



Bipartisan Policy Center

# Counting the Vote During the 2020 Election

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## Introduction

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On the evening of November 3, 2020 when the last votes are cast and polling places officially close, hundreds of millions of Americans will tune into news coverage to find out who won the presidential election—except they will not find their answer. Viewers may have to wait days or longer for enough initial results to be reported from decisive swing states for the race to be called.

More ballots than ever before will not be counted at the polls on Election Day—perhaps more than half of all ballots. Instead they will be cast at home and returned to elections offices to be counted centrally. Unlike the handful of states that have voted predominantly by mail for years, reviewing, processing, and tallying ballots in most states is a time-intensive and often manual process—and in some states officials cannot even begin the process until Election Day.

The coronavirus pandemic has greatly disrupted the 2020 U.S. election. One consequence, unusually slow results reporting, poses a serious threat to the election's legitimacy. Election officials and policymakers now have little time to make necessary but implementable adjustments.

There is nothing objectively wrong with a slow vote counting process—many states with extensive mail voting are accustomed to a long period for counting, canvassing, auditing, and certifying election results. In some states like California, election results are not certified for nearly a month. After all, it is better to get the count right than to push results out too quickly, which could cause errors. The real difference this year will be that media organizations may be

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unable to call the race soon after election night because too few ballots have been reported, especially if the race is very close.

Policymakers, political campaigns, and the media are not accustomed to slow returns in decisive states. Without a full understanding of these issues, many may unwittingly spread misinformation or make unfounded claims of fraud or misconduct that will harm voter confidence and distract election officials from the important work of getting the results processed accurately. The resulting impact on voter confidence could undermine the legitimacy of the election.

Counting the vote and results reporting will take longer than usual this year for a variety of reasons. Notably, there will be a massive increase in voting by mail. Based on evidence from primary elections since COVID-19 lockdowns began, [BPC has estimated](#) 50%-70% of all ballots will be cast absentee—up from less than 25% nationally in 2018.<sup>1</sup> In some states, absentee voting rates will increase several fold.<sup>2</sup> In many states, election systems are simply not set up to accommodate the expected increase in people voting by mail, and election officials will be overwhelmed.

Other factors will also slow the counting process. Voters unaccustomed to casting absentee ballots may request them late, send them back at the last minute, and are more likely to need to fix signature discrepancies. Election officials will need more time to duplicate a larger number of unreadable ballots and to process provisional ballots, which could increase this year as voters who attempted to request an absentee ballot do not always receive them. Ongoing court action and anticipated record turnout could further draw out the wait for a clear winner.

Election administrators and policymakers can undertake policy interventions to mitigate the length and consequences of a slower-than-normal vote count. This report provides guidance on best practices and key considerations at each step of the counting process up to the reporting of initial results. After the reporting of initial results, steps in the counting process also include canvassing, auditing, and certifying election results, but these components are not discussed in this report. Importantly, implementation of these policies and practices must be an immediate priority.

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1 “The Election Administration and Voting Survey,” The Election Administration and Voting Survey § (2017), pp. 1-226, [https://www.eac.gov/sites/default/files/eac\\_assets/1/6/2016\\_EAVS\\_Comprehensive\\_Report.pdf](https://www.eac.gov/sites/default/files/eac_assets/1/6/2016_EAVS_Comprehensive_Report.pdf).

2 In Wisconsin, where 6% of votes are typically cast by mail, 60% voted by mail in the presidential primary election. “April 7, 2020 Absentee Voting Report,” Wisconsin Election Commission (2020), pp.1-24, <https://elections.wi.gov/sites/elections.wi.gov/files/2020-05/April%202020%20Absentee%20Voting%20Report.pdf>

# Summary of Recommendations

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The Bipartisan Policy Center’s Task Force on Elections comprises state and local election officials from across the country. The Task Force published a full report with recommendations on the entire election administration ecosystem—registering voters, casting ballots, and counting votes—in January 2020. That report, [Logical Election Policy](#), remains relevant in spite of the upheaval in elections caused by COVID-19 and forms the foundation of the recommendations included in this report.

The Task Force urges policymakers to consider the following recommendations to improve the vote counting process this election season:

- Remove excessive absentee ballot verification measures, such as requiring witnesses or a notary, to help make absentee voting accessible to all voters. States should instead rely on signature verification—a process already used by thirty-one states.
- Allow sufficient time for voters to cure deficiencies in vote-by-mail ballots, even if this period extends beyond Election Day.
- Request additional points of contact, such as a voter’s email address or cell phone number, during the voter registration and absentee ballot application process. This is especially important for jurisdictions which allow signature curing. This information should be exempt from public disclosure.
- Allow election officials to begin processing ballots at least seven days before Election Day. Note, however, election administrators should also be restricted from producing results until the polls have closed.
- Rely on automated processes for unofficial results reporting to reduce the likelihood of human error when entering preliminary results into the jurisdiction’s centralized reporting system.
- Communicate any changes to results reporting processes—especially those relating to how potential errors will be addressed—to the public as soon as possible before the election takes place.
- Follow [CDC guidelines](#) for how to conduct safe, in-person voting on Election Day, and encourage voters to take advantage of early and vote-by-mail options.
- Consider new, socially distanced ways to distribute teams that conduct signature verification and canvassing. When necessary, larger jurisdictions with a bigger influx of mail ballots should consider renting facilities such as arenas in which the verification, account, and canvassing process can take place.

