

How to Build a Racially Inclusive Democracy During COVID-19 and Beyond

LAURA WILLIAMSON
Senior Policy Analyst

The COVID-19 pandemic is not only a public health crisis. It is a racial justice crisis and a test for our democracy. Just as the virus is killing Black and brown people at disproportionate rates,¹ it also threatens to disproportionately disenfranchise these communities unless we take bold action now to protect the right to vote. Moreover, while the pandemic is presenting new challenges and urgency, it is also exacerbating existing barriers to the vote. Since our nation was founded, fearful and self-interested politicians have intentionally advanced policies to disenfranchise—or wholly exclude—Black and brown people from the franchise. For this reason, any agenda to protect our elections must address the deep, structural exclusions that Black and brown voters have long faced in our democracy.

We believe policymakers and election officials must take the following set of steps to ensure that Black and brown Americans—and indeed all Americans—can exercise their fundamental right to vote in 2020 and beyond:

1. Increase opportunities to register to vote by making online voter registration and same day registration universal and by relaxing voter registration deadlines.
2. Expand opportunities to vote by mail and ensure vote-by-mail systems are racially equitable.
3. Preserve and secure in-person voting during an extended early voting period and on Election Day.

Congress should mandate these changes, make them permanent, and appropriate at least \$4 billion for states to implement them. Even absent Congressional action, states and localities should work together to implement these changes. Additionally, policymakers and election officials must engage in extensive public awareness and voter education efforts, so that communities know their options for safely casting a ballot that counts during the remaining primaries and in the November 2020 general election.



Here's how Congress, states, and localities must work together to protect the fundamental right to vote during this time of crisis:

Increase opportunities to register to vote by making online voter registration and same day registration universal and by relaxing voter registration deadlines.

Every eligible person must be able to register to vote safely and easily. COVID-19 and shelter-in-place orders mean that traditional voter registration activities are more difficult. Government agencies like Departments of Motor Vehicles (DMVs), public assistance agencies, and disability offices that register people through everyday transactions are shuttered in many communities. Campaigns and community groups alike have been forced to limit knocking on doors and registering voters at community events. Similarly, with jails barring visitation in the effort to curb the spread of COVID-19, registration events run by grassroots organizations in jails have been suspended. With these

and other in-person voter registration activities hampered, hundreds of thousands of voters, including many voters of colors, are likely to find themselves unregistered and unable to vote on Election Day.

Through online voter registration (OVR), many voters can easily and securely register to vote without leaving the safety of their homes. Most states already allow their residents to register to vote online, but 8 states have refused this commonsense reform.² These states should make voter registration available online before any remaining primary election and well in advance of the general election.

Through same day registration (SDR), eligible but unregistered voters are able to register and cast a ballot on the same day. And those who have already registered, but whose registrations are not up to date—because they moved recently, there was an error in their initial registration, or for another reason—are able to update their registration and make their voices heard. SDR is a critical accompaniment to OVR, as some voters may not have internet access to register online, especially low-income voters, who are disproportionately voters of color, and Native communities, as broadband access on tribal lands is limited.³ While 21 states and DC already allow voters to register and vote on the same day, this critical fail-safe is still not an option for voters in a majority of states.⁴

Even in states with same day registration, the opportunity to register and vote at the same time is often only available to those who show up to the polls in person during early vote or on Election Day. With relaxed or fully eliminated voter registration deadlines, voters who are unregistered or who need to update their registration can do so by mail or online—or, to the extent that social distancing allows, through third-party registration drives—in the critical days before Election Day, without having to show up in person.

In making registration more accessible, states must:

- Ensure everyone, not just people who already have information on file through a driver's license agency, is able to register to vote online.⁵
- Allow online registrants to submit their voter registrations with an electronic signature, by digitally uploading a picture of their signature, or by providing the required signature when voting at the polls or returning a vote-by-mail (VBM) ballot.
- Make SDR available during every day of early voting and on Election Day.

- Relax or eliminate any existing voter registration deadlines, so that people do not have to show up to the polls to take advantage of SDR but can instead register to vote online or through the mail leading up to Election Day.
- Eliminate any photo ID requirements when voters are registering online or in-person during early voting or on Election Day, and permit voters to register and cast a ballot if they sign an affidavit swearing to their qualifications and that they have not already voted in that election.⁶
- Create a process through which an already-registered voter can vouch for the identity and residency of another person being registered through SDR.
- Ensure every jail and prison that houses eligible voters is stocked with voter registration forms that include self-sealing, postage-paid return envelopes, so that incarcerated voters—who are disproportionately Black and brown—are not denied their right to vote.⁷
- Guarantee that all eligible voters within jails and prisons can submit voter registration applications, along with pre-paid VBM ballot applications, up to Election Day and that these applications will be processed and voters provided with ballots that they are able to cast prior to close of polls on Election Day.

