

Meeting of the Select Committee on 2020 Emergency Election Support

Thursday, May 21, 2020 - 2:00 p.m.

Members:

- Bradford E. Cook, Chairman
- Representative Barbara J. Griffin
- Katherine M. Hanna
- Kathy L. Seaver
- Senator Tom Sherman
- Eugene Van Loan III

Also participating:

- David Scanlan, Deputy Secretary of State
- Orville “Bud” Fitch, Legal Counsel, Secretary of State’s Office
- Nicholas Chong Yen, Assistant Attorney General

Select Committee meeting

- Chairman Cook opened the meeting at 2:00 p.m.
- Chairman Cook called the roll; all members were present, absent Rep. Griffin. All were attending remotely, alone.
- Approval of last meeting’s minutes: Ms. Seaver noted a typographical error in the minutes, which was subsequently corrected. Sen. Sherman moved adoption with correction; Mr. Van Loan seconded. Minutes adopted by roll call vote.
- Next week the committee will meet on Tuesday at 11:00, Wednesday at 2:00, and Thursday at 11:30.
- Rep. Griffin joined the meeting.
- The first order of business is hearing from Trish Tilley, deputy director of the New Hampshire Division of Public Health, to share considerations for polling place safety on election day.
- Sen. Sherman lauded Ms. Tilley’s work in the realm of public health.
- Deputy Director Tilley: In addition to my work as deputy director, I work as a ballot clerk in New London during elections, so I have some familiarity with the process. In terms of PPE and other protections I think generally we’re going to be thinking about this the way we think about everything, which is in four buckets:
 - Face coverings: We would not recommend use of N95 masks for poll workers at this point. Supply chains have opened up some, but not to the extent where we want to use medical-grade PPE for non-medical procedures. Still, everyone should have a mask over their face.
 - Social distancing: I think this is a logistics question each municipality will have to consider individually. How do you keep those lines from forming at the door? You could consider doing the markings on the floor, but there are other ways, too. You can also encourage communities to have staggered voting times.
 - Cleaning and disinfection: Critical to constantly be wiping down and disinfecting all surfaces and materials in the polling place.

- Sen. Sherman asked Ms. Tilley: We heard from Perry Plummer that the cloth and surgical masks are best for people where you're trying to prevent someone from transmitting to other people (the "outgoing" side). But that kind of mask does not confer much protection against acquiring COVID-19 from someone else, and for that you'd need the level of N95 or KN95. My question is: Would it make sense for poll workers who are the ones who are in the trenches with repeated exposure all day, to actually have the higher level masks, and voters would be able to wear cloth or surgical masks?
- Ms. Tilley: I agree that strongly encouraging voters to wear a mask inside as they come in is something all communities should be doing. Commissioner Perry has done wonders re: supply chains for cloth and procedural masks.
 - In terms of the poll workers doing voter intake, in a perfect world I think you could use a N95 or KN95. The other thing we've done for folks dealing with the public is we put up a Plexiglas screen so there's a physical barrier between the people. Again, as of today, the supply chains are getting better, but we are worried about the amount of N95s and KN95s available and we're prioritizing those for folks working in healthcare environments who are at highest risk.
- Sen. Sherman asked Ms. Tilley: In terms of the frequency of cleaning: Would poll workers have to clean all equipment between every voter, and would it help to issue gloves to every voter as they go in? Would that decrease the need for cleaning?
- Ms. Tilley: I think gloves issued to voters for one-time, one-touch use is the best use of gloves. You'd still want routine cleaning embedded in the schedule, but gloves may relax that need a bit.
- Sen. Sherman asked Ms. Tilley: If poll workers use gloves, is there a significant benefit if there were antibacterial gel or an opportunity to wash hands, would that be as effective as changing gloves between contacts?
- Ms. Tilley: I'd defer to Dr. Chan for that question, but I know frequent hand hygiene with antibacterial gel between each interaction is certainly going to be helpful. Building in the ability for poll workers to frequently hand-wash would also be helpful.
- Sen. Sherman: If we had to have gloves for every poll worker and they had to change gloves between each encounter that would be very expensive. If you could get us a formal opinion from Dr. Chan that would be very helpful.
- Rep. Griffin asked Ms. Tilley: What about the paper rollers you can use and dispose of? The idea of handing a sheet of paper to each voter to put down in the booth, would that have impact on need to disinfect each booth?
- Ms. Tilley: I think that's something to consider further. We know in NH there are lots of ways people vote, so that would need to be taken into consideration. There are other materials you have to consider, like the use of pens and the need to disinfect those. Paper rolls may need to reduce frequency of required cleaning, but not significantly. There would still be the need for constant cleaning and frequent disinfectant. We know transmission on surfaces is not the primary mode of transmission. What you want to focus on mitigating is prolonged periods of time in close contact, which are what have the highest likelihood of transmission. Surfaces certainly play a role but we know close contact has played a much larger role in the spread of this virus.
- Sen. Sherman asked Ms. Tilley: What if we gave out pens and pencils instead of stickers?
- Ms. Tilley: I love that idea.

