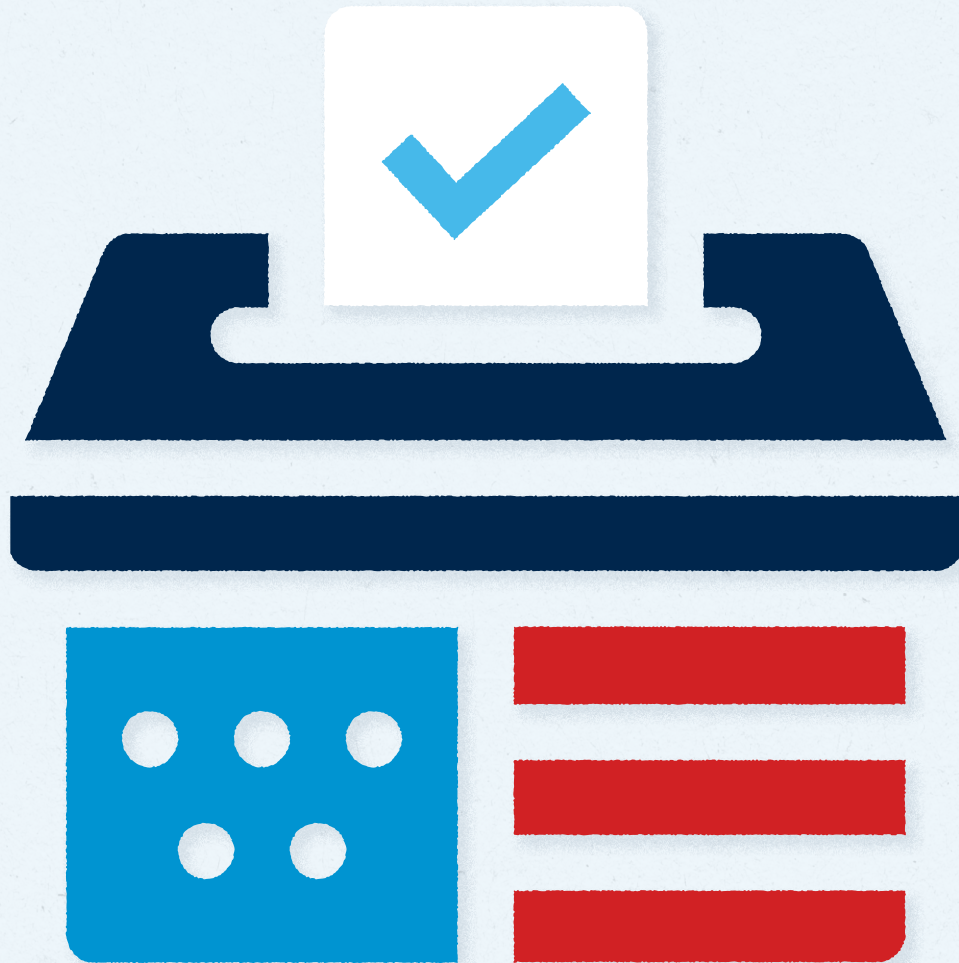


# STATES SHOULD TURN TO Commonsense Solutions to Better Secure the 2024 Election



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[TheFGA.org/research/states-commonsense-solutions-better-secure-2024-election](https://TheFGA.org/research/states-commonsense-solutions-better-secure-2024-election)

# KEY FINDINGS



VOTER CONFIDENCE IN ELECTIONS, A NECESSITY FOR ANY DEMOCRACY, **HAS BEEN DIMINISHING.**



THE 2008 ELECTION WAS THE FIRST DURING WHICH **LESS THAN 75 PERCENT OF VOTES WERE IN PERSON ON ELECTION DAY.** IN 2020, THIS METHOD ONLY REPRESENTED ROUGHLY ONE-QUARTER OF THE VOTES.



ABSENTEE OR MAIL-IN VOTING WAS THE MOST POPULAR METHOD OF VOTING IN THE 2020 ELECTION, WITH THE PERCENTAGE DOUBLING FROM ANY PREVIOUS ELECTION.



