

Mask Rules for In-Person Voting

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State rules as to the wearing of masks in public places have implications for the management and regulation of polling places. Most states, whether or not they have mask mandates in place, “strongly encourage” individuals to wear a mask when voting. Most also recommend that masks be offered to voters not wearing a mask, and that voters should be guided, through signage and floor markings, to observe social distancing. In still other states, counties retain authority to implement their own measures. Relatively few states or localities require voters to wear a mask, however. Even those that do often indicate that voters will not be denied the right to vote based on refusal to wear a mask. Some state mask mandates specifically exempt voters.

Guidance varies for poll workers who are faced with a maskless voter, and to some extent, guidance depends on the voting options available in the jurisdiction (e.g., curbside voting, using a socially distanced voting booth or machine). Most polling places will have masks for voters who desire them. For those voters who refuse, many states recommend ensuring greater physical distance by offering separate entrances, waiting areas, and even voting booths for maskless voters. Because masks could be a source of conflict between voters and poll workers, poll worker training will often include directions on how to deescalate such conflict by expediting maskless voters through polling places or providing them with mail-in ballots.

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Table of Contents

Table of Contents	1
Introduction	2
Current Mask Requirements in Polling Places	2
Mask Enforcement Varies by State, Locality	5
Legal Considerations	7

Current Lawful Restrictions	8
Application to Mask Mandates in Polling Places	9
Conclusion	11
Appendix: 50 State Survey Regarding Guidance and Mask Requirements in Polling Places	13

I. Introduction

After mixed messaging early in the pandemic, the [evidence is now clear](#) that when worn properly, face [masks](#) can help to prevent the spread of coronavirus, especially in situations when social distancing is difficult. During the November election, the consistent and proper use of face masks—in combination with other mitigation strategies—will significantly [increase the safety](#) of both poll workers and voters. Dr. Anthony [Fauci](#), longtime director of the National Institute of Allergy and Infectious Diseases, has said that with masking and social distancing measures, he has “no concerns” about voting in person for anyone who is not in a high-risk category for serious complications from coronavirus. Yet continued controversy over mask mandates threatens to disrupt procedures at in-person voting sites, and to compromise the health of voters and poll workers.

Although many precincts will require masking and other forms of PPE for poll workers, maskless and symptomatic voters will still show up in polling places to vote. The health risks posed by maskless voters increase the importance of enforcing consistent [preventive practices](#) at all polling places, including good hand hygiene practices; maintenance of safe social distancing in lines and in spatial layout; maximal air ventilation; use of plexiglass shields and other physical barriers; and regular disinfection of all surfaces and equipment in all polling places. A summary of state approaches can be found in the Appendix.

II. Current Mask Requirements in Polling Places

Mask requirements for voters and related guidance for poll workers varies by state and sometimes even by county within a state. States generally fall into one of three categories of mask regulation: (1) requiring a mask inside polling places, (2) not requiring masks inside polling places, or

(3) delegating mask regulations to counties or cities. Although virtually all states strongly recommend that voters wear masks at polling places, very few states have indicated that they intend to enforce a mask requirement for voting. The vast majority of states have indicated that voters will not be turned away based on refusal to wear a mask. In fact, in a number of states, voters have been given explicit exemptions from masking mandates.

[New York](#) requires all voters to wear masks inside polling places. This practice appears to be rare among states, and even New York has an exemption for individuals who cannot tolerate a face-covering. [The New York State Board of Elections COVID-19 FAQs](#) explain that enforcement authorities are prohibited from requesting or requiring medical or other documentation from any individual who declines to wear a face covering due to medical or other health conditions. The FAQs also recommend that counties set up a separate polling location for voters who vote without a mask.

Other states that have mask mandates trend to exempt voters from wearing masks. Governor Gretchen Whitmer of Michigan, for instance, [signed](#) an executive order in July 2020 that mandates masks in public but exempts individuals who “[a]re at a polling place for purposes of voting in an election” from the mask requirement. Texas Governor Greg Abbott [issued](#) a similar mandate in July, requiring masks in most public locations but exempting voting sites. In a similar vein, the Wisconsin Elections Commission [issued](#) a decision in July barring municipalities from requiring voters to wear masks in polling places even though Governor Evers had [issued](#) a mask mandate statewide. The Pennsylvania Secretary of State’s office [made clear](#) that during the state’s June primary, “voters who are not wearing a mask will not be denied their right to vote.” Maine Secretary of State Matt Dunlap [made](#) a similar statement in July, noting that even if a voter “shows up in a polling place, [and] doesn’t have a mask, they’re still gonna be able to vote.”

Among states that do not mandate masks at the polls, both Democratic-leaning and Republican-leaning states are implementing mask recommendations. In [Illinois](#), a solidly Democratic state, for instance, masks are recommended but election authorities are “prohibited from preventing a noncompliant voter from casting a ballot for refusal to wear a face covering outside or inside a polling place.” [New Mexico](#), also Democratic, is following a similar policy. Elections officials in [South Carolina](#) and [Kentucky](#), solidly Republican states, also recommended, but did not require, that voters wear masks at polling places during June’s primary elections.

A few states, such as [Alabama](#), have prohibited polling place mask requirements. Under this prohibition, no local governments, whether city or county, can require voters to wear masks at the polls. In Galveston County, Texas, poll workers may be [fined up to \\$1,000](#) for turning away maskless voters under a judicial [executive order](#).

Other states delegate regulation of masks and voting to their respective counties. For instance, in [New Hampshire](#), counties may implement mask policies at their own discretion, including mask requirements inside polling places. Arizona Governor Doug Ducey similarly [allowed communities to make their own rules on face coverings](#). Notably, New Hampshire counties seem to have the authority to deny entry to voters who refuse to wear masks in polling places: Attorney General Gordon J. MacDonald in August [issued guidance](#) stating that “[i]f all reasonable means to persuade the voter [to wear a face covering] are exhausted, we believe that current law would likely support a moderator’s decision to inform the voter that he or she cannot enter the polling place.” The guidance [notes](#) that local officials must “establish alternative means of registration and voting” for those who are unable or unwilling to wear masks. [Missouri](#) is similarly leaving mask requirements up to local officials. Voters in St. Charles County, for instance, are [not required](#) to wear masks, but voters in neighboring St. Louis city and county must wear face coverings.

Florida is also granting discretion to counties in establishing mask guidelines in polling places, but the majority of counties [will not require](#) masks in polling places. In Florida, [the Broward Supervisor of Elections also announced](#) that voters without masks will be allowed into the polls. Although Broward County’s Supervisor of Elections has stated that maskless voters will not be turned away from the polls, a spokesperson for Broward’s county administration [said](#) that “[i]f people are endangering the public by disregarding an Emergency Order [requiring masks], we will respond to the public safety issue with a citation.” According to [news reports](#), the issue could “spark a battle” between Broward County officials and the county’s Supervisor of Elections.

Rather than explicitly leaving mask regulations to cities and counties, some states are encouraging voters to wear masks and local governments are seemingly left free to implement requirements if they so choose to do so. For example, in Georgia, Secretary of State Brad Raffensperger said that voters are [highly encouraged to wear masks, but won’t be turned away](#) if they do not wear a mask. Georgia does not have a statewide mask mandate, but [many localities](#), like Atlanta and College Park, do. Similar to the statewide mandates discussed in Section II.B above, the [Atlanta](#) and [College Park](#) ordinances have exemptions for “any person who is voting, assisting a voter, serving as a poll

watcher, or actively administering an election.” In Iowa’s Linn County, [masks are not required to vote but are encouraged](#). County Auditor [Joel Miller](#) told local news that “the right to vote overrides any other laws, rules or proclamations.”

In Arizona, pursuant to [Executive Order 2020-40](#), Maricopa County, Arizona’s largest county, [passed a proclamation](#) making masks required throughout the county in many public places. Despite Maricopa County’s mask mandate, [voters won’t be turned away for not wearing masks](#). While we were not able to review every city and county mask rule, these local rules seem to align with the state mandate archetypes. Most local mask mandates exempt individuals who are in the polling place.

III. Mask Enforcement Varies by State, Locality

The uncertainty caused by the variation in state mask mandates and their application to polling places is compounded by unclear enforcement rules for the places where such mandates exist. In some states or localities with mask mandates, such as [Des Moines](#), Iowa, and [Bernalillo County](#), New Mexico, officials have announced no one will be sanctioned for failure to wear a mask. In others, mask mandates will not be enforced against voters, or at least the failure to wear a mask will not constitute a reason to deny someone the opportunity to vote in person.

In several states, refusal to wear a mask will lead poll workers to direct voters to a different, more socially distant way of voting. States that offer curbside voting, such as [Ohio](#), which [requires voters](#) to wear masks, typically recommend that a maskless voter be asked to use curbside voting. Some states have recommended that polling sites consider establishing separate, socially distanced, entrances, lines, registration or waiting areas, and separate voting booths or equipment for use by maskless voters, and that these voters be served by poll workers with additional personal protective equipment (PPE). In Miami-Dade, Florida voters who refuse to wear a mask will be [asked to fill out a ballot in a dedicated area outside](#) of the polling place. In nearby Palm Beach County, however, Supervisor of Elections Wendy Link has said that the county’s mask mandate [would be enforced](#) at the polls, and that voters would have to [cite](#) a medical problem or other exemption to vote in person without wearing a mask. She later backed off that suggestion, however, and said that [voters would not be turned away](#).

Some states have detailed plans for how poll workers should handle voters who refuse to wear a mask even after being offered one. In Minnesota, Secretary of State Steve Simon said that voters who

do not adhere to the state's mask mandate will first be [offered a free mask](#). If the voter refuses to wear one, they will be [asked to vote in the hallways or choose curbside voting](#) in order to avoid violating the state mask requirement. For voters who decline a mask or the alternative options, poll workers are [directed to still give them a ballot](#). They will still be allowed to vote, but potentially [subject to a \\$100 fine](#) for violating the state mask mandate. [Ohio](#) and [Colorado](#) have also issued detailed guidelines for handling voters who decline to wear masks.

Of course, the failure to enforce mask mandates affects the voters and poll workers who do wear masks and show up at the polls assuming the voting experience will be safe. In Georgia's Cherokee County, there were [reports](#) of poll workers either backing out or being nervous to serve because mask-wearing could not be enforced in polling places. Similarly, in Plantation, Florida a couple [decided](#) not to be poll workers after hearing that Broward County would not require masks in polling places.