- Use United States Postal Service resources for mail ballot design and integrate official mail ballot logos, barcodes, and tags, into election mailings. Administrators should also build relationships with the USPS. Coordinating with the USPS can help ensure that mail ballots meet USPS standards, helps the USPS process outgoing mail ballots swiftly, and allows for easy troubleshooting should any issues arise on or near Election Day.
- Provide ballot tracking tools for voters to increase voter confidence and transparency.
- Provide voters with a variety of options to drop off their ballots—in a secure drop box, at the local elections office, or at the polls. This move will help to reduce the number of ballots being channeled through the USPS and helps to address accessibility barriers to voting.

## **DEFINING THE COUNTING PROCESS: ENVELOPE OR NO ENVELOPE**

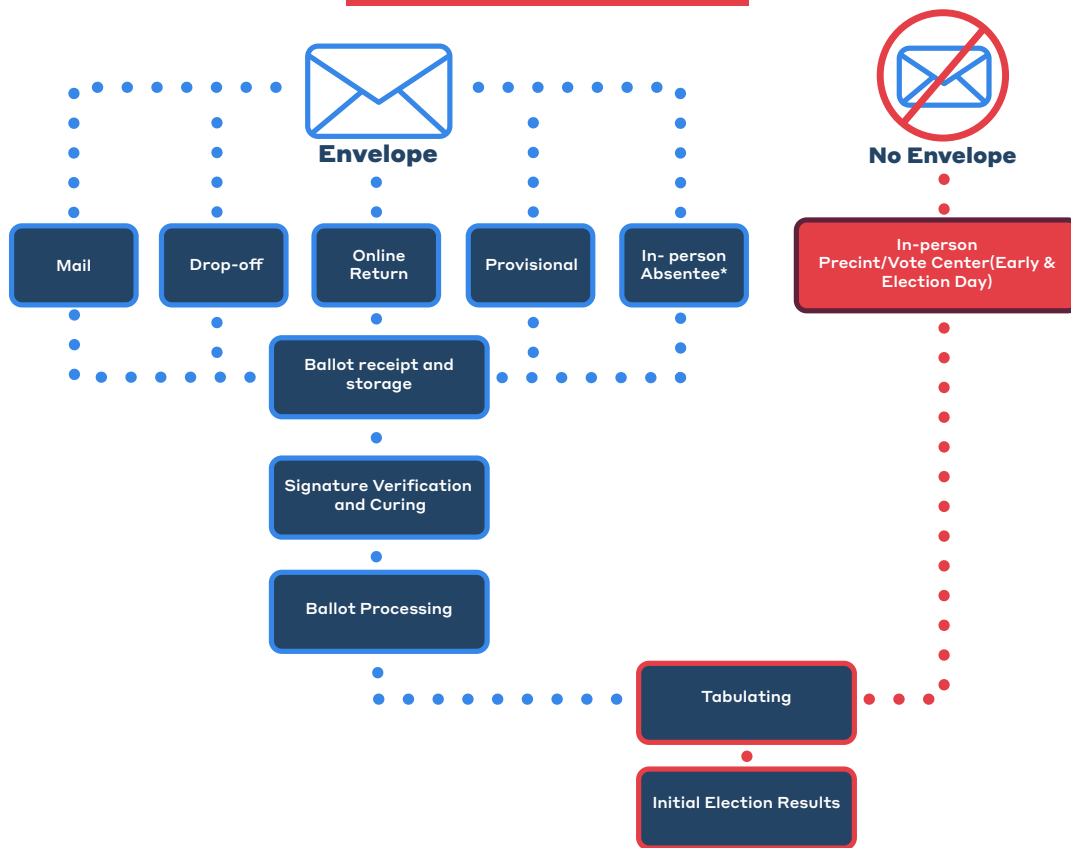
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When voters cast their ballot, their act of voting is generally over. Voters rightfully expect once they put a ballot in a mailbox or slide it into a tabulator at the polls, it will be counted. But for election officials, receiving the ballot is only one step in a long list of tasks to make sure every vote is accurately counted and reported. The way a ballot is received, whether it is in an envelope or not, is a key component in making those decisions.