OVR, SDR, and relaxed voter registration deadlines would ensure potential voters who find themselves unregistered to vote during the primaries and this fall are able to register and cast a ballot that counts. They are especially important for Black and brown voters who, due to discriminatory voter registration procedures and purges,⁸ racialized wealth disparities,⁹ and a host of other barriers to registration, are consistently registered at lower rates than white voters.¹⁰

Expand opportunities to vote by mail and ensure vote-by-mail systems are racially equitable.

Every eligible person must be able to cast a ballot that counts, without compromising their safety or that of their loved ones.

Due to COVID-19, the level of in-person voting practiced in most states during normal election years would present dangers to public health and community wellness. Populations that are particularly vulnerable to the virus, such as the elderly and those with pre-existing health conditions, especially need to be able to vote by mail.

Black and brown voters face heightened risk. Chronic inequities in access to housing, air quality, education, and employment have left Black and brown communities less healthy and more vulnerable to infection,¹¹ and ongoing disparities in access to quality health care mean these same communities also have fewer options for receiving life-saving care when they do fall sick.¹² All eligible people should be able to vote by mail if they want, but for some communities, it is a matter of life or death.

Five states (CO, HI, OR, UT, and WA) already conduct elections almost entirely by mail,¹³ and every state allows absentee voting by mail for some portion of the population. However, 16 states deny the right to vote by mail unless the voter meets one of a narrow set of criteria providing a specific excuse to vote by mail.¹⁴ Those criteria often do not include the existence of a public health emergency.

To make vote by mail universally accessible and racially equitable, states must:

- Make every effort possible to send VBM ballots to all registered voters with self-sealing, postage-paid return envelopes at least 21 days before Election Day.
 - » Such “universal vote by mail” exists in five states and is readily within reach for states where most of the population already votes by mail. States with low vote-by-mail rates to date will need to act quickly to implement systems to handle this volume of mail voting. With adequate preparation and strong systems in place, sending mail ballots would mitigate the myriad problems that result from requiring voters to first obtain and submit VBM ballot applications.¹⁵
- Send a voter registration application and VMB ballot application to all inactive voters at least 30 days before any remaining registration deadline.¹⁶
 - » These mail pieces should be sent by forwardable mail and should notify voters that they can use the form(s) to update their registration if they have changes to report or to request a VBM ballot. All eligible voters who return the form should be returned to active status and sent VBM ballots.
- Send a provisional VBM ballot to any voter who requests a VBM ballot but does not appear on the voter registration rolls, and to any voter who requests a voter registration application after any remaining registration deadline.

- » If the ballot is returned and the voter eligibility is confirmed based on information provided on the provisional VBM ballot, add the voter to the registration roll and count the provisional VBM ballot.
- Eliminate requirements that a witness or notary sign a voter's ballot before it is valid, so that people who live or are quarantining alone are not endangered or disenfranchised. The voter's signature alone should suffice.
- Eliminate the requirement that voters send a photocopy of their ID along with their ballot, as government office closures make it practically impossible for voters to get current, compliant IDs, further exacerbating existing disparities in ID-possession rates by race.
- Allow people who are unable to leave their homes to designate a person of their choosing to pick up a VBM ballot for them and to deliver their completed VBM ballot to their county or municipal elections office or nearby drop-box.
- Provide drop-boxes in prominent, accessible locations throughout the county or municipality where voters can deposit their VBM ballots without using the mail, if they prefer.
- Institute a uniform and timely remote process for signature "curing," through which voters can correct their ballots if they have forgotten to sign them, if election officials believe their signature does not match the signature on file closely enough, or if there are other issues with their VBM ballot.
- Accept VBM ballots postmarked through Election Day and received within 10 days after Election Day.
- Provide adequate language access to limited English proficiency voters:
 - » Ensure voters who need assistance casting their ballot—such as voters with disabilities and those with limited English proficiency—are allowed to receive help from a person of their choosing as they complete and submit their mail-in ballot.
 - » Employ translation services that connect limited English proficiency voters to a live translator who can assist them in completing their VBM ballot applications and VBM ballots themselves.
 - » In jurisdictions covered by the language access provisions of the Voting Rights Act, provide multilingual ballots in all

covered languages, and/or ensure that there is a robust process for voters to request a ballot in the language of their choice. Such a process must include instructions for every step of the VBM ballot application and completion process translated into all covered languages.