A few states have suggested setting up a [tent](#) or other outdoor shelter to be used by voters without masks. Others recommend [physically separating](#) maskless voters in order to limit the exposure of others. A number of states urge election officials to maintain a [calm demeanor](#), to try and de-escalate the situation, and assure the individual that they'll be allowed to vote, even though they may need to follow [alternative procedures](#). They also recommend that poll workers be given names and [contact numbers](#) for election officials who can assist with conflicts, and numbers for security or law enforcement should they feel threatened or intimidated. Explicit rules like these make it clear what voters should expect at the polls.

Virtually all states are at least strongly encouraging voters to wear a mask, whether or not the state has a mask mandate, and this includes those states in which the mask mandate specifically exempts those involved in voting. Most states suggest offering a mask to maskless voters, and if they decline to wear one, many states suggest offering alternatives, such as curbside voting where available. States typically stress maintaining social distance of at least six feet, particularly for voters declining to wear a mask, and one of the more commonly suggested alternative options is to set up separate socially distant lines, areas, voting booths or equipment for use by maskless voters.

IV. Legal Considerations

State and local governments [have broad authority](#) to protect the public health by issuing emergency orders, such as mask mandates, during the coronavirus pandemic.¹ Governors in 34 states have issued mandates [requiring](#) individuals to wear masks in public spaces, but few states and localities have extended this requirement to polling places (as noted above). Some governors, such as Governor Gretchen Whitmer of Michigan, [weighed](#) requiring that voters wear masks, but said that they ultimately did not wish to do so because of the “constitutional questions” involved in barring a qualified resident from casting a ballot.

Constitutional challenges to masks mandates for polling places present novel claims that may arise in this election. However, state mandates regarding what voters must and must not bring to polling places are commonplace. The courts have also long deferred to state and local governments where public health is concerned. They also have generally approved of polling place regulations, so long as they do not pose a “severe” burden on the right to vote.

Regulations of polling place practices, such as mask mandates, are usually subject to the *Anderson-Burdick* balancing test.² That test requires courts to weigh “the character and magnitude of the asserted injury to [voting] rights” against “the precise interests put forward by the State,” taking into consideration “the extent to which those interests make it necessary to burden the plaintiff’s rights.” That test has led most courts to uphold what they consider to be non-severe burdens to voting rights, including, for example, most voter identification laws. The key constitutional question often turns on whether the burden is severe or not, and a law with general application, such as a mask mandate, is usually not considered overly severe, especially when voters have many other ways (such as absentee balloting) to cast their vote.

¹ See *Jacobson v. Massachusetts*, 197 U.S. 101 (1905) (upholding state’s compulsory vaccine law as valid exercise of police power); see also *South Bay United Pentecostal Church v. Newsom*, 140 S. Ct. 1613, 1613-14 (2020); *Workman v. Mingo County Bd. of Educ.*, 419 Fed. App’x 348, 353 (4th Cir. 2011); *Minnesota Voters Alliance v. Walz*, No. 20-CV-1688, 2020 WL 5869425, at *10-11 (D. Minn. Oct. 2, 2020).

² See, e.g., *Crawford v. Marion County Election Bd.*, 553 U.S. 181, 190 (2008) (plurality opinion); *Burdick v. Takushi*, 504 U.S. 428, 434 (1992); *Anderson v. Celebrezze*, 460 U.S. 780, 788 (1983).

A. Current Lawful Restrictions

Although courts consider the right to vote as fundamental, elections and polling places are heavily regulated. Valid legal deadlines, restrictions, and mandates already exist that put limits on what voters can and cannot do in polling places. Mask mandates, as well as other social distancing regulations, may be new to polling places, but voters frequently confront similarly burdensome regulations:

- Voters are [required](#) to present identification in 36 states and photo identification in six states.³
- Eleven states explicitly [prohibit](#) guns and other weapons in polling places. In many other states, concealed and open carry laws may [restrict](#) or allow the presence of firearms in certain locations that happen to be polling places. For example, states may [prohibit](#) firearms in public schools, which are often designated as polling places, thereby effectively prohibiting firearms at those specific polling sites.⁴
- Every state has [laws](#) against electioneering (advocating vocally or with t-shirts, posters, stickers, etc. for a particular candidate or ballot measure) within varying distances of a polling place. While the First Amendment guarantees all Americans the freedom of speech and expression, the Supreme Court has [upheld](#) these laws as necessary to serve the compelling state interest of protecting voters from intimidation and fraud.⁵

³ See [Voter Identification Requirements](#). In *Crawford*, the Supreme Court upheld voter ID laws based on states' interest in preventing voter fraud.

⁴ In other words, the fact that an individual is exercising the fundamental right to vote does not serve to invalidate a justified restriction on that individual's ability to carry a firearm into the polling place.

⁵ See *Burson v. Freeman*, 504 U.S. 191, 211 (1992) (upholding, under strict scrutiny, an anti-electioneering law forbidding solicitation of votes and displaying campaign materials within one hundred feet of a polling entrance). Anti-electioneering laws do have their limits. In 2018, the Supreme Court [struck down](#) a state law broadly prohibiting voters from wearing t-shirts, hats, and buttons expressing political *views* at polling places because the state had failed to "articulate some sensible basis for distinguishing what may come in from what must stay out," and while the choice to restrict electioneering is "generally worthy" of judicial deference, the laws need to be "capable of reasoned application." See *Minnesota Voters Alliance v. Mansky*, 138 S. Ct. 1876, 1880-81, 1886 (2018) (analyzing the law under a different, lesser level of scrutiny, because the inside of a polling place is a nonpublic forum, "a special enclave, subject to greater restriction"). Ultimately, it is constitutionally permissible to ban promotion of specific individuals or initiatives on the ballot, but not permissible to ban promotion of general political ideas.

A separate question is whether wearing face masks with political messages (e.g., [MAGA masks](#)) will be allowed in polling locations. In all likelihood, that will largely be up to local officials. However, it appears unlikely that masks with political displays will prevent people from voting. Even in *Mansky*, the [voters were allowed to vote](#) even if they refused to cover the political messages on their shirts, but risked prosecution for disobeying the poll worker's orders.

In cases such as those above, where a constitutional right may be restricted, a court scrutinizes whether the state’s requirements have sufficiently defined limits and serve an important or compelling interest.⁶ In the current pandemic, the government has such an interest in the protection of public health. Indeed, past case law involving public health crises, such as smallpox and the Ebola virus, establishes that when the government articulates a public health necessity, courts generally [defer](#) to the government’s public health measures unless the law is arbitrary.⁷ In May of this year, for instance, Chief Justice Roberts cited *Jacobson v. Massachusetts*, which upheld a state’s compulsory vaccine law as valid exercise of police power, when rejecting an application to enjoin California’s restrictions on gatherings that affected religious services.⁸ While it was only a concurring denial of the application, and therefore does not carry precedential weight, many [court watchers](#) took this as a [signal](#) that the majority of the Court would [continue](#) the policy of broad deference.⁹ This all suggests that it is likely that a court would find states’ interest in protecting the health of voters and election workers during a deadly pandemic to be at least as strong as their interest in using IDs to prevent voter fraud.¹⁰

B. Application to Mask Mandates in Polling Places

States can arguably require voters to wear masks to the polls out of the compelling state interest in stemming the coronavirus pandemic and protecting the health of both voters and election workers. States could further justify the mandates by noting that protecting the health of voters and election workers also protects the right and ability of individuals to vote in person.

On the basis of a public health justification, a federal district court recently rejected a request for a preliminary injunction against a Minnesota mask mandate at polling places.¹¹ The court explained “there is no question that Minnesota has the constitutional authority to enact measures to protect the

⁶ See, e.g., *Crawford*, *supra* note 2; *Burdick*, *supra* note 2; *Anderson*, *supra* note 2; *Burson*, *supra* note 6; *Mansky*, *supra* note 6.

⁷ See *Jacobson*, *supra* note 1.

⁸ *South Bay United Pentecostal Church*, *supra* note 1.

⁹ There has, however, been movement in the lower courts to strike down measures that were deemed arbitrary or discriminatory, such as an order limiting secular spaces to 50% of capacity while limiting religious spaces to 25% of capacity. *Soos v. Cuomo*, No. 1:20-cv-651, 2020 WL 3488742, at *11 (N.D.N.Y. June 26, 2020).

¹⁰ See *Crawford*, *supra* note 2.

¹¹ *Walz*, *supra* note 1, at *13.

health and safety of its citizens,” and that the mandate “furthers the substantial government interest in controlling the spread of a deadly and highly contagious disease.”¹² The court further found that the mandate does not implicate the First Amendment “at all or, at most, has an incidental and trivial impact,” and therefore “plaintiffs have no chance of success on their claim that [the mandate] violates the First Amendment.”¹³ The court found that refusal to wear a mask, on its own, does not even receive protection as “expressive conduct” under *O’Brien*, explaining that a refusal to wear a mask was not “inherently expressive” because an observer would have no idea why someone is not wearing a face covering, based solely on its absence.¹⁴

The conclusion would likely be similar under an *Anderson-Burdick* analysis. Under this analysis, a court would also consider the actual burden placed on individuals’ right to vote. While the public health justification of preventing the spread of coronavirus likely would be sufficient under this test to uphold any burden on voting associated with a mask requirement in the polling place, in practice, many states already have sought to mitigate the risk of constitutional challenge by providing accommodations or exercising enforcement discretion. In states where masks are required at the polls, individuals may [face](#) only modest repercussions for failing to comply. As noted above, for example, in [Minnesota](#), maskless voters will be offered a mask, and if they refuse it, they will be encouraged to use curbside voting. If they still refuse, voters will be permitted to vote inside without a mask, and their information will be recorded as being in violation of the mask mandate. This information will be turned over to a municipal clerk and could potentially result in a fine.¹⁵

Given that most states simply encourage, but do not require masks in polling places, can individuals sue the state for placing an unconstitutional burden on voters by failing to *require* masks? Particularly in states that make it difficult for all voters to obtain absentee ballots, states without mask mandates are requiring voters to risk their health in order to exercise the most fundamental right in a democracy. A federal district court in Texas recently [rejected](#) this argument, finding that while “the requests [for a mask mandate in polling places] do not appear unreasonable” and could “easily be

¹² *Id.*

¹³ *Id.* at *13-14.

