NATIONAL ACADEMY OF
PUBLIC ADMINISTRATION®

Protecting the Right to Vote: An Action Plan for 2020

Academy Election 2020 Project
**Working Group:
Protect Electoral Integrity and Enhance Voter
Participation**

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The National Academy of Public Administration (the Academy) is an independent, nonprofit, and nonpartisan organization established in 1967 to assist government leaders in building more effective, accountable, and transparent organizations. Chartered by Congress to provide nonpartisan expert advice, the Academy's unique feature is its over 950 Fellows—including former cabinet officers, Members of Congress, governors, mayors, and state legislators, as well as prominent scholars, business executives, and public administrators. The Academy helps the federal government address its critical management challenges through in-depth studies and analyses, advisory services and technical assistance, congressional testimony, forums and conferences, and online stakeholder engagement. Under contracts with government agencies, some of which are directed by Congress, as well as grants from private foundations, the Academy provides insights on key public management issues, as well as advisory services to government agencies.

ABOUT THE ELECTION 2020 PROJECT
The Academy formed a series of Working Groups of its Fellows to address Grand Challenges in Public Administration. These Groups were charged with producing one or more papers to advise the Administration in 2021 (whether reelected or newly elected) on the key near-time actions that should be taken to begin addressing Grand Challenges. This is a paper of the Electoral Integrity and Voter Participation Working Group. It includes these Fellows' recommendations on immediate actions that should be taken to protect the November 2020 election. The Working Group will issue a later paper with recommended actions that should be taken next year to safeguard future elections.

PROTECTING THE RIGHT TO VOTE: AN ACTION PLAN FOR 2020

A REPORT OF AN ACADEMY WORKING GROUP

**NATIONAL ACADEMY OF PUBLIC ADMINISTRATION
ELECTION 2020 WORKING GROUP:
PROTECT ELECTORAL INTEGRITY AND ENHANCE VOTER
PARTICIPATION**

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STEPPING UP TO THE CHALLENGE

Immediate Actions Must Be Taken to Ensure an Accessible, Fair, and Safe Election. In this critical time when threatened by COVID-19, we urge federal, state and local governments to take immediate action to adjust our electoral processes in ways that will allow every eligible citizen to participate in the 2020 elections while ensuring the integrity of the election process and the health of citizens and election workers.

Elections are administered primarily by state and local governments, and they vary widely in their legal and administrative requirements. It is incumbent upon state officials, in particular, to scrutinize their rules and procedures to see what they can do now to address the health and safety concerns of both voters and election workers for the primary and general elections in 2020. Coordination with the local election officials in their state is also important.

There is no one-size-fits-all solution or approach to adapting long time election procedures to this new COVID-19 reality. However, all components of the election administration system need to be reviewed. Those include voter registration, absentee and all mail voting, early in-person voting, and Election Day voting. It is likely that specifications that may have made sense in normal times will need to be changed or temporarily waived. Current election laws and regulations should be reviewed with consideration of voter participation, social equity, and the financial and administrative practicality of various changes. Although this is an enormous task and one that needs to be done on a short timetable, examples of alternative approaches can be found amongst the states themselves and in various studies and reports from other organizations.

We believe that, if they have not done so already, state and local governments need to utilize all the tools at their disposal to address the COVID-19 challenges to the election system. Those include legislative changes, administrative changes, adequate funding, information gathering and sharing, working with new partners, and expanded efforts to keep the public informed.

American democracy, particularly in a time of crisis, is strongest when its citizens actively participate in, and have confidence in, the integrity of the election process. The goal of every election is to have the maximum participation of voters and to have an election administration system that ensures that every vote is counted and that the results are perceived as fair and legitimate.

Continuing concerns regarding COVID-19 and its possible re-emergence in the fall will, if not addressed, significantly reduce voter participation in the November elections. Reduced voter registration opportunities will likely decrease voter turnout. The impact may be particularly great on at-risk groups like the elderly and minority communities, who are not only at increased risk of the disease but also least likely to be comfortable requesting ballots online.

