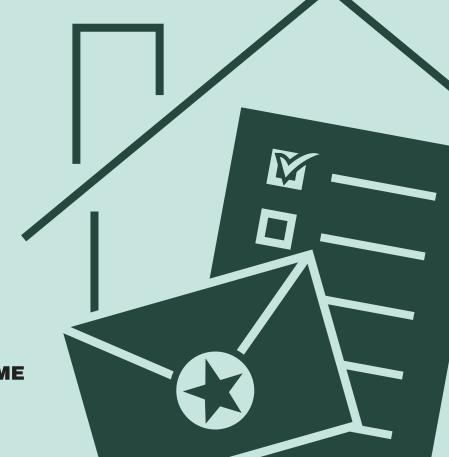


Vote By Mail for Secure Elections in 2020 — and Beyond

A Step-by-Step Guide for Florida

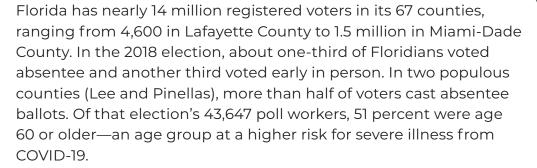
In-depth materials and guidelines for local election administrators, secretaries of states, legislators, and advocates to help Florida handle more mailed-out ballots.





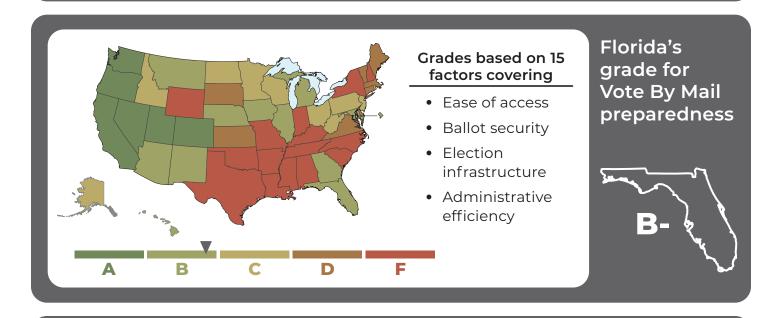


Voting in Florida





Only 30 percent of active voters turned out for Florida's March 17, 2020, primary election—the lowest turnout for a Florida presidential primary since 2004. For the November election, many county election supervisors are attempting to improve voter turnout and security by sending absentee ballot applications to all registered voters in their respective counties and urging the state to accept \$20 million in Election Security grants through the CARES Act.



Ways in which Florida is already prepared



- Ballot tracking required by state law.
- Allows voters to cure signature problems until 5 p.m. on the second day after Election Day.
- Allows any voter to request an absentee ballot.
- Is a member of the Electronic Registration Information Center (ERIC).
- Uses voters' signatures to verify ballots.
- Allows county clerks to start processing ballots up to 22 days before Election Day.
- Allows voters to register and request an absentee ballot online.
- Allows anyone to return sealed ballots in person.



Who We Are

Sightline is a nonpartisan nonprofit think tank with a 25-year history. We are based in the Pacific Northwest, where many states already conduct all-mail elections. We are grateful for feedback and research from many policy experts, elections officials, and leaders committed to safe, secure democracy, particularly the National Conference of State Legislators and the National Vote at Home Institute.

The Moment

American election officials face an urgent challenge to secure the 2020 elections. As poll workers and voters grapple with the coronavirus pandemic, many jurisdictions are already unable to find enough workers to run their usual polling places, and many Americans are seeking to cast their ballot from home, rather than risk contagion in a crowded polling place in November.

About This Resource

We hope that Florida election officials, advocates, and legislators will find this resource useful as they work to handle more Vote By Mail ballots in 2020 and beyond.

Local election officials and secretaries of state will find in-depth information including practical nuts-and-bolts advice, materials and guidelines from election administrators with experience in conducting all-mail elections, and information about vendors and costs.

Legislators will find tried-and-tested policies, along with sample language from states that have successfully implemented those policies. Even if Florida lawmakers don't act in time for November 2020, the experience of hastily trying to secure elections this year may create a greater political appetite for reforms to strengthen democracy in Florida beyond 2020.



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For Local Election Officials

1. Coordinate with USPS®.

To ensure that the United States Postal Service (USPS) is able to process ballots in a timely manner, election administrators can <u>contact the local USPS</u> election mail coordinator to discuss the design, timing and volume of election materials. The USPS can review all materials to ensure the design, wording, and colors meet their guidelines, and sign off on the printer's proofs. Election administrators can also discuss the date, time, and location for delivery of ballots to the Post Office, to ensure the Post Office is prepared. For example, King County, Washington, election administrators send a letter alerting USPS to the number, type, and timing of ballots they expect to deliver each election.

USPS may also be able to help election administrators access the National Change of Address Linkage (NCOA) to update voters' addresses. Florida is already a member of the Electronic Registration Information Center (ERIC) which uses NCOA data to help Florida keep voter lists up-to-date. However, voters may have moved since the last state update and local officials can access the latest address information for their voters. Having the most up-to-date addresses will ensure each ballot reaches the right voter, reducing the costs of re-mailing ballots.

Resources:

- Look up your local point of contact at the USPS.¹
- USPS Election Mail Kit.²
- Follow USPS Election Mail guidelines.³
- Election officials can report problems to USPS through electionmail.org.⁴
- A 2020 webinar on best practices for tracking and reporting, and the slides.⁵
- CISA Guidance on <u>Managing an Increase</u> in Outbound Ballots.⁶
- Vote at Home Policy and Research Guide, pg 19.7

¹ https://about.usps.com/gov-services/election-mail/political-mail-map.htm

² https://about.usps.com/kits/kit600.pdf

³ https://about.usps.com/gov-services/election-mail/

⁴ https://electionmail.org/

⁵ https://www.techandciviclife.org/vote-at-home/

⁶ https://www.in.gov/sos/elections/files/COVID-19%20Election%20GUIDANCE%20ONLY.pdf#page=56

⁷ https://www.voteathome.org/wp-content/uploads/2019/03/VAH-Policy-and-Research-Guide.pdf#page=19

Example Guidance Language:

- Oregon Procedures Manual 2020.8
- Alaska Vote by Mail Project.⁹
- Ohio Election Official Manual, pgs 5-22.¹⁰

2. Design ballots and envelopes that are easy to use.

Well-designed envelopes, ballots, forms, and instructions help voters fill out their ballots and return them without mistakes, decreasing processing time and minimizing the chance that ballots will be flagged, thrown out, or not counted. In contrast, poorly designed instructions or ballots can cause voters to fill out their ballot incorrectly or incompletely so that their vote is not counted.¹¹

Ensure election materials are easy so that voters who may be voting by mail for the first time don't make mistakes. For example, first-time absentee voters may not know they need to sign the outside of their envelope, so putting their name under the signature line and simple clear instructions can help prompt them and reduce the number of ballots that you need to spend extra time processing. Also, pre-filling the absentee application form can help voters complete it correctly (See Recommendation 10).