¹⁴ *Id.* at *13 (citing *Rumsfeld v. Forum for Acad. & Inst’l Rts., Inc.*, 547 U.S. 47, 66 (2006); *O’Brien*, *supra* note 3).

¹⁵ In cases where maskless voters are aggressively threatening others at polling places, more punitive measures might be enforced; in theory, the current definition of COVID-19 as a “[biological agent of concern](#)” means such incidents could be [prosecuted](#) under federal terrorism-related statutes.

implemented to ensure all citizens in the State of Texas feel safe and are provided the opportunity to cast their vote in the 2020 election,” only the state—not the courts—has the authority to impose such a requirement.¹⁶

A final consideration is how the state-to-state variation in enforcement and accommodations may affect judicial review of any mask mandate at the polls. Certainly if a court determined that refusing to wear a mask was core political speech under the *Anderson-Burdick* analysis and applied strict scrutiny, a court might look to accommodations in other states for ways the restriction could have been more narrowly drawn. And even under the *Anderson-Burdick* balancing test (or *O’Brien* expressive conduct intermediate scrutiny analysis), when considering whether the state’s interest justifies the burden, a court may deem the burden excessive if there are inadequate accommodations to ensure that the right to vote is not completely denied. For example, in *Crawford*, the Court emphasized the importance of individuals without a photo ID being able to vote with a provisional ballot at the courthouse.¹⁷

States have the constitutional authority to implement mask mandates while voting, especially when they offer reasonable accommodations so that the restriction is properly tailored to the goal of protecting the public’s health and ensuring individuals can vote safely. Election officials can also strengthen their position by basing a mask mandate on express findings, set forth in writing and articulated in publicly available materials, such as pamphlets, signs, and fliers, setting forth the states’ rationale of protecting public health as well as integrity of the vote by ensuring all feel safe to cast a ballot. Election officials can also justify their approach by leveraging existing information about the importance of wearing masks, as provided by public health authorities, and by looking to existing policies and procedures established in other states.

V. Conclusion

As the 50 state survey on mask mandates presented in the Appendix details, states vary widely in their requirements regarding masks, in general, and masks in polling places, in particular. Given the tensions arising in the heated campaign for the presidency, we should expect many polling place

¹⁶ *Mi Familia Vota v. Abbott*, No. 5:20-cv-00830, 2020 WL 5366291, at *9 (W.D. Tex. Sept. 7, 2020).

¹⁷ *Crawford*, *supra* note 2, at 198.

practices to receive increased scrutiny and be a source of Election Day stress. Mask mandates are no exception. The following represents a summary of the Appendix.

- Most states, whether or not they have mask mandates in place, “strongly encourage” individuals to wear a mask when voting. Most also recommend that masks be offered to voters not wearing a mask, and that voters should be guided, through signage and floor markings, to observe social distancing.
- Policies vary within a number of states, as counties have authority to implement their own measures.
- Relatively few states or localities require voters to wear a mask. Even those that do so often indicate that voters will not be denied the right to vote based on refusal to wear a mask. Some state mask mandates specifically exempt voters.
- Guidance varies for poll workers who are faced with a maskless voter, and to some extent, depends on the voting options available in the jurisdiction (e.g., curbside voting, using a socially distanced voting booth or machine).

Some of the options for dealing with maskless voters recommended by states include:

Physical Space:

- Offer the option of curbside voting, where available
- Provide a separate entrance, registration area, waiting area/line, and voting area for maskless voters. Poll workers serving these voters may be provided with additional PPE
- Create a separate, isolated area inside the polling place with a socially distanced booth or screens
- Provide a separate ballot box or counting machine for voters without masks
- Set up an outdoor space (tent or other shelter) for use by voters without masks

Interactions with Maskless Voters:

- Offer a mask to voters not wearing one
- Maintain calm, try to avoid conflict, emphasize to the voter that they’ll be allowed to vote
- Move voters who decline to wear a mask to a distant area, while maintaining their place in line. The voter should be assured they’ll have a right to vote, and others in the line should be

informed of the procedure. When it's the voter's turn to vote they should be brought to the front of the line

- Election officials should do their best to de-escalate the situation, including moving the voter to the front of the line to expedite their voting, or providing them with a mail-in ballot to take with them.
 - Protocols should be developed in advance to ensure the alternative process is done fairly, uniformly, and not to the detriment of others waiting to vote
- Poll workers should have contact information for county or state officials, as well as for security or law enforcement in the event they feel threatened or intimidated.

Appendix: 50 State Survey Regarding Guidance and Mask Requirements in Polling Places

ALABAMA

Alabama has a statewide mask mandate pursuant to an [Executive Order](#), but the order contains exceptions “to facilitate constitutionally protected activity,” and voting is one of the identified activities. (Although the exception encourages voters to wear masks.)

Alabama's [Secretary of State](#), John Merrill, told local elections officials during the primary elections in July that the officials could “encourage” but not require voters to wear masks when voting.

[Secretary of State Merrill](#) reiterated that position recently: “Nobody that votes is required to wear a mask when they vote,” Merrill said.

ALASKA

There is no state-wide mask mandate, but the [Alaska Department of Health & Social Services](#) “strongly encourages the wearing of masks in public.”

- On July 22, 2020, Governor Dunleavy required [state employees/visitors](#) at state facilities to wear face coverings if they cannot maintain six feet of distance.

- Some [boroughs, municipalities, and cities](#) may have more restrictive travel mandates and protective procedures in place. Some cities, including [Anchorage](#), [Gustavus](#), and [Cordova](#), issued a mask mandate that have since expired.

There is no explicit exception for voting in listed city mandates.

[Alaska Division of Elections](#)

- CDC recommendations and Alaska Department of Health & Social Services mandates will be fully implemented at polling places and absentee voting locations, including:
 - Encouraging voters to wear some type of facial covering and ask that non-essential people not go to polling locations.
 - The Division of Elections will provide PPE such as facial coverings and gloves for voters.
 - Election Officials will be required to wear provided PPE (face coverings, gloves)
- Mask/face covering not required, but “DOE strongly encourages voters to wear facial coverings while inside a polling place and in cities where wearing a facial covering is mandate.”

ARIZONA

There is no state-wide mask mandate, but State [Executive Order](#) 2020-40 (June 17, 2020) permits individual cities to issue such a mandate. A number of major cities are subject to orders, including, for example: [Phoenix](#), [Tucson](#), [Mesa](#), [Chandler](#), [Gilbert](#), [Tempe](#), [Peoria](#), [Surprise](#). For example, The [City of Phoenix](#) issued an order on March 20, 2020. [Scottsdale](#) recently rescinded their mandate.

Because the mandates vary city to city, we have not comprehensively researched all exceptions. Those orders we reviewed did not include explicit exceptions for voting. That said, press reports dating from the July primaries indicated at least that Phoenix would not turn voters away without a mask:

- [12 News KPNX-TV](#): “‘Masks will be available for voters who don’t have one. Voters who refuse to wear one,’ [Maricopa County Recorder Adrian] Fontes said, can still cast a ballot. ‘But we’re going to try to get them in and out as quickly as possible to protect people from possible transmission of COVID-19.’”
- [Fox 10 Phoenix](#): “‘On July 31, they were marking the space off between voting machines. The county has nearly 100 vote anywhere centers slated to be open on Tuesday, meaning voters can

go to any one of them to cast their ballots. ‘Poll workers will be wearing face masks, face shields, gloves, and they will also have gloves and masks available for voters,’ said [Erika] Flores [Erika Flores [Maricopa County’s Deputy Director of Communications for the 2020 election]. The masks will be available for voters showing up in person, but the rules for masks might come as a surprise. ‘So we cannot turn a voter away, so masks will not be mandatory, but we are recommending all voters wear masks. If any voter does arrive and is not able to wear a mask because we do know some people with conditions might not be able to wear a mask, we do have poll workers that will be disinfecting all of the touch surfaces,’ explained Flores.”

Curbside voting: [Hoffard v. Cochise County](#), No. 4:20-cv-243 (D. Ariz.): There is ongoing litigation against Cochise County challenging a policy prohibiting curbside voting.

ARKANSAS

[Executive Order 20-43](#) (July 16, 2020) mandating face coverings in indoor environments where 6 feet of distance isn’t possible. There is an exception for persons voting, assisting with voting, serving as a poll watcher or administering an election, although face coverings are strongly encouraged.

State Board of Election Commissioners issued a memo to the counties, which conduct elections (memo is referenced in [news articles](#) but not available online).

- Wearing of masks is strongly encouraged but cannot be required.
- Counties may make masks available to voters if they have the resources to do so.
- If county conducts a health screen and identifies a voter who may be ill, they should be sent to a ballot device that’s separate from others.
- The board recommends that counties require all election officials to wear face coverings.

CALIFORNIA

State-wide mask mandate per [Guidance by CA Department of Public Health and Governor Newsom](#) (June 18, 2020)

- Mandated in indoor and outdoor public areas where unable to adequately social distance

- Masks are required in health care facilities, on public transportation, in private car services, taxis, ride-share vehicles and in workplaces where employees interact with the public.

There is no explicit exception for voting.

[Secretary of State, Election Administration Guidance under COVID-19](#) (August 27, 2020)

- Counties are required to provide face coverings to election staff and election workers for them to be work at the worksite (p. 8).
- Counties are required to make disposable face coverings available to voters and observers who arrive without them (p. 8).
- Election workers must not turn a voter away for lack of face covering. The right to vote takes precedence. In such circumstances, election workers should consider additional physical distancing. Confrontation is not advisable. Among other considerations, intense conversation and shouting increase the volume of exhalations and may increase risk (p. 9).
- Some voters may come into the voting location wearing branded face coverings that represent a candidate or ballot measure; this may be deemed electioneering. If this occurs the election worker may politely request that the voter use a different face covering, or in the alternative, provide another face covering, if available (p. 9).
- County elections officials shall provide election workers with specific instructions and messaging for interacting with voters who are negligent or reluctant to follow guidelines, including methods for defusing potentially difficult situations with voters who insist on not abiding by health and safety requirements. Such voters must still be allowed to exercise their right to vote regardless of face covering or distancing compliance (p. 17).

COLORADO

The Governor issued several Executive Orders requiring masks, but they don't address voting. All registered voters in Colorado automatically receive mail-in ballots.

