

April 28, 2020

Senator Mary Kiffmeyer, Chair, Senate Elections Committee  
Senator Jim Carlson, Minority Lead, Senate Elections Committee  
Representative Mike Freiberg, Chair, House Government Operations Committee  
Representative Duane Quam, Minority Lead, House Government Operations Committee  
Representative Michael Nelson, Chair, State Government Finance  
Representative Tony Albright, Minority Lead, State Government Finance  
Representative Lyndon Carlson, Chair, House Ways and Means Committee  
Representative Pat Garofalo, Minority Lead, House Ways and Means Committee

**RE: COVID-19 and 2020 Primary and General Elections**

Dear Committee Chairs and Minority Leads,

The organizations signing this letter are part of the Rev Up Minnesota Coalition. We are affiliated with Rev Up America, which was started by the American Association of People with Disabilities (AAPD) in 2016 to increase the turnout of persons with disabilities in elections and respond to the unique needs of persons with disabilities in the entire voting process. We are a non-partisan coalition that does not endorse candidates, but does advocate for policies that will increase the percentage of people with disabilities in Minnesota who exercise their right to vote.

The COVID-19 pandemic poses an unprecedented threat for the participation of people with disabilities in the 2020 Primary and General Elections. We write to you with a sense of urgency, as only a few months remain until early voting for the Primary Election in June. Decisions made about conducting the Primary Election in August will most likely apply to the General Election in November.

We agree with the questions raised and possible solutions proposed in the April 8, 2020 letter you received from the League of Women Voters Minnesota, The Arc Minnesota and the LeadMN (attached for your reference). Our intent in this letter is to raise further concerns related to the disability community's capacity to vote during the COVID-19 pandemic and/or reiterate recommendations in that letter.<sup>1</sup>

According to Census data, about 34 million people eligible to vote, or about 14% of the U.S. voter population, reported having a disability. A study found that between 1.6 million and 6.46 million of those people with disabilities may encounter a barrier in trying to vote.<sup>2</sup>

A report from the *Ruderman Family Foundation* found that there are five primary recurring barriers to voting accessibility for persons with disabilities:<sup>3</sup>

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<sup>1</sup> *COVID-19 and Our Elections*, April 8, 2020, Letter from League of Women Voters Minnesota, The Arc Minnesota and LeadMN to Sen. Mary Kiffmeyer, Sen. Jim Carlson, Rep. Mike Freiberg and Rep. David Quam

<sup>2</sup> Ruderman Family Foundation, *The Ruderman White Paper on Voting Accessibility for People With Disabilities*, Page 5, September 30, 2016, Norman Ornstein and Kristina Kopic. <https://rudermanfoundation.org/the-ruderman-white-paper-voting-accessibility-for-people-with-disabilities/>

<sup>3</sup> Ruderman Family Foundation, *The Ruderman White Paper on Voting Accessibility for People With Disabilities*, Page 1, September 30, 2016, Norman Ornstein and Kristina Kopic. <https://rudermanfoundation.org/the-ruderman-white-paper-voting-accessibility-for-people-with-disabilities/>

- Insufficient poll worker training
- Access barriers to polls (including publicly available transportation)
- Access barriers to elections materials and registration material
- Stigma (including against developmental and psychiatric disabilities)
- Limitations of resources available to election officials

In order to address and overcome these common barriers – and other unique challenges presented during the COVID-19 pandemic – Rev Up Minnesota recommends the following solutions:

### **Increasing Outreach to Promote Online Registration**

Rev Up Minnesota strongly supports increased efforts to promote the option to register online because it does not require contact with another person, can be used at a time convenient for the person, and does not require postage to mail a card to local or state election offices. Traditionally, disability advocates have hosted public, in-person voter registration events, but these are unlikely to be scheduled during the pandemic. It is important to ensure that remote efforts to promote online voter registration are supported.

### **Maximizing the Existing Absentee Balloting Options**

Rev Up Minnesota supports the Minnesota Secretary of State’s proposal to mail an absentee ballot to every registered voter in Minnesota.<sup>4</sup> Voting by mail may be the preferred method of voting for a large segment of eligible voters who have disabilities in Minnesota. According to a study completed by Rutgers University following the 2018 election, only 53% of voters with disabilities went to polling places to vote versus 61% of voters without disabilities nationally.<sup>5</sup> We want to ensure that all Minnesotans – especially those with disabilities – understand their capacity to vote absentee and have an opportunity to do so in light of COVID-19

### **Overcoming Transportation Barriers in Getting to the Polling Station**

Transportation to polling places remains a barrier to voting for people with disabilities. Public transportation is more available in the Twin Cities metro area, but remains inaccessible or non-existent in other parts of Minnesota. According to a national survey conducted after the 2016 election, 33% of voters with disabilities depended on family or friends to drive them to the polls, while 12% had staff from a service provider transport them to the polling station. 12% of new voters in 2016 used public transportation to get to the polling station.<sup>6</sup>

Currently, the Metropolitan Council is directing users to only ride public transportation for “essential trips” and have taken other steps to reduce the transmission of COVID-19, like reducing service hours, reducing the number of trips made on a route, and taking steps to protect the drivers of buses and light

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<sup>4</sup> Minnesota House Elections Subcommittee, April 8, 2020, Testimony of Minnesota Secretary of State Steve Simon

<sup>5</sup> Rutgers University, *Disability and Voter Turnout in the 2018 Elections*, Page 5, Lisa Schur and Douglas Kruse.

