



# CORONAVIRUS

# EXPLAINER

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## Protecting Democracy and Advancing Vote at Home in the Face of the COVID-19 Pandemic

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### Context

#### ***When Voting Becomes a Public Health Risk***

The COVID-19 pandemic has upended every aspect of American public life, including elections. The lines and crowds associated with polling places are now an unacceptable health risk. Thousands of hands touching papers and pencils, poll books, and electronic voting machines are potential vectors to spread the disease. Masks, handwashing stations, and sanitizing can reduce, but not eliminate, the risks.

Many voters are at especially high risk. In November 2020, nearly a quarter of the electorate will be 65 or older, and most of the poll workers volunteering at polling places are over 60.<sup>1</sup> Older voters, along with Black, Latinx, and Indigenous populations, face the gravest risks of severe illness or death from the novel coronavirus.

States have responded to this situation in very different ways. The Republican-controlled State Supreme Court of Wisconsin required that in-person voting proceed in closely contested primary elections, despite the fact that absentee ballots were not mailed to many who requested them. Thousands of Wisconsin voters waited in crowded lines for hours to vote in the primary elections — forced to choose between exercising their right to participate in their democracy, and risking their lives and the lives of their loved one. In contrast, California and other parts of the country have chosen another path, by proactively expanding Vote at Home and sending voter registration and ballots to all eligible citizens of voting age.

#### ***Popular Support for Vote at Home***

Vote at Home is remarkably popular in the United States, and its popularity has only grown in the face of the coronavirus. As of May 2020, 64% of Americans support voting by mail, or universal, no-excuse absentee voting (83% support among registered Democrats, 68% support among independents, and 40% of registered Republicans).<sup>2</sup>

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<sup>1</sup> Anthony Cilluffo and Richard Fry, “An early look at the 2020 electorate,” Pew Social Trends, January 30, 2019. <https://www.pewsocialtrends.org/essay/an-early-look-at-the-2020-electorate/>

<sup>2</sup> Mohamed Younnis, “Most Americans Favor Voting by Mail as Option in November,” May 12, 2020. <https://news.gallup.com/poll/310586/americans-favor-voting-mail-option-november.aspx>

Among the youngest voters, ages 18-29, support is overwhelming at 73%, flying in the face of suspicions that young people don't know how to use the mail. Furthermore, according to Gallup, unregistered voters, those least likely to participate in elections, overwhelmingly support the opportunity to vote at home, at an approval rate of 75%. So, even outside the context of the pandemic, universal Vote at Home offers a unique opportunity to expand the electorate and make the voting process more accessible to all eligible American citizens.

Despite the overall popularity of Vote at Home, and despite some GOP governors furthering Vote at Home practices, Republicans at the national level have fought the expansion of the practice. On April 8, 2020, President Donald Trump tweeted, "Republicans should fight very hard when it comes to statewide mail-in voting. Democrats are clamoring for it. Tremendous potential for voter fraud, and for whatever reason, doesn't work out well for Republicans."<sup>3</sup>

### ***The Threat to the U.S. Postal Service***

Voting from home requires reliable postal service that reaches every American. But the U.S. Postal Service is facing a fiscal crisis. Demand for mail has plunged during the economic slowdown while package delivery demands have temporarily skyrocketed. Total revenue shortfalls due to COVID-19 could reach as much as \$13 billion.

What's more, unlike any private sector firm, the Postal Service is obligated by the 2006 Postal Accountability and Enhancement Act (PAEA) to pre-fund the pension and retirement accounts of its employees as far out as 75 years, a \$72 billion burden placed on an institution that would otherwise operate in the black on an annual basis.<sup>4</sup>

For years, conservatives in the Congress advocated for service cuts, pay freezes, and even privatization of the USPS. The set of impossible fiscal demands imposed by the PAEA has now put the USPS in a bottleneck in the face of the pandemic, and it predicts insolvency as soon as summer 2020 if it does not receive an infusion of coronavirus stimulus funds.

The USPS was specifically excluded from any direct funding support during the CARES Act legislation in March 2020, other than Treasury Department loans, which are reportedly being used as leverage to force unpopular cuts in service and price hikes at USPS.<sup>5</sup> Senate Majority Leader Mitch McConnell initially indicated unwillingness to include support for the USPS in the next coronavirus package. President Trump threatened to veto any further aid to the USPS unless it quadruples its rates for delivering the packages that people rely on during the coronavirus lockdowns.

