



June 15, 2020

VIA EMAIL

To the Members of the 150th General Assembly,

The ACLU of Delaware commends Governor Carney for expanding absentee voting by mail for eligible registered voters for the Presidential Primary Election. With more elections coming up soon, and no safe, permanent voting plan in place, COVID-19 could directly impact the ability of Delawareans to further participate in our democracy beyond the Presidential Primary. No Delawarean should have to choose between their health and their right to vote. For many, the safest way to vote in any election this year, and possibly in years to come, will be by mail. **We support House Bill 175 (“HB 175”) and ask the legislature to make voting by mail a permanent voting method.** We do not oppose HB 346, but prefer HB 175 because it would offer a permanent solution to vote by mail beyond the 2020 elections.

Notwithstanding the Governor’s [State of Emergency Declaration](#) temporarily expanding absentee voting by mail, Delawareans are ordinarily only able to vote by mail by requesting an absentee ballot and must fit certain, limited categories under the current law. This means that absentee voting is not an option for many Delawareans who might otherwise find it a convenient and necessary option to cast their ballot.

There are several advantages to voting by mail. First, this option will allow citizens to vote at home and take time to study the issues and ask questions. Second, increasing the number of ballots cast by mail decreases the number of people voting in-person at polling locations, potentially avoiding the need for long lines and wait times on Election Day. The decrease of in-person voters on Election day could result in needing fewer resources to staff and support traditional polling places. According to a [2016 study](#) by the Pew Charitable Trusts, implementing an all vote by mail system in Colorado (1) decreased the costs in five election administrative categories by 40%, (2) resulted in a nearly 98% decline in the use of provisional ballots , and



(3) had the potential to save the counties five million dollars over two fiscal years. Neither of the proposed bills would move Delaware to an all vote by mail system, but it is likely the state could achieve long term cost savings with this change in voting method options. Third, having a diversity of avenues for voting maximizes the chance that elections may endure despite whatever unexpected threat emerges, including, but not limited to, an anticipated [second-wave of COVID-19](#).

We've already witnessed how limited methods of voting and a lack of advanced planning can impact the democratic process. [Wisconsin](#) voters stood in lines for hours to cast their ballot as the state consolidated polling locations. During the pandemic, [16 states postponed](#) presidential primaries including our very own state, which postponed the presidential primaries twice.

34 states allow voters to cast ballots by mail without an excuse and five states currently conduct all elections entirely by mail--Colorado, Hawaii, Oregon, Washington and Utah. Voting by mail is a common-sense solution, which is why officials from both parties in a range of states- including Alabama, Indiana, New Hampshire, New York, West Virginia, Michigan and Pennsylvania- have expanded voting by mail to all voters in their state in response to the pandemic.

In addition to expanding the availability of vote-by-mail ballots, the State should be proactive about educating all eligible voters about the option to vote by mail. The State should also provide prepaid returnable envelopes for mail-in ballots and establish phone and online hotlines to assist eligible voters in completing their ballots. Assistance should be made available in the predominant languages spoken in Delaware. The State should also make secure drop-boxes available for those to deliver their ballot in-person.

As you consider options for Delaware's upcoming elections, we strongly support a model that includes both vote by mail and in-person voting. While we believe that vote by mail is the safest option for many people, there is a significant risk that Delaware's most vulnerable voting populations will be disenfranchised if the ability to vote in-person is removed. Similar to states that conduct all elections entirely by mail, in-person voting should still remain an option even if every registered voter receives a ballot in the mail.



We appreciate your attention to this matter and encourage you to take steps to ensure that Delawareans can participate in our democracy safely. As you work to protect the democratic process, we are happy to meet to discuss how best to protect civil liberties and enhance democratic values in your COVID-19 voting planning. Please contact Mike Brickner at mbrickner@aclu-de.org if we can be of service.

Sincerely,

Mike Brickner
Executive Director, ACLU of Delaware

*Alpha Nu Sigma Alumnae Chapter, Sigma Gamma Rho Sorority, Inc.
Building People Power Campaign
Coalition to Dismantle the New Jim Crow
Common Cause Delaware
Delaware Civil Rights Coalition
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Wilmington (DE) Alumnae Chapter, Delta Sigma Theta Sorority, Inc.
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