



ELECTION 2020

LATINO VOTERS AT RISK:

Identifying and Addressing Barriers to
Latino Voter Turnout in the Midst of COVID-19

A REPORT BY THE NALEO EDUCATIONAL FUND

The nation's leading non-profit organization that facilitates full Latino participation in the American political process, from citizenship to public service.

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INTRODUCTION

During the 2020 primaries, a voter tried unsuccessfully to use three different machines to record her choices on Election Day, but each one seemed to be malfunctioning. She asked poll workers for assistance but was told they could not help, so she left without casting a ballot.

Elsewhere, a frustrated couple, both older than 50, waited in vain for weeks for the arrival of mail ballots they had requested more than one month in advance of Election Day, in hope of avoiding crowds at their suburban polling place.

And in yet another state, a dedicated voter over the age of 65 set out to vote in person, only to find that both locations she visited—a social services organization’s office and a church—were locked up, with no directions left behind for confused voters, much less for individuals who, like this voter, were most comfortable communicating in Spanish.

As these incidents reported to NALEO Educational Fund’s **1-888-Ve-Y-Vota** (“Go and Vote”!) bilingual voter assistance hotline between March and June of 2020 illustrate, Americans throughout the country continue to face too many unacceptable obstacles to making their voices heard in our storied democracy. From the founding of our nation through the present day, discriminatory animus has motivated adoption of restrictive policies that have had a disproportionate negative effect on voters who belong to under-represented racial, ethnic, and linguistic communities. In addition, policymakers have underfunded or neglected improving our election administration practices. This has interacted with the consequences of persistent and systemic discrimination—which include economic and educational disparities—to reinforce unequal access to elections for under-represented communities.

For as long as our institutions have measured the participation rates of voters, data have revealed the differences in electoral participation between persons of various races, ethnicities, and linguistic groups. In 2016—the most recent Presidential election cycle for which Census data are available—65.3 percent of non-Hispanic white voting-age citizens cast ballots, according to the Current Population Survey’s Voting and Registration Supplement (CPS-VRS), and 61.4 percent of all voting-age citizens turned out to vote. By contrast, only 47.6 percent—less than half—of all eligible Latinos participated. This disparity has changed shockingly little over the course of recent decades. In 1978, the national participation rate of eligible voters was 48.9 percent, while just 35.7 percent of eligible Latinos voted.

As a nation, we have not yet eradicated the kinds of discriminatory policies and actions that have produced these statistics. In past reports, NALEO Educational Fund has chronicled the disproportionate negative effects on Latino voters of laws including restrictive voter ID requirements, curtailed early and mail voting opportunities, and exacting voter registration protocols that jurisdictions continue to adopt and enforce in 2020. While our nation continues to struggle to recognize and change enduring factors that have led to disparate voter participation rates, the COVID-19 pandemic has brought a new set of challenges into being. Unfortunately, prevailing conditions, and changes that election administrators are now implementing for the purpose of keeping all election participants as healthy and safe as possible, also have the potential to push ballots farther from the reach of Latino voters.

In this report, we identify and describe the possible negative impact on Latino voters of the most prominent features of life and voting under the threat of the uncontrolled COVID-19 pandemic, in hope that this analysis will help voters, election administrators, and nonprofit democracy advocates plan interventions to ensure against any further disruption of the right to vote. We are particularly concerned that the emerging picture of disproportionate COVID-19-related illness and death in the Latino community will mean that Latinos are less able and willing than members of communities that have suffered less to participate in the 2020 general elections.

This report examines several potential barriers to voting and voter registration in Election 2020. First, for those who do seek to vote, registering and updating registration records will likely require more initiative than it has at any time since implementation of the National Voter Registration Act of 1993 (also known as the “Motor Voter Act”) greatly expanded registration opportunities. Moreover, while many registered voters will be able to choose between voting by mail or in person, many may hesitate to vote absentee¹ knowing that this mechanism is complicated and unreliable. Voters may be concerned about poor mail delivery, resulting in ballots not arriving at their homes, or failing to reach election offices. In some jurisdictions, mail ballots cast by Latinos and other under-represented groups are more likely to be rejected by election officials. In addition, jurisdictions may not have sound practices for delivering ballots and instructions in languages other than English to voters who need those materials.

At the same time, voters will experience difficulties with in-person voting because jurisdictions will need to replace many traditional local polling places with larger and safer venues, and may choose to consolidate voting locations. Election administrators will need to hire and train new poll workers to replace seasoned employees who tend to be older and at heightened danger of falling ill. Increased reliance throughout society on virtual, instead of face to face, communications will enhance the opportunity for malicious actors to spread disinformation and manipulate voters and votes. This reliance could also make informing voters about their options far more difficult than it has been. Ultimately, effective, linguistically-accessible outreach and education are indispensable to overcoming the hurdles that the pandemic has placed in the way of a successful 2020 Election.

CHALLENGES TO LATINO VOTER PARTICIPATION IN THE 2020 ELECTION

COVID-19 Will Distract Potential Voters Concerned with the Health and Economic Challenges of the Pandemic

For almost every American, living through an uncontrolled pandemic is an unprecedented and frightening experience. It is especially true because of the novel nature of this coronavirus that we have not been able to accurately anticipate who will be affected, how they will be affected, and what our government can and should do to protect public health and ensure that each person’s basic needs are met. Moreover, data clearly indicate that one of the most disturbing aspects of the pandemic in the United States is that members of population groups that have historically been targets of discriminatory policies are falling sick and dying at higher rates than other residents.

