Vote at Home Policy Actions: COVID-19 Response

A COMPREHENSIVE ANALYSIS OF EXISTING VOTE AT HOME STATE POLICY & URGENT POLICY CHANGES NECESSARY TO SUPPORT SAFE VOTING IN 2020

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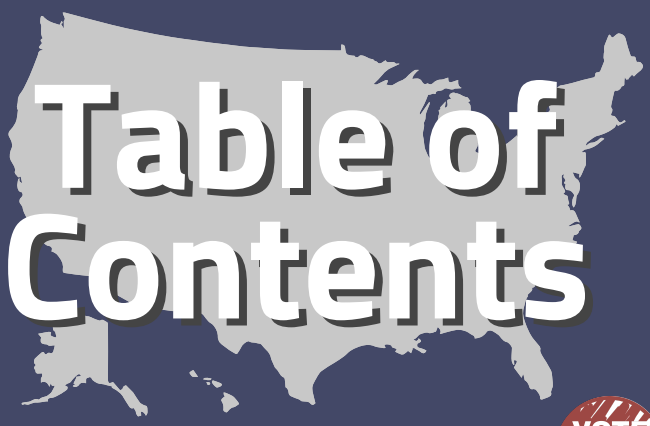

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INTRODUCTION

Election officials across the country were thrust into an election year suddenly upended by a pandemic, calling for an unprecedented change in policy and procedure. Policymakers and activists alike are working to answer several basic questions around how best to empower election officials to ensure the safety of both poll workers and voters, while running what might be the largest mail election in United States history. As the nation's foremost organization on voting at home, the National Vote at Home Institute combines deep expertise on research, policy and implementation to offer resources and action plans for election officials, decision makers, and advocacy groups regardless of political affiliation.

Using data collected internally from each of the 50 states and the District of Columbia, our team of elections experts created a matrix of policy variables which we have translated into both a visual representation of the health and status of state elections systems, and a set of state by state recommendations. The purposes of this document is to inform policy decision makers and election reform advocates of necessary policy changes needed to conduct safe, secure, accessible and equitable elections in the limited timeframe between now and November. This document focuses specifically on policy change, informed by the constellation of separate but coordinating upstream elements like voter registration, and downstream elements like implementation flows, resource gathering, voter education, and litigation.

We cannot predict the future, but trends show that an increase is inevitable and voters are choosing to vote at home in record numbers which will continue as November approaches, particularly if COVID-19 flares occur as predicted. We have geared our analysis and recommendations with this situation in mind.

FRAMEWORK

While focusing on larger policy decisions, we want to make a point to speak briefly on the fact that not all changes must be made by a legislature, executive order, or emergency declaration. We anticipate and have observed the effects of inaction amidst a pandemic-affected election, and we have been encouraged by the ingenuity and creativity of our nation's election officials. In the midst of a crisis, creative and innovative solutions are more important than ever, and we recommend that local officials explore their "outside the box" options. If the legislature or executive branch will not act to support voters, local officials must. Officials are repurposing library drop boxes and implementing drive through voting options that had not been considered, and we encourage such reforms so long as they are secure and voter-centered. We further explore some other options that do not necessarily require law changes later in this analysis.

When making assessments regarding the importance of a particular policy point, NVAHI weighs security and the voter's experience and rights over all other administrative concerns. After years of extensive research in states like Colorado, Oregon and Washington, which have what we designate as "Vote at Home" systems, NVAHI has curated a list of policy points and best practices that we recommend as the foundation for all mail voting systems in the United States. These best practices are rooted in experiences of voters and elections officials over the past 20+ years of innovation in western states. We assert that a voter-centric model that includes our policy recommendations not only increases turnout, security, accessibility and voter confidence, but decreases long term costs and the likelihood of spreading disease in a pandemic. We reiterate that an all mail voting or "Vote at Home" system refers to outbound ballot administration to all voters, and that a well-implemented Vote at Home system also offers multiple methods of inbound ballot return and accessible options including in-person voting.