STATES SHOULD **BAN BALLOT HARVESTING AND BETTER SECURE ABSENTEE BALLOTS.**

## THE BOTTOM LINE:

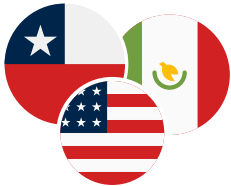
**LEGISLATORS HAVE THE OPPORTUNITY TO SECURE THE 2024 ELECTION WITH COMMONSENSE REFORMS.**

## Overview

A functioning democracy requires that those who elect their representatives trust the voting system in place. This means that elections must be safe and secure and that there is no doubt that elected officials were legitimately elected to their positions.

Regrettably, a growing number of Americans are losing confidence in election results.<sup>1-3</sup> Among 32 developed countries, only citizens in Chile and Mexico were more likely to mistrust the honesty of their elections than Americans.<sup>4</sup> States can and should address this concern by focusing on commonsense ways to better secure their elections.

With elections for federal, state, and local offices this fall, now is a great opportunity to send a clear message to voters that their legislators take election security seriously and are committed to addressing voters' concerns. Specifically, states should work to increase voter confidence by reforming absentee voting to make the process as secure as in-person voting.



**AMONG 32 DEVELOPED COUNTRIES, ONLY CITIZENS IN CHILE AND MEXICO WERE MORE LIKELY TO MISTRUST THE HONESTY OF THEIR ELECTIONS THAN AMERICANS.**

## Securing elections is of utmost importance to states and voters

Voter confidence is slipping, with only 20 percent of the public very confident in the election system.<sup>5</sup> This mistrust is found throughout the political spectrum, with only 57 percent of Democrats, 38 percent of Independents, and 29 percent of Republicans somewhat confident that the will of the people is reflected in election results.<sup>6</sup>

With important elections this fall, from school board members to president and city mayors to state legislators, states must work this session to increase voter confidence by adding important security measures.



**VOTER CONFIDENCE IS SLIPPING, WITH ONLY 20 PERCENT OF THE PUBLIC VERY CONFIDENT IN THE ELECTION SYSTEM.**

Creating an election process that is as secure and transparent as possible will lead to greater trust in election results. Having strong anti-fraud measures in place reassures voters by showing them how hard it would be to cheat. Secure and transparent elections would also make it easier to spot instances of impropriety and debunk wrongful claims of election fraud.

Thankfully, there are several tried-and-true, commonsense solutions states can implement to ensure elections are secure and transparent. These reforms would make absentee voting more transparent while keeping voting easy but making it harder to cheat.

## States must ban ballot harvesting to secure elections

**Ballot harvesting is when a third party collects and submits ballots from other individuals to be counted.** This practice leads to all kinds of potential problems.<sup>7-8</sup>

Chief among these are chain of custody concerns. When there is no relationship between the voter and the person who returns the ballot, it is uncertain if the person who purportedly voted is the one who actually did.<sup>9</sup> Along with this issue, the ballot harvester may not return all the ballots collected or may bring back ballots from voters who were paid or pressured to fill out the ballot a certain way.

There is a total lack of transparency whenever ballot harvesting occurs.<sup>10-11</sup> And the lack of security leads to diminished trust in elections. Voters are left to wonder if their vote is canceled by the “votes” of harvested ballots.

To help restore trust in absentee ballots, states should clean up the chain of custody issue and ensure only those voters who request absentee ballots receive them. There are three key reforms that states should pass to accomplish this.

### PROHIBIT THIRD-PARTY BALLOT RETURNS AND NARROW WHO CAN RETURN BALLOTS

When anyone can return absentee ballots and there is no limit to how many ballots they can return, it invites fraud. This includes but is not limited to paying for votes, pressuring voters to vote a certain way, and discarding votes of which the harvester does not approve.