The postal workers delivering our mail, prescription medications, ballots, and packages are at the front lines of the pandemic. Allowing the USPS to go bankrupt during a deadly pandemic

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<sup>3</sup> Donald Trump, Twitter.com, April 8, 2020.

<https://twitter.com/realDonaldTrump/status/1247861952736526336>

<sup>4</sup> Sarah Anderson, Scott Klinger, Brian Wakamo, "How Congress Manufactured a Postal Crisis — And How to Fix it," Institute for Policy Studies, July 15, 2019.

<https://ips-dc.org/how-congress-manufactured-a-postal-crisis-and-how-to-fix-it/>

<sup>5</sup> Jacob Bogage and Lisa Rein, "Trump administration considers leveraging emergency coronavirus loan to force Postal Service changes," *Washington Post*, April 23, 2020.

<https://www.washingtonpost.com/business/2020/04/23/10-billion-treasury-loan-usps/>

would represent a grave threat to our democracy, and would undermine our ability to receive mail ballots and vote safely at home.<sup>6</sup>

## Sample Actions at the State Level: Positive Steps and Backsliding

The National Vote at Home Institute (NVAHI), led by a distinguished group of former elected officials, democracy reform advocates, and election officials, produced a fifty state **Analysis of Existing Vote at Home State Policy and Urgent Policy Changes Needed to Support Safe Voting in 2020**.<sup>7</sup> An increasing number of states are expanding Vote at Home as the standard; others are showing a degree of flexibility on expanding no-excuse vote by mail. However, some state legislatures and judiciaries have specifically rejected the expansion of Vote at Home in the face of the COVID-19 pandemic. Frequently these rejections are on the basis of purported risks of voter fraud, but some officials have been more transparent about their partisan agenda in reducing participation among voters, particularly among Black, Latinx, and Indigenous populations, while supporting vote at home from Republican-leaning demographic groups.<sup>8</sup>

The “gold standard” of Vote at Home, according to NVAHI, includes a comprehensive suite of over 30 policy reforms in election infrastructure, mail ballot design and requests, mail ballot processing, and options for in-person and accessible voting.<sup>9</sup> On this basis, NVAHI issued scores in May 2020 from one to five stars for improving voter access and secure universal Vote at Home. While no state has achieved these reforms in their totality, six states now receive five star ratings. There is clear momentum in this direction, which has been accelerated by the urgency of the pandemic.

### **Advancing Vote at Home**

Several U.S. states and territories have taken clear, demonstrable steps toward advancing Vote at Home as the standard, both as a response to the COVID-19 pandemic and as a broader mechanism to support higher rates of voter participation in elections.

Oregon, Washington, Colorado: Western states have long been at the forefront of universal Vote at Home. Voting at home, with postage-paid mailing envelopes or drop-off of ballots, became the standard in the Pacific Northwest in the early 2000s. Oregon has twenty years of experience in this practice, and the State of Washington nearly as much. Colorado began mailing ballots to all voters' homes in 2013, with the option to mail their ballot, drop off at one of hundreds of secure locations, or vote in person, and has recorded strong rates of voter participation as well as high voter satisfaction in the process.<sup>10</sup> During Super Tuesday

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<sup>6</sup> American Postal Workers Union, “Statement from President Dimondstein: Postal Workers in a Time of Crisis,” March 25, 2020.

<https://www.apwu.org/press-release/statement-president-dimondstein-postal-workers-time-crisis>

<sup>7</sup> National Vote at Home Institute (NVAHI), *ibid*.

<sup>8</sup> Amy Gardner and Elise Viebeck, “GOP pushes voting by mail — with restrictions — while Trump attacks it as ‘corrupt,’” *Washington Post*, April 13, 2020.