Color-coded envelopes can help the USPS sort the mail quickly and accurately, and including space for voters' contact information can help election officials reach voters promptly in the event of a missing or mismatched signature. Experienced election officials and design experts have developed guidelines and templates for election materials, as described in the resources below.

Another important way to assist voters is to design and distribute voter education booklets to help guide voters through the process. For example, Anchorage, Alaska moved to All Vote By Mail in 2018. In addition to a robust <u>community education campaign</u>, the city extended hours for a call center in the month leading up to the election. Here's an

⁹ https://www.muni.org/departments/assembly/clerk/elections/documents/vote%20by%20mail%20project %20final%20report%20mas%201026%20annual%20report 030819.pdf#page=5

⁸ https://sos.oregon.gov/elections/documents/vbm manual.pdf#page=26

¹⁰ https://www.ohiosos.gov/globalassets/elections/directives/2019/dir2019-11 eom.pdf#page=197

 $^{^{11}\,}https://www.washingtonpost.com/video/opinions/dont-let-mail-in-voting-be-thwarted-by-badly-designed-ballots/2020/05/18/1cce7c56-5312-44a8-afa9-fb813970f854_video.html$

example of their <u>voter information flyer</u>. Make all the above voter materials and web portal available in multiple languages to reach all voters. In total, the Brennan Center for Justice estimates the cost for voter education materials at between <u>50 cents to 88 cents</u> per person.

Resources:

- The Center for Civic Design¹² has a series <u>design guidelines for election officials</u>, based on solid research and best practices. These include resources on designing envelopes and forms, such as: vote at home <u>envelopes and information</u>, a field guide to <u>designing vote at home envelopes and ballots</u>, Vote By Mail <u>envelope design</u>, <u>writing ballot instructions voters can understand</u>, <u>creating forms that help voters take action</u>. They also have guidelines about educational materials, such as: How to <u>design voter education booklets and flyers</u>, <u>creating accessible online information</u>, and Providing materials in multiple languages. 14
- A 2020 webinar on best practices for envelope design, and the slides.¹⁵
- USPS guidance on designing election mail.¹⁶
- A 2020 webinar on <u>preparing helpful supplementary materials</u>; and the <u>slides</u> from Anchorage, Alaska which moved to all Vote By Mail in 2018.¹⁷
- Cybersecurity and Infrastructure Security Agency <u>Voter Education Guidance</u>.¹⁸

¹² Jurisdictions in Arizona, California, Colorado, Connecticut, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Minnesota, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Utah, Vermont, Virginia, Washington, West Virginia, and Wisconsin have worked with the Center for Civic Design and 1 in 4 voters have used their designs.

¹³ https://civicdesign.org/fieldguides/

¹⁴ https://civicdesign.org/fieldguides/

¹⁵ https://www.techandciviclife.org/vote-at-home/

¹⁶ https://about.usps.com/election-mail/design-election-mail.htm

¹⁷ https://vimeo.com/393307242 and https://www.techandciviclife.org/wp-content/uploads/2020/01/PDF-VAH-Webinar-2-Preparing-helpful-supplementary-materials.pdf

¹⁸ https://www.cisa.gov/sites/default/files/publications/election education outreach absentee 508.pdf

Example Legislative Language:

Revised Codes Washington 29A.40.091. Envelopes, declaration, and instructions—Voter's oath—Overseas and service voters—Return of ballots—County auditor's name. Ballots and envelopes must have the date of election printed on them. Return envelopes must have space for a telephone number, which is used if the signature is mismatched.

Revised Codes Washington 29A.36. Ballots and other voting forms.²⁰

Detailed guidance on formatting, contracts with vendors, sample ballots, and instructions.

Example Guidance Language:

- Washington State <u>Ballot Format Checklist</u> 2019.²¹
- Washington Administrative Code 434-230 Ballots.²²
- Washington Administrative Code 434-230-010 Sample Ballots.²³
- Colorado Elections Policy Manual, pg 26.²⁴
- Oregon VBM Manual, pg 23.²⁵

3. Implement robust signature verification.

Florida election officials already have experience verifying signatures to protect against fraud while also avoiding mistaken voter disenfranchisement.²⁶ As your county handles more ballots by mail due to COVID-19, here are steps you may take to implement efficient and effective signature verification.

First, digitize the voter signatures you have on file. The more signatures you can digitize, the more accurate the verification can be.²⁷ You can use signatures from each voter's

¹⁹ http://lawfilesext.leg.wa.gov/biennium/2019-20/Pdf/Bills/Session%20Laws/House/1520-S.SL.pdf

²⁰ https://app.leg.wa.gov/RCW/default.aspx?cite=29A.36

²¹ https://www.sos.wa.gov/ assets/elections/administrators/2019-ballot-format-checklist.pdf

²² https://apps.leg.wa.gov/wac/default.aspx?cite=434-230

²³ https://apps.leg.wa.gov/wac/default.aspx?cite=434-230-010&pdf=true

²⁴ https://www.sos.state.co.us/pubs/elections/policyManual/ElectionsPolicyManual.pdf#page=26

²⁵ https://sos.oregon.gov/elections/documents/vbm manual.pdf#page=23

²⁶ To verify the identity of voters who can't sign due to disability, you can give the option to fill out a form enabling them to use a signature stamp.

²⁷ https://www.voteathome.org/wp-content/uploads/2019/03/VAH-Policy-and-Research-Guide.pdf#page=18

registration, their absentee ballot request form, prior mailed ballots, and also their signatures from the DMV or other state agencies.

Second, train enough workers to inspect signatures. You can model your training program on procedures developed in Washington, Oregon, and Colorado (See Resources). Forensic scientists, possibly from yours or a neighboring state's patrol, may be able to help train your workers.

