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# America is going to vote by mail in 2020, but changing our state election systems won't be easy

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*Voting by mail will require a radical transformation of America's election systems, and, if we're not careful, we could really mess it up.*



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The COVID-19 pandemic is threatening to upend the 2020 elections. As candidates stay home and events are cancelled, Americans nationwide are asking themselves: how are we supposed to vote?

Luckily, there's an answer: America can vote by mail. Remaking many of America's state election systems from the ground up is going to be tough. It will take time, money, and attention to many complex logistical and legal hurdles at all levels of government. Tens of millions of people already vote by mail each election, but in order to make sure that systems include every voter and don't reinforce existing inequities in our voting systems, we have to act fast.

The U.S. constitution gives the power to administer state and federal elections to the 50 states, which means it's up to each state to determine how voter records are maintained, how elections are funded, and which systems we use to vote.

Here are the five not-so-simple steps that all states should take to make sure we can all vote during a pandemic.

## **1. First, let's make sure everyone can get an absentee ballot, and fast.**

Plenty of states already send ballots in the mail to voters each election. In an ideal world, every registered voter could receive their ballot in the mail without even asking for it. This is called universal vote by mail, or just "vote by mail," and six states currently implement vote by mail state-wide or allow individual counties to opt-in. While states that can make the switch to full vote by mail should, the next best option is for all states to send "no-excuse absentee" applications to all voters.

Twenty-seven states plus the District of Columbia already have no-excuse absentee voting, which allows *anyone* to vote by mail without providing a reason, or "excuse." In eighteen states, voters need to provide an excuse to register to vote absentee, such as absence or disability.

The first step in making it possible for our elections to function during a pandemic is for the “excuse-required” absentee states to become no-excuse, and fast. Implementing a change at this scale will take time, money, and focused attention from state officials, including state legislatures, executives, and election administrators at the county level. More than ever, we need the federal government to step up and allocate emergency funding that will make these widespread changes possible.

No-excuse absentee should be coupled with other critical policies, including remote voter registration, and remote absentee applications for every voter. Given the need for voters to self-quarantine to protect public health and reduce the spread of the virus, election officials must make it possible for voters to register and request absentee ballots online from their homes.

## **2. Next, states need to fix some real access problems in their vote by mail process.**

As tens of millions of people vote absentee for the first time, it's essential that our absentee voting processes are equitable, user-friendly, secure, and technologically advanced.

First, *all* states should provide ballot tracking for absentee ballots, so voters can check that their ballot was received and counted. Electronic ballot tracking allows voters to know the status of their ballot at any time, from when election officials mail it out, to when the voter returns the ballot and it's verified and counted. Most states already allow voters to track their absentee ballots online or through text messaging. The 11 states that do not provide this service should do so.

Next, *all* absentee ballots must include prepaid postage. After all, it will be significantly harder to obtain postage during a pandemic at a time when many people already don't keep stamps on hand.

Delivery and drop-off systems are also key. Voters should be allowed to request that their absentee ballots be delivered by mail as close to the election as possible and should be allowed to request an absentee ballot in person up until Election Day itself. Given that many people may be self-quarantined, it's also important that a third party be allowed to

return an absentee ballot to a drop-box or vote center on behalf of another person, particularly people who can't leave their house due to the pandemic.

Finally, there are a lot of absentee voting practices we should cut. A number of states impose cumbersome barriers that make their absentee voting processes extra difficult. For example, some states require that ballots be notarized or witnessed, or that voters provide a copy of their ID. These types of unnecessary hurdles have been historically weaponized to suppress the vote in Black and Brown communities and must be removed to ensure equitable access to absentee voting during a pandemic. Not to mention, they'll become pretty much impossible to implement during a pandemic.

### **3. States must ensure all absentee ballots are actually counted.**

Sounds simple, right? Wrong. Evidence shows that absentee ballots are rejected at a rate nearly twice as high as in-person ballots due to confusing ballot design, deadlines that are too early, and insufficient processes for notifying voters of problems with absentee ballot envelopes. Ballot rejection tends to disproportionately impact voters who are already marginalized, including people of color, people with disabilities, people for whom English is a second language, and military personnel.

Since many voters will be voting absentee for the first time this year due to the pandemic, real problems could arise if voters fill out an absentee ballot incorrectly, or make a simple mistake like forgetting to sign the envelope or putting their date of birth on the wrong line. In order to prevent the mass rejection of absentee ballots, it is critical that states develop processes for notifying absentee voters of problems with their ballots and then giving voters an opportunity to correct those errors so their votes can be counted. Currently, 15 states have this sort of process in place. Best practices include *immediately* notifying voters of problems via phone, text, and email, and counting those ballots if the voter corrects the problem within a week of being notified of it.

We must allow state officials to process mail-in ballots on a rolling basis as they come in prior to Election Day. This process ensures that processing the increased mail ballots is manageable for election officials while also providing adequate time for voters to be notified and fix any problems with their ballots. Given that mail delivery may be delayed

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Day, rather than only accepting ballots that have reached the elections office by Election Day.

Given those changes, we need to accept that ballot tabulation may be slower, leading to delays in election results. Ultimately, it's a small price to pay for public safety and community health.

#### **4. Some people will always need to vote in person, so we need to maintain sanitized in-person polling locations that minimize lines and crowding.**

While voters should be encouraged to vote by mail ballot if at all possible, it is critical that states maintain some in-person polling options that are safe and sanitary for those who are unable to do so, including individuals with disabilities, voters who need language assistance, and people who cannot receive mail at home, including individuals on native lands.

Polling places must be cleaned and disinfected according to the CDC's guidance and should incorporate best practices in social distancing to limit the spread of disease while voting.

Spreading out in-person voting hours will help ensure social distancing during a pandemic. States should offer in-person early voting for several weeks leading up to the election, and make it available during weekend and evening hours. Research shows that evening and weekend voting hours are particularly important to ensure access for voters of color, working people, and younger voters, all of whom find it difficult to vote on a Tuesday.

As mailed ballots pose significant accessibility challenges for people with visual disabilities, states should ensure they have ADA-accessible voting machines at in-person voting locations. Additionally, since many voters who speak English as their second language rely on translation services at in-person voting locations, it's also critical to ensure that in-person locations are maintained in communities where those services might be needed.

## 5. States must invest in educating voters about the changing election processes

Any change to voting systems is only going to be successful if voters understand when and how to vote. A massive shift toward mail balloting will require a robust plan for voter education and outreach.

Evidence from California's transition to vote by mail shows that voters will turn out at the same level during the initial transition to vote by mail as long as there is public education about the new voting processes. States should allocate funds specifically to educate voters on changes to the election system. This should include both multi-language direct outreach and advertising from the state, as well as grants to trusted community organizations that work in historically disenfranchised and hard to reach communities.

### Bottom line

The COVID-19 pandemic is bound to transform our lives. If we take action now, our election systems will be prepared to change as well.

Our federal leaders, state elected officials, community groups, and voters nationwide will come together to ensure that we make the changes we need to ensure this election happens in a way that is safe, secure and allows our country to move forward and rebuild together.

### Contact

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