The figure below shows the policy and logistical considerations unique to the two primary methods of ballot receipt by administrators. Whether a ballot is in an envelope or not fundamentally changes how election officials handle them. Those cast without an envelope are placed directly into a tabulator or ballot box—the act of verifying those voters is complete so the ballots can be counted without additional review. However, ballots cast in envelopes—whether by mail, dropped off at an elections office or precinct, or cast in person during early voting or in-person absentee voting, as well as on Election Day using a provisional ballot—undergo several additional steps before being placed into a tabulator.

The eligibility of the voter who is casting their ballot away from the polls must be verified, the ballot must be separated from the identifying information, and then sorted so that it can be counted in the correct precinct or ballot style. Unlike in-person ballots, ballots returned in envelopes are most often processed centrally rather than at the polling place.

## Inbound ballots



While previously votes were cast mainly in person, this year that balance has flipped: election administrators in many states will receive more absentee and mailed ballots than ever before. The resources allocated to counting ballots at the polls and at central ballot counting facilities will need to be adjusted accordingly. Many jurisdictions are unaccustomed to receiving large quantities of ballots in envelopes and unlike all-mail voting states, have to process and count these ballots without significant automation.

Addressing this change in election administration will define success or failure this year. Therefore, this report will focus on the process of counting ballots cast in envelopes, beginning with signature verification. Importantly, the category of ballots cast in envelopes also include some ballots that are cast in person at a precinct or voting center. Some states have in-person absentee voting or use mail ballot procedures during in-person early voting.<sup>3</sup> Additionally, ballots cast provisionally are also placed in envelopes and undergo additional scrutiny.

While this report focuses on ballots in envelopes, the Task Force on Elections

<sup>3</sup> “State Laws Governing Early Voting.” *National Conference on State Legislatures*. 2 Aug. 2019. Accessed 8 July 2020. Available at: <https://www.ncsl.org/research/elections-and-campaigns/early-voting-in-state-elections.aspx#Early%20Voting%20Law%20Table>.

Twenty states and the District of Columbia allow voters to vote in-person early without relying on a mail ballot, while 16 states offer in-person absentee voting, in which voters submit an absentee ballot in-person at a polling place or vote center before Election Day.

believes it is essential that meaningful in-person voting options remain available for voters that are not interested in or able to vote by mail. For example, some voters will not think to request their ballots by mail in time to receive them and cast them before deadlines. These voters will need an in-person option. Also, voters with disabilities have limited options when using paper ballots. Fully accessible voting options are available in person. And there are states that are planning—for now—to run mostly normal Election Day operations.

## **SIGNATURE VERIFICATION AND CURING**

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As absentee and by-mail voting comes under fire as needlessly raising the risk of fraud, it is helpful to understand the options available to keep absentee voting secure. In a [June 2020 interview with BPC](#), the state of Washington's Director of Elections Lori Augino said the "[t]he linchpin of our [mail ballot] security is signature verification."

Before a mail ballot can be counted, election officials must first confirm the voter's identity and eligibility to vote. The most common way of doing this is to compare the signature and other details provided on the absentee ballot envelope with those on file at the elections office. Including Washington state—which has sent mail ballots to all voters [since 2005](#)—a total of [31 states](#) use signature verification to confirm the identity and eligibility of the voter prior to counting their ballot.

Other states use alternative methods of verifying eligibility, such as requiring the signature of a witness or notary public or requiring additional identification—like a copy of the voter's [official identification card](#)—be included with the ballot or ballot application. Some even require a combination of several of these steps. Alabama, for instance, requires voters to include a copy of their ID in addition to signing the ballot and providing a notary or two witness signatures.

Excess notary and identification requirements tend to be an unnecessary burden for voters and election administrators responsible for reviewing these additional pieces of information. In applicable states, **policymakers should consider removing additional verification measures, such as requiring several witnesses or a notary signature on an absentee ballot.** Signature matching has proven to be an effective security measure, and removing additional verification measures makes the voting process less cumbersome and more accessible.

While effective, not all states are created equal when it comes to signature verification. As the COVID-19 pandemic forces many states that typically relied on in-person voting to quickly transition to voting by mail, we are seeing rates of absentee ballot rejection rise. For instance, in the 2018 general election New

Jersey rejected only 3% of absentee ballots, but this number [increased threefold](#) to 9.6% in the state’s May 2020 special election, conducted largely by mail in the throes of the pandemic.

The increase in ballot rejection rates as more voters cast vote-by-mail ballots indicates the signatures some states have on file are incongruent with the signatures voters use. All vote-by-mail states typically retain a record of all signatures that are received from voters—the original used to register to vote, ones used to sign previous ballots, and updated signatures filed at the DMV. This helps ensure the signatures election officials have on file remain current as voters age and change their signatures over time. Unfortunately, many states that have historically relied on in-person voting only have a single signature on file for each voter, and in many cases, it is several years old. States’ reliance on outdated signatures reinforces the need for a comprehensive signature curing option that gives voters the chance to rectify signature errors before their ballot is rejected.