Colorado Department of State – [Election Rules 8 CCR 1505-1](#) (updated September 4, 2020)

Rule 27, Sec. 27.4 Protecting the Health of Election Judges, Staff, and Voters

- Election Judges and staff members must wear masks and other PPE required by the county or location
- Watchers and media observers must wear masks and any other PPE required and should maintain social distance of at least 6 feet. Any watcher who violates the rules may be removed by the county clerk
- To the extent possible, counties work to maintain 6 feet between each person at the polling center

Colorado Secretary of State, Elections Division, [Health and Safety Guidance](#) for the November Election (September 4, 2020)

- A voter should never be turned away for refusing to wear a face covering or maintain social distance; de-escalation, quickly servicing the voter and maintaining a social distance should keep judges safe
 - Inform the voter that a face covering and social distancing are recommended
 - Offer a mask to the voter if they are available
 - Maintain a calm demeanor and a 6 foot distance from the voter
 - Recognize that some people may desire conflict, and should remain calm
 - Do not engage in a discussion of the objection, and maintain a 6 foot distance
 - Emphasize to the voter that they'll be allowed to vote
 - Ask whether the voter is willing to maintain social distancing from others
 - If a voter won't maintain social distancing, with or without a mask, the voter should be moved by judges to another area, at a distance, while holding their place in line
 - Judges should explain they will be checked in and they have a right to vote, but modified procedures will be required
 - The spot selected should be removed from others but within sight of their spot in line
 - Once it is the voter's turn they should be brought to the front of the line to check-in and vote
 - If all other processes fail and the voter continues to ignore directions or escalates the conflict, election judges should know who and how to call for assistance

- Counties should use their best judgment to de-escalate while protecting the right to vote. This could include:
 - Moving the voter to the front of the line
 - Providing the voter with a mail ballot they can take with them
 - Calling for security to remove the voter
- Judges should be able to contact county election officials in the event they or other voters feel threatened or intimidated. Judges should have contact information for physical security, whether building security or law enforcement

CONNECTICUT

[State Executive Order No. 7BB](#) (April 17, 2020)

- Requires face coverings in public places wherever close contact is unavoidable

[Secretary of State, COVID-19-Information Page](#)

- Does not state that masks are currently required for in-person voting, but says that the Secretary of State’s office is currently considering “what safety, personal protective, and cleaning equipment will be necessary” at polling places.
- Provides a link to the CDC Polling Place [guidelines](#), which “recommend[s] and reinforce[s] the use of masks among all workers” and “encourage[s] voters to use masks while in the polling location.”
- [2020 Coronavirus Voting Plan](#) does not mention masks or face coverings

DELAWARE

[Twenty-Seventh Modification of the Declaration of a State of Emergency for the State of Delaware Due to a Public Health Threat](#) (September 3, 2020)

- Requires the public to wear a face mask in several places, including when visiting a “business, indoor or outdoor space open to the public.”

- The declaration specifies that this includes “any indoor spaces, whether publicly owned or privately owned, where the public has access by right or invitation.”

[Department of Elections, Office of the State Election Commissioner](#)

- “All voters are strongly encouraged to wear masks, to protect themselves, other voters, and poll workers. No voters will be denied their right to vote if not wearing a mask.”

FLORIDA

There is no statewide mask mandate in effect in Florida, but several county and city governments have issued mask requirements through local ordinances.

For example, the [Leon County](#) Commission approved an ordinance requiring face coverings beginning June 25, 2020 in every “business establishment.”

[Broward County’s](#) Administrator approved a revised mask requirement in [Emergency Order 20-27](#) on September 30, 2020. The Broward Emergency Order requires facial coverings when people leave their homes and cannot be socially distant, and it does not include an express exception for voting.

Florida has 67 counties, and each county has a Supervisor of Elections. According to [news reports](#), numerous Supervisors of Elections have stated that they will not require voters to wear masks when voting, noting that Supervisors of Elections for Broward, Duval, Hillsborough, Lee, Orange, Pinellas, and Polk Counties all said they will allow persons without a mask to vote.

However, Broward County’s Supervisor of Elections has noted that even though he does not intend to require voters to wear masks, the Broward County Administrator “assured [him] Broward County will enforce the ordinance.” Lenny Vialpando, director of Broward County’s Environmental Protection & Growth Management Department, said in a new report that anyone “endangering the public by disregarding the mask order” will be subject to a citation.

On October 7, 2020, [NPR](#) reported that Governor DeSantis declared that local officials can issue mask requirements, but they lack authority to enforce them with fines or other penalties.

GEORGIA

Georgia has no statewide mask mandate. Pursuant to an [Executive Order](#) signed by Governor Brian Kemp on August 15, 2020, counties, municipalities and other local government entities may implement mask mandates but they may not be enforced in polling places and no individual may be denied access to a polling place for failure to wear a face covering.

The Executive Order states that residents and visitors “are strongly encouraged to wear face coverings as practicable while outside their homes or place of residence, except when eating, drinking, or exercising outdoors.”

[Secretary of State](#) Raffensperger has indicated that “[i]n-person voters who show up to vote in person will be instructed to maintain a safe distance when waiting to vote.”

HAWAII

State-wide mask mandate per Governor Ige’s [Ninth Supplementary Emergency Proclamation](#) (June 10, 2020). Requires face coverings for customers at or waiting to enter a place of business and for employees who have contact with customers or goods.

[Thirteenth Emergency Proclamation](#) (September 22, 2020) re-affirms mask requirement.

There is no explicit exception for voting.

There is no state-wide guidance by [Hawaii Office of Elections](#) regarding masks or face coverings for voters.

The State of Hawaii passed Act 136, SLH 2019, implementing elections by mail beginning with the 2020 Elections. All properly registered voters will automatically receive a mail ballot packet approximately 18 days prior to the election. No traditional polling places will be established. [Voter service centers](#) provide accessible in-person voting, same day voter registration, and collection of voted ballots.

- *But see:* [Nonprofit and civil rights groups are calling for more voter service centers in Maui County](#) to help registered voters who live in remote areas or are homeless and lack traditional mail services.

IDAHO

There is no state-wide mask mandate.

There have been county-wide mask mandates, including [Central District Health District IV](#) (one of seven public health districts within Idaho) that services the counties of Ada, Boise, Elmore, and Valley (July 14, 2020)

- Every person is required to wear a face covering when in a public place or at schools and when others are present and social distancing of 6 feet cannot be maintained.
- Face covering are required, regardless of physical distancing, when inside schools except when alone or if a 10 foot distance can be maintained.
- Exceptions for children under the age of 2, people with certain medical conditions and disabilities, certain law enforcement officers, eating/drinking at a restaurant, or engaging in athletic activities.
- [Current order \(September 4, 2020\)](#)

Cities, including [Boise](#) (July 2, 2020), [Driggs](#) (July 3, 2020), [Hailey](#) (July 1, 2020), [Ketchum](#) (July 7, 2020) have mandates in place with fines associated with violations. Other cities (Kellogg, McCall, Moscow, Victor) had mandates that have since expired.

There is no explicit exception for voting in the above-mentioned mandates.

There is no state-wide guidance in the [Idaho Secretary of State's Voters' Pamphlet](#) regarding masks or face coverings for voters.

- But areas under the Central District's mandate will [“have masks available for voters” and “will be encouraging all voters to wear a mask.”](#)

ILLINOIS

Illinois has a statewide [mask mandate](#) requiring masks to be worn when social distancing of greater than 6 feet cannot be maintained.

Illinois has expanded voting access. The state has sent vote-by-mail applications to all voters who participated in the 2018, 2019, and 2020 elections. In addition, the state has made Election Day a state holiday and is offering early in-person voting.

The Illinois Department of Public Health (IDPH) has issued election polling location [guidance](#). The recommendations include:

- Voters outside or inside a polling place shall not be screened for COVID-19.
- Consider placing Plexiglas barriers between election officials and voters.
- Consider using large print instructions on laminated cards to allow voters to maintain distance and to facilitate communication through masks.
- Designate specific polling place personnel to monitor and to remind voters to maintain physical distancing.

The IDPH guidance expressly states that “Election authorities are prohibited from preventing a noncompliant voter from casting a ballot for refusal to wear a face covering outside or inside a polling place.”

The guidance specifies steps that poll workers should take in handling non-compliant voters: “Election officials should take every reasonable action to separate noncompliant voters from those wearing face coverings. These actions may include, but are not limited to, establishing a separate waiting area for non-compliant voters or establishing a separate line or queue. Election officials must provide a means to track the noncompliant voter’s place in the normal queue of voters and call the noncompliant voter from the waiting area when it is their turn to vote.”

INDIANA

Indiana has a state-wide [mask mandate](#), which is currently effective through October 17. Indianapolis has a [separate mask mandate](#), which was instituted prior to the state-wide order.

Indiana has not adopted expanded absentee voting, nor made other changes to its voting procedures for the 2020 general election. Several groups have brought lawsuits to try to require expanded voter access during the pandemic.

Indiana requirements for masks at polling places are set by counties. The elections board has stated that social distancing will be required, and there are plans to move polling to larger rooms, such as gymnasiums, and to leave doors open to improve ventilation. The clerk's office for Monroe County (which includes Bloomington) has [stated](#) that while masks will be made available, no one will be turned away for refusing to wear one, even if that refusal violates county and statewide orders.

IOWA

Iowa does not have a mask mandate. Governor Kim Reynolds has stated that counties and other local authorities [do not have the authority](#) to impose mask mandates.

Iowa has sent absentee ballot request forms to all voters. However, there is active litigation concerning the information contained in these forms.

Iowa has early in-person voting.

The Secretary of State has said there is [no mask mandate for polling places](#). However, county auditors do have authority to require masks, and counties have oversight of polling locations for both early and Election Day voting. Polk County, which includes Des Moines, does have a mask mandate for anyone entering a [county building](#), which includes buildings in which polling places are located. [Linn County](#), which includes Cedar Rapids, has stated that the right to vote overrides any other laws and as such, it will not enforce mask requirements, though the County Auditor does recommend people wear masks to the polling sites.

KANSAS

[Executive Order No. 20-52](#)

- Imposes a mask mandate, including when “[i]nside, or in line to enter, any indoor public space.”

Secretary of State, [COVID-19 Information](#)

- “No individual will be turned away from casting their ballot for wearing, or not wearing, a mask.”

