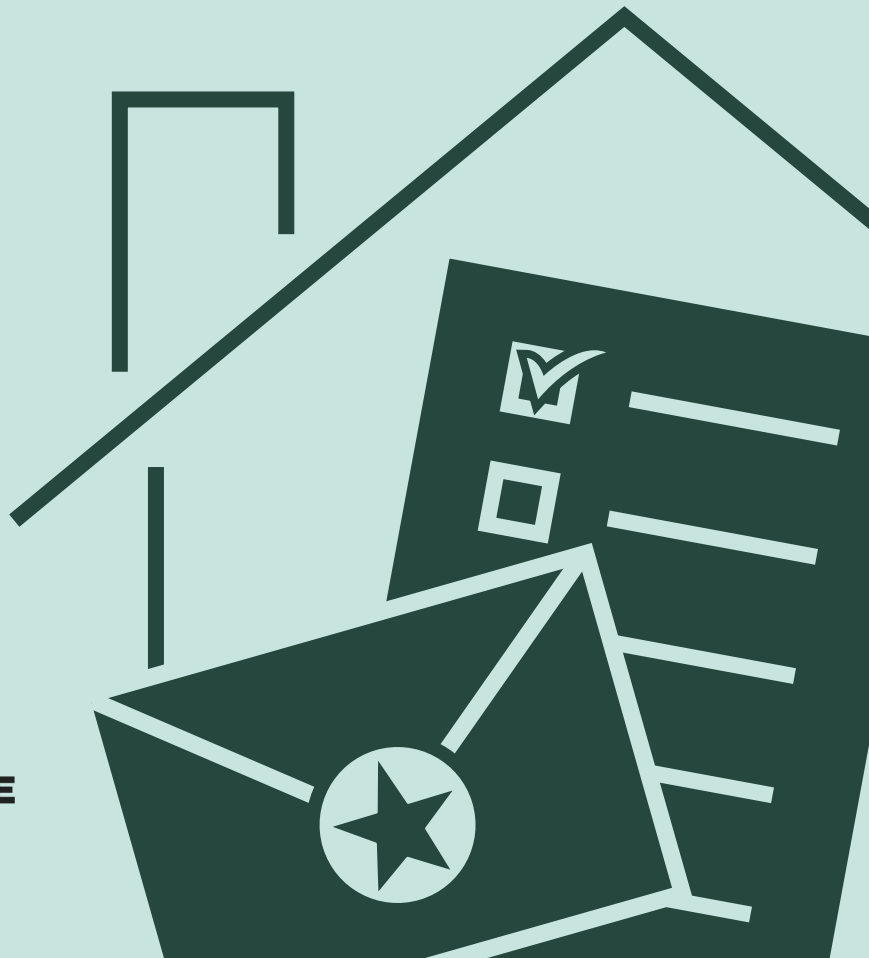


July, 2020

Vote By Mail for Secure Elections in 2020 — and Beyond

A Step-by-Step Guide for Montana

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



Sightline
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VOTE at HOME

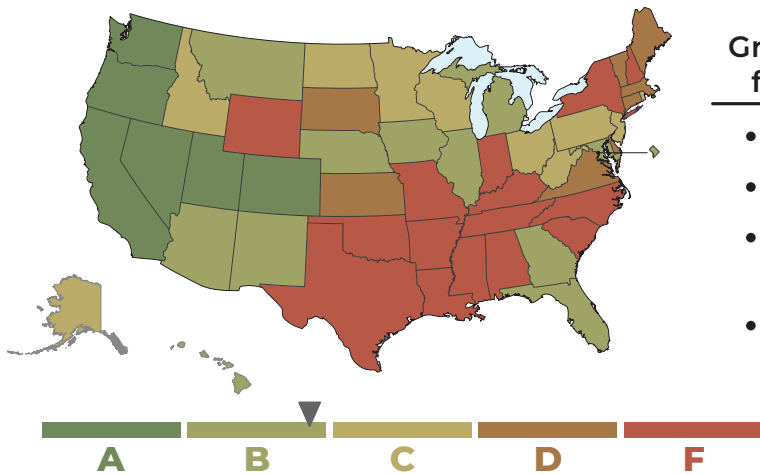
www.Sightline.org/SecureElections2020

Voting in Montana



Montana has about 700,000 registered voters in its 56 counties, ranging from 421 in Petroleum County to nearly 100,000 in Yellowstone County. In the 2018 election, nearly three-quarters of Montanans voted by mail. Of that election's 3,725 poll workers, 73 percent were age 60 or older—an age group at a higher risk for severe illness from COVID-19.

