



Zoe Dzineku, Chairwoman
Beverly Anthes
James A. Pope
Paul Ratha Yem

July 14, 2020

City Manager Eileen M. Donoghue
Mayor John Leahy
Members of the Lowell City Council

EMD

Re: Motion of 6/23/2020 by C. Nuon/C. Drinkwater – Req. City Mgr. Have Board Of Election Commissioners Hold A Hearing To Explore Preparation For The Upcoming 2020 Elections In September And November; To Include Implementation Of Legislative Changes To Vote-By-Mail And Early-In Person-Voting Due To COVID-19 Pandemic, And That Representatives From The Secretary Of State’s Office, The Lowell Elections Office, Other Relative State And City Departments, Voting Advocacy Organizations And Members Of Public Be Invited To Testify.

Dear City Manager Donoghue, Mayor Leahy, and Members of the City Council,

House Bill 4820, entitled *An Act relative to voting options in response to COVID-19*, was passed by the House and Senate last week and signed into law by Governor Baker as Chapter 115 of the Acts of 2020. This special legislation instituted a number of changes to the voting process in response to the pandemic. This memorandum has been prepared to provide to the City Council and public a summary of these changes, their impact on the upcoming Massachusetts State Primary (September 1, 2020) and Presidential Election (November 3, 2020), and the policies and procedures the City of Lowell and Election Commission are implementing in order to address them. Through the implementation of these changes, the City will take the steps necessary to ensure that these upcoming elections are conducted in a safe, efficient, and effective manner.

I. Summary of Special Legislative Changes to 2020 Elections

The following is a summary of those changes in Chapter 115 of the Acts of 2020 that will most directly affect the upcoming fall elections. This summary complies both the special legislation as well as guidance provided by the Massachusetts Secretary of State’s Office (“SEC”).

A. Voting by Mail and Absentee Voting:

- **“Voting by Mail”** will be available to **all voters** for the 2020 elections.¹ Any voter may apply to Vote by Mail and does not need to provide a reason in order to vote in this fashion.
- All voters are encouraged to Vote by Mail unless the voter is in a situation where an absentee ballot would be needed or preferable (such as military/overseas voters, voters admitted to a

¹ To avoid confusion, the SEC refers to early ballots by mail as “Voting by Mail” in order to differentiate the practice from voting by absentee ballot or early voting conducted in person at an early voting polling location. The City shall also adopt this terminology when referring to the practice.

healthcare facility or who need to self-quarantine a week before the election, specially qualified voters, or voters who need a family member to request a ballot on their behalf).

- Any person taking precautions relating to COVID-19 shall be deemed to qualify for an absentee ballot by reason of disability for the September 1, 2020 State Primary and November 3, 2020 State Election.
- A voter who has been instructed by a medical professional or public health official to self-quarantine in their home within seven (7) days of an election may vote in the same manner as someone admitted to a healthcare facility within seven (7) days of the election (through delivery of absentee ballot).
- The deadline to submit a Vote by Mail application or an absentee ballot application for mailed ballot for the **State Primary** will be **Wednesday, August 26, 2020 at 5:00 PM**.
- The deadline to submit a Vote by Mail application or an absentee ballot application for mailed ballot for the **State Election** will be **Wednesday, October 28, 2020 at 5:00 PM**.
- The deadline to request an absentee ballot in person at the Election Office will remain 12:00 PM the day before an election.
- Voting by Mail ballots may be returned either in person, by mail, or by a secured drop box provided by the City. The State will be providing postage pre-paid and pre-addressed envelopes.
- Voting by Mail ballots for the **State Primary (September 1, 2020)** must be **returned by 8:00 PM on Election Day (September 1, 2020)** in order to be counted.
- Voting by Mail ballots for the **State Election (November 3, 2020)** must be **postmarked by November 3, 2020 and received no later than 5:00 PM on November 6, 2020** in order to be counted.
- The SEC will be mailing to all registered voters a Vote by Mail application, pre-addressed back to the City's Election Office and postage pre-paid. For any voter who registers to vote or changes voter information between July 1 - August 22 and September 1 - October 24, the City will provide an application with the voter's acknowledgement notice. The City will also post an electronic Vote by Mail application on the City website.
- Applications are acceptable if e-mailed or faxed so long as the signature is visible and substantially the same as a handwritten signature. (For example, the signature is written by a mouse or stylus). Typed signatures are not acceptable.

