

Meeting of the Select Committee on 2020 Emergency Election Support

Thursday, May 28, 2020 – 11:30 a.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 11:30 a.m.
- Chairman Cook called the roll: all members except for Rep. Griffin were attending remotely, alone. Rep. Griffin will join shortly.
- Approval of last meeting’s minutes was postponed to next week.
- Chairman Cook: Today we’re discussing absentee ballots, use of affidavits, the items on the process recommendation portion of the decision matrix, and next week’s schedule, as well as assignments for drafting portions of the report, which we should start assembling that next week.
- Chairman Cook: I understand there is a draft executive order about absentee registration, which doesn’t mean it will be imminently released, but that progress is being made.
- Sen. Sherman: If it hasn’t gone out, it would be very helpful if we could review it and have some input or make recommendations on it. It would help for us to have the ability to apply the COVID-19 concerns to the absentee registration form, just as have to the absentee ballot form. Maybe those can wait for final recommendations.
- Chairman Cook: We’ll also discuss the status of forms and thoughts about the absentee ballot process today.
- Deputy Secretary Scanlan: There is a document that is circulating between the Secretary of State’s office and the Attorney General’s office, and I’m not currently prepared to say more beyond that.
- Attorney Fitch: I believe when you were sent the FAQ and guidance that was sent to supervisors, you were also sent instructions for the public re: COVID-19, which is meant to be a simple one-pager about registering to vote and voting absentee by mail. The committee may have interest in reviewing that. It could potentially be revised prior to the fall elections.
- Chairman Cook: And I understand the Attorney General’s advice on disability related to COVID-19 also applies to registrations.
- Chairman Cook: There were a number of things discussed yesterday. Sen. Sherman wanted to discuss one of his subcommittee reports today.

- Sen. Sherman: One subcommittee consisted of Ms. Seaver and me. It would be great to have more time, but we were focused on getting PPE to municipalities and how to formulate recommendations that support polling places' PPE needs. One component that we all agreed on was that having a best practice for PPE in the polling place developed will really help determine how much PPE is going to be needed.
 - Dr. Edelstein gave testimony that developing a template for best practices at the polling place, then allowing localities to use that to determine their own need, would be helpful.
 - Attorney Fitch had shared the idea of every poll worker being given a KN95 mask, which is what a poll worker should have to protect from incoming droplets and other contamination, and that would cost up to half a million dollars if we gave each worker a KN95 for each election. That quickly becomes a daunting number.
 - We talked about formula for distribution of funding to municipalities, and I think the Secretary of State's office has a very reasonable formula for distribution, which would use the 2016 voter turnout numbers by polling place to determine how much each location would be allocated for funding. This could mean either reimbursing municipalities directly for PPE, or having the polling places make a request for PPE through the Secretary of State's office and going to the EOC and having them distribute it, or a combination of these two strategies to reimburse and distribute. This is still a work in progress.
 - One concept we discussed for polling places was a model that has worked well in using an online EOC PPE request form. That request would go directly to the EOC and they would fill the order, and that distribution is currently being done by the National Guard, but depending on the situation, it could be a pickup situation from a central distribution site.
 - The final model we discussed for grants, which we've seen on the CARES Act grants for municipalities, is keeping a running tab of receipts of costs incurred, then using those to support any grant money coming into the polling places for reimbursement.
- Ms. Seaver: Ideally we're presenting an either/or situation, which provides critical flexibility moving forward.
- Sen. Sherman: I think one thing we tried to do is recognize that the experts are those in the field. They know their needs. If you have best practices coming from DHHS, EOC, and CDC, they should be adhered to as closely as possible, while flexibly taking polling place variations into account. It would be up to the polling place, based on this formula, to see how they could most efficiently meet the standards of safety that will be part of our forthcoming recommendations.
- Chairman Cook: As part of your ultimate recommendation, knowing we're aiming at a moving target, could you include what kind of masks should be used, and those baseline things that we've talked about before, based on your expertise?
- Sen. Sherman: I'm happy to tackle this component. I like the idea of having a "best practices for polling places" plan to provide protection for both voters and workers, and then having a formula to support that based on the 2016 voter turnout numbers per polling place. Trying to look at other possibilities, that's probably the most reasonable in terms of the volume of people coming through and the need for poll workers' and voters' face coverings, but leaving actual implementation of best practices up to each polling place.
- Chairman Cook: That makes sense to me. There's a baseline cost for every polling place, and then there would be additional equipment made available based on the number of voters at each polling place.