To ensure that Montanans could safely vote during the pandemic, Governor Steve Bullock, with full support of Speaker Greg Hertz, gave counties the option to expand absentee ballots and early voting for the June 2 primary. Every county opted in. County election administrators mailed ballots to all active voters, and 55 percent voted—the state's highest voter turnout in a primary since 1972.



Grades based on 15 factors covering

- Ease of access
- Ballot security
- Election infrastructure
- Administrative efficiency

Montana's grade for Vote By Mail preparedness



Ways in which Montana is already prepared



- Allows any voter to request an absentee ballot.
- Offers voters a “single sign-up” option to permanently vote by mail.
- Uses voters' signatures to verify ballots.
- Allows county clerks to start processing ballots upon receipt.
- Allows anyone to return sealed ballots in person.
- Permits local school board and county elections to be conducted by mail.
- Voters may request a replacement ballot online.

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 Montana 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 Montana 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 Montana 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 [contact the local USPS](#) 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. Using NCOA to update voter addresses is particularly important for Montana because it is not a member of the Electronic Registration Information Center, which helps 30 states keep voter lists up-to-date (See Recommendation 12). 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 [Managing an Increase 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.techandcivillife.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 [community education campaign](#), the city extended hours for a call center in the month leading up to the election. Here's an example of their [voter information flyer](#). Make all the above voter materials and web portal available in multiple languages to reach all voters. In total, the Brennan Center for

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

⁹ https://www.muni.org/departments/assembly/clerk/elections/documents/vote%20by%20mail%20project%20final%20report%20mas%201026%20annual%20report_030819.pdf#page=5

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

Justice estimates the cost for voter education materials at between [50 cents to 88 cents per person](#).

Resources:

- The Center for Civic Design¹² has a series [design guidelines for election officials](#), based on solid research and best practices. These include resources on designing envelopes and forms, such as: vote at home [envelopes and information](#), a field guide to [designing vote at home envelopes and ballots](#), Vote By Mail [envelope design](#), [writing ballot instructions voters can understand](#), [creating forms that help voters take action](#).¹³ They also have guidelines about educational materials, such as: How to [design voter education booklets and flyers](#), [creating accessible online information](#), 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 [preparing helpful supplementary materials](#); and the [slides](#) from Anchorage, Alaska which moved to all Vote By Mail in 2018.¹⁷
- Cybersecurity and Infrastructure Security Agency [Voter Education Guidance](#).¹⁸

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.¹⁹

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.

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.techandciviclelife.org/vote-at-home/>

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

¹⁷ <https://vimeo.com/393307242> and <https://www.techandciviclelife.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

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

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 [Ballot Format Checklist](#) 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.

Montana 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 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.

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>

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.

Finally, for all challenged signatures, notify voters and give them an opportunity to respond so that their ballot can still be counted.

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
- 45-minute [webinar](#) 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

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/>

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>

- 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](#).⁴⁰

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 available 24/7; more populous counties should aim to have one drop box per 10,000 voters. Drop boxes are especially important if Montana 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 14).

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

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

³⁷ <https://www.in.gov/sos/elections/files/COVID-19%20Election%20GUIDANCE%20ONLY.pdf#page=48> and <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

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 [3 miles of a box](#). 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.

Unfortunately, the Ballot Interference Protection Act (BIPA) prevents Montana election officials from providing voters with secure drop boxes, as many other states do. A Montana court temporarily blocked the law just before the June 2 primary, but the legislature may need to act to ensure that Montanans may turn their ballot in to a secure drop box.

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

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<https://www.sos.wa.gov/assets/elections/ballot%20drop%20boxes%202019%20general%20election.pdf> ;
<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 box (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 [Ballot Drop Box Webinar](#).⁴⁸
- King County Ballot Drop Box resources detail their vendors, ballot collection procedures, and tier system, which is based on expected ballot volume.⁴⁹
- [Laserfab Vote Armor](#) 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 [Ballot Drop Boxes in All Communities](#).⁵¹
- Washington Administrative Codes [434-250-100](#). Ballot deposit sites.⁵²
- Oregon [VBM Manual](#), pgs 10-15.⁵³

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

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%20ballot%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

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 4,000⁵⁴ after implementing Vote By Mail.⁵⁵ 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.

Example Guidance Language:

- Washington Administrative Code [434-250-105](#). Voting Centers.⁵⁹
- Colorado [Elections Policy Manual](#), pg 35.⁶⁰

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>

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>

- Oregon [VBM Manual](#), 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 [21.4 to 35 cents per ballot](#). 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 [\\$6.86 to \\$3.04 per voter](#) after implementing full Vote By Mail.