Third, implement a two-stage signature review. In the first stage, trained workers or specialized equipment compares the signature on the envelope to the digitized signatures on file. If the signatures match, the ballot is moved to an "accepted" pile, but if there is a discrepancy it is moved to a "flagged for further review" pile. In King County, Washington, trained inspectors flag around 2.5 percent of ballots during this initial review. Flagged ballots then go to another team of trained workers who closely examine the ballots and decide whether to accept or challenge them. King County inspectors challenge about 1 percent of signatures.

Resources:

- The Colorado Secretary of State has a helpful "Signature Verification Guide" with examples.²⁸
- The elections administrator in King County, Washington has a Signature Verification Training presentation, including signature examples and examples of common problems with signatures.²⁹
- Voters' signatures change over time, so if you don't have a recent signature on file for a voter, you can ask them to update it. The elections administrator in King County, Washington has an example of a form they send to voters.³⁰ In preparation for moving to an All Vote By Mail election, Hawaii recently sent a postcard to all their registered voters asking for an updated signature for reference.³¹

²⁸ https://www.sos.state.co.us/pubs/elections/docs/SignatureVerificationGuide.pdf

²⁹ Zip file available at https://aqua.kingcounty.gov/elections/docs/vbm/VBM-information.zip. In folder "ballot processing," file called "Signature Verification training Updated.pptx"

³⁰ Zip file available at https://aqua.kingcounty.gov/elections/docs/vbm/VBM-information.zip. In folder "ballot processing," file called "Signature-update-letter-April-May 2016-English.pdf"

³¹ https://elections.hawaii.gov/main/sign-sealed-and-counted-securing-your-vote/

- 45-minute <u>webinar</u> about signature verification from Oregon Secretary of State Elections Division.³²
- Election Assistance Commission Signature Verification Cure Process.³³
- Tour of election facilities King County, Washington.³⁴
- Oregon signature stamp attestation form.³⁵
- Hawaii drive for signature updates in advance of VBM primary.³⁶
- CISA Ballot Verification and Signature Verification and Cure Process.³⁷

Example Legislative Language:

Revised Codes Washington 29A.40.110. Processing incoming ballots.³⁸

Verification may be conducted by approved automatic verification systems. Variation in signature between the return envelope and the registration record due to initials or common nicknames is permitted as long as the surname is the same and the handwriting matches.

Example Guidance Language:

- Washington Administrative Codes 434-250-120.³⁹
- Oregon VBM Manual, pg 35; Oregon Appendix on Evaluating Signatures.

4. Provide secure drop boxes.

In states that mail out all ballots, most voters return them to secure drop boxes, rather than via the USPS. To accommodate this, counties should provide enough drop boxes to make them easily accessible to all voters. Each county should have at least one box that is

³² https://www.youtube.com/watch?v=UKiYGONnNT0&feature=youtu.be

³³ https://www.eac.gov/sites/default/files/electionofficials/vbm/Signature_Verification_Cure_Process.pdf

³⁴ https://kingcounty.gov/depts/elections/education-and-outreach/take-a-tour.aspx

³⁵ https://sos.oregon.gov/elections/Documents/SEL540.pdf

³⁶ https://elections.hawaii.gov/main/sign-sealed-and-counted-securing-your-vote/

 $[\]frac{37}{https://www.in.gov/sos/elections/files/COVID-19\%20Election\%20GUIDANCE\%20ONLY.pdf\#page=48} \ and \ \underline{https://www.in.gov/sos/elections/files/COVID-19\%20Election\%20GUIDANCE\%20ONLY.pdf\#page=63}$

³⁸ https://app.leg.wa.gov/RCW/default.aspx?cite=29A.40.110

³⁹ https://apps.leg.wa.gov/wac/default.aspx?cite=434-250-120

⁴⁰ https://sos.oregon.gov/elections/documents/vbm manual.pdf#page=35 and https://sos.oregon.gov/elections/documents/vbm manual.pdf#page=83

available 24/7; more populous counties should aim to have one drop box per 10,000 voters. Drop boxes are especially important if Florida continues to require receipt of ballots by election day. Voters looking to turn their ballot in on election day can drop it at a drop box instead of dropping it in a mailbox and risking it missing the deadline (See Recommendation 13).

Many jurisdictions site some drop boxes inside government buildings. However, boxes available 24/7 are more frequently used than those inside buildings and only open during business hours. Outside drop boxes need to be in well-lit areas covered by security cameras. Boxes should also be secure, only allowing election officials to access ballots.

In 2018, Oregon and Washington,⁴¹ two states that mail out all ballots, had one drop box per 8,800⁴² and 10,000⁴³ voters, respectively. King County, Washington strategically sited its drop boxes to ensure that 95% of voters lived within <u>3 miles of a box</u>. Election administrators should place drop boxes approximately one month before elections and publicize locations on their website and in local news outlets.

Election officials should be prepared for voters to drop off ballots in precincts and jurisdictions other than their own.

Cost/Savings:

- Drop boxes used in King County, Washington cost \$5,235 each and installation cost around \$20,000 to install a total of 37 drop boxes.⁴⁴
- In Pierce County, Washington each drop box cost between \$7,000 and \$10,000 to purchase and install.
- Other counties have paid between \$2,100 and \$3,500 to purchase and install drop boxes. Operational costs per box appear to be anywhere between \$300 to \$4,000 per box, per election season.⁴⁵

 $[\]frac{41}{https://www.sos.wa.gov/_assets/elections/ballot%20drop%20boxes%202019%20general%20election.pdf}; \\ \frac{https://www.sos.wa.gov/_elections/general-election-2019.aspx}{https://www.sos.wa.gov/elections/general-election-2019.aspx}$

⁴² In 2018, Oregon had 311 drop boxes (one per 8,800 voters) with 165 of those boxes available 24/7.

⁴³ In 2018, Washington had 471 drop boxes (one per 10,000 voters) with 323 of those boxes available 24/7. https://www.sos.wa.gov/assets/elections/ballot%20drop%20boxes%202019%20general%20election.pdf; https://www.sos.wa.gov/elections/general-election-2019.aspx

⁴⁴ https://kingcounty.gov/~/media/depts/elections/about-us/reports/bdol-expansion-plan.ashx?la=en

⁴⁵ https://wsac.org/wp-content/uploads/2019/12/WSAC-et-al-v-State-of-Washington.pdf

Resources:

- Bipartisan Policy Center 2020.⁴⁶
- Mailed-Out Ballot Return Choices, National Vote At Home Institute, 2018.⁴⁷
- Washington Counties <u>Ballot Drop Box Webinar</u>.⁴⁸
- King County Ballot Drop Box resources detail their vendors, ballot collection procedures, and tier system, which is based on expected ballot volume.⁴⁹
- <u>Laserfab Vote Armor</u> produces the heavy-duty drop boxes used in many states from Washington to Colorado.