- Sen. Sherman: In the chat, there's mention of this base number. Using that base number, which is based on historical voter turnout, will establish the basic needs for a polling place, then any needs beyond that would be accommodated on this prorated formula. Can we ask Ms. Hanna and Mr. Van Loan if they agree?
- Ms. Hanna: Yes, I agree.
- Mr. Van Loan: Agrees. It seems if that the National Guard is doing this for healthcare institutions right now. A combination of National Guard delivery, if requested, or pickup by the municipalities makes a lot of sense. I'm unclear about whether we can or should assign any cost to that. We can provide best practice procedures, but not fund it.
- Attorney Fitch: We can't determine distribution until we determine the source. We have to figure out who's paying for their time. Currently the National Guard is operating under federal funding, which can't count towards our state match or any other purpose. We have to consider this systematically, with the first step being deciding what are we going to get, where are we getting it, and how we are distributing it.
- Chairman Cook: But it also doesn't cost us anything if they're being paid federally.
- Sen. Sherman: I think distribution cost is a moving target, because my understanding is that there's no guarantee the National Guard will still be activated come September. We may be looking at having to cover distribution costs, or that may be something we can cover through the EOC.
- Rep. Griffin joined the meeting. She was attending remotely, alone.
- Sen. Sherman: We had a lot of discussion about different costs of mailing, and if we were going to cover the outgoing costs of absentee, the inbound cost, etc. The Secretary of State's office has done a phenomenal job ensuring NH has very high voter turnout, and so one of the drivers of this conversation was that our goal is to ensure that in 2020, in spite of COVID-19, we maintain the same high level of voter turnout, while also ensuring it's secure and safe.
- Deputy Secretary Scanlan shared Sen. Sherman's grid on the screen.
- Sen. Sherman: Regarding postage: Vicky said if we look at what our general participation is, and recognizing that we have limited funds, perhaps a public outreach campaign makes more sense before the general election versus the primary, as there's historically higher general election turnout. Perhaps we should reserve any kind of blanket voter absentee ballot request for the general election. Under this scenario, anybody could request the absentee ballots before the primary with the "Van Loan" form, on which you have the ability to request both ballots on one form out of concern for COVID-19. That form would be on request—hopefully through the Secretary of State's website or through an every household mailing.
 - Outbound mail would go out on an as-needed or as-requested basis, so municipalities would send that on request and keep receipts.
 - This would be a one-ounce metered postage put on every envelope at the time of printing, which would be a one-time cost of \$89,000 for the estimated number of voters, based on the primary voter turnout numbers.
 - The requests would go out, come back in, and there would be metered postage on all envelopes for the return of the absentee ballot request, which would then generate an outbound primary absentee ballot, which would then be sent out.
 - The envelopes for that outbound mail could be metered at the Secretary of State's office at the time of printing. For an anticipated 21% of voters with an 85% absentee rate, at a 2-