Resources:

- Many Northwest counties use [K&H Integrated Print Solutions](#) 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 Graphics.⁶⁷
- Tri-Tek provides ballot sorting and signature verification services.⁶⁸

Example Guidance Language:

- Colorado [Elections Policy Manual](#), pg 26.⁶⁹
- Oregon [VBM Manual](#), pg 23.⁷⁰

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/>

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

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 (See Recommendation 9). 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 should coordinate with counties that do.

Resources:

- [FAQ](#) and [more information](#) 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 [VBM Manual](#), pg 8.⁷⁴

8. Include a postage-prepaid return envelope.

Seventeen 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

⁷¹ <https://kingcounty.gov/depts/elections/about-us/security-and-accountability/frequently-asked-questions.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

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>

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

Just ten states, including Montana, require *voters* to pay postage, meaning counties are prohibited from paying.⁷⁸ Governor Bullock's March 25 emergency declaration temporarily reversed this for the June primary, instead requiring counties to pay for postage and offering to reimburse them with state funds.⁷⁹ If the coronavirus emergency persists, the Governor could issue a similar executive order for the November election. For future elections, the Montana legislature would need to revise the law to pay for postage or at least give each county the option to do so.

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.⁸⁰

Example Legislative Language:

Revised Codes of Washington [29A.40.091](#). Envelopes, declaration, and instructions—Voter's oath—Overseas and service voters—Return of ballots—County auditor's name.⁸¹ Return envelopes for all ballots must include prepaid postage.

Example Guidance Language:

- Arizona [Elections Procedures Manual](#), pg 54.⁸²

⁷⁶ 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 Alaska, Colorado, Illinois, Montana, Nebraska, North Carolina, North Dakota, Ohio, South Dakota, Texas

⁷⁹ <http://governor.mt.gov/Portals/16/Directive%20on%20Elections.pdf?ver=2020-03-26-102626-610>

⁸⁰ <https://about.usps.com/kits/kit600.pdf#page=15>

⁸¹ <https://app.leg.wa.gov/RCW/default.aspx?cite=29A.40.091>

⁸² https://azsos.gov/sites/default/files/2019_ELECTIONS_PROCEDURES_MANUAL_APPROVED.pdf#page=68

For Secretaries of State

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

9. Use a comprehensive system to track ballots.

Comprehensive ballot tracking improves the security of absentee ballots and boosts voter confidence in mailed-out ballots. The service, offered by companies like Ballot Scout⁸³ and BallotTrax⁸⁴, uses intelligent barcodes to track every ballot and envelope, minimizing the risk of stolen or tampered ballots. It also increases transparency and accountability because voters can easily track when their ballot is on its way, received by election officials, and counted.

Ten states [require](#) tracking for absentee ballots⁸⁵ and thirty other states have some form of ballot tracking, though it is not [required](#) by statute. These tracking services may not be comprehensive. For example, in many states, voters can look up whether their ballot has been mailed but may not be able to find out if it has been accepted. In contrast, Ballot Scout and Ballot Trax's comprehensive services can text voters about every step in their ballot's journey from being mailed, to arriving at their house, to being accepted. This gives voters a much higher degree of confidence about the system. That confidence could be especially important this year when many voters will be voting absentee for the first time, and questions are swirling about the security of mailed ballots.

By implementing a comprehensive ballot tracking system, Montana can avoid problems such as those experienced in Wisconsin in their April 2020 primary. If Wisconsin election officials had had comprehensive secure ballot tracking in place during their recent primary, they would have seen that thousands of ballots got stuck in mail processing centers. This information would have given them the opportunity to contact USPS and address the problem before thousands of voters were denied the ability to safely vote at home even though they had requested their ballot in time.

Ballot tracking is cost-effective. For many states, depending on the number of voters and other implementation details, the software may cost around [\\$50,000](#) per year. Although it would be most effective for the Secretary of State to enact statewide tracking, if they do

⁸³ <https://www.democracy.works/ballot-scout/>

⁸⁴ <https://ballottrax.com/>

⁸⁵ California, Colorado, Delaware, Florida, Iowa, Maryland, New Hampshire, New Jersey, New Mexico, Virginia

not then local officials could step in. City or county administrators can sign up for local service, likely at a cost of a few thousand dollars per year.⁸⁶

Example Legislative Language:

California Election Code [§ 3017 \(c\)](#). **Vote by Mail Application and Voting Procedures.**⁸⁷

The elections official shall establish procedures to track and confirm the receipt of voted Vote By Mail ballots and to make this information available by means of online access using the county's elections division Internet Web site.

