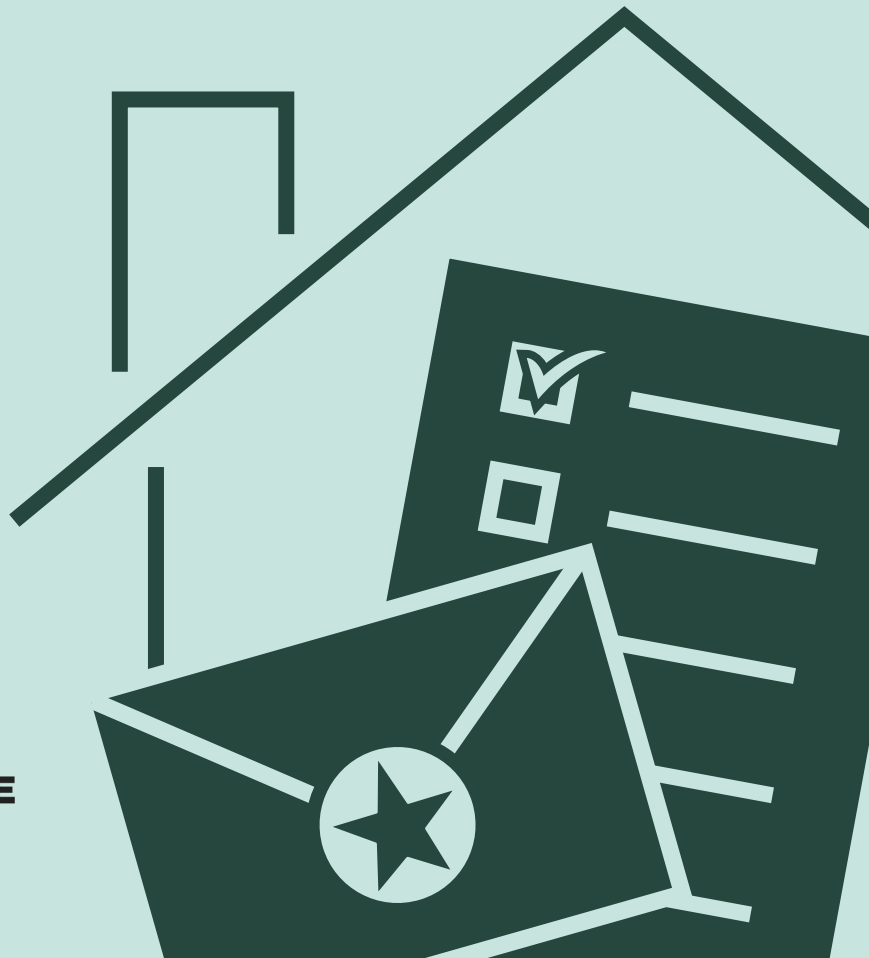


July, 2020

# Vote By Mail for Secure Elections in 2020 — and Beyond

## A Step-by-Step Guide for North Dakota

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



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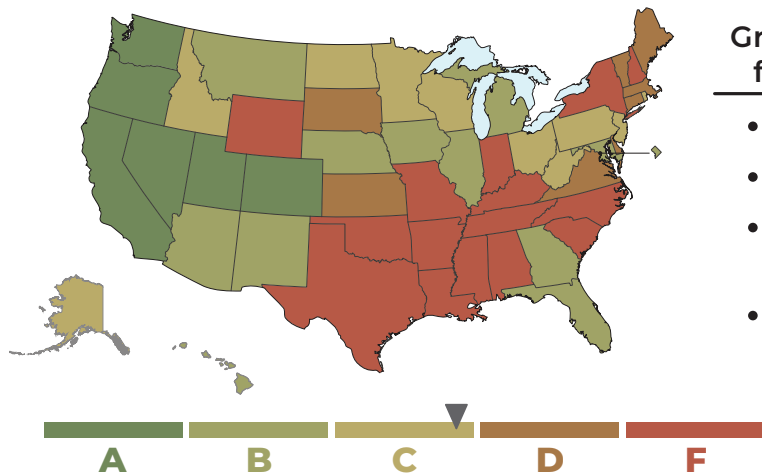
[www.Sightline.org/SecureElections2020](http://www.Sightline.org/SecureElections2020)

## Voting in North Dakota



In North Dakota—the only state that does not require voter registration—329,000 citizens participated in the 2018 election. The number of voters in the state’s 53 counties ranged from 386 in Slope County to 78,196 in Cass County. Of those voters, 29 percent cast an absentee ballot, ranging from 12 percent in Rolette County to 82 percent in McHenry County.

Governor Doug Burgum encouraged all counties to use Vote By Mail for the state’s June 9 primary, suspending the requirement that counties have at least one physical polling location. County commissioners in all 53 counties decided to conduct their elections by mail, the secretary of state sent all registered voters an absentee ballot application, and auditors left open the option for early in-person voting. Twenty-seven percent of North Dakotans cast votes, with 60 percent of those doing so by mail. Turnout remained similar to that of previous primaries, but compared with the 2016 primary, absentee and mail-in ballot use doubled. One challenge an all-mail election could face is ensuring that Native Americans on tribal lands can receive and return their ballots.



### Grades based on 15 factors covering

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

North Dakota’s grade for Vote By Mail preparedness



## Ways in which North Dakota is already prepared



- Allows any voter to request an absentee ballot.
- Uses voters’ signatures to verify ballots.
- Accepts mailed ballots postmarked on Election Day.
- Allows voters to register and request an absentee ballot online.
- Allows community organizations to collect and deliver sealed ballots.

## 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 North Dakota 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 North Dakota 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 North Dakota 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 their local USPS](#) election mail coordinator to discuss the design, timing and volume of election materials.<sup>1</sup> USPS can review all materials to ensure that 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 that the post office is prepared. For example, before each election, King County, Washington, election administrators send a letter to USPS alerting them to the number, type, and timing of ballots they expect to deliver.<sup>2</sup>

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 North Dakota because it is not a member of the Electronic Registration Information Center (ERIC), which helps 30 states keep their voter lists up to date (see Recommendation 13). Having the most up-to-date addresses will ensure that each ballot reaches the right voter, reducing the costs of re-mailing ballots.

### Resources

- To find a local point of contact at USPS: [Election/Political Mail Coordinators](#).<sup>3</sup>
- [USPS Election Mail Kit](#).<sup>4</sup>
- [USPS Election Mail guidelines](#).<sup>5</sup>
- To report problems to USPS: [electionmail.org](#).<sup>6</sup>
- Center for Tech and Civic Life's 2020 [webinar](#) on [best practices for tracking and reporting](#), and the [slides](#).<sup>7</sup>
- Cybersecurity and Infrastructure Security Agency's (CISA) guidance on [Managing an Increase in Outbound Ballots](#)<sup>8</sup>, pp. 67-70.
- [Vote at Home Policy and Research Guide](#), p. 19.<sup>9</sup>

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

<sup>2</sup> <https://aqua.kingcounty.gov/elections/docs/vbm/VBM-information.zip> (see "Ballot mailing" folder, "Example of USPS Notification Letter.pdf")

<sup>3</sup> <https://about.usps.com/gov-services/election-mail/political-mail-map.htm>

<sup>4</sup> <https://about.usps.com/kits/kit600.pdf>

<sup>5</sup> <https://about.usps.com/gov-services/election-mail>

<sup>6</sup> <https://electionmail.org>

<sup>7</sup> <https://www.techandciviclelife.org/vote-at-home>

<sup>8</sup> <https://www.in.gov/sos/elections/files/COVID-19%20Election%20GUIDANCE%20ONLY.pdf#page=56>

<sup>9</sup> <https://www.voteathome.org/wp-content/uploads/2019/03/VAH-Policy-and-Research-Guide.pdf#page=19>

## Example Guidance Language

- Oregon [Vote by Mail Procedures Manual](#), pp. 26-30.<sup>10</sup>
- Municipality of Anchorage [Vote by Mail Project](#).<sup>11</sup>
- Ohio Secretary of State [Election Official Manual](#), pp. 5-22.<sup>12</sup>

## 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 may cause voters to fill out their ballot incorrectly or incompletely so that their vote is not counted.<sup>13</sup>

Ensure that election materials are easy so that voters who may be voting by mail for the first time don't make mistakes. For example, those who are new to mailing their ballots may not know that they need to sign the outside of their envelope, so putting their name under the signature line and providing simple and clear instructions to sign there can help prompt them and reduce the number of ballots that need extra processing time. (Also, pre-filling the absentee ballot request form can help voters complete it correctly (see Recommendation 11).)

Color-coded envelopes can help 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 signature or discrepancy.

Another important way to assist voters is to design and distribute voter education booklets to help guide them through the process. (For example, when Anchorage, Alaska, moved to all-mail elections in 2018, in addition to a robust [community education campaign](#) and a [voter information flyer](#), the city extended an elections call center's hours in the month leading up to the election.) To reach all voters, make all voter materials and the elections website available in multiple languages. The Brennan Center for Justice estimates that the cost for voter education materials is between [\\$0.50 and \\$0.88 per person](#).