[https://www.washingtonpost.com/politics/gop-pushes-voting-by-mail-with-restrictions-as-trump-attacks-it-as-corrupt/2020/04/12/526057a4-7bf8-11ea-a130-df573469f094\\_story.html](https://www.washingtonpost.com/politics/gop-pushes-voting-by-mail-with-restrictions-as-trump-attacks-it-as-corrupt/2020/04/12/526057a4-7bf8-11ea-a130-df573469f094_story.html)

<sup>9</sup> National Vote at Home Institute (NVAHI), *Vote at Home Policy Actions: COVID-19 Response*, May 2020. <https://www.voteathome.org/wp-content/uploads/2020/05/NVAHI-50-State-Policy-Analysis.pdf>

<sup>10</sup> John Hickenlooper, “We’ve been voting at home for six years in Colorado. It’s time to do it nationally.” *Washington Post*, April 8, 2020.

primaries, Washington was able to conduct election with record turnout and high rates of voter participation even while at the center of the COVID-19 pandemic.

These states were already well positioned to encourage safe voter participation in advance of the pandemic. The National Vote at Home Institute (NVAHI) identifies these state systems as exemplars of a voter-centric model that increases turnout, security, accessibility, and voter confidence, while decreasing costs and the likelihood of spreading disease.<sup>11</sup> All three states, along with Hawaii and Utah, have five-star ratings from the NVAHI, although each has areas for potential improvement around voter access, election security practices, or both.

California: In May 2020, Governor Gavin Newsom enacted Executive Order N-64-20, and California became the first state in the union to announce that it was mailing a November 2020 ballot to every registered voter in the state, to be completed at home and mailed in (prepaid postage) or dropped off at a secure ballot location, in response to the pandemic.<sup>12</sup> The state will continue to offer polling places and vote centers for people who prefer that option, those who have misplaced their mailed ballot, or those who wish to register and vote at the same time.<sup>13</sup> The Executive Order specifically calls for efforts to include the full participation of voters with disabilities, non-English speakers, individuals experiencing homelessness, and others who prefer not to vote at home. The state expects a wide majority of voters to use the mailing or drop-off options, while voters who prefer or need to vote in person will still have those options. .

California also has a five-star rating from the National Vote at Home Institute.

### ***Taking Steps, but Not Committed to Vote at Home***

Many states have made it easier to vote, by broadening permissions for absentee voting or facilitating vote at home for those who request it, but have not committed to universal vote at home with necessary protections, such as postage-paid envelopes, drop-off locations, and extended deadlines for mailed ballots.

New Jersey and Connecticut: The Northeast has traditionally lagged far behind the West in Vote at Home provisions. On May 15, 2020, New Jersey Governor Phil Murphy announced that the July 7 primaries would be held largely by mail. Registered Republicans and Democrats will receive a mail-in ballot with prepaid postage; unaffiliated or inactive voters will get an application to apply for mail-in ballots.<sup>14</sup> Connecticut Governor Ned Lamont signed an executive order allowing all registered voters in Connecticut to vote absentee in the August 11, 2020 primary elections, but will require voters to fill out and submit a postage-paid application to obtain an absentee ballot. All voters who request an absentee ballot will

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<https://www.washingtonpost.com/opinions/2020/04/08/my-state-has-proved-vote-at-home-works-we-need-do-it-nationally/>

<sup>11</sup> NVAHI, *ibid.*

<sup>12</sup> Governor Gavin Newsom, Executive Order N-64-20, May 8, 2020, <https://www.gov.ca.gov/wp-content/uploads/2020/05/05.08.2020-EO-N-64-20-signed.pdf>

<sup>13</sup> California Secretary of State, "Vote By Mail: COVID-19 Update," <https://www.sos.ca.gov/elections/voter-registration/vote-mail/>

<sup>14</sup> Brent Johnson, "N.J.'s July 7 primary election will be mostly vote-by-mail during coronavirus pandemic, Murphy says," NJ.com, March 15, 2020. <https://www.nj.com/coronavirus/2020/05/njs-july-7-primary-election-will-be-mostly-vote-by-mail-during-coronavirus-pandemic-murphy-says.html>

receive the ballots and a postage-paid return envelope.<sup>15</sup> Neither New Jersey nor Connecticut have yet made permanent steps to expand no-excuse vote-by-mail, and policies for the November 2020 general election are unclear. Both states have a long way to go. The NVAHI scorecard gives New Jersey three stars out of five, and Connecticut just one out of five stars.