Example Legislative Language:

Revised Code of Washington 29A.40.170. Ballot drop boxes.⁵⁰

Details required drop box security measures and requires at least one drop box per 15,000 voters.

Example Guidance Language:

- Washington State Clearinghouse Notification on <u>Ballot Drop Boxes in All</u> Communities.⁵¹
- Washington Administrative Codes <u>434-250-100</u>. Ballot deposit sites.⁵²
- Oregon <u>VBM Manual</u>, pgs 10-15.⁵³

⁴⁶ https://bipartisanpolicy.org/wp-content/uploads/2020/01/Bipartison Elections-Task-Force_R01_crops.pdf#page=28

⁴⁷ https://www.voteathome.org/wp-content/uploads/2018/12/Optimizing-ballot-return-choices.pdf

⁴⁸ https://www.youtube.com/watch?v=pBRYsy9LlcU&feature=youtu.be

⁴⁹ Zip file available at https://aqua.kingcounty.gov/elections/docs/vbm/VBM-information.zip. In folder "Ballot drop boxes," multiple files.

⁵⁰ https://app.leg.wa.gov/RCW/default.aspx?cite=29A.40.170

⁵¹ https://www.sos.wa.gov/ assets/elections/auditorsctp/17-

^{01%20}ballot%20drop%20boxes%20in%20all%20communities.pdf

⁵² https://apps.leg.wa.gov/wac/default.aspx?cite=434-250-100

⁵³ https://sos.oregon.gov/elections/documents/vbm manual.pdf#page=10

5. Provide Election Day voting centers for in-person voting.

Even if counties mail out all or most ballots, they should still provide in-person voting locations for those that prefer in-person voting, need additional assistance, or do not have a reliable mailing address. Each county should have at least one in-person center (it could be the county elections office), and more populous counties should aim to have one center per 30,000 voters. These locations will need an electronic poll book and the ability to print ballots on demand based on each voter's address.

Even states that conduct elections completely by mail still offer some in-person options. California mandates one voting center per 1,000 voters. In Oregon, voters can vote in-person at any county elections office. Though Colorado still opens voting centers on Election Day, the state was able to reduce the number of poll workers from 16,000 to fewer than $4,000^{54}$ after implementing vote by mail. The shift decreased labor cost per vote from \$4.71 to \$1.96.

According to the GAO, costs for polling sites can range from free (if using an existing agency facility) to \$300 per day to rent a location. Employee costs to staff a voting center can range from \$100-\$235 per day.

Resources:

- VAH 2018 Mail out ballot return options.⁵⁶
- King County, Washington guidance on Vote Centers.⁵⁷

Example Legislative Language:

Revised Codes Washington 29A.40.160. Voting centers.⁵⁸

Each county must have a voting center, open from 18 days before the election, which must be accessible for voters with disabilities.

⁵⁴ https://www.voteathome.org/wp-content/uploads/2019/03/VAH-Policy-and-Research-Guide.pdf

⁵⁵ https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2016/03/colorado-voting-reforms-early-results

⁵⁶ https://www.voteathome.org/wp-content/uploads/2018/12/Optimizing-ballot-return-choices.pdf

⁵⁷ Zip file available at https://aqua.kingcounty.gov/elections/docs/vbm/VBM-information.zip. In folder "Vote centers"

⁵⁸ https://app.leg.wa.gov/RCW/default.aspx?cite=29A.40.160

Example Guidance Language:

- Washington Administrative Code 434-250-105. Voting Centers.⁵⁹
- Colorado Elections Policy Manual, pg 35.⁶⁰
- Oregon <u>VBM Manual</u>, pgs 10-15.⁶¹

6. Consider using a professional printer and ballot sorter.

Many counties use professional printers and ballot sorters rather than printing ballots and envelopes and sorting them in-house. The move can save money and increase staff efficiency. According to the Brennan Center, printing costs <u>21.4 to 35 cents per ballot</u>. The volume efficiencies in moving to an all Vote By Mail system result in lower per-voter printing costs. In Colorado, per vote total printing costs decline from <u>\$6.86 to \$3.04 per voter</u> after implementing full vote by mail.

Resources:

- Many Northwest counties use <u>K&H Integrated Print Solutions</u> to securely print their ballots and envelopes.⁶²
- Runbeck Election Services has capacity to serve 10 percent of American voters.⁶³
- BlueCrest serves 30 counties.⁶⁴
- Many Oregon counties use Ryder Graphics⁶⁵ and Reprographics⁶⁶ to print and mail ballots.
- Some jurisdictions on the East Coast use Phoenix Graphics⁶⁷
- Tri-Tek provides ballot sorting and signature verification services.⁶⁸

⁵⁹ https://apps.leg.wa.gov/wac/default.aspx?cite=434-250-105

⁶⁰ https://www.sos.state.co.us/pubs/elections/policyManual/ElectionsPolicyManual.pdf#page=35

⁶¹ https://sos.oregon.gov/elections/documents/vbm manual.pdf#page=10

⁶² http://www.khprint.com/

⁶³ https://runbeck.net/

⁶⁴ https://www.bluecrestinc.com/solutions/vote-by-mail-relia-vote/

⁶⁵ http://rydergraphics.net/

⁶⁶ http://reproprinting.com/

⁶⁷ https://www.phoenix-graphics.com/absentee-mail

⁶⁸ https://tritektech.com/

Example Guidance Language:

- Colorado Elections Policy Manual, pg 26.⁶⁹
- Oregon VBM Manual, pg 23.⁷⁰

7. Count ballots at a secure centralized facility.

Counting ballots in a secure, centralized facility enhances election security, transparency and efficiency. As noted in the resources section, election administrators in King County, Washington, count ballots in guarded facilities with continuous security camera monitoring, in addition to their ballot tracking system. By setting up security surveillance equipment in ballot processing areas and streaming the footage online, voters can see for themselves how secure and transparent your vote counting procedures are. As with all election procedures, prepare for election day by rehearsing processes and timing various stages.

