



March 26, 2020

Dear Governor Murphy and Secretary of State Way:

Thank you for your leadership during this difficult time. We are fortunate that many of New Jersey's voting practices, such as no excuse absentee voting, have made it easier to ready ourselves for successful elections during this public health crisis. In addition, other recently enacted reforms have moved New Jersey toward more modern and secure elections, enabling us to take advantage of several tools to help better serve New Jersey voters.

As we address our elections, it is paramount to prioritize health and safety, while also ensuring a thriving participatory democracy. Voting must be categorized as an "essential service" and voters must have multiple options for accessing the ballot during this crisis.

We are most concerned with communities, such as communities of color and the disability community, that historically face obstacles to the ballot.

Please find below recommendations to safeguard against disenfranchisement of voters, without posing undue risks to public health and safety.

These recommendations apply to the June primary election, with the possibility of application to the November General Election, and any special election between June and November.

**Voter Registration:**

We face several challenges to voter registration. Traditionally, many voters rely on in-person registration opportunities through social service agencies, government interactions, voter registration drives, libraries, etc, or they rely on the automatic voter registration process through interactions with the Motor Vehicle Commission. These are not currently viable options, and many voters do not have the ability to print and mail paper voter registration forms.

- While we understand it will be difficult to have **online voter registration** available in time for the June primary election, we must dedicate additional resources to having the system ready as soon as possible.
- There must be expanded opportunities for people to register to vote, including **relaxing voter registration deadlines and permitting election day voter registration.**

### **Vote-by-Mail:**

Vote-by-Mail is preferred and should be encouraged. However, it must be easy to obtain and cast a ballot and we must minimize the risk of ballots being rejected.

- **All voters should have ballots mailed to them**, with clear instructions on how to properly fill out their ballot, how to cast it, how to obtain a replacement ballot, and where they can get help with questions.
- All vote-by-mail return envelopes should have **pre-paid postage.**
- Ballot and accompanying material should be sent **in all relevant languages**, as required by the Voting Rights Act.
- Options to request replacement and return vote-by-mail ballots early in-person should be maintained but should follow the same **CDC protocols outlined for polling places** to ensure the safety of the public and election officials.
- **Tracking procedures** for voters to track their mail-in ballots--as well as find out if it was counted, and if it was rejected, why it was rejected--should be clearly communicated and easily accessible.
- Voters should have **easy online access** to view if they are on a list to automatically receive vote-by-mail ballots for future elections.

### **Polling Place Recommendations:**

We must encourage people who can vote by mail to vote by mail. At the same time, every effort must be made to **maintain in-person voting opportunities to ensure all voters have equal opportunities to cast a ballot.** Vote-by-Mail is not an equitable solution for all, including voters with certain disabilities, voters that need language assistance, people without mail access including more transient populations, voters that need to cast provisional ballots, voters displaced from their homes because of the coronavirus, or voters that need other additional assistance casting a ballot. Simply put, certain voters will be disfranchised in an all vote-by-mail system if in-person voting options aren't also made available.

Our recommendations balance public health concerns with encouraging a robust democracy:

- Polling places and equipment must be adequately sanitized and follow the guidance issued by the Centers for Disease Control and Prevention (CDC). Polling places should be set up to maintain “social distancing” protocols. Poll workers should be trained in CDC recommendations to ensure their safety as well as the safety of voters.
- Polling place location changes that might be necessary to protect vulnerable populations should be determined as early as possible, be ADA compliant, and be

located in areas that are easily accessible to historically marginalized communities. Polling place changes must be clearly communicated to the public. The number of available polling places should remain the same to prevent crowding and lines at any polling place.

- Polling places should prepare for the casting of a large number of provisional ballots.

#### **Voter Education and Combating Misinformation:**

- **Early, consistent, and clear communication** must be prioritized as these necessary changes are implemented. Election officials must combat voter confusion and disinformation.
- The Secretary of State's **Division of Elections website, like the Department of Health's website, should have clear, accessible information**, and as we get closer to Election Day, should be updated regularly.

#### **Voter Protection:**

- While we hope these recommendations prevent disenfranchisement as much as possible, we still anticipate that voters will need access to Election Day judges in order to argue for their voting rights. **Election Day judges must be available** to determine eligibility.

We understand that there are no easy decisions. Every decision made during these trying times comes with repercussions and we thank you for your leadership in making these tough calls. But it is precisely during times of crisis that we most need to lean on our collective resolve to ensure a healthy and reliable democracy. It is possible to maintain secure, accessible, and fair elections, while protecting the public and not risking disenfranchisement. Our citizens need to have faith that their voices are heard, now more than ever, and we must do everything in our power to protect the sacred institution of voting. We look forward to working closely with election officials to ensure voting remains accessible to all.

Sincerely,

American Civil Liberties Union of New Jersey

League of Women Voters of New Jersey

New Jersey Institute For Social Justice