- Sen. Sherman asked Ms. Tilley: The other piece of this is the return of the absentee envelope. How concerned should a poll worker be about having contact with that return envelope? Would gloves be enough of a barrier?
- Ms. Tilley: There is no hard and fast recommendation here. I can tell you the virus won't last long on a porous material like paper. If folks sent in their absentee ballot a week prior, you're probably fine. I think protective measures of gloves and wearing face masks are critical. It's also important to ensure that social distance is maintained in polling places.
- Mr. Van Loan asked Ms. Tilley: Does the use of face shields add to the efficiency of face masks, or are they superfluous?
- Ms. Tilley: I just talked with Dr. Chan about this. Certainly a face shield alone with no mask is not protective because you need to have the close fit around your mouth and nose. There's no closed barrier in a face shield. However, if you combine the two, that's certainly more protective for both the wearer and the environment.
- Mr. Van Loan asked Ms. Tilley: It was suggested to me that the voting booths with the customary curtains are actually somewhat problematical because it creates an enclosed space for the voter and, assuming this is an issue, it's almost impossible to clean. Do you have any thoughts about that? The alternative, it seems, would be those tabletop dividers that are used in some polling places.
- Ms. Tilley: I think that still poses contact concerns. Having more open space available where you can spread people out with those dividers would be helpful, but there are then concerns about voter privacy that need to be considered.
- Ms. Hanna asked Ms. Tilley: In terms of wiping down hard surfaces, is it true that only the disinfectants listed on the EPA list are guaranteed to attack COVID-19 germs?
- Ms. Tilley: That's what we defer to.
- Ms. Hanna asked Ms. Tilley: Is Purell included on that list?
- Ms. Tilley: I believe there are Purell products on that list.
- Sen. Sherman asked Ms. Tilley for that list. Ms. Tilley will email it to the committee.
- Chairman Cook asked Ms. Tilley: People voting in-person need to present an ID, and generally hand it to the poll worker for handling and inspection. This seems like a problematic process in light of COVID-19. Would you say if there's Plexiglas between the poll worker and the voter, and the voter holds their ID up to the glass, would that be a smarter thing to do?
- Ms. Tilley: Certainly from an infection control point of view, that would be more ideal. Again, I defer to the Secretary of State's office on whether that's an ideal practice in light of election laws.
- Chairman Cook: Election officials are hoping the press of voters will be reduced because of the increased use of absentee ballots. However, there will also be in-person voting, and we need to contemplate that. We also need to determine costs of PPE based on what we'll need. Concerned about poll workers interacting with asymptomatic coworkers just as much as the safety of voters.
- Ms. Tilley: Certainly exposure over time adds risk.
- Sen. Sherman: I see in the chat that there have been questions whether we can compel voters to wear a mask and gloves as they navigate the voting process. It sounds like that would be the ideal. If we can't do that, one idea I had is we have a separate entrance for voters who refuse to wear PPE and they'd be serviced by poll workers in PPE with medical grade equipment. The other option would be you have to close the place, allow the person who refuses to wear PPE to go through alone, disinfect afterwards, then reopen for the rest of the voters. Is that overkill?