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<sup>10</sup> [https://sos.oregon.gov/elections/documents/vbm\\_manual.pdf#page=26](https://sos.oregon.gov/elections/documents/vbm_manual.pdf#page=26)

<sup>11</sup> [https://www.muni.org/departments/assembly/clerk/elections/documents/vote%20by%20mail%20project%20final%20report%20mas%201026%20annual%20report\\_030819.pdf#page=5](https://www.muni.org/departments/assembly/clerk/elections/documents/vote%20by%20mail%20project%20final%20report%20mas%201026%20annual%20report_030819.pdf#page=5)

<sup>12</sup> [https://www.ohiosos.gov/globalassets/elections/directives/2019/dir2019-11\\_eom.pdf#page=197](https://www.ohiosos.gov/globalassets/elections/directives/2019/dir2019-11_eom.pdf#page=197)

<sup>13</sup> [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](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)

## Resources

- The Center for Civic Design's<sup>14</sup> [design guidelines for election officials](#), based on solid research and best practices (includes 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](#), and [creating forms that help voters take action](#).<sup>15</sup> Also see its guidelines for [designing voter education booklets and flyers](#), [creating accessible online information](#), and [providing materials in multiple languages](#).<sup>16</sup>
- Center for Tech and Civic Life's 2020 [webinar](#) on [best practices for envelope design](#), and the [slides](#).<sup>17</sup>
- USPS guidance on [designing election mail](#).<sup>18</sup>
- Center for Tech and Civic Life's 2020 [webinar](#) on [best practices for preparing supplementary materials](#), and the [slides](#).<sup>19</sup>
- CISA's [Voter Education Guidance](#).<sup>20</sup>

## Example Legislative Language

### Revised Code of Washington [29A.40.091](#). Envelopes, declaration, and instructions—Voter's oath—Overseas and service voters—Return of ballots—County auditor's name.<sup>21</sup>

Ballots and envelopes must have the election date printed on them. Return envelopes must have space for the voter's telephone number so that the elections office can contact the voter if their signature does not match the one on file.

### Revised Code of Washington [29A.36](#). Ballots and other voting forms.<sup>22</sup>

See code for detailed guidance on formatting, contracts with vendors, sample ballots, and instructions.

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<sup>14</sup> 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 one in four voters have used their designs.

<sup>15</sup> <https://civicdesign.org/fieldguides>

<sup>16</sup> [Ibid.](#)

<sup>17</sup> <https://www.techandcivillife.org/vote-at-home>

<sup>18</sup> <https://about.usps.com/election-mail/design-election-mail.htm>

<sup>19</sup> <https://vimeo.com/393307242> and <https://www.techandcivillife.org/wp-content/uploads/2020/01/PDF-VAH-Webinar-2-Preparing-helpful-supplementary-materials.pdf>

<sup>20</sup> [https://www.cisa.gov/sites/default/files/publications/election\\_education\\_outreach\\_absentee\\_508.pdf](https://www.cisa.gov/sites/default/files/publications/election_education_outreach_absentee_508.pdf)

<sup>21</sup> <http://lawfilesexternal.wa.gov/biennium/2019-20/Pdf/Bills/Session%20Laws/House/1520-S.SL.pdf>

<sup>22</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=29A.36>

### Example Guidance Language

- Washington State [Ballot Format Checklist](#) 2019.<sup>23</sup>
- Washington Administrative Code [434-230](#). Ballots.<sup>24</sup>
- Washington Administrative Code [434-230-010](#). Sample Ballots.<sup>25</sup>
- Colorado [Elections Division Policy and Procedure Manual](#), p. 26.<sup>26</sup>
- Oregon [Vote by Mail Procedures Manual](#), p. 23.<sup>27</sup>

## 3. Implement robust signature verification.

North Dakota election officials already have experience in verifying signatures to protect against fraud while avoiding mistaken voter disenfranchisement.<sup>28</sup> As election administrators handle more mail-in ballots due to COVID-19, officials may take several steps to implement efficient and effective signature verification.

First, digitize the voter signatures already on file. The more digitized signatures, the more accurate the verification can be.<sup>29</sup> Signatures can come from each voter's registration, their absentee ballot request form, prior mailed ballots, or their signatures on file with the Department of Motor Vehicles (DMV) or other state agencies.

Second, train enough workers to inspect signatures. Washington, Oregon, and Colorado have developed training program procedures (see Resources). Forensic scientists (possibly from North Dakota's patrol or that of a neighboring state) 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 signature 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 an initial review. Flagged ballots then go to another team of trained workers that closely examines the ballots and decides whether to accept or challenge them. (King County inspectors challenge about 1 percent of signatures.)

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<sup>23</sup> <https://www.sos.wa.gov/assets/elections/administrators/2019-ballot-format-checklist.pdf>

<sup>24</sup> <https://apps.leg.wa.gov/wac/default.aspx?cite=434-230>

<sup>25</sup> <https://apps.leg.wa.gov/wac/default.aspx?cite=434-230-010&pdf=true>

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

<sup>27</sup> [https://sos.oregon.gov/elections/documents/vbm\\_manual.pdf#page=23](https://sos.oregon.gov/elections/documents/vbm_manual.pdf#page=23)

<sup>28</sup> To verify the identity of voters who are unable to sign due to disability, offer the option of filling out a form that allows them to use a signature stamp.

<sup>29</sup> <https://www.voteathome.org/wp-content/uploads/2019/03/VAH-Policy-and-Research-Guide.pdf#page=18>



For all challenged signatures, notify voters and give them an opportunity to respond so that their ballot might still be counted (see Recommendation 12).

Voters' signatures change over time, so if the state does not have a recent signature on file for a voter, ask them to update it. The King County, Washington, elections administrator sends voters a Signature Update Form. And in preparation for moving to an all-mail election, Hawaii sent a postcard to all registered voters asking for an updated signature for reference.

## Resources

- Colorado Secretary of State [Signature Verification Guide](#).<sup>30</sup>
- King County, Washington, [Signature Verification Training presentation](#) (includes examples of signatures and common problems with signatures).<sup>31</sup>
- King County, Washington, [Signature Update Form](#).<sup>32</sup>
- Hawaii's Office of Elections [Signature Card](#).<sup>33</sup>
- Oregon Secretary of State Elections Division [webinar](#) on signature verification.<sup>34</sup>
- Election Assistance Commission [Signature Verification Cure Process](#).<sup>35</sup>
- [Tour](#) of King County (Washington) Elections ballot processing area.<sup>36</sup>
- Oregon [Signature Stamp Attestation](#) form.<sup>37</sup>
- CISA's [Ballot Verification](#) and [Signature Verification and Cure Process](#).<sup>38</sup>

## Example Legislative Language

### Revised Code of Washington [29A.40.110](#). Processing incoming ballots.<sup>39</sup>

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.

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<sup>30</sup> <https://www.sos.state.co.us/pubs/elections/docs/SignatureVerificationGuide.pdf>

<sup>31</sup> <https://aqua.kingcounty.gov/elections/docs/vbm/VBM-information.zip> (see "Ballot processing" folder, "Signature Verification Training Updated.pptx")

<sup>32</sup> <https://aqua.kingcounty.gov/elections/docs/vbm/VBM-information.zip> (see "Ballot processing" folder, "Signature-update-letter-April-May 2016-English.pdf")

<sup>33</sup> <https://elections.hawaii.gov/main/sign-sealed-and-counted-securing-your-vote>

<sup>34</sup> <https://www.youtube.com/watch?v=UKiYGONnNT0&feature=youtu.be>

<sup>35</sup> [https://www.eac.gov/sites/default/files/electionofficials/vbm/Signature\\_Verification\\_Cure\\_Process.pdf](https://www.eac.gov/sites/default/files/electionofficials/vbm/Signature_Verification_Cure_Process.pdf)

<sup>36</sup> <https://kingcounty.gov/depts/elections/education-and-outreach/take-a-tour.aspx>

<sup>37</sup> <https://sos.oregon.gov/elections/Documents/SEL540.pdf>

<sup>38</sup> <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>

<sup>39</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=29A.40.110>

### Example Guidance Language

- Washington Administrative Code [434-250-120](#). Verification of the signature and return date.<sup>40</sup>
- Oregon [Vote by Mail Procedures Manual](#), p. 35; [Appendix 13](#), p. 83.<sup>41</sup>

## 4. Provide secure drop boxes.

In states that mail out all ballots, most voters return them to secure drop boxes, rather than via USPS. To accommodate this, counties should provide enough drop boxes for all voters and make them easily accessible. Each county should have at least one box available 24/7; more populous counties should aim to have one drop box per 10,000 voters. Drop boxes are especially important because North Dakota requires receipt of ballots up to Election Day. Voters who wish to submit their ballot after the mail cutoff date can take it to a drop box (see Recommendation 17).

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

In 2018 Oregon and Washington,<sup>42</sup> two states that mail out all ballots, had one drop box per 8,800<sup>43</sup> and 10,000<sup>44</sup> voters, respectively. King County, Washington, strategically sited its drop boxes to ensure that 95 percent of voters' addresses were within [three miles of a box](#). (However, election officials should be prepared for voters to drop off ballots in precincts and jurisdictions other than their own.) Election administrators should set up drop boxes approximately one month before elections, publicize locations on their website, and share them with local news outlets.