While there is strong data supporting the merits of a Vote at Home system when legislated and implemented well, current realities must be taken into account. As detailed below, Vote at Home systems require more than simply mailing every registered voter a ballot due to the cumulative nature of the many components. Therefore, recommended policy actions reflect best measures based on existing components to create the best voter experience and security overall. NVAHI has analyzed the information available to identify the watershed points for major decisions around whether a state or locality should scale up to a full Vote at Home system or if they should focus efforts to simply bolster the system that they already have in the time remaining.

VOTE AT HOME POLICY BASICS

With the objective to support states from their current frameworks, we recommend that states use this policy ladder as a list of best practices to holding a safe, accessible, and secure election. These policies are best instituted by a legislative body, but in some cases they can be issued by emergency declarations by governors, mayors or election officials. It should also be noted that some voter confidence measures can be achieved outside of policy change mechanisms.

Vote at Home Gold Standard Policy Components

Gold Standard policy reflects the coordinating elements of an actionable, ideal Vote at Home system where election administration best practice and security are aligned with voter experience. **Just as there is no perfect voting system, there is no state that has every policy element that we recommend, though there are currently states with relatively well-implemented Vote at Home systems.**

Election Infrastructure:

- Require multi-modal voter registration options including by phone, mail, email, in-person and online
- Build a statewide real-time voter registration system
- Provide accessible vote at home and in-person voting options to voters including a paper ballot for auditing purposes
- Join ERIC and require NCOA checks prior to mailing ballots
- Require state-wide ballot tracking capability
- Create an automatic voter registration system that opts-in voters when they access wide-ranging government systems
- Align ballot mailing and processing deadlines with registration deadlines, ballot design timelines and expected turnout
- Require a comprehensive voter information and communications plan
- Require risk-limiting audits

Mail Ballot Design:

- Require uniform ballot design with intelligent mail barcodes
- Require pre-paid postage & official election mail indicia

Mail Ballot Requests:

- Eliminate requirements for "excuses" to request mail ballots
- Require multi-modal absentee request options including by phone, mail, email, in-person and online
- Require online options for voters to request replacement ballots

Vote at Home Gold Standard Policy Components (cont'd.)

Mail Ballot Processing:

- Remove any requirements for a witness or notary to sign an absentee ballot envelope in order for the vote to be counted
- Institute requirements for pro-voter signature verification as a best practice security measure
  - Require demographically blind, bipartisan system with high accountability reporting
  - Require notice to the voter of a deficiency within 24 hours
  - Require a post-election "cure" period for ballot envelopes returned with missing ID, signature, or a signature mis-match
- Allow processing of ballots at least 7 days prior to election day
- Accept mail/absentee ballots with a postmark or electronic scan data on election day if received within 3 business days post-election day
- Centralize inbound and outbound mail processes
- Require ballot drop boxes/drive through locations and all polling places as an acceptable return mechanisms for ballots

In-Person & Accessible Options:

- Modify requirements for precinct polling places and institute centralized vote centers as an alternative
- Require at least 10 days of early in-person voting options
- Offer an accessible vote at home option for voters have emergent situations, who are overseas and for voters who need to use physical or linguistic assistive technology at home to complete the ballot

METHODOLOGY

To simplify the process of evaluation and communication, NVAHI **condensed the list of 30+ variables into 12 categories** that we determined to be the foundation of a vote by mail system. For the ease of our analysis, we have collapsed the list of Gold Standard policies into smaller groupings of fundamental categories to serve as a yardstick by which to measure the status of states with an eye towards changes for November 2020. They are framed as "yes/no" questions for decision flow, where "yes" is the preferred policy state:

- ***No Excuse/COVID-19 Excuse*** - Does the state accept requests without the need for an excuse from the voter or with a COVID-19 related excuse?
- ***Data Integrity*** - Does the state have adequate data integrity measures to mail out ballots
  - Is the state a member of Electronic Registration Information Center (ERIC)?
    - If not, are they using best practices around national change of address (NCOA) and Social Security checks etc?
- ***Online Voter Registration (OVR)*** - Does the state have online or downloadable registration forms, in addition to paper for those without reliable internet?
- ***Online Absentee Ballot Requests*** - Can voters request absentee ballots online or by downloadable forms, in addition to paper for those without reliable internet?
- ***Pre-Paid Postage*** - Does the state send ballots with postage prepaid for ease of voter return?
- ***Ballot Return Options*** - Does the state allow/promote the return of ballots at locations other than specific precinct polling places?
- ***Ballot Processing Deadlines*** - Do state ballot processing deadlines align with the needs of voters and election officials to have all ballots processed and cured by canvass?
- ***Signature Verification Process*** - Does the state mandate signature verification process?
- ***Ballot Tracking with Voter Notification*** - Does the state have an option to use ballot tracking software that allows voter notification?
- ***Cure Process*** - Does the state offer a multimodal signature cure process that gives a voter enough time to cure a ballot voted on election day?
- ***Postmark Acceptance*** - Does the state accept ballots postmarked and mailed on election day?
- **Proactive Ballot Mailing** - Does the state already have a process for proactively mailing a ballot to voters?

We acknowledge that each state is different and necessitates a unique approach to increasing vote at home access. This list is used to make qualitative assessments of policy gaps and opportunities. **Full methodology and additional information on the comprehensive 30+ variable policy matrix will be made available by request.**

ANALYSIS

In keeping with the framework of how NVAHI has conceptualized levels of state vote at home access in the past, we continued with a 5 level grouping of states for this analysis. These groupings are based on each state's adoption of the 12 policy categories laid out in methodology above.

In order to account for the level of urgency and the contracted time frame to adopt changes, we have heavily weighted four particular groups of policy variables: 1) whether a state requires an excuse (or has a COVID-19 excuse), 2) a state's data inte**grity processes, 3) whether they implement signature verification processes, and 4) subsequent cure processes for deficiencies.** We consider these to be broad yet foundational policy categories that form the bedrock of a securely administered, voter-centric mail ballot operation, and are essential to meet the increasing demand for mail ballot access. The remaining 8 policy categories are most effective when layered on the foundation policies to preserve security, and should not be undervalued.

Asterisks (*) reflect states with active litigation that could change analysis & recommendations.

Five Star Policy Evaluation for Action

	★	★★	★★★	★★★★	★★★★★
Absentee Ballot Request Without Excuse	✗	✓	✓	✓	✓
Secure Mail Ballot Processes	✗	✗	✓	✓	✓
Voter Experience Best Practices	✗	✗	✗	✓	✓
Proactive Mail Ballot (Majority)	✗	✗	✗	✓	✓
Proactive Mail Ballot (All Voters)	✗	✗	✗	✗	✓

1 STAR

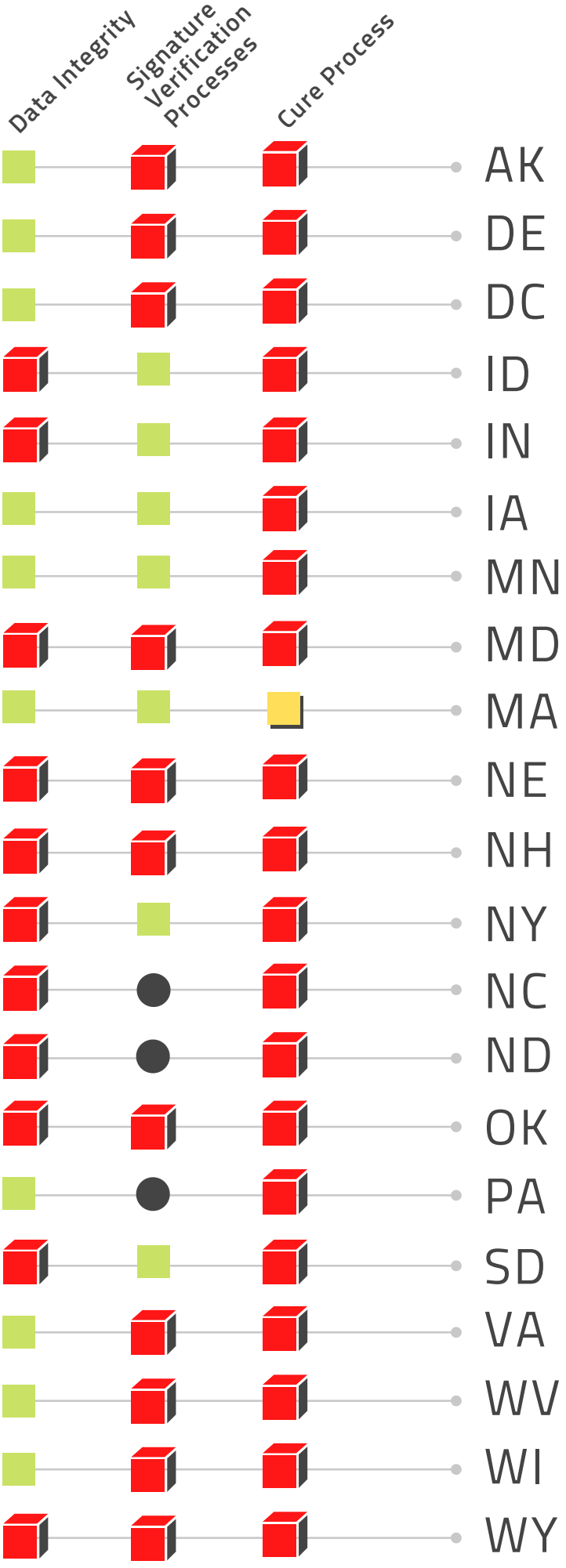
Alabama, Arkansas, Connecticut, Kentucky, Louisiana*, Mississippi, Missouri, South Carolina*, Tennessee and Texas*