- ounce rate, that would be a cost of \$116,000 for the outbound mail. Currently this is a cost absorbed by the municipalities; they do the metering and the mailing.
- The return of that primary absentee ballot would then be a state meter, done at the time of printing, and that would be a cost of \$116,000, operating once again on the estimated number of participants being 21% of voters with an 85% absentee at a 2-ounce level.
 - Chairman Cook: Are you assuming everyone who gets one will send it back by mail, and not drop it of in-person?
 - Sen. Sherman: Yes. And by putting postage on at the time of printing, you could either do business reply, which is pricy, or a situation whereby if you don't send out all the envelopes you can take them to the post office and get credit for them. The point of the state meter is that these are forever stamps, so if they remain unused by the clerk's office they can be held, and that envelope can be used at another time because it will have a state meter on it.
 - Mr. Van Loan: Can you explain the 21% and 85% figures?
 - Sen. Sherman: In '16 we had a turnout of 21% of registered voters for the primary. The 85% is an audacious goal for getting best-case scenario turnout. I think it'll actually be less, but this is the most expensive scenario.
 - Mr. Van Loan: To come up with the dollar figure here, it's the number of registered voters times 21 percent times 85 percent?
 - Sen. Sherman: Correct, which is then multiplied by the state meter rate. This is not flat mail—that option would easily double these numbers.
 - We've talked about: how do we encourage people to use the absentee option? This concept was that before the general election, which is where most people show up, the Secretary of State's office would send out absentee ballot application requests to every voter on the checklist.
 - Chairman Cook: Why not every household?
 - Sen. Sherman: There are oftentimes multiple voters in each household, but that could be an option to consider.
 - Sen. Sherman: For commercial bulk mail, it would be \$461,000 to send to every person on the checklist in the state. Vicky says municipalities usually use first class, which is more expensive, and why we went with metered mail. Return would be state meter, not commercial bulk mail, and would cost \$416,000 if we provided the return on that request form.
 - Sen. Sherman: In terms of outbound general election absentee ballots, if you send this out to every voter who returns the absentee registration application and you're hoping for 85% of the number of people who voted in '16, at a 2-ounce metered rate, that outbound cost to send the package would be \$415,000.
 - If you take the total, you can see doing both outbound and return mail gets to a very high number, but it's essentially a little over \$1 million for each way.
 - Chairman Cook: I'm interested in what the every household mailing cost would be for a mass mailing. I think you have to discount your returns for the people who will return them. Explain to me why we can't use the system that the return envelopes are only charged for the ones used?
 - Sen. Sherman: If you get up to 85% return rate, there's an accounting fee associated with that. If you did business reply, you had 2 options besides standard mail: business reply and then the option where you're getting credit for unused. Credit for unused is difficult to apply here because you only get credit for a completely unused envelope and that wouldn't work for something where someone

dropped it in a drop box or brought it to a clerk. If we do business reply with an 85% return rate and a significant number of those are going to be actually mailed, then it's less expensive in total because cost of business reply is significantly more than standard postage.

- Chairman Cook: I wonder if the assumptions in terms of percentages are overly optimistic in terms of how much absentee participation we're going to get. We may have to discount that estimate to be more realistic.
- Sen. Sherman: The other cost would be the 20%. Unless there were another way where the municipalities made up the 20%. This is a best case/worst case scenario: it's the best case for participation, and the worst case for cost.
 - Cost-mitigating factors include people dropping these off in-person and using Ms. Hanna's idea of dropping them off at the polling place on election day, which would mean people would have the ability to go to the polling place while avoiding any unnecessary exposure, and they'd save potential postage, but only if we did it on the business reply. These are important considerations to bear in mind when we determine whether we'll recommend any level of coverage for postage, and if we are, what level do we think we can afford?
- Chairman Cook: I wonder if someone at the Secretary of State's office could take this to the postal service people and get their input, so it's not just our estimate but a verified number. I also want to know the price of an every household mailing. I don't like the idea of sending to everyone on the checklist.
- Ms. Seaver: I've already got a file full of absentee requests for November, so are you going to send applications out and I'll get duplicates? I have a folder full and it's only May.
- Sen. Sherman: I think optimally you'd subtract out of the mass mailing anyone who has already requested an absentee registration package or ballot.
- Chairman Cook: Do you already have them for both elections?
- Ms. Seaver: Yes. We encourage them to do it all at once if they know they'll want them.
- Chairman Cook: As an aside, in terms of publicity, the local inner-town shopper publication in the Sunapee region has had ads in it already from town clerks saying to voters: "Get this form in by next Tuesday if you want to change your registration," so clerks are being proactive.
- Ms. Hanna: Question about household mailings: If one application for absentee voting is sent to a household with five voters in it, how do you suggest that application be returned by five people?
- Chairman Cook: I assume they'd ask the clerk for four more.
- Rep. Griffin: I think it's very helpful, because we need to deal with percentages and priorities versus hard dollar numbers. This is valuable. I look at it and say: "That's two thirds of our money," and it may be slightly less or more, but it gives me a ballpark for what we're looking at for mailing costs, which says I have a third left to deal with, which gets me back to prioritizing. Now we can start to move priorities into Mr. Van Loan's buckets. I want to say to Vicky thank you for all your work.
- Mr. Van Loan: Should we have a discussion about the various categories of mailing in and mailing out applications, ballots, etc.? Where are our priorities? Because based on the numbers we're being presented with, we're talking a lot of money, and we may not be able to fund everything. Among those categories, where do we feel the priorities lie?
- Chairman Cook: Yes. There are a couple threshold questions that bear discussion. Sen. Sherman's assumption was we're back to the old regular configuration of envelopes and not big flat ones; I've been feeling like we were moving in that direction, but we never said so, so I'd like everyone to

indicate whether they're in agreement with that because that's a fundamental assumption that informs these priorities.

