

July 29, 2020

The Honorable Jim Justice
Governor, State of West Virginia

The Honorable Mac Warner
West Virginia Secretary of State

The Honorable Linda Higgins
President, WV Association of County Clerks

Dear Governor Justice, Secretary Warner, and Clerk Higgins,

With less than 100 days before the General Election, the undersigned organizations are calling on you to provide clarity to the voters of West Virginia regarding your plans to ensure a safe, accessible, and secure election, and to commit to making absentee voting available again to all registered voters, and to mailing absentee ballot applications to those voters as was done in the primary election.

Although the Secretary of State's office confirmed Monday that voters will be able to cite COVID-19 as a medical excuse to vote absentee in the upcoming election, the Governor is continuing to question the reliability of absentee voting and repeat unsubstantiated claims made by President Trump that allowing more voters to cast their ballots by mail opens the door to fraud and corruption^{1,2,3}. These attacks on absentee voting are a direct assault on voting rights. We know that absentee voting increases participation and ensures that more Americans – including members of our military – have their voices heard. We also know that states with long established vote-by-mail programs run them smoothly and expand voter engagement in their states⁴.

We cannot allow the right to safely vote become a polarizing issue. We can protect West Virginia voters and protect the vote during this pandemic. And we must. The emergence of the coronavirus during the primary elections cycle presented unique challenges for administering the election safely to protect the health of voters and poll workers and state and local election officials rose to the occasion⁵.

In a press release on Monday, Secretary Warner said, “West Virginia voters should never have to choose between their health and their right to vote. Let me be very clear. Any voter concerned about their health and safety because of COVID-19 will have the option to vote by absentee ballot.”⁶

We wholeheartedly agree, and this is a welcome announcement. Giving all West Virginia voters the option to safely vote by absentee ballot in light of the ongoing COVID-19 pandemic is just and right. However, at this point we don't know if the necessary executive orders and funding will be in place to mail applications to voters. The latter was crucial to enabling voters to take advantage of this option in

1 https://www.wvnews.com/news/wvnews/wv-gov-justice-not-in-favor-of-expanded-absentee-process-for-november-election/article_fd9aa26c-7114-565c-869f-e000b06dc8a7.html

2 <https://wvmetronews.com/2020/07/27/warner-rolls-out-general-election-plans-for-absentee-tenant-criticizes/>

3 <https://www.factcheck.org/2020/04/trumps-latest-voter-fraud-misinformation/>

4 <https://www.voteathome.org/project/proven-track-record/>

5 <https://sos.wv.gov/elections/Documents/WV%202020%20Primary%20After%20Action%20Report.pdf>

6 <https://sos.wv.gov/news/Pages/07-27-2020-A.aspx>

the primary, and West Virginia voters embraced absentee voting in large numbers, with half of voters choosing to cast their ballots safely from home.⁷

On July 20, Secretary Warner announced plans to fund COVID-19 related expenses for the November General Election, saying in a press release that “CARES Act funding is available to counties to, in part, cover the increased costs of absentee voting and postage in the upcoming General Election.”⁸ The announcement did not say whether the available funding was sufficient to cover the costs of mailing absentee ballot applications to all registered voters again as was done in the primary election.

This November we must protect our democracy and, therefore, the integrity of our elections by ensuring all West Virginia voters are able to exercise their constitutional right to vote in a safe manner. Because the coronavirus is still with us, and COVID-19 cases are on the rise in West Virginia^{9,10}, that means giving all West Virginia voters the option to vote by absentee ballot due to COVID-19. Additionally, our state’s high proportion of older residents makes West Virginians more susceptible to COVID-19¹¹, a fact frequently cited by the Governor in his press briefings. This vulnerability makes the option to vote by absentee ballot essential to exercising our right to vote safely while protecting our health and the health of others.

We must also ensure that our county clerks have the funding and staffing they need to process absentee ballot requests in a timely and efficient manner, and to provide safe in-person voting options for both voters and poll workers. We understand that voters will have an online option for requesting absentee ballots for the November election, and that this option can help reduce opportunities for human errors and increase efficiency in the request process.^{12,13} While this is a welcome option, it will not help many older West Virginians or those without internet access. Mailing ballot applications to voters will keep the process consistent with the primary and create less confusion for voters. Receiving ballot applications will also likely result in higher voter participation. All registered voters should be mailed an absentee ballot application, along with information about alternative ways to request an absentee ballot, as well as in-person voting options.

Our democracy depends on fair and open elections and the health of our people. We can have both. We are calling on you to protect us and our right to vote in a safe manner by making absentee voting available to all West Virginia voters in the General Election, and mailing them an application to request an absentee ballot.

Sincerely,

Julie Archer, Coordinator
WV Citizens for Clean Elections

Eli Baumwell, Policy Director
ACLU of West Virginia

Jean Evansmore, Coordinating Committee Member
WV Poor People’s Campaign

Jonathan Rosenbaum, President
League of Women Voters of West Virginia

7 https://www.wvgazette.com/news/politics/half-of-wv-voters-cast-their-ballots-by-mail-in-june-election-officials-wonder-if/article_4574cebd-55a4-5585-9491-26c1eb910cf6.html

8 <https://sos.wv.gov/news/Pages/07-20-2020-B.aspx>

9 <https://wvmetronews.com/2020/07/26/steady-climb-of-covid-19-cases-as-testing-numbers-grow/>

10 <https://www.nytimes.com/interactive/2020/us/west-virginia-coronavirus-cases.html>

11 <https://wvpolicy.org/report-wv-population-most-at-risk-in-u-s-for-coronavirus/>

12 <https://sos.wv.gov/elections/Documents/WV%202020%20Primary%20After%20Action%20Report.pdf>

13 <https://sos.wv.gov/news/Pages/07-27-2020-A.aspx>

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