

How States Can Secure Voting By Mail



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KEY FINDINGS

1

STATES SAW AN UNPRECEDENTED INCREASE IN THE NUMBER OF VOTERS OPTING TO VOTE BY MAIL IN 2020.



2

THE INCREASE IN VOTING BY MAIL AND LAST-MINUTE CHANGES TO ELECTION PROCEDURES PLACED STRESS ON ELECTION SYSTEMS.



3

UNSECURED VOTING BY MAIL LEAVES ELECTION SYSTEMS VULNERABLE TO BAD ACTORS.



4

STATES HAVE COMMONSENSE OPTIONS TO SECURE THE VOTE-BY-MAIL PROCESS.



5

LAWMAKERS SHOULD CLOSE EXISTING LOOPHOLES TO ENSURE THE VOTE-BY-MAIL PROCESS IS SECURE.



THE BOTTOM LINE:

STATES NEED TO ENSURE THAT VOTING BY MAIL IS AN EASY AND SECURE METHOD OF VOTING.

Background

Secure and fair elections are foundational to the American system of government, but irregularities and last-minute changes by unelected bureaucrats erode public trust in elections. When voters have reason to question the integrity of the process, they will question the legitimacy of the outcome. If this happens, voters will lose faith in their public officials and disengage from the political process. **Disengagement means that Americans do not believe their voices will be heard. This is a failure for our democratic system.**

The 2020 election serves as an unfortunate example. The 2020 cycle was marked by partisan lawsuits, last-minute changes to existing procedures, slow reporting of results, and other election irregularities. Ballots were reportedly stolen from a drop box in Florida.¹ In Georgia, a local jurisdiction discovered more than 2,500 uncounted ballots more than a week after the election.² In Georgia and Nevada, local jurisdictions were processing and counting mail ballots several days after the election, increasing the time it takes for voters to get election results while simultaneously shrinking their trust in the outcome.³⁻⁴ As a result of these and other unmentioned examples, millions of Americans now question whether their vote was counted—and if it will count in future elections.

Fortunately, there is a path forward: A majority of voters say election reform would restore trust in democracy.⁵ Voters need to be confident that the election process is free and fair and that their vote will count.

2020: The vote-by-mail perfect storm

During the 2020 presidential election, many states expanded voting by mail due to the challenges presented by COVID-19. In fact, some states, including Alabama and Kentucky, relaxed voting-by-mail eligibility, allowing any registered voter to vote by mail.⁶⁻⁷

Record numbers of voters took advantage of this new opportunity. In the 2020 presidential election alone, more than 65 million mail ballots were returned, with at least 26 million mail ballots outstanding.⁸ In Florida, for example, **the number of Floridians voting by mail increased to nearly five million, as compared to just over 2.7 million in 2016.**⁹⁻¹⁰



**IN THE 2020 PRESIDENTIAL ELECTION,
LAST-MINUTE CHANGES TO ELECTION
LAWS AND PROCEDURES RELATED TO
VOTING BY MAIL CREATED CHAOS.**

However, the dramatic increase in voting by mail stretched the election system to the brink. Quite simply, state and local election infrastructure was not prepared for the massive influx of ballots they received, leading to a flurry of mismanagement and misconduct:

- ▶ **Ballots were found on the side of the road** in Arizona, Colorado, Nevada, and Wisconsin;¹¹⁻¹⁴
- ▶ **Drop boxes were set on fire** in Los Angeles and Boston;¹⁵⁻¹⁶
- ▶ Officials in Arkansas and Wisconsin **discovered uncounted ballots well after Election Day**;¹⁷⁻¹⁸
- ▶ In one Pennsylvania jurisdiction, **an unknown number of mail ballots were potentially lost by the postal service**;¹⁹
- ▶ And more.

On top of increased demand from voters who wanted to vote by mail, there were numerous last-minute changes to election laws and procedures related to voting by mail that created chaos. In many states, judges and unelected regulators changed or ignored existing state procedures. State officials mass mailed applications, relaxed witness requirements, expanded voting-by-mail eligibility, and extended deadlines.²⁰⁻²³ In fact, some states even automatically mailed a ballot to every registered voter.²⁴



This increased volume of ballots not only stretches election workers and creates backlogs in the process that undermine public confidence—it also leaves the election system vulnerable to bad actors.