¹ This report uses the terms “absentee” voting, “mail ballots” and “vote-by-mail” interchangeably to refer to ballots that are mailed to voters by jurisdictions. In many jurisdictions, voters have multiple options to return these ballots, including mailing them back, putting them in a ballot drop box, or bringing them to a voting location or election office.

Multiple sources of data confirm that COVID-19 has disproportionately negatively affected the Latino community in our country. As of June 25, 2020, according to the Centers for Disease Control (CDC), Latinos have a rate of hospitalization for COVID-19 that is four times the rate among non-Hispanic white residents. New York Times analysis of CDC data further revealed that Latinos have been three times as likely as white residents to have a confirmed case of COVID-19, and nearly twice as likely as whites to die as a result of this illness. While about one-quarter of Latinos who have died of COVID-19 were younger than 60, only six percent of non-Hispanic white fatalities were in this younger age bracket.

The Census Bureau's Household Pulse Survey queried people about the effects of the pandemic on their economic condition and mental health, and results to date show that Latino households have been consistently and significantly more likely than all households on average to report lost income, food insecurity, loss of private health insurance, and inability to make mortgage or rental payments between March and July 2020. In addition, a Pew Research Center survey fielded in June 2020 found that Latinos were about three times as likely as non-Hispanic whites to report having had to move since the outbreak of COVID-19 in the United States.

There are several factors that appear to contribute to the particularly detrimental impact of the pandemic on the health and economic security of Latinos. For example, Latino workers are more likely than non-Hispanic whites to hold service sector or production jobs, positions considered "essential" that cannot be performed remotely. Latinos also have relatively higher rates of pre-existing medical conditions and less access to health insurance and care than Americans of other ethnicities. In addition, Latinos are more likely than others to live in multigenerational and multi-family households in which the complete isolation of a sick resident is impossible.

The pandemic's toll on Latinos in terms of physical health, economic self-sufficiency, and social well-being poses a direct threat to Latino voter turnout in November 2020, in that people who are severely ill are unlikely to cast ballots. People who are not sick but who are facing severe financial and emotional stresses connected with the pandemic are likely to vote at relatively lower rates as well, as statistics indicate is generally the case.

For example, 2016 CPS-VRS data from the Census Bureau show that voter turnout rates increased steadily as voters' incomes rose, with just 41.4 percent of eligible voters with incomes below \$10,000 voting, compared to a turnout rate of 80.3 percent of those with incomes above \$150,000. Similarly, while 74.4 percent of government employees, 66.8 percent of people who were self-employed, and 61.4 percent of those working in private industries voted in 2016, just 49.8 percent of people who reported being unemployed cast ballots. Even the status of having residential stability correlates to stronger voting behavior, with almost 67 percent of people who owned their own homes voting in 2016, compared to only 49 percent of renters. These patterns reliably appear in data on past election cycles, and suggest that people suffering the most severe negative economic and social effects of the pandemic—disproportionately, members of the Latino community—will be the same individuals least likely to vote in November 2020.

Polling by research firm Latino Decisions also suggests that Latino voter enthusiasm has declined since the onset of the pandemic. In its February 2020 Univision Noticias/Latino Community Foundation poll, Latino Decisions found that 73 percent of Latinos nationwide indicated that they were almost certain to vote, and 12 percent indicated that they would probably vote. In contrast, in the April 2020 SOMOS poll, only 60 percent of Latinos indicated that they were almost certain vote, and 15 percent indicated that they would probably vote. While the specific factors which are responsible for this decline bear further examination, the trend is certainly of concern.

Closures Have Severely Limited Voter Registration Opportunities and Depressed Voter Registration Rates

In the vast majority of states, voters must be accurately registered as much as one month in advance of Election Day to vote. People who fail to satisfy this prerequisite are excluded in spite of their eligibility and regardless of their interest in voting as Election Day draws near. Unfortunately, it has long been true that Latinos accounted for a disproportionately large share of those who could not vote merely because they did not timely register, or update their registration records after a move or name change. In 2000, CPS-VRS data showed that 42.7 percent of Latino voting-age citizens were not registered to vote, compared to 28.4 percent of non-Hispanic whites. Four Presidential elections later, in 2016, this disparity had widened slightly: 42.7 percent of voting-age citizen Latinos were not registered, compared to 26.1 percent of non-Hispanic whites. Thus, at the outset of 2020, even before COVID-19 had any effect on daily life in the United States, policymakers, advocates, community leaders, and other stakeholders were facing the challenge of ameliorating relatively low Latino voter registration rates.

However, the likelihood that intensive voter registration efforts might achieve greater parity in access to the ballot has atrophied under the weight of COVID-19-related closures and protocols that have rendered popular registration methods unavailable, or less effective. In a typical year, the largest number of people register while obtaining services at a Department of Motor Vehicles (DMV) or other public benefits agency. Based on reports from state election coordinators, the Election Assistance Commission's 2018 Election Administration and Voting Survey (EAVS) found that a plurality of nearly 45 percent of registrations received between the 2016 and 2018 federal elections came from customer interactions with DMVs, and DMVs were also the registration method cited most often by participants in the 2016 CPS-VRS. Moreover, CPS-VRS data indicated that Latinos were more likely than the average American to have registered at a public assistance agency other than a DMV. However, between March and July 2020, these agencies have been closed to the public in many states and cities.

