



December 2020

Missouri Governor Michael L. Parson
State of Missouri
P.O. Box 720
Jefferson City, MO 65102

Dear Gov. Parson:

The undersigned organizations, who represent the interests of hundreds of thousands of Missouri voters, urge you to ensure that all Missourians can safely cast ballots during the 2021 municipal elections by exercising your authority under 44.100 RSMo *et seq.* to extend the December 31, 2020 expiration of Missouri’s COVID-19 voting provisions.

On June 4, 2020, noting the risk posed by COVID-19 to Missouri’s voters, you signed into law S.B. 631, which expanded remote voting options in Missouri “for an election that occurs during the year 2020.” The measure expanded eligibility to vote absentee to voters who had contracted the virus or who were in a list of at-risk categories for complications from the disease. It also provided any voter in the state of Missouri the ability to vote remotely by mail. In signing that bill into law, you stated: “Any Missourian affected by COVID-19 should still be able to vote, including those who are sick or considered at-risk.”¹ You said that the measure “provides Missourians with a safe and secure way to vote” during the pandemic.²

S.B. 631 included a sunset clause mandating that these provisions expire on December 31, 2020,³ presumably based on the anticipation that the pandemic would be significantly contained by year’s end.

Unfortunately, the pandemic has grown exponentially worse since you signed S.B. 631 into law, and experts predict that we are headed for our worst months ahead. Missouri has seen record cases and deaths, and this is only expected to continue.⁴ You recently acknowledged this reality by issuing Executive Order 20-19, extending Missouri’s State of Emergency due to the COVID-19 pandemic, which was set to expire on December 30, 2020, through the first quarter of 2021. In extending Missouri’s State of Emergency into 2021, your Order stated: “I have been advised by the Missouri Department of Health and Senior Services and the State Emergency Management Agency that COVID-19 continues to pose a serious health risk for the citizens of the State of Missouri.”⁵

¹ GOVERNOR PARSON TAKES SECURITY MEASURES TO SAFEGUARD ELECTION PROCESS, PROTECT MISSOURI VOTERS DURING COVID-19, Press Release, *Office of Missouri Governor Michael L. Parson*, June 4, 2020, <https://governor.mo.gov/press-releases/archive/governor-parson-takes-security-measures-safeguard-election-process-protect>.

² “Parson signs bill expanding voting methods during coronavirus into law,” *Missouri Times*, June 4, 2020, <https://themissouritimes.com/parson-signs-bill-expanding-voting-methods-during-coronavirus-into-law/>.

³ Mo. Rev. Stat. §§ 115.277.7; 115.302.21.

⁴ “New White House Coronavirus Task Force Report: COVID-19 risk at ‘historic high’”, *Missourinet*, Dec 8, 2020, <https://www.missourinet.com/2020/12/08/new-white-house-coronavirus-task-force-report-covid-19-risk-at-historic-high/> (finding 91% of Missouri counties have high rates of transmission and “Missouri’s positivity rate is 5th highest in the nation”); “COVID-19 case numbers in Missouri on the increase again,” *St. Louis Post Dispatch*, Dec. 5, 2020, https://www.stltoday.com/lifestyles/health-med-fit/coronavirus/covid-19-case-numbers-in-missouri-on-the-increase-again/article_a0b3c40c-0b74-5a23-a9ed-19359d8f1c93.html.

⁵ *Executive Order 20-19*, <https://www.sos.mo.gov/library/reference/orders/2020/eo19>.

Executive Order 20-19 also extended numerous prior Orders suspending certain statutory requirements due to the pandemic, including extending orders suspending provisions for telemedicine, easing licensing requirements, and suspending in-person requirements for certain document notarizations, among others.⁶

Yet your Order did not address voting access amid the pandemic, leaving the COVID-19 voting provisions contained in S.B. 631 to expire on December 31, 2020. As you know, Missouri has municipal elections in a number of jurisdictions scheduled in March and April 2021.

Section 44.100 *et seq.* provide that during a state of emergency, the Governor is authorized to “waive or suspend the operation of any statutory requirement or administrative rule prescribing procedures for conducting state business, where strict compliance with such requirements and rules would prevent, hinder, or delay necessary action by the department of health and senior services to respond to a declared emergency or increased health threat to the population.”⁷ You invoked this provision in your recent Order suspending multiple statutory provisions in light of the pandemic.

