

ACLU Minnesota CIVIL LIBERTIES NEWS

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BE A VOTER



Art by Minneapolis artist **Jennifer Trotter**. See more on page 8.

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EXECUTIVE DIRECTOR'S CORNER

DELAYED ELECTION RESULTS = A HEALTHY DEMOCRACY



John B. Gordon
Executive Director

When we near the end of the election season and the constant barrage of campaign ads and fliers and calls and tweets, we usually have a little feeling of relief: It's almost over.

Well, not this year. With so many of us voting from home, the results will almost certainly be delayed. And you know what? That's OK. It's not only OK, it's good.

In past years, voting results have come in during the waning hours of Election Day. This year, with COVID-19, we're preparing for Election Week – or maybe Election Month – or maybe even Election Season. We know results will take longer for several reasons.

A lot more people across the nation are voting from home due to the pandemic. We're fortunate in Minnesota because we already have laws that allow no-excuse absentee ballots. And thanks to the ACLU-MN's recent lawsuits, the state agreed to mail ballot applications to 2.3 million registered voters and to waive a requirement for witnesses on absentee ballots. The state also extended the deadline for receiving these ballots.

Every voice matters. We must count every vote. It is crucial that our election officials count every single ballot, whether it's cast by someone with pre-existing conditions who voted early because they couldn't risk exposure to COVID-19, a military member serving in another country, or anyone who chose to vote early in person or on Election Day.

It takes longer to count absentee ballots. That's just a fact. A dozen states won't even start processing absentee ballots until Election Day, let alone counting them, according to the National Conference of State Legislatures. With the volume of absentee ballots way up this year, it is not surprising it will take a while.

COVID complicates things. If the pandemic hasn't already made the year hard enough, now imagine all those election workers who are typically elbow-to-elbow. They'll still be hard at work, but they'll have to maintain social distance and there may even be fewer of them so they stay safe from coronavirus.

Sometimes election results take a while, and democracy isn't always easy. The ACLU of Minnesota will be outside the polls observing with people from across our state and nation.

But when we all work together to ensure every eligible vote is counted and verified, we do our part to make our democracy stronger.

LEGAL VICTORY MAKES ABSENTEE VOTING SAFE AND EASY

Minnesotans will not have to choose between their right to vote and their health during this pandemic, thanks to our lawsuit.

The state agreed to mail applications for absentee ballots directly to 2.3 million Minnesotans who were registered to vote. The state also agreed to waive a witness requirement for absentee ballots through the General Election.

“It makes it much easier for people who are at greater risk from COVID, including people of color, the elderly, and those with underlying health conditions, to vote early and to vote without having to go to a polling place,” said ACLU of Minnesota staff attorney David McKinney.

The ACLU, ACLU-MN and Faegre Drinker LLP had sued Minnesota Secretary of State Steve Simon to keep voting safe during the pandemic. We represented the NAACP and two older women with health issues that put them at higher risk from COVID.

One of the women, Susan Bergquist, is widowed and suffers from psoriatic arthritis. Her medication makes her more susceptible to getting sick, so she couldn’t risk voting in person. And she didn’t feel she could safely get a witness to her absentee ballot, given her and her neighbors’ health issues.

“I don’t feel I should have to compromise any of those people or myself in order to vote,” Susan said. “It does not make sense. I believe so strongly in the right to vote, to voice our opinion. It is one of the most sacred parts of being a citizen of the United States of America.”

The court noted that 900,000 Minnesotan voters live alone, as do half of all voters with disabilities. Requiring a witness signature alone could have disenfranchised thousands who cannot risk contact with others.

Susan urged everyone to vote: “Your vote will change how we live day to day.”

A VICTORY FOR TRANSGENDER STUDENTS IN MINNESOTA

VICTORY

Our lawsuit just made Minnesota schools a more safe and equitable place for every trans student.

ACLU
MN

GENDER
JUSTICE

The state Court of Appeals just ruled that segregating trans students violates both the Minnesota Human Rights Act and the Minnesota Constitution.

The ruling stems from a lawsuit that the ACLU-MN, Gender Justice and a team of pro bono lawyers at Stinson LLP filed against the Anoka-Hennepin School District.

Anoka-Hennepin Schools forced N.H. – who was on the swim team – to use a separate locker room all by himself. The district’s humiliating segregation of the teen boy led to bullying and threats against his family.

“Children across our state deserve equal and equitable access to education, which includes activities and facilities that enable them to learn and develop as part of a community, free of fear of discrimination,” said ACLU-MN staff attorney David McKinney.

The Sept. 28 ruling by the Court of Appeals means that our case against the school district can move forward.

“It means a lot to see that courts protect transgender students like me,” N.H. said. “This decision makes it very clear that segregating trans students doesn’t just dehumanize us, it violates our rights.”

EVERYTHING YOU NEED TO KNOW ...

Step 1: Register to vote. Visit <https://bit.ly/34BoB5z> to check your registration status.