Unsecured voting by mail opens the door to ballot harvesting

The term “ballot harvesting” describes the practice of allowing third parties to collect and return voters’ ballots. Ballot harvesting generally involves an operative appearing at a voter’s home, soliciting the voter’s ballot, and returning ballots in bulk to the local election office. As such, candidates and campaigns will pay ballot harvesters to solicit votes, and harvesters may target vulnerable voters to manipulate them to vote a certain way.²⁵ In some cases, harvesters may even tamper with, alter, or destroy voters’ ballots.²⁶ Ultimately, the goal of ballot harvesting is to influence the outcome of the election.²⁷

One of the most notorious examples of ballot harvesting occurred in North Carolina in 2018. The Republican candidate initially won, but the number of mail ballots cast was unusually high, raising suspicion. According to investigators, a local operative conducted a highly organized ballot harvesting scheme by collecting and returning ballots.²⁸ To incentivize harvesters to collect more ballots, harvesters were allegedly paid \$150 per 50 ballot applications and \$125 per 50 absentee ballots collected.²⁹

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The operative and the team of harvesters reportedly forged witness signatures and even filled in voters' ballots.³⁰⁻³¹ The problems were so pervasive that the election results were thrown out and a new election was ordered.³²

Ballot harvesting is not limited to one isolated instance in North Carolina. According to reports, political operatives in New Jersey collected and returned hundreds of mail ballots during the May 2020 municipal election.³³ A new election was eventually ordered because officials were unable to separate potentially fraudulent votes from legal votes.³⁴

In Texas, a recent arrest was made in an alleged ballot harvesting scheme leading up to the 2020 election.³⁵ The harvester was accused of providing gifts for votes, with many of the affected voters being seniors.³⁶

BALLOT HARVESTING AND FRAUD ALLEGATIONS DERAIL CONGRESSIONAL ELECTION

Presentation of Evidence by North Carolina State Investigators

Preview of Evidence

Actions taken to hide conduct:

- Small batches taken to post office.
- Ensuring ballots mailed at a post office geographically close to voter.
- Ensuring witnesses signed and dated the same date as the voter signature.
- Ensuring same color ink used by the witnesses, including by tracing existing signatures.
- Ensuring stamps not turned in a way on the envelope to be a red flag to BOE staff.
- Taking collected ballots back to the voter for hand-delivery to the BOE.



Source: North Carolina State Board of Elections

Ballot harvesting is a long-standing practice. For years, local campaigns in Texas have paid for the services of “politiqueras” to deliver votes for candidates.³⁷ And “boleteros” (or balloteers) have been collecting and returning mail ballots for more than 20 years in Florida.³⁸

How states can keep voting by mail easy and secure

The good news is that states have commonsense options to prevent ballot harvesting and ensure voting by mail is easy and secure.



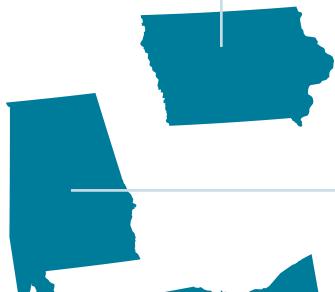
As part of their ballot harvesting reform package, **North Carolina banned the practice of mailing pre-filled ballot applications.**³⁹ This is an important security measure because, under the new system, voters must fill out the application and provide their personal details (like a driver’s license number).



Another means to prevent ballot harvesting is to limit the number of ballots a single person may return and define who may return a voter’s ballot. **States should limit the number of ballots one person may return.** This effectively makes ballot harvesting illegal. For example, Arkansas limits a single person to hand-delivering two ballots in an election.⁴⁰ Alabama provides that only the voter can return their ballot.⁴¹



States should also define who may return a ballot. Louisiana, for example, limits hand-delivery to immediate family members, and Iowa limits delivery to immediate family, housemates, or caretakers.⁴²⁻⁴³



Equally important is the need for a mechanism to confirm voters’ identities. States have various tools at their disposal to verify this information, like **requiring absentee ballots to be witnessed** (Alabama and Wisconsin, among others).⁴⁴⁻⁴⁵ This means that a witness must sign the ballot envelope, swearing that the voter completed the ballot. This also provides a mechanism for law enforcement to begin an investigation, should one be necessary.



Other states like Ohio **require the voter to include identifying information** like the last four digits of their Social Security number or driver’s license number on the mail ballot envelope.⁴⁶ This is an important security measure as it helps to confirm the voter is who they claim to be. And states like Wisconsin generally require voters **to provide a copy of their government-issued identification** before a ballot will be mailed.⁴⁷

Another means to confirm the voter is who they claim to be is through signature comparison. In this scenario, the signature on the mail ballot envelope is compared to a signature on file at the election office (like on a voter registration application). But some states require that the team comparing signatures unanimously agree to reject a signature. This means that even fraudulent votes may be counted. **States should require only a majority vote of a signature verification committee to reject a ballot.**

Bottom line: States need to secure the voting-by-mail process

Secure and fair elections are necessary for self-governance. With the increased number of voters choosing to vote by mail and the many steps involved, it is imperative that lawmakers close existing loopholes and secure the process. Voters need to be confident that their voices will be heard and that their vote will count. Thankfully, states have simple solutions to protect the integrity of voting by mail.