Indiana: Like many states, Indiana required an approved excuse for absentee or vote-by-mail. In the face of the pandemic, Indiana and other states have allowed no-excuse vote-by-mail for the 2020 election, but have not made a long-term commitment to universal Vote at Home. The National Vote at Home Institute gives Indiana, along with 22 other states and territories, two stars out of five, since the underlying infrastructure to support secure and accessible, universal Vote at Home has not been established. As more voters demand absentee ballots, the absence of these policy innovations jeopardizes safe, secure, and accessible elections. Furthermore, some states may not renew or extend their temporary “no excuse” requirements for absentee ballots beyond 2020, and could backslide following the pandemic.

Michigan, Nevada, and others: Responding to the COVID-19 pandemic, the Secretaries of State of Michigan, Nevada, and other states have proactively mailed out the application forms to all eligible voters to request ballots for voting by mail.<sup>16</sup> On May 20, 2020, President Trump tweeted angrily, “Breaking: Michigan sends absentee ballots to 7.7 million people ahead of Primaries and the General Election. This was done illegally and without authorization by a rogue Secretary of State. I will ask to hold up funding to Michigan if they want to go down this Voter Fraud path!”<sup>17</sup> The tweet misidentified the steps taken by these states. Rather than mailing ballots, as in a full Vote at Home system, the Secretaries of State and other officials mailed out application forms. These two swing states with Democratic leadership, Michigan and Nevada, were not alone: a number of states with GOP governors are also mailing out applications for absentee ballots. But Trump specifically threatened to withhold federal funds to those states. Michigan Secretary of State Jocelyn Benson tweeted in response, “We sent applications, not ballots. Just like my GOP colleagues in Iowa, Georgia, Nebraska and West Virginia”<sup>18</sup>. When Trump tweeted, “This was done illegally and without authorization by a rogue Secretary of State. I will ask to hold up funding to Michigan if they want to go down this Voter Fraud path!,”<sup>19</sup> Benson responded, “Every Michigan registered voter has a right to vote by mail. I have the authority & responsibility to make sure that they know how to exercise this right - just like my GOP colleagues are doing in GA, IA, NE and WV.”

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<sup>15</sup> Governor Ned Lamont, Executive Order 7QQ, Protection of Public Health and Safety During COVID-19 Pandemic and Response—Safe Voting During Statewide Primary. May 20, 2020. <https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7QQ.pdf>

<sup>16</sup> John Wagner, “Trump threatens funding for Michigan, Nevada over absentee, mail-in voting plans,” Washington Post, May 20, 2020. [https://www.washingtonpost.com/politics/trump-threatens-funding-for-michigan-nevada-over-absentee-mail-in-voting-plans/2020/05/20/2f86d078-9aa2-11ea-ac72-3841fcc9b35f\\_story.html](https://www.washingtonpost.com/politics/trump-threatens-funding-for-michigan-nevada-over-absentee-mail-in-voting-plans/2020/05/20/2f86d078-9aa2-11ea-ac72-3841fcc9b35f_story.html)

<sup>17</sup> Donald Trump, Twitter.com, May 20, 2020. <https://twitter.com/realdonaldtrump/status/1263074783673102337>

<sup>18</sup> Jocelyn Benson, Twitter.com, May 20, 2020. <https://twitter.com/JocelynBenson/status/1263089382690631680>

<sup>19</sup> Donald Trump, Twitter.com, May 20, 2020. <https://twitter.com/realdonaldtrump/status/1263170880298942464>

Regardless of the threat to withhold federal funding to Michigan and Nevada, these states and others are taking positive steps toward a Vote at Home standard. Proactively mailing application forms for absentee ballots still places the burden on the voter to request a ballot, and does not resolve all of the governance and infrastructure needs required by a full Vote at Home standard. Michigan receives three out of five stars from the NVAHI, and Nevada receives four out of five possible stars, on the basis of their voting protections and infrastructure to support safe, secure, accessible, and equitable elections.

### ***Placing Citizens at Risk***

Unfortunately, just as some states and territories have expanded Vote at Home, others have taken steps in the legislature or judiciary to restrict the expansion of Vote at Home, either by requiring a medical or other excuse for voting by mail (and excluding the coronavirus), or by forbidding the mailing of ballots or voter registration materials to citizens eligible to vote.