- Sen. Sherman: I want to check in with Deputy Secretary Scanlan and verify, but my understanding is that if we stick with the concept of the 8.5" by 11" envelopes, the risk of jamming, even if the ballots are folded, is less. So, an in-between measure would be that we'll stick with the 8.5" by 11", but we are still going to do folded, and that is likely going to have fewer complications than if we stick with the long ballots that then tend to get stuck in the machines. Is that correct?
- Deputy Secretary Scanlan: That is correct. My understanding is that the machines are less likely to jam with a short ballot with fewer creases in it than a ballot that's say 18" long that may have additional creases in it. It's much easier to deal with and it won't fold up like an accordion in the box after it goes through the machine, causing additional problems.
- Mr. Van Loan: Deputy Secretary Scanlan, are you okay with 2-sided ballots?
- Deputy Secretary Scanlan: I think in this situation we find ourselves in, the Secretary of State has agreed that it may make sense this year. That will be an education effort from our perspective to ensure voters understand that when they take a ballot they need to mark both sides.
- Chairman Cook: It's important to add that the 2-sided ballot objection was solely over concern that people wouldn't turn it over. I talked to the Secretary of State, who said an equally important concern he had about them was that it's not possible for a vote to be totally undisclosed when you carry it to the machine, because one side would be visible. But again, he thinks this time it would be okay. Maybe another piece of paper or an envelope for the ballot could be used to hide the exposed side of the ballot.
- Ms. Seaver: Many towns offer a sleeve voters can slide their ballot into so no one sees either side.
- Chairman Cook: Also, the idea about the mass mailing going out after the primary but before the general leaves the potential for materials to be caught up and lost in political mailings, but it also makes it less necessary to check off which election you're sending in your ballot for, because it's after the primary and would only apply to the general.
- Sen. Sherman: The idea is that the general election is where we have huge voter turnout: 75% of voters coming out. The impact of the mailing may be significantly larger if we send out a mass mailing as soon as we're done with the primary, in an attempt to reach that large number of voters who may be thinking about same-day registration. The idea is it's more bang for your buck the closer it is to the general election.
- Mr. Van Loan: If we're going to recommend to the Secretary of State that we do a mass mailing as a PR device after the primary to advertise the absentee process, doesn't an informational one-pager become moot? Does it perhaps make more sense just to send the applications now?
- Sen. Sherman: If you did an every household mailing and you included the application, is it okay for a voter to make copies of that if they have multiple voters in one household? This would just be for the absentee request form.
- Deputy Secretary Scanlan: I think they could photocopy the form. Technically they don't need to use an official application form to request an absentee ballot. They could simply send a letter, and as long as it contains the information requested on the application, the clerk should accept that request.
- Sen. Sherman: So if that's true, technically we could have a very simple form on there that a voter could just tear off and send back.