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<sup>40</sup> <https://apps.leg.wa.gov/wac/default.aspx?cite=434-250-120>

<sup>41</sup> [https://sos.oregon.gov/elections/documents/vbm\\_manual.pdf#page=35](https://sos.oregon.gov/elections/documents/vbm_manual.pdf#page=35) and [https://sos.oregon.gov/elections/documents/vbm\\_manual.pdf#page=83](https://sos.oregon.gov/elections/documents/vbm_manual.pdf#page=83)

<sup>42</sup> <https://www.sos.wa.gov/assets/elections/ballot%20drop%20boxes%202019%20general%20election.pdf> and <https://www.sos.wa.gov/elections/general-election-2019.aspx>

<sup>43</sup> In 2018 Oregon had 311 drop boxes, with 165 of those boxes available 24/7.

<https://www.voteathome.org/wp-content/uploads/2019/02/FAQ-Best-Practices.pdf>

<sup>44</sup> In 2018 Washington had 471 drop boxes, with 323 of those boxes available 24/7.

<https://www.sos.wa.gov/assets/elections/ballot%20drop%20boxes%202019%20general%20election.pdf> and <https://www.sos.wa.gov/elections/general-election-2019.aspx>

## Cost/Savings

- Drop boxes in King County, Washington, cost \$5,235 each, and the installation of 37 drop boxes cost around \$20,000.<sup>45</sup>
- In Pierce County, Washington, the purchase and installation of each drop box costs between \$7,000 and \$10,000.
- 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.<sup>46</sup>

## Resources

- Bipartisan Policy Center's [Logical Elections Policy](#), p. 28.<sup>47</sup>
- [Mailed-out Ballot Return Choices](#), National Vote At Home Institute, 2018.<sup>48</sup>
- Washington Office of the Secretary of State and Pierce and Lewis Counties' ballot drop boxes [webinar](#).<sup>49</sup>
- King County [Ballot Drop Box resources](#) (details vendors, ballot collection procedures, and tier system, which is based on expected ballot volume).<sup>50</sup>
- [Laserfab Vote Armor](#) (producer of heavy-duty drop boxes used in many states, including Washington and Colorado).<sup>51</sup>

## Example Legislative Language

### Revised Code of Washington [29A.40.170](#). Ballot drop boxes.<sup>52</sup>

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

## Example Guidance Language

- Washington Secretary of State Clearinghouse Elections Notice on [Ballot Drop Boxes in All Communities](#).<sup>53</sup>
- Washington Administrative Code [434-250-100](#). Ballot deposit sites.<sup>54</sup>
- Oregon [Vote by Mail Procedures Manual](#), pp. 10-15.<sup>55</sup>

<sup>45</sup> <https://kingcounty.gov/~media/depts/elections/about-us/reports/bdol-expansion-plan.ashx?la=en>

<sup>46</sup> <https://wsac.org/wp-content/uploads/2019/12/WSAC-et-al-v-State-of-Washington.pdf>

<sup>47</sup> [https://bipartisanpolicy.org/wp-content/uploads/2020/01/Bipartisan\\_Elections-Task-Force\\_R01\\_crops.pdf#page=28](https://bipartisanpolicy.org/wp-content/uploads/2020/01/Bipartisan_Elections-Task-Force_R01_crops.pdf#page=28)

<sup>48</sup> <https://www.voteathome.org/wp-content/uploads/2018/12/Optimizing-ballot-return-choices.pdf>

<sup>49</sup> <https://www.youtube.com/watch?v=pBRYsy9LlcU&feature=youtu.be>

<sup>50</sup> <https://aqua.kingcounty.gov/elections/docs/vbm/VBM-information.zip> (see "Ballot drop boxes" folder)

<sup>51</sup> <https://votearmor.laserfabusa.com>

<sup>52</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=29A.40.170>

<sup>53</sup> <https://www.sos.wa.gov/assets/elections/auditorsctp/17-01%20ballot%20drop%20boxes%20in%20all%20communities.pdf>

<sup>54</sup> <https://apps.leg.wa.gov/wac/default.aspx?cite=434-250-100>

<sup>55</sup> [https://sos.oregon.gov/elections/documents/vbm\\_manual.pdf#page=10](https://sos.oregon.gov/elections/documents/vbm_manual.pdf#page=10)

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

Counties that mail out all or most ballots should still provide in-person voting locations for those who prefer to vote in person, need additional assistance, or do not have a reliable mailing address. Each county should have at least one in-person vote 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.

Even states that conduct elections completely by mail still offer in-person options. California mandates one vote center per 1,000 voters. In Oregon, voters can cast their ballots in person at any county elections office. And though Colorado still opens vote centers on Election Day, the state was able to reduce the number of poll workers from 16,000 to fewer than 4,000<sup>56</sup> after implementing Vote By Mail.<sup>57</sup> The shift decreased labor cost per vote from \$4.71 to \$1.96.<sup>58</sup>

According to the US Government Accountability Office (GAO), costs for polling sites can range from no added cost (if using an existing agency facility) to \$300 per day to rent a location.<sup>59</sup> Employee costs to staff a vote center can range from \$100 to \$235 per day.<sup>60</sup>

### Resources

- [Mailed-out Ballot Return Choices](#), National Vote at Home Institute, 2018.<sup>61</sup>
- King County, Washington, [guidance on vote centers](#).<sup>62</sup>

### Example Legislative Language

#### Revised Code of Washington [29A.40.160](#). Voting centers.<sup>63</sup>

Each county must open a vote center beginning 18 days before the election, and the center must be accessible for voters with disabilities.

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<sup>56</sup> <https://www.voteathome.org/wp-content/uploads/2019/03/VAH-Policy-and-Research-Guide.pdf>

<sup>57</sup> <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2016/03/colorado-voting-reforms-early-results>

<sup>58</sup> [Ibid.](#)

<sup>59</sup> <https://www.gao.gov/assets/680/678131.pdf#page=47>

<sup>60</sup> [Ibid.](#)

<sup>61</sup> <https://www.voteathome.org/wp-content/uploads/2018/12/Optimizing-ballot-return-choices.pdf>

<sup>62</sup> <https://aqua.kingcounty.gov/elections/docs/vbm/VBM-information.zip> (see “Vote centers” folder)

<sup>63</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=29A.40.160>

## Example Guidance Language

- Washington Administrative Code [434-250-105](#). Voting Centers.<sup>64</sup>
- Colorado Secretary of State [Elections Division Policy and Procedure Manual](#), p. 35.<sup>65</sup>
- Oregon [Vote by Mail Procedures Manual](#), pp. 10-15.<sup>66</sup>

## 6. Consider using a professional printer and ballot sorter.

Many election administrators use professional printers and ballot sorters, rather than printing ballots, stuffing envelopes, and sorting them in-house. This can save money and increase staff efficiency. It might also mitigate problems voters have experienced during their primaries, such as in Georgia,<sup>67</sup> where voters requested ballots but did not receive them, or in New York,<sup>68</sup> where ballots did not include a return envelope. Both states were relying on overworked workers who did not have much experience in printing, stuffing, and mailing ballot envelopes, rather than hiring a professional service that has printed, stuffed, and mailed ballot envelopes many times and has quality control practices in place.

According to the Brennan Center, printing costs per ballot ranges from [\\$0.21 to \\$0.35 cents per ballot](#). Volume efficiencies in moving to a Vote By Mail system result in lower per-voter printing costs. In Colorado, total printing costs declined from [\\$6.86 to \\$3.04 per voter](#) after implementing Vote By Mail.

## Resources

- [K&H Integrated Print Solutions](#) for secure ballot and envelope printing.<sup>69</sup>
- [Runbeck Election Services](#) for election products and services.<sup>70</sup>
- Relia-Vote™ automated mail ballot solutions from [BlueCrest](#).<sup>71</sup>
- [Ryder Graphics](#) for ballot printing and mailing.<sup>72</sup>
- [Reprographics](#) for ballot printing and mailing.<sup>73</sup>
- [Phoenix Graphics](#) for ballot printing and mailing.<sup>74</sup>

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<sup>64</sup> <https://apps.leg.wa.gov/wac/default.aspx?cite=434-250-105>

<sup>65</sup> <https://www.sos.state.co.us/pubs/elections/policyManual/ElectionsPolicyManual.pdf#page=35>

<sup>66</sup> [https://sos.oregon.gov/elections/documents/vbm\\_manual.pdf#page=10](https://sos.oregon.gov/elections/documents/vbm_manual.pdf#page=10)

<sup>67</sup> <https://www.11alive.com/article/news/politics/elections/absentee-ballot/85-4bde08c8-97db-4736-b1de-45a03c29c330>

<sup>68</sup> <https://www.nytimes.com/2020/06/19/us/politics/nyc-vote-by-mail.html>

<sup>69</sup> Many counties in the Pacific Northwest use this vendor. <http://www.khprint.com>

<sup>70</sup> Runbeck has the capacity to serve 10 percent of American voters. <https://runbeck.net>

<sup>71</sup> BlueCrest serves 30 counties. <https://www.bluecrestinc.com/solutions/vote-by-mail-relia-vote>

<sup>72</sup> Many Oregon counties use this vendor. <http://rydergraphics.net>

<sup>73</sup> Many Oregon counties use this vendor. <http://reproprinting.com>

<sup>74</sup> Some jurisdictions on the East Coast use this vendor.