Fla. Stat. [§ 101.62\(1\)\(c\)](#). **Request for Vote by Mail ballots.**⁸⁸

Upon receiving a request for a Vote By Mail ballot from an absent voter, the supervisor of elections shall notify the voter of the free access system that has been designated by the department for determining the status of his or her Vote By Mail ballot.

N.H. Rev. Stat. [§ 657:26](#). **Absentee Voter Website.**⁸⁹

The secretary of state shall make available a public website by which an absentee voter, in every state election, may determine whether the voter's absentee ballot request has been received by the clerk, whether the absentee ballot has been sent pursuant to such request, whether the envelope purporting to contain the absentee ballot has been received by the clerk, and whether the absentee ballot was challenged and rejected by the moderator on election day, including the reason for the challenge.

Resources:

- A 2020 [webinar](#) from the Center on Tech and Civic Life on [best practices for tracking and reporting](#), and the [slides](#).⁹⁰
- USPS helps process Vote By Mail ballots with [Green Tag 191](#) and ballot-specific [Service Type Identifiers \(STIDs\)](#), using Intelligent Mail barcodes (IMB).⁹¹

⁸⁶ Pasco County, Texas pays \$4,000 per year for Ballot Scout, and Milwaukie, Wisconsin could pay \$7,500 per year. <https://www.fastcompany.com/90501588/track-your-ballot-like-a-package-how-technology-will-smooth-the-way-for-novembers-mail-in-ballot-surge>

⁸⁷ https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=ELEC&division=3.&title=&part=&chapter=1.&article=

⁸⁸ http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0101/Sections/0101.62.html

⁸⁹ <http://www.gencourt.state.nh.us/rsa/html/lxiii/657/657-mrg.htm>

⁹⁰ <https://www.techandcivillife.org/vote-at-home/>

⁹¹ <https://about.usps.com/gov-services/election-mail/> and https://about.usps.com/postal-bulletin/2018/pb22498/html/cover_006.htm

- Denver's [Ballot Trace](#) lets voters opt in to receiving text messages when their ballot is mailed to them, when it is received by the election office, and when it has been approved for tabulation.
- [Ballot Scout](#) is a web-based ballot tracking tool that works with USPS to allow administrators and voters to track every ballot with the same ease as an Amazon package.
- Counties in California, Oregon, and Washington use [BallotTrax](#) to track ballots.

Example Guidance Language:

- [Oregon Secretary of State's Vote By Mail Procedures Manual 2020](#).⁹²

10. Mail absentee application forms to every registered voter.

Mailing absentee application forms to every registered voter in Montana 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 voted⁹³ (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.⁹⁴ In the absence 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).

⁹² https://sos.oregon.gov/elections/documents/vbm_manual.pdf#page=26

⁹³ <http://www.wfbvillage.org/DocumentCenter/View/1091/April-2020---Election-Results>

⁹⁴ <https://www.motherjones.com/politics/2020/04/whitefish-bay-coronavirus/>

Montana law allows the Secretary of State (or individual clerks) to choose whether to send applications to voters. The county will have to pay to print the and mail the application forms which should cost less than \$2.00 per voter,⁹⁵ and will also pay for the labor of processing the forms. Many voters may choose the "single sign-up" option Montana offers, saving the cost of mailing and processing forms again.

Resources:

- CISA Guidance on [Helping Voters Request a Mail in Ballot](#).⁹⁶

11. Implement a formal notify and cure process.

If a voter forgets to sign their ballot return envelope, or if their signature doesn't match the signature on file, they deserve the chance to cure the error and have their vote count. Nineteen states have laws requiring clerks to notify voters if there is a problem with their signature. To prevent absentee voters from being unintentionally disenfranchised due to errors in the signature on their envelope, the Idaho legislature could pass a law requiring clerks to notify voters of problems with their signature, and laying out a process for voters to cure. In the absences of such a state law, each clerk could implement their own process to notify voters of problems and give them a chance to cure.

The process has two main steps: first, notify the voter of any problems with their signature. Ideally, notify them within 24 hours of their ballot being flagged. To ensure they receive the notification, you could send it via multiple channels if you have the voter's contact information, such as mail, phone, email, and text (text notification is included in ballot tracking services, see Recommendation 9).

