

Resolution No. 2020-16 of the Board of Commissioners of LaPorte County, Indiana urging the Governor and Secretary of State allow no-excuse absentee voting for the November, 2020 elections

WHEREAS, the citizens of Indiana are in the midst of the worst pandemic in modern history due to a novel coronavirus, and as a result of the disease it causes known as Covid-19, state, county and city officials have ordered various limitations, the central feature of which is to limit contact between persons, commonly known as “social distancing” and

WHEREAS, public health officials warn that government-ordered social distancing will probably be in effect for a number of months, and even after such directives are lifted in Indiana, life in the public square will need to be conducted cautiously, with additional restrictions and loosening likely to be re-imposed at additional intervals, until an effective vaccine is discovered and is broadly available and distributed. Experts estimate a timeframe that exists either in the spring or summer of 2021 until an effective vaccine will be ready for public use.

WHEREAS, in recent days, a dozen states have halted or rolled back their reopening plans as Covid-19 surges in the South and West and the global death toll has now surpassed 500,000 with fully one quarter of those deaths occurring in the U.S., and

WHEREAS, on April 22, 2020, Anthony Fauci, M.D., an immunologist who is head of the National Institute of Allergy and Infectious Diseases, stated with great certainty that “we will have coronavirus in the fall. I am convinced because of the degree of transmissibility that it has, the global nature. What happens with that will depend on how we’re able to contain it when it occurs.” (Source, *USA Today*, 4/22/20) and

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WHEREAS, these pandemic conditions will have a significant impact upon the coming elections in Indiana, just as they did for the spring primary when members of the Indiana Election Commission (“IEC”) used their emergency powers granted them under Indiana law and took not only the unprecedented step of postponing Indiana’s primary election from May 5th to June 2nd but they suspended the requirements of Indiana Code Section 3-11-10-24 (a) which describe some thirteen categories of voters who are “entitled” to vote by mail and instead allowed any requesting voter to do so, and

WHEREAS, it is reasonable to expect that Covid-19 will continue to be in circulation without a vaccine or effective treatment through the elections of 2020 and it is also reasonable to expect that some forms of social distancing will continue through November 2020 especially with regards to large public gatherings as occur at polling places on a presidential election day, and

WHEREAS, even if there is an easing of social distancing just four months from now, there will continue to be a public and personal health risk attendant to large gatherings such as voting at polling places, because many persons, especially those with compromised immune systems or pre-existing underlying health issues will remain susceptible to becoming infected, and

WHEREAS, it is critically important that election officials begin immediately to prepare for the November 3, 2020 elections where far more ballots are cast and turnout is traditionally very high in a presidential election, and

WHEREAS, despite claims by some that voting by mail is ‘ripe for fraud’ both Indiana’s Secretary of State and Governor have rejected such claims with the Governor making clear that “we’ve long been voting by mail. I have a high level of confidence in the integrity of our election process.” (Source: *Times of Northwest Indiana*, 4/27/20) and

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WHEREAS, the same conditions that existed in the spring that required the Indiana Election Commission, at the behest of the Governor and Secretary of State, to permit no-excuse absentee voting are likely to exist in and around the November elections, and

WHEREAS, recent surges in infection rates in nearby counties have caused public health officials in St. Joseph, Elkhart and LaGrange counties to impose “masking” requirements to help deter recent spikes in the spread of the disease, and

WHEREAS, until Indiana Election Commission orders 2020-37 and 2020-40, no Indiana court or administrative agency had issued an opinion or order construing a “voter with disabilities” as used in I.C. Section 3-11-10-24 (a)(4) to include all voters who are physically unable to be in close proximity to another person. No Indiana court or administrative agency had ever construed the term “illness” as used in I.C. Section 3-11-10-24 (a)(3) to include an asymptomatic individual who fears contracting the virus and COVID-19 by venturing into a crowded public space with others such as a public polling place, and

WHEREAS, pursuant to I.C. Section 3-11-4-3 (a) and (c), applications for an absentee ballot for the November 3, 2020 general election may be submitted now and not later than twelve days before the November 3, 2020 election which is October 22, 2020, and

WHEREAS, without support from the Governor and the Secretary of State requesting the Indiana Election Commission issue orders similar to those issued in the spring permitting no-excuse absentee balloting, many voters may be denied an absentee ballot because of conflicting interpretations on who is a “voter with disabilities” or who is confined to a voter’s home on election day “because of an illness” and who is thus entitled to vote by mail, and

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WHEREAS, the fundamental right to vote implicitly includes the right to equally participate in a trustworthy process that does not require a citizen to choose between endangering his or her health or safety and exercising the franchise, and

WHEREAS, voting by mail in Indiana has been permitted for several decades and has always been and remains a safe, reliable, honest and secure method of participating in the electoral system and exercising one's right to vote.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF LAPORTE COUNTY, INDIANA that we respectfully call on Indiana's Governor and Secretary of State to encourage the Indiana Election Commission to adopt a resolution or resolutions similar to those adopted in the spring of 2020 explicitly allowing and permitting no-excuse absentee voting for the presidential election slated to occur in Indiana on November 3, 2020. We also respectfully request our area legislators convey our views on this topic and this resolution to the attention of the Governor, Secretary of State and Indiana Election Commission.

All of which is resolved this 1st day of July, 2020.

BOARD OF COUNTY COMMISSIONERS
OF LAPORTE COUNTY, INDIANA

Julie Matias
Vicki Lee
Paul G. Smith

Attest:

Kristie Deckard
Chief Deputy Auditor

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