



Bipartisan Policy Center

Accessing the Vote During a Pandemic

MAY 2020

State and local election administrators across the country are planning for voting in primaries and the November general election during the rapidly evolving COVID-19 pandemic. These officials are guided by the deeply held belief that every eligible voter be afforded a safe opportunity to vote.

Election administrators are drafting realistic contingency plans for voting in real-time. They do not, however, have the power to implement these plans without state policymakers who may need to adjust, at least temporarily, state requirements to make voting work during a public health crisis.

Policymakers need to understand the full breadth of issues that can arise throughout the remainder of the primary season and the general election campaign if election administrators are not given the room to be flexible and meet voters where they are.

The authors come to the opinions in this document from decades of experience. Christopher Thomas was the state election director for Michigan for 36 years and served as a commissioner on the Presidential Commission on Election Administration in 2013. Matthew Weil has served on the research team at the U.S. Election Assistance Commission and is the director of the Elections Project at the Bipartisan Policy Center, which is responsible for the BPC Task Force on Elections.

ELECTIONS

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This report is a product
of the BPC Task Force
on Elections

The BPC Task Force on Elections released a full [report](#) in January 2020 on policy recommendations that would modernize the entire election ecosystem. Those recommendations remain relevant for states considering even temporary changes to confront this year's unexpected crisis.

There is limited time left this year to make sure election administrators have the support they need from policymakers to ensure a free and fair election. This document focuses on considerations for accessing the ballot, most specifically via vote by mail. The extent to which states will expand voting by mail varies based on many factors. States that choose to push more voters toward this option must address policy, implementation, and capacity issues on an extraordinarily short timeline. Separate documents from the Bipartisan Policy Center will focus on new concerns during the COVID-19 pandemic about registering to vote and how votes will be counted.

We submit that this should be considered the starting point for state-level policymakers. These include secretaries of state, who are the most common chief election official, but also state election boards and governors who may have a say in changes to voting in their states. These executive and legislative branch leaders must confront thorny policy problems in the months to come if voting rules will be clear come November.

Regardless of what decisions are made, we strongly believe by November there will be high voter interest in the presidential election; voting by mail will likely represent well over half the ballots cast; and some amount of Election Day voting will continue but may be very different than normal.

PRIMARY ELECTIONS VS. THE NOVEMBER GENERAL ELECTION

Declared on March 11, the COVID-19 pandemic manifested in the middle of the nation's presidential primary calendar. Luckily, many of the country's biggest contests and dates, including Super Tuesday, had already occurred before social distancing complicated each state's plans for 2020.

The immediate impact of the pandemic was to force many states to postpone primaries until later in the spring or early summer. Some states—including Alaska, Arizona, Florida, Illinois, and Wisconsin—decided to hold their primaries as originally scheduled, relying heavily on absentee and voting by mail to maintain social distancing guidelines.

States typically conduct either two or three statewide elections in a presidential election year and 2020 is no different. There is the statewide presidential nominating contest, state and congressional nominating contests, and the November general election. Some states combine all of their primaries. As of May 1, a total of 31 states still had at least one state or presidential primary

remaining before the general election in the fall.¹

States will not necessarily conduct their remaining primary elections in the same manner as the November general election. Extreme social distancing mandates are likely to remain in place in some areas for the duration of the primary calendar, which will necessitate a shift to primarily voting by mail. There may be more ability to plan for a larger amount of in-person voting options by November if the more severe social distancing mandates have been lifted.

We expect states with remaining primaries will rely heavily on absentee voting paired with limited in-person voting options, without substantive changes to the mail ballot process. The remaining primaries are likely to be relatively low turnout elections that are not as likely to be overwhelmed, even where mail ballots become an extremely large proportion of all ballots cast.

The November general election is different. General Election Day cannot be postponed like the primaries and voter turnout will be significantly higher. It is the anticipated high volume and continued uncertainty that will present the biggest challenge to election administration this November.

VOTING BY MAIL

Regardless of what policy changes are made, we predict that vote-by-mail ballots will represent more than half of all ballots cast in 2020, which would be at least a 190% increase over 2016.²

The public debate has at least initially coalesced around whether all-mail elections should be held nationwide in November. Five states had already transitioned to all-mail elections before 2020, but election administrators from these all-mail election states uniformly caution that standing up an all-mail election is difficult and must be planned over a number of years, phasing in during lower turnout elections first and expanding over time.

One reason state officials are seriously considering an all-mail election is to streamline the administrative process for sending absentee ballots. Another

1 “2020 State Primary Election Dates.” National Conference of State Legislatures.

Accessed: 16 April 2020. Available at: <https://www.ncsl.org/research/elections-and-campaigns/2020-state-primary-election-dates.aspx#Chronological>.

