



April 9, 2020

U.S. Election Assistance Commission
1335 East West Highway, Suite 4300
Silver Spring, MD 20910

Dear Chairman Benjamin Hovland, Commissioner Donald Palmer, Commissioner Christy McCormick, Commissioner Thomas Hicks:

On March 27, 2020, the Coronavirus Aid, Relief, and Economic Security (“CARES”) Act was signed into law. The Act included \$400 million in grants, made available to states through the U.S. Election Assistance Commission (“EAC”) to prevent, prepare for, and respond to COVID-19 for the 2020 federal election cycle. With multiple upcoming primary elections and the 2020 general election rapidly approaching, it is critically important that states receive funding now in order to adequately prepare for the political participation challenges resulting from the coronavirus pandemic. Recognizing the dire situation states are confronting, Congress mandated that these funds be distributed no later than 30 days from the enactment of the CARES Act.

As co-chairs of The Leadership Conference on Civil and Human Rights’ Voting Rights Task Force, we write to urge the EAC to: (1) issue state election policy guidance to ensure that funds are spent both to protect public safety and guarantee an inclusive and fair voting process for 2020 primary and general elections; and (2) develop funding allocation guidelines that are informed by a range of critical factors, including the consideration of communities in states most impacted by COVID-19. Federal, state, and local policymakers and election officials must act now to protect the health of our families, neighbors, and communities while also ensuring that our core democratic functions remain intact.

Guidance to State Election Officials:

Administering elections during a global pandemic is a tremendous challenge, but it is essential to the health of our democracy. This new reality requires a seismic shift in how elections are administered and will require officials to adopt a wide range of procedures to ensure access to the ballot box for every American. As the agency charged with providing election administration assistance to states, the EAC’s role has never been more vital. In addition to providing financial resources, the EAC can and should support states by providing clear policy guidance for how best to navigate challenges resulting from COVID-19 so that elections are fair and inclusive. The EAC should provide guidance to states that once they receive funds they are allocated to counties and localities that are most impacted by COVID-19.

EAC guidance recommending the implementation of comprehensive voter access policies is critical to assisting states’ preparation for upcoming elections, given the severe and ongoing threat posed by COVID-19. State election officials must take into consideration accessibility for voters who have historically faced barriers to the ballot, including Black, Latino, Asian, and Native American voters; voters with disabilities; and students. As outlined in our [March](#)

Officers

Chair

Judith L. Lichtman
National Partnership for
Women & Families

Vice Chairs

Thomas A. Saenz
Mexican American Legal
Defense and Educational Fund
Hilary Shelton
NAACP

Secretary/Treasurer

Lee A. Saunders
American Federation of State,
County & Municipal Employees

Board of Directors

Kevin Allis
National Congress of American Indians
Kimberly Churches
AAUW

Kristen Clarke
Lawyers’ Committee for
Civil Rights Under Law

Alphonso B. David
Human Rights Campaign
Rory Gamble

International Union, UAW

Lily Eskelsen Garcia
National Education Association

Fatima Goss Graves
National Women’s Law Center
Mary Kay Henry

Service Employees International Union
Sherrilyn Ifill

NAACP Legal Defense and
Educational Fund, Inc.

David H. Inoue
Japanese American Citizens League

Derrick Johnson
NAACP

Virginia Kase
League of Women Voters of the
United States

Michael B. Keegan
People for the American Way

Samer E. Khalaf
American-Arab
Anti-Discrimination Committee

Marc Morial
National Urban League

Janet Murguía
UnidosUS

Debra L. Ness
National Partnership for
Women & Families

Rabbi Jonah Pesner
Religious Action Center
Of Reform Judaism

Lisa Rice
National Fair Housing Alliance

Anthony Romero
American Civil Liberties Union

Maria Town
American Association of
People with Disabilities

Richard L. Trumka
AFL-CIO

Toni Van Pelt
National Organization for Women

Randi Weingarten
American Federation of Teachers

John C. Yang
Asian Americans Advancing Justice |
AAJC

Policy and Enforcement
Committee Chair

Michael Lieberman
Anti-Defamation League

President & CEO
Vanita Gupta

[17, 2020 letter](#) to Congress, governors, and state election officials, states must adopt a number of practices including the following:

- an extended early in-person voting period (allowing citizens to vote over an expanded period rather than in a cluster on Election Day)
- no-excuse absentee voting-by-mail (including a number of options through which to request and return ballots)
- expanded voter registration options (including online voter registration and same-day voter registration)
- prohibition of polling place adjustments that disproportionately impact vulnerable populations such as people of color, limited-English proficient citizens, and students
- voter education (informing the public of new practices and immediately quashing disinformation as it arises)

State Funding Allocation:

The state funding allocation for election security grants for 2018 and 2020 were made in accordance with the voting age population formula described in Sections 101 and 103 of the Help America Vote Act of 2002 (HAVA). However, due to the unanticipated emergency of COVID-19, and the urgency for state and local election officials to ensure that elections this year are both safe and accessible, the EAC should consider the following when determining the state funding allocation for grants under the CARES Act:

- States with major metropolitan areas and population density
- States and jurisdictions that are required to comply with the language minority provisions of Section 203 of the Voting Rights Act
- Accessibility for voters who have historically faced barriers to the ballot, including Black, Latino, Asian, and Native American voters; voters with disabilities; and students
- States that already have adopted no-excuse absentee voting-by-mail
- States and jurisdictions most impacted by COVID-19 cases
- States that have yet to hold a primary election

We appreciate efforts the EAC has made during the COVID-19 pandemic to ensure that we have a secure, accessible, and efficient election system in which all voters can participate and have their votes counted. Congress's \$400 million appropriation for 2020 election assistance is a step in the right direction, but we believe it falls short of the funding states will need to perform the critical task of safeguarding our elections this year and we will continue to urge Congress to appropriate additional funding in its next COVID-19-related legislation. We do not have to, and indeed we must not, choose between public health and a functioning democracy.

April 9, 2020
Page 3 of 3



Sincerely,

The Leadership Conference on Civil and Human Rights
Lawyers' Committee for Civil Rights Under Law
MALDEF
NAACP Legal Defense and Educational Fund, Inc.