<https://www.phoenix-graphics.com/absentee-mail>

- [Tritek](#) for ballot sorting and signature verification services.<sup>75</sup>

### Example Guidance Language

- Colorado Secretary of State [Elections Division Policy and Procedure Manual](#), p. 26.<sup>76</sup>
- Oregon [Vote by Mail Procedures Manual](#), p. 23.<sup>77</sup>

## 7. Count ballots at a secure centralized facility.

Counting ballots in a secure centralized facility enhances election security, transparency, and efficiency. Election administrators in King County, Washington, count ballots in guarded facilities with continuous security camera monitoring in addition to using their ballot tracking system (see Recommendation 10). Having security surveillance equipment in ballot processing areas and streaming the footage online allows voters to see for themselves how secure and transparent a jurisdiction’s 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 North Dakota law, counties that don’t have an appropriate facility for secure and centralized ballot processing could coordinate with counties that do.

### Resources

- King County Elections [FAQ](#) and [security and accountability information](#).<sup>78</sup>
- CISA’s [Inbound Ballot Process Recommendations](#).<sup>79</sup>

### Example Guidance Language

- Washington Administrative Code [434-261-045](#). Secure Storage.<sup>80</sup>
- Oregon [Vote by Mail Procedures Manual](#), p. 8.<sup>81</sup>

<sup>75</sup> <https://tritektech.com>

<sup>76</sup> <https://www.sos.state.co.us/pubs/elections/policyManual/ElectionsPolicyManual.pdf#page=26>

<sup>77</sup> [https://sos.oregon.gov/elections/documents/vbm\\_manual.pdf#page=23](https://sos.oregon.gov/elections/documents/vbm_manual.pdf#page=23)

<sup>78</sup> <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>

<sup>79</sup> <https://www.in.gov/sos/elections/files/COVID-19%20Election%20GUIDANCE%20ONLY.pdf#page=43>

<sup>80</sup> <https://apps.leg.wa.gov/wac/default.aspx?cite=434-261-045>

<sup>81</sup> [https://sos.oregon.gov/elections/documents/vbm\\_manual.pdf#page=8](https://sos.oregon.gov/elections/documents/vbm_manual.pdf#page=8)

## 8. Include a postage-prepaid return envelope.

Seventeen states<sup>82</sup> require the state government to provide envelopes with prepaid return postage for absentee ballots. Twenty-two states<sup>83</sup> 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. Providing prepaid return postage makes voting easier and can improve voter turnout because voters can focus on voting, not on locating stamps, weighing their ballot, or going to the post office to find out how much mailing the ballot will cost (which can vary from one stamp to three First-Class stamps, depending on the weight of the ballot).<sup>84</sup> Prepaid return postage costs around \$0.80 per voter.<sup>85</sup>

Just 10 states,<sup>86</sup> including North Dakota, require voters to pay for postage, meaning that local officials are prohibited from providing prepaid return postage. The North Dakota legislature would need to revise the law for election administrators to pay for return postage or at least give each county the option to do so.

### Resources

- USPS [fact sheet](#) on Business Reply Mail® (BRM) and Qualified Business Reply Mail™ (QBRM™).<sup>87</sup>

### Example Legislative Language

**Revised Code of Washington [29A.40.091](#). Envelopes, declaration, and instructions—Voter’s oath—Overseas and service voters—Return of ballots—County auditor’s name.**<sup>88</sup>

Return envelopes for all ballots must include prepaid postage.

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<sup>82</sup> Arizona, California, Delaware, Hawaii, Idaho, Indiana, Iowa, Kansas, Minnesota, Missouri, Nevada, New Mexico, Oregon, Rhode Island, Washington, West Virginia, and Wisconsin require prepaid return postage. <https://www.ncsl.org/research/elections-and-campaigns/vopp-table-12-states-with-postage-paid-election-mail.aspx>

<sup>83</sup> Counties in 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, and Wyoming determine whether to provide prepaid return postage. <https://tracker.votingrightslab.org/issues/AbsenteeVoting>

<sup>84</sup> <https://qz.com/1433788/how-many-stamps-should-i-put-on-an-absentee-ballot>

<sup>85</sup> <https://www.brennancenter.org/our-work/research-reports/estimated-costs-covid-19-election-resiliency-measures>

<sup>86</sup> Alaska, Colorado, Florida, Illinois, Montana, Nebraska, North Carolina, North Dakota, Ohio, South Dakota, and Texas require voters to pay postage for mail-in ballots. <https://tracker.votingrightslab.org/issues/AbsenteeVoting>

<sup>87</sup> BRM and QBRM enable local election officials to pay the return postage for only the ballots returned to the elections office. <https://about.usps.com/kits/kit600.pdf#page=15>

<sup>88</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=29A.40.091>

## Example Guidance Language

- Arizona Secretary of State [2019 Elections Procedures Manual](#), p. 54.<sup>89</sup>

## 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 3 counties in North Dakota with 25,000 or more registered voters,<sup>90</sup> investing in centralized equipment will allow officials to efficiently process a high volume of absentee ballots and result in reduced labor costs for every election for years to come. High-speed equipment allows election administrators to count ballots and finalize results faster, and as voting populations increase, high-speed equipment will be able to handle the increased number of ballots.

Machines themselves may cost in the range of \$50,000 to \$100,000,<sup>91</sup> but counties usually purchase an installation and maintenance contract 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, spent \$482,388 on a machine and five years of maintenance.<sup>92</sup>

In North Dakota, three counties have high-speed centralized tabulators.<sup>93</sup> Other counties might consider investing in such equipment this year. As an alternative, counties that are not able to handle the volume of mailed ballots could contact the counties that do have high-speed scanners and make arrangements to coordinate use of the equipment.

## Resources

- National Conference of State Legislatures' [Elections Technology Toolkit | Voting Machines and Beyond](#).<sup>94</sup>
- CISA's [Inbound Ballot Recommendations](#), p. 3.<sup>95</sup>

<sup>89</sup> [https://azsos.gov/sites/default/files/2019\\_ELECTIONS\\_PROCEDURES\\_MANUAL\\_APPROVED.pdf#page=68](https://azsos.gov/sites/default/files/2019_ELECTIONS_PROCEDURES_MANUAL_APPROVED.pdf#page=68)

<sup>90</sup> Burleigh, Cass, Grand Forks

<sup>91</sup> <https://www.brennancenter.org/our-work/research-reports/estimated-costs-covid-19-election-resiliency-measures>

<sup>92</sup> <https://www.solano.courts.ca.gov/materials/GrandJury/2016/Final%20ROV%20Report%20-Judge%2005182016.pdf>

<sup>93</sup> Burleigh, Cass, Grand Forks

<sup>94</sup> <https://www.ncsl.org/research/elections-and-campaigns/elections-technology-toolkit.aspx>

<sup>95</sup> [https://www.cisa.gov/sites/default/files/publications/inbound-ballot\\_process\\_final\\_508.pdf#page=3](https://www.cisa.gov/sites/default/files/publications/inbound-ballot_process_final_508.pdf#page=3)



## For North Dakota's Secretary of State

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

### 10. 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 Scout<sup>96</sup> and BallotTrax,<sup>97</sup> uses intelligent barcodes to track every ballot and envelope, minimizing the risk of stolen ballots or ones that have been tampered with. It also increases transparency and accountability because voters can easily track when their ballot is in transit, received by election officials, and counted.

Ten states<sup>98</sup> require tracking for absentee ballots, and 30 others<sup>99</sup> have some form of ballot tracking, though not required by statute. These tracking services may not be comprehensive, however. For example, in many states, voters can look up whether their ballot has been mailed to them but may not be able to find out if it has been accepted. In contrast, Ballot Scout and BallotTrax's comprehensive services can text voters with updates on every step in their ballot's journey—when it's mailed, when it arrives at their residence, when it's in transit, and when it's been accepted. Tracking services give voters a much higher degree of confidence in the system. Such 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, North Dakota can avoid problems such as those Wisconsin experienced in its April 2020 primary. If Wisconsin election officials had had comprehensive secure ballot tracking in place, they would have seen that thousands of mailed-out ballots had gotten stuck in mail processing centers. Getting this information would have given officials the opportunity to contact USPS and address the problem. Instead, 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, comprehensive ballot-tracking may cost around \$50,000 per

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<sup>96</sup> <https://www.democracy.works/ballot-scout>

<sup>97</sup> <https://ballottrax.com>

<sup>98</sup> California, Colorado, Delaware, Florida, Iowa, Maryland, New Hampshire, New Jersey, New Mexico, and Virginia require ballot tracking.