- Ms. Tilley: I think you've laid out some interesting proposals. A separate entrance or separate place is best case scenario, and I don't know if that squares with other election laws and procedures. That's where I defer to you all. Separating that person from everyone else and minimizing contact so they can vote is probably the right path to be thinking about.
- Sen. Sherman asked Ms. Tilley: If you couldn't do that, what would be your protocol for handling someone who refuses PPE?
- Ms. Tilley: I'd like to think about that and get back to you.
- Chairman Cook asked Ms. Tilley: Clerks and officials will have to continue with this plan around how to lay out polling places. Is your office going to be available to consult with the Secretary of State's office and local officials as they grapple with that? Polling places hugely vary and may need support.
- Ms. Tilley: Absolutely. We're always available to provide consultation and support as people continue to work. We don't want to be in the role of approving or rejecting a plan, but we're certainly available to provide consultation. We know from data that there are areas of the state that are at much higher risk than other areas of the state, which is another thing to consider.
- Ms. Seaver asked Ms. Tilley: I think it's important that all election workers get tested before and after the election. Is that something that makes sense?
- Ms. Tilley: The thing with testing is you know you're COVID-19 free the day you're tested. It only confirms that amount of protection. We're not at a place where we have instant test results for folks. Certainly we are increasing our testing capacity almost daily. I don't know where we'll be by the fall but our guidelines of who can be tested is quickly expanding.
- Sen. Sherman asked Ms. Tilley: In regards to testing, just to make sure we're updated on this, there's essentially 2 categories: PCR antigen testing and antibody testing. On antibody testing, at this point, is there any sense that this is conferring immunity? This would be important because if part of the testing process were to test for antibodies, then those that test positive for an antibody might be more protected from the virus if it conferred immunity, but I think that's still up in the air.
- Ms. Tilley: We're thrilled we have partners providing antibody testing; it helps with getting a sense of epidemiological data, but the CDC is saying we don't know what kind of immunity that confers; all it suggests is you've been exposed in some capacity. We're a ways away from understanding what that fully means. We don't want people to have a false sense of security with an antibody-positive test.
- Rep. Griffin asked Ms. Tilley: What's the reliability rate of testing?
- Ms. Tilley: I don't have that data off the top of my head and there are different numbers based on the different kinds of tests. Different testing modalities have slightly different reliability rates.
- Rep. Griffin asked Ms. Tilley: If we were to suggest that the state provide testing for workers, what would be the test date after exposure to provide the most reliable test result?
- Ms. Tilley: This is where we're still learning about the disease. We have some info for when people exhibit symptoms in relation to the timing of exposure, but it's hard to reach those numbers with any certainty right now.
- Rep. Griffin: In terms of process, we talked about cleaning and staging appropriately. Can I assume that the state is for the most part following CDC guidelines? We all know the CDC changed its position re: surface cleaning and transmission yesterday, so for purposes of planning, is that where we can expect things to remain?
- Ms. Tilley: Yes, we always look to CDC for guidance. Their documents are high-level and sometimes we make NH specific recommendations, but we always use them as a starting point.