Second, allow the voter to cure. You can give voters the option to come into an election office or vote center and re-sign the ballot or show identification. If coming to an office in person is their only option, voters may be understandably upset, especially during a pandemic, so you could offer them other options such as signing an affidavit affirming their identity and sending it in via mail, email or [text](#).⁹⁷ [Eighteen states](#) allow voters to "cure"

⁹⁵ <https://www.brennancenter.org/our-work/research-reports/estimated-costs-covid-19-election-resiliency-measures>

⁹⁶ <https://www.in.gov/sos/elections/files/COVID-19%20Election%20GUIDANCE%20ONLY.pdf#page=70>

⁹⁷ [Arapahoe County](#), Colorado enables voters to cure their signature via text. See: <https://www.txt2vote.com/>

signature problems;⁹⁸ the deadline ranges from 2-21 days after election day. The National Vote At Home Institute recommends giving voters at least 3 business days after election day.⁹⁹

Example Legislative Language:

Arizona Revised Statutes [16-550](#). Receipt of voter's ballot; cure period.¹⁰⁰

Arizona allows signatures to be corrected until the fifth business day for elections including federal offices and until the third business day after the election for all other elections. The election officials must make reasonable efforts to contact the voter.

California Elections Code § [3019\(c\)-\(e\)](#). Vote by Mail Application and Voting Procedures.¹⁰¹

Election officials must notify voters at least eight days prior to certification if signatures need verification. Voters can verify signatures until 5pm, two days prior to election certification. Voters can mail, email, fax or hand-deliver verification. If the signatures compare, then the voter's signature is updated for future elections.

Hawaii Revised Statutes § [11-106](#). Deficient return identification envelopes.¹⁰²

Election clerks must notify voters by mail, email, or telephone. Voters have five business days after the election to cure the deficiency.

Ohio Revised Codes [3509.06](#) (E). Counting absent voters' ballots.¹⁰³

Ohio allows voters to correct signatures or other identifying information until the seventh day after the election. Voters must be notified by mail and may provide information by mail or in person.

Oregon Revised Statutes [254.431](#). Special procedure for ballots challenged due to failure to sign return envelope or non matching signature; public record limitation.¹⁰⁴

Voters can correct signatures up to 14 days after the election. The filing officer may disclose the name and address of electors whose ballots were challenged 8 days after the election.

⁹⁸ Arizona, California, Colorado, Florida, Hawaii, Illinois, Nevada, Ohio, Oregon, Rhode Island, Utah, and Washington

⁹⁹ <https://www.voteathome.org/wp-content/uploads/2020/05/NVAHI-50-State-Policy-Analysis.pdf>

¹⁰⁰ <https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/16/00550.htm>

¹⁰¹ https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=ELEC§ionNum=3019

¹⁰² https://www.capitol.hawaii.gov/hrscurrent/Vol01_Ch0001-0042F/HRS0011/HRS_0011-0106.htm

¹⁰³ <http://codes.ohio.gov/orc/3509.06>

¹⁰⁴ https://www.oregonlegislature.gov/bills_laws/ors/ors254.html

Example Guidance Language:

- [Arizona 2019 Election Procedures](#), pg 82.¹⁰⁵
- Washington State Clearinghouse Notification on [Unsigned Ballots and Mismatched Signatures](#).¹⁰⁶
- Washington Administrative Codes [434-261-050](#), regarding unsigned ballot declarations or mismatched signatures.¹⁰⁷
- Colorado [Elections Policy Manual](#), pg 52.¹⁰⁸
- King County election administrator's information packet.¹⁰⁹

¹⁰⁵ [https://azsos.gov/sites/default/files/2019_ELECTIONS_PROCEDURES
MANUAL_APPROVED.pdf#page=82](https://azsos.gov/sites/default/files/2019_ELECTIONS_PROCEDURES_MANUAL_APPROVED.pdf#page=82)

¹⁰⁶ <https://www.sos.wa.gov/elections/auditorsctp/clearinghouse/2012/1205.pdf>

¹⁰⁷ <https://apps.leg.wa.gov/wac/default.aspx?cite=434-261-050>

¹⁰⁸ <https://www.sos.state.co.us/pubs/elections/policyManual/ElectionsPolicyManual.pdf#page=52>

¹⁰⁹ Zip file available at <https://aqua.kingcounty.gov/elections/docs/vbm/VBM-information.zip>. In folder "ballot processing,"

For Lawmakers

12. Join the Electronic Registration Information Center.

Thirty states and DC are members of the Electronic Registration Information Center (ERIC), which helps them identify outdated or invalid voter registrations. ERIC reports to each member state which voters have moved within their state, moved out of their state, passed away, may have duplicate registrations, or may be eligible to vote but not yet registered. States can then update addresses, remove deceased voters from the rolls, and reach out to eligible voters to encourage them to register. States that do this have more accurate voter rolls, reducing the opportunity for fraud and ensuring that the ballots they mail out go to eligible voters' current address.

