

United States Senate

July 21, 2020

The Honorable Michael R. Pence
Vice President of the United States
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

The Honorable Peter T. Gaynor
Administrator
Federal Emergency Management Agency
500 C Street, S.W.
Washington, D.C. 20472

Dear Vice President Pence and Administrator Gaynor:

We write to strongly urge you to take immediate action to ensure there is adequate Personal Protective Equipment (PPE) and sanitizing supplies for poll workers, election workers, and voters ahead of the November general election. We further urge you to work with state and local election offices to coordinate their access to PPE and sanitizing supplies. While we continue to press for greater access to mail-in voting for the November election, some voters, including voters with disabilities, those that need language assistance, and those without access to mail, will need to vote in person - raising the risk of increased spread and potential spikes in cases this fall.

Since the beginning of the coronavirus (COVID-19) pandemic, our country has faced widespread shortages of PPE. Health care workers, first responders, and many others on the front lines of the pandemic have been significantly impacted by the lack of this critical equipment. As cases of COVID-19 surge in many parts of the country, reports indicate serious shortages of PPE once again.¹ While the urgent needs of workers on the front lines of this pandemic must be met immediately, the ongoing PPE shortage has also left other public workers, including poll workers and election workers, as well as voters, without sufficient access to the PPE that is necessary to keep them safe.

We are concerned that not enough has been done to secure sufficient PPE, despite our prior calls for President Trump to use the Defense Production Act of 1950 (DPA) to strengthen domestic manufacturing capacity and supply of PPE and other vital supplies during these unprecedented circumstances. The lack of federal coordination created a bidding war among states and local governments for the limited supply of PPE available, leading New York and other states to establish a regional consortium to buy PPE in May 2020.² Federal leadership in acquiring and distributing PPE is urgently needed, and steps must be taken now to ensure Americans are able to safely exercise their right to vote in November.

¹ Andrew Jacobs, *Grave Shortages of Protective Gear Flare Again as Covid Cases Surge*, N.Y. TIMES (July 8, 2020), <https://www.nytimes.com/2020/07/08/health/coronavirus-masks-ppe-doc.html>; Jessica Glenza, *'The new gold': demand for PPE soars again amid shortage as US cases rise*, THE GUARDIAN (June 29, 2020), <https://www.theguardian.com/world/2020/jun/29/demand-ppe-soars-again-amid-shortage-us-cases-rise>.

² Caroline Linton, *Cuomo announces 7-state coalition for purchasing medical equipment*, CBS News (May 4, 2020), <https://www.cbsnews.com/news/andrew-cuomo-ppe-medical-equipment-coronavirus-7-state-coalition/>.

States and localities face challenges shouldering the financial burden of providing PPE for elections. As of June 4, 2020, 47 states and territories indicated that they would be using the \$400 million in emergency election funding Congress provided in the CARES Act for purchasing PPE and sanitizing supplies.³ Across all states, PPE and sanitizing supplies were the most needed items. Experts have found that at least an additional \$3.6 billion is necessary to ensure safe elections this year, and at the current funding level, the grants states have received are not enough to cover what experts say PPE and sanitary supplies will cost.⁴ At the same time, election officials have reported that they will also need assistance accessing consistent and reliable supply chains to purchase PPE.

Adequate PPE and sanitizing supplies are essential to protect the health of poll workers, election workers, and voters and to prevent the spread of COVID-19 at in-person voting locations and election work spaces. In the course of working an election, one poll worker can come into contact with a thousand voters or more and handle thousands of ballots. Some states have drastically limited the number of polling places during the pandemic, meaning that a single polling location may now serve tens of thousands of voters. This can create long lines and conditions that make it difficult to safely adhere to physical distancing guidance. During Wisconsin's primary, only five polling places out of the usual 180 were open in Milwaukee, with one of these voting centers having more than 70,000 voters assigned to it.⁵ Wisconsin's Department of Health Services reported more than 70 people who voted in person or worked at the polls tested positive for COVID-19.⁶

We already know that states have experienced challenges working with PPE manufacturers and sellers and accessing adequate supplies of PPE for primary elections. In advance of Pennsylvania's June 2, 2020 primary, county election officials reported that PPE "remains difficult or impossible to acquire," and that the pricing of PPE manufacturers and sellers "is absolutely ludicrous and terms are generally unreasonable;" and they've "put in orders for masks, gloves, hand sanitizer, and so forth—only to have them canceled by the distributor."⁷ For the Wisconsin primary, the Wisconsin Election Commission indicated that the state would not provide poll workers with PPE because it was in such high demand for health care workers.⁸ The inability to provide PPE has also made it more difficult for states and jurisdictions to recruit poll workers.⁹

³ Matthew La Corte, *47 States and Territories Requested PPE From the Federal Government to Protect Their Elections*, NISKANEN CENTER (June 4, 2020), <https://www.niskanencenter.org/47-states-and-territories-requested-ppe-from-the-federal-government-to-protect-their-elections/>.