Policies have varied widely between various states and cities, but closures have been widespread and of significant duration. For example, in California, all DMV field offices were shut as of March 27, 2020, and although all locations reopened to public traffic by mid-June, they did not resume all services. Driving tests were among the activities that remained suspended, which has prevented many people from obtaining new driver licenses and registering to vote during that process. In New Jersey, the Motor Vehicle Commission (MVC) closed offices from March 17, 2020 through July 7, 2020, and lines of customers on reopening day were so long that officials had to ask many to leave and return another day, even though these offices also declined to resume full operations and were not administering driver knowledge tests. Though a budget deficit forced New Jersey to furlough state employees, the MVC was exempted and quickly announced a plan to stay open six days a week to accommodate more of the large demand for licensing and other services. This demand makes it clear that large numbers of New Jersey residents have been unable to take advantage of the streamlined registration opportunity that comes with the conduct of a transaction with this agency. In addition, although agency offices have partially reopened, infection surges have forced the rollback of reopenings in some areas and sectors of the economy, and agencies may well further curtail their activities in the second half of 2020.

Political science research has consistently found that reaching Latinos in public settings or through person-to-person contact is one of the most effective ways to register Latino voters. According to the 2016 CPS-VRS, 13 percent of Latinos reported having registered to vote during

a public drive, or at a school, hospital, or similar institution that organizers are likely to target. In contrast, only 7 percent of non-Hispanic whites reported that they registered through one of the foregoing activities or venues.

Beginning in March 2020, traditional voter registration drives became infeasible, and as of July, organizations and activists seeking to encourage potential voters to register are mostly limiting their activities to online outreach. In addition, although the majority of states now accept online voter registrations, there are important exceptions, such as Texas, the second most-populous state, and among those states that offer the service, many do not process registration applications from people who do not have a current, valid state ID or driver license. Online organizing cannot replace the reach of in-person contact, particularly with members of communities that disproportionately lack reliable, high-speed internet access. As of 2019, according to a Pew Research Center study, just 61 percent of Latino adults surveyed had broadband internet at home, compared to 79 percent of non-Hispanic whites. In addition, Latinos born outside the United States—more than 7.6 million of whom are naturalized citizens—have notably lower rates of smartphone usage than their U.S.-born peers.

After four months of life during a pandemic, data clearly show that voter registration has declined compared to its pace in a normal Presidential election year. Unfortunately, it is likely that the volume of new and updated registrations from Latino voters has taken a particularly significant hit. Under the headline, “Voter Registrations Are Way, Way Down During the Pandemic,” FiveThirtyEight noted in June 2020 that voter registrations surpassed normal levels early in 2020, but declined precipitously after March. Florida received 52,508 registration applications in April 2016, but just 21,031 applications in April 2020. The total number of applications submitted during this month in 2020 compared to 2016 was down by well over 100,000 in California, more than 90,000 in Texas, and more than 40,000 in Illinois. FiveThirtyEight found further that online registration in states for which it obtained data had not replaced registration volume lost because of closures. The likely duration of closures, cancellations, and social distancing into the foreseeable future mean that usual registration activities may never resume between the summer of 2020 and Election Day in November, and that Latinos are at heightened risk of being disfranchised merely because they are not registered in advance of applicable deadlines.

An Increased Emphasis on VBM Voting May Create Barriers for Latinos Who Need or Prefer In-Person Voting

Regardless of the circumstances surrounding any particular election cycle, voters appreciate flexibility, and alternatives to in-person voting on Election Day have generally expanded in the years leading up to 2020. However, in Election 2020, voting options are not just a means of making participation more convenient for more voters, but a matter of life and death. Many policymakers, election officials, advocates, community leaders—and voters themselves—view vote-by-mail (VBM) ballots as a particularly safe option for minimizing in-person contact when voting, so encouraging people to cast VBM ballots will feature prominently in many officials’ plans for the November 2020 election. Some jurisdictions have taken extraordinary measures to make VBM more accessible during the first half of 2020 that include proactively mailing registered voters either absentee ballots or ballot applications, and making exceptions to requirements that voters present an excuse to vote absentee, or that absentee voters secure witness signatures. These efforts have yielded welcome increases in use of VBM ballots, but may also increase the difficulty of voting for some Latino members of the electorate.

Research indicates that Latinos and other voters of color have historically cast VBM ballots at lower rates than non-Hispanic white voters, particularly in certain states with large concentrations of Latino voters. Moreover, in several of these states, there is low VBM usage by the overall population as well, in part because of restrictions on absentee ballot usage (see Table 1).

TABLE 1
Use of VBM in Election 2016 for Selected States

State	Share of Latinos Using VBM	Share of all Voters Using VBM
Arizona	15%	18%
California	46%	58%
Georgia	44%	57%
Illinois	6%	8%
Nevada	4%	9%
New Mexico	7%	9%
New York	1%	1%
North Carolina	4%	6%
Pennsylvania	2%	4%
Texas	4%	6%

Source: NALEO Educational Fund analysis of Election 2016 voter file data from Catalist voter file.

Note: These data only encompass voters who currently have an “active registered” status—thus it may not include voters who voted in 2016 but no longer have this status. Despite this limitation, the analysis of the most recent presidential election (2016) reduces the number of voters that were either dropped or removed from the voter file since 2016 and therefore reduces the number of voters omitted from the analysis.

While more extensive research would help illuminate the differences between VBM rates of Latinos and the overall population, there are several factors that appear to contribute to this disparity. First, large numbers of Latino voters live in states that have not previously offered no-excuse absentee voting, such as New York and Texas, and are therefore not in the habit of voting by mail. While New York has made absentee voting more accessible in its 2020 primary election, New York voters have in the past had very low VBM usage.