States that still require an excuse for a voter to obtain an absentee/mail ballot for the 2020 general election.

We recommend that these states immediately take steps to allow voters to apply for a ballot without an excuse. At the very least, we recommend implementing a temporary excuse that would allow a voter to obtain a ballot by mail due to the fear of contracting or spreading COVID-19. Though the other 3 policy variables should be considered, we assert that this is the major change that should be accomplished in order to expand access to voting by mail in these states.

In the absence of a "no excuse" law or regulation, we do provide a set of recommendations that can oftentimes be implemented to increase the voter experience and ease administrative burden. Depending on state law, local jurisdictions can explore the following:

- Integrated and online voter registration and absentee request portals
- Centrally located ballot drop boxes and drive thru options
- Clear public communications around request requirements, status of request, and notification of denial or acceptance
- Ballot tracking software with voter notification capabilities
- Pre-paid postage for return envelopes



2 STARS

Alaska*, Delaware, District of Columbia, Idaho, Indiana*, Iowa, Maine, Maryland, Massachusetts, Nebraska, New Hampshire, New York, North Carolina*, North Dakota*, Oklahoma, Pennsylvania*, South Dakota, Vermont, Virginia, West Virginia, Wisconsin* and Wyoming

States that are missing major pieces of policy or best practices that ensure a secure mail ballot process such as a sufficient data integrity process, signature verification processes and/or a signature deficiency cure process.

There is currently no excuse required to request a ballot in these states, so we recommend that these states fill their respective policy gaps in the remaining 3 base policy categories. We anticipate major growth in demand for absentee ballots, so these policy innovations in order to establish the foundation for safe, secure, and accessible elections. We do anticipate that some of these states may not renew or extend their temporary "no excuse" requirements for absentee ballots. If they do not extend them for November, we would move them back to a 1 star status and recommend they reconsider the policy.

- Needs Change
- NVAHI Approved
- County Option/Pilot
- Pending Litigation

3 STARS

Florida*, Georgia, Illinois, Kansas*, Michigan*, Minnesota, New Jersey, New Mexico, Ohio, Rhode Island

States that have all 4 basics of security and may have added some of the best practices that we recommend for voter convenience.

In order to create the most voter-centric model possible, these states should adopt policy to:

- Create fully accessible online voter registration systems
- Implement ballot tracking systems for voter use
- Couple ballot tracking with notification and cure processes for signature discrepancy
- Accept ballots postmarked on election day
- Include pre-paid postage on envelopes
- Implement robust ballot return alternatives with equitable distribution (drop boxes, drive throughs, etc)

We recommend that these states move to proactively mail all registered voters a ballot in order to save the cost and administrative burden of the application process.