Secretary of State, [Secretary of State Scott Schwab Provides Guidance to Counties on Mask Requirements](#)

- This was issued in advance of the August primary election, but stated that no individual who is otherwise qualified to vote would be turned away from a polling location for not wearing a mask.
- The memo cited Article 5, Section 1 of the Kansas Constitution, which states that the only three criteria to be qualified to vote in Kansas are age, citizenship, and residence.
- Secretary Schwab stated, “Exercising one’s fundamental right to vote is not, and should not be, contingent upon whether or not they choose to wear a mask. Voter intimidation or suppression based on the use or non-use of a face mask will not be tolerated and is subject to litigation.”
- Encouraged Kansans to follow the recommended safety protocols of health care professionals
- All polling locations in Kansas were provided with PPE kits containing masks, gloves, hand sanitizer, disinfectant, and plexiglass shields. Voters were also given disposable pens and were reminded to keep six feet apart while waiting in line.

KENTUCKY

[Executive Order No. 202-750](#)

- Extends mask mandate first outlined in Executive Orders [2020-586](#) and 2020-651.

Statement of Emergency, [31 KAR 4:192E](#)

- Emergency administrative regulation outlining the procedures to be undertaken to conduct the November 3, 2020 election
- States that an emergency order to deal with voting during the general election is necessary given the state of emergency in KY due to the COVID-19 pandemic (citing the Governor’s Executive Orders 2020-215 and 2020-688).
- States that “during the days of in-person voting, appropriate precautions shall be taken consistent with Centers for Disease Control guidance” and that County Clerks should use “procedures that limit direct contact between individuals, whether poll workers or voters.”
- “The State Board of Elections, with the assistance of the Governor, shall provide materials to assist in proper sanitization.”
- Does not specifically address masks

Secretary of State, Elections, [2020 General Updates](#)

- Does not mention masks, but states that “every county clerk will provide a location for safe in-person voting.”
- “Kentuckians concerned with contracting or spreading COVID-19 can request a ballot by mail.”
- States that early voting is not absentee voting and that “anyone can vote early for any reason.”

LOUISIANA

[Executive Order 89-JBE 2020](#) signed by Governor, effective July 2020. Requires face coverings but parishes with specified low COVID rates can opt out. There’s no specific reference to voting.

Louisiana Secretary of State, Elections and Voting Division, “COVID-19 [Guidelines](#) for In-Person Voting According to Emergency Election Plan for July 11, 2020 and August 15, 2020 Elections” (June 8, 2020)

- All election workers are required to wear PPE
- Voting machines and check-in table to be set up to maintain social distancing
- Voters are highly encouraged to wear face coverings

There was litigation in the state regarding voting procedures and access to absentee voting, and the state legislature continues its dispute with the Governor over control of election procedures.

MAINE

[An Order to Facilitate the November 2020 General Election, to Ensure the Integrity of the Ballot and to Protect the Public Health during the Covid-19 Emergency](#) (August 27, 2020)

- Requires polling places to allow no more than 50 people in to vote at a time and have outdoor lines marked to enforce a six-foot separation between voters.
- No language about mask use.

[Department of the Secretary of State, Bureau of Corporations, Elections & Commissions](#)

- For the July 14, 2020 election, the Bureau of Corporations, Elections & Commissions stated that “voters are strongly encouraged to wear face coverings but cannot be turned away from voting for not doing so.”

MARYLAND

[Executive Order NUMBER 20-08-03-01](#), August 3, 2020, extended the earlier Order that required face coverings in most public settings; no mention of voting.

[State Board of Elections](#), September 16 notice:

- To make in-person voting safe, voters must remain six feet apart and wear a mask.
- To maintain proper distancing, the number of voters permitted inside a voting center at one time may be limited

[Governor's Proclamation](#), September 8, 2020 regarding the election

- State Board of Elections alternate voting locations for use of any eligible voter
- Applicable CDC guidelines shall be complied with to the maximum extent possible

MASSACHUSETTS

[Order Requiring Face Coverings in Public Places Where Social Distancing is Not Possible](#) (May 1, 2020)

- Any person “who is in a place open to the public . . . whether indoor or outdoor, and is unable to or does not maintain a distance of approximately six feet from every other person shall cover their mouth and nose with a mask or cloth face covering.”

[Massachusetts Government, FAQ](#) (June 9, 2020)

- “All persons are encouraged to cover their mouth and nose with a mask or cloth face-covering while inside a polling place, even where they are able to maintain a distance of approximately six feet from every other person.”
- “All polling places should be set up to maintain social distancing during the voting process.”
- “However, whether wearing a face-covering/mask or not, all qualified voters will be allowed to vote without consequence.”

MICHIGAN

Governor Whitmer has issued numerous Executive Orders in response to the COVID-19 pandemic, including [State Executive Order 2020-153](#) (July 17, 2020) requiring any person who leaves his/her home or place of residence to wear a face covering over their nose and mouth when in any indoor public space (as well as during other periods of time that are not relevant to this analysis).

However, Executive Order 2020-153 provides an exception for persons at a polling place for purposes of voting in an election, although the Executive Order “strongly encourages” voters to wear masks while voting.

Further, on August 4, 2020, the Michigan Department of State’s Bureau of Elections [issued guidance](#) entitled “Polling Place Safety and Accessibility.” This guidance provides that “Voters should be strongly encouraged to wear masks but cannot be denied the ability to vote because they are not wearing a mask.”

On October 2, 2020, the Michigan Supreme Court [issued an opinion](#) that Governor Whitmer did not have authority to issue pandemic related executive orders that were in effect past April 30, 2020—the date past which the Michigan legislature denied extending emergency and disaster declarations. *Midwest Institute of Health, PLLC v. Whitmer*.

After the Michigan Supreme Court issued its opinion, the Michigan Attorney General [announced](#) that her office no longer would enforce the Governor’s Executive Orders.

MINNESOTA

On July 22, 2020, Gov. Tim Walz signed an [executive order](#) (20-81) requiring individuals to wear face coverings in indoor businesses and indoor public settings. Executive Order 20-81 did not explicitly address voting or elections.

The [Minnesota Secretary of State](#) is encouraging voters to use absentee ballots. For in-person voters casting a ballot on Election Day, curbside voting is encouraged. Early in-person voting is available for a number of more populous jurisdictions. The Secretary of State’s website states that the mask requirement in EO 20-81 applies to polling places. It further states, however, that no voter will be denied the right to vote for failure to wear a mask.

In defending against litigation challenging application of the mask requirement to voting, Minnesota took the position that even if a voter refuses to wear a mask and refuses the curbside voting option, an otherwise eligible voter will be permitted to vote. *Minn. Voters Alliance v. Walz*, 20-cv-01688, Dkt. #40, at 5 (D. Minn. Sept. 11, 2020). Poll workers are instructed to record the violation in the polling place incident log and allow the person to vote. *Id.*

MISSISSIPPI

[Executive Order No. 1516](#) (extended through September 30, 2020 by [Executive Order No. 1522](#))

- “Every person in Mississippi shall wear a face covering, covering the nose and mouth, while inside a business, school or other building or space open to the public, or when in an outdoor public space whenever it is not possible to maintain a minimum of six feet of social distancing from another person not in the same household.”

[Secretary of State, Covid-19 & Elections](#)

- [COVID-19 Election FAQs](#) states:
 - “Poll managers will be equipped with masks, gloves, and face shields, while hand sanitizer and single-use pens and/or styluses will be available for all voters.”
 - “A limited number of masks will be available on a first-come-first-serve basis for voters who do not have their own.”
 - “Mississippi is a bottom-up state, meaning the counties are in charge of conducting elections, so each county may implement additional COVID-19 safety measures.”
 - “Voters will not be denied entry to their polling place for not wearing a face mask.”
 - “While voters will not be required to wear a mask, it is strongly encouraged that they follow Mississippi Department of Health and Center for Disease Control Guidance.”
- [COVID-19 Safety at the Polls](#) states:
 - “Voters are not required to wear a mask, and voters cannot be turned away or denied the right to vote if not wearing a mask.”

MISSOURI

There is no statewide mask mandate so rules vary between counties/cities. The [Secretary of State](#) has secured 25,000 masks to be made available to voters.

In [St. Louis County](#), all voters and poll workers will be required to wear a mask inside all polling places. Any voter who cannot wear a mask has the opportunity to vote curbside at all polling places or at the Board of Elections office.

Other counties have “strongly encouraged” voters to wear masks, some have advised election workers to put on a mask if asked by voters.

MONTANA

[Executive Orders 2-2020 and 3-2020](#) and providing for the mandatory use of face coverings in certain settings, July 15, 2020. No reference to voting.

[Memo from the Governor](#), August 6, 2020 - Directive implementing Executive Orders 2-2020 and 3-2020 and providing for measures to implement the 2020 November general election safely

- All counties, regardless of whether they have opted to conduct a mail ballot election, shall establish, implement, and enforce protocols—consistent with CDC guidelines as well as state and local public health directives—to limit the transmission of COVID-19 at polling locations, designated drop-off locations, or public-facing portions of facilities involved in voting.

The Governor gave counties the option of conducting mail-in voting and expanded early voting. The Trump Administration has challenged this in court. Some counties are conducting all-mail voting, but with in-person voting available at election centers.

NEBRASKA

Nebraska does not have a state-wide mask mandate. The cities of Omaha and Lincoln have adopted mask requirements for most indoor locations.

In Nebraska, any registered voter may request an early voting (absentee) ballot. All eligible Nebraska residents were mailed early voting ballot applications for the general election. Early in-person voting is also available in county clerk or election commissioner offices beginning October 5. Curbside voting is not available except for voters who are physically unable to enter the polling place.

Voters are not required to wear masks, though state and county officials recommend it. Polling places will have masks available for those who do not bring them. (In June, the government announced that

counties imposing mask requirements would not be eligible for CARES Act monies. It appears the governor's office did not follow through on that threat.)

Poll workers have been instructed to set up polling places to maximize social distancing, of at least 6 feet.

NEVADA

Nevada issued a statewide mask order on June 24, which applies to most indoor public spaces. Nevada implemented several changes to its voting rules in response to the pandemic. Legislation was passed that put in place (1) a requirement that all active registered voters (with limited exceptions) receive a mail-in ballot, (2) a requirement that each county or city clerk have at least one ballot drop box where mail-in ballots can be delivered during the period for early voting and on election day, and (3) requirements regarding the number of in-person locations for early voting and election day voting. Nevada has early in-person voting from October 17–30. In order to vote in-person either early or on Election Day, a voter must physically surrender their mail ballot at the polling place or sign an affirmation indicating the voter will not vote their mail ballot.