Voters will need expanded options for voting safely. This includes changes to traditional in person voting and greatly expanded availability of non in person voting options. However, setting up new systems is complex and constrained by limited resources.

The electoral system is complex. Eligibility to vote must be established for every first time voter, and every time a voter moves to a new address. This means that voter registration is an ongoing process, which has traditionally been done in person. State laws vary on the documentation that individuals need to show to prove eligibility and on the specifics of the registration process itself. Online registration and same-day registration are in place in many states, but both still have various voter eligibility requirements.

According to the U.S. Census, nearly 40 percent of 2018 voters used an alternative to the traditional in-person voting on Election Day, with the actual percentage varying greatly by region, as shown in Table 1 below.

Table 1
Percent of Vote by Method

VOTING METHOD	US TOTAL	Northeast	Midwest	South	West
In Person – Election Day	59.6	90.3	73.5	56.0	28.5
In Person – Early Voting	16.6	3.1	11.4	33.3	5.6
By Mail	23.1	6.2	14.6	9.7	65.2

Absentee Voting

When an absentee ballot is requested, it is completed and typically submitted in advance of Election Day by a voter unable or unwilling to be present at the polls on Election Day:

- o Variation among the states exists in such areas as what is needed to request a ballot; what, if any, signature verification is needed; when the deadline is for such requests; and what the deadline is in order for the ballot to be counted.
- o All states will mail an absentee ballot on request. Two-thirds of those states do not require a specific reason. Of the sixteen states that do require a reason, the most common categories are physical absence from the county, disability, and illness. Others include advanced age and work conflicts.
- o Submission requirements vary among the states as well. In some cases, the deadline is receipt on or before Election Day and in other cases a postmark of Election Day is sufficient.
- o According to a Reuter's poll, 72 percent of Americans favor universal access to no-excuse absentee voting by mail (April 7, 2020).

All-Mail Voting

This form of voting occurs when the primary method of voting is a mail in ballot that is automatically distributed to all registered voters:

- o Five states – Hawaii, Washington, Oregon, Colorado and Utah – mail ballots to all registered voters.
- o California allows individual counties to opt for universal mail voting.
- o All states stipulate the details of how their system works, including detailed provisions to prevent and determine fraudulent votes.

In-Person Early Voting

This form of voting occurs when states open selected polling sites for voting in advance of the formal election date:

- o Thirty-nine states allow in-person early voting, most generally in county or local government offices.
- o On average, the early voting period extends for 19 days, ranging from 4 days to 45 days.
- o Many allow full or partial weekend voting, too.

CONSIDERATIONS & OPTIONS

Every phase of the election system is being impacted by the COVID-19 pandemic—either immediately or because of uncertainty about what lies ahead. All of these result in voter confusion and anxiety about the voting process, and likely reduce turnout if not addressed. These impacts include but are not limited to:

o The rescheduling of various primary and local elections;
o Changing rules related to those elections, particularly in terms of when mail in ballots can be counted; and
o Cancellation or postponement of traditional in-person voter registration efforts.

In-person voting on Election Day will and should continue, but additional steps will be required to ensure that it can be done safely. Doing so will require attention to resolving a number of issues, including the following:

o Location of polling places—They need to be accessible to the voters who rely on them most;
o Staffing—Health and safety concerns are likely to reduce the number of volunteer poll workers, particularly among senior citizens. Additional recruitment efforts will be required, and special precautions will need to be taken for the safety of staff and poll workers;
o Physical configuration—Polling sites will need to be configured in accordance with safety guidelines;
o Physical distancing requirements may significantly slow the voting process and lead to long lines; and
o Early voting is a viable option that should be expanded where possible. Decisions will be needed on the most appropriate locations and number of days available.