Other reforms to consider:

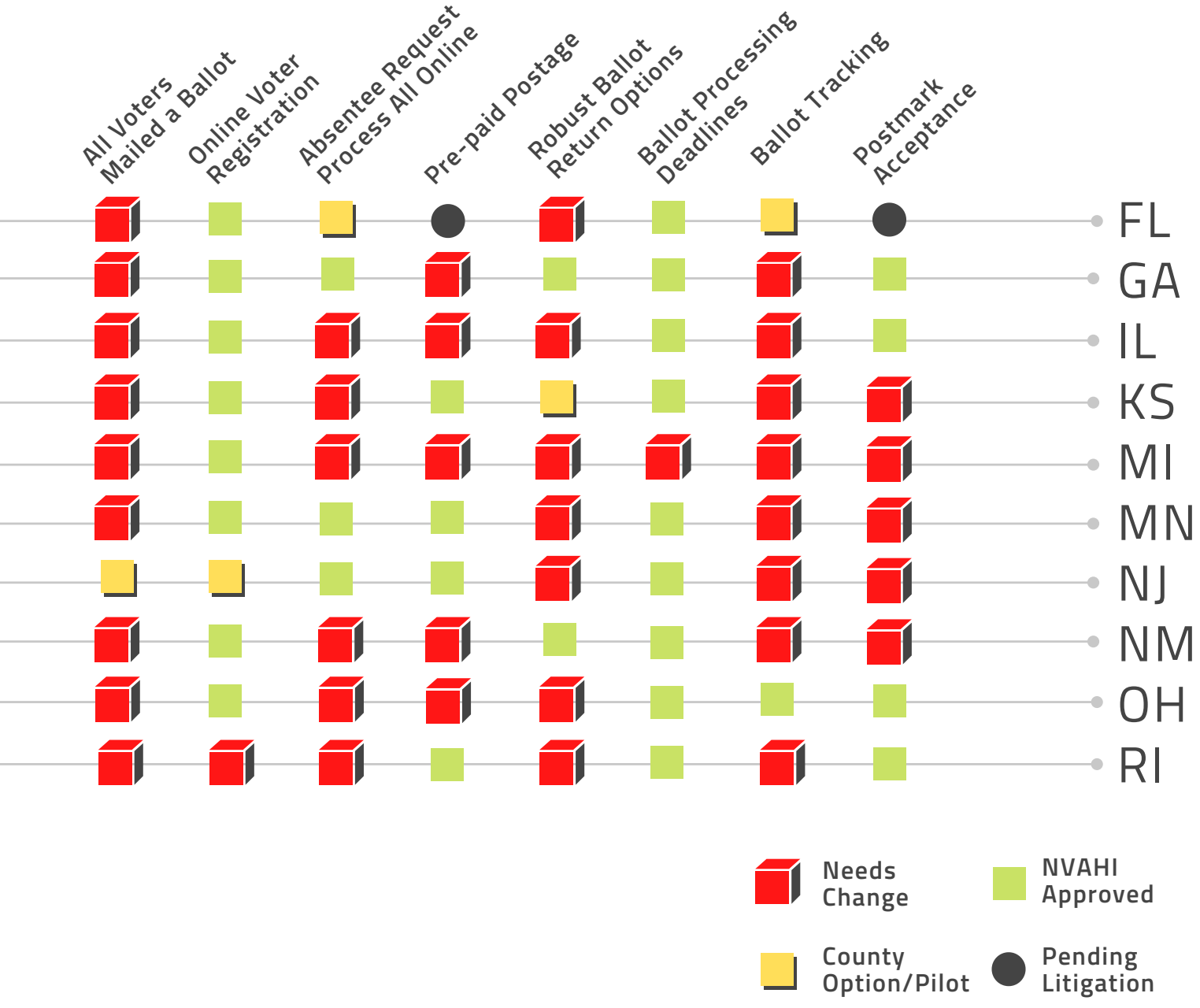
- Allow voters to sign up and remain signed up to receive a ballot in the mail for every election going forward as long as no official election mail had been returned undeliverable
- Consolidate precinct polling places into equitably distributed full service vote centers

If proactively mailing ballots is still not possible because of legislative inaction leading to time or budget constraints, then the state should consider altering its current absentee/mail ballot system to meet the needs of voters in new and better ways.

