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**Vermont Secretary of State Jim Condos Issues Statement  
in Response to Correction of Justice Kavanaugh's Incorrect Opinion**

Montpelier, VT – Today Vermont Secretary of State Jim Condos issued the statement below, in response to a correction made to a factually and substantively incorrect statement by Supreme Court Justice Kavanaugh in his concurring opinion in the Court's *Democratic National Committee v. Wisconsin State Legislature* decision.

The [correction](#) was made following an October 28<sup>th</sup> [letter](#) sent to the Court by Secretary Condos.

“Justice Kavanaugh simply got this wrong. I’m glad he admitted a mistake and modified his opinion, but a one-word addition doesn’t go far enough.

I will not sit idly by while Justice Kavanaugh uses factually incorrect information about the Green Mountain State as cover to erode voting rights in the middle of a pandemic-distressed election.

The opinion still misrepresents the significant changes we made here in Vermont to ensure every vote counts in the middle of a global pandemic, so that no voter has to choose between their health and their right to vote:

- We mailed every active registered voter a ballot as early as possible (by Oct. 1);
- We prepaid the return envelope;
- We engaged in extensive outreach to ensure Vermont voters knew their voting options;
- We enabled curbside and outdoor voting; and
- We allowed clerks to start securely and confidentially processing ballots 30 days in advance of election day to avoid any last-minute influx of ballots.

That is why we did not move our election day deadline for the return of ballots.<sup>1</sup>

Let’s not forget, we are in the middle of an unprecedented election season during a global pandemic and public health crisis. COVID-19 cases are spiking everywhere. The demand for absentee voting is rapidly growing and is already at record levels. The post office is having trouble delivering the mail on time. Election officials are struggling to manage the overwhelming number of late requests and returns.

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<sup>1</sup> To respond and plan for safe, secure elections during COVID-19 we had only months to put Vermont’s mail voting process in place. Fortunately, Vermont’s strong voter access laws and existing early voting process gave us a significant jump start. However, with more time to institute policy changes for universal ballot mailing, we are certain that postmark date acceptance of ballots would be discussed. In our case, we did not have time to solve issues like metered mail often not receiving a postmark, which would have limited our ability to prepay the return postage for voters.

Even still, in the face of all of this, the Court is trying to make it harder to vote.

Let me be clear: the larger problem with the Justice's concurring opinion, and the majority opinion largely, is not the absence of the word "deadline," it is the total lack of regard for the voting rights of American citizens.

This Supreme Court decision repeats the misinformation we, as Chief Elections Officials, have been fighting against all election season: that votes cast on election day and arriving afterward are somehow not valid or are lesser than votes cast in person. That is simply not true.

This is how elections have worked for decades. In many states, it is normal for absentee votes to arrive after election day. This is particularly common for our overseas and military voters.

Red states and blue state across this country allow it so that every vote can be counted, within reason.

In a democracy, we count every single legitimate vote cast by an eligible voter. Period.

We want free, fair, and accurate election results that people can trust - that takes time.

We have NEVER had official results on election night and in close races it is not unusual to have to wait days or even weeks for the final, careful, official outcome - and that's okay.

This is the highest court in the land and arguably the most important right we have in the right to vote. We should expect, and demand, more.

We have enough work on our hands combatting foreign disinformation attacks on our democratic process, all done in an attempt to weaken voter confidence in the integrity of our elections. We should not need to do the same with our own Supreme Court Justices or President.

We need precision, we need brilliant legal analysis, and, at the very least, we need to get the facts right.

The credibility of this court is at stake and our voting rights are hanging in the balance.

America's democracy is stronger if more eligible voters actually vote.

Facts matter."

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