2 “EAVS Deep Dive: Early, Absentee And Mail Voting.” U.S. Election Assistance Commission. 17 October 2017. Available at: <https://www.eac.gov/documents/2017/10/17/eavs-deep-dive-early-absentee-and-mail-voting-data-statutory-overview>. Note: Only 2016 vote by mail (not absentee) totals were used to determine the 190% estimate.

reason is to prevent unnecessary voter confusion. There are significant administrative consequences of a high volume of voters requesting absentee ballots through the regular methods. Administrators have struggled to accommodate both the requests for and issuance of absentee ballots in a timely manner during low turnout primaries. During a high turnout general election, these are likely to overwhelm jurisdictions, causing huge delays in sending and subsequently counting absentee ballots. To only plan for a “normal” election in hopes the virus will be gone by November will likely result in chaos. Realizing the scale of absentee and vote-by-mail increases now gives administrators time to prepare before November.

We see three distinct options for how voting by mail could play out this November. First, states that already require excuses to access vote-by-mail ballots can maintain that process and increase the number of reasons for which a voter can access a vote-by-mail ballot. Second, states with no-excuse voting by mail, which allows any voter to vote by mail upon request, can push vote-by-mail options for the majority of voters while still requiring applications from voters seeking to vote via this method. Third, states can choose to forgo the application process entirely and deliver a ballot proactively to every voter. Each option has a unique set of administrative difficulties and implications for voters that must be considered prior to implementation.

Option One: Require a Reason to Vote by Mail

Excuse-required voting by mail is currently the norm in 16 states.³ To cope with reduced in-person voting options, these states must consider whether to drop the excuse requirement altogether or to merely add “fear of contracting COVID-19” as an acceptable reason.

All 16 excuse-required states list illness and disability as reasons to vote by mail. One way to go about this is to issue guidance to clarify that health concerns related to COVID-19 is a legitimate reason to apply for an absentee ballot using the illness or disability excuse. Doing so can help states provide voting access for citizens who are wary of voting in-person while relying less on state legislatures—many of which are out of session—to approve major policy changes. Several states have already done this for the primary season. States must act now to protect the health of their citizens and the legitimacy of their elections; expanding acceptable excuses is the first step towards a successful socially distanced election.

3 “Voting Outside the Polling Place: Absentee, All-Mail and other Voting at Home Options.” National Conference of State Legislatures. 14 April 2020. Accessed: 16 April 2020. Available at: <https://www.ncsl.org/research/elections-and-campaigns/absentee-and-early-voting.aspx>.

Option Two: Allow All Voters to Vote by Mail Without an Excuse

Currently in practice in 34 states and the District of Columbia, no-excuse voting by mail allows any voter who applies to vote by mail without providing a reason.⁴ This option generally allows election administrators the flexibility to enable more voting by mail without a formal switch to an all-mail election, which typically requires legislative action. However, a rapid increase in no-excuse voting by mail can be administratively difficult to manage and comes with its own set of [hurdles, especially with respect to the ballot application process](#).

Policymakers considering relying on this option must assess if local administrators can handle the additional workload of processing absentee ballots amounting to record-high proportions of overall turnout, determine choke points and mitigation adjustments, and understand the challenges this will pose to a large number of first-time vote-by-mail voters.

Assessing Workload

While officials in no-excuse vote-by-mail states know generally how many voters will vote by mail in a given election, the uncertainty of COVID-19 will greatly increase the number of vote-by-mail ballots that a jurisdiction must process over any level for which they had prepared at the outset of 2020. The primary planning focus is on managing the flow of applications in and ballots out in order to give voters enough time to vote and return their ballots by required deadlines.

The application process varies from state to state. Typically, states rely on one of the following options: requiring voters to apply separately for each election, allowing a dual application for both the primary and the general election, requiring only one application annually, and offering voters permanent vote-by-mail status with a single application. Each state will need to calculate the application processing workload based on its respective application scheme.

Determine Choke Points and Mitigation Strategies

Election officials may consider several adjustments to the application process to reduce the impact on local offices. These adjustments might include:

- Mail an application to every voter with returned postage paid. Placing an application in every voter's hand will encourage them to submit the application early, allowing for more time to process the application and receive a ballot in the mail.

4 Ibid.

- Streamline signature verification by only checking the signature on the returned ballot, thereby reducing work on the application and maintaining integrity.
- Utilize Online Voter Registration portals as a secure vehicle to apply for an absentee ballot.
- Remove additional hurdles from the application process. Five states currently require applicants to include additional materials in their vote-by-mail request application, such as an ID, or require additional steps when submitting the application, such as requiring the application to be notarized. Removing these hurdles from the application process will streamline the number of verifications officials must conduct on the back end.