B. Voter Registration

- For 2020, the voter registration deadline shall be ten (10) days before the election. In person registration shall be offered from 2:00 PM to 4:00 PM and 6:00 PM to 8:00 PM on the last day to register at Lowell City Hall.
 - The deadline to register to vote for the September 1, 2020 State Primary will be **Saturday, August 22.**
 - The deadline to register to vote for the November 3, 2020 State Election will be **Saturday, October 24.**

C. In person Early Voting

- In person early voting will be expanded for both elections:
 - For the September 1, 2020 State Primary, in person early voting will be required for seven (7) days prior, including one weekend, starting on Saturday, August 22, 2020 and ending on Friday, August 28, 2020.
 - For the November 3, 2020 State Election, in person early voting will be required for 14 days, including two weekends, starting on Saturday, October 17, 2020 and ending on Friday, October 30, 2020.
- On weekends, the early voting polling location must be open for eight (8) hours minimum. For weekdays the polling location must be open at least normal business hours. The City may choose to expand hours.
- Early voting polling locations must be designated for the State Primary no later than August 7 and publicly posted no later than August 14. Early voting polling locations must be designated by the Election Commission for the State Election no later than October 2 and publicly posted no later than October 9.

II. City Policies and Procedures in Response to COVID-19 and Special Legislation

In response to the COVID-19 pandemic and in coordination with the changes made by Chapter 115 of the Acts of 2020, the City is planning on implementing the following procedures and policies to ensure the safe and efficient conducting of elections this fall. Please note that preparations remain ongoing and that these measures may be further supplemented to ensure the health and safety of our poll workers, City personnel, and the voting public.

- The City will be making a concerted effort to inform and educate registered voters regarding the availability of Voting by Mail and absentee voting as alternatives to going in person to the polls on Election Day. It must be emphasized that the more voters that participate in Voting by Mail reduces potential exposure risks for voters and poll workers, as well as reducing wait times and other burdens on polling locations on Election Day. Applications for Voting by Mail will be included in

acknowledgment notices sent to newly registered voters, and will also be made available to download on the City's Election Office website.

- Given the anticipated influx of voters who will be voting by mail or absentee for the first time, the City shall also take steps to inform and educate the public on how to correctly fill out the application and ballot to avoid errors. Community outreach through social media, the Senior Center, Health Department, neighborhood groups, and other civic associations, will also prove valuable in spreading the word.
- With City Hall closed to the public for now, alternative arraignments for in person filling out of applications will need to be conducted outside in the City Hall Plaza with social distancing practices exercised. In the event City Hall is open at this time, mandatory face masks and social distancing should be required for all voters coming into the Elections Office. A Plexiglas barrier will be installed at the office's service partition for added protection.
- In light of the state's expansion of early voting, the City is exploring designating the **Lowell Senior Center** to serve as its early voting polling location for **both** the State Primary and State Presidential Election. The Lowell Senior Center has a large area with multiple entrances to allow for social distancing and to spread out booth setup. The location has sufficient parking and is handicapped accessible. The Senior Center is in a central location and already serves as a polling location familiar to voters. The location is close to the City Hall in the event of an emergency, and also maintains sufficient power, heat, and protection from the elements as required by state law. Pursuant to the City's Charter, the Election Commission approves changes to all polling locations, and this proposal will be presented to the commission for approval at its next meeting.
- State law prohibits the setting aside of certain voting hours to voters over sixty (60). (For example, certain grocery stores have reserved certain hours for elderly or at risk shoppers). Therefore, polling locations will be open to all voters during their hours of operation.
- The City is making every effort to recruit poll workers for the upcoming elections. The SEC recommends that municipalities "consider reaching out to unemployed restaurant workers in your areas, who may be able to use the work and are also less vulnerable to illness than your usual poll workers. Teachers and high school and college students may also be a good option." State regulations also allow up to two sixteen (16) and seventeen (17) year olds to work in each precinct.

The City has already posted its application for poll workers on the Election Department website, along with salary offered. The Election Office is already reaching out to poll workers regarding availability and will be reaching out to the Career Center, UMASS Lowell, and Middlesex Community College as soon as possible to advertise available work. The City is also looking into advertising the availability of poll worker positions through social media, the Lowell Sun, and community groups.

