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COMMITTEES:

FINANCE

BANKING, HOUSING, AND
URBAN AFFAIRS

BUDGET

INTELLIGENCE

RULES AND ADMINISTRATION

Holly O’Grady Cook
Associate Executive Director, Government Affairs Office
American Bar Association
1050 Connecticut Avenue, NW, 4th Floor
Washington, DC 20036

Dear Ms. Cook,

I write to you today regarding the unprecedented circumstances facing the United States as we prepare to hold the 2020 federal election in the midst of the COVID-19 Pandemic.

While there is a multitude of challenges for our nation’s elections administrators to overcome, the shortage of poll workers remains among the most pressing threats. Across the country, election officials have raised the possibility that many experienced poll workers – who are primarily older than age 60 and at a higher risk from coronavirus – will opt to remain at home this year. We saw early signs of this during primary elections held nationwide earlier this spring and summer, with reduced polling locations in many states as a result of the public health emergency.¹

A reduction of polling places undermines not only our democracy, but also our public health response, as larger numbers of Americans are forced to rely on a limited number of open polling locations. As the CDC has advised, supporting a wide variety of alternative voting methods – including expanded early voting and voting hours and other options to reduce the number of voters at a single polling location – is a key part of responsibly containing health risks according to the CDC.² Each of these depends on ensuring that polling places have enough poll workers.

¹ See, e.g., Villa, Lissandra. August 5, 2020. “The Pandemic is causing a Shortage of Poll Workers. Can States Recruit Enough by Election Day?” Time. Retrieved from: <https://time.com/5876195/coronavirus-poll-workers-election/>; Tobias, Andrew J. July 9, 2020. “Coronavirus could prompt poll worker shortage in Ohio this November.” Cleveland.com. Retrieved from: <https://www.cleveland.com/open/2020/07/coronavirus-could-prompt-poll-worker-shortage-long-election-day-lines-in-ohio-this-november.html>; Ura, Alexa. July 9, 2020. “Two major Texas counties are trimming polling locations as workers pull out over coronavirus. Texas Tribune. Retrieved from: <https://www.texastribune.org/2020/07/09/texas-voting-coronavirus/>; Marley, Patrick and Gilbert, Craig. March 31, 2020. “Wisconsin polling places are closing because there’s not enough people to work the April 7 election.” Milwaukee Journal Sentinel. Retrieved from: <https://www.jsonline.com/story/news/politics/elections/2020/03/31/wisconsin-voting-sites-closing-due-coronavirus-poll-worker-shortage/5090003002/>

² Centers for Disease Control and Prevention. June 2019. “Considerations for Election Polling Locations: Interim Guidance to Prevent Spread of Coronavirus Disease 2019. CDC. Retrieved from: <https://www.cdc.gov/coronavirus/2019-ncov/community/election-polling-locations.html>

Well-trained poll workers are critical to ensuring the secure and effective completion of this year's elections. Without an adequate number of poll workers during the primaries earlier this year, many states were forced to close polling locations leading to long lines and undoubtedly disenfranchising voters. With much higher turnout expected for this year's general election, these challenges will be magnified. This impending shortage demands innovative solutions and should serve as a call to service.

As you may have seen, The Ohio Supreme Court, which administers the Ohio Bar, unanimously approved a plan to allow lawyers in the state to volunteer as poll workers on November 3rd in exchange for continuing legal education credit. Not only does this solution ensure that Ohio will have a lower-risk and well-qualified candidate pool to replace the absent poll workers in November, but it also serves to place legal minds on the front lines of our democracy.

Prior to the COVID-19 public health emergency, there were already many indicators of increased levels of voter suppression ahead of the 2020 election. In 2016, individuals reported more than 4,000 instances of voter intimidation – substantially more than were reported four years earlier. By placing lawyers in precincts across the state, Ohio will both address the critical shortage of poll workers and ensure that voter suppression and violations of the law will not go unrecognized.

As the administrative body of your state's Continuing Legal Education system, I urge you to adopt a similar alternative credit system for the attorneys in your jurisdiction. While these incentives alone will not meet the challenges we face, it would be a key contribution to the success of your state's free and fair elections.

Americans are facing unprecedented difficulty as a result of the ongoing public health emergency. A robust and early effort by administrative bodies like yours will ensure that every American can feel safe and confident exercising the franchise.

I appreciate your consideration and attention to this matter.

Sincerely,



MARK R. WARNER
United States Senator