- Rep. Griffin: Can you clarify using both masks? My understanding of wearing a mask is to protect others from me, because the primary transmission issue is droplets, and then we talked about the PPE, which is the full facial screening, and that protects others from me, as I understand.
- Ms. Tilley: So, what I think the question around the face shields is that some people may double up and wear both a cloth mask and an N95 because that lengthens the time they can use the N95 and sometimes they include a face shield that goes over their face. Again, that's just very protective for healthcare providers. We don't recommend that for day-to-day use. If we all wear face masks we increase everyone's protection.
- Sen. Sherman: At the hospital, for patients coming in, we're asking them to test within 3 days before, and while they're waiting for the test they have to self-quarantine, then they can come to the hospital if it's a negative. That way, they're tested beforehand, so if it's positive, they're not coming in. Secondly, the test is only good when the test is taken, so if you're going to take the test and wait for it to come back, in that waiting period, you're still at risk of getting the virus so that's the reason for self-quarantining. For poll workers, you'd have to get your test and you'd have to be working in the polls while quarantining, but that's probably the only way the pre-test would work. Coming down the pike is the saliva test which is very rapid and is being developed in several spots, one of them being in NJ. To get to Rep. Griffin's point, we don't know yet the accuracy or specificity of that test. The industry may change prior to September, and it would be helpful to keep the relationship with Ms. Tilley open so we can use her as a resource in developing protocol.
- Chairman Cook: Where are we on the RFP for the accounting services we discussed at the outset?
- Attorney Fitch: We have received some proposals and are in the process of reviewing them and doing reference checks. We're not yet in a position to provide cost outcomes, but we hope to have reached a recommendation for the Secretary of State early next week.
- Chairman Cook: I ask because I assume it can be paid from the \$3.2 million. Is that true?
- Attorney Fitch: Yes, we are proceeding with that expectation.
- Attorney Chong Yen: The information and guidance we're looking at is still under review for registering absentee. I hope I can get back to the committee by the end of the week or early next week about the status of that information.
- Chairman Cook: You all received an updated document called "revised decision matrix" that I tried to distill from the various lists and things we'd discussed that categorize the decision-making that we're faced with doing in the next several sessions. I separated them into three parts: pure expenditures, process recommendations, and things that may require law change either by executive order or legislation. We need to prioritize the order of expenditures and get some feeling for that and then as we apply numbers to our priorities that will inform the process.
- Sen. Sherman: I think this is an awesome list. I'm wondering if it would make sense to start with process recommendations because Roman I is going to be significantly dependent on what we decide in Roman II.
- Chairman Cook agreed to that change.
- Sen. Sherman: When I did my in-detail walk-through, which I circulated, that was to lay out all the different possibilities we've discussed. It may not be fully inclusive. I wasn't recommending anything over the other.
- Mr. Van Loan: Our primary charge is to determine how to spend the money, and process recommendations can affect that, but many of them don't. I'm concerned that we're putting the

cart before the horse if we get into the weeds on process rather than doing a 50,000-foot pass-through on the money and not necessarily making a final decision, but analyzing that.

- Chairman Cook: Some of the spending issues can be decided separately from the process issues. In terms of postage, we could get lots of information. What would a universal mailing of ballots to every voter cost? A postcard to every voter? That doesn't answer whether we want to do it or whether we can afford to do it, so I think we're really talking about what order we'll talk about these processes in, while at the same time trying to accumulate as much data on cost as possible.
- Ms. Hanna: I agree with Sen. Sherman that process is going to drive funding. Overarching question about funding: I'd like to know whether we as a committee are bound to discuss only how to spend the \$3.2 million of CARES Act funds, or can we also discuss available HAVA/other funds?
- Chairman Cook: My understanding is that we are limited to considering the \$3.2 million CARES Act funding based on the charge we were given. If we don't think it's enough, it would require use of other funds, and we'd tell the folks with jurisdiction over those funds.
- Ms. Hanna would like that issue listed under Roman I.
- Chairman Cook is going to get this list posted for the public.
- Ms. Seaver: We need to explore the various postage options available to us. I also think we need a robust public awareness campaign.
- Rep. Griffin: From a local standpoint I'm more concerned about the on-the-ground process because there will be in-person voting and we need to keep in mind that the different voting places have different capacities and abilities, and the ultimate decision on those setups need to happen at the local level. I'm concerned we may end up too in-the-weeds on the process, because local officials will know best. I think we need to discuss absentee ballot applications and distribution; I doubt we'll have consensus on that. I think we need to defer to the Secretary of State's office here. Maybe our first discussion should be about the mailing itself for the absentee ballot because that's a primary drivers in cost.
- Sen. Sherman: I couldn't agree more on deferring to local officials. I was just thinking that the Secretary of State's office is going to have to pay for the absentee ballot materials, is that correct?
- Deputy Secretary Scanlan: Yes, we pay for the ballots and the envelopes and the materials that get sent with the absentee ballots.
- Sen. Sherman: That's great. I wouldn't want the municipalities to be limited because they can't afford some of this. Not only do I think municipalities know best, but we need to make sure we don't penalize them with downshifting of costs. Roman I is not only critical but we have to look at how we balance available funds between state and municipalities.
- Chairman Cook: It is not my view that we have to wait to have recommendations all at once in one report. We'll still have a final summary report, but we can make decisions in a staggered manner.
- Rep. Griffin: I believe we heard that from the Secretary of State's office that you didn't view the anticipated increased absentee ballots as an increased cost because you'd be printing fewer in-person ballots, is that correct?
- Dave: We'll be printing the same number of ballots we would normally. The difference is absentee versus official.
- Rep. Griffin: I'd say we need to discuss that because I suspect the Secretary of State's office already has stacks of envelopes already ordered and dreading the thought that they may need to order new envelopes after our recommendations. I'd like to have that discussion because I don't think we can reliably look to recent votes that have occurred in other states for our percentages because we