One of the major difficulties involved with a large increase in voting by mail involves procuring, printing, and processing ballots. States' current in-person voting methods will impact their abilities to print and process large numbers of vote-by-mail ballots, applications, and return envelopes.

Most states currently use optical scan tabulation with paper ballots. Ballot printing should not be a problem for these states, as they currently print a number of paper ballots to sufficiently cover the turnout with a cushion for spoiled and replacement ballots.

States relying primarily on touchscreen voting systems—including Ballot Marking Devices, or BMD, and Direct Recording Electronic, or DRE—for in-person voting with optical scan ballots for vote-by-mail ballots may have a tougher time adapting to a higher vote-by-mail turnout. These jurisdictions, though the number has decreased in recent cycles as more states move toward paper-based systems, usually deal with much smaller volumes of paper and printing.

Based on data from the 2018 Election Administration and Voting Survey, 68.9% of all jurisdictions surveyed reported that they relied at least in part on the use of BMD and DRE technology in conjunction with optical scanners. The DREs do not use any paper at all and BMDs produce machine readable paper ballots based on inputs from voters using the touchscreen. States using the BMDs do not need to pre-print ballots ahead of time.

Jurisdictions with primarily touchscreen systems need to consider how much additional tabulation equipment will be needed to process a higher volume of vote-by-mail ballots. Time is short for purchasing or leasing additional equipment, and administrators may not have the resources to acquire the additional technology regardless of its availability. In states with optical scan voting equipment, local officials may divert tabulators from shuttered polling

places to absentee ballot tabulation. They also may attempt to secure high-speed tabulators.

As absentee voting rates increase nationwide, high speed tabulators will be in high demand throughout this year—a demand that is likely to outstrip supply and remain unfulfilled in large part. Any attempt to purchase or lease this equipment must be made quickly. It is incumbent upon election officials to consult their vendors and use new and existing tools to quantify their tabulation needs early to have enough time for procurement.

Similarly, in anticipation of high mail ballot demands, mail ballots and other supplies including envelopes for sending and returning ballots, should also be ordered within the next month. To jurisdictions' benefit, envelopes have a long shelf life and any that are left over following November can be used in future elections.

Case Study: No-Excuse Absentee Voting in Wisconsin's Presidential Preference Primary

Wisconsin's April 7 presidential preference primary demonstrates the difficulties of a dramatic shift from Election Day polling places to vote-by-mail ballots in a short timeframe. Through a confluence of forces from inside and outside the state, Wisconsin's election officials conducted this spring's election under untenable conditions.

Wisconsin has seen rates of voting by mail as high as 27% of the vote in a general election.⁵ However, up to 80% of those vote-by-mail voters are walk-ins at local election offices. These individuals request, receive, and cast their vote-by-mail ballots in their clerk's office without it ever going through the mail.⁶ Walk-ins reduce the administrative burden of first mailing and then processing returned applications and ballots.

The high volume of mailed absentee applications seen in Wisconsin's spring election significantly altered the existing workflow and allocation of resources. Municipal clerks were swamped with applications and did their best to keep up with increased demand. The major challenge concerned timing: Clerks had to mail ballots early enough for voters to mark and return or postmark their ballots by the close of polls on April 7.

5 General Election Voter Registration and Absentee Statistics 1984-2016.xlsx. "Elections and Voting Statistics." Wisconsin Elections Commission. Accessed: 17 April 2020. Available at: https://elections.wi.gov/sites/elections.wi.gov/files/page/general_election_voter_registration_and_absentee_s_40046.xlsx.

6 "Absentee Ballot Report." Wisconsin Elections Commission. 14 November 2016. Available at: <https://elections.wi.gov/node/4414>.

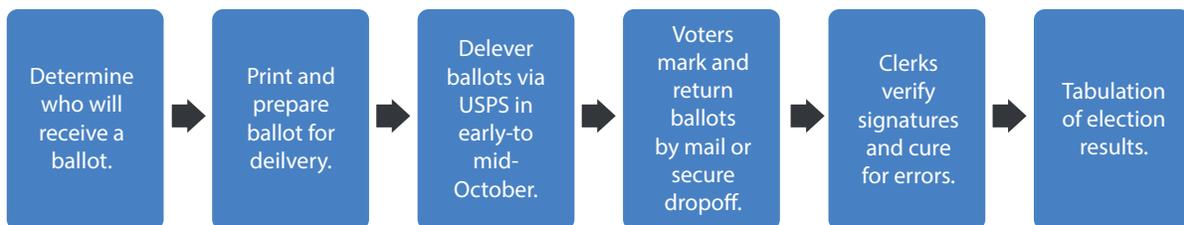
Unofficial returns report 73% vote-by-mail turnout. Out of 1.5 million total ballots cast, 1.1 million were vote-by-mail ballots.⁷ When applied to the 2016 November Presidential election, a 73% rate of voting by mail would amount to over 2 million such ballots, nearly twice the number processed in this spring’s election. We anticipate that other no-excuse vote-by-mail states will face similar rate increases come November, likely in the 70% range.