- Deputy Secretary Scanlan: That’s a good question. We’d feel obligated to follow the statutory language of the absentee request form being sent out from our office, but the point I was making is if a voter didn’t have access to the form or wasn’t able to obtain it somehow, they could make the request by just sending a letter containing the required information to obtain an absentee ballot.
- Ms. Hanna: Is it correct that they could also go online and download it?
- Deputy Secretary Scanlan: Yes.
- Chairman Cook: Does it make sense that we make a larger recommendation to the Secretary of State’s office for them to determine form and format, versus us prescribing specifics?
- Sen. Sherman: There are many components to this recommendation.
- Kate: Is timing an issue?
- Sen. Sherman: I think there are several questions about what the committee wants to recommend, and one of them would be timing of this. Another is: Does it go to everyone on the checklist, or to every household? Another question is: What does it look like? Is it just a postcard informing the voter of their options and maybe having the website listed so they could download the application, or does it actually contain either a simple request or the application itself, which sounds like it would require an envelope as part of the mailing versus fitting it onto a postcard.
 - I think we could put together a list of all those options that we could go through and discuss and then vote on. The only concern I have about making a blanket recommendation that we want something to go out is we’re trying to figure out how to spend the money, and that’s why I was focusing on trying to get a sense of what we’re trying to do and put a price on it so we can know what chunk of our available funding is going towards that effort.
- Ms. Hanna: On the timing issue, which isn’t a matter of cost, I’d suggest we get that public education piece off as soon as possible, before the primary, because people need to start thinking about voting absentee and the sooner we do it the better. If it’s just a public education piece then it can go to each household. If we’re talking about a folded postcard, I like that idea, where they could tear the bottom piece off and send it in as the actual request, it makes sense you send that to every voter, not every household. From my perspective, I would say that the most important thing about all of this is prepaid return postage for absentee ballots. And the second priority would be: What are we doing about the mass mailing? I agree with no flat envelopes—it would’ve been very nice for clerks to have that, but I don’t think we can afford it.
- Chairman Cook: Question about the folded postcard: Is that the same price as a postcard, versus the price of an envelope?
- Sen. Sherman: I don’t know. It’s certainly less weight.
- Chairman Cook: If there were a 2-sided postcard large enough to have an application on one side that could be returned and two voters put their names in on that form and remit it to their clerk, would the clerk accept it?
- Deputy Secretary Scanlan: My sense is they probably would, but I would defer to Ms. Seaver and how she would’ve handled that.
- Ms. Seaver: I would, but I’d send them application forms, because generally you get a note saying: “Please send us an absentee ballot,” and there’s no other information, which is not helpful. One thing that’s helpful on the absentee registration form is the phone number; that helps immensely when there’s missing information.
- Mr. Van Loan: I’m concerned that we’re going too much into reinventing the wheel here. My inclination is to think that #1: There should be a mailing sooner rather than later. Whether it’s in

June or July—as soon as the Secretary of State’s office can do it. I’m inclined to agree with the chairman that it should go to every household and not to every registered voter for a number of reasons that have been expressed, including the fact that if it goes to everybody on the checklist, it’s going to go to lots of people who have moved or died, which is a waste. Also, that mass mailing rate is a household rate, not a checklist rate. I don’t know what that would be. The post office has a certain rate for that.

- As far as whether someone can then copy things, I figure they’ll work that out one way or another; we can’t do everything for them. It’s about \$100,000 to mail out a one-ounce envelope. The Secretary of State’s office should send a one-pager with information and referring voters to the Secretary of State’s office’s website. If the Secretary of State’s office wants to go the hotline route, that could also be included on this one-pager.
- Sen. Sherman: If that application request were included in the every household mailing, could you include the return address so you could trifold it up and it would have the return address printed on the back, thus eliminating the need for an envelope?
- Chairman Cook: That becomes a complicated mass mailing, because they’re not all sent back to the same place.
 - The mass mailing cost is an outgoing cost, regardless of whether we pay for those applications to come back or not. We have the option to pay some but not all of these costs.
- Ms. Hanna: I don’t recall we’ve ever talked about return postage on an application for absentee ballots. I would not be in favor of that; it’s too much money. The return postage I was advocating for is for sending in the absentee ballot.
- Sen. Sherman: In terms of the return at this point, we’d be talking about paying return postage for the actual absentee ballot return for both the primary and the general elections, correct?
- Ms. Hanna: Yes, that’s what I’m advocating for.
- Sen. Sherman: That’s about half a million dollars. I’m happy to turn this into recommendations that we can go through one at a time to end up with a final document as a committee.
- Chairman Cook: I think when I get to the writing assignments, what I’d like you to do is write your recommendation in the alternative so we have language that says: “This is our recommendation, and it’s either/or,” and then we can take a final vote which version we like.
- Sen. Sherman agreed to do so.
- Rep. Griffin: What’s the history of people requesting an absentee ballot and then showing up to vote in-person on election day?
- Ms. Seaver: The last election we had was February, and someone came in and said: “I think I’m going to be in the hospital on election day,” so I gave them one but informed them it might be challenged, and he did come in and we took his ballot out of the absentee process to allow him to vote. But I see it may be happening more now if the number of absentee ballots is that much higher than in the past. But if we can process early, they won’t have a huge opportunity to do that.
- Ms. Hanna: This is nuanced, but I wanted to ask about prepaid postage for an absentee ballot of that voter who asks for an absentee ballot but isn’t registered. What we’ve heard from the Secretary of State’s office is that what happens is that person will get a ballot and also a registration packet. So, how do we prepay for the postage for that voter sending in the absentee ballot? I think for our unregistered voters that may be the main way people register this time around.
- Chairman Cook: Does the registration application packet have its own envelope for returning it?