Currently ten states receive just a single star out of five possible stars from the National Vote at Home Institute on advancing universal Vote at Home. Shamefully, many states are blocking voter-friendly reforms, and others are considering steps like Voter ID requirements that would make voting more difficult in the face of the COVID-19 pandemic

Texas: The State of Texas generally allows absentee vote by mail, but only with an excuse for voters under the age of 65 — i.e., travel, military service, illness, pregnancy, etc. In early May 2020 the Supreme Court of Texas specifically excluded the fear of contracting the novel coronavirus as a legitimate excuse to vote at home.<sup>20</sup> This meant that otherwise healthy voters would be forced to choose between exposing themselves to the virus and foregoing their right to participate in their democracy. Days later, U.S. District Judge Fred Biery reversed that decision, and granted a preliminary injunction that would allow registered voters to apply to vote by mail during the coronavirus pandemic. He formally determined that the state's existing election rules violate the Equal Protection Clause.<sup>21</sup> The war of words continued with Lt. Governor Dan Patrick calling Vote at Home "a scam" and deeming it "laughable" that anyone under 65 would fear voting in person.<sup>22</sup> On May 27, the State Supreme Court reversed the earlier decision, siding with the Republican Attorney General that a fear of COVID-19 does not qualify as a disability that would justify mail-in voting, but determining that it is the voters' prerogative to assess their health and determine if they meet the state's definition of a "disability," which could allow them to vote by mail.<sup>23</sup>

Given the legal ambiguities and the high political stakes, it is certain that more legal battles will be launched between now and November 2020, causing indecision that ultimately

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<sup>20</sup> Alexa Ura, "Texas Supreme Court puts expansion of voting by mail on hold," *Texas Tribune*, May 15, 2020. <https://texastribune.org/2020/05/15/texas-voting-by-mail-coronavirus-blocked-supreme-court/>

<sup>21</sup> Alexa Ura, "Federal judge says all Texas voters can apply to vote by mail during pandemic," *Texas Tribune*, May 19, 2020.

<https://texastribune.org/2020/05/19/federal-judge-says-texas-voters-can-vote-mail-during-coronavirus/>

<sup>22</sup> Matthew Watkins, "'This is a scam': Lt. Gov. Dan Patrick calls it laughable for people under 65 to fear voting in person," *Texas Tribune*, May 22, 2020.

<https://www.texastribune.org/2020/05/22/texas-dan-patrick-voting-by-mail-coronavirus/>

<sup>23</sup> Alexa Ura, "Texas Supreme Court: Lack of immunity to coronavirus alone isn't enough for mail-in ballot," *Texas Tribune*, May 27, 2020.

<https://www.texastribune.org/2020/05/27/texas-vote-by-mail-coronavirus/>

harms voters. In the context of its long history of making voting difficult, and failing to ensure secure, reliable, accessible voting for all citizens, Texas receives only a single star in the NVAHI scorecard.

Wisconsin: In the primary elections held in April 2020, the State Supreme Court and Republican-led state legislature engaged in a protracted legal battle with Democratic Governor Tony Evers. Ultimately, the state was forced by the Court to hold in-person elections, despite the risk of transmission of the coronavirus. This came in the context of prior Republican-led attempts to purge voter rolls in dense, highly-Democratic areas in Milwaukee and Madison.<sup>24</sup> The confusion and chaos in the balloting surely contributed to the spread of the COVID-19 disease as many voters were forced to vote in person after earlier assuming they could vote absentee, and at least 52 election workers and voters tested positive following the elections.<sup>25</sup> The actual number of additional cases may be far higher. “According to the data, when the average number of votes per polling place in a county rose by 100, the county's rate of positive COVID-19 tests rose by about 3.4 percentage points in the two or three weeks after the primary. Meanwhile, each average increase of 10,000 absentee ballots cast led to a slight decrease in a given county's case count, though that decrease was estimated to be less than 1 percent.”<sup>26</sup> Thousands of ballots arrived by mail after Election Day, but were counted officially under the Supreme Court ruling. In subsequent weeks, the State Supreme Court overturned Governor Evers' “Stay at Home Order,” and restaurants and bars were opened against the guidance of public health officials. In the context of the chaotic election and pandemic response, and against the backdrop of gerrymandering and voter registration purges, “Wisconsin is starting to resemble a failed state,” according to *Current Affairs* editor Nathan Robinson.<sup>27</sup>

Wisconsin receives two out of five stars from the National Vote at Home Institute, largely due to pro-voter policies already on the books, like no-excuse absentee voting, online voter registration, and same-day voter registration, but the legal and political battles continue to create uncertainty that harms the voting public. .