## Signature Curing

While most states use signatures to verify absentee ballots, only 20 states contact voters to notify them of any issues on the returned ballot envelope, such as a missing or mismatched signature.<sup>4</sup> Some states automatically reject such ballots from otherwise qualified voters. The EAC reported in 2016 that 47% of rejected ballots were due to missing or invalid signatures.<sup>5</sup> Signature curing, the process of allowing voters to remedy problems identified on their ballots after submission, safeguards voters’ ability to have their ballots counted when errors arise. Contacting voters about signature errors also provides an additional level of protection against fraud. Voters that did not request a ballot, or did not vote their rightful ballot themselves, can communicate this as a reason for signature issues on their ballot.

**BPC’s Task Force on Elections [urges](#) states to allow sufficient time for voters to cure eligibility deficiencies in vote-by-mail-ballots, even if this period extends beyond Election Day.** Several states allow ballot curing only through Election Day, inadvertently disadvantaging voters who submit their absentee ballots nearer to the date of the election. If voters must fix signature issues by Election Day, those who cast ballots near the deadline may have insufficient time to address signature deficiencies.

New Jersey, a state which saw a threefold increase in absentee ballot rejection

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4 “Voting Outside the Polling Place: Absentee, All-Mail and other Voting at Home Options” National Conference of State Legislatures. 22 June 2020. Accessed: 23 June 2020.

Available at: <https://www.ncsl.org/research/elections-and-campaigns/absenteeand-ear>

5 “The Election Administration and Voting Survey,” The Election Administration and Voting Survey § (2017), pp. 1-226, [https://www.eac.gov/sites/default/files/eac\\_assets/1/6/2016\\_EAVS\\_Comprehensive\\_Report.pdf](https://www.eac.gov/sites/default/files/eac_assets/1/6/2016_EAVS_Comprehensive_Report.pdf).

rates during its May 2020 special election, has since made admirable progress in signature curing. Three weeks before the state’s scheduled primary, New Jersey [reached an agreement](#) requiring county boards of elections to notify voters within 24 hours of a decision to temporarily reject their ballots. Voters were then able to fix any signature deficiencies by filling out a form and returning it to their respective county Board of Elections by July 23, which was 16 days after the close of polls.

New Jersey’s move to allow voters to cure signature issues up to 16 days after the primary election—ultimately the result of a [federal lawsuit](#) against the state—is an excellent example of a policy that accounts for the entire ecosystem of election reforms (curing and timeline changes), rather than one single aspect (allowing curing alone). While New Jersey’s decision to require signature curing was a critical move in protecting voting rights, expanding signature curing does not come without side effects. Namely, signature curing can be an expensive and timely effort, and one that it is likely to delay the reporting of election results even more than already anticipated.

Not only do states need to consider the downstream policy impacts of signature curing, states also need to consider upstream policy changes that are needed to make signature curing more efficient and effective. **BPC’s Task Force on Elections also [recommends](#) that all states, especially those which allow signature curing, request additional points of contact, such as a voter’s email address or cell phone number, during the voter registration and absentee ballot application process, and make this information exempt from public disclosure.** Having additional points of contact on hand beyond the voter’s address allows states to have more ways to reach voters during the curing period to ensure their ballots are accepted for counting. Exempting this information from public disclosure can help election administrators make voters feel comfortable providing these personal details because they cannot be sold or collected by campaigns.

BPC has long recommended that states allow voters to cure signature errors; however, when possible, election officials, state legislators, and members of the public should consider the upstream and downstream policy impacts of signature curing—collecting additional points of contact and adjusting ballot counting timelines, respectively—before implementing it.

## **PROCESSING ABSENTEE BALLOTS**

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Processing ballots does take time. Once a voter has been verified, ballots are sorted and placed in batches. They can then be removed from the outer envelope, separated from any privacy envelope, and fed by batch through a ballot scanner.



In Ann Arbor, MI, processing a single ballot takes an estimated 45 seconds.<sup>6</sup> For Ann Arbor's estimated 100,000 [registered voters](#), assuming high turnout and anticipated increased voting by mail, these steps might take between 600 and 800 working hours. High speed tabulation equipment will improve the tabulation time, but the time-consuming work is in opening envelopes, matching ballot numbers, removing the ballots from the secrecy pouch and flattening in preparation for tabulation. Currently, laws in Michigan do not allow this work to begin until 7 a.m. on election morning.

The issue is particularly acute this year. In most states, absentee voting typically accounts for a small percentage of all votes cast in an election. In 2018, only about 23% of all votes nationwide were cast absentee.<sup>7</sup> Earlier this year, [BPC estimated](#) that as a result of COVID-19, 50%-70% of all votes will be cast by mail and it could be much higher in several states.