REFERENCES

1. "2 Florida men accused of stealing mail, ballots from dropbox," Associated Press (2020), <https://apnews.com/article/election-2020-miami-florida-elections-theft-eea1ef433f7eaa555202276268b5c9aa>.
2. Beau Evans, "2,600 ballots found in Floyd County, Georgia, most for Donald Trump," Savannah Morning News (2020), <https://www.savannahnow.com/story/news/politics/elections/2020/11/17/2600-ballots-found-in-floyd-county-georgia-most-for-donald-trump/43160155/>.
3. WSBTV.com News Staff, "Don't expect complete elections results until at least Thursday morning, SOS says." WSB-TV 2 (2020), <https://www.wsbtv.com/news/politics/live-updates-georgia-remains-too-close-call-with-ballots-still-be-counted/T6OTCVG6IRBETDFAVV2QZKPCJU/>.
4. Melissa Quinn, "Nevada official says 63,262 ballots remain outstanding in Clark County, as Biden holds narrow lead," CBS News (2020), <https://www.cbsnews.com/news/nevada-outstanding-elections-clark-county-2020-election/>.
5. FGA Staff, "Voters Support Ensuring Election Integrity," Foundation for Government Accountability (2021), <https://thefga.org/polling/election-integrity/>.
6. SoS Staff, "Secretary of State Issues New Guidance on Absentee Voting for November 3 General Election," Alabama Secretary of State (2020), <https://www.sos.alabama.gov/newsroom/secretary-state-issues-new-guidance-absentee-voting-november-3-general-election>.
7. Crystal Staley & Sebastian Kitchen, "Governor Beshear, Secretary of State Adams Reach Agreement on General Election Procedures," Kentucky.gov (2020), <https://kentucky.gov/Pages/Activity-stream.aspx?n=GovernorBeshear&prld=309>.
8. Michael McDonald, "2020 General Election Early Vote Statistics," U.S. Elections Project (2020), <https://electproject.github.io/Early-Vote-2020G/index.html>.
9. DoS Staff, "2016 General Election," Florida Division of Elections (2016), <https://files.floridados.gov/media/697363/early-voting-and-vote-by-mail-report-2016-gen.pdf>.
10. DoS Staff, "2020 General Election," Florida Division of Elections (2020), <https://fldoswebumbracoprod.blob.core.windows.net/media/703948/gen-2020.pdf>.
11. News Staff, "18 stolen ballots found on side of road in Glendale," Arizona's Family (2020), https://www.azfamily.com/news/18-stolen-ballots-found-on-side-of-road-in-glendale/article_c1558b16-1e19-11eb-af16-0fa6a167e28a.html.
12. Western Slope Now News Staff, "Ballots Found on Side of Road in Grand Junction," WesternSlopeNow.com (2020), <https://www.westernslopenow.com/news/local-news/ballots-found-on-side-of-road-in-grand-junction/>.
13. David Charns, "Mail-in ballots from Las Vegas neighborhood found in road miles away, I-Team prompts investigation," KLAS (2020), <https://www.8newsnow.com/i-team/i-team-special-reports/mail-in-ballots-from-las-vegas-neighborhood-found-in-road-miles-away-i-team-prompts-investigation/>.
14. Addy Bink & Devin Willems, "UPDATE: Photos of absentee ballots found in Outagamie County Ditch released," WeAreGreenBay.com (2021), <https://www.wearegreenbay.com/election/officials-investigating-box-of-mail-absentee-ballots-found-in-outagamie-county-ditch/>.
15. Joshua Bote, "California ballot drop box set ablaze in possible arson, damaging up to 100 ballots," USA Today (2020), <https://www.usatoday.com/story/news/nation/2020/10/20/ballot-drop-box-set-fire-california-100-ballots-damaged/5992101002/>.
16. Alanna Durkin Richer, "FBI investigating fire set in Boston ballot drop box," KXAN (2020), <https://www.kxan.com/news/fbi-investigating-fire-set-in-boston-ballot-drop-box/>.
17. KATV News Staff, "Box of mislabeled ballots found at Pulaski County Election Commission," KATV (2020), <https://katv.com/news/local/box-of-uncounted-absentee-ballots-found-at-pulaski-county-election-commission>.
18. 5 Chicago News Staff, "Nearly 400 Uncounted Ballots Found in Wisconsin Recount," 5 Chicago (2020), <https://www.nbcchicago.com/local-2/nearly-400-uncounted-ballots-found-in-wisconsin-recount/2379509/>.
19. KDKA-TV News Staff, "Butler County Elections Director Says Postal Service Lost Unknown Number Of Mail-In Ballots," KDKA 2 CBS Pittsburgh (2020), <https://pittsburgh.cbslocal.com/2020/10/28/butler-county-elections-director-says-postal-service-lost-mail-in-ballots/>.
20. Adam Brewster, "Michigan sends all registered voters absentee ballot applications following days of controversy," CBS News (2020), <https://www.cbsnews.com/news/michigan-vote-by-mail-registered-voters-absentee-ballot-applications/>.
21. Common Cause R.I. v. Gorbea, 970 F.3d 11 (1st Cir. 2020).
22. Crystal Staley & Sebastian Kitchen, "Governor Beshear, Secretary of State Adams Reach Agreement on General Election Procedures," Kentucky.gov (2020), <https://kentucky.gov/Pages/Activity-stream.aspx?n=GovernorBeshear&prld=309>.
23. Pa. Democratic Party v. Boockvar, 238 A.3d 345 (Pa. 2020).
24. Staff, "Have elections moved or changed in New Jersey because of COVID-19?," State of New Jersey (2020), <https://covid19.nj.gov/faqs/nj-information/reopening-guidance-and-restrictions/have-elections-moved-or-changed-in-new-jersey-because-of-covid-19>.