ERIC is very effective. According to a [US Government Accountability report](#): “King County, Washington, which conducts elections entirely by mail, saw a drop in undeliverable ballots from 17,911 in the 2013 primary to 11,174 in the 2014 primary, which county election officials attributed to Washington’s participation in ERIC.” Additionally, ERIC states showed a net increase of 2.36% in voter turnout compared to non-ERIC states.¹¹⁰

States can also access the [National Change of Address](#) (NCOA) database to identify voters who have moved and update their address on the voter rolls. For example, when registered voters in Oregon and Colorado send a change of address notice to the US Postal Service, their voter registration is automatically changed to reflect their new location. The state sends those voters a card at their new address, indicating their registration location has been moved, unless they return it to say otherwise. Using this approach, Colorado reduced its “undeliverable ballot” numbers from [nine to three percent](#).¹¹¹

While [not all states](#) require changes to statutes in order to join ERIC,¹¹² states do need to contribute a one-time membership fee of \$25,000, and contribute toward ERIC’s annual operating expenses. States with larger populations pay more than states with smaller populations.¹¹³

¹¹⁰ https://www.rti.org/sites/default/files/resources/eric_stage1report_pewfinal_12-3-13.pdf

¹¹¹ <https://www.voteathome.org/wp-content/uploads/2019/02/FAQ-Best-Practices.pdf#page=9>

¹¹² <https://www.ncsl.org/research/elections-and-campaigns/voter-list-accuracy.aspx>

¹¹³ <https://ericstates.org/wp-content/uploads/2019/06/ERIC-Membership-Summary-v20190603.pdf>

Example Legislative Language:

Connecticut General Statutes § [9-19k](#). Online voter registration system.¹¹⁴

The Secretary of State can use voter registration databases from other states to verify the information of applicants.

Nevada Revised Statutes §[293.675](#). Establishment and maintenance of statewide voter registration list; duties of Secretary of State; requirements for list; duties of county and city clerks and Department of Motor Vehicles; verification of information with Social Security Administration; agreements with state agencies to provide information necessary for list; exchange of information with chief election officers of other states.¹¹⁵

The statewide voter registration list must be shared with other states if the information will be used to maintain voter registration lists. The Secretary of State can also request information from other states.

Ohio Revised Codes Annotated [3503.15](#). Statewide voter registration database.¹¹⁶

The Secretary of State will enter into agreements to share voter registration data with other states as necessary to maintain registration lists. The Secretary of State will ensure this information remains confidential.

Code of Virginia §[24.2-404\(A\)\(9-10\)](#). Duties of Department of Elections.¹¹⁷

To maintain records, the Department of Elections may use any source of information and may share any information it receives from other agencies with any Chief Election Officer of another state for the maintenance of voter registration systems. The statute also allows Virginia to cooperate with other states to develop systems to ensure the accuracy of voter registration rolls.

13. 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

¹¹⁴ https://www.cga.ct.gov/current/pub/chap_143.htm#sec_9-19k

¹¹⁵ <https://www.leg.state.nv.us/nrs/nrs-293.html#NRS293Sec675>

¹¹⁶ <http://codes.ohio.gov/orc/3503.15>

¹¹⁷ <https://law.lis.virginia.gov/vacode/title24.2/chapter4/section24.2-404/>

return their ballot in a timely fashion.¹¹⁸ 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.

Montana 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 [shelter, park, motorhome](#), 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 [1-2-102](#). Rules for determining residence.¹¹⁹

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.

Oregon Revised Statutes [247.038](#). Registration of person who is homeless or resides in identifiable location.¹²⁰

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 [29A.08.112](#). Voters without traditional residential addresses.¹²¹

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

¹¹⁸ <https://www.theguardian.com/commentisfree/2020/may/22/mail-in-voting-native-americans-election>

¹¹⁹ https://www.sos.state.co.us/pubs/info_center/laws/Title1/Title1Article2.html

¹²⁰ https://www.oregonlegislature.gov/bills_laws/ors/ors247.html

¹²¹ <https://apps.leg.wa.gov/rcw/default.aspx?cite=29A.08.112>

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](#).¹²²
- Colorado Secretary of State [FAQs](#) and [Election Rules](#).¹²³
- Washington State Clearinghouse Notification on [Voters Without Traditional Addresses](#).¹²⁴

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

In 2018, less than 1 percent of mailed-out ballots in Montana were rejected. But, of those that were rejected, 27 percent were rejected due to late receipt. That amounted to 378 Montana voters whose votes weren't counted. More Montanans 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 states¹²⁵ 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

¹²² https://sos.oregon.gov/elections/Documents/vbm_manual.pdf#page=19 and <https://sos.oregon.gov/voting/Pages/homeless-confidential.aspx>

¹²³ <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

¹²⁴ <https://www.sos.wa.gov/assets/elections/auditorsctp/19-04%20voters%20without%20traditional%20addresses.pdf>

¹²⁵ Alabama, Alaska, California, Illinois, Kansas, Maryland, New Jersey, New York, North Carolina, North Dakota, Texas, Washington, and West Virginia

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.¹²⁶

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.¹²⁷ ICS [10 § 5/18A-15](#). Validating and counting provisional ballots.¹²⁸

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 [25-1132](#). Advance voting; delivery of ballots; where; deadline for receiving ballots.¹²⁹

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.¹³⁰ NRS [293.333\(2\)](#) Procedure for depositing absent ballots in ballot box; period for counting of absent ballots.¹³¹

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.