historically have a much higher physical turnout than states that offer other options, and the scope of this is changing so quickly that I think to assume we're going to have a significantly lower in-person turnout could be dangerous. I don't want clerks to be underprepared.

- Deputy Secretary Scanlan: We need to find a way to designate official ballots as absentee, which could perhaps be a checkoff box designating which it is. The cost of printing even 150,000 more ballots one way or the other, once you get started, is not that significant in relative terms. Where we see the added increase with materials we'll need are additional envelopes, and at this point we don't know what size envelopes we're going to use, so those will be critical issues we'll need to know as soon as possible, and that will drive the issue on cost more than how many ballots we need to print.
- Mr. Van Loan: Ms. Seaver suggested we prioritize our expenditures—not necessarily trying to put a figure to anything at this point but developing a preliminary list of priorities.
- Chairman Cook: I am willing to work on that. I think the conversation we just had about printing ballots doesn't address other costs the Secretary of State's office will need to incur, including sizes of ballots and envelopes. I'm willing to go with whatever the committee wants to go with. We do need to start a substantive conversation at some point.
 - One question I was going to ask Sen. Sherman and Mr. Van Loan: Have you gotten together on what the application for the absentee ballots ought to look like, and does that draft exist for us to look at? We could incorporate it in our recommendation.
- Sen. Sherman: We decided we were less wedded to any specific style as we were wedded to certain additional components, one being that a single application could trigger all the elections if that's what the voter wants, so they don't have to repeat the process for another cycle. We envision 3 parts to this effort: absentee registration, absentee voting in September, and absentee voting in November. All 3 could be triggered with Mr. Van Loan's version of this application. The other component we want to include is that a voter shouldn't have to check "disabled" to reflect COVID-19 concerns; you could actually check a COVID-19 box. Those are the two points we want included. We take into account what Ms. Hanna had talked about re: language level, so the version I submitted was meant to be more user-friendly, but it was clearly significantly different from the current applications. The draft Mr. Van Loan submitted was much similar and more in keeping with current statutory language, but we want to be sure whatever the Secretary of State's office uses has the capacity for all these various steps to be achieved in one application, and that COVID-19 be a separate checkbox.
- Chairman Cook: Can you formulate that into a recommendation that can be put before the committee for consideration and action?
- Sen. Sherman: We'll have that ready for Tuesday
- Chairman Cook: in the recommendation, if that requires some kind of action by somebody to make that action legal, please include that.
- Chairman Cook: The issue on the table is: Do we want to take a crack at prioritizing these expenditure items, and part of that is, are there any other items not here that we need to spend money on? I'm willing to get people's view of what should be the top priorities.
- Sen. Sherman: My only thought was that the timeline is really important. We'd used the term "rolling recommendations" and we were concerned about affiliation/party change. If we know the next major deadline is around the absentee ballot process and that the recommendation on what we do with absentee ballots—that needs to be in place because the Secretary of State's office needs

to know what size envelopes, they're ordering, etc. Further down are how those absentee ballots will be processed, and what is the implication of that? And further down is, what happens on election day? If I were breaking it up into my priorities I'd think along a timeline of what the highest priorities are and work backwards.