A federal court rejected the Trump campaign's effort to block the policy providing that all registered voters would receive mail-in ballots to ensure ballot access during the pandemic; the Nevada Supreme Court rejected a similar effort by an activist organization.

Masks are not required, but refusal to wear one may result in a maskless voter having to vote via an alternative voting option. According to the Secretary of State's [website](#), all polling places will be set up to allow for social distancing, and plastic barriers will exist between election workers and voters. Frequently touched hard surfaces, including the voting machines, will be sanitized on a regular basis, and hand sanitizer will be available to all voters. Pursuant to the Governor's emergency directive, all voters are highly encouraged to wear a mask to the polling place. If you refuse to wear a mask, you may be provided with an alternative voting method.

Poll workers are recruited by county, and each county provides its own poll workers manuals and training.

NEW HAMPSHIRE

[Memorandum](#) from the Secretary of State and Attorney General to New Hampshire Election Officials, Re: Election Operations during the Public Health Crisis (August 19, 2020)

- Moderators have “broad authority” to regulate the conduct of polling within their jurisdictions. “That includes the authority to choose whether or not to require or to require a face covering/mask at their respective polling places.”
- Moderators who do implement face covering/mask requirements “must provide registration and voting alternatives to voters who either cannot or will not wear face coverings/masks inside the polling location.”
- Every qualified voter “must be given an opportunity to cast a ballot” and “the alternatives cannot, through inefficiency or difficulty of use, make it harder for a non-face covered/masked voter to register and vote.”
- Election officials can also require voters to show their faces during the voter check-in and Challenged Voter Affidavit processes.
- This memorandum was expanded upon in a [Supplemental Memorandum](#) issued by the Attorney General to New Hampshire Election Officials on August 20, 2020
 - The supplemental memorandum discussed some examples of registration and voting alternatives moderators might use for non-masked voters if they implement a mask mandate.
 - If a voter declines to use a voting alternative and “all reasonable means to persuade the voter are exhausted” the memorandum states that “we believe that current law would likely support a moderator’s decision to inform the voter that he or she cannot enter the polling place.”

New Hampshire Municipal Association, [Can Voters Be Required to Wear Face Coverings at Polling Places?](#) (August 31, 2020)

- Specifies that the Governor’s [Emergency Order #63](#), requiring face coverings for scheduled gatherings of 100 individuals or more, does not apply to elections, but that per the memoranda

mentioned above, local officials may require voters to wear face coverings to enter a polling place.

- “We agree that if the voter is given the option of a separate voting space either inside or outside the polling place and refuses to use it, the moderator may refuse to allow the voter in the polling place However, if the only alternative offered is option 3, accessible voting, we are less confident that a voter who refuses the option may legally be turned away from the polls.”

NEW JERSEY

State-wide mask mandate per [Executive Order](#) 163 (July 8, 2020)

There is an explicit exception in [Governor's Executive Order](#) 177 (August 14, 2020), which provides, among other things, that “County Boards of Elections must ensure that polling places and poll workers implement, at a minimum, the following requirements:

- “Strongly encourage voters and those accompanying voters to adhere to any CDC guidelines as of the date of the election regarding face coverings while inside polling places except where doing so would inhibit that individual’s health. County Boards of Elections may provide such face coverings for voters and those accompanying voters, without charge to them. If a voter or person accompanying a voter refuses to comply with the CDC guidelines, a poll worker shall not deny entry to the voter or person. Nothing herein should prevent a voter from wearing a surgical grade mask or other more protective face covering if the individual is already in possession of such equipment.”
- “Limit occupancy within all polling places to a number that permits voters to maintain a distance of six feet between each other and poll workers at any time”
- “Ensure six feet of distance between voters and ensure six feet of distance between voters and poll workers through the demarcation of six feet of spacing in voter lines and poll worker stations to demonstrate appropriate spacing for social distancing”
- “Require infection control practices, such as regular hand washing, coughing and sneezing etiquette, and proper tissue usage and disposal”
- “Provide poll workers break time for repeated handwashing throughout their shifts”
- “Require frequent sanitization of high-touch areas in polling places consistent with CDC guidelines as of the date of the election”

- “Place conspicuous signage at entrances and throughout the polling place alerting poll workers and voters to the required six feet of physical distance”
- “Provide sanitization materials, such as hand sanitizer and sanitizing wipes, to poll workers, voters, and those accompanying voters”
- “Require poll workers to adhere to CDC guidelines as of the date of the election regarding face coverings while in the polling place, except where doing so would inhibit that individual’s health, and require poll workers to wear gloves when in contact with voters and those accompanying voters. County Boards of Elections must provide any required face coverings and gloves for poll workers, without charge to the poll workers. If a poll worker refuses to wear a required cloth face covering for non-medical reasons, then a county Board of Elections may decline entry to the individual ... Where a poll worker declines to wear a required face covering at a polling place due to a medical condition that inhibits such usage, they shall not be required to produce medical documentation verifying the stated condition”
- “If an appointed challenger refuses to wear a required cloth face covering, then a county Board of Elections may decline entry to the individual”

NJ [Secretary of State FAQs](#) (page last updated 9/28/2020):

- “Can I vote in-person at my polling location? Yes, but only by paper provisional ballot. If you go to a polling location to vote on Election Day, you will be provided with a paper provisional ballot. If you have a disability that prevents you from voting on a paper ballot, you will be provided access to an accessible voting device. Also, a voter may drop off their vote by mail ballot at their polling place. The November 3rd, 2020 General Election is being conducted primarily by vote by mail. If you haven’t received your vote by mail ballot, please contact your county clerk.”
- “Will voters casting a provisional ballot in-person be required to wear a mask? All voters are asked to wear a face covering and observe appropriate social distancing.”

NEW MEXICO

State-wide mask mandate per New Mexico [Department of Public Health Order](#) (as amended September 1, 2020)

- There is no explicit exception for voting in the mask mandate. That said, press reports dating from the May primaries indicated:
 - [KP4 Albuquerque](#): “We acknowledge that some folks don’t have a face mask for whatever reason and so face masks will be provided at polling locations,’ said Secretary of State Maggie Toulouse Oliver. Toulouse Oliver said people who, for whatever reason, do not want to wear a mask will not be turned away. However, she is asking people to consider the staff at the polling location. ‘Please, for the safety, if not yourself, but for the poll workers who are working there long days, who are above the age of 60, for your fellow voters at the polling place to please wear a face mask for their safety and security,” she said. ‘If you are an individual, for whatever reason, is just making a decision not to wear a mask, even if one is provided to you, you will not be turned away from the polls, we are simply asking that folks do so-- not necessarily for your safety, but for the safety of other around you.’ Toulouse Oliver also said voters should be prepared to wait longer than usual because poll workers will be sanitizing spaces after each voter leaves. That includes disinfecting pens, voting stations and all surfaces that the voter touched. Additionally, health orders still require partial occupancy in public buildings. That means fewer voters will be allowed inside the polling location at a time.”

The New Mexico [Department of Health](#) issued an earlier (now expired) Public Health Order on April 30, 2020, which remained in effect only through the end of the primary election process, and included the following:

- “The maximum number of voters allowed inside of a polling location that is not a mobile unit at any given time shall be the greater of a maximum of four (4) voters or 20% of the maximum occupancy of the location, as determined by the relevant fire marshal or fire department.
 - “Any polling location that is a mobile unit shall be limited to two (2) voters at any given time.”
 - “All polling locations shall adhere to social distancing protocols and shall ensure that voters do not come within six (6) feet of each other except when absolutely necessary. Poll officials and staff are directed to wash and sanitize their hands frequently. Social distancing protocols shall be followed by poll officials and staff to the greatest extent possible. All surfaces and reusable writing implements shall be cleaned routinely.

- “If voters are waiting outside of a polling location, they must do so in such a manner that all individuals shall remain at least six (6) feet from each other and avoid person-to-person contact. Poll officials and staff are directed to ensure that these social distancing measures are being observed.

It is not clear whether additional guidance is forthcoming from the Department of Health for the November 3, 2020 General Election.

NEW YORK

State-wide mask mandate per Title 10 (Health) of the Official Compilation of Codes, [Rules and Regulations](#) of the State of New York, Subpart 66-3, COVID-19 Emergency Regulations (effective July 9, 2020)

- There is no explicit exception for voting in the Regulation (or related prior Governor’s Order EO 202.17), but the Regulation “shall be applied in a manner consistent with the federal American with Disabilities Act, New York State or New York City Human Rights Law, and any other applicable provision of law.”
- NY State [Board of Elections](#): COVID-19 Update for Election Officials, Questions and Answers (May 15, 2020):
 - “Should voters be required to wear masks to enter BOE/poll site? What should the BOEs do if voters are unable/refuse to wear masks when entering BOE or poll sites? Yes, per EO 202.17, effective 8 p.m. on Friday, April 17, 2020, any individual who is over age two and able to medically tolerate a face-covering shall be required to cover their nose and mouth with a mask or cloth face-covering when in a public place and unable to maintain, or when not maintaining, social distance.
 - Social distance is defined as maintaining six feet of separation. Further, essential business operators and enforcement authorities are prohibited from requesting or requiring medical or other documentation from an individual who declines to wear a face covering due to a medical or other health condition that prevents such usage.
 - If election officials have the capacity to provide cloth face coverings to voters, there is nothing wrong with that. However, there are many examples of public places encouraging the use of face masks and expecting the public to supply themselves.

- At this time, the State Board recommends that County Board of Elections plan for each poll site to have an isolated, separate area in which poll workers may assist a voter that is unable to wear a mask. Poll workers would be supplied with and wear appropriate personal protective equipment (PPE) to assist such voters.”

NORTH CAROLINA

[Executive Order 147](#), issued on June 24, 2020 (extending earlier Order 141), mandates masks and does not address voting.

The State Board of Elections [issued an emergency order](#) on July 17, 2020 entitled “Administering the November 3, 2020 General Election During the Global COVID-19 Pandemic and Public Health Emergency.” The emergency order stipulates that:

- All county boards shall require that elections officials wear face coverings, and make face coverings available to voters. Voters will not be required to wear a face covering to vote.
- Voters unable to enter the voting enclosure due to age or physical disability (very broadly defined) may sign a “curbside affidavit” and vote curbside. “Neither fear of contracting COVID-19 nor refusal to wear a mask due to personal preference... makes a voter eligible.” However, election workers shouldn’t seek proof of a disability, and any voter that signs the affidavit can vote curbside.