In addition, Latino voters may need or prefer to cast ballots in person because there is poor mail delivery in their neighborhoods, and they do not trust they will receive a ballot, or that a ballot mailed back will arrive at election offices. Many Latino voters can obtain customized assistance

at polling places from bilingual poll workers, particularly in jurisdictions required under federal or state law to provide language assistance; however, no such “on-demand” in-language help is necessarily available to people voting by mail from home. Finally, some qualitative research suggests that Latinos and other voters of color believe that voting in person provides an opportunity to represent their community or provide a good example for their children.

High-profile failures during primary elections in 2020 will have further raised doubt in the minds of some voters that absentee voting is a trustworthy method. For example, at least 4,300 mail ballots were not timely delivered to voters or election administrators in Wisconsin in April 2020, prompting a Post Office special investigation; Maryland attempted to mail every registered voter an absentee ballot for its June 2020 primary but approximately 1 million of those went out a week or more behind schedule, and a number of voters did not receive ballots by Election Day. Voters who are unfamiliar with or skeptical of absentee voting mechanisms upon which elections will rely heavily this fall are at heightened risk of disenfranchisement. For instance, only about half of Milwaukee voters whose mail ballots were lost managed to vote in April using an alternative method.

Latino voters who do want to vote by mail face a number of hurdles that threaten their votes, and raise the prospect that their voices will be ignored in Election 2020. There are more than 6 million eligible Latino voters across the country who are not yet fully fluent in English. As noted above, some Latinos need to vote in person because linguistically accessible voting materials are more readily available to them at polling places. Even those jurisdictions required by law to produce ballots and other information in multiple languages have failed to apply this principle to their absentee voting procedures on occasion. For example, in April 2020 Georgia officials mailed English-only absentee ballot applications to all the state’s registered voters, including residents of Gwinnett County who have been entitled to Spanish-language voting materials by federal law since 2016. Many states do not have formal procedures in place for voters to indicate their linguistic preferences, and may therefore fail to send any translated instructions or other items they have created to the households that most need them.

Latino voters are also likely to find themselves at heightened risk of not receiving mail ballots at the correct location. Even without pandemic-related disruptions, Latinos are more likely than non-Hispanic Whites to move in an average year; due to the uneven effects of COVID-19, this phenomenon is likely to have been amplified. A Census Bureau paper published in 2011 noted, “the limited number of studies on duration of residence find that white homeowners tend to have longer durations of residence than black and Hispanic homeowners do, even after controlling for relevant demographic and socioeconomic characteristics.” According to the National Association of Hispanic Real Estate Professionals, although Latino homeownership had been increasing, by 2019 Latinos were still overrepresented among renter households, and concentrated in high-cost states and metropolitan areas where they faced pressures on their ability to maintain stable housing. These findings are confirmed by 2018 American Community Survey (1-year estimates) data that show that Latinos were more likely than non-Latinos to report having lived at their current address for less than one year.

As a result of their propensity to move residences, Latino voters are more likely than the overall voter population to be registered to vote at an outdated address. This may have consequences for these voters’ overall eligibility to cast a ballot in a particular jurisdiction. However, it also means that they will not receive information administrators will automatically send to voters’ addresses on file about absentee voting. Mail ballot applications and ballots themselves may also go to incorrect locations and not reach the voters for whom they are intended.

Finally, reliance on absentee voting in 2020 may lead to fewer Latino votes counted because election administrators tend to reject mail votes at disparate rates, and to disproportionately not count those ballots cast by voters of color. Although the reasons for this likely vary in different jurisdictions, results are strikingly consistent. A study of absentee voting by the ACLU of Florida found that in 2012, Latinos cast about 10.7 percent of the state’s mail ballots, but 13.8 percent of all absentee ballots that were rejected. Similarly, in Florida in 2016, 1.8 percent of Latino voters’ absentee ballots were not counted, compared to just .7 percent of absentee ballots returned by white voters. In Georgia, researchers have likewise determined that “a disproportionate number of...people of color...had their mail ballots rejected,” according to a May 2020 analysis published in the Washington Post. Even where lack of information in voter registration databases about voters’ race and ethnicity makes it more difficult to assess ballot rejection rates according to these characteristics, there are strong indicators of inequality. For example, Asian Americans Advancing Justice—Los Angeles has found that Californian Asian voters’ absentee ballots are rejected at higher than average rates. For those Latino voters who overcome obstacles to securing and timely returning mail ballots, peril remains, and history suggests that their mail votes will disproportionately be excluded from election results.

Significant Changes to Voting Procedures and Polling Place Operations May Confuse or Create Other Barriers for Latino Voters

While election administrators promote absentee options, nearly all will also maintain in-person polling locations for voters who are unable or unwilling to vote by mail; as of July 2020, no state that does not already conduct all-mail elections is expected to attempt to do so in November. Americans are now engaged in an ongoing and novel process of determining the safest methods during the pandemic for carrying out activities, like voting, that we normally do in close proximity to potentially large groups of strangers. Although there is much we do not know yet about COVID-19 and may yet learn in advance of Election Day 2020, there is widespread consensus that we must avoid exposing people to one another for extended periods and in small indoor spaces. People who do not live together should wear face coverings around one another and while in public, try to maintain at least six feet of space between one another, and try to avoid touching items that typically attract many different hands, like doorknobs, elevator buttons, and machines that process credit card payments, or votes.