<https://smlr.rutgers.edu/sites/default/files/2018disabilityturnout.pdf>

<sup>6</sup> Self-Advocates Becoming Empowered (SABE), *Voters With Disabilities Election Report*, Page 19, July 2017,

<https://www.sabeusa.org/wp-content/uploads/2017/03/2016-Voter-Survey-Final-Report-28229.pdf>

rail.<sup>7</sup> Mass transit staff have been infected and remain an at-risk population, so rigorous steps must be taken to provide social distancing between transit staff and riders.<sup>8</sup> If it can be done so safely in light of the pandemic, we would support any efforts by the Minnesota Secretary of State to encourage public transportation agencies, such as the Metropolitan Council and others, to provide free rides to the polls. Legislators should identify any funding to support those efforts, including for the use of ride-sharing services.

### **Addressing COVID-19 Dangers at Polling Stations**

According to public health experts, there is a significant chance that Minnesota will still have COVID-19 cases in the fall of 2020. This could sharply reduce public transportation options through regular-route or paratransit for thousands of Minnesotans with disabilities. It could also dramatically reduce the ability of friends or relatives, particularly elderly parents, from providing transportation to the polls for their relatives with disabilities.

According to public health officials, COVID-19 is particularly threatening to persons with compromised immune systems who have underlying diseases or conditions like Type 2 diabetes, asthma, high blood pressure, heart disease, Lupus, Fibromyalgia, and other diseases that make them more susceptible to being infected by COVID-19 or recovering after infection.<sup>9</sup>

Long lines are especially problematic for people with disabilities due to the unpredictable weather in Minnesota. If an individual with a compromised immune system has to stand outside for any length of time, they may get sick or have to leave before they can vote. A greater percentage of voters with disabilities will not be able to or want to wait for potentially hours to complete a ballot at the polling station. This will reduce the percentage of people with disabilities who get to participate in the 2020 elections.

Polling places will need to be disinfected multiple times throughout the day and mandatory social distancing will need to be enforced.

### **Voting On Election Day**

There must be sufficient time for the Minnesota Secretary of State to provide guidance to local election officials on how to ensure that polling stations follow public health guidelines and ensure accessibility for persons with disabilities who choose to vote on Election Day. There should be “best practices” for polling stations that are followed consistently statewide for both the Primary and General Election.

The polling places that are used on Election Day must:

- Provide physical accessibility under the Americans with Disabilities Act and Minnesota Human Rights Act;

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<sup>7</sup> Metropolitan Council, *Our Response to COVID-19*, <https://metro council.org/About-Us/hat-We-Do/WCOVID-19.aspx>

<sup>8</sup> Centers for Disease Control and Prevention (CDC), *What Bus Transit Operators Need to Know About COVID-19*, <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/bus-transit-operator.html>

<sup>9</sup> Centers for Disease Control and Prevention (CDC), *Coronavirus 2019, People Who Are a Higher Risk for Severe Illness*, <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html>

- Be staffed with enough election workers to provide curbside voting as an option so a voter with a disability can access the polling place if the voter cannot get out of his/her vehicle and into the polling place; and
- Ensure enough ballot marking machines are available at all polling places to serve blind persons and other persons with disabilities who prefer to vote in person.

Rev Up Minnesota strongly supports Minnesota's same day voter registration provisions to provide the option to register on Election Day. Encouraging people to register online early and still having some polling places available will provide a range of options for people to vote. We will continue to encourage people to utilize a mail-in ballot or utilize no excuse absentee balloting before the Primary and General Elections.

We support a proposal in the policy bill of the Minnesota Secretary of State that would extend the ability of staff in Intensive Residential Treatment Centers and corporate foster homes serving persons with mental health issues the right to vouch for a resident's address even if the staff person does not reside in the same precinct.

In conclusion, we urge legislative leaders, the Minnesota Secretary of State and the Governor to work together to ensure that Minnesota remains one of the highest turnout states in the country and improves on the percentage of people with disabilities who are able to vote in 2020. Implementing the range of recommendations offered here would help ensure that we meet the challenges of the COVID-19 public health crisis and conduct a safe election in 2020.

Sincerely,

Members of Rev Up Minnesota Coalition:

Autism Society of Minnesota  
ARRM  
Epilepsy Foundation of Minnesota  
Lutheran Social Service of Minnesota  
Metropolitan Center for Independent Living  
Mid-Minnesota Legal Aid/Disability Law Center  
Minnesota Brain Injury Alliance  
NAMI Minnesota  
The Arc Minnesota

CC: Minnesota Secretary of State Steve Simon, Governor Tim Walz, Rep. Raymond Dehn, Rep. Jim Nash