The Department of Health and Human Services has [issued](#) “Interim Guidance for Election Voting Locations,” most recently updated on October 9, 2020. According to the guidance:

- County boards of elections shall require that election workers wear face coverings when within six feet of others.
- Election workers shall encourage all voters to wear face coverings.
- Election workers shall offer face coverings to voters not wearing them.
 - If a voter states that an exception applies, try to make an accommodation by providing curbside service or allowing the customer to enter without a face covering.
 - Voters should not be turned away if they do not have or cannot wear a face covering.
- It is recommended that all voting sites have signs posted providing instruction on proper removal and handling of face coverings.

NORTH DAKOTA

North Dakota does not have a mask mandate. The state encourages employers to recommend staff and customers wear face coverings where it is difficult to maintain social distancing, but there is no statewide requirement.

Governor Doug Burgum issued an executive order in March 2020 that allowed any county to choose voting by mail as the only voting method for the June 9, 2020 primary election due to the coronavirus pandemic. All 53 counties chose this approach, so voting in the June 9, 2020 primary was conducted entirely by mail. No similar announcements have been made regarding the general election.

North Dakota provides absentee ballots by request. The state also has early in-person voting from October 19 through November 2, for some jurisdictions.

There is no information regarding masks and in-person voting on North Dakota government websites, including [the current Election Officials Manual](#).

OHIO

The Ohio Department of Health [issued](#) a state-wide mask mandate per a Director's Order on July 23, 2020. Though there is no explicit exception for voting in the Order, it states: "Nothing in this order is intended to interfere with the separation of powers under the Ohio Constitution."

The Ohio Secretary of State [issued](#) "Health Guidance for Boards of Elections" on August 12, 2020. In addition to detailed health, masking, and distancing requirements for poll workers, the Guidance states:

- "Boards of elections and precinct election officials must encourage any voter who may have been exposed to COVID-19 or exhibits symptoms to utilize an alternate voting method such as absentee voting. However, if a voter with symptoms still wishes to vote on Election Day or early in-person, boards of elections should ask the voter to utilize curbside voting and remain

in their vehicle. No matter what, every eligible voter who wishes to vote must be permitted to do so after they are asked to consider safer alternatives.

- “Boards of elections must encourage all voters to wear a mask while physically present inside or in line for the board of elections, early vote center, or polling location. However, even with the ODH Order currently in effect, voters cannot be required to wear a mask in order to vote in person. All eligible voters must be permitted to vote.
- If a voter refuses to wear a mask inside the board of elections, early vote center or polling location, election officials and precinct election officials should offer the voter the option of curbside voting. However, if the voter refuses curbside voting, the voter must still be permitted to vote.
- “Boards of elections should include information in their precinct election official training regarding conflict, de-escalation and seeking assistance from other election officials or precinct election officials if there is a conflict regarding a face mask. For example, precinct election officials and election officials should:
 - Speak with a calm voice;
 - Do not engage in underlying issues that may factor into the objection;
 - Remind the voter that they are permitted to vote, and that they are being asked to wear a mask for the health and safety of other voters and PEO’s;
 - If de-escalation fails, inform a voting location manager or supervisor;
 - If a precinct election official or election official feels the safety of any person is in jeopardy, please contact law enforcement.
- “Boards of elections should procure additional masks to have at boards of elections, early vote centers, or polling locations for voters who may not have a mask but wish to wear one in the board of elections, early vote center, or polling location. Boards of elections should post signs providing instructions on proper wearing as well as safe removal and handling of masks. Per ODH, cloth masks are appropriate for voters, board staff, and precinct election officials. N95 medical grade masks are not required for work within a polling location or board of elections.
- “Cloth face masks can make it more difficult for people who are deaf or hard-of-hearing to lip-read, hear, or understand what people are saying. Clear face coverings, face shields, or fixed clear barriers can support lip reading. Consistent with applicable law, election officials should consider having supplies such as clear face coverings available to ensure that voting is accessible to people with disabilities.”

OKLAHOMA

There is no statewide mask requirement.

On August 28, 2020, Oklahoma Governor Kevin Stitt issued a Fourth Amended [Executive Order](#) 2020-20 extending the state of emergency in Oklahoma due to COVID-19. Executive Order 2020-20 does not mandate the use of facial coverings in Oklahoma, nor does it require facial coverings when voting.

However, some cities in Oklahoma have adopted ordinances requiring masks in certain public places. For example, [Oklahoma City's](#) mask ordinance is in place at least until October 20, 2020. Oklahoma City [Ordinance](#) No. 26,526 adopted on September 2, 2020 mandates that “[a]ll persons shall wear face coverings when entering and while inside any indoor place open to the public.”

Although the Ordinance does not have an express exception for voting, it has the following exceptions that might apply to a voting location:

- “persons inside any Federal, State, or County government building or other facility;” and
- “persons inside any public or private school building or other facility unless required by the school to wear a face covering.”

The Oklahoma State [Election Board](#) has issued special COVID-19 election guidance for 2020 that states: “Additionally, State election officials and our partners at OU Health Sciences Center strongly recommend that election workers and voters wear masks or cloth face coverings at in-person voting sites.”

OREGON

There is a state-wide mandate per Governor Brown’s Executive Order No. 20-27 (July 1, 2020)

- See Oregon Health Authority [face covering guidance](#).
- Mandate applies to indoor public spaces and public outdoor areas when 6 feet of distance cannot be maintained (which was clarified two weeks after order was executed).

- Children under 5 are exempt, but the state recommends face coverings for children as young as 2

There is no explicit exception for voting.

There is no state-wide guidance in the Oregon Secretary of State's Voters' [Pamphlet for the General Election](#) regarding masks or face coverings for voters.

Multnomah County Elections Division is requiring face coverings/masks for all members of the voting public, pursuant to Executive Order 20-27 and [Multnomah County Elections Office Rules of Conduct](#):

- “Failure comply with the above [requiring face covering] may result in exclusion from the MCE [Multnomah County Elections] premises.”

PENNSYLVANIA

State-wide mask mandate per Secretary of the Pennsylvania [Department of Health](#) Order (Jul. 1, 2020)

- [There is no explicit exception for voting in the Order](#), but the Order includes certain exceptions for health reasons, and clarifies that “individuals are not required to show documentation that an exception applies.”
- Press reports dating from the June primaries indicated the following:
 - [Fox 43](#) quoted a spokesperson from the Department of State as saying: “We strongly encourage voters to wear masks out of respect for their fellow voters and for the dedicated poll workers staffing the polling places. Voters who are not wearing a mask will not be denied their right to vote.” Fox43 then quoted York County spokesperson Mark Walters as saying: “It is a state and federal health regulation, for that reason we encourage people to do it. If you go to the grocery store, it's recommended in general, but no one is going to be turned away” and stated that “Walters also says poll workers are being told not to engage with voters on the mask issue.”

There also appear to be local mask ordinances in various Pennsylvania jurisdictions. For example Borough of State College [Ordinance](#) 2145 (August 17, 2020), does not include a clear exception for voting.

Some, but not all, county Boards of Election have issued more specific guidance regarding masks. For example:

- In its May 2020 Election Guide [York County](#) stated: “York County and the Commonwealth of Pennsylvania strongly encourage all poll workers and voters to utilize personal protective equipment (PPE) at poll locations. No citizen will be denied the opportunity to cast a vote due to lack of a mask. PPE is available at the door for those who may request. If a citizen continues to refuse to wear a mask:
 - Do not initiate a confrontation. Do your best to remain calm and provide reasonable accommodations as necessary.
 - If the voter continues to be disruptive or refuses to observe all applicable standards of conduct, you may warn the individual that s/he will be ejected from the poll if problems persist. Engage the constable, if one is available, and the Elections Office.
 - Clean surfaces, pen, etc. immediately after voter departs the location.”

COVID-19 protections, Touchscreen Voting Machines and Other Issues: *NAACP v. Boocker*, No. 364 MD 2020 (Comm. Ct. PA.) There was recently dismissed litigation against the Pennsylvania Secretary of State alleging various issues with election safety, but the case was dismissed based on demurrer and ripeness. Among other things, certain allegations related to cleaning touchscreen voting machines, as they allegedly should be powered down before cleaning, and moist wipes can affect the machines.

RHODE ISLAND

State-wide mask mandate per Governor’s [Executive Order](#) 20-60 (Jul. 31, 2020, per Executive Order 20-81). Note that the mask order will expire November 2, unless extended.

There is no explicit exception for voting in the Order. Among other things, the Order states:

- “Face coverings are not required for people who can easily, continuously, and measurably maintain at least six (6) feet of distance from other people.”
- “The Director of the Rhode Island Department of Health (RIDOH) shall enforce any rules and regulations necessary to implement this Order with particular focus on social gatherings, bars and other crowded areas and events where the danger of spreading and contracting the virus is greatest.”
 - “The Director of RIDOH or her designees are further authorized to assess civil penalties for violation of this Order. Such civil penalties shall be in addition to any other penalties authorized by law.”

[Secretary of State](#) Gorbea tweeted the following in connection with the September primaries: “Happy Primary day! If you’re voting in person today, remember to bring a mask and practice social distancing.”

Secretary of State “Ways to Vote” Poster:

- “EARLY IN-PERSON AUGUST 19 - SEPTEMBER 8 Contact your city or town hall. Wear a mask.
- ON ELECTION DAY Go to vote.ri.gov to find your polling place. Wear a mask.”

Rhode Island [Board of Elections](#) Official Poll Worker Manual (Aug., 27, 2020) does not address masks
[City of Cranston](#) Board of Canvassers: “Cranston City Hall will be open for emergency voting for voters during business hours from Oct. 14 through Nov. 2, which are weekdays from 8:30 a.m. to 4:30 p.m. ...Voters must wear a mask, and should bring a photo ID when appearing to vote an emergency ballot.”

SOUTH CAROLINA

A limited statewide mandate has been issued by [Executive Order](#) Governor Henry McMaster has signed numerous Executive Orders declaring a state of emergency due to COVID-19, and on August 2, 2020, his Executive Order No. 2020-50 mandated that “individuals shall wear a Face Covering in state government offices, buildings, and facilities in accordance with guidelines and procedures developed and promulgated by the South Carolina Department of Administration.”

Executive Order 2020-50 also “urged” all counties and municipalities of the State of South Carolina to enact or implement appropriate and narrowly tailored emergency ordinances or other measures requiring individuals to wear a Face Covering.”