Adhering to these guidelines necessarily means changing much about how we normally vote during a cycle that produces peak turnout. In a normal election year, in-person voters may wait in lines close to other individuals, and poll workers may exchange items and be within a few feet of hundreds of voters, or more, for as much as 12 or more consecutive hours. Many polling places will need to change venue to afford more space for social distancing and to avoid danger to the usual users of some habitual locations, such as senior centers. In addition, officials will need to recruit large numbers of new poll workers to replace their usual workforces; in 2018, according to EAVS data, 58 percent of poll workers were aged 61 or older. Many of these seasoned, knowledgeable employees have declined service in 2020 because of the risk of severe COVID-19-related illness. Ultimately, in-person voting must look different, and occur in different locations, in November 2020 than in any other recent year, and the most likely changes pose potential challenges to many Latino voters.

Polling Place Consolidation and Relocations

Even before the pandemic, polling place consolidations and relocations posed a particular threat to Latino voters who are, by any one of a number of measures, likely to face longer lines and waiting times to vote than non-Hispanic white voters. Where jurisdictions establish fewer polling places to serve the same, or even larger, numbers of voters, delays are a likely result. The fact that Latinos have frequently waited longer to vote than other Americans indicates that there is an existing problem with insufficient assignment of locations and voting resources to areas where Latinos live and vote. In 2019, professors who analyzed cell phone geolocation data for the period of the 2016 general election concluded that there was “substantial and significant evidence of racial disparities in voter wait times.” Their findings echo voters’ subjective impressions. For example, respondents of color in MIT’s 2016 Survey of the Performance of American Elections reported longer wait times, and higher likelihood of waiting more than 10 minutes to vote, than their non-Hispanic white counterparts. Responses to the 2006, 2008, 2012, and 2014 Cooperative Congressional Election Studies revealed, similarly, that the average voter of color in these elections waited almost twice as long to vote as the average non-Hispanic white voter. One out of every four respondents in a NALEO Educational Fund 2016 tracking poll conducted with Noticias Telemundo and Latino Decisions reported having had to wait in an extremely long line to vote.

Contending with unavailability of normal polling places and locating suitable alternatives during the pandemic has created extra burden for election officials throughout the nation. Ohio Secretary of State Frank LaRose ordered the relocation of more than 150 polling places normally set up in senior living areas in March 2020. Numerous Florida officials have had to do the same. For example, Pinellas County replaced eight assisted living facilities normally used as polling places in March; Orange County changed two locations to limit risk to older populations; Hillsborough County moved three polling places; and Brevard County made arrangements to avoid the use of two assisted living facilities, among many other examples.

In Pennsylvania, more than 30 counties changed polling locations for the state’s June primary, with some jurisdictions continuing to finalize plans in the final two weeks before the election.

In these and other states, officials have not only moved, but also consolidated, in-person voting facilities. As Chris Whitmire of the South Carolina Elections Commission explained to reporters in June 2020, “Some places have said you can’t use our place and others are a poll manager shortage, which have resulted in polling place consolidation.” The difficulty of identifying enough locations willing to host potentially large crowds of voters on relatively short notice has also pushed election administrators to reduce overall numbers of polling places during elections held in 2020. For example, Manatee County, Florida directed voters from three precincts to report to locations reconfigured to host multiple precincts in March. Wisconsin famously reduced the number of polling places organized for its primary election by 11 percent statewide, while the city of Milwaukee stunningly went from 182 polling places for a typical election to just five in its April election. Citing older poll workers’ unwillingness to serve, the unavailability of one of its usual locations due to its ongoing use as a quarantine shelter, and inadequate space or extraordinary cleaning requirements at potential alternate sites, the city of Portland, Maine proposed use of just three polling sites for its July primary, instead of its usual 11.

Moreover, some jurisdictions including several California counties are moving to a model of voting where traditional local voting sites are being replaced by vote centers which serve a larger geographic area than the local sites. Vote centers may offer advantages over local voting sites, such as expanded early voting opportunities, the ability to cast a ballot at any vote center in the

county, and modernized election technology. However, the Election 2020 implementation of vote center systems may complicate voting for many Latinos. When jurisdictions begin operating vote centers, they typically reduce the number of voting locations they provide. This process has often produced extremely long lines and waits, particularly for voters of color, as election administrators recalibrated the number of centers, machines, and poll workers needed to serve expected voters through trial and error. When Maricopa County adopted vote centers for its March 2016 primary election, it set up 60 polling places instead of the 200 provided in 2012, and voters waited until after midnight to cast ballots in some cases. Some observers, including the Arizona Students Association and State Senator Martín Quezada, noted the absence of polling locations in predominantly Latino areas of the county. In Los Angeles in March 2020, many voters waited multiple hours to cast ballots as a newly-implemented vote center system experienced challenges. According to the New York Times, among the neighborhoods most affected were East Los Angeles and the San Fernando Valley, areas with large concentrations of Latinos.

Ultimately, polling place moves and consolidations—particularly those that cannot be arranged well in advance of Election Day—threaten to frustrate voters and to prevent or dissuade some from casting ballots. As Professor Michael Martinez of the University of Florida told ABC News in March, “Some people aren’t going to be able to find the polls and they’re going to drive to where they usually vote, and it’s not open and they’ll just say, ‘Forget it.’”

We are particularly concerned that many Latino voters are among those most likely to be confused by relocations and consolidations. Latino voters who are not yet fully fluent in English frequently do not receive as much information about how and where to vote in a language they understand as do English-speakers. Latinos are less likely than other Americans to have reliable, high-speed internet access, and this fact will prevent some from obtaining customized and updated polling location information. These are likely among the reasons that questions about polling locations account for a consistently large percentage of calls to **1-888-Ve-Y-Vota**, NALEO Educational Fund’s bilingual voter assistance hotline. For example, on the day of the March 2020 California Presidential Primary election, callers with questions about polling locations outnumbered all others, making up more than 48 percent of inquiries that our operators answered.

