="#">Funds Request</a>
California	36,485,465	7,297,093	43,782,558	<a href="#">Funds Request</a>
Colorado	6,691,472	1,338,294	8,029,766	<a href="#">Funds Request</a>
Connecticut	5,400,677	1,080,135	6,480,812	<a href="#">Funds Request</a>
Delaware	3,000,000	600,000	3,600,000	<a href="#">Funds Request</a>
District of Columbia	3,000,000	600,000	3,600,000	<a href="#">Funds Request</a>
Florida	20,253,853	4,050,771	24,304,624	<a href="#">Fund Request</a>
Georgia	10,875,912	2,175,183	13,051,095	<a href="#">Funds Request</a>
Guam	600,000	n/a	600,000	<a href="#">Funds Request</a>
Hawaii	3,303,101	660,619	3,963,720	<a href="#">Funds Request</a>
Idaho	3,404,276	680,856	4,085,132	<a href="#">Funds Request</a>
Illinois	13,966,097	2,793,220	16,759,317	<a href="#">Fund Request</a>
Indiana	8,013,610	1,602,722	9,616,332	<a href="#">Fund Request</a>
Iowa	4,859,545	971,909	5,831,454	<a href="#">Funds Request</a>
Kansas	4,622,500	924,500	5,547,000	<a href="#">Funds Request</a>
Kentucky	6,090,061	1,218,012	7,308,073	<a href="#">Funds Request</a>
Louisiana	6,212,616	1,242,523	7,455,139	<a href="#">Funds Request</a>
Maine	3,299,827	659,965	3,959,792	<a href="#">Funds Request</a>
Maryland	7,452,501	1,490,500	8,943,001	<a href="#">Funds Request</a>
Massachusetts	8,325,918	1,665,183	9,991,101	<a href="#">Funds Request</a>
Michigan	11,299,561	2,259,913	13,559,474	<a href="#">Funds Request</a>
Minnesota	6,958,233	1,391,647	8,349,880	<a href="#">Funds Request</a>
Mississippi	4,728,037	945,608	5,673,645	<a href="#">Funds Request</a>
Missouri	7,628,763	1,525,753	9,154,516	<a href="#">Funds Request</a>
Montana	3,000,000	600,000	3,600,000	<a href="#">Funds Request</a>
Nebraska	3,686,252	737,250	4,423,502	<a href="#">Funds Request</a>
Nevada	4,510,707	902,141	5,412,848	<a href="#">Funds Request</a>
New Hampshire	3,269,494	653,898	3,923,392	<a href="#">Funds Request</a>
New Jersey	10,296,913	2,059,383	12,356,296	<a href="#">Funds Request</a>
New Mexico	3,900,113	780,022	4,680,135	<a href="#">Funds Request</a>
New York	20,567,088	4,113,417	24,680,505	<a href="#">Funds Request</a>
North Carolina	10,947,139	2,189,428	13,136,567	<a href="#">Funds Request</a>
North Dakota	3,000,000	600,000	3,600,000	<a href="#">Funds Request</a>
Marianas	600,000	n/a	600,000	<a href="#">Funds Request</a>
Ohio	12,861,311	2,572,262	15,433,573	<a href="#">Funds Request</a>
Oklahoma	5,480,361	1,096,072	6,576,433	<a href="#">Funds Request</a>

State	Federal Share	State Share 20%	Total Award	Request Letter
Oregon	5,656,663	1,131,332	6,787,995	<a href="#"><u>Funds Request</u></a>
Pennsylvania	14,233,603	2,844,721	17,068,324	<a href="#"><u>Funds Request</u></a>
Puerto Rico	3,881,359	776,272	4,657,631	<a href="#"><u>Funds Request</u></a>
Rhode Island	3,022,037	604,408	3,626,445	<a href="#"><u>Funds Request</u></a>
South Carolina	6,372,386	1,274,478	7,646,864	<a href="#"><u>Funds Request</u></a>
South Dakota	3,000,000	600,000	3,600,000	<a href="#"><u>Funds Request</u></a>
Tennessee	7,982,281	1,596,457	9,578,738	<a href="#"><u>Funds Request</u></a>
Texas	24,546,840	4,909,368	29,456,208	<a href="#"><u>Funds Request</u></a>
Islands	600,000	n/a	600,000	<a href="#"><u>Funds Request</u></a>
Utah	4,334,714	866,942	5,201,656	<a href="#"><u>Funds Request</u></a>
Vermont	3,000,000	600,000	3,600,000	<a href="#"><u>Funds Request</u></a>
Virginia	9,582,344	1,916,468	11,498,812	<a href="#"><u>Funds Request</u></a>
Washington	8,343,778	1,668,755	10,012,533	<a href="#"><u>Funds Request</u></a>
West Virginia	3,807,691	761,538	4,569,229	<a href="#"><u>Funds Request</u></a>
Wisconsin	7,362,345	1,472,469	8,834,814	<a href="#"><u>Fund Request</u></a>
Wyoming	3,000,000	600,000	3,600,000	<a href="#"><u>Funds Request</u></a>