These are not hypothetical problems—ballot harvesting has already affected elections. The results of a 2018 congressional race in North Carolina were thrown out because of a scheme to illegally harvest ballots.<sup>12-13</sup> Likewise, a 2023 Democratic mayoral primary in Connecticut was nullified over absentee ballot fraud.<sup>14-15</sup> A report on the 2020 election in Wisconsin revealed rampant absentee voting fraud, including incapacitated residents voting, a problem that also occurred in Michigan.<sup>16-17</sup>



**The results of a 2018 congressional race in North Carolina were thrown out because of a scheme to illegally harvest ballots.**



To protect against this, states should limit who may return absentee ballots to either the voter, a family or household member, or a designated caretaker. This would both ensure a connection between the voter and his or her ballot and prevent a third party from collecting multiple or even limitless ballots.<sup>18</sup> This number of ballots brings into question how the harvester gets all those ballots and whether voters are pressured, induced, compensated, or threatened to vote a certain way.

At least 14 states have already banned ballot harvesting, and there is no reason why this practice should be allowed in any state.<sup>19</sup> Implementing a ban still allows people to easily vote absentee but fixes the chain of custody issue by ensuring a connection between the voter and the ballot until it is tallied, just like in-person voting.



**AT LEAST 14 STATES HAVE ALREADY BANNED BALLOT HARVESTING, AND THERE IS NO REASON WHY THIS PRACTICE SHOULD BE ALLOWED IN ANY STATE.**

## **BAN THIRD-PARTY DISTRIBUTION OF UNSOLICITED ABSENTEE APPLICATIONS**

In the lead up to the 2020 election, voters across the country opened their mailboxes to find official-looking absentee ballot request forms.<sup>20-22</sup> Imagine the confusion if the recipient of these mailings had already requested an absentee ballot.

But these mailings were not sent from a government official, they were sent from third parties. Often that party was the Voter Participation Center or the Center for Voter Information, leftist organizations dedicated to get-out-the-vote efforts.<sup>23</sup>

It should be easy to vote, and it is in the United States. Anyone eligible should be able to register and vote in an election if they choose. But, if they choose to vote by absentee ballot, they should do so by actively requesting an absentee ballot with the appropriate election office. Unsolicited absentee applications can confuse recipients and are susceptible to fraud.<sup>24</sup>

States should prohibit third parties from distributing unsolicited absentee applications and adopt criminal penalties for individuals violating the provision. Georgia and Iowa have recently passed similar measures, and more states should follow.<sup>25-26</sup> This would protect potential voters from confusion and limit the number of unwanted absentee ballots sent through the mail, which are susceptible to fraud.<sup>27-28</sup>

## **BAN UNSOLICITED ABSENTEE APPLICATIONS AND BALLOTS BY GOVERNMENT OFFICIALS**

In 2020, multiple states sent absentee applications or ballots to every registered voter.<sup>29-32</sup> In Michigan, sending out 7.7 million unsolicited absentee ballot applications cost taxpayers \$4.5 million.<sup>33</sup> Other government officials attempted to send out millions of unsolicited absentee ballots illegally.<sup>34</sup>

Not only should the costs and number of unrequested ballots and applications concern legislators, but because of poor voter roll maintenance, these programs also result in multiple applications sent to the same address, confusing voters.<sup>35-36</sup> This occurred so often during the 2020 election cycle that news agencies were compelled to explain to voters what to do when multiple ballots are received and assure readers this does not raise a concern over election integrity.<sup>37-38</sup>

To prevent these issues, states should prohibit government officials, including election officials, from distributing unsolicited absentee applications or ballots and adopt criminal penalties for individuals violating the provision. Georgia already did this in response to their secretary of state sending out unsolicited absentee applications for the 2020 primary election, and Indiana recently did as well.<sup>39-40</sup>

## States should adopt strict guidelines for absentee ballot return

A major reason for the lack of trust in the security of elections is the massive and lightning-quick shift in how voting is done. In every national election up to 2020, most votes were cast in person and on Election Day. Until 2008, this method made up more than 75 percent of total votes.<sup>41</sup>

But this all changed with the 2020 election when the percentage of absentee votes doubled to nearly half of all total votes.<sup>42</sup> This rise was offset by in-person Election Day voting plummeting to roughly one-quarter of all votes.<sup>43</sup>



**BUT THIS ALL CHANGED WITH THE 2020 ELECTION  
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Because the shift to absentee voting happened so quickly, many states failed to implement commonsense security protections in the process. Without security features, absentee voting is much more susceptible to fraud.<sup>44-45</sup>

States should address the difference in the actual and perceived security of the two voting methods by passing three reforms to make absentee voting more secure.