To the extent possible according to your state laws, counties that don't have an appropriate facility could coordinate with counties that do.

Resources:

- <u>FAQ</u> and <u>more information</u> about security and accountability from King County, Washington.⁷¹
- CISA Inbound Ballot Process Recommendations.⁷²

Example Guidance Language:

- Washington Administrative Codes 434-261-045. Secure Storage.⁷³
- Oregon <u>VBM Manual</u>, pg 8.⁷⁴

⁶⁹ https://www.sos.state.co.us/pubs/elections/policyManual/ElectionsPolicyManual.pdf#page=26

⁷⁰ https://sos.oregon.gov/elections/documents/vbm manual.pdf#page=23

⁷¹ https://kingcounty.gov/depts/elections/about-us/security-and-accountability/frequently-askedquestions.aspx and https://www.kingcounty.gov/depts/elections/about-us/security-and-accountability.aspx

⁷² https://www.in.gov/sos/elections/files/COVID-19%20Election%20GUIDANCE%20ONLY.pdf#page=43

⁷³ https://apps.leg.wa.gov/wac/default.aspx?cite=434-261-045

⁷⁴ https://sos.oregon.gov/elections/documents/vbm manual.pdf#page=8

8. Include a postage-prepaid return envelope.

Fifteen states require the government to prepay return postage for absentee ballots.⁷⁵ Twenty-two states leave it up to counties whether they will pay for return postage, either by explicitly giving counties the option or by saying nothing in legislation about who pays postage.⁷⁶ Pre-paying return postage makes voting easier and can improve turnout by mail because voters can focus on voting, not on locating stamps. Prepaid postage will cost around 80 cents per voter.⁷⁷

Florida currently offers no guidance on who should pay for postage to return absentee ballots. It would be most effective for the legislature to require postage prepaid ballots statewide. In the absence of legislation, each local official could take initiative and provide prepaid postage on all ballot return envelopes. A few Florida counties---including Bay, Broward, Lee, and Miami-Dade⁷⁸---already do this.

Resources:

 USPS fact sheet on how Business Reply Mail® (BRM) and Qualified Business Reply Mail™ (QBRM™) enable you to pay the return postage for only the ballots returned to your election office.⁷⁹

Example Legislative Language:

Revised Codes of Washington <u>29A.40.091</u>. Envelopes, declaration, and instructions— Voter's oath—Overseas and service voters—Return of ballots—County auditor's name.⁸⁰ Return envelopes for all ballots must include prepaid postage.

⁷⁵ Arizona, California, Delaware, Hawaii, Idaho, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nevada, New Mexico, Oregon, Washington, West Virginia, Wisconsin. See https://www.ncsl.org/research/elections-and-campaigns/vopp-table-12-states-with-postage-paid-election-mail.aspx

Alabama, Arkansas, Connecticut, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, Oklahoma, Pennsylvania, Rhode Island (some voters), South Carolina, Tennessee, Utah, Vermont, Virginia, Wyoming

⁷⁷ https://www.brennancenter.org/our-work/research-reports/estimated-costs-covid-19-election-resiliency-measures

⁷⁸ https://www.mypanhandle.com/news/all-postage-paid-for-vote-by-mail-ballots-in-bay-county/

⁷⁹ https://about.usps.com/kits/kit600.pdf#page=15

⁸⁰ https://app.leg.wa.gov/RCW/default.aspx?cite=29A.40.091

Example Guidance Language:

Arizona <u>Elections Procedures Manual</u>, pg 54.⁸¹

9. Invest in high-speed centralized equipment.

High-speed equipment can check unique barcodes on envelopes, sort envelopes, compare signatures against digital files, and tabulate ballots. For the 45 counties in Florida that have 25,000 or more registered voters, 82 investing in centralized equipment will allow you to efficiently process a high volume of absentee ballots. You will have reduced labor costs for every election for years to come. As your population increases, your high-speed equipment will be able to handle the increased number of ballots. Your county will be able to count ballots and finalize results faster.

Machines themselves may cost <u>in the range of \$50,000 to \$100,000</u>, ⁸³ but counties usually purchase a contract installation and maintenance along with a new machine, and the total costs can be steep. For example, in 2017, King County, Washington purchased new scanning equipment for an average of about \$130,000 per scanner. In 2015, Solano County, California purchased a machine plus five years of maintenance for \$482,388</u>. And, in 2017, Anchorage, Alaska spent \$610,599 to purchase a Bell and Howell Envelope Intake and Signature Verification System, plus an additional \$56,790 contract for installation and continued support.

Twenty-six counties in Florida⁸⁴ have high-speed centralized tabulators. Seventeen counties (Brevard, Broward, Clay, Collier, Indian, Jackson, Lee, Levy, Martin, Miami-Dade, Palm Beach, St. Johns, St. Lucie, Sumter, Suwannee, Volusia, Walton) have more than 25,000 registered voters, but no centralized equipment. They might consider investing in equipment this year. Counties that are not able to handle the volume of mailed ballots

⁸¹ https://azsos.gov/sites/default/files/2019_ELECTIONS_PROCEDURES_MANUAL_APPROVED.pdf#page=68

⁸² Alachua, Bay, Brevard, Broward, Charlotte, Citrus, Clay, Collier, Columbia, Cuval, Escambia, Flagler, Gadsden, Hernando, Highlands, Hillsborough, Indian River, Jackson, Lake, Lee, Leon, Levy, Manatee, Marion, Martin, Miami-Dade, Monroe, Nassau, Okaloosa, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Putnam, St. Johns, St. Lucie, Santa Rosa, Sarasota, Seminole, Sumter, Suwannee, Volusia, Walton

 $^{{}^{83}\,\}underline{https://www.brennancenter.org/our-work/research-reports/estimated-costs-covid-19-election-resiliency-measures}$

⁸⁴ Alachua, Bay, Charlotte, Citrus, Columbia, Duval, Escambia, Flagler, Hernando, Highlands, Hillsborough, Lake, Manatee, Marion, Monroe, Nassau, Okaloosa, Orange, Osceola, Pasco, Pinells, Polk, Putnam, Santa Rosa, Sarasota, Seminole

could contact the counties that do have high-speed scanners and make arrangements to coordinate use of equipment.