- Chairman Cook: There are 2 sets of deadlines that occur to me: the change of party and filing of candidacy deadlines. From a process point of view, until the Secretary of State's office knows who the candidates are going to be, they can't print any ballots. The other timeline is, how long does it take to order supplies so they're available in time? That'll inform what decisions we need to make more immediately.
- Sen. Sherman: I think an early recommendation of this group could be 2-sided ballots, which would get us down to a more standard sized ballot for this election. Maybe Deputy Secretary Scanlan can give us a notion of his deadlines along the way so we can try to be well in advance of those.
- Deputy Secretary Scanlan: In terms of envelopes, we need to know as soon as possible. We should actually probably be doing that now, especially since envelopes need to have things printed on them like the voter affidavit when we're sending the absentee ballot back. If there's going to be any notations on there regarding postage, we have to know that in advance. In terms of ballots, as Sen. Sherman mentioned, we won't be doing that until we know who the candidates are going to be, but that process will start in mid to late June.
- Sen. Sherman: Could we charge ourselves with 3 recommendations for Tuesday: the Van Loan/Sherman application recommendation, the envelopes postage recommendation, and the ballot size and printing recommendation?
- Chairman Cook: postage recommendation is a more difficult question because the estimated cost of it and the numbers of them.
- Ms. Seaver: Regarding prepaid postage, I think we're giving voters all kinds of options on how to return those ballots, we lose them. Do we really have to now start especially with what it's going to cost? I think the voter has some responsibility in this. If they have lots of different ways to get it back to us, do we really need to pay for it?
- Chairman Cook: I think Sen. Sherman's point about priorities for Tuesday makes sense.
- Sen. Sherman: We need to consider all mailing options. Need to consider the capacity of the postal service in the fall. I'd hate to put a large chunk of money into postage and then have that be the least reliable way to get materials returned to us.
- Chairman Cook: In terms of the idea of having postage on absentee ballot return envelopes – is there consensus that we do not recommend paying for the return postage on the absentee ballots?
- Ms. Seaver: I move we don't recommend the return postage for absentee ballots. Seconded by Mr. Van Loan. Unanimously adopted by roll call vote.
- Sen. Sherman: Do we have unanimity on 8.5" by 11" double sided ballots—is anyone opposed to that?
- Ms. Seaver: Attorney Chong Yen was going to check on the legality of that issue for us.
- Sen. Sherman: What if we put an exception into that recommendation? Unless restricted by law?
- Rep. Griffin: I want to know what problem we're trying to solve. There were two problems. One is the reading of the ballot in the machine. There's also another issue which is the processing of mail for absentee ballots. We asked whether they could be machine-read, and they said as long as they're standard size they have the equipment to accommodate them. I don't think any of us asked

whether folding the envelope affects the machine reading at the post office. I think there's consensus that less folding is a beneficial thing.

