



STATE OF MINNESOTA
Office of Minnesota Secretary of State
Steve Simon

July 22, 2020

To: County Auditors and Election Officials

From: The Office of the Minnesota Secretary of State

Subject: Impact of the Governor's Face Covering Executive Order on Voting in Minnesota

The Governor has required a “face covering”¹ be worn in all “indoor businesses and indoor public settings.” Under the definition in the Governor’s [Executive Order 20-81](#), the definition of indoor businesses and indoor public settings is broad and would cover any polling place in the state. Under this executive order, face coverings must be worn in polling places unless the individual is specifically exempted from the executive order. The only individuals specifically exempted in the executive order from wearing a face covering in a polling place setting are children five years and under and “[i]ndividuals with a medical condition, mental health condition, or disability that makes it unreasonable for the individual to maintain a face covering.”²

The Office of the Secretary of State has received several questions as to how to handle face covering compliance in polling places under this executive order, and while you should consult your own county attorney, below is guidance that we hope is helpful as you work with your municipalities on polling place procedures.

¹ “Face Covering” is defined in the Executive Order, and the Order specifically states that:

A “face covering” must be worn to cover the nose and mouth completely, and can include a paper or disposable face mask, a cloth face mask, a scarf, a bandanna, a neck gaiter, or a religious face covering. Minnesotans are encouraged to refer to CDC guidance on *How to Make Cloth Face Coverings*, available at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-make-cloth-face-covering.html>. Medical-grade masks and respirators are sufficient face coverings, but to preserve adequate supplies, their purchase and use is discouraged for Minnesotans who do not work in a health care setting or in other occupations that require medical-grade protective equipment (e.g., certain construction occupations). Masks that incorporate a valve designed to facilitate easy exhaling, mesh masks, or masks with openings, holes, visible gaps in the design or material, or vents are **not** sufficient face coverings because they allow exhaled droplets to be released into the air.

² This includes, but is not limited to, individuals who have a medical condition that compromises their ability to breathe, and individuals who are unconscious, incapacitated, or otherwise unable to remove a face covering without assistance. These individuals should consider using alternatives to face coverings, including clear face shields, and staying at home as much as possible.

1. **Inform voters of the Governor’s facial covering mandate:** If a person enters the polling place without a face covering, an election judge or sergeant at arms should ask the individual to put on one of the disposable masks provided in the polling place and explain that face coverings are required to be worn in the polling place under the Governor’s executive order. If the voter complies and puts on a mask or face covering, you do not need to do anything else.
2. **Encourage the use of curbside voting:** If the individual refuses to wear the face covering, including for health or disability reasons, ask them if they would vote using the curbside voting procedures outside. If the voter agrees to use the curbside voting procedures, you do not need to do anything else.
3. **If the voter insists on voting in the polling place without a face covering, record any violation of the face covering order but do not prevent the voter from voting if eligible:** If the individual refuses to wear the face covering, does not have a health or disability reason preventing them from wearing a face covering, and refuses to use the curbside voting procedures, inform them that under the Governor’s executive order state law requires that they wear a face covering inside the polling place. Further inform the voter that, while they will be permitted to vote if otherwise eligible, their refusal to comply with the state mandate will be recorded and reported to the appropriate authorities.

Record the name and addresses of a voter from the polling place roster in the incident log along with a notation that the voter refused to comply with the facial covering executive order and refused the option of curbside voting.

Remember, even if a voter refuses to wear a mask or face covering, you must permit any eligible voter to receive a ballot and vote.

Please share this information with your cities and townships and anyone else within the county for whom this would be relevant.