<sup>99</sup> Alabama, Alaska, Arizona, Arkansas, Georgia, Idaho, Illinois, Iowa, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Utah, Vermont, Washington, West Virginia, and Wisconsin have some form of ballot tracking, though it is not required.

<https://tracker.votingrightslab.org/issues/AbsenteeVoting>

year. It would be most effective for the secretary of state to enact statewide tracking, but if they do 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.<sup>100</sup>

### Example Legislative Language

#### **California Election Code § 3017 (c). Vote by Mail Application and Voting Procedures.**<sup>101</sup>

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 website.

#### **Florida Statutes § 101.62(1)(c). Request for vote-by-mail ballots.**<sup>102</sup>

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 designated by the department for determining the status of their Vote By Mail ballot.

#### **New Hampshire Revised Statutes § 657:26. Absentee Voter Website.**<sup>103</sup>

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

- Center for Tech and Civic Life's 2020 [webinar](#) on [best practices for tracking and reporting](#), and the [slides](#).<sup>104</sup>
- USPS's [Green Tag 191](#) and ballot-specific [Service Type Identifiers \(STIDs\)](#), which uses Intelligent Mail® barcodes (IMb®), help process Vote By Mail ballots.<sup>105</sup>

<sup>100</sup> 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>

<sup>101</sup> [https://leginfo.legislature.ca.gov/faces/codes\\_displayText.xhtml?lawCode=ELEC&division=3.&title=&part=&chapter=1.&article=](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=ELEC&division=3.&title=&part=&chapter=1.&article=)

<sup>102</sup> [http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0100-0199/0101/Sections/0101.62.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0101/Sections/0101.62.html)

<sup>103</sup> <http://www.gencourt.state.nh.us/rsa/html/lxiii/657/657-mrg.htm>

<sup>104</sup> <https://www.techandcivillife.org/vote-at-home>

<sup>105</sup> <https://about.usps.com/gov-services/election-mail> and [https://about.usps.com/postal-bulletin/2018/pb22498/html/cover\\_006.htm](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 elections office, and when it has been approved for tabulation.
- [Ballot Scout](#), a web-based ballot-tracking tool that works with USPS.<sup>106</sup>
- [BallotTrax](#) for tracking ballots.<sup>107</sup>

### Example Guidance Language

- Oregon [Vote by Mail Procedures Manual](#), p. 26.<sup>108</sup>

## 11. Mail absentee application forms to all registered voters.

Mailing absentee application forms to every registered voter in North Dakota will increase absentee voting, reducing crowds on Election Day and helping to slow the spread of COVID-19. Several counties in Wisconsin mailed out absentee ballot applications in advance of the April 2020 primary to great success: voter turnout was 67 percent<sup>109</sup> (a high turnout for a primary), and 90 percent of the ballots cast were absentee, leaving polling places less crowded for the few who voted in person.<sup>110</sup>

As in Wisconsin, North Dakota’s local officials could individually choose to mail application forms to voters in their jurisdiction, but the mailing would be more effective as a coordinated statewide effort.

In addition to boosting absentee voting rates, mailing application forms can provide two benefits: the signed form would provide election administrators with a signature to use when verifying the ballot (see Recommendation 3), and it would help clerks update voter addresses so that more ballots will reach voters in November. To allow enough time for undeliverables to get back to the elections office and for clerks to follow up and find voters’ current mailing address, aim to mail application forms at least two months before the election. To get a higher level of uptake, pre-fill the forms with information on file, such as the voter’s name and address. Then voters can simply review and update the information as needed, and then sign and return the form. Use plain language to help voters fill out the form correctly, which will save clerks time (see Recommendation 2).

North Dakota law allows the secretary of state (or individual clerks) to choose whether to send applications to voters. The county would have to pay to print and mail the application

<sup>106</sup> <https://www.democracy.works/ballot-scout>

<sup>107</sup> Counties in California, Oregon, and Washington use BallotTrax. <https://ballottrax.com>

<sup>108</sup> [https://sos.oregon.gov/elections/documents/vbm\\_manual.pdf#page=26](https://sos.oregon.gov/elections/documents/vbm_manual.pdf#page=26)

<sup>109</sup> <http://www.wfbvillage.org/DocumentCenter/View/1091/April-2020---Election-Results>

<sup>110</sup> <https://www.motherjones.com/politics/2020/04/whitefish-bay-coronavirus>

forms, which should cost less than \$2.00 per voter,<sup>111</sup> and for the labor of processing the forms. Because North Dakota requires voters to fill out an absentee ballot application for every election year, election officials would need to pay to mail and process forms again in subsequent elections. To save local officials' substantial cost of mailing and processing absentee application forms for each election, North Dakota legislature could allow a “single sign-up” option so that voters who want to continue voting by mail can do so without repeated paperwork (see Recommendation 15).

## Resources

- CISA’s guidance on [Helping Voters to Request a Mail-in Ballot](#).<sup>112</sup>

## 12. Give voters sufficient opportunity to cure signature problems.

If a voter forgets to sign their ballot return envelope or if their signature doesn’t match the one(s) on file, they deserve the chance to correct the error and have their vote count. Nineteen states<sup>113</sup> have laws requiring clerks to notify voters if there is a problem with their signature and then give voters an opportunity to cure.

Unfortunately, North Dakota does not have a formal process to give voters an opportunity to cure. To prevent absentee voters from being unintentionally disenfranchised due to a problem with the signature on their envelope, the North Dakota legislature could pass a law requiring clerks to notify voters of problems with their signature and lay out a process for voters to cure. In the absence 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, election officials would notify the voter of any problems with their signature. Ideally, notice would be given within 24 hours of their ballot being flagged. To ensure that they receive the notice, officials could send it via multiple channels, such as mail, phone, email, and text message, if you have the voter’s contact information. (Text notification can be included in ballot-tracking services. See Recommendation 10.)

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<sup>111</sup> <https://www.brennancenter.org/our-work/research-reports/estimated-costs-covid-19-election-resiliency-measures>

<sup>112</sup> <https://www.in.gov/sos/elections/files/COVID-19%20Election%20GUIDANCE%20ONLY.pdf#page=70>

<sup>113</sup> Alabama, California, Colorado, Florida, Georgia, Hawaii, Illinois, Iowa, Massachusetts, Michigan, Minnesota, Montana, Nevada, Ohio, Oregon, Rhode Island, Utah, Washington, and Wisconsin allow voters to cure signatures on ballot return envelopes. See <https://www.ncsl.org/research/elections-and-campaigns/vopp-table-15-states-that-permit-voters-to-correct-signature-discrepancies.aspx>

Second, allow the voter to cure. You can give voters the option to visit an elections office or vote center and re-sign the ballot or show identification. However, if visiting 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 via mail, email, or [text](#) message.<sup>114</sup> The National Vote At Home Institute recommends giving voters at least three business days after Election Day to cure.<sup>115</sup>

### Example Legislative Language

#### **Arizona Revised Statutes [16-550](#). Receipt of voter's ballot; cure period.<sup>116</sup>**

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

#### **California Elections Code § [3019\(c\)-\(e\)](#). Vote by Mail Application and Voting Procedures.<sup>117</sup>**

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

#### **Hawaii Revised Statutes § [11-106](#). Deficient return identification envelopes.<sup>118</sup>**

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

#### **Ohio Revised Code [3509.06](#) (E). Counting absent voters' ballots.<sup>119</sup>**

Voters may correct signatures or other identifying information until the seventh day after Election Day. Voters must be notified by mail and may provide information by mail or in person.

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<sup>114</sup> [Arapahoe County](#), Colorado, allows voters to cure their signature via text message. <https://www.txt2vote.com>

<sup>115</sup> <https://www.voteathome.org/wp-content/uploads/2020/05/NVAHI-50-State-Policy-Analysis.pdf>

<sup>116</sup> <https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/16/00550.htm>

<sup>117</sup> [https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=ELEC&sectionNum=3019](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=ELEC&sectionNum=3019)

<sup>118</sup> [https://www.capitol.hawaii.gov/hrscurrent/Vol01\\_Ch0001-0042F/HRS0011/HRS\\_0011-0106.htm](https://www.capitol.hawaii.gov/hrscurrent/Vol01_Ch0001-0042F/HRS0011/HRS_0011-0106.htm)

<sup>119</sup> <http://codes.ohio.gov/orc/3509.06>

**Oregon Revised Statutes [254.431](#). Special procedure for ballots challenged due to failure to sign return envelope or nonmatching signature; public record limitation.**<sup>120</sup>

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

**Example Guidance Language**

- Arizona Secretary of State [2019 Election Procedures Manual](#), p. 82.<sup>121</sup>
- Washington Secretary of State Clearinghouse Elections Notice on [Unsigned Ballots and Mismatched Signatures](#).<sup>122</sup>
- Washington Administrative Code [434-261-050](#). Unsigned ballot declaration or mismatched signatures.<sup>123</sup>
- Colorado Secretary of State [Elections Division Policy and Procedure Manual](#), p. 52.<sup>124</sup>
- King County, Washington, [training](#) on signature problems and [examples of letters](#) to send to voters notifying them of signature problems and offering an opportunity to cure.<sup>125</sup>

<sup>120</sup> [https://www.oregonlegislature.gov/bills\\_laws/ors/ors254.html](https://www.oregonlegislature.gov/bills_laws/ors/ors254.html)

<sup>121</sup> [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)

<sup>122</sup> <https://www.sos.wa.gov/elections/auditorsctp/clearinghouse/2012/1205.pdf>

<sup>123</sup> <https://apps.leg.wa.gov/wac/default.aspx?cite=434-261-050>

<sup>124</sup> <https://www.sos.state.co.us/pubs/elections/policyManual/ElectionsPolicyManual.pdf#page=52>

<sup>125</sup> <https://aqua.kingcounty.gov/elections/docs/vbm/VBM-information.zip> (see “Ballot processing” folder, “EnvelopeReviewFont Test in ppt” for a training on possible signature problems, and “English\_DoubleSigned,” “English\_Unsigned w Bid,” “English\_SDNM w bid,” “English\_WSM w bid,” “English\_NSOF w bid,” and “English\_POA w bid” for examples of letters)

## For Lawmakers

### 13. Join the Electronic Registration Information Center (ERIC).

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 the state, moved out of the state, passed away, may have duplicate registrations, or may be eligible to vote but have 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 ballots are mailed to eligible voters' current address.