¹²⁶ <http://www.akleg.gov/basis/statutes.asp#15.20.081>

¹²⁷ <http://ilga.gov/legislation/ilcs/documents/001000050K19-8.htm>

¹²⁸ <http://ilga.gov/legislation/ilcs/documents/001000050K18A-15.htm>

¹²⁹ http://www.kslegislature.org/li/b2019_20/statute/025_000_0000_chapter/025_011_0000_article/025_011_0032_section/025_011_0032_k/

¹³⁰ <https://www.leg.state.nv.us/nrs/nrs-293.html#NRS293Sec317>

¹³¹ <https://www.leg.state.nv.us/nrs/nrs-293.html#NRS293Sec333>

North Carolina General Statutes [163-231](#). Voting absentee ballots and transmitting them to the county board of elections.¹³²

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.¹³³

15. Allow voters to request absentee ballots online.

Thirty-nine states and DC give voters the option to securely register to vote online.¹³⁴

Twenty-three states allow voters to request absentee ballots online. An additional eleven states allow voters to send in their absentee ballot request via email, though some of these may still create a barrier for voters without access to a printer because they require voters to print the form, physically sign it, then scan it and attach to an email. Allowing voters to request absentee ballots digitally makes the entire process easier for everyone, especially during times of restricted mobility, like coronavirus shutdowns. For the voters, it increases their access to absentee options. And for the county clerks and state officials, it reduces the amount of paperwork involved and the amount of time spent on inputting data from physical requests into elections software systems.

Montana's Secretary of State could provide a user-friendly, state-wide web portal where voters can request to receive a ballot in the mail, register to vote, update their address, track their ballot, cure signatures, and request replacement ballots.

Montana state law ties election administrators hands by requiring absentee ballot requests to be on a physical piece of paper. Your state legislators could allow for modern, efficiency, and secure digital requests by changing state law.

Creating a secure online request system does require some upfront investment in digital infrastructure. For example, see Texas's online request form [here](#), or Idaho's online

¹³² https://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByChapter/Chapter_163.html

¹³³ <http://www.akleg.gov/basis/aac.asp#6.25.560>

¹³⁴ <https://www.ncsl.org/research/elections-and-campaigns/electronic-or-online-voter-registration.aspx#a>

request form [here](#). You will need to integrate this new interface into your existing elections software.

Example Legislative Language:

Florida 2019 Statutes [101.62](#). Request for Vote By Mail ballots.¹³⁵

Supervisors of elections must inform voters requesting Vote By Mail ballots that there is a free access system to determine the ballot status.

Code of Virginia § [24.2-711.1](#). Absentee ballots; confirmation of receipt; notice of reason for rejection.¹³⁶

The Secretary of State must implement a free-access system for voters to track absentee applications and ballots.

16. Allow early in-person voting options.

Twenty-six states allow voters to vote in-person in the days and weeks leading up to election day, ranging from 7 days in DC to 40 days in Illinois. Montana does not allow any early voting before Election Day. The National Vote At Home Institute recommends a minimum of 10 days of early voting,¹³⁷ and, ideally, Montana could allow more than three weeks of early voting to give voters the option to vote in-person while mitigating the COVID-19 related public health risks of in-person voting by spreading the crowds out over weeks instead of pushing all voters to the polls on election day.

Governor Bullock gave counties the option to use early voting in the June primary and all of them opted in. He could allow counties to choose to offer early voting again in November.

Early voting also allows voters more options of when to vote. Many people have work schedules that make it difficult to vote on Tuesday. Allowing the option of voting on any day in the week or month leading up to Election Day will help enfranchise more voters.

¹³⁵ http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0101/Sections/0101.62.html

¹³⁶ <https://law.lis.virginia.gov/vacode/title24.2/chapter7/section24.2-711.1/>

¹³⁷ <https://www.voteathome.org/wp-content/uploads/2020/05/NVAHI-50-State-Policy-Analysis.pdf>

Example Legislative Language:

Delaware Code [Title 15 Chapter 54](#). Regarding Early Voting.¹³⁸

Requires early voting locations to be open at least 10 days prior to Election Day, including Saturday and Sunday. Requires early voting locations to be publicly announced 30 days before each election. Requires each early voting location to be open at least 8 hours per day between 7:00 AM and 7:00 PM.