The deadline to register to vote online has passed. Missed the deadline? Don't worry! **You can still register when you vote in person on Election Day.** You'll just need to show identification and proof of residence.

Planning to vote early in person? You can also register to vote in person at your early voting location.

To find out what forms of ID are accepted, visit <https://bit.ly/3djQ6op>.

Step 2: Make a plan to vote. Visit aclu-mn.org/GOTV.

Don't leave your vote to chance. If you haven't already cast your ballot, make a plan to vote today by following these steps:

1. If you requested an absentee ballot, decide whether you'll return your ballot by mail or drop it off at your local elections office.

- Find your local elections office at <https://bit.ly/33EgtC1>.
- Find other drop-off locations at <https://bit.ly/3nwaPtG>.

2. If you are voting in person, you can vote early or on Election Day.

- If you plan to vote early in person, find your early voting location. All Minnesota voters can vote early at their county elections office, and some counties also offer additional locations. Find out if your county offers extra locations at <https://bit.ly/3nwaPtG>.
- If you plan to vote in person on Election Day, find your polling location at <https://bit.ly/2GRii5V>.

3. Decide how you'll travel to your voting location.

4. Check your voter registration before you go.

If you're not registered, you'll need to take ID and proof of residence to register in person. Find out what you'll need at <https://bit.ly/3djQ6op>.

Step 3: Be a Voter. Visit <https://bit.ly/3jNhEoo> and pledge to turn your voting plan into action.

Already voted? Don't worry, there's still work to do!

Help us get out the vote across Minnesota by sharing our voting information guide at aclu-mn.org/GOTV with your friends and family.

Sign up to volunteer with ACLU-MN and be ready to protect our democracy this election season, and beyond. Go to aclu-mn.org/volunteer.

There are **three ways** you can be a voter this election season.

Vote by Absentee Ballot

Return your ballot by mail or drop it off at your county elections office.

Absentee ballots returned via mail must be **postmarked by Tuesday, Nov. 3 and received by Nov. 10.** The sooner, the better — so mail it today!

Absentee ballots returned in person must be dropped off by **Tuesday, Nov. 3 at 3 p.m.**

Return your ballot today.

Vote Early in Person

If you choose to vote in person, please vote early! In-person early voting is open now through **Nov. 2 at 5 p.m.** at your local election office.

Vote on Election Day

You can vote in person on Election Day, on Tuesday, Nov. 3 from 7 a.m. until 8 p.m. To find your polling place, visit <https://bit.ly/3iTIPNV>.

... TO BE A VOTER THIS ELECTION SEASON

Here's what you need to know if you plan to **vote in person**:

- Check your voter registration status online before you go at <https://bit.ly/34BoB5z>.
- If you're not registered yet, bring an accepted form of ID and proof of residence with you to register. Find out what you need at <https://bit.ly/3djQ6op>.
- You can vote even if you don't have an accepted form of ID. Just make sure you go to vote with someone who can vouch that you live in the precinct.
- Remember to wear a mask and practice social distancing.
- Know your voting rights before you go. Learn more about your rights at the polls at <https://bit.ly/34DiD47>.
- If you have problems at the polls, call **866-OUR-VOTE**.

What if someone challenges my right to vote?

- Your right to vote may be challenged if an election judge, a person designated by a political party or another voter believes that you are not eligible to vote.
- It is highly unlikely that your right to vote will be challenged. If it happens, you can likely still vote. An election judge will ask you questions to see if you are eligible to vote. If your answers show that you are, you'll have to sign a form and then you can vote.

What if someone tries to intimidate or harrass me while I am voting?

- Tell a poll worker right away. If the poll worker is the problem, tell a poll watcher, call your local election official or call **866-OUR-VOTE**.
- It's a crime to knowingly deceive another person about the time, place, or manner of conducting an election or the qualifications for or restrictions on voter eligibility. Notify your local election official if you suspect that someone has tried to deceive you about your rights.

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VOLUNTEERS PLEDGE TO BE VOTERS, EDUCATE VOTERS



ACLU-MN volunteer coordinator Rodrick Fields helps volunteers sign up for phone and text banking shifts.

During this unprecedented election season, the ACLU-MN is undertaking a historic effort to reach potential voters all over the state of Minnesota to educate them about their rights and motivate them to be voters.

Dedicated volunteers, like the ones who came out to our **Be a Voter/Educate a Voter** volunteer event in September, have already sent more than 15,000 text messages and made hundreds of phone calls to potential voters in their communities.

During this defining moment, we're proud to work together with our supporters to get out every last vote in Minnesota.

GENEROUS DONORS HELP TO FULFILL LIBERTY'S PROMISE



ACLU-MN organizer Ismael Dore discussed his work on voter turnout and policing reform during the recent Fulfill Liberty's Promise fundraiser.

Generous donors answered the call to Fulfill Liberty's Promise this month and tuned in to our annual fundraiser, held virtually this year for the first time ever.

The program, emceed by local sports announcer Lea B. Olsen, featured Minnesota sports and music celebrities, along with ACLU-MN staff and clients.