ERIC is very effective. According to a [US GAO 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.” In addition, member states showed a net increase of 2.36 percent in voter turnout compared to non-member states.<sup>126</sup>

#### Resources

- ERIC’s [website](#),<sup>127</sup> [bylaws](#),<sup>128</sup> and [procedures to join](#).<sup>129</sup> States pay a one-time membership fee of \$25,000 and contribute to ERIC’s annual operating expenses with annual dues; states with larger populations contribute more than states with smaller ones.<sup>130</sup>
- [Not all states](#) require changes to statutes in order to join ERIC.<sup>131</sup>

#### Example Legislative Language

##### Connecticut General Statutes § [9-19k](#). Online voter registration system.<sup>132</sup>

The secretary of state can use voter registration databases from other states to verify applicants’ information.

##### 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

<sup>126</sup> [https://www.rti.org/sites/default/files/resources/eric\\_stage1report\\_pewfinal\\_12-3-13.pdf](https://www.rti.org/sites/default/files/resources/eric_stage1report_pewfinal_12-3-13.pdf)

<sup>127</sup> <https://ericstates.org/who-we-are>

<sup>128</sup> [https://ericstates.org/wp-content/uploads/2020/02/ERIC\\_Bylaws\\_01-2020.pdf](https://ericstates.org/wp-content/uploads/2020/02/ERIC_Bylaws_01-2020.pdf)

<sup>129</sup> <https://ericstates.org/wp-content/uploads/2019/06/ERIC-Membership-Summary-v20190603.pdf>

<sup>130</sup> [Ibid.](#)

<sup>131</sup> <https://www.ncsl.org/research/elections-and-campaigns/voter-list-accuracy.aspx>

<sup>132</sup> [https://www.cga.ct.gov/current/pub/chap\\_143.htm#sec\\_9-19k](https://www.cga.ct.gov/current/pub/chap_143.htm#sec_9-19k)

**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.**<sup>133</sup>

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 Code Annotated [3503.15](#). Statewide voter registration database.**<sup>134</sup>

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 that this information remains confidential.

**Code of Virginia [§24.2-404\(A\)\(9-10\)](#). Duties of Department of Elections.**<sup>135</sup>

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.

## 14. Account for voters with nontraditional addresses.

Native American voters living on tribal lands often have mailing addresses that don't adhere to USPS standards, 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, in an attempt to protect against fraudulent ballot requests. Or these voters may use a USPS box to receive mail but live far from the nearest post office or election center, making it more difficult to receive and return their ballot in a timely fashion.<sup>136</sup> Eligible voters experiencing homelessness or housing insecurity also may not have a home address. North Dakota should make sure these voters can receive a ballot and vote securely.

North Dakota should allow multiple eligible voters to use the same mailing address. Living with others to save housing costs should not diminish any American's right to vote. North Dakota can allow Native Americans to [designate a building on the Nation's land to receive their ballot](#). Especially in areas where people live far from a post office, election administrators can temporarily install drop boxes or vote centers on tribal lands to ensure that voters have viable options for returning their ballots.

<sup>133</sup> <https://www.leg.state.nv.us/nrs/nrs-293.html#NRS293Sec675>

<sup>134</sup> <http://codes.ohio.gov/orc/3503.15>

<sup>135</sup> <https://law.lis.virginia.gov/vacode/title24.2/chapter4/section24.2-404>

<sup>136</sup> <https://www.theguardian.com/commentisfree/2020/may/22/mail-in-voting-native-americans-election>



North Dakota can allow homeless community members to receive their ballots at a [shelter, park, motor home](#), or other identifiable location. As an alternative, homeless voters can list the county elections office as their mailing address and get their ballot in person there. They can then 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.**<sup>137</sup>

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

#### **Oregon Revised Statutes [247.038](#). Registration of person who is homeless or resides in identifiable location.**<sup>138</sup>

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 person's physical location or the office of the county clerk.

#### **Revised Code of Washington [29A.08.112](#). Voters without traditional residential addresses.**<sup>139</sup>

Voter registration accepts nontraditional 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 [website](#).<sup>140</sup>
- Colorado secretary of state [Foreclosure and Homeless Voters FAQs](#) and [Election Rules](#).<sup>141</sup>
- Washington Secretary of State Clearinghouse Elections Notice on [Voters without Traditional Addresses](#).<sup>142</sup>

<sup>137</sup> [https://www.sos.state.co.us/pubs/info\\_center/laws/Title1/Title1Article2.html](https://www.sos.state.co.us/pubs/info_center/laws/Title1/Title1Article2.html)

<sup>138</sup> [https://www.oregonlegislature.gov/bills\\_laws/ors/ors247.html](https://www.oregonlegislature.gov/bills_laws/ors/ors247.html)

<sup>139</sup> <https://apps.leg.wa.gov/rcw/default.aspx?cite=29A.08.112>

<sup>140</sup> [https://sos.oregon.gov/elections/Documents/vbm\\_manual.pdf#page=19](https://sos.oregon.gov/elections/Documents/vbm_manual.pdf#page=19) and <https://sos.oregon.gov/voting/Pages/homeless-confidential.aspx>

<sup>141</sup> <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](https://www.sos.state.co.us/pubs/rule_making/CurrentRules/8CCR1505-1/Rule2.pdf#page=3)

<sup>142</sup> [https://www.sos.wa.gov/\\_assets/elections/auditorsctp/19-04%20voters%20without%20traditional%20addresses.pdf](https://www.sos.wa.gov/_assets/elections/auditorsctp/19-04%20voters%20without%20traditional%20addresses.pdf)

## 15. 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 to receive ballots in the mail unless they are removed from the permanent absentee voter list. These states include the five that conduct all-mail elections, plus Arizona, California, Michigan, Montana, Nevada, New Jersey, and Pennsylvania and DC. Another six states<sup>143</sup> maintain a permanent absentee voter list for certain voters (usually those who are elderly and/or disabled).<sup>144</sup>

However, 32 states, including North Dakota, require all voters to apply for an absentee ballot before 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. If these voters want to keep getting their ballot in the mail, they have to fill out paperwork again and again. This is not only a burden for the voter but also a drain on election officials who must process and enter application data every year. Giving voters the option to sign up for a permanent absentee ballot could minimize paperwork, cut costs, and save time.

The potential savings are significant. According to a [US GAO report](#), in the 2008 presidential election, Contra Costa County, 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 eightfold administrative cost increase came from handling individual ballot requests.

In North Dakota's March 10<sup>th</sup> primary, 17 percent of voters requested absentee ballots. Although most or all of those voters may wish to vote absentee again in November, they will all have to reapply to do so. If the North Dakota legislature acts quickly, it could create a “single sign-up” 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 change would save clerks and voters’ time and resources during this busy year.

### Example Legislative Language

**Arizona Revised Statutes [16-544](#). Permanent early voting list; civil penalty; violation; classification.**<sup>145</sup>

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 their address or opt out of absentee voting. If the notice is undeliverable, the voter is removed from the permanent absentee list.

<sup>143</sup> Kansas, Massachusetts, Missouri, New York, West Virginia, and Wisconsin.

<sup>144</sup> <https://www.ncsl.org/research/elections-and-campaigns/absentee-and-early-voting.aspx>

<sup>145</sup> <https://www.azleg.gov/ars/16/00544.htm>

**California Elections Code [3206](#). Permanent Vote by Mail Application and Procedures.**<sup>146</sup>

In counties that do not offer all-mail elections, voters may request to be on the permanent Vote By Mail list. Voters can apply online. Permanent status ends if the voter does not vote in four consecutive statewide general elections.