⁴ Christopher R. Deluzio, et al, *Ensuring Safe Elections* (2020), available at <https://www.rstreet.org/wp-content/uploads/2020/04/2020-State-Cost-Analysis.pdf>.

⁵ Carrie Levine, *Elderly Workers Run Elections. But COVID-19 Will Keep Many Home*, THE CENTER FOR PUBLIC INTEGRITY (May 13, 2020), <https://publicintegrity.org/politics/elections/democracy-2020/elderly-workers-run-elections-but-covid-19-will-keep-many-home/>.

⁶ David Wahlberg, *71 people who went to the polls on April 7 got COVID-19; tie to election uncertain*, WISCONSIN STATE JOURNAL (May 16, 2020), https://madison.com/wsj/news/local/health-med-fit/71-people-who-went-to-the-polls-on-april-7-got-covid-19-tie-to/article_ef5ab183-8e29-579a-a52b-1de069c320c7.html.

⁷ Emily Previti, *Pa. counties struggle to find enough masks, gloves for in-person voting June 2*, WHYY (Apr. 29, 2020), <https://whyy.org/articles/pa-counties-struggle-to-find-enough-masks-gloves-for-in-person-voting-june-2/>.

⁸ Emilee Fannon, *State short nearly 7,000 poll workers, election officials discuss efforts to help*, WKOW 27 (March 31, 2020), <https://wkow.com/2020/03/31/state-short-nearly-7000-poll-workers-election-officials-discuss-efforts-to-help/>

⁹ See *supra* note 3.

On June 22, the Centers for Disease Control and Prevention (CDC) updated its guidance for polling locations and voters to recommend more comprehensive hygiene, disinfecting, sanitizing, and physical distancing protocols as well as the use of face coverings.¹⁰ State and local election officials must have access to PPE and sanitizing supplies so that they can properly implement the CDC's guidance.

It is critical that the Administration take concrete steps now to ensure the safety of election workers and voters in the November election. Elections are the bedrock of our democracy, and we must ensure safe elections so that all voters can exercise their constitutional right to cast a ballot. To that end, we ask that you provide by August 4, 2020, information on the steps you have taken and the steps you plan to take to work with state and local election offices to ensure they have access to PPE and sanitizing supplies for the November election.

Thank you in advance for your prompt attention to this matter.

Sincerely,



Mazie K. Hirono
United States Senator



Amy Klobuchar
United States Senator



Gary C. Peters
United States Senator



Charles E. Schumer
United States Senator

/s/ Patty Murray

Patty Murray
United States Senator

/s/ Chris Van Hollen

Chris Van Hollen
United States Senator



Christopher A. Coons
United States Senator

/s/ Sherrod Brown

Sherrod Brown
United States Senator

¹⁰ <https://www.cdc.gov/coronavirus/2019-ncov/community/election-polling-locations.html>.



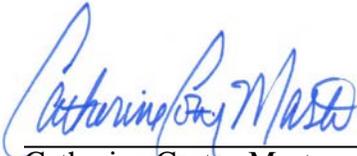
Kamala D. Harris
United States Senator

/s/ Richard J. Durbin

Richard J. Durbin
United States Senator



Cory A. Booker
United States Senator



Catherine Cortez Masto
United States Senator



Tom Udall
United States Senator



Jeffrey A. Merkley
United States Senator



Dianne Feinstein
United States Senator



Richard Blumenthal
United States Senator

/s/ Thomas R. Carper

Thomas R. Carper
United States Senator

/s/ Benjamin L. Cardin

Benjamin L. Cardin
United States Senator

/s/ Tim Kaine

Tim Kaine
United States Senator

/s/ Tina Smith

Tina Smith
United States Senator



Tammy Baldwin
United States Senator

/s/ Tammy Duckworth

Tammy Duckworth
United States Senator

/s/ Martin Heinrich
Martin Heinrich
United States Senator



Jeanne Shaheen
Jeanne Shaheen
United States Senator



Robert Menendez
Robert Menendez
United States Senator



Edward J. Markey
Edward J. Markey
United States Senator



Kirsten Gillibrand
Kirsten Gillibrand
United States Senator



Ron Wyden
Ron Wyden
United States Senator

/s/ Robert P. Casey, Jr.
Robert P. Casey, Jr.
United States Senator



Elizabeth Warren
Elizabeth Warren
United States Senator



Jacky Rosen
Jacky Rosen
United States Senator