- Create additional protections for Native communities, who are uniquely at risk of disenfranchisement by vote-by-mail systems:¹⁷
 - » Allow Native voters to use tribally-designated buildings as their address for receiving and returning VBM ballots.
 - » Increase the number of ballot drop-boxes on tribal lands, so no voter must travel more than 20 miles to drop their ballot.
 - » Collect ballots from the drop-boxes at no cost to the tribe.
- Create additional protections for eligible voters who are incarcerated:
 - » Ensure every jail and prison that houses eligible voters is stocked with VBM ballot applications that include self-sealing, postage-paid return envelopes.
 - » Accept VBM ballot applications that are submitted through fax or scan.
 - » Provide all requested VBM ballots with self-sealing, postage-paid return envelopes.
 - » Ensure both VBM applications and VBM ballots are transmitted in a timely manner so that all eligible, incarcerated voters can cast a secret ballot that is postmarked on or before Election Day.

Voting by mail—when coupled with the registration reforms described above and the robust in-person voting opportunities described below—represents a critical and commonsense reform that states should begin to implement now.

Preserve and secure in-person voting during an extended early voting period and on Election Day.

While the option to vote by mail is an important safeguard against the unique dangers presented by COVID-19, we must also maintain accessible in-person voting options—and indeed, increase them to prevent crowding.

Instituting vote-by-mail-only elections, without the option of in-person voting, would disenfranchise many voters, particularly Black and

brown voters who face higher barriers to mail voting, even during normal times.

Vote-by-mail-only elections would be particularly harmful for Black people, who move more frequently than white people,¹⁸ and who are disproportionately represented among people experiencing homelessness.¹⁹ Native American voters are also more likely to have problems accessing and casting a VBM ballot, as many of those living on tribal lands lack a residential mailing address, live many miles from the closest post office (where they may share a P.O. box with several others), and regularly experience mail delays.²⁰ And disparities in absentee VBM ballot rejection rates by race²¹ mean that even when they do succeed in casting a VBM ballot, Black and brown voters are less likely to have their ballot count.²² Voters with disabilities and those with limited English proficiency who count on in-person voting systems that allow them to receive assistance casting their ballot would also find it difficult or impossible to vote in vote-by-mail-only elections.²³ Maintaining in-person voting options will ensure all voters are able to cast a ballot that counts in 2020.

Ensuring voters have ample time to cast a ballot in person during the weeks before Election Day is also critical. Without extended in-person early voting periods—or without providing *any* in-person early voting, which is currently the law in 9 states²⁴—more people have to show up all at once at polling places on Election Day. In a moment when our ability to keep a reasonable distance from one another is imperative to the safety and health of our communities, crowded polling places do not serve the public interest.

Extended early voting is especially critical for Black and brown voters, who are more likely to be working in jobs without flexibility or paid sick leave, and who may have an even harder time voting on Election Day, on top of concerns about their health and that of their loved ones. States can conduct in-person elections safely during this pandemic if they take action now to expand opportunities for early in-person voting.

To ensure there are ample, safe, in-person voting options available to all voters, states must:

- Offer extended early voting periods, beginning a minimum of 30 days before Election Day and including at least 2 full weekends, one of which should be the weekend immediately preceding Election Day.

- Increase the number of polling places available for in-person voting, both on Election Day and during early voting, particularly in dense, urban communities, in order to reduce crowding.
- Consider making polling places county-wide during early voting periods, so that people can choose to vote at less-crowded locations or at locations that are closer to their workplaces. This is especially important for voters of color, as people of color are overrepresented among frontline workers who continue to have to go to work, day after day.²⁵
- Consider creating polling places in jails, where many voters remain eligible to vote but will otherwise be unable to access in-person voting.
- Provide transportation to polling places and ballot drop-box locations for communities who have limited access to transportation, such as Native people on tribal lands, and/or neighborhoods in which polling places have been closed in recent years, which are disproportionately Black and brown.²⁶
- Ensure polling places are well-stocked with ballots and well-staffed with trained poll workers, to avoid delays and minimize wait times on voting days.
- Institute safety plans for in-person polling places, including social distancing measures, regular sanitization of voting machines, provision of hand-washing stations and hand sanitizer, among other protections.
- Expand curbside voting, with priority for voters with disabilities, elderly voters, and others who are at higher risk under COVID-19.
- Consider creating drive-through voting sites, analogous to banks or drive-through restaurants, where voters can cast ballots safely and efficiently, supported by poll workers who also benefit from the distance.
- Situate vote centers, where replacement ballots can be accessed, and people can drop their VBM ballots, anywhere polling places are limited.