- Ms. Seaver: Another issue with the folding, which I need to double check, is that an 8.5" by 11" ballot won't fit in an 8.5" by 11" envelope. We have a tool to measure thickness and if it's too thick to have two folded envelopes and a ballot inside a third envelope, there could be another charge. We had that problem with mailing materials to DMV because things are folded and it makes it more expensive to send.
- Chairman Cook: Deputy Secretary Scanlan, can someone get in touch with the post office contact and ask if we have an 8.5" by 11" ballot with a slightly bigger envelope, how does that affect the process? I think the question is, if the affidavit envelope and return envelope are both in that envelope, folded, would that cause a problem with the postage machine that may impact processing times or cost?
- Mr. Van Loan: My understanding right now is with what we normally use, which is a standard business sized envelope used to mail the package to the voter, and everything else is packed into that including the ballot which in previous years is folded in 3 parts, and it includes the return affidavit envelope and the return mailing envelope. Right now it's a pretty thick package.
- Ms. Seaver: Yes, and it barely makes it through the processing machine.
- Sen. Sherman: What's the influence of a folded envelope on the ballot?
- Rep. Griffin: It's not the impact on the ballot; it's on the machine processor at the post offices, just like our ballot readers get jammed.
- Sen Sherman: Maybe we can get our expert opinion back from the post office.
- Ms. Hanna: Deputy Secretary Scanlan, you had a concern about two-sided ballots because of a concern the voter won't flip the ballot over and see the backside. Is there any evidence on that to show how often that error is made by a voter?
- Deputy Secretary Scanlan: It's been a strong preference of the Secretary of State that everything be on one page so there are no issues relative to a voter not turning the ballot over. That said, this election is unique and I think he may be willing to do something different this time. The only issue I foresee that we're working to resolve right now is the issue with the accessible voting equipment and ensuring the printers at polling places are able to mark a ballot for an individual with disabilities. Like I said, we're working right now to remediate those issues.
- Chairman Cook: It occurs to me that there could be signs around the polling place that says "TURN THIS OVER; IT HAS 2 SIDES!" and poll workers could ask voters if they marked both sides of their ballot.
- Chairman Cook would entertain a motion that says: Assuming it's legal and can be read by the AVS machines, the committee recommends a 2-sided 8.5" by 11" ballot and flat envelopes that can be sent out unfolded, and if information comes back saying we have to revisit that recommendation we will, but from what I'm hearing that's a consensus from the committee and I'd accept that motion.
- Sen. Sherman made the motion: assuming it can be read by the AVS machines, and assuming it will work with the mail, and assuming legal counsel doesn't come back with any legal issues with it, that we recommend to the Secretary of State that the ballots be an 8.5" by 11" double-sided ballots and they be in flat envelopes so they are not folded. Mr. Van Loan seconded the motion. Motion adopted by unanimous roll call vote.
- Ms. Hanna: Since we decided on Tuesday we'll review the Van Loan/Sherman application for requesting an absentee ballot, the draft forms allude to requesting registration materials. I want to

discuss one thing regarding the application for absentee registration: on the first day of this committee I discussed the fact I'd been on the Secretary of State's office's website and under forms could find the application for an absentee ballot, but not the application for an absentee registration. I asked Attorney Chong Yen about whether he had concern about posting that application, and I think he said he did have a concern because that form may change given the forthcoming opinion. There is no state prescribed application for absentee registration. Is it correct that you can just call and ask for one? I'd like to hear what are the issues that are being discussed about the order on absentee registration?

- Deputy Secretary Scanlan: That's correct. There's no state prescribed form for absentee registration.
- Chairman Cook: Is it true, if there's no form, the following question is whether clerks have the ability to take these requests or is it just the Secretary of State's office?
- Deputy Secretary Scanlan: The answer is yes, and Ms. Seaver may be able to answer in more detail, but I believe if a clerk receives a request for an absentee ballot and determines that voter isn't on the checklist, they automatically send the voter an absentee registration packet.
- Ms. Seaver confirmed this.
- Chairman Cook: The issue I've heard is that an unregistered person who recently moved is worried about being registered correctly. If I just want to register and am not asking for a ballot, what's the mechanism to submit that request? Tying it to request for ballot may have previously been logical, but now may not apply.
- Deputy Secretary Scanlan: Under current statute a person can request an absentee voter registration packet if they are absent or expect to be absent or are disabled.
- Chairman Cook: So the question I have is that when the Attorney General said "disability" included COVID-19 concerns, that that would apply to absentee registration as well. I would like that clarified.
- Ms. Hanna: I went back and looked at the minutes and I asked that question of the Attorney General's office as to whether there needed to be a second opinion that linked the issue of disability and concern around COVID-19 to absentee registration as well as absentee voting, and the answer from Attorney Chong Yen was that it was quite clear that the definition of "disabled" for absentee voting would apply to absentee registration.
- Attorney Chong Yen: Right. I still hold the same position that we need to treat the two the same way in terms of moving forward with the process. To the extent the current forms in their format didn't envision a pandemic, suggested changes should be put to the Secretary of State as to how they can be worded in such a way to as to recognize these unique circumstances we're in.
 - The one thing I want to bring up is that following the publishing of the emergency order relative to party affiliation change, the Secretary of State's office did put out to the HAVA list serve a memo answering FAQs as they had received several calls asking about what supervisors were supposed to do. If I remember correctly in that draft it offered preliminary information, with the understanding we still need to get as quickly as possible this opinion out on what disability is and something comprehensive like what we did with the absentee process. I wasn't sure if that had been provided to committee members; I know it went to the list serve, so to the extent Deputy Secretary Scanlan can weigh in on that, I'll defer to him.
 - Re: Ms. Hanna's question about status and the cause for delay, it is largely because we're trying to identify what mechanisms we'll be able to use under existing statutes from a guidance standpoint from my office and the Secretary of State's office that will make the