### REQUIRE IDENTIFICATION TO VOTE ABSENTEE

To better secure in-person voting, many states have passed voter ID requirements so that poll workers can verify the identity of the voter in front of them.<sup>46</sup> This is not exactly possible for absentee ballots since the voter often fills out the ballot alone, in the comfort of their own home.

Without verification, there is a risk that the person filling out the ballot is not the person who was supposed to have the ballot. This concern increases in states where government officials are allowed to send out unsolicited absentee ballots and people receive multiple ballots at one address.

While poll workers may not be able to check the photo identification of an absentee voter, states can do more to verify the identity of the voter by requiring an identification number for absentee applications and ballots. This could be a driver's license number, a voter identification number, or the last four digits of a voter's Social Security number.

Nebraska and Ohio are among a handful of states that recently enacted stricter voter identification standards for absentee ballots.<sup>47-48</sup> States that want to better secure elections should follow.

## PROHIBIT UNSECURED DROP BOXES

Where ballot harvesting occurs, it is often linked with unsecured drop boxes for ballots. Unsecured drop boxes allow individuals to return ballots anonymously because there is nobody staffing the location. This means there is little that can be done to ensure the person submitting an absentee ballot is allowed to submit it or prevent ballot harvesting or stuffing.

Ideally, states would prohibit the use of drop boxes altogether. Drop boxes are largely unnecessary in a post-COVID world, and the risk of fraud outweighs any benefits. But if states continue to use drop boxes, they should secure them by limiting locations to government offices, early election centers, or other secured locations. To add extra security, they should require individuals returning ballots to provide identification at the time of delivery.

States across the political spectrum already do this. They include red states like Iowa, blue states like Vermont, and traditional swing states like Florida.<sup>49</sup> Just last year, the governors of Arkansas and South Dakota signed bills that ban absentee drop boxes in their states, providing a model for other states.<sup>50-52</sup>



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## REQUIRE ABSENTEE AND MAIL-IN BALLOTS TO BE RETURNED BY ELECTION DAY

All votes should be collected and counted by Election Day. When counting drags on, it can create suspicion, which can then seed mistrust in the results.<sup>53</sup> This is especially true in a world with 24/7 news, social media, and widespread political blogging.

States that allow absentee ballots to be returned after Election Day, whether they must be postmarked by that date or not, create a delay in election results, providing fuel for election mistrust. This is not just true for races for president or governor, but also down-ballot races that, because of the smaller voter totals, could more easily be swung by late-arriving absentee ballots.

The solution to this problem is straightforward: Require all absentee ballots to be received by the time polls close on election night. Most states already require this and both Iowa and North Carolina recently passed the reform.<sup>54-55</sup> But there is no reason it should not be the law in every state. Voters have plenty of time to send in their absentee ballot and ensure it gets there by Election Day.

## **THE BOTTOM LINE: Legislators have the opportunity to secure the 2024 election with commonsense reforms.**

These reforms for absentee voting keep it easy to vote but make it harder to cheat. Missouri, South Carolina, and other states are examples to the rest of the country about how to address voters' concerns and improve election laws.

With the 2024 election rapidly approaching, now is a great time for states to pass these reforms and help ensure their elections run smoothly, improve voter confidence, and reduce the possibility of post-election questioning of the results.

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**These reforms for absentee voting  
KEEP IT EASY TO VOTE but  
MAKE IT HARDER TO CHEAT.**

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