Ultimately, if polling place closures and realignments mean that fewer resources and employees are available and that more voters struggle to find a voting center, lost votes are a direct result. Professor Charles Stewart estimates that in 2012 alone, approximately 500,000-730,000 votes were likely lost to voters’ unwillingness or inability to appear in person and wait for as long as necessary to vote at a polling place. In light of racial and ethnic disparities in access to convenient, well-stocked, and accessible polling places, it is very likely that lost votes will be disproportionately those of voters of color.

Changes in the Election 2020 Workforce

In the months preceding a Presidential election, one of the most significant, and often most challenging, tasks election administrators take on is the recruitment and training of multitudes of temporary poll workers: in 2016, officials employed a total of 917,694 short-term poll workers. More than two-thirds of election administrators who participated in the EAVS said that it had been very or somewhat difficult to identify enough poll workers for that year’s general election, and just 15 percent rated the task very or somewhat easy. Poll work typically requires just a few days on the job in a year, and is not usually paid at a rate significantly higher than minimum wage. As a result, many poll workers are retired, or not regularly in the workforce. Responses to the 2018

EAVS indicated that more than half of poll workers for our most recent federal election were older than 61. During the pandemic, many people who frequently serve as poll workers and who are older than 60 or have conditions that make them vulnerable to severe COVID-19 infections have decided not to take these positions, and election administrators have struggled to find and prepare people who are able and willing to staff elections.

Media reports of poll worker shortages have abounded during the first half of 2020. For example, Bangor, Maine City Clerk Lisa Goodwin reported that in advance of the state's July primary, about one-third of the city's usual poll workers had declined to staff the election. Similarly, about 30 percent of Haywood County, North Carolina's experienced poll workers opted out of working during a June primary runoff. Pickens County, South Carolina expected to be understaffed by about 150 people for its June primary election, according to elections director Travis Alexander, while administrators in Anderson County and Greenville County, South Carolina confronted shortages of more than 200 workers. Pima County, Arizona sought about 1,800 poll workers to staff its 260 polling locations for its August primary, but was at least 150 people short of its goal as of approximately three weeks before the election.

Many administrators have tried to attract new workers to replace those unable to serve by recruiting younger people and offering incentives such as bonuses and higher pay. To the extent that these efforts are successful, administrators will also need to train new employees in advance of them entering into service. It is notoriously difficult, however, to adequately educate temporary poll workers about the full range of administrative provisions and voting rights laws they must administer. Poll workers are responsible for implementing complex procedures governing custody of ballots and other voting materials, and for confirming voters' eligibility by correctly implementing a maze of conflicting and varying local, state, and federal regulations. They must learn how to operate and troubleshoot specialized machines; how to assist people with disabilities and people who are not yet fluent in English; what items will be delivered to each polling place; and where to place key signage and other materials.

The information that poll workers need constitutes an extensive body of knowledge that often takes election law experts years to fully master, but that temporary poll workers are expected to synthesize in just a few hours. For example, San Bernardino County, California's basic poll worker training program lasts two hours, and its supplemental program for supervisors takes an additional four hours. Cook County, Illinois offers a three-hour training class for poll workers, as does Marion County, Indiana. Duval County, Florida requires its poll workers to attend between two and four hours of instruction prior to service. Although many jurisdictions supplement in-person trainings with online programs and materials, the training time that jurisdictions generally mandate is unlikely to ensure full and confident command of applicable election laws and procedures. However, in light of the low pay and the temporary nature of poll work, administrators are reluctant or unable to request more time from their short-term workforce.

Because new polling place employees serving in November 2020 will not be as trained and experienced as our nation's usual election staff, and effective instruction is all the more difficult to provide during a pandemic, it is likely that poll workers will make relatively more mistakes in administering this Presidential election. We are concerned that poll workers' errors will create challenges for Latino voters, who routinely fall prey to administrative errors even when experienced poll workers are at the helm in polling places. For instance, Latino voters are asked to provide identification at the polls more often than non-Hispanic white voters, even where no identification is necessary to obtain a ballot. In 2008, at a time when only two states enforced

strict voter ID requirements, 65 percent of Latino voters reported being asked to show photo identification compared to 51 percent of non-Hispanic white voters. A 2014 study by Professors Lonna Rae Atkeson, Yann P. Kerevel, R. Michael Alvarez, and Thad E. Hall also found that poll workers in states without strict ID mandates were more likely to request personal documents from voters of color. These findings indicate that poll workers are disproportionately likely to wrongfully deny Latino voters ballots when they do not produce personal documentation at the polls.

Poll workers' understanding of provisional ballot rules is another likely source of error and wrongful refusal to let Latinos vote. Federal law permits any person who believes that he or she timely registered and is otherwise qualified to vote to cast a provisional ballot if not afforded a regular ballot, as a safeguard against mistakes and omissions. Analysis by the Center for American Progress has determined that "the use of provisional ballots is more frequent in counties with higher percentages of minority voters." Problems with and barriers to voter registration likely contribute to heightened reliance by Latinos and other voters of color upon provisional ballots. Unfortunately, at the same time, NALEO Educational Fund and other partners in the nonprofit, non-partisan Election Protection Coalition frequently receive reports of intending voters who are not offered provisional ballots, and even of voters who request and are denied provisional ballots by misinformed poll workers. To ensure that a qualified provisional voter's ballot is counted, poll workers must comprehend the circumstances under which voters are entitled to this option; know where to find provisional voting materials; ensure that provisional voters complete ballot envelopes and forms thoroughly and correctly; safeguard provisional ballots apart from regular ballots; and provide voters with accurate information about determining the status of their ballots after Election Day. These steps have proven difficult for poll workers who are better prepared than the 2020 election workforce is likely to be.