The labor and time required to process ballots can be addressed in a few ways: adding additional staff, extending hours, and purchasing machines to automate the process.<sup>8</sup> But **the simplest and cheapest option is to give election administrators more time in advance of the election to complete these steps.** Most states allow election officials to begin processing mail ballots before the election, but 15 states and the District of Columbia do not, including Michigan, Wisconsin, and Pennsylvania.<sup>9</sup> Those three battleground states determined the outcome of the 2016 presidential election and could also decide the 2020 outcome. Without additional time to process ballots, election results reporting could take a long time, opening an opportunity for candidates and groups to sow doubt over the outcome of the election and harming voter confidence in the integrity of the vote.

In some states, such as Michigan, there is another headache for election administrators: a statutory requirement that election officials must remain working

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6 Data provided by Ann Arbor, Michigan

7 Miles Parks, "Why Is Voting By Mail (Suddenly) Controversial? Here's What You Need To Know," June 4, 2020, <https://www.npr.org/2020/06/04/864899178/why-is-voting-by-mail-suddenly-controversial-heres-what-you-need-to-know>.

8 Some states have taken action to address the impact of Department of Motor Vehicle closures. In Minnesota, for instance, driver's licenses and identification cards that expired within a certain window will still be considered valid, even after their listed expiration date. Election officials in Minnesota are working closely with the DMV to ensure that no voter is excluded whose official identification expires in this time frame. However, working with the DMV to verify expiration dates and determine if they fall within the timeline adds even more labor and time to the ballot counting process, reaffirming the importance of giving election officials additional time to process ballots in advance of the election.

9 "Voting Outside the Polling Place: Absentee, All-Mail and other Voting at Home Options" National Conference of State Legislatures. 22 June 2020. Accessed: 23 June 2020. Available at: <https://www.ncsl.org/research/elections-and-campaigns/absenteeand-ear>

until the unofficial count is completed.<sup>10</sup> With heavy turnout and a significant influx of absentee ballots, this could mean volunteers and officials are required to continually count for days on end under current law. This provision was put in place for a very different election system and is unrealistic this year. Moreover, requiring these grueling hours could cause exhausted administrators and counting teams to make mistakes.

States hesitant to allow administrators to pre-process mail ballots often cite concerns results may leak in advance of Election Day. But numerous states, including Florida and Ohio, allow pre-processing already, and leaks in advance of Election Day are nearly unheard of. These states provide a model for legislative provisions to ensure the safety of results. Ohio law allows ballots to be scanned, but bars officials from printing tabulated results. Pre-processing statutes should also be accompanied by criminal penalties against leaking results. In Florida, where processing mail ballots can usually begin 22 days before the election, officials are subject to third degree felony penalties if results are released early.<sup>11</sup> **BPC’s Task Force on Elections recommends that states allow election officials to begin processing ballots at least seven days before election day, but election administrators should also be restricted from producing results until election day.**

## PROCESSING PROVISIONAL BALLOTS

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Election officials will also need to consider procedures for processing provisional ballots, which are placed in envelopes and are kept separate from other ballots until after the election. Provisional ballots provide a federally-mandated failsafe for voters that show up on Election Day to vote but encounter problems with their eligibility. Eligibility issues could be that a potential voter is not on the voter registration list, arrived to vote at a polling place other than their assigned precinct, lacked a required identification document, [or a number of other reasons as outlined in state law](#).

These ballots usually account for a small proportion of ballots cast on Election Day.<sup>12</sup> It is possible, however, the number of provisional ballots will increase this year because many jurisdictions have experienced poll worker shortages

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<sup>10</sup> Another state, Minnesota, also has this requirement. However, the deadline for finishing processing absentee ballots was extended three days after Election Day this year.

<sup>11</sup> On March 27, 2020, Governor Ron DeSantis issued [Executive Order Number 20-149](#) which, among other election reforms, removed the 22-day preprocessing limit and allowed County Canvassing Boards to begin canvassing mail ballots “upon completion of the public Logic & Accuracy Testing of tabulation machines and equipment.”