## Federal Actions in the Coronavirus Response

As the extent of the effects of the coronavirus became clear, organizations defending democracy have been seeking solutions to facilitate and fund universal Vote at Home, and to overcome legislative and judicial barriers that prevent citizens from exercising their democratic rights. Congress provided modest support for elections in the CARES Act. The Heroes Act passed by the House in May 2020 would create federal standards and provide more robust support.

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<sup>24</sup> Scott Bauer, “Wisconsin appeals court puts voter rolls purge on hold,” Associated Press, January 14, 2020. <https://apnews.com/f3480dece25251ca878fb9a62299f073>

<sup>25</sup> Scott Bauer, “52 who worked or voted in Wisconsin election have COVID-19,” Associated Press, April 29, 2020. <https://abcnews.go.com/Health/wireStory/52-worked-voted-wisconsin-election-covid-19-70406317>

<sup>26</sup> Meghan Roos, “Wisconsin's In-Person Voting May Have Led to 'Large' Increase in Coronavirus Cases, Study Suggests,” *Newsweek*, May 18, 2020. <https://www.newsweek.com/wisconsins-person-voting-may-have-led-large-increase-coronavirus-cases-study-suggests-1504801>

<sup>27</sup> Nathan Robinson, “Wisconsin is starting to resemble a failed state,” *The Guardian*, May 19, 2020. <https://www.theguardian.com/commentisfree/2020/may/19/wisconsin-coronavirus-supreme-court-failed-state>

## **CARES Act**

In advance of the passage of the Coronavirus Aid, Relief, and Economic Security (CARES) Act (H.R. 748) on March 27, the progressive community argued for investments of up to \$4 billion to protect voting rights, safeguard the election system, and expand vote at home with universal, postage-paid ballots by mail. Even earlier, as closures and social distancing became the norm in early March, CPC Center Executive Director Liz Watson laid out the case for universal Vote at Home in an opinion piece in *The Hill*.<sup>28</sup>

In March, the U.S. Election Assistance Commission made \$425 million in FY 2020 allocations earmarked for state election security efforts available for election officials to use to adapt elections to the pandemic.<sup>29</sup> While this was a positive step, there is still a dire need in the majority of states to improve election security processes and technology.

The House version of the CARES Act (Taking Responsibility for Workers and Families Act) would have provided \$4 billion in funding, and imposed requirements on states on how to use the funds, including expanding early in-person voting and ensuring every voter had the ability to vote by mail.

The House proposal was significantly weakened in negotiations with the Senate and Administration. The \$2 trillion bill ultimately passed into law included only \$400 million in funding under the new Help America Vote Act (HAVA) emergency funds, made available to states to prevent the spread and respond to the coronavirus for the 2020 federal election cycle.<sup>30</sup> As part of requirements demanded by the Republican Senate, states and territories are required to make a 20 percent match to secure their portion of the funds, within two years of receiving the funds, and must specifically request their allocation of resources, “solely focused on costs states incur as a result of the pandemic affecting 2020 federal elections.”<sup>31</sup>

The relatively modest amounts of funding and the restrictions on how those funds are used means that even states that wish to advance Vote at Home measures will fall woefully short on the resources needed. That said, states with strong existing Vote at Home programs have the opportunity to use this new congressional funding for inexpensive improvements in election security, such as implementing risk-limiting audits.