25. See, e.g., AG Staff, "Work of AG Paxton's Election Fraud Unit Results in Arrests of 4 Members of Organized Voter Fraud Ring in North Fort Worth," Ken Paxton Attorney General of Texas (2018), <https://www.texasattorneygeneral.gov/news/releases/work-ag-paxtons-election-fraud-unit-results-arrests-4-members-organized-voter-fraud-ring-north-fort>.
26. See, e.g., Leigh Ann Caldwell, "Key witness testifies to tampering with absentee ballots in N.C. House race," NBC News (2019), <https://www.nbcnews.com/politics/elections/key-witness-testifies-tampering-absentee-ballots-n-c-house-race-n972896>.
27. See, e.g., Mireya Navarro, "Fraud Ruling Invalidates Miami Mayoral Election," New York Times (1998), <https://www.nytimes.com/1998/03/05/us/fraud-ruling-invalidates-miami-mayoral-election.html>.
28. SBE Staff, "In re. Investigation of election irregularities affecting counties within the 9th Congressional District," North Carolina State Board of Elections (2018), <https://www.documentcloud.org/documents/5743744-NC-BOE.html>.
29. Ibid.
30. Ibid.
31. Leigh Ann Caldwell, "Key witness testifies to tampering with absentee ballots in N.C. House race," NBC News (2019), <https://www.nbcnews.com/politics/elections/key-witness-testifies-tampering-absentee-ballots-n-c-house-race-n972896>.
32. Staff, "State Board unanimously orders new election in 9th Congressional District," North Carolina State Board of Elections (2019), <https://www.ncsbe.gov/news/press-releases/2019/02/25/state-board-unanimously-orders-new-election-9th-congressional>.
33. Anna Sturla, "Judge invalidates Paterson, NJ, city council election after allegations of mail-in voter fraud," CNN Politics (2020), <https://www.cnn.com/2020/08/20/politics/paterson-new-jersey-city-council-voter-fraud/index.html>.
34. "Judge Orders New Election for Paterson Council Seat After Voter Fraud Charges," NBC New York (2020), <https://www.nbcnewyork.com/news/politics/judge-orders-new-election-for-paterson-council-seat-after-voter-fraud-charges/2576503/>.
35. "AG Paxton: San Antonio Election Fraudster Arrested for Widespread Vote Harvesting and Fraud," Ken Paxton Attorney General of Texas (2021), <https://www.texasattorneygeneral.gov/news/releases/ag-paxton-san-antonio-election-fraudster-arrested-widespread-vote-harvesting-and-fraud>.
36. Joe Hyde, "Texas AG Investigating a Voter Fraud Scheme in Texas," San Angelo Live! (2020), <https://sanangelolive.com/news/politics/2020-10-28/texas-ag-investigating-voter-fraud-scheme-texas>.
37. John Burnett & Marisa Peñaloza, "In Rio Grande Valley, Some Campaign Workers Are Paid To Harvest Votes," National Public Radio (2015), <https://www.npr.org/2015/07/07/413463879/in-rio-grande-valley-some-campaign-workers-are-paid-to-harvest-votes>.
38. Marc Caputo, "'Boleteros': Inside the shady world of ballot-brokers," Miami Herald (2012), <https://www.miamiherald.com/news/politics-government/article1941763.html>.
39. N.C. Gen. Stat. § 163-230.2.
40. Ark. Code § 7-5-403.
41. Ala. § 17-11-9.
42. La. R.S. § 18:1308.
43. Iowa Code § 53.33.
44. Ala. § 17-11-7.
45. Wis. Stat. § 6.87.
46. OH § 3509.05.
47. Wis. Stat. § 6.87.



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