States relying on no-excuse voting by mail this fall must begin preparing now for the high equipment, personnel, and resource demands associated with a rapid increase in absentee voting.

Option Three: All-Mail Elections

Currently used in just five states—Colorado, Hawaii, Oregon, Utah, and Washington—all-mail elections have received extensive media attention as the public grows increasingly concerned about in-person voting during this pandemic.

The reasons to consider an all-mail election are the complexity of the excuse and application process and the desire to offer voters an easier opportunity to participate. The all-mail process is straightforward:



First, jurisdictions must determine who will receive a ballot. States currently conducting all-mail elections typically distinguish between active and inactive voters; active voters are sent a ballot while inactive voters are sent a notice. Whereas existing all-mail states already have a legal process for making a distinction between active and inactive voters, as well as a history of mailings to inform this decision, this is not the case for states newly making a transition to voting by mail. For policymakers considering implementing an all-mail election in November, we believe they need to consider sending vote-by-mail ballots to both active and inactive voters as voters do not generally understand that distinction and yet remain eligible to vote even in inactive status.

7 Richard H. Pildes and Charles Stewart III. “The Wisconsin primary had extraordinarily high voter turnout.” The Washington Post. 15 April 2020. Accessed: 17 April 2020. Available at: <https://www.washingtonpost.com/politics/2020/04/15/wisconsin-primary-had-extraordinarily-high-voter-turnout/>.

Without the meticulously clean voter files that usually define all-mail states, states employing all-mail elections in the fall should expect to receive a larger number of returned ballots marked as undeliverable. This is especially true in states that see widespread use of Election Day registration, which reduces the need for voters to regularly update their registration through government agencies such as the Department of Motor Vehicles, which see many registration updates at the polls on Election Day.

Second, ballots must be printed and prepared for delivery. In Oregon, the first all-mail state, ballots must be mailed to voters between Oct.16 and Oct. 20. In practice, this requires ballots to be printed and delivered to election officials during the first week of October, thereby allowing for time to prepare ballot envelopes for mailing. Any state considering an all-mail November election will need to keep a similarly tight production and dissemination timeline.

The 20 states with late summer primaries will have difficulty meeting an early-October ballot printing deadline due to the need to count and certify primary results. Some August primary states do not have a final general election ballot until Labor Day, which means printing cannot happen until the end of the second week of September. This shortens the timeframe between printing, preparing, and mailing ballots—demanding even greater personnel and resource investments. States with September primaries almost definitely could not meet an all-mail election printing and distribution schedule for this November. While these late primary states are accustomed to printing a small number of mail ballots for overseas citizens, current printing capacity in these states will be difficult to expand.

Third, ballots must be mailed to voters. The most important new relationship jurisdictions must make if moving to all-mail voting is with the United States Postal Service, the lifeline of democracy in an all-mail election. Additionally, election officials must analyze the workload and resource shift for preparing and mailing ballots. Most offices do not have space or staff to perform this major distribution; instead, jurisdictions may swap out the majority of polling places for warehouses to use in distributing, processing and counting of mail ballots.

Fourth, once voters receive their ballots in the mail, they must mark and return them by the statutory deadline. While administrators can make clear to voters what that deadline is, it will be more difficult to message when voters who choose to return the ballots via the mail should ensure the completed ballots are in the mail stream. Even first-class postage is unlikely to get a ballot placed in a mailbox on Saturday to a local election office by Tuesday's close of polls, which is the deadline for receipt in most states.

Fifth, administrators need time to verify signatures and cure signature errors. While voter mistakes in signing their ballot envelopes may result in rejected ballots, errors can be corrected in most states. A good eligibility verification will include an agile error correction process to give as many voters as possible a chance to correct problems. States should consider adding phone or email contact information on documents to make corrections feasible by shortening the time it takes to contact voters about errors.

Finally, administrators must focus on the tabulation of election results. This report does not include an analysis of the vote counting process. But it is clear more vote-by-mail ballots will slow the counting and reporting of totals. The same challenges apply to all-mail states as are faced by no-excuse vote-by-mail states, just with the added complexity of volume. Jurisdictions must ensure that they have the personnel, resources, and equipment necessary to count all vote-by-mail ballots.

CONCLUSION

State and local election officials have no choice but to prepare for a different election than they imagined at the beginning of 2020. For most jurisdictions, it means expanded mail-in voting this November. Whether states have the resources for an all vote-by-mail scheme, or settle for a modified vote-by-mail process, policymakers must act now to provide every voter a safe and secure means of casting a ballot in November.



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