- Ms. Seaver: Currently it's just one envelope they get, but we ask them to return it under separate cover. Right now they're paying for all returns anyways.
- Sen. Sherman: Would anything stop them from putting it all in one envelope?
- Ms. Seaver: If they put it in one envelope we can't open that envelope until election day. As a result, the voter doesn't get put on the checklist ahead of time, and they're processed on election day as same-day registrants.
- Chairman Cook: If we're doing prepaid stuff this year, wouldn't it make more sense to consider adding a return envelope to the registration packet so the voter had two prepaid return envelopes?
- Mr. Van Loan: It's a big mistake to discuss absentee registration and absentee balloting as if they're the same thing; they're very different and they need very different considerations. The biggest complicating factor with absentee registration is that you need to produce evidence of your qualifications. To combine these things as if they're all the same doesn't work. It's not just a matter of sending in a form, and I think we need to discuss this separately.
- Ms. Hanna: I'm not trying to combine the two. I'm just pointing out there will be a subset of people who won't have an absentee ballot return envelope. I want to ensure people unregistered sending in an absentee ballot also get a prepaid return envelope.
- Ms. Seaver: If we receive an incomplete registration and it's left in the envelope until election day, we don't have the opportunity to check in with the voter ahead of time and rectify the error.
- Sen. Sherman: When this packet arrives back there's only one envelope, so you could choose to send the whole thing back with that one envelope, running into what Ms. Seaver just described, which was that if it is incomplete it may not be counted. Or they could put it in a separate envelope, pay your own postage, send to town clerk, and you'd get the normal response if you made an error, which would be the clerk reaching out to you. Then you'd send your ballot back in the prepaid return envelope. I want to be clear that the best process from a clerk's standpoint is to be getting that packet that includes absentee registration and ballot and all appropriate envelopes, but get your registration in right away.
- Chairman Cook: When the registration packet goes out, how clear is it that it's supposed to be sent back in a separate envelope?
- Attorney Fitch: The current law and the current instruction set that goes out provides that a clerk sending out the package (absentee ballot, affidavit envelope, instructions for voting absentee, voter registration form, etc.) is supposed to write on the envelope it'll be returned in—the prepaid absentee registration. General law says you can't open that envelope until election day. There is one exception: If the envelope is marked "not registered", the clerk is allowed to open the envelope.
 - Instructions tell voters how to return the forms and which envelopes to use. Currently voters are instructed to send it all back together. It used to be the other way around: When you registered you'd receive that packet, then you'd have to wait to receive the absentee ballot. That lag time proved problematic and the Clerks Association asked for the current process.
- Sen. Sherman: So it might be something as simple as when that whole packet arrives with a voter's completed ballot in the affidavit envelope and all the registration materials, perhaps it could say "Absentee Registration Included" on the outside of the envelope. So, the clerk opens that and if they realize it's flawed or incomplete, the clerk can do the usual follow-up on that to make sure it became complete and valid.

- Attorney Fitch: I think the answer is somewhat based on when this happens. If the voter sends all this back prior to the last session of the supervisors of the checklist, clerks are allowed to open “not registered” envelopes to get them registered ahead of time. The folks in a bind are the people sending them out four days before the election and those are likely to get reviewed on election day and then there’s no time to contact voters for clarification.
- Sen. Sherman: That would be true even if you had two envelopes though, correct? If they’re past the last session of the supervisors?
- Chairman Cook: I know there’s a required time for supervisors to meet. Is there a prohibition on them meeting more than that, and closer to the election?
- Attorney Fitch: Generally the law is premised on the fact that once the supervisors hold that last meeting, in-person registration is closed until election day. Supervisors need the time to finalize and print the checklist for election day. Generally, however, they can meet whenever they wish, as long as it’s adequately publicly noticed.
- Chairman Cook: On the absentee registration application form itself, my impression is that we’ve had many conversations about it and understand what the proof parts are. We talked about whether it was wise to request to substitute an affidavit to prove qualifications.
- Mr. Van Loan: Yesterday we talked about whether these forms should be available to download on the Secretary of State’s website. I don’t think we should be getting into trying to change the whole absentee registration process to eliminate the evidence requirements. Today a voter doesn’t know the process because the forms aren’t available on the website. Ms. Hanna’s suggestion was that they be published on the website and they be downloadable. My suggestion is that responding to the information issue and letting people know what they can do if they need to register absentee, those forms can be published on the Secretary of State’s website, but not downloadable. This way voters can get onto the website and understand the process, and then proceed as they normally would. We have to keep control of the process.
- Sen. Sherman: I think at the very least you should be able to request an absentee application online. I think that’s the minimum. I am unconvinced that there is any security risk associated with having a downloadable application for registration by absentee online. You may get 1,000 applications for registration coming in, but they’d still go through the scrutiny of the town clerks. So, there is no security risk putting it online.
 - My fundamental thinking is that whatever we’re doing absentee, there is no justification for it being more difficult and more cumbersome than what we’re doing in-person, as long as there are no security issues. I can walk in in-person, same-day, with zero documentation, sign an affidavit, have the poll worker sign that affidavit, and I can vote. Absentee, we’re saying you can’t do that. I would think that an affidavit that allows a person—even if they had to have a witness and picture of themselves on that affidavit—that’s better for someone who lacks the resources to recreate their proofs of qualifications. Having some affidavit component to absentee registration meets our target and is as secure and as safe as coming in same-day, and it also allows people without a copier or access to that that they still need to have a witness and a picture, just like they would in the polling place. That’s my response. I don’t think we should write off the idea of an affidavit.
- Chairman Cook: My response is that the use of the affidavit in same-day registration is because the voter doesn’t have the time to go repair the situation, as you would on absentee, because you’re doing it ahead of time and can theoretically have time to get copies of proofs made.

- Ms. Hanna: I agree about the affidavit with Sen. Sherman. I want to go back to the fundamental issue of whether we post the form for registration on the Secretary of State's website. There doesn't seem to be any security issues with this. There seems to be more of a security issue with people requesting absentee ballots and automatically receiving them along with a registration packet, prior to even being registered. I have yet to hear the security concern for doing this just this year.
- Rep. Griffin: I agree that the same-day registration line poses a safety issue. I also agree that the majority of registrations occur on election day and mostly in college towns, by far. My concern with this online registration push is that we're not targeting the entire population. Colleges are all coming back at different times. When I hear this big push for registration ahead of time, I don't see it addressing the issue because if kids haven't come back to their dorms, they don't have an address to register to. I think we could recommend that we stop sending out registration with an absentee ballot, let people request an absentee ballot and separate those two processes. Then we don't get into the combined mailings and envelopes issues.
- Attorney Fitch: Any time a clerk sends out an absentee voter registration form, the absentee registration affidavit set of instructions go with it, and there's a checklist of what needs to be sent back. It's a comprehensive guide to help the voter get it right. Also, it may help to understand how much of an issue this is: If a moderator rejects an absentee ballot because the voter is unregistered, we have to report that to the federal EAC. At the 2020 presidential primary, 459,159 ballots were cast, 2 absentee ballots beyond that were submitted and rejected because the person was unregistered. In 2018, 580,214 were cast, and 4 absentee ballots were rejected and not counted. In the 2016 general election, 755,850 ballots were cast and 15 absentee ballots submitted were not counted due to not being registered.
- Mr. Van Loan: If they're available online people are going to think that's all they have to do.
- Sen. Sherman: Whatever you should be able to get on the internet should be the same thing triggered by a request. What do people do who are all alone and don't have documents available to prove their qualifications? What are they supposed to do without an affidavit? Forcing people to come in in-person puts them at risk. We may have to agree to disagree.
- Chairman Cook: I'm in favor of posting the whole packet, in favor of it being downloadable, and against the use of the affidavit for absentee registration.
- Rep. Griffin: I'm in favor of posting on the website, not in favor of making forms downloadable, and against the use of the affidavit for absentee registration.
- Rep Griffin left the meeting for another commitment.
- Ms. Hanna: I'm in favor of posting the registration materials online, allowing for the downloading of them, and in favor of the affidavit in lieu of producing proofs for absentee registration.
- Ms. Seaver: I'm in favor of posting of all materials online, I'm on the fence and leaning towards no on making them downloadable, and definitely against the use of the affidavit in the absentee registration process.
- Sen. Sherman: I'm in favor of posting on the website, making the forms downloadable, and use of the affidavit in the absentee registration process. There should be an ability to request the application through the website. If you can't download it you should be able to request it. Also, if you do downloadable, you need to have the whole packet come out, not just one page. On the affidavit for 2020 alone I think we should make this process as doable with a photo and with a witness, as it would be in-person. So, with that caveat, I think it should be doable at home without other supporting documentation.

- Mr. Van Loan: I'm in favor of posting the documents necessary to be filed to register by absentee. I'm where Ms. Seaver is on the issue of making the forms downloadable, and I am opposed to the use of the affidavit.
- Chairman Cook: We're in favor of posting whole packet online with instructions, probably split on whether it should be downloadable, which means we're barely in favor of it, and the majority is against the use of affidavits but in favor of posting online and downloading.
- Sen. Sherman: Let's qualify that posting online includes the request for application.
- Chairman Cook: The rest of what we were going to cover today I'll summarize:
 - the rest of the process recommendation we hadn't yet acted on, including remote site clerk staff for absentee ballot receiving, and registration;
 - polling place arrangements on election day;
 - additional staffing;
 - publicity and raising awareness through free sources;
 - filing for office by mail;
 - independent and third party petitions. The Governor says he won't take action on this, and I wonder if we want to make a recommendation around that.
 - changing back to unaffiliated without having to stand in line we've heard about;
 - possibility of an assistance hotline, which would be up to the Secretary of State.
- Chairman Cook: I propose that I start the skeleton of a report that's going to have the background and number of times we've met and who we've heard from and what we've discussed; substantively we should have various people write things we can include in a report to talk about whether we want to adopt it the way they write it or not.
- **WRITING ASSIGNMENTS:**
- Postage issue as we've amended and discussed it today: Sen. Sherman, Rep. Griffin, and Ms. Seaver.
- Application forms for absentee registration and ballots: Mr. Van Loan and Sen. Sherman.
- Statewide PR/awareness campaign: Ms. Seaver and Mr. Van Loan.
- PPE: Sen. Sherman and Ms. Seaver.
- General report: Rep. Griffin will review what the Chair comes up with and make suggestions.
- Final item: a statement about accounting, which the Chair will include in the draft report with a blank in it as we don't have, and may not get, a number.
- Sen. Sherman: There's no problem with bringing other people in, is there? I'm wondering if Ms. Hanna would join us on applications.
- Chairman Cook: Anyone can consult with anybody, as long as a quorum is not reached.
- Ms. Hanna: Did you include the issue of drop boxes for absentee ballots, either at the polls or a few weeks before the election?
- Chairman Cook: We're including that under people writing about absentee ballots, as well as under the remote sites for clerks' office staff.
- Sen. Sherman: I don't see the issue of developing PPE recommendations here.
- Chairman Cook: PPE subcommittee is Sen. Sherman and Ms. Seaver.
- Sen. Sherman: So would it be ok with you for me to step off the application issue and go to PPE?
- Chairman Cook: Yes, Ms. Hanna will do applications and you and Ms. Seaver will do PPE. If you can get things written and to me by Monday morning that would be great.
- Chairman Cook: Next week we'll meet Wednesday from 1-4pm and 11-1:30 on Thursday.

- Sen. Sherman: We'd love help with postage and seeing if we're near correct on our assumptions of how much it might cost.
- Deputy Secretary Scanlan: We'll have Tricia Piecuch follow up on that.
- Mr. Van Loan moved to adjourn, seconded by Sen. Sherman. Committee unanimously voted to adjourn by roll call vote.