Mitigating improvements to consider:

- Make the application process as smooth as possible, including a full online portal, rather than just a downloadable form. We also recommend taking applications over multiple modes of transmission for ease of access to voters without internet, printer, or with logistical challenges.
- Ease administrative burdens by aligning processing deadlines with demand.

3 STARS

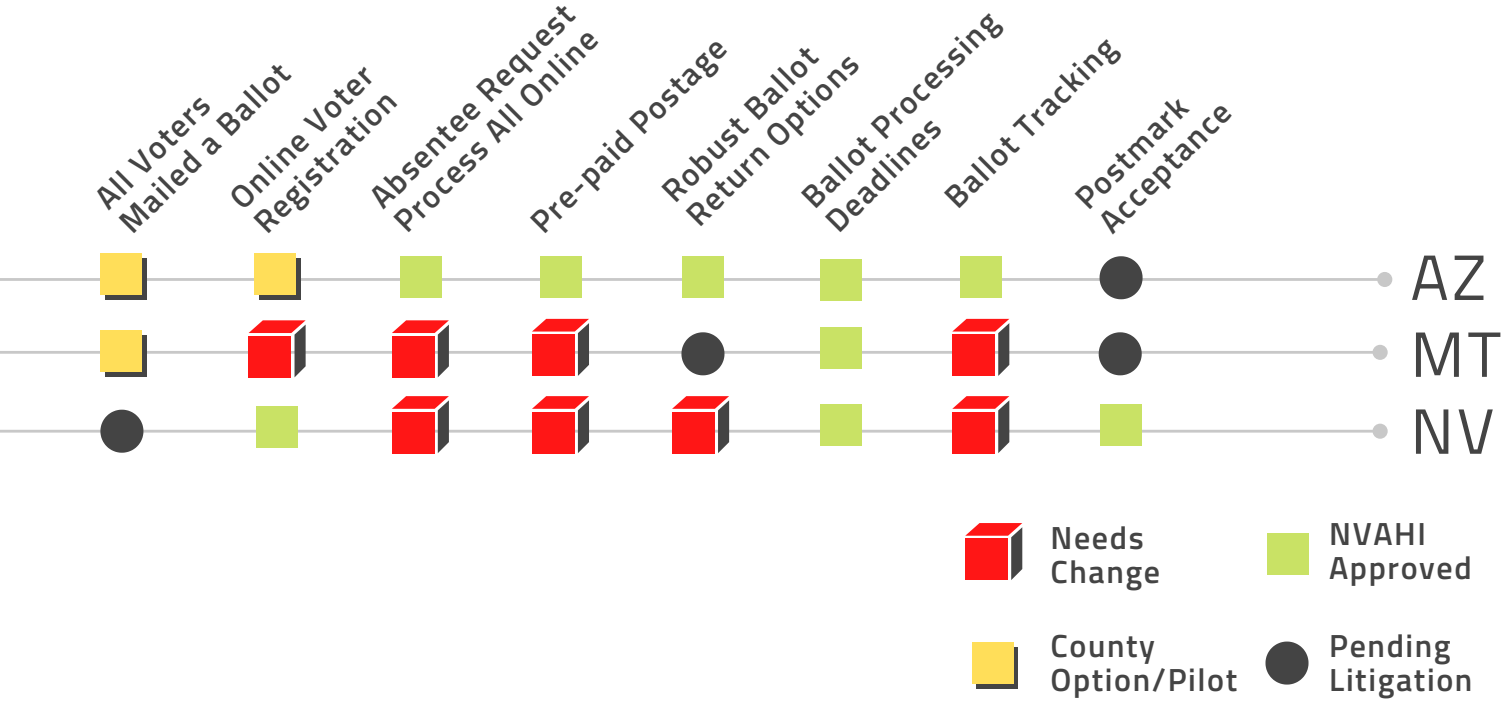

All Voters Mailed a Ballot
Online Voter Registration
Absentee Request Process All Online
Pre-paid Postage
Robust Ballot Return Options
Ballot Processing Deadlines
Ballot Tracking
Postmark Acceptance
FL
GA
IL
KS
MI
MN
NJ
NM
OH
RI
Needs Change
NVAHI Approved
County Option/Pilot
Pending Litigation

4 STARS

Arizona, Montana*, Nevada

States that have a strong base in the leading four policy areas and voter experience, but also have statewide systems for proactive mailing of ballots to the majority of voters, usually a permanent absentee list or allowing individual counties to opt in to sending every registered voter a ballot.