- While poll worker recruitment efforts remain ongoing, the City must operate under the assumption that many poll workers who would usually work during an election will not work during the upcoming fall elections due to COVID-19 transmission concerns or other health restrictions. As a consequence, certain polling locations may be severely understaffed. As such, poll worker numbers may have to be supplemented by City and LPS employees. The City should also not discount the possibility of requesting assistance from the National Guard.
- While the Governor's Directives prohibiting gatherings of ten (10) people or more do not apply to polling locations and poll workers (who are designated as essential employees), the implications of COVID-19 necessitate the shifting of poll worker training from large in person meetings to the use of video recordings of a live training presentation, either posted on the City's website, LTC, and/or YouTube. This would allow poll workers the view the training without having to be in a large group setting. Video recordings could be done through LTC in either their studios or at a location in City Hall. Smaller training sessions may be used to supplement these training videos.
- Supplies provided to poll workers will be supplemented to include personal protective equipment (PPE) to protect workers from exposure, enable disinfection of the polling location, and protect poll workers, voters, and the public throughout the day. Protective supplies will include gloves, masks, disinfectant wipes, and disinfectant spray. The City is also looking to providing poll workers with protective face shields that can be disinfected by the City and reused.
- Poll workers and City personnel will need to periodically wipe down high traffic areas and heavily used equipment, such as ballot markers and the ballot box itself.
- The state has ordered polling place PPE safety kits from Inclusion Solutions for each municipality for the September Primary, which are expected to be delivered at the beginning of August. The state is also looking to secure more PPE for municipalities for November. It is unclear at this time what supplies will be provided in these kits. The Election Office has sought additional clarification on supplies and number from the SEC. Any supplies received by the state will be supplemented by the City's own PPE purchases.
- Any PPE or other equipment and/or supplies for the primary election obtained by the City due to COVID-19 should be reimbursable under the CARES act. The Elections Office will maintain records and receipts for any such purchases.
- Polling Location layouts are being universally reviewed and modified to enable social distancing for poll workers and voters. Most polling locations are fortunately located in school gyms and cafeterias, so there should be space to maneuver. Every other voter booth may be blocked off to encourage distancing.
- Schools will be closed on both the State Primary and State Election.

- In keeping with the governor's orders, every voter should be strongly encouraged to wear a mask if they go to an in person polling location. To prevent voters from being turned away should they not have one, extra masks may be provided at the polling location for voters to wear. Each polling location will have at least one hand sanitizer dispenser for voters to use.
- State guidance notes that municipalities must account for persons that are unable to wear a mask, such as those with a disability. In such circumstances where a mask-less person comes to a polling location, the plan is to have one isolated table away from all others to serve that voter at that voting location. Alternatively, face shields could also be provided to the voter.
- Voters in line will have to maintain at least 6 feet of distance between each other in keeping with social distancing recommendations. Duct tape will be placed on the floors to mark distance and signs will be placed at polling locations to remind voters to socially distance. Please note that this will make the lines at polling locations longer, likely out the door and onto adjacent streets and sidewalks at certain locations. The City is currently assessing the presence of additional police officers assigned to polling locations to ensure people are maintaining proper distance. People holding signs in support of candidates or ballot questions outside of polling locations will also be required to socially distance from each other.
- Observers for political parties or candidates will be required to practice social distancing and wear masks at all times while in a polling location. Similar restrictions will also be placed on exit pollsters, with the requirement that interviews with exiting voters must be done on a one-on-one basis only and to avoid crowds larger than one family unit at a time.
- Even if polls close at 8:00 PM, the City anticipates that longer lines may result in voters being in line past 8:00 PM. Accommodations will be made to ensure voters are not locked out of polling locations if they are in line out the door come the close of polls.
- Reducing or consolidating the number of polling locations in the City is only being contemplated as an absolute last resort, and only after all other alternatives to keep polling locations staffed and operational have been exhausted. As was witnessed in the Wisconsin, Kentucky, and New York Primaries, reducing and consolidating the number of available polling locations results in long lines, increases potential voter exposure, and makes voting unduly burdensome and difficult for everyone, especially the elderly, handicapped, and immunocompromised.
- The City should anticipate that it will incur increased costs in implementing any of these plans and procedures to protect the voting process in response to the pandemic. However, as all of these recommended measures are in response to the pandemic itself, they should constitute COVID-19 incurred expenses subject to reimbursement under state and federal response programs, such as through the CARES act. The City will document any supplies, protective gear, staffing costs, and other election related expenses incurred in response to the pandemic and include them in their reimbursement requests to the appropriate state and federal authorities.

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III. Conclusions

The COVID-19 pandemic poses considerable challenges to the administration of the upcoming State Primary and State Presidential Election. The changes made by the Commonwealth, the Election Commission, the City of Lowell, and this office will ideally address these challenges, improve voters' access to the ballot, and ensure the safe and efficient administration of these elections. The City will continue to implement and improve its plans in its commitment to ensuring that its upcoming elections are conducted safely and successfully.

I hope this memorandum is of help and assistance to you. Please contact the Elections and Census Office should you have any additional questions.

Sincerely,

A handwritten signature in black ink that reads "Elliott J. Veloso". The signature is written in a cursive style with a large initial "E".

Elliott J. Veloso
Interim Director of Elections

cc: Christine P. O'Connor, City Solicitor