Resources:

- NCSL's Elections Technology Toolkit | Voting Machines and Beyond.⁸⁵
- Cybersecurity and Infrastructure Security Agency <u>Inbound Ballot</u> Recommendations, pg 3.86

⁸⁵ https://www.ncsl.org/research/elections-and-campaigns/elections-technology-toolkit.aspx

⁸⁶ https://www.cisa.gov/sites/default/files/publications/inbound-ballot_process_final_508.pdf#page=3

For Secretaries of State

Clerks could independently implement these recommendations, but a coordinated statewide effort would be more effective.

10. Mail absentee application forms to every registered voter.

Mailing absentee application forms to every registered voter in Florida will increase absentee voting, reducing crowds on election day that could spread COVID-19. Several counties in Wisconsin mailed out absentee ballot application forms in advance of the April 2020 primary to great success: 67 percent voted⁸⁷ (a high turnout for a primary) and 90 percent of those voted absentee, leaving polling places uncrowded for the few voters who came in-person.⁸⁸ In the absences of leadership at the state level, counties officials could individually choose to mail out application forms to voters in their jurisdiction, but it would be more effective as a coordinated statewide effort.

In addition to boosting absentee voting rates, mailing out application forms can provide two more benefits: the signed form will provide clerks with a recent voter signature to use when verifying the ballot (See Recommendation 3), and it will help clerks update voter addresses so that more ballots will reach voters in November. To give enough time for undeliverables to come back to the clerk's office and for them to follow up with those voters to find out their current mailing address, aim to mail out application forms at least two months in advance of the election. To get a higher level of uptake, pre-fill the forms with information on file about that voter (such as name and address). That way voters can review, update as needed, sign and return. Use plain language to ensure voters fill out the form correctly, saving clerks time (See Recommendation 2).

In Florida, state law does not give election officials the option to send applications to voters. To allow clerks to take initiative and mail applications to registered voters, the legislature could change state law, specifically FSA 101.62.89 Lawmakers could also go a step further and mandate that clerks mail out application forms and provide them the funds to do so, which would further increase vote-by-mail participation. To save the substantial cost of mailing and processing absentee application forms each time, the legislature could allow a "single sign-up" option so that voters who want to continue voting absentee can do so without further paperwork (See Recommendation 12).

⁸⁷ http://www.wfbvillage.org/DocumentCenter/View/1091/April-2020---Election-Results

⁸⁸ https://www.motherjones.com/politics/2020/04/whitefish-bay-coronavirus/

⁸⁹ http://www.leg.state.fl.us/statutes/index.cfm?App mode=Display Statute&URL=0100-0199/0101/Sections/0101.62.html

Resources:

CISA Guidance on Helping Voters Request a Mail in Ballot.⁹⁰

 $^{^{90}~\}underline{\text{https://www.in.gov/sos/elections/files/COVID-19\%20Election\%20GUIDANCE\%20ONLY.pdf\#page=70}$

For Lawmakers

11. Account for voters with non-traditional addresses.

Native American voters living on tribal lands often have non-USPS-standard mailing addresses, making it difficult for them to register to vote and receive ballots in the mail. They may have many family members living at the same address, and some states may not allow them all to receive a ballot. Or they may use a USPS box to receive mail, but live far from the nearest USPS office or election center, making it more difficult to receive and return their ballot in a timely fashion. Eligible voters experiencing homelessness or housing insecurity may also not have a home address. Your state should make sure these voters can receive a ballot and securely vote.

Florida should allow multiple eligible voters to use the same mailing address. Living with others to save on housing costs should not diminish any American's right to vote. Your state can allow native people to designate a building on the Nation's land to receive their ballot. Especially in areas where people live far from a USPS office, you can temporarily install drop boxes or vote centers on tribal lands to ensure that voters have viable options for returning their ballots.

You can allow homeless community members to receive their ballots at a <u>shelter, park, motorhome</u>, or other identifiable location. Alternatively, they can list the county elections office as their mailing address and pick up their ballots in person there. They can return their ballot to the elections office or a secure drop box.

Example Legislative Language:

Colorado Revised Statutes <u>1-2-102</u>. Rules for determining residence.⁹²

For voter registration residence, voters can identify a location in the county that they return to regularly, such as a shelter, services provider, park, campground, vacant lot, business address, or other physical location. If the registration residence does not have a mailing address, voters must also provide a mailing address.

⁹¹ https://www.theguardian.com/commentisfree/2020/may/22/mail-in-voting-native-americans-election

⁹² https://www.sos.state.co.us/pubs/info center/laws/Title1/Title1Article2.html

Oregon Revised Statutes <u>247.038</u>. Registration of person who is homeless or resides in identifiable location.⁹³

Individuals who are homeless or reside in shelters, vehicles, marinas or other identifiable locations cannot be denied the opportunity to register to vote. Residence addresses can be descriptions of the physical location of the person or the office of the county clerk.

Revised Codes of Washington <u>29A.08.112</u>. Voters without traditional residential addresses.⁹⁴

Voter registration accepts non-traditional addresses, defined as narrative descriptions of the voter's physical location. No person can be disqualified for lacking a traditional address. Voters must provide a mailing address. Tribes may designate a government building to serve as a mailing address for residents.

Example Guidance Language:

- Oregon Vote By Mail Procedures Manual and Oregon Secretary of State.
- Colorado Secretary of State FAQs and Election Rules.⁹⁶
- Washington State Clearinghouse Notification on <u>Voters Without Traditional</u>
 Addresses.⁹⁷

12. Give voters a "single sign-up" option.

Twelve states plus DC give voters a "single sign-up" option whereby they can apply once to vote absentee and permanently continue receiving ballots in the mail unless they are removed from the permanent absentee voter list. These include the five states that conduct all elections by mail, plus Arizona, California, DC, Michigan, Montana, Nevada,

⁹³ https://www.oregonlegislature.gov/bills laws/ors/ors247.html

⁹⁴ https://apps.leg.wa.gov/rcw/default.aspx?cite=29A.08.112

⁹⁵ https://sos.oregon.gov/elections/Documents/vbm_manual.pdf#page=19 and https://sos.oregon.gov/voting/Pages/homeless-confidential.aspx

⁹⁶ https://www.sos.state.co.us/pubs/elections/FAQs/foreclosureHomelessFAQ.html and https://www.sos.state.co.us/pubs/rule making/CurrentRules/8CCR1505-1/Rule2.pdf#page=3

^{97 &}lt;a href="https://www.sos.wa.gov/">https://www.sos.wa.gov/ assets/elections/auditorsctp/19-04%20voters%20without%20traditional%20addresses.pdf

New Jersey, Pennsylvania, and DC. Another six states⁹⁸ maintain a permanent absentee voter list for certain voters, usually those who are elderly and/or disabled.⁹⁹

However, thirty-two states, including yours, require all voters to apply for an absentee ballot every election, or every two years. But nearly half or even two-thirds of absentee ballot applicants also applied to vote absentee in the last major election cycle. Even if voters know they want to keep getting their ballot in the mail, they have to fill out paperwork again and again. Not only is this a burden for the voter, it's a drain on election officials who must process and enter application data every year. Minimizing paperwork by giving voters the option to sign up for a permanent absentee list could cut costs and save time.