For these states, we recommend that they strongly consider moving to a full Vote at Home model by proactively mailing all voters a ballot and preserving in-person options with centralized vote centers, multiple modes for ballot return, and a robust ballot tracking system. Most have made COVID related provisions for primaries, but these should at least be retained though November.

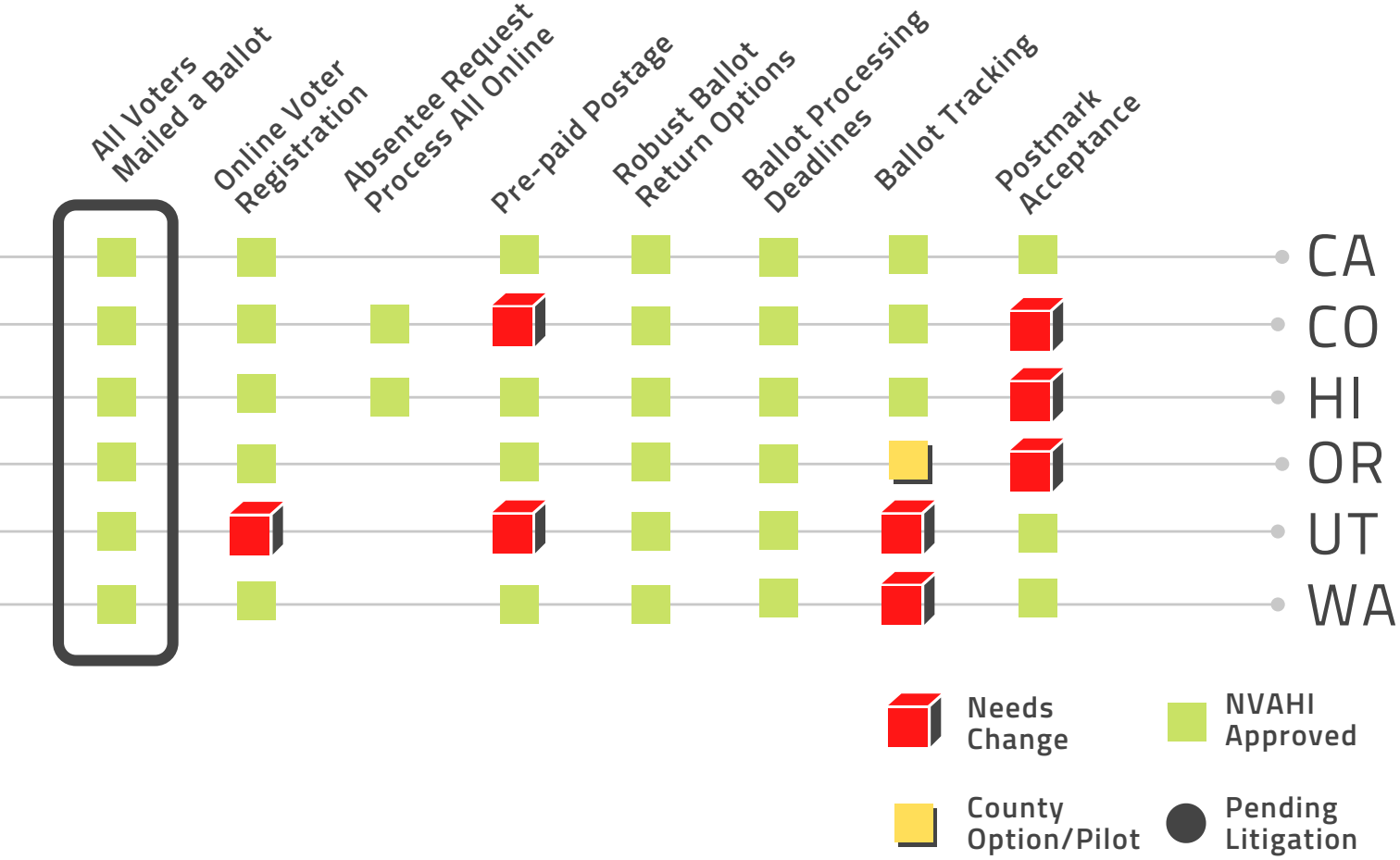


5 STARS

California, Colorado, Hawaii, Oregon, Utah and Washington

States that already have Vote at Home systems, though none have adopted all of the Gold Standard policy elements.

Even these states can make minor adjustments to their systems to increase the voter experience. Most notably, the acceptance of ballots postmarked by election day in Colorado and Oregon is estimated to decrease the ballot rejection rate by half. It is important to keep in mind that the ideal ballot rejection rate is not 0, because this metric covers ballots correctly rejected for security cause, as well as those improperly rejected by process failure or lack of voter accommodation. We expect similar results with little to no added cost or administrative burden if adopted in other 5 Star states.



Conclusion

We conclude that while voting by mail will see a massive increase this year and that states have already seen enormous increases, they have failed generally to meet the needs of voters who seek to maintain their right to vote while abiding by social distancing recommendations and mandates. In summary, states generally fall along a spectrum of policy recommendations that we suggest they work through in succession to bolster their systems for the incoming wave of mail ballots.

States with poor infrastructure or security processes are encouraged to upgrade them immediately. Once the system is more secure, they should assess whether they have the capacity to proactively mail ballots to voters, or if a robust and user friendly system would be more feasible given time and resource constraints. Even states often held up as model Vote at Home systems still have room to grow and we see that as an important opportunity to remind policymakers that there is no perfect system.

We aim to help states navigate the challenges ahead of the November general election, but we stress adamantly that the set of policy actions that we recommend are largely ineffective if they are not implemented in a way that is voter-centric and standardized across state and local jurisdictions. States without standardization risk voter confusion and litigation, higher ballot rejection rates and voter confusion.