<sup>12</sup> “The Election Administration and Voting Survey,” The Election Administration and Voting Survey § (2017), pp. 1-226, [https://www.eac.gov/sites/default/files/eac\\_assets/1/6/2016\\_EAVS\\_Comprehensive\\_Report.pdf](https://www.eac.gov/sites/default/files/eac_assets/1/6/2016_EAVS_Comprehensive_Report.pdf).

that have forced polling place closures and consolidations.<sup>13</sup> Limited hours for government services like Department of Motor Vehicles throughout the year could also lower the number of voters that have updated their registration after moving this year.<sup>14</sup> Additionally, some voters that requested an absentee ballot may wish to vote on Election Day for any number of reasons—such as failure to receive their ballot in time or due to fear their ballot did not arrive back to their local election official in time to be counted, which would also entitle voters to provisional ballots in at last 16 states plus the District of Columbia.<sup>15</sup>

Processing provisional ballots can be even more onerous than absentee ballots. Prior to the customary steps for verifying a voter's signature, election officials must review the voter's eligibility on voter rolls and may have to contact the voter for additional information or identification before making a determination of whether to count a provisional ballot. As with absentee ballots, election officials often have extremely compressed timeframes to contact voters for this additional information or identification. Collecting and keeping emails and phone numbers on file can help officials contact voters quickly.

Provisional ballots often remain uncounted for weeks after the election. In some states, these ballots are not included in the count until the conclusion of the canvass, often one to four weeks after the election. This could draw out the race, particularly in a close election that remains too close to call.

This November, election officials could see an increase in the share of provisional ballots received on Election Day. As such, election officials, journalists, policymakers, and members of the public alike should keep in mind the additional layers of security and complexity that provisional ballots pose on the counting process—layers which prolong an already time-intensive path to achieving official results.

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13 Consolidating polling places into large event venues like convention centers or arenas could help to remedy this issue because voters arriving in the wrong precinct may simply have to walk to a different precinct located in the same facility to cast a regular ballot rather than a provisional.

14 Nine states plus DC require use of a provisional ballot if a voters address or name have changed. "Provisional Ballots," National Conference of State Legislatures, 15 October 2018. Accessed: 17 July 2020.  
<https://www.ncsl.org/research/elections-and-campaigns/provisional-ballots.aspx#voter%20inform>

15 Ibid.

## REPORTING UNOFFICIAL RESULTS

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Most voters consider the results they see on election night to be the official results of the election. However, election results are often not made official until weeks after Election Day, when election administrators complete an official canvass and certify the results.<sup>16</sup>

States and localities across the country each have different ways of reporting unofficial results on election night. Typically, local election officials are required to submit preliminary results into the state’s centralized results reporting system at designated times. These preliminary results are then verified over the coming weeks as election administrators complete their official canvass.

It’s important to note that the process of releasing initial and final results is distinct from news organizations “calling” races on election night. A consortium of media organizations works together to facilitate networks “calling” the election. What Americans see on their screens is usually a hard number of ballots counted thus far and an indication of “precincts reporting.” That metric—precincts reporting—has become less reliable over time and leads to a misunderstanding of what viewers are seeing.

In many cases, the first results revealed on election night represent the absentee ballots that were returned earliest and totals from in-person early voting. As the percent of the vote cast outside the Election Day precinct rises, these numbers—which generally aren’t assigned to “precincts”—become more important. Moreover, any numbers from a precinct tends to constitute “precinct reporting,” even if it is not the full data from the precinct. The media consortium uses a number of models and publicly available voting data, but voters must remember what they are seeing is preliminary and incomplete.

Many states have reporting requirements that are not well suited for the high rates of voting by mail that we [predict](#) will happen this fall. For example, states which require election officials to work continuously until the count is complete could see a higher frequency of ballot counting errors resulting from fatigue. Because the bulk of mail-in ballots are typically submitted close to or on Election Day, experts predict that completely counting all ballots after the close of polls could take days. Minnesota accounted for this extended timeline by giving election officials an extra two days after Election Day to process absentee ballots and did not stipulate that election officials had to work without interruption to do so.

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16 This report focuses on counting the vote through the initial reporting of results, but more information about post-election processes, and canvasses specifically, can be found [here](#) on the U.S. Election Assistance Commission’s website.

As this report is being written, lawmakers in Michigan are working to pass [a bill](#) that would allow election officials in cities with at least 10,000 people to work in shifts while processing absentee ballots.

Even with reforms like these in place to reduce the strain on election administrators in the days following the election, officials will still be under extreme pressure from both the public and politicians to produce results in a timely manner. Accordingly, the unfortunate combination of fatigue and public pressure increases the need for automated systems which help prevent human error in the counting process. **BPC recommends that states rely on automated results reporting systems, as they both help identify irregularities and are less prone to error.**

While election officials do their best to ensure that even early results are accurate and reliable, preliminary results are unofficial for a reason. There is simply not enough time on the night of the election to double check all vote totals provided by poll workers to the local election administrator at the end of the evening. Numbers may get transposed or keyed in incorrectly; these errors will be caught. In the unlikely event of a counting process error, states generally have clear procedures for quickly rectifying the error and ensuring all results posted are accurate. That said, **as states continue to make changes to their election laws due to COVID-19, election officials must communicate to the public ahead of the election how they will address errors in the count, should they occur.** This will help increase accountability and transparency and protect against claims of bias or fraud.

