



DELAWARE COUNTY COMMISSIONERS

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An Equal Opportunity Employer

October 28th, 2020

FOR IMMEDIATE RELEASE

The Board of Commissioners in consultation with the Delaware County Clerk and the Delaware County Health Department have determined that while the Governor's mask requirement applies to all public buildings, the Indiana Election Commission has stated that there can be no requirement to force a voter to wear a mask for voting. The Commissioners will continue to require masks inside the County building for County services, but because of the decision of the Election Commission, masks cannot be required for voting.

"A voter is entitled to cast a ballot if the person meets the requirements for voting set out in the Indiana Constitution and applicable Indiana statutes. The Constitution in Article 2, Section 2 only requires that a voter be a citizen of the United States, at least 18 years of age, and a resident of their precinct at least 30 days before an election" said Brad King, co-chair of State Election Commission in an email to County Clerk Rick Spangler. "However, nothing in the Constitution prohibits a person from exercising their right to vote due to illness or disability. As a result, a voter cannot be required to wear protective devices or apparel as a pre-condition for appearing in person at the polls. To require them to do so would be to violate their constitutional right" stated King to Rick Spangler in response to a question that Spangler asked for clarification.

The County Commissioners have adopted the Governor's directives as to mask, social distancing and groups. The County Commissioners recognize that masks are important to help slow the spread of COVID-19. Furthermore, the Commissioners want to encourage everyone that desires to vote to exercise their right to vote safely. "These are unprecedented times in this Country and the Commissioners need to protect the public as well as maintain a safe environment for voting" says President of the Board of Commissioners, Shannon Henry. "I authorized the placement of the sign at the County Building to provide information and also protect people's rights and health" says Henry.

The Board of Commissioners worked with and consulted with the Delaware County Health Department during this entire pandemic to help the citizens stay safe. The County Commissioners have contracted to clean and sanitize the first floor each and every night for maximum safety. The Commissioners have also increased the cleaning and sanitizing all county offices, buildings and areas that are part of the public and private areas of county operations. The Commissioners have been working with the Emergency Communications Center to continue emergency dispatching and public safety. Paul Singleton has been in discussions with surrounding emergency dispatch centers and the State Emergency Communications Board to make sure that emergency services are not interrupted.

Public safety and public health are vital concerns of the Board of Commissioners at all times.

Fwd: masks

John Brooke <jbrooke@brooke-stevens.com>

Tue 10/27/2020 4:08 PM

To: 'Courtney Clark' <cclark@brooke-stevens.com>

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From: Rick Spangler <rspangler@co.delaware.in.us>**Sent:** Tuesday, October 27, 2020 3:55:14 PM**To:** John Brooke <jbrooke@brooke-stevens.com>**Subject:** FW: masks

FYI

From: King, Brad <bking@iec.IN.gov>**Sent:** Tuesday, October 27, 2020 3:50 PM**To:** Rick Spangler <rspangler@co.delaware.in.us>**Cc:** Nussmeyer, Angela M <ANussmeyer@iec.IN.gov>; Warycha, Valerie S <VaWarycha@iec.IN.gov>; Kochevar, Matthew R <MKochevar@iec.IN.gov>**Subject:** RE: masks**CAUTION:** This email originated from outside of Delaware County Government. Please **do not click links or open attachments** from an **unknown** or **suspicious** sender.

Rick,

Thanks for your message. A voter is entitled to cast a ballot if the person meets the requirements for voting set out in the Indiana Constitution and applicable Indiana statutes. The Constitution in Article 2, Section 2 only requires that a voter be a citizen of the United States, at least 18 years of age, and a resident of their precinct at least 30 days before an election. Various statutes in the election code (IC 3) set forth deadlines for applying to register that an individual must meet.

However, nothing in the Constitution prohibits a person from exercising their right to vote due to illness or disability. As a result, a voter cannot be required to wear protective devices or apparel as a pre-condition for appearing in person at the polls.

To require them to do so would be to violate their constitutional right.

Of course, voters should be encouraged and enabled to protect themselves and others from contagious diseases, and the Secretary of State and Election Division have done so by working with many partners, including both government agencies and the private sector to make personal protective equipment

available and provide guidance for behaviors that every one can take to reduce risk.

If further questions, please let me know.

Brad

From: Rick Spangler <rspangler@co.delaware.in.us>
Sent: Tuesday, October 27, 2020 2:23 PM
To: King, Brad <bking@iec.IN.gov>; Nussmeyer, Angela M <ANussmeyer@iec.IN.gov>
Subject: masks

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Good Afternoon ,

Could you please send me the directive again about not keeping people from voting just because they are not wearing a mask? Our local newspaper is asking questions.

Thank You,
Rick

Rick R. Spangler

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