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INSIGHT

Mail Voting and COVID-19: Developments and Potential Challenges

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Most voters reported voting in person in 2018, but the onset of the COVID-19 pandemic has complicated in-person voting for certain subsequent elections in 2020. Health risks associated with close contact have prompted concerns about some of the standard interactions involved in preparing for and conducting in-person voting.

States have taken various steps to address such concerns for some of their 2020 elections, including postponing election dates, offering curbside voting, and relocating polling places. One common response has been to expand *mail voting*, in which voters receive ballots by mail rather than in person.

Expanding mail voting could help address health risks but may come with its own challenges. Whether or how mail voting should be expanded and what role, if any, Congress should play in this policy area have been subjects of debate in the 116th Congress.

Expansions of Mail Voting in Response to COVID-19

All states make mail voting available to at least some voters, although how they make it available and to whom varies. A few automatically send ballots to all registered voters while most require voters to request mail ballots. Among states with ballot request requirements, some allow all eligible voters to request mail ballots while others limit mail voting to voters with an approved excuse.

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As of this writing, at least 20 states have expanded access to mail voting for certain 2020 elections in response to the COVID-19 pandemic. The approaches they have taken to expanding mail voting include making it easier for voters to

- **cast a mail ballot**, such as by providing prepaid postage for mail ballot return envelopes or allowing certain individuals, such as family members, to submit voters' ballots on their behalf;
- **obtain a mail ballot**, such as by suspending ballot request requirements and automatically sending ballots to all registered voters;
- **request a mail ballot**, such as by automatically sending ballot applications to all active or registered voters, extending the timeframe to apply for a ballot, accepting all written requests as official applications, or offering opportunities to apply online; and/or
- **qualify for a mail ballot**, such as by suspending excuse requirements or counting COVID-19-related circumstances as approved excuses.

Changes to mail voting that states have announced to date have primarily been for spring 2020 elections, although officials in some states, such as New Hampshire, have extended or proposed extending similar changes to summer races or the November general election.

Expanding access to mail voting is generally intended to encourage voters to use mail ballots, but rates of mail voting are also expected to increase in 2020 independent of state action. Illness and fear of contracting or spreading COVID-19 have prompted—and may continue to prompt—increases in voter ballot requests