Failing to communicate how election officials should address discovered errors can result in mayhem on election night, as demonstrated by Maryland's June 2, 2020 primary. Late on the night of the election, the discovery of a ballot printing error caused unofficial results for Baltimore's mayoral primary to be removed from the state's website without any explanation from state election administrators. This series of events was [described](#) as "chaotic" and sowed "widespread confusion"—an unnerving example of the potentially catastrophic implications of failing to communicate how errors should be dealt with when changes to election administration are made.

## **PUBLIC HEALTH AND COUNTING THE VOTE**

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The coronavirus pandemic has raised widespread concerns about how to safely conduct 2020 elections. The CDC has issued [guidance](#) to help election officials conduct elections safely, but they mostly focus on reducing risks at the polls. These recommendations include reducing crowds on Election Day by encouraging voters to take advantage of early and mail voting options, promoting social distancing and good hand hygiene, disinfecting shared surfaces, and providing personal protective equipment, or PPE, for poll workers.

Election administrators are already heeding this advice and working hard to protect the health and safety of their staff, poll workers, and voters from exposure to the coronavirus—and they are doing it with limited time and resources. According to members of BPC’s Task Force on Elections, some of the priorities for administrators include paying for postage on absentee ballots, purchasing counting equipment to accommodate more mail voting, and stocking cleaning supplies and PPE for the polls.

But it is also important for election administrators to apply public health guidance to the counting process as well. This is no small task—many election offices use two-person, bipartisan teams for signature verification and canvassing. These teams typically sit close together in small rooms that make social distancing difficult. With the influx of mail ballots, administrators will need more teams, and will need to put more space between them, to abide by social distancing guidelines.

Small jurisdictions may be able to repurpose their offices to make space for counting mail ballots, but large jurisdictions with a high number of mail voters may need to consider renting larger facilities for processing and reviewing ballots. Of course, providing additional time to process absentee ballots can also help officials limit risk by using a smaller number of volunteers over a longer period to verify signatures.

**In addition to incorporating social distancing, election officials should also create policies to prevent the spread of the virus in counting facilities.** These include providing and requiring masks, rotating staff to clean and sanitize surfaces, practicing hand hygiene frequently, and laying out acceptable reasons for absenteeism, particularly if workers experience symptoms of COVID-19.

Finally, **election administrators should prioritize recruiting polling workers for in-person elections to prevent long lines.** Because most regular poll workers are [over 60](#) and are at high risk of serious health complications from COVID-19, many will stay home this election. Filling the gaps in volunteers will be extremely difficult without new incentives. Therefore, states should increase poll worker pay and pursue other creative solutions, such as advocating for government employees and teachers to work the polls, and should seek out corporate partnerships. States that require potential poll workers to work in the jurisdiction in which they live should relax these provisions to ensure polling places in areas with the most need are staffed. **These steps can help keep as many in-person polling places open as possible and reduce the prevalence of long lines.**

These solutions have associated costs. Fortunately, federal dollars appropriated for elections in the CARES Act can be used for these expenses, [according](#) to the EAC. However, additional funding will be necessary. [BPC estimates](#) that **an additional \$1.1 billion in emergency assistance would be necessary to fully meet the needs of elections administrators for the 2020 election cycle.**

## MAIL LOGISTICS

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### Obstacles to Mail Ballot Delivery and Receipt

During the 2020 primary season, several states—including [Georgia](#), [Wisconsin](#), and the [District of Columbia](#)—experienced problems getting mail ballots to voters. Voters reported receiving ballots with little or no time to return them by the deadline, despite requesting them well in advance. Some voters reportedly never received their ballots at all.

These and other problems can cause ballots to arrive late. Data from 2016 shows 23% of all absentee ballots rejected that year were disallowed because they were returned after the deadline, the second most common reason for rejection.

Importantly, many of these ballots are returned late by voters at no fault of election officials or the USPS. However, in some instances policy can make late delivery more likely. For instance, in some states the deadline to request a mail ballot closely abuts election day, making it unlikely voters can return their ballot by mail on time because it takes several days to get to and from the voter by first class mail. In 2016, [BPC found](#) that 17 states allowed voters to request absentee ballots the day before the election, while two states—Florida and Minnesota—allowed requests on Election Day, despite delivery standards of 2-5 days each way.

This year, mail delivery and return issues may be exacerbated. Recent [analysis](#) indicates that during the primaries, many states experienced higher than normal rates of ballot rejection due to ballots arriving late. Moreover, the USPS recently changed some internal [standards](#) to address budget shortfalls that may slow ballot delivery.

### Best Practices for Mail Voting

Best practices for mail voting require sophisticated approaches to seamlessly designing, printing, sending, tracking, and receiving mail ballots, and doing so in a timely manner. Put simply, diligence to mail logistics can deeply impact the counting process.