While elections officials must strive to make vote by mail as available as possible, voters should also retain the opportunity to vote in person if they so choose. Widely available in-person voting at accessible polling places is necessary to ensure Black and brown voters are able to cast a ballot and make their voices heard.



Finally, because voting is likely to be harder for many communities in 2020, even with all of these reforms, nonvoting during 2020 should not count for any state process that purges voters or changes their registration status to “inactive” when they have missed some number of consecutive federal election cycles. Additionally, the crippling economic consequences of COVID-19 mean more Americans than usual are facing housing insecurity or housing transience. States should not change any voter’s status to inactive because an election-related mail piece sent to them in 2020 was returned undeliverable. The realities of COVID-19 guarantee the 2020 election cycle will be uniquely challenging, and these challenges should not count against voters or endanger their status as “active” voters.

The critical reforms described here will not only protect voters through this crisis, they will also make us more resilient for the next crisis and help us build a more equitable, just, and inclusive democracy.

Endnotes

- 1 Jeffrey C. Mays and Andy Newman, “Virus Is Twice as Deadly for Black and Latino People Than Whites in N.Y.C.,” *The New York Times*, April 8, 2020, <https://www.nytimes.com/2020/04/08/nyregion/coronavirus-race-deaths.html>.
- 2 “Online Voter Registration,” National Conference of State Legislators, February 3, 2020, <https://www.ncsl.org/research/elections-and-campaigns/electronic-or-online-voter-registration.aspx>. States that require voters to register before casting a ballot but that do not allow OVR include AR, ME, MS, MT, NH, SD, TX, WY; North Carolina recently created a system for OVR for those with existing records at the DMV to mitigate the impact of COVID-19 on registration.
- 3 *Voting Barriers Encountered by Native Americans in Arizona, New Mexico, Nevada and South Dakota Survey Research Report*, Native American Voting Rights Coalition, January 2018. <https://www.narf.org/wordpress/wp-content/uploads/2018/01/2017NAVRCsurvey-results.pdf>.
- 4 “Same Day Registration,” National Conference of State Legislators, June 28, 2019, <https://www.ncsl.org/research/elections-and-campaigns/same-day-registration.aspx>.
- 5 Restricting OVR to just those who have driver’s licenses can negatively impact low-income residents and residents of color, who are less likely to have cars and transact with the DMV.
- 6 With closures or limited hours at many DMVs and other government offices that issue IDs—and/or the documentation required to receive them—voters may not be able to acquire or update qualifying photo identification.
- 7 The COVID-19 pandemic has resulted in many states appropriately reducing their prison and jail populations. Individuals who become eligible to vote upon release from incarceration should be informed of their voting rights and automatically registered or provided registration forms at the time their incarceration ends.
- 8 Shruti Banerjee and Stuart Naifeh, “How the Wisconsin Voter Purge Targets Black Voters,” *Dēmos*, December 20, 2019, https://www.demos.org/blog/how-wisconsin-voter-purge-targets-black-voters#footnoteref1_mdwi561.
- 9 Amy Traub, Laura Sullivan, Tatjana Meschede, and Tom Shapiro, *The Asset Value of Whiteness*, *Dēmos* and the Institute on Assets and Social Policy, 2017. https://www.demos.org/sites/default/files/publications/Asset%20Value%20of%20Whiteness_0.pdf.
- 10 Laura Williamson, Pamela Cataldo, and Brenda Wright, *Toward a More Representative Electorate*, *Dēmos*, 2018, 4. <https://www.demos.org/research/toward-more-representative-electorate>.
- 11 Justine Calma, “America Set Up Black Communities to be Harder Hit by COVID-19,” *The Verge*, April 8, 2020, <https://www.theverge.com/2020/4/8/21213974/african-americans-covid-19-coronavirus-race-disparities>.