As secure funding for the U.S. Postal Service is critical to preserving democracy and advancing Vote at Home, it's important to note that the CARES Act provided a \$10 billion

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<sup>28</sup> Liz Watson, “Vote at home saves our democracy and saves lives,” *The Hill*, March 18, 2020. <https://thehill.com/blogs/congress-blog/politics/488245-vote-at-home-saves-our-democracy-and-saves-lives>

<sup>29</sup> U.S. Election Assistance Committee, EAC Announces Additional Resources for Election Officials Concerning Coronavirus (COVID-19), March 17, 2020. <https://www.eac.gov/news/2020/03/17/eac-announces-additional-resources-election-officials-concernin-g-coronavirus-covid>

<sup>30</sup> U.S. Election Assistance Committee, 2020 CARES Act Grants, April 9, 2020. <https://www.eac.gov/payments-and-grants/2020-cares-act-grants>

<sup>31</sup> U.S. Election Assistance Committee, Letter to Chief State Election Officials, 2020 HAVA Coronavirus Aid, Relief and Economic Security (CARES) Act Grants, April 6, 2020, <https://www.eac.gov/sites/default/files/paymentgrants/cares/CARESAwardInstructions.pdf>



lending facility for the USPS. The Act included a provision allowing the USPS to borrow up to \$10 billion from the Treasury Department, if the agency determines it “will not be able to fund operating expenses” without assistance. However, the conditions imposed on this lending could give the Trump Administration unprecedented influence over how much the agency charges for delivering packages and how it manages its finances.<sup>32</sup>

### **Heroes Act**

The Heroes Act was passed by the Democratically-controlled House of Representatives on May 15, 2020. The House-passed version of the Heroes Act includes a number of significant provisions to protect voting rights and expand universal vote at home:

- Guarantees vote-by-mail for the November 2020 elections and all future elections
- Requires states to create safety contingency plans to enable voting in federal elections during a public health or national emergency
- Ensures that absentee ballots are accessible to voters with disabilities
- Ensures that people can register to vote by mail or online
- Provides for expanded voting access on Indian lands
- Requires at least 15 consecutive days of early voting in federal elections
- Provides \$3.6 billion for Election Assistance grants (In addition to the \$400 million provided in CARES, this would equal the initial request of \$4 billion)

These elements largely followed the guidance of the CPC recommendations. They also echo the public call from House Administration Committee Chairwoman Zoe Lofgren (D-CA), House Oversight and Reform Committee Chairwoman Carolyn Maloney (D-NY), House Administration subcommittee on Elections Chairwoman Marcia Fudge (D-OH), and other Democrats, to ensure full access to Vote at Home, and provide sufficient financial resources to cover these costs for states.<sup>33</sup> A detailed comparison between the CPC provisions and the Heroes Act is available on the website of the Progressive Caucus Action Fund.<sup>34</sup>

The Heroes Act also includes funding to support the US Postal Service, and additional protections for postal workers:

- \$25 billion to ensure continued operations
- Additional protections for postal workers
- Repeals the restrictions on the USPS's \$10 billion in borrowing authority under the CARES Act

The Republican-controlled Senate is not expected to engage on this legislation until at least June. As the Senate takes up the Heroes Act, it is certain that many of these voting rights provisions, as well as the support for the U.S. Postal Service, will be attacked.

## **Conclusion**

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<sup>32</sup> Jacob Bogage and Lisa Rein, “Trump administration considers leveraging emergency coronavirus loan to force Postal Service changes,” *Washington Post*, April 23, 2020.

<https://www.washingtonpost.com/business/2020/04/23/10-billion-treasury-loan-usps/>

<sup>33</sup> Maggie Miller, “House Democrats push hard for mail-in voting funds,” *The Hill*, April 17, 2020.

<https://thehill.com/policy/cybersecurity/493325-house-democrats-push-hard-for-mail-in-voting-funds>

<sup>34</sup> Progressive Caucus Action Fund, Progressive Priorities in the Heroes Act, May 14, 2020.

<https://static1.squarespace.com/static/53cab2c3e4b0207d2957d0d2/t/5ebdbad5e9a43f5a39f05fff/1589492438335/Progressive+Priorities+in+the+HEROES+Act+Final.pdf>

Preserving the right to vote is fundamental to our democracy, but achieving full voting rights has always been a struggle. With COVID-19, fears of foreign electoral interference, and racial and socioeconomic disparities in access to voting, Vote at Home offers the ability to achieve safer, more equitable, and more secure elections at a time when they are critically needed.