One important step is for election administrators to build relationships with the U.S. Postal Service. This means election officials should work with USPS [election mail](#) coordinators and mailpiece design specialists to design ballot envelopes that work with USPS standards for election mail. Such coordination helps the USPS to process outgoing mail ballots swiftly and accurately by ensuring all mail ballot envelopes include the proper logos, barcodes, and tags to see them through.

In addition to these services, building relationships with local processing centers can help officials troubleshoot issues that arise during the course of mailing ballots. This is especially important on Election Day, when last-minute



ballots can be removed from the mail stream and picked up by election administrators directly to ensure they arrive before the deadline.

Election officials should also be aware of the breadth of tools available to them to diagnose and resolve mailing problems. When they cannot be resolved with local processing centers, [electionmail.org](https://electionmail.org) provides administrators the ability to report mail issues to USPS leadership. Another tool, [Informed Visibility](#), can help election administrators forecast incoming mail ballot volumes so they can allocate resources when needed to prevent backlogs in processing and counting.

States should also provide ballot tracking tools for voters. At least 19 states require election administrators to provide a means to [track absentee ballots](#) in the mail stream. An additional [14](#) states provide this service, but it is not enshrined in statute. A gold standard for providing ballot tracking was pioneered in Denver, CO. The system, Ballot TRACE, allows voters to receive text message updates about the status of their ballot. Jurisdictions can also use [Ballot Scout](#), a non-profit tool that allows jurisdictions to opt-in and offer their voters tracking tools. Tracking systems increase voter confidence and provide an additional assurance for election administrators and voters that ballots get where they are going on time.

Adapting to voting by mail will be more difficult for some states than others. In states that primarily vote in person, election laws are not designed to account for the timelines needed to vote by mail. Some states allow voters to request a mail ballot up until the day before the election. But USPS service delivery standards for first class mail is 3-5 days each way, meaning many voters who request ballots within the week before Election Day may not be able to return their ballot on time if they send it through the mail. Likewise, undecided voters that hold on to their ballot until close to Election Day may face similar problems in getting their ballot counted. **[BPC recommends providing additional options to return ballots, such as allowing voters to drop off ballots, either in a secure drop box at the local elections office or at the polls.](#)**

## Accessibility in Mail Voting

Mail voting can create [accessibility barriers](#). Voters with disabilities who require assistive technology to read text may struggle with paper ballots and small print. Elderly voters and voters with physical disabilities may not have the mobility to return a ballot in-person during the last days before Election Day, when mailing an absentee ballot may not ensure the ballot arrives before the deadline. These challenges will be magnified this year, as many polling places are likely to be closed due to poll worker shortages and moved from assistive living communities to prevent exposure to COVID-19.

Providing more options for ballot return can help reduce these disparities in access for elderly voters and voters with disabilities. Some voters can request a ballot by email that can be read through assistive technology more easily. Depending on the state, these ballots can be returned either through an online



portal similar to that provided for military and overseas civilian voters or can be printed and dropped off or mailed.

Accessibility for those who are elderly or have certain disabilities is also a key reason why some states allow ballots to be picked up and dropped off on behalf of a voter by a third party—generally a friend, relative, or a member of the community.<sup>17</sup>

This process, commonly called ballot harvesting or ballot collection, has sparked intense partisan debate. Opponents fear the practice could lead to fraud, in which third parties tamper with voters' ballots or do not return them altogether. Protections do exist in some states, however. Florida requires the third party to sign an affidavit attesting to their relationship to a voter. Colorado election law stipulates a voter can drop off anyone's ballot for them, but can only do so for up to ten ballots.

## Conclusion

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With less than four months before Election Day, election officials and policy-makers need to act immediately to mitigate the impact of COVID-19 on the counting process. Even with the interventions outlined in this report, the seismic shifts in the voting landscape caused by the pandemic will mean slower results in some of the most important swing states.

Whether voters choose to vote by mail or in person, the upstream and downstream policy consequences of each step of the counting process must be taken into consideration and clearly communicated to campaigns, media, and the public. The legitimacy of the election may lie in the balance.

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17 “VOPP: Table 10: Who Can Collect and Return an Absentee Ballot Other Than the Voter.” *National Conference of State Legislatures*. 21 April 2020. Available at: <https://www.ncsl.org/research/elections-and-campaigns/vopp-table-10-who-can-collect-and-return-an-absentee-ballot-other-than-the-voter.aspx>. Twenty-seven states and Washington, DC, permit an absentee ballot to be returned by a designated agent. Of these states, 12 limit the number of ballots an agent or designee may return. Nine states permit an absentee ballot to be returned by the voter's family member. Thirteen states do not address whether an agent or family member may return an absentee ballot on behalf of a voter. One state, Alabama, specifies that an absentee ballot must be returned by the voter either in person or by mail.



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