Although we are aware of instances of poll workers making other kinds of mistakes, such as refusal to allow voters to drop off completed absentee ballots at Election Day polling places during New York's June primary, one of our greatest areas of concern is for new poll workers' administration of language assistance laws. For voters who are not fully fluent in English or otherwise unable to vote without help, obtaining effective assistance in a timely way is essential. However, we know that even in a typical election year, voters encounter poll workers who are not familiar with their rights in this regard.

Several provisions of the federal Voting Rights Act of 1965 (VRA) and some state laws specifically require that a full range of language assistance must be provided to Latino voters throughout the election process, including assistance at polling places. One of the most frequently missed provisions of the VRA is Section 208, which gives each voter who cannot read and write in English or mark a ballot independently the right to the assistance of any person of their choice other than an employer or union representative. Section 208 should ensure that Americans who speak a language other than English have access to live interpretation anywhere in the country, but poll workers' lack of knowledge of this right has frustrated too many Latinos and other voters in past elections. For example, the Department of Justice secured consent decrees in which administrators committed to curing alleged violations of the right to assistance in Fort Bend County, Texas in 2009 and Salem County, New Jersey in 2008; Fort Bend County was also charged with failing to provide voters with required provisional ballots. In 2016, a federal judge ruled in favor of plaintiffs challenging a Williamson County, Texas poll worker's refusal to allow a registered voter's son to accompany her into a polling booth to serve as her interpreter. With new poll workers likely to receive only a few hours of instruction prior to service this fall, there is a strong

likelihood that some—especially in jurisdictions that are home to smaller numbers of voters not fluent in English—will again lack understanding of the full range of voter protections.

Enhanced Reliance on Internet and Mobile Communications Will Increase the Potential Influence of Misinformation

The changes that COVID-19 is bringing to logistical plans for the November 2020 election mean that voters will need to be well-informed to successfully navigate a different landscape and cast ballots. While updated communication from trustworthy sources about the time, place, and mechanics of the election will be critical, election administrators and voter assistance nonprofits are likely to find it particularly challenging to ensure that all voters have the information they need. This will also involve helping voters to distinguish between accurate and misleading or unreliable alerts. As the pandemic proceeds, many Americans will continue to have less contact with family, friends, and acquaintances than they would in a typical election year, and many will spend considerably less time in locations, like social service agencies and summer festivals, where they might normally see outreach materials and other sources of information about preparing for the election and voting. Instead, potential voters are likely to be spending time online or in contact with smaller circles of people, where they may be exposed to confusing or misleading misinformation.

Electronic communications have become an indispensable lifeline for hundreds of millions of Americans whose daily routines have changed dramatically in the months following the declaration of national emergency in March 2020. A Pew Research Center survey conducted in early April 2020 found that an overwhelming majority of Americans, 87 percent, rated internet access essential or important during the pandemic; Latinos were significantly more likely to call internet connection “essential” than non-Hispanic white and African-American respondents. By June, the average internet data use of connected households had increased by almost 50 percent over its level at the same point in 2019. As business, entertainment, socializing, and other functions have moved online, the quality of one’s access to the internet has taken on new importance.

Latinos who have no or only limited access to the web cannot readily seek in-person assistance with election preparations, so they will experience challenges during the second half of 2020 to register online and verify their registration status, to find out how to vote absentee, and to search for new polling locations. With election administrators occasionally relocating polling places shortly before Election Day, updating voters about the status of mail ballots, and providing other late-breaking instructions, many already rely heavily upon websites to share timely information. Websites, social media, and other electronic sources are virtually certain to be the medium through which officials communicate first in the days and weeks preceding Election Day in November.

Latino voters who do go online for information about the election are likely to see both accurate and false material. Latinos increasingly rely on social media and other internet-based sources for news. According to a 2016 Pew Research Center survey, Latinos were nearly as likely to get information from internet-based resources as from TV channels, a dramatic change from just ten years prior when TV news was by far Latinos’ preferred source. Millennial voters are driving this trend, and account for increasing shares of eligible Latino voters. Observers see bad information masquerading as truth flourishing in forums where these voters are likely to encounter it. For example, during the first half of 2020, the Center for Public Integrity catalogued examples of social media posts that directed voters from a particular party to vote on Wednesday instead

of Tuesday, and warned older voters not to cast ballots in-person at polling places. Analysis performed with CrowdTangle, a Facebook-owned tool, showed that 22 of the 50 most popular Facebook posts mentioning voting by mail between April and July 2020 included false or distorted information. In a typical election year, voters might see candidates campaigning door to door or at public events, and would casually encounter and engage with friends, acquaintances and coworkers much more regularly than they will in 2020. If during the pandemic, Latinos and other voters are less likely to be in contact with persons who can correct misinformation, they will be more vulnerable to disenfranchisement because of misunderstanding of where and how to vote.

