

Raft of New Laws Harm Poll Worker Recruitment

August 30, 2022

America is experiencing a nationwide poll worker shortage. Election officials have struggled to recruit poll workers amidst the COVID-19 pandemic and an increasingly confrontational election environment.¹ Philadelphia's 2022 primary election saw staffing shortages at polling places across the city.² One New Jersey county secured less than 70% of the poll workers that it needed to carry out its primary in June,³ and only half of Ohio counties had reached recruitment goals week before its July primary.⁴ It avoided polling place reductions and long lines only through an undesirable savior: lackluster turnout.

In this already-challenging environment, state legislatures have passed a raft of new laws making it more difficult to recruit and retain poll workers. To ensure a continuous supply of poll workers, state legislatures must halt and reverse this trend.

A few notable examples of anti-poll worker laws:

- In 2020, some jurisdictions received grants to raise poll worker pay. In response, multiple states banned outside funding, but failed to ensure adequate public funding streams.⁵ As a result, poll worker pay generally remains low.
- The same private funding bans have created confusion in some states over whether private companies can offer paid time off to employees who are serving as poll workers.⁶

¹ For example, see POLITICO, *Coronavirus creates election worker shortage ahead of November* (July 31, 2020), available at

<https://www.politico.com/news/2020/07/31/coronavirus-election-worker-shortage-389831>.

² BILLY PENN, *On a sunny Election Day in Philly, worker shortage causes some stumbles as issues drive voters to the polls* (May 17, 2022), available at

<https://billypenn.com/2022/05/17/philadelphia-primary-election-poll-worker-shortage/>.

³ POLITIFACT, *Poll workers are short-staffed, under attack — and quietly defending democracy* (July 6, 2022), available at

<https://www.politifact.com/article/2022/jul/06/poll-workers-are-short-staffed-under-attack-and-qu/> (last accessed July 27, 2022).

⁴ OHIO SECRETARY OF STATE, *Poll Worker Tracker*, available at <https://pollworkertracker.ohiosos.gov/>

⁵ POLITIFACT, *'Zuckerbucks' for 2022 elections? Republicans say thumbs down* (March 15, 2022), available at <https://www.politifact.com/article/2022/mar/15/zuckerbucks-2022-elections-republicans-say-thumbs-/>

⁶ For example, see Pennsylvania's law, which prohibits election officials from receiving certain donated services if a private actor picked up the tab. Act No. 88 § 1, 2022 Gen. Assemb., Reg. Sess. (Pa. 2022). The implications and meanings of this law are not yet clear.

- Pennsylvania withholds desperately-needed state funding from counties unless they agree to count ballots “without interruption” from start to finish—leading election officials to wonder when poll workers will sleep or eat.⁷
- Many states including Alabama, Arizona, Colorado, Florida, Iowa, Kansas, Kentucky, Nebraska, North Dakota, Oklahoma, South Carolina, Texas, and Wyoming enacted laws imposing fines and criminal penalties on election officials and poll workers for administrative errors.⁸
- Iowa launched a criminal investigation into an election official who tried to boost poll worker recruitment during COVID-19 by offering hazard pay.⁹

⁷ SPOTLIGHT PA, *Pa. lawmakers agreed to a big election funding deal – with strings attached* (July 8, 2022), available at

<https://www.spotlightpa.org/news/2022/07/pa-election-funding-private-donation-ban-budget-deal/>

⁸ See Criminal and Civil Enforcement Tracker, VOTING RIGHTS LAB, available at

<https://tracker.votingrightslab.org/issues/21ElctnCrms> (last accessed July 25, 2022).

⁹ IOWA CAPITAL DISPATCH, *Election Officials Face Criminal Charges*,

<https://iowacapitaldispatch.com/2022/07/17/election-officials-risk-criminal-charges-under-31-new-gop-imposed-penalties>

The Institute for Responsive Government’s Policy Recommendations:

- State legislatures should increase legal protections for poll workers who endure harassment or threats, and state and federal criminal enforcement agencies should ensure that threats are fully investigated and prosecuted.
- States with private funding bans should ensure that the bans do not prevent private companies from offering paid time off or other perks for employees who serve as poll workers.
- States should ensure that poll workers have adequate breaks to eat and rest.
- States with private funding bans should increase public funds available to election administrators, or provide fail-safe options like Missouri, which allows election officials to accept grants only to fill any budget shortfalls that the state refuses to fund.¹⁰
- States should fund election departments sufficiently to ensure that poll workers are paid a competitive wage.
- States should encourage youth participation by ensuring that poll workers can begin serving at age sixteen, using the same application process and pay scale as adult poll workers.¹¹ States should specify that election-related duties are excused absences from school.¹²
- States should increase access to voting by mail, which is significantly less resource-intensive than in-person voting and requires far fewer poll workers to operate smoothly.

¹⁰ MO HB 1878 (2022) notes that “if there is not sufficient appropriation of state funds to proportionately compensate counties,” the private funding ban will not be enforced.

¹¹ Although multiple states permit youth poll workers, most place additional requirements beyond the typical application process—like GPA minimums, requirements for parental or school district approval, mandates that they be appointed by political actors, or restrictions on pay and responsibilities—that needlessly complicate their involvement.

¹² For a few examples, see A.R.S. § 16-538 (F)-(G) (Arizona permits poll workers age 16 or older and schools must consider their related absences as excused); Tenn. Code § 2-4-103(e) (Tennessee provides that poll workers can be 17 years old, paid at the same rate as their adult counterparts, and excused from related school absences).