17. Allow community organizations to collect and deliver sealed ballots.

Twenty states¹³⁹ allow anyone to deliver another voter's sealed and signed ballot. By allowing community organizations to help deliver sealed and signed ballots, Montana can increase voter turnout and help further enfranchise voters who face barriers to voting. For example, this policy can help voters who lack access to a vehicle or who do not have access to consistent mail service.¹⁴⁰

Ballot tracking and robust signature verification can prevent would-be ballot harvesters from collecting blank ballots and completing them. Fraudsters can't access voters' signature files, and voters who haven't received their ballots will notice if the tracking system reports their ballot as delivered and returned. Working with get-out-the-vote organizers who collect ballots from rural reservations and transport them to election offices is often the only way Native Americans can vote.¹⁴¹

Example Legislative Language:

Oregon Revised Statutes [254.470 \(6\)\(d\)](#). Procedures for conducting election by mail.¹⁴²
Allows anyone to deliver a completed and sealed ballot as long as they do so within two days of receiving the ballot from the voter.

¹³⁸ <https://delcode.delaware.gov/title15/c054/index.shtml>

¹³⁹ California, Colorado, Delaware, Florida, Hawaii, Idaho, Illinois, Kansas, Maine, Montana, Nebraska, New York, North Dakota, Oregon, Rhode Island, South Dakota, Vermont, Washington, Wisconsin, and Wyoming.

¹⁴⁰ <https://www.azcentral.com/story/news/politics/elections/2020/01/27/arizona-ballot-harvesting-law-discriminates-minority-voters-ninth-circuit/4589610002>

¹⁴¹ <https://www.narf.org/montana-bipa/>

¹⁴² <https://www.oregonlaws.org/ors/254.470>

18. Automatically register voters and update their addresses.

Seventeen states and DC [automatically register](#) 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 Montana 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. Montana'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 Montana'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](#).¹⁴³
- [Brennan Center study](#) on the impact of Automatic Voter Registration.¹⁴⁴

Example Legislative Language:

Illinois Compiled Statutes [10 § 5/1A-16.1](#). Automatic voter registration; Secretary of State.¹⁴⁵

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.

Maryland Election Law Code Annotated § [3-203](#). Electronic Voter Registration System.¹⁴⁶

¹⁴³ https://sos.oregon.gov/elections/documents/vbm_manual.pdf#page=16

¹⁴⁴ https://www.brennancenter.org/sites/default/files/publications/2019_04_AVR_Report_Final_0.pdf

¹⁴⁵ <http://www.ilga.gov/legislation/ilcs/documents/001000050K1A-16.1.htm>

¹⁴⁶ <https://codes.findlaw.com/md/election-law/md-code-elec-law-sect-3-203.html>

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 opt-out; information added to qualified voter file; erroneous registration not a violation.¹⁴⁷

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 [247.017](#). Transfer of voter registration materials to Secretary of State from Department of Transportation; opt-out of voter registration; rules.¹⁴⁸

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](#).¹⁴⁹ Georgia initiated automatic voter registration by updating its drivers registration [form](#) in 2016.¹⁵⁰ 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](#).¹⁵¹ As of 2019, the Department of Health Care Policy and Financing is [statutorily](#) required to transmit voter registration information to the Secretary of State.¹⁵²

¹⁴⁷ [http://www.legislature.mi.gov/\(S\(2hthlf15z4s0fhn5famvyrgo\)\)/mileg.aspx?page=getObject&objectName=mcl-168-493a](http://www.legislature.mi.gov/(S(2hthlf15z4s0fhn5famvyrgo))/mileg.aspx?page=getObject&objectName=mcl-168-493a)

¹⁴⁸ https://www.oregonlegislature.gov/bills_laws/ors/ors247.html

¹⁴⁹ <https://www.ajc.com/news/state--regional-govt--politics/automatic-registration-leads-surge-new-georgia-voters/97PMHrv8anIB66TfKdIUtK/>

¹⁵⁰ https://dds.georgia.gov/sites/dds.georgia.gov/files/related_files/document/MAIL%20IN%20RENEWAL%20PACKET%20-%20February%202019%20UPD.pdf

¹⁵¹ <https://www.colorado.gov/pacific/dmv/forms-licenses>

¹⁵² <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-registration-at-voter-registration-agencies/section-1-2-5025-transfer-of-voter-registration-information-to-secretary-of-state>