Voters' increased reliance on information on the internet could increase the spread of misinformation, as well as raise voters' fears about election security. These fears have some basis in reality given the actual efforts to breach the security of the election technology infrastructure. Foreign-sponsored campaigns to manipulate Americans' emotions and behavior through online interactions have earned significant media and public attention since 2016. There has been extensive news coverage of efforts to hack into and alter voter registration databases, as well as well-publicized demonstrations by certain election stakeholders who claim that there are potential security vulnerabilities of vote-counting machines. Widespread awareness of both these risks and the increasing importance of internet-reliant communications and mechanisms to elections in 2020 will lead some voters to doubt whether election results are trustworthy, and whether voting is worth their time.

The public dialogue about online misinformation campaigns and the security of voting systems may further imperil Latino voters' confidence in the power of their votes. Latinos persistently vote at lower rates than non-Hispanic white and African American voters, and one of the reasons that potential voters decline to participate is doubt that their votes will matter. Analysis by Equis Research published in the New York Times in May 2020 found that pluralities of Latino voters in a majority of top battleground states were "ambivalent," characterized by lack of belief that their votes would make an impact, uncertainty about their ability to cast informed votes, and fearful responses to demonizing rhetoric. These recent findings are consistent with results of NALEO Educational Fund's 2012 survey with Latino Decisions of persuadable and lower-propensity Latino voters: the less likely participants were to vote, the more likely they were to express skepticism of politicians' trustworthiness and the integrity of the electoral process. Current conditions heighten the risk of losing these individuals' confidence to an even greater extent, as increased online activity increases the potential for malicious actors to spread misinformation. Moreover, election administrators are overburdened by the need to ramp up mail voting, move polling places, recruit new employees, and attend to other urgent tasks during the pandemic. Thus, they may experience challenges finding the extensive time and resources needed to enhance defenses against electronic manipulation and hacking.

STAKEHOLDERS MUST INCREASE VOTER OUTREACH AND EDUCATION

Although circumstances that could prevent qualified Latino voters from casting ballots in November 2020 have multiplied since the onset of the COVID-19 pandemic, there is still time as of the summer of 2020 to overcome them with intensified voter education and outreach. Election administrators have difficult work ahead of them but cannot lose sight of the importance of communicating clearly and strategically with all who are eligible to participate in the 2020 general election. They should ensure that information produced in languages other than English is disseminated at the same time as information in English, and that instructions and

tools are published online, as well as in print, and in formats accessible to U.S. citizens who cannot read English.

Voter education materials should specifically address the changes in election practices for Election 2020. They should describe procedures for obtaining, completing and submitting an absentee ballot. They should also include information about the need to update voter registration information including voters' addresses, particularly for states where an absentee ballot or absentee ballot application will be sent to all registered voters. Voter education efforts must provide details regarding in-person voting, such as the locations and hours of voting sites. In addition, jurisdictions should provide information about the protections being employed for safe in-person voting, such as social distancing and procedures for disinfecting voting sites and voting equipment.

Election administrators should work closely with nonprofit voter engagement and other stakeholders that are familiar with and trusted by Latino voters as they implement voter education efforts. These efforts should include partnerships with Spanish-language print, broadcast and digital media. Election administrators should also strive to staff hotlines that provide voters with customized answers to their questions, and ensure that there are bilingual staff available for the hotlines. Administrators may wish to explore partnerships with nonprofit voter information hotlines to achieve this goal. Nonprofit organizations and stakeholders that promote voter participation must also marshal extraordinary resources to complement officials' efforts with messaging and materials that mobilize Latino voters, and help provide them with reliable information about the mechanics of voting. Programs that monitor problems with election administration and voting rights must be vigilant online and actively promote accurate nonpartisan information in spaces that are vulnerable to viral misinformation.

During the second half of 2020, NALEO Educational Fund will assess the progress being made by policymakers and election administrators to address the issues raised in this report. We will also seek to hold them accountable for ensuring that Latinos and all voters have equal opportunity to participate in the 2020 general election, given the unique challenges created by the pandemic.

Election administrators throughout the nation have undertaken some important preparations with federal financial support included in the Coronavirus Aid, Relief, and Economic Security Act of 2020, H.R. 748. However, to ensure that the November 2020 election is as safe as possible the amount of funding states need is many times larger than the amount of funding already provided, according to the Brennan Center for Justice and other experts. The U.S. House of Representatives provided an additional \$3.6 billion in federal funding for states and localities for election administration in H.R. 6800, the Health and Economic Recovery Omnibus Emergency Solutions Act (the "HEROES Act"). However, as of this writing, the U.S. Senate has not allocated any supplemental appropriations for these purposes in the COVID-19 package it unveiled in July 2020. It is imperative that Congress allocate more funding as soon as it can to guarantee that cash-strapped state and local governments can hold safe elections, secure votes and minimize health risks. With crucial support, officials responsible for elections can hire and train qualified election workers, expand proactive outreach and education for voters about the full range of safe voting options, and prepare to process ballots securely and with safeguards that ensure public confidence.

CONCLUSION

Before the onset of COVID-19, Latinos experienced daunting challenges to full participation in our nation's electoral process. The pandemic has exacerbated these challenges, and could create new barriers to voting and registration. Latinos comprise over one-sixth of our nation's population (18%), and nearly one of every seven of its voting age citizens (13%). Our nation's democracy cannot be responsive and accountable to all Americans unless Latinos have a strong voice in our electoral process.

There must be a concerted effort by policymakers, election administrators, advocates, community organizations and other stakeholders to eradicate obstacles to participation in Election 2020 for Latinos and all Americans, and to mobilize all eligible Latinos to cast ballots in November. The health of our democracy is at stake.

All source materials used in the research and creation of this report are available upon request. Please contact Erin Hustings, Legislative Counsel at NALEO Educational Fund at EHustings@naleo.org for more information.