Importantly, we find that all states still have time to improve the voter experience in the policy realm, but also in the implementation realm at the time this report is issued. As time passes though, it will become harder to follow through on any plan of action that benefits voters. As states run up against closing windows in the calendar to implement changes, we recommend that they make major policy change decisions as soon as possible to give local jurisdictions the time and resources they need to implement. The other looming element of urgency is the supplementary election ecosystem including resource vendors and voter education operations will need time to create capacity and adjust to new systems in order to close the loop between administration and voter engagement. **While these changes must happen quickly, decision makers must establish or cultivate those relationships throughout the policymaking process to ensure overall success.**

In closing, we stress again that a Vote at Home system is not simply mailing all voters a ballot. A Vote at Home system consists of many layered and interdependent policy elements that consistently yield a more secure, accessible and equitable election process. While we continue to recommend moving toward a full Vote at Home system, proactively mailing ballots to all voters is most effective when coupled with better infrastructure and implementation. Mailing ballots to voters without proper data integrity practices and verification processes creates a less secure system. If a full Vote at Home system can't be achieved, effective implementation of a good absentee request system still has merit and can provide a secure and accessible solution to more voters than if nothing were to be done at all. As states adopt policies to increase accessibility of Vote at Home options — and move closer to the Gold Standard — there should be particular focus on shoring up policy in the arenas that matter most: security of the state systems and the ability of voters to fully participate in those systems.

Acknowledgements

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This analysis draws from data researched by the National Vote at Home Institute team, and data compiled from research partners including the National Conference of State Legislatures, the MIT Elections Data Lab, Center for Secure and Modern Elections, and others. We acknowledge the larger election research community which continues to provide timely and necessary insights for the health of Americans and American elections in this particularly uncertain time.

A nonprofit, nonpartisan 501(c)(3) organization, the National Vote at Home Institute is dedicated to ensuring the security of our elections and putting voters' needs first.