Numerous city governments in South Carolina have passed mask ordinances. For example, Rock Hill’s [City Council](#) passed an emergency ordinance in July and then extended it indefinitely on September 14, 2020. It is unclear whether the Rock Hill emergency ordinance would require the use of facial coverings while a person is voting, but based on the plain language of the ordinance it does not appear that such a requirement applies.

For the June 2020 statewide primaries, the South Carolina [Election Commission](#) issued an informational flyer indicating that voters were being asked to bring their own pens for signing the poll list and to “[w]ear a protective mask *if you have one*.” (Emphasis added.)

SOUTH DAKOTA

South Dakota does not have a mask mandate. The South Dakota Department of Health recommends “wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain, especially in areas of significant community-based transmission.”

South Dakota has early voting in some locations and makes absentee ballots available upon request. South Dakota does not permit curbside voting beyond what is required by law for individuals with physical limitations.

The South Dakota Secretary of State [recommends](#) practical steps for voters to protect themselves from COVID-19, including bringing their own pen, voting at off-peak times, and using a sample ballot to speed the voting process.

There is no reference to masks or COVID-19 in the current [Election Day Precinct Training Manual](#).

TENNESSEE

There is no statewide mask mandate but [Executive Order 54](#) gives counties and mayors the authority to implement mask requirements.

Tennessee Secretary of State - [COVID-19 Election Information](#)

In addition to recommending social distancing and making note of efforts to sanitize polling places, “Voters are strongly encouraged to wear face masks.”

TEXAS

[Executive Order GA-29](#) (July 2, 2020) requires face coverings in certain settings but specifically does not apply to any person who is voting, assisting a voter, serving as a poll watcher, or actively administering an election, but wearing a face covering is strongly recommended.

[Secretary of State](#) Director of Elections - memo to County Clerks/Elections Administrators, June 18, 2020

- There’s no authority under Texas law to require voters to wear face coverings to vote, but election officials should make efforts to communicate that it’s strongly encouraged (e.g., posted signs)
- Election officials can consider reasonable social distancing for voters not wearing face coverings
- If voters present with symptoms of COVID-19, an election judge can offer several options for voting, but doesn’t have authority to refuse a voter presenting with symptoms:
 - Offer a face covering and/or gloves and request that they wear them
 - Remind the voter of the option of curbside voting and offer that
 - The election judge may accept the symptomatic voter before others at the polling place to expedite the process
 - They strongly suggest developing protocols for this in advance to ensure the process is done fairly, uniformly and not to the detriment of others waiting
 - These protocols should account for how to communicate with other voters about invoking this procedure while maintaining confidentiality
 - Consider reasonable social distancing measures for voters with signs or symptoms

UTAH

[S.B. 6007](#), signed by the Governor on August 31, 2020

- Requires safety protocols be issued by the lieutenant governor’s office, in consultation with the county clerks, “to protect the health and safety of voters and government employees in the conduct of the 2020 regular general election.”
 - This includes requiring poll workers to use protective gear and promoting, to the extent practicable, social distancing between poll workers.
 - This also includes “encourage[ing] voters to vote by mail.”
- Counties are directed to “conduct the election primarily by mail” but must provide in-person voting on election day and during early voting.

Note: it does not appear that the lieutenant governor’s office has released these safety protocols yet

Utah Government [2020 November General Election Information](#)

- [2020 Utah Statewide Voter Information Pamphlet](#) does not have any information about whether a face mask or covering is required if voting in person.
- For the June 30, 2020 [primary election](#), there were no regular polling places on election day, although counties had the option of offering limited drive-up voting on election day, but citizens were required to vote by mail if their county did not offer drive-up voting options.

VERMONT

State-wide mask mandate per Governor’s Executive Department [Order](#) 01-20 (as amended Aug. 15, 2020)

- No explicit exception for voting in the Order, but the Order includes certain exceptions for health reasons, and clarifies that individuals are “not required to produce documentation, or other evidence, verifying the condition”
- Vermont [Secretary of State](#) COVID-19 Polling Place Health Guidelines (rev. 8/3/2020):

“Masks and Facial Coverings

- Per Addendum 2 to Executive Order No. 01-20, ‘Vermonters shall wear masks or cloth facial coverings over their nose and mouth any time they are in public spaces, indoors or outdoors, where they come in contact with others from outside their households, especially in congregate settings, and where it is not possible to maintain a physical distance of at least six feet.’
 - *Alternative voting methods should be provided to voters who indicate that they are not able to wear a face covering inside the polling place (proof or documentation of inability to wear a mask or cloth facial covering is NOT required. Do not ask.).* Every eligible, registered voter should be able to vote on Election Day.
- Poll workers should wash hands frequently, including prior to entering the polling location and before and after any breaks. Hand sanitizer should be used after contact with individuals.
- Hand sanitizer should be available, and its use encouraged, at each step of the process where a voter interacts with a poll worker.
- Poll workers should wear gloves whenever possible, particularly if manually counting ballots, and should avoid touching their face.”
- Vermont [Secretary of State](#) General Election 2020 FAQs:
 - “*Do I have to wear a mask to vote in person?* Yes, please wear a mask per the current executive order. If you do not have one, your clerk can provide you with one. However, if you cannot wear a mask for some justifiable reason, you will still be able to vote subject to the alternative means provided at your polling place.”

VIRGINIA

State-wide mask mandate per Governor’s [Executive Order](#) No. 63 (Executive Order Number 63 (May 29, 2020))

- No explicit exception in the Order, but it also provides: “Any person who declines to wear a face covering because of a medical condition shall not be required to produce or carry medical documentation verifying the stated condition nor shall the person be required to identify the precise underlying medical condition.”

- Press reports dating from the June primaries indicated Virginia would not turn away maskless voters:
 - [VPM/NPR/PBS](#): “[Elections Commissioner Chris] Piper said that while wearing masks is encouraged, voters won’t be turned away for not having them — despite the governor’s mandatory order requiring masks at indoor public spaces. ‘We can certainly set up the polling place and ensure the safety of all the voters and the election officers by enforcing social distancing,’ Piper said. ‘However, the right to vote is an inherent one.’ Since polling places will be enforcing the six-foot apart rule, Piper warned that will mean longer looking lines.”
 - Charlottesville [Daily Progress](#): “Registrar Melissa Morton said that officials are awaiting more guidance from the Virginia Department of Elections on face masks, but will ask voters to come with one. So far, the state has said that officials cannot ask a voter to remove their mask to match their identification, nor can a voter be turned away if they are not wearing a mask.”

Describing a June 2020 briefing by Elections Commissioner Chris Piper relating to the primaries, [VPM](#) stated: “Each location will be staffed with health officials who will oversee the sanitation processes. He added curbside voting will be available to anyone showing signs of an illness. Other safety measures the department will take include supplying election officers with personal protective equipment and giving voters single-use pens and folders.”

WASHINGTON

There is a state-wide mask mandate per [WA State Dept. of Health order \(June 24, 2020\)](#)

- Requires mask use in indoor public settings and outdoors when 6-foot distancing cannot be maintained, for people age 5 and older.
- Mandates that businesses require employees to wear face coverings and deny entry to maskless customers.

[Updated order](#) (July 24, 2020) requires face covering when outside of home.

There is no explicit exception for voting.

There is no state-wide guidance in the [Washington Secretary of State's 2020 General Election Guide](#) regarding masks or face coverings for voters.

WEST VIRGINIA

On July 6, 2020, Governor James Justice signed [Executive Order](#) No. 50-20, which requires all individuals age 9 or over to wear an “adequate face covering when in confined, indoor spaces, other than when in one’s residence or when actively engaged in the consumption of food and/or beverage, and when not able to adequately social distance from other individuals who do not reside in the same household.”

However, during the statewide primaries earlier this year, the West Virginia [Secretary of State](#) Mac Warner issued guidance to election workers that no voter can be turned away for failing to wear a mask. On June 5, 2020, in connection with the statewide primaries, Secretary Warner issued an information [bulletin](#) entitled “Five things every voter should know before heading to the polls on Election Day.” That bulletin provided, in pertinent part:

“Consider bringing a mask and marking utensil. Voters are encouraged to bring their own protective equipment. If you don’t have a mask, many counties (but not all) will have masks available. Voters may also wear a bandanna or scarf, or simply pull their shirt over their mouth and nose when in the polling place to protect others. Voters may also bring their own stylus, pencil, or marking device. Remember that it is illegal to record the voting process inside a polling location, so please refrain from taking videos or photos while in the polling place.

WISCONSIN

[Executive Order](#) issued August 1, 2020 mandated face coverings. There is no reference to voting. [Wisconsin Election Commission](#) issued guidance (updated July 31, 2020) on elections and COVID-19.

Only the Legislature can establish voter qualifications, so the Governor’s Executive Order mandating facial coverings in certain situations does not apply to voters.

- Face coverings may be strongly encouraged but not required
- No voter should be refused a ballot for lack of wearing a face covering
- Clerks may establish procedures to allow for voters without face coverings to safely cast a ballot
 - This may involve using designated areas of the polling place for these voters or assigning poll workers with additional PPE to serve these voters.

WYOMING

There is no state-wide mask mandate.

Wyoming Secretary of State, [Voter Guide](#)

- Does not specify that masks will be required to vote, but states that PPE will be provided to poll workers and each polling place will have appropriate sanitization and social distance protocols in place.

Wyoming Department of Health's [mask recommendations](#) (April 6, 2020):

- [Statewide Public Health Order Continuation and Update on Personal Services](#)
- [9/29/20 Statewide Public Health Order Continuation and Update on Public Spaces](#)
- [9/29/20 Statewide Public Health Order Continuation and Update on Gatherings](#)

At least one county has mandated masks: [Teton County mask requirement](#) (July 21, 2020). There is no explicit exception for voting.

Wyoming [General Election guidance](#) mentions voting safety measures, but does not require masks:

- Surfaces, including voting booths and election equipment, will be cleaned frequently and thoroughly. Pens and styluses used for marking ballots will all be single-use.
- Space markers on the floor will indicate where voters should stand. The space between voters might make lines look longer. But don't panic! Lines will move at a steady pace with a flow designed to minimize physical contact and maximize privacy.

- Poll workers and election judges will be provided with gloves and masks and stationed behind plexiglass barriers. Voters are encouraged to wear face coverings, but they are not required.