**Montana Code Annotated [13-13-212](#). Application for absentee ballot—special provisions—absentee ballot list for subsequent elections.**<sup>147</sup>

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 already done so, 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.**<sup>148</sup>

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.**<sup>149</sup>

Nevada allows all voters to receive absentee ballots for all future elections. If after the request submitted the ballot is undeliverable or the voter has had their registration cancelled under [NRS 293.530](#), the elections office may not mail the absentee ballot.<sup>150</sup>

**Example Guidance Language**

- Arizona Secretary of State [2019 Elections Procedures Manual](#), p. 49.<sup>151</sup>

**16. Allow counties to start processing envelopes early.**

Election administrators need to process absentee ballots before they can tabulate the votes. Processing ballots involves verifying signatures, sorting and opening envelopes, and preparing ballots for tabulation. All this can occur before Election Day so that the actual day-of tabulation can go as quickly as possible. Spreading the workload like this may also reduce the number of scanning machines needed, since by starting earlier each machine

<sup>146</sup> [http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=ELEC&sectionNum=3206](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=ELEC&sectionNum=3206)

<sup>147</sup> [https://leg.mt.gov/bills/mca/title\\_0130/chapter\\_0130/part\\_0020/section\\_0120/0130-0130-0020-0120.html](https://leg.mt.gov/bills/mca/title_0130/chapter_0130/part_0020/section_0120/0130-0130-0020-0120.html)

<sup>148</sup> [https://nj.gov/state/dos-statutes-elections-19-60-63.shtml#ele\\_19\\_63\\_3](https://nj.gov/state/dos-statutes-elections-19-60-63.shtml#ele_19_63_3)

<sup>149</sup> <https://www.leg.state.nv.us/nrs/nrs-293.html#NRS293Sec3165>

<sup>150</sup> <https://www.leg.state.nv.us/nrs/nrs-293.html#NRS293Sec530>

<sup>151</sup> [https://azsos.gov/sites/default/files/2019\\_ELECTIONS\\_PROCEDURES\\_MANUAL\\_APPROVED.pdf#page=63](https://azsos.gov/sites/default/files/2019_ELECTIONS_PROCEDURES_MANUAL_APPROVED.pdf#page=63)

will have more time to count ballots. Some machines are capable of shielding results until a specified day and time so that officials can start vote tabulation before Election Day without anyone seeing the results.

In 26 states,<sup>152</sup> state law allows election administrators to start processing envelopes upon receipt or at least 7 days before Election Day, giving officials enough time to have a good start on processing ballot envelopes before tabulation starts. In another seven jurisdictions<sup>153</sup> it is up to the discretion of local officials when to start processing. North Dakota allows processing to begin one day before Election Day, which is not quite enough time. North Dakota legislators could change the law to allow processing to start upon receipt, or at least seven days before Election Day.

## Resources

- Multnomah County, Oregon, [video](#) on maintaining voter privacy.<sup>154</sup>
- Lane County, Oregon, [video](#) on ballot processing.<sup>155</sup>
- Bipartisan Policy Center’s [Logical Election Policy](#), pp. 39-40.<sup>156</sup>
- Indiana Election Division’s guidance on [Ballot Scanning](#), pp. 59-60.<sup>157</sup>

## Example Legislative Language

### **Montana Code Annotated 2019 [13-13-241](#). Examination of absentee ballot signature envelopes—deposit of absentee and unvoted ballots—rulemaking.<sup>158</sup>**

Officials may begin processing absentee ballots (opening the secrecy envelope and sorting ballots) no sooner than three days before Election Day. Automatic tabulation may begin one day before Election Day.

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<sup>152</sup> Alaska, Arizona, Arkansas, California, Colorado, Florida, Georgia, Hawaii, Idaho, Indiana, Minnesota, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, Ohio, Oklahoma, Oregon, Rhode Island, Tennessee, Texas, Utah, Virginia, and Washington are allowed by law to start processing envelopes early. <https://www.ncsl.org/research/elections-and-campaigns/vopp-table-16-when-absentee-mail-ballot-processing-and-counting-can-begin.aspx>

<sup>153</sup> Connecticut, DC, Kansas, Louisiana, North Carolina, Ohio, Oklahoma allow local officials to determine when to start processing envelopes.

<sup>154</sup> [https://www.youtube.com/watch?v=XD\\_Klc15FPs&feature=youtu.be](https://www.youtube.com/watch?v=XD_Klc15FPs&feature=youtu.be)

<sup>155</sup> <https://vimeo.com/269755185>

<sup>156</sup> [https://bipartisanpolicy.org/wp-content/uploads/2020/01/Bipartisan\\_Elections-Task-Force\\_R01\\_crops.pdf#page=39](https://bipartisanpolicy.org/wp-content/uploads/2020/01/Bipartisan_Elections-Task-Force_R01_crops.pdf#page=39)

<sup>157</sup> <https://www.in.gov/sos/elections/files/COVID-19%20Election%20GUIDANCE%20ONLY.pdf#page=51>

<sup>158</sup> [https://leg.mt.gov/bills/mca/title\\_0130/chapter\\_0130/part\\_0020/section\\_0410/0130-0130-0020-0410.html](https://leg.mt.gov/bills/mca/title_0130/chapter_0130/part_0020/section_0410/0130-0130-0020-0410.html)

**Hawaii Revised Statutes Section [15-9\(2\)\(b\)](#). Return and receipt of absentee ballots.**<sup>159</sup>

Upon receipt of the return envelope from any person voting under this chapter, the clerk may prepare the ballots for counting.

**Example Guidance Language**

- Washington Administrative Code [434-250-110](#). Processing Ballots.<sup>160</sup>
- Oregon [Vote by Mail Procedures Manual](#), p. 36.<sup>161</sup>

**17. Allow counties to accept ballots postmarked on Election Day.**

In 2018 approximately 0.58 percent of mailed-out ballots in North Dakota were rejected. Of those, 24.91 percent were rejected due to late receipt. That is more than 130 North Dakota voters whose votes weren't counted because they arrived too late. It's likely that more North Dakotans will want to use absentee ballots in 2020, and a similar rejection rate for ballots received after Election Day could disenfranchise even more voters.

Thirteen states<sup>162</sup> 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 submit it on Election Day. It also avoids confusion because voters don't have to guess how many days it could take USPS to deliver their ballot. Allowing clerks to count ballots postmarked on Election Day and received within 10 days increases voter engagement and makes elections more representative of the people.

Since North Dakota does not accept ballots received after Election Day, make this very clear to voters. In the ballot materials, instruct voters not to put their ballot in the mail any later than the Wednesday before Election Day. Run PSAs a few days before that Wednesday to remind voters of the practical cutoff date and that they may take their ballot to a secure drop box or a vote center up until the polls close on Election Day (see Recommendations 4 and 5).

<sup>159</sup> [https://www.capitol.hawaii.gov/hrscurrent/Vol01\\_Ch0001-0042F/HRS0015/HRS\\_0015-0009.htm](https://www.capitol.hawaii.gov/hrscurrent/Vol01_Ch0001-0042F/HRS0015/HRS_0015-0009.htm).

<sup>160</sup> <https://apps.leg.wa.gov/wac/default.aspx?cite=434-250-110>

<sup>161</sup> [https://sos.oregon.gov/elections/documents/vbm\\_manual.pdf#page=36](https://sos.oregon.gov/elections/documents/vbm_manual.pdf#page=36)

<sup>162</sup> Alabama, Alaska, California, DC, Illinois, Kansas, Maryland, New Jersey, New York, North Carolina, Texas, Washington, and West Virginia accept ballots postmarked on Election Day.

<https://www.ncsl.org/research/elections-and-campaigns/vopp-table-11-receipt-and-postmark-deadlines-for-absentee-ballots.aspx>

### Example Legislative Language

#### **Alaska Statutes § [15.20.081\(e\)](#). Absentee voting in general; applying for absentee ballot by mail or electronic transmission.<sup>163</sup>**

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<sup>164</sup> and [10 § 5/18A-15](#). Validating and counting provisional ballots.<sup>165</sup>**

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

#### **Kansas Statute [25-1132](#). Advance voting; delivery of ballots; where; deadline for receiving ballots.<sup>166</sup>**

Absentee ballots can be received after polls close as long as they were postmarked before or on Election Day and are received within three days after the election. This second standard is not recommended, as USPS first-class standard has changed from one to three days but is now two to five days.

#### **Nevada Revised Statutes § [293.317\(1\)\(b\), \(2\)](#). Procedure for timely returning absent ballot; treatment of absent ballot when postmark cannot be determined<sup>167</sup> and NRS [293.333\(2\)](#) Procedure for depositing absent ballots in ballot box; period for counting of absent ballots.<sup>168</sup>**

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

#### **North Carolina General Statutes [163-231](#). Voting absentee ballots and transmitting them to the county board of elections.<sup>169</sup>**

Absentee ballots can be received after polls close as long as they were postmarked before or on Election Day and are received by three days after Election Day. This second standard is not recommended, as USPS first-class standard has changed from one to three days to two to five days.