process easier, particularly when so many folks have recognized the challenge presented by the witness requirement, or you don't have a printer. Every time we go through that process another door of what-if's opens up. I understand we've been slow in getting this opinion to you and I can't get rapid answers to these critical questions but I think the main difficulty we're experiencing as we open Pandora's Box is we started to find other issues that have made a comprehensive answer difficult to arrive at. We fully understand this information needs to be submitted as soon as possible, but it's been a complex process.

- Ms. Hanna: I appreciate hearing what some of the issues are. If a person called the Secretary of State's office or a clerk's office tomorrow and said: "I'm not registered; I'd like to register. Please send me a packet," would you do that?
- Ms. Seaver: Absolutely.
- Deputy Secretary Scanlan: Yes.
- Sen Sherman: Registration is one of the least clear processes coming out of the Secretary of State's office—which is not a criticism but a suggestion that this is really an issue that perhaps wasn't as high on the priority list as it should have been. It's something we need to deal with early because registration is the first thing that people do in the process of being an absentee voter. My recommendation would be that we look at this in more detail on Tuesday and perhaps the Secretary of State's office would be able to think about where we go with this.
 - One of the other parts about this that concerns me is the amount of documentation that's required to do an absentee registration form, and how it can be a real challenge for people of different populations. I'd like to be able to spend some time looking at this absentee registration and the amount of documentation required for the 2020 election, recognizing legal requirements. How can we make this process easier?
- Chairman Cook: One thing I heard from Attorney Chong Yen was that we should look at the form and make our recommendations on changes that should be made. Let's review that form to see how it can be made easier.
- Rep. Griffin: We're talking about money in connection with an election process that's changing because of COVID-19. None of what we're talking about has anything to do with COVID-19, and every time we talk about absentee registration packets, I get a little taken aback, because absentee voting is done because of an issue of time and place; registration is done anywhere. It's registration by mail for convenience to date, that's why we do it. From a policy perspective, what was decided is you can call or go get the application, complete it, and mail it in. I get what you're all talking about but I'd suggest its relation to COVID-19 and the election is pretty slim.
- Chairman Cook: I think everything normally done in person that can't be done in person because of COVID-19 needs to be prioritized. I think it's very connected.
- Sen. Sherman: I'd agree with the Chair that this is part of COVID-19 and my goal would be that in all these processes, with deepest respect to security, we need to make these processes have as little requirement for person-to-person interaction as possible. How can we attain security levels of in-person interaction via absentee?
- Chairman Cook: Asked that on Tuesday we see the current forms for requesting absentee ballots. We'll go through on Tuesday and see what's presently required by process for people to submit when they're doing an absentee application.
- Sen. Sherman: I want to make sure that we remember that these memos include the three or four documents that I submitted, and that it's all available to the public.

- Chairman Cook requested that Mr. Van Loan's memo be posted
- Ms. Hanna moved to adjourn, Sen. Sherman seconded. Unanimous adjournment by roll call vote.