Other options need to be carefully explored and implemented to the largest extent possible. These include expanded use of absentee voting, universal no-excuse absentee voting, and all-mail voting. Governments

need to work to address the issues associated with absentee and all-mail alternatives that include:

- o Reducing the number of steps to obtain a ballot;
- o Provision of a postage paid return envelope;
- o Reducing the number of signature verification steps on each ballot;
- o Clarifying/relaxing deadline for acceptance of ballots; and
- o Election offices' capability to count major increases in mail-in ballots in a timely manner.

Steps must be taken to address other critical issues. Since expansion of alternatives to in-person voting may impact voter groups differently, social equity must be an important consideration. Enhanced public education will be required to maximize participation, manage expectations, and instill public confidence. This should emphasize the nonpartisan nature of the changes, and other messages to strengthen voter confidence in the process and the legitimacy of the outcomes. Not all 2020 changes need to be permanent, and they should be assessed for their effectiveness in terms of balancing voter participation and election integrity.

RECOMMENDED ACTIONS

Changes to the election system in light of the COVID-19 crisis are critically important and highly time sensitive. Planning, coordination, funding and action at the federal, state and local levels are essential now.

1. **States that have not already done so must act quickly to ensure safe election options, and ones that are sensitive to the needs of a diverse voting public.** States should:

   o Expand online voter registration;
   o Safety adapt existing in-person Election Day voting sites;
   o Expand use of safe in-person early voting opportunities;
   o Simplify absentee ballot procedures;
   o Establish universal no-excuse absentee voting; and
   o Move toward all-mail voting when and where feasible.

2. **As necessary, state officials should utilize special sessions of the Legislature and/or utilization by the Governor or the Legislature of emergency powers to make needed changes or appropriate funds.** They should also authorize staff to investigate options, and to develop or strengthen partnerships with other states, nonprofit or other organizations, and the US Postal Service. And, they should try to approve funding for additional vote counting or other technology.

3. **The federal government must provide assistance to ensure safe and fair elections across the country since state and local election operations have limited resources even in the best of times.** All relevant federal agencies need to be ready to handle their responsibilities in this new environment. This will likely include an expanded role for the US Postal Service in delivering substantially larger numbers of mailed ballots.

4. **The Congress must appropriate funds to assist states and localities** as they grapple with making major changes to their

election systems in such a short period of time.

5. **The media and civil society organizations need to be actively engaged.** Public and nonprofit organizations, working with both traditional and social media, need to develop and share clear, nonpartisan information with the public about the election system changes for the 2020 elections and the options that voters have to safely and fully participate in this important democratic process.

Resources

Numerous organizations are already providing information and assistance, which can be useful to election officials and others.

Examples of government resources include:

- Centers for Disease Control and Prevention (CDC):
  - o Recommendations for Election Polling Locations
- Cybersecurity and Infrastructure Security Agency (CISA):
  - o COVID-19 and Elections
- Federal Voting Assistance Program (FVAP):
  - o COIVD-19 updates for service members, their eligible family members, and U.S. citizens abroad
- National Conference of State Legislatures (NCSL):
  - o COVID-19 and Elections
  - o State Quarantine and Isolation Statutes
  - o State Fiscal Responses to Coronavirus (COVID-19)
- National Governors Association (NGA):
  - o Coronavirus: What You Need to Know
- U.S. Election Assistance Commission (EAC):
  - o Coronavirus (COVID-19) Resources

Additional private sector resources include:

- Brennan Center
  - o https://www.brennancenter.org/our-work/policy-solutions/how-protect-2020-vote-coronavirus
- Vote.org
  - o https://www.vote.org/policy/
- Stanford University
  - o https://law.stanford.edu/2020/03/24/ten-recommendations-to-ensure-a-healthy-and-trustworthy-2020-election/
- League of Women Voters / www.vote411.org

Ad Hoc Committee for 2020 Election Fairness and Legitimacy. 2020. "Fair Elections During a Crisis: Urgent Recommendations in Law, Media, Politics, and Tech to Advance the Legitimacy of, and the Public's Confidence in, the November 2020 U.S. Elections. https://www.law.uci.edu/faculty/full-time/hasen/2020ElectionReport.pdf

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