<sup>163</sup> <http://www.akleg.gov/basis/statutes.asp#15.20.081>

<sup>164</sup> <http://ilga.gov/legislation/ilcs/documents/001000050K19-8.htm>

<sup>165</sup> <http://ilga.gov/legislation/ilcs/documents/001000050K18A-15.htm>

<sup>166</sup> [http://www.kslegislature.org/li/b2019\\_20/statute/025\\_000\\_0000\\_chapter/025\\_011\\_0000\\_article/025\\_011\\_0032\\_section/025\\_011\\_0032\\_k](http://www.kslegislature.org/li/b2019_20/statute/025_000_0000_chapter/025_011_0000_article/025_011_0032_section/025_011_0032_k)

<sup>167</sup> <https://www.leg.state.nv.us/nrs/nrs-293.html#NRS293Sec317>

<sup>168</sup> <https://www.leg.state.nv.us/nrs/nrs-293.html#NRS293Sec333>

<sup>169</sup> [https://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByChapter/Chapter\\_163.html](https://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByChapter/Chapter_163.html)

## Example Guidance Language

- Alaska Administrative Code [25.560](#). Timeliness of absentee by-mail ballot.<sup>170</sup>

### 18. Allow voters to request replacement ballots online.

Occasionally, voters might lose, destroy, spoil, or never receive their ballot in the mail. These voters need to be able to quickly, conveniently, and securely request a replacement. To best accommodate voters, especially during the pandemic, county clerks can give voters the option to request a replacement ballot not only in person but also in writing, over the phone, or online.

To ensure security, election officials should only send replacement ballots once they confirm that the voter has not already voted. Unique barcodes on each ballot will ensure that only one ballot per voter is counted (see Recommendation 10). Each voter will only be able to vote once; if an election official receives two ballots with the same unique barcode, only the first one received will be counted.

Printing and mailing ballots costs between \$1.26 and \$2.35. North Dakota can reduce the need for replacement ballots by keeping voter records up to date and making it easy for voters to update their address online (see Recommendations 1, 13, and 20).

## Example Legislative Language

**Oregon Revised Statutes § [254.470 \(7\)](#). Procedures for conducting election by mail; rules.**<sup>171</sup>

Voters may obtain replacement ballots if the ballot is destroyed, lost, spoiled, or not received. Replacement ballots need not be mailed if within five days of Election Day. Instead, they will be available at the office of the county clerk.

**Revised Codes of Washington [29A.40.070](#). Date ballots mailed—Replacement ballots.**<sup>172</sup>

Registered voters may obtain replacement ballots if the ballot is destroyed, lost, spoiled or not received. The voter may request a replacement by telephone, mail, or email, online, or in person.

<sup>170</sup> <http://www.akleg.gov/basis/aac.asp#6.25.560>

<sup>171</sup> [https://www.oregonlegislature.gov/bills\\_laws/ors/ors254.html](https://www.oregonlegislature.gov/bills_laws/ors/ors254.html)

<sup>172</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=29A.40.070>

### Example Guidance Language

- Oregon [Vote by Mail Procedures Manual](#), p. 51.<sup>173</sup>
- Alaska Division of Elections instructions for [online ballot delivery](#).<sup>174</sup>
- Office of the Minnesota Secretary of State [2016 Absentee Voting Administration Guide](#), p. 30.<sup>175</sup>

## 19. 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. North Dakota does not allow early voting before Election Day /North Dakota allows only 15 days of early voting. The National Vote at Home Institute recommends a minimum of 10 days of early voting,<sup>176</sup> and ideally North Dakota could allow more than 3 weeks of early voting to give voters the option to vote in person while mitigating coronavirus-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. Your governor may be able to use emergency powers to extend early voting.<sup>177</sup>

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

### Example Legislative Language

#### **Delaware Code [Title 15 Chapter 54](#). Early Voting.**<sup>178</sup>

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 eight hours per day between 7:00 a.m. and 7:00 p.m.

<sup>173</sup> [https://sos.oregon.gov/elections/documents/vbm\\_manual.pdf#page=51](https://sos.oregon.gov/elections/documents/vbm_manual.pdf#page=51)

<sup>174</sup> <http://www.elections.alaska.gov/Core/votingbyonline.php>

<sup>175</sup> <http://www.co.wadena.mn.us/DocumentCenter/View/904/absentee-voting-administration-guide#page=30>

<sup>176</sup> <https://www.voteathome.org/wp-content/uploads/2020/05/NVAHI-50-State-Policy-Analysis.pdf>

<sup>177</sup> [http://dynamicpolicy.law/images/Default\\_Mail\\_Balloting\\_JFCER.pdf](http://dynamicpolicy.law/images/Default_Mail_Balloting_JFCER.pdf)

<sup>178</sup> <https://delcode.delaware.gov/title15/c054/index.shtml>



## 20. Automatically register voters and update their address.

Seventeen states and DC<sup>179</sup> automatically register eligible voters who prove their identity to a government agency such as the DMV.

Here's how it works: if citizens interact with a 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. North Dakota's secretary of state then sends these citizens a postcard letting them know of the change so they can opt out if they don't want to be registered to vote or request to have their voter registration returned to their previous address if they didn't have a change of address.

This is more efficient and accurate than North Dakota'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 voter registration have cleaner and more up-to-date voter lists, meaning that mailed ballots are more likely to reach voters. Citizens may always choose whether they want to be registered to vote, but "opt-out" systems result in higher voter participation.

Clean and up-to-date voter lists ensure that more mailed-out ballots reach voters. Using an "opt-out" approach, Colorado reduced its "undeliverable ballot" numbers from 9 percent to [3 percent](#).<sup>180</sup>

### Resources

- Oregon [Vote by Mail Procedures Manual](#), p. 16.<sup>181</sup>
- Brennan Center for Justice [study](#) on the impact of automatic voter registration.<sup>182</sup>

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<sup>179</sup> Alaska, California, Colorado, Connecticut, DC, Illinois, Maine, Maryland, Massachusetts, New Jersey, New Mexico, Nevada, Oregon, Rhode Island, Vermont, Virginia, Washington, and West Virginia.

<sup>180</sup> <https://www.ncsl.org/research/elections-and-campaigns/automatic-voter-registration.aspx>

<sup>181</sup> <https://www.voteathome.org/wp-content/uploads/2019/02/FAQ-Best-Practices.pdf#page=9>

<sup>181</sup> [https://sos.oregon.gov/elections/documents/vbm\\_manual.pdf#page=16](https://sos.oregon.gov/elections/documents/vbm_manual.pdf#page=16)

<sup>182</sup> [https://www.brennancenter.org/sites/default/files/publications/2019\\_04\\_AVR\\_Report\\_Final\\_0.pdf](https://www.brennancenter.org/sites/default/files/publications/2019_04_AVR_Report_Final_0.pdf)

## Example Legislative Language

### Illinois Compiled Statutes [10 § 5/1A-16.1](#). Automatic voter registration; Secretary of State.<sup>183</sup>

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.<sup>184</sup>

Most transactions at the DMV, health benefit 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; and Michigan Election Law [168.493a](#). Automatic voter registration; qualifications; option to opt-out; information added to qualified voter file; erroneous registration not a violation.<sup>185</sup>

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.<sup>186</sup>

The DMV provides the secretary of state with voter information, including the electronic signature of every citizen that qualifies to vote. County clerks then notify citizens to allow them to opt out or to register a political party affiliation.

## Example Guidance Language

- Georgia and Colorado launched automatic voter registration [without state legislation](#).<sup>187</sup> Georgia initiated automatic voter registration by adding a voter registration section to the Department of Driver Services' (DDS's) [Form for License/ID/Permit](#) in 2016.<sup>188</sup> DDS forwards new voter registration and information for updating purposes to the secretary of state.

<sup>183</sup> <http://www.ilga.gov/legislation/ilcs/documents/001000050K1A-16.1.htm>

<sup>184</sup> <https://codes.findlaw.com/md/election-law/md-code-elec-law-sect-3-203.html>

<sup>185</sup> [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)

<sup>186</sup> [https://www.oregonlegislature.gov/bills\\_laws/ors/ors247.html](https://www.oregonlegislature.gov/bills_laws/ors/ors247.html)

<sup>187</sup> <https://www.ajc.com/news/state--regional-govt--politics/automatic-registration-leads-surge-new-georgia-voters/97PMHrv8anIB66TfKdlUtK>

<sup>188</sup> [https://dds.georgia.gov/sites/dds.georgia.gov/files/related\\_files/document/MAIL%20IN%20RENEWAL%20PACKET%20-%20February%202019%20UPD.pdf](https://dds.georgia.gov/sites/dds.georgia.gov/files/related_files/document/MAIL%20IN%20RENEWAL%20PACKET%20-%20February%202019%20UPD.pdf)

- In 2017 Colorado administratively rolled out automatic voter registration at DMV locations. Colorado’s automatic voter registration and updates are part of the Driver License or ID Card Renewal and Change of Address [forms](#).<sup>189</sup> Further, as of 2019, per Colorado Revised Statutes [1-2-502.5](#), the Department of Health Care Policy and Financing is required to transmit voter registration information to the secretary of state.<sup>190</sup>

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<sup>189</sup> <https://www.colorado.gov/pacific/dmv/forms-licenses>

<sup>190</sup> <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>