The potential savings are significant. According to a <u>US Government Accountability Office</u> report, in the 2008 presidential election, Contra Costa County in California spent \$1.37 per ballot to process permanent absentee ballots versus \$10.64 per ballot to process each nonpermanent absentee ballot. Much of the nearly eight-fold administrative cost increase came from handling individual ballot requests.

In Florida's March 17th presidential primary, more than 2 million registered voters requested absentee ballots. ¹⁰⁰ While most or all of those voters may wish to vote absentee again in November, they will all have to apply again. If the state legislature acts quickly, it could create a single-signup option in 2020 and authorize election officials to send a postcard to any voter who already requested an absentee ballot this year asking if they want to opt-in to continue receiving ballots by mail. This would save resources for clerks and voters during this busy year.

Example Legislative Language:

Arizona <u>16-544</u>. Permanent early voting list; civil penalty; violation; classification.¹⁰¹ Voters can request permanent absentee ballots to in state addresses in writing or through an online portal. Notices are sent before elections to allow voters to change addresses or

⁹⁸ Kansas, Massachusetts, Missouri, New York, West Virginia and Wisconsin

⁹⁹ https://www.ncsl.org/research/elections-and-campaigns/absentee-and-early-voting.aspx

https://countyballotfiles.elections.myflorida.com/FVRSCountyBallotReports/AbsenteeEarlyVotingReports/PublicStats

¹⁰¹ https://www.azleg.gov/ars/16/00544.htm

opt out of absentee voting. If the notice is undeliverable, the voter is moved off the permanent absentee list.

California Elections Code <u>3206</u>. Permanent Vote by Mail Application and Procedures. ¹⁰² In counties that are not fully VBM, voters may request to be on the permanent vote-bymail list. Voters can apply online. Permanent status ends if the voter does not vote in four consecutive state-wide general elections.

Montana Code <u>13-13-212</u>. Application for absentee ballot -- special provisions -- absentee ballot list for subsequent elections.¹⁰³

Voters can request permanent absentee ballots. They will be mailed ballots for subsequent elections as long as they have not filed a change of address with USPS. If they have, they are sent a form to request an address update.

New Jersey Statutes Annotated 19:63-3(a)(1) Procedure for user of mail-in ballot.¹⁰⁴ Voters may choose to receive mail in ballots for all future elections. Voters can request in writing if they wish to no longer receive mail in ballots.

Nevada Revised Statutes § 293.3165(1) Specialized procedure to request absent ballot for all elections at which registered voter is eligible to vote; requirements for issuing, voting and returning such absent ballot.¹⁰⁵

Nevada allows all voters to receive absentee ballots for all future elections. If the ballot is undeliverable or the voter has had their registration cancelled under NRS 293.530.¹⁰⁶

Example Guidance Language:

Arizona <u>Elections Procedures Manual</u>, pg 49.¹⁰⁷

¹⁰² http://leginfo.legislature.ca.gov/faces/codes displaySection.xhtml?lawCode=ELEC§ionNum=3206

 $^{^{103}\,\}underline{\text{https://leg.mt.gov/bills/mca/title 0130/chapter 0130/part 0020/section 0120/0130-0130-0020-0120.html}$

¹⁰⁴ https://nj.gov/state/dos-statutes-elections-19-60-63.shtml#ele 19 63 3

¹⁰⁵ https://www.leg.state.nv.us/nrs/nrs-293.html#NRS293Sec3165

¹⁰⁶ https://www.leg.state.nv.us/nrs/nrs-293.html#NRS293Sec530

¹⁰⁷ https://azsos.gov/sites/default/files/2019_ELECTIONS_PROCEDURES_MANUAL_APPROVED.pdf#page=63

13. Allow counties to accept ballots postmarked by Election Day.

In 2018, 1.17 percent of mailed-out ballots in Florida were rejected. But, of those that were rejected, 58 percent were rejected due to late receipt. That is more than 17,000 Florida voters whose votes weren't counted. More Floridians are likely to want to vote absentee this year, and a similar rejection rate for ballots received after election day could disenfranchise even more voters.

Thirteen states¹⁰⁸ accept ballots postmarked by election day and received within a certain period afterwards, usually around 10 days. This gives absentee voters the same freedom as in-person voters to mark their ballot and turn it in on election day. It also avoids confusion because voters don't have to guess how many days it could take the Postal Service to deliver their ballot; they know their deadline is election day. Allowing clerks to count ballots received or postmarked on election day and received within 10 days increases voter engagement and makes elections more representative of the people.

If you are not able to accept ballots received after election day, make this very clear to voters. In the ballot materials, tell voters not to put their ballot in the mail any later than the Wednesday before Election Day. And start running PSA's a few days before that to remind voters of the practical cut-off date, and that if they miss the deadline to drop it in the mail, they may drop it in a secure drop-box or at a voting center up until election day (See Recommendations 4 and 5).

Example Legislative Language:

Alaska Statutes § 15.20.081(e). Absentee voting in general; applying for absentee ballot by mail or electronic transmission. 109

Ballots must be postmarked by election day and received by the close of business on the 10th day after the election.

Illinois Compiled Statutes 10 § 5/19-8(c). Time and place of counting ballots. 110 ICS 10 § 5/18A-15. Validating and counting provisional ballots. 111

¹⁰⁸ Alabama, Alaska, California, Illinois, Kansas, Maryland, New Jersey, New York, North Carolina, North Dakota, Texas, Washington, and West Virginia

¹⁰⁹ http://www.akleg.gov/basis/statutes.asp#15.20.081

¹¹⁰ http://ilga.gov/legislation/ilcs/documents/001000050K19-8.htm

¹¹¹ http://ilga.gov/legislation/ilcs/documents/001000050K18A-15.htm

Ballots must be postmarked by election day. Ballots received after election day without postmark shall be accepted if the certification date is on or before election day. Ballots must be received by 14 days after the election.