The November 2020 elections, even with record remote voting, presented significant risks to both in-person voters and poll workers in Missouri, demonstrating why the COVID remote voting provisions contained in S.B. 631 are vital to ensuring safe access to voting through Missouri’s upcoming municipal elections.⁸ As you acknowledged when you extended Missouri’s State of Emergency, “COVID-19 continues to pose a serious health risk for the citizens of the State of Missouri.”

To be sure, S.B. 631’s provisions include some needlessly confusing and restrictive provisions - including notary requirements and differing rules for requesting and returning absentee versus no-excuse remote ballots, and Missouri’s lawmakers should consider legislation to join the vast majority of states that provide no-excuse absentee voting to all voters. You can also exercise your emergency authority to suspend Missouri’s excuse-based absentee voting. But absent such measures, the pending expiration of S.B. 631’s COVID-19 voting provisions will revert Missouri’s law to strictly limit who can cast remote ballots, and provide no allowance for voters who have or who are at heightened risk from COVID-19.

Accordingly, to ensure all Missourians’ can safely cast ballots during the 2021 municipal elections, the undersigned advocates urge you to exercise your authority under 44.100 RSMo *et seq.* to extend the December 31, 2020 expiration of Missouri’s COVID voting provisions.

Signed:

MISSOURI VOTER PROTECTION COALITION

⁶ *See id.* (“All statutory and regulatory waivers currently in effective will remain in effect through the duration of the state of emergency.”)

⁷ Section 44.100 RSMo; *See* Executive Order 20-19, <https://www.sos.mo.gov/library/reference/orders/2020/eo19>

⁸ “28 election employees in 1 Missouri county have coronavirus,” *Associated Press*, Nov. 10, 2020, <https://apnews.com/article/virus-outbreak-us-news-elections-michael-brown-d1cb0e2ba14e54c9a76aff6b8bb962d6>; “28 Election Workers in Missouri’s Second-Largest County Test Positive for COVID as State Reports Over 4,200 Cases,” *Newsweek*, Nov. 10, 2020, <https://www.newsweek.com/28-election-workers-missouris-second-largest-county-test-positive-covid-state-reports-over-1546516>; “St. Charles County poll worker tested positive for COVID-19, worked Election Day and has died, county says,” *St. Louis Post Dispatch*, Nov. 6, 2020, https://www.stltoday.com/news/local/stcharles/st-charles-county-poll-worker-tested-positive-for-covid-19-worked-election-day-and-has/article_f1020900-1956-5456-9340-fb379d4482bb.html; “More Poll Workers Test Positive For COVID Following Elections,” Nov. 11, 2020, <https://khn.org/morning-breakout/more-poll-workers-test-positive-for-covid-following-elections/>

**Signatures added on a rolling basis*

Action St. Louis	LiUNA LOCAL 110
A. Philip Randolph Institute-St.Louis Chapter	MASL Local 2-197 American Federation of Musicians
A Philip Randolph Institute - Greater Kansas City Chapter	Missouri Asian American Bar Association
AFGE Local 3354 (AFL-CIO)	Missouri Asian American Youth Foundation
American Association of University Women MO	Missouri Budget Project
Center for Social Development, Washington University in St. Louis,	Missouri Faith Voices
Clark-Fox Family Foundation	Missouri Jobs with Justice
Clayton Huddle	Missouri Sierra Club
Conversations for Political Change	Missouri Voter Protection Coalition
CWA 6300 Labor Union for AT&T Employees	MOmentum: Missouri Moving Forward
Dance the Vote	National Council of Jewish Women St. Louis
Eliot Unitarian Chapel	Our Revolution
empower: abilities	Planned Parenthood Advocates in Missouri
Faith Voices of Southwest Missouri	PROMO
Forward Together in Action	SEIU Healthcare
Gas Workers 11-6	St. Francis Xavier College Church
Indivisible Missouri	Southwest Missouri Voter Protection Coalition
Indivisible Southeast Missouri	St. Louis Area Voter Protection Coalition
Indivisible St. Louis	St. Louis Area Voting Initiative
Jewish Community Relations Council	That Uppity Theatre Company
League of Women Voters of Columbia-Boone County	Tri-Lakes League of Women Voters
League of Women Voters of Kansas City, Jackson, Clay & Platte Counties	UFCW Local 655
League of Women Voters of Missouri	Webster Groves Presbyterian Church
League of Women Voters of Metro St. Louis	What U Can Do
League of Women Voters of Southwest Missouri	Women's Voices Raised for Social Justice