Local musician Jeremy Messersmith kicked off the program with several of his newest songs.

It's not too late to support our work. Visit aclu-mn.org/FLP2020 to watch the program, and use the envelope enclosed with this newsletter to make a donation.

LEGISLATIVE UPDATE

MAKING SENSE OF A STRANGE 2020 LEGISLATIVE SESSION

Every legislative session has twists and turns, but the 2020 session may go down as one of the strangest.

The COVID-19 outbreak took hold right in the midst of the state's 2020 legislative session, just as internal committee deadlines were approaching. In mid-March, the Legislature shuttered its physical doors and moved to doing remote work via email, phone and Zoom.

The transition was not without problems, particularly with regard to transparency. While nothing was publicly posted in the first few days after the Legislature adjourned, it was eventually revealed that House committee members, as well as bicameral "working groups," had been meeting outside the public eye during that time to workshop policy proposals.

Initial COVID-19 relief measures, while important to help Minnesotans, did not go through any committee process before being passed and sent to the governor. The ACLU-MN worked with the Minnesota Coalition on Government Information to call repeatedly for public access and transparency.

Eventually the Legislature settled into something of a new normal, with committee hearings being held via Zoom, and the House rules amended to allow for members to vote remotely.

Although special sessions have become more frequent, 2020 marked the first time the Legislature went into special session five times (and counting) in a single calendar year.

Despite these challenges, thanks to years of relationship-building and the early positioning of our bills, the ACLU-MN's policy team saw success. Two of our bills protecting Minnesotans from unwarranted surveillance became law, with bipartisan support. The bills require law enforcement to get a warrant before using a drone or before they can access our old emails and other electronic communications.

Following George Floyd's murder, the DFL-controlled House introduced more than two dozen policing bills, and the GOP-controlled Senate introduced several. None of them went far enough, and the ACLU-MN testified to that effect. The compromises that finally passed restricted the use of chokeholds, made slight changes to the arbitration process, modestly increased community input at the POST Board, and took a step toward more reporting on use of force.

Much deeper reforms are needed, and we will keep pushing for them.

RAMSEY COUNTY PLANS TO VIRTUALLY END CASH BAIL



By **ELIZER DARRIS**
ACLU-MN Organizer

In Ramsey County, and in most places nationwide, what's in your wallet determines what happens if you are accused of a crime. Now thanks to a large grant and a new policy working group that includes the ACLU-MN, Ramsey County has a chance to chart a more just and equitable course by ending cash bail for most offenses and improving the pretrial process.

Under the cash bail system, people accused of crimes must pay for their freedom while they await trial, with no consideration given to what each person can afford.

Think about it this way: A wealthy person who is accused of a serious crime and whose bail is set at \$100,000 could pay that and go home to await trial. But someone with fewer financial resources accused of a petty crime could be stuck in jail for weeks, even months, because they can't afford a \$100 bail.

This disparity does nothing to make communities safer. Instead, it creates an unjust and unconstitutional situation in which people with fewer resources are treated as less trustworthy, more dangerous to the community, and less deserving of release while they await their day in court.

And just like in so many parts of our unjust system, the harms disproportionately affect Black, brown and Indigenous people who, because of systemic oppression, are more likely to be accused of a crime and more likely to lack the resources to pay.

On an individual level, the harms of cash bail are enormous. People take guilty pleas just to escape the horrible conditions in jails. People lose jobs and even their marriages and children while awaiting trials. And people who are detained before trial are more likely to have negative outcomes later, including a higher likelihood of serving more time.

Ramsey County came up with a plan with Arnold Ventures and community representatives, including ACLU-MN, to change all of this. The county is considering several changes:

Divert cases at the arrest level. By giving the sheriff power to divert people away from jail following an arrest, people who are arrested could await further hearings at home.

Assess threats to the community. The only reason to hold someone before trial is if that person is a threat to their community. If there is no threat, then the County Attorney could allow that person's release without paying bail.

Provide material support. Rather than lock people up to guarantee they make their court dates, we could assess what supports they need and then provide that — whether it's transit fare, child care or other resources.

Even these proposed procedures are not perfect. We know that having law enforcement rely on algorithmic threat assessments to decide who gets bail or not has replicated racist and classist outcomes. Fortunately, this grant allows for community-based researchers to collect data and monitor outcomes over the long term to make sure that new systems promote racial equity and community safety.

With a strong vision and new tools in place, we are moving hopefully and purposefully to create a model in Ramsey County for a future without cash bail.



ACLU-MN's Elizer Darris testifies before the Ramsey County Commissioners and Ramsey County Attorney John Choi (left) in support of bail reforms.

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To support our efforts to get out the vote, especially in communities that have been historically disenfranchised, the ACLU-MN commissioned three Minnesota artists — **Jennifer Trotter** (cover), **Leslie Barlow** (above left) and **Moira Villiard** (above right) to create posters on the theme of “Be a Voter.”

These posters are physically displayed all over Minnesota, and are available for download on at aclu-mn.org/posters.