Kansas Statutes <u>25-1132</u>. Advance voting; delivery of ballots; where; deadline for receiving ballots.¹¹²

Absentee ballots can be received after polls close as long as they were postmarked before or on election day and are received by 3 days after the election. This second standard is not recommended as USPS first class standard used to be 1-3 days, but is now 2-5 days.

Nevada Revised Statutes § 293.317(1)(b), (2). Procedure for timely returning absent ballot; treatment of absent ballot when postmark cannot be determined. NRS 293.333(2) Procedure for depositing absent ballots in ballot box; period for counting of absent ballots. 114

Ballots must be postmarked on or before the date of the election and received by 7 days after the election. If postmark is illegible but ballot is received within 3 days of election, it is considered valid.

North Carolina General Statutes <u>163-231</u>. Voting absentee ballots and transmitting them to the county board of elections. ¹¹⁵

Absentee ballots can be received after polls close as long as they were postmarked before or on election day and are received by 3 days after the election. This second standard is not recommended as USPS first class standard used to be 1-3 days, but is now 2-5 days.

Example Guidance Language:

Alaska Administrative Code 25.560. Timeliness of absentee by-mail ballot. 116

http://www.kslegislature.org/li/b2019 20/statute/025 000 0000 chapter/025 011 0000 article/ 025 011 0032 section/025 011 0032 k/

¹¹³ https://www.leg.state.nv.us/nrs/nrs-293.html#NRS293Sec317

¹¹⁴ https://www.leg.state.nv.us/nrs/nrs-293.html#NRS293Sec333

¹¹⁵ https://www.ncleg.net/Enacted<u>Legislation/Statutes/HTML/ByChapter/Chapter</u> 163.html

¹¹⁶ http://www.akleg.gov/basis/aac.asp#6.25.560

14. Automatically register voters and update their addresses.

Seventeen states and DC <u>automatically register</u> eligible voters who prove their identity to a government agency such as the Department of Motor Vehicles.

It works like this: if a citizen interacts with a Florida state agency like the DMV, the agency sends their information to the Secretary of State, who adds them to the voter rolls or updates their address. Florida's Secretary of State then sends voters a postcard letting them know of the change so they can opt-out if they didn't want to be registered to vote, or return their voter registration to their previous address if they didn't really move.

This is more efficient and accurate than Florida's "opt-in" process which requires voters to fill out change of address forms. By streamlining and updating their data across agencies, states with automatic registration have cleaner and more up-to-date voter lists, meaning mailed ballots are more likely to reach the voter. Citizens may always choose whether they want to be registered, but "opt-out" systems result in higher voter participation.

Resources:

- Oregon Procedures Manual 2020.¹¹⁷
- Brennan Center study on the impact of Automatic Voter Registration. 118

Example Legislative Language:

Illinois Compiled Statutes <u>10 § 5/1A-16.1</u>. Automatic voter registration; Secretary of State.¹¹⁹

Most DMV interactions can serve as a dual-purpose application for voter registration, address changes or name changes. No further identification is needed, but the Secretary of State will verify voter registration eligibility. Voters can opt out of registration during a DMV interaction. Other agencies are also implementing automatic voter registration.

¹¹⁷ https://sos.oregon.gov/elections/documents/vbm manual.pdf#page=16

¹¹⁸ https://www.brennancenter.org/sites/default/files/publications/2019 04 AVR Report Final 0.pdf

¹¹⁹ http://www.ilga.gov/legislation/ilcs/documents/001000050K1A-16.1.htm

Maryland Election Law Code Annotated § 3-203. Electronic Voter Registration System. 120

Most transactions at the DMV, Health Benefits Exchange, local departments of social services, and the mobility certification office will automatically transmit voter registration applications or updates unless the voter opts out.

Michigan State Constitution § 4 (1)(d). Place and manner of elections. Michigan Compiled Laws 168.493a. Automatic voter registration; qualifications; option to optout; information added to qualified voter file; erroneous registration not a violation. Michigan constitutionally guarantees the right to be automatically registered to vote at the DMV. Most DMV interactions will lead to automatic voter registration or registration address updates unless the voter opts out or is not a citizen.

Oregon Revised Statutes <u>247.017</u>. Transfer of voter registration materials to Secretary of State from Department of Transportation; opt-out of voter registration; rules. ¹²²
The DMV provides the secretary of state with voter information including the electronic signature of every voter that qualifies to vote. County clerks then notify voters to allow voters to opt out or register a political party affiliation.

Example Guidance Language:

- Georgia and Colorado launched automatic voter registration without state legislation.¹²³ Georgia initiated automatic voter registration by updating its drivers registration form in 2016.¹²⁴ The Department of Driver Services forwards new voter registration and information for updating purposes to the Secretary of State.
- Colorado administratively rolled out automatic voter registration at DMV locations in 2017. Colorado's automatic voter registration and updates can be seen in the license renewal and change of address forms.¹²⁵ As of 2019, the Department of

¹²⁰ https://codes.findlaw.com/md/election-law/md-code-elec-law-sect-3-203.html

http://www.legislature.mi.gov/(S(2hthlf15z4s0fhn5famvyrgo))/mileg.aspx?page=getObject&objectName=mcl-168-493a

https://www.oregonlegislature.gov/bills_laws/ors/ors247.html

¹²³ https://www.ajc.com/news/state--regional-govt--politics/automatic-registration-leads-surge-new-georgia-voters/97PMHrv8anlB66TfKdlUtK/

https://dds.georgia.gov/sites/dds.georgia.gov/files/related_files/document/MAIL%20IN%20RENEWAL%20PACKET%20-%20February%202019%20UPD.pdf

¹²⁵ https://www.colorado.gov/pacific/dmv/forms-licenses

Health Care Policy and Financing is <u>statutorily</u> required to transmit voter registration information to the Secretary of State. 126

¹²⁶ https://casetext.com/statute/colorado-revised-statutes/title-1-elections/general-primary-recall-and-congressional-vacancy-elections/article-2-qualifications-and-registration-of-electors/part-5-mail-registration-and-registrationat-voter-registration-agencies/section-1-2-5025-transfer-of-voter-registration-information-to-secretary-of-state