- 12 Jeffery C. Mays and Andy Newman, “Virus is Twice as Deadly for Black and Latino People Than Whites in NYC,” *The New York Times*, April 8, 2020, <https://www.nytimes.com/2020/04/08/nyregion/coronavirus-race-deaths.html>.
- 13 “All Mail Elections (aka Vote-by-Mail),” National Conference of State Legislatures, March 24, 2020, <https://www.ncsl.org/research/elections-and-campaigns/all-mail-elections.aspx>.
- 14 “Voting Outside the Polling Place: Absentee, All-Mail and other Voting at Home Options,” National Conference of State Legislatures, April 14, 2020, <https://www.ncsl.org/research/elections-and-campaigns/absentee-and-early-voting.aspx>.
- 15 Daniel Nichanian, “‘Time is of the Essence’: How States Can Shore Up Mail Voting,” *The Appeal*, March 24, 2020, <https://theappeal.org/politicalreport/how-states-can-shore-up-mail-voting/>.
- 16 In states where the VBM ballot applications include all the information needed to determine a voter’s eligibility, states should just send the VBM ballot application to minimize redundancy and potential confusion of voters. Voters in these states who return a completed VBM ballot application and are deemed eligible to vote in that jurisdiction should have their status updated to active and should be sent an VBM ballot.
- 17 These recommendations are advanced by the Native American Rights Fund.
- 18 “Overall Mover Rate Remains at an All-time Low,” U.S. Census Bureau, December 21, 2017, <https://www.census.gov/library/stories/2017/12/lower-moving-rate.html>.
- 19 The 2016 Annual Homeless Assessment Report (AHAR) to Congress, The U.S. Department of Housing and Urban Development, November 2016. <https://files.hudexchange.info/resources/documents/2016-AHAR-Part-1.pdf>. In 2016, Black Americans made up 40 percent of those experiencing homelessness, even though they made up only 13 percent of the population.
- 20 *Voting Barriers Encountered by Native Americans in Arizona, New Mexico, Nevada and South Dakota Survey Research Report*, Native American Voting Rights Coalition, January 2018. <https://www.narf.org/wordpress/wp-content/uploads/2018/01/2017NAVRCsurvey-results.pdf>.
- 21 Lawyer’s Committee for Civil Rights Under Law, Letter to Gwinnett County Attorney and Board of Registrations and Elections, October 15, 2018, <https://lawyerscommittee.org/wp-content/uploads/2018/10/Gwinnett-County-BORE-absentee-ballot-letter-FINAL.pdf>.
- 22 Daniel A. Smith, *Vote-By-Mail Ballots Cast in Florida*, ACLU Florida, September 19, 2018. https://www.aclufl.org/sites/default/files/aclufl_-_vote_by_mail_-_report.pdf.
- 23 “Statement on Elections Accessibility during the COVID-19 Pandemic,” National Disability Rights Network, March 17, 2020, <https://www.ndrn.org/resource/statement-on-elections-accessibility-during-the-covid-19-pandemic/>. See also “Letter to Congress Urging Additional Funding for Election Assistance in Response to COVID-19,” The Leadership Conference for Civil and Human Rights, April 13, 2020, <https://civilrights.org/resource/letter-to-congress-urging-additional-funding-for-election-assistance-in-response-to-covid-19-2/>.

- 24 “State Laws Governing Early Voting,” National Conference of State Legislatures, August 2, 2019, <https://www.ncsl.org/research/elections-and-campaigns/early-voting-in-state-elections.aspx>.
- 25 Hye Jin Rho, Hayley Brown, and Shawn Fremstad, *A Basic Demographic Profile of Workers in Frontline Industries*, The Center for Economic and Policy Research, April 2020. <https://cepr.net/wp-content/uploads/2020/04/2020-04-Frontline-Workers.pdf>. See also Amy Traub, “Protect Black and Brown Workers on the Front Lines of the Coronavirus Fight,” Dēmos, April 17, 2020, <https://www.demos.org/blog/protect-black-and-brown-workers-front-lines-coronavirus-fight>.
- 26 *Democracy Diverted: Polling Place Closures and the Right to Vote*, The Leadership Conference on Civil and Human Rights, September 2019. <https://civilrights.org/democracy-diverted/>.

Dēmos

We are a dynamic “think-and-do” tank that powers the movement for a just, inclusive, multiracial democracy.

Through cutting-edge policy research, inspiring litigation and deep relationships with grassroots organizations, Dēmos champions solutions that will create a democracy and economy rooted in racial equity.

Our name means “the people.” It is the root word of democracy, and it reminds us that in America, the true source of our greatness is the diversity of our people.

Media Contact

media@demos.org

demos.org

80 Broad St., 4th Fl.
New York, NY 10004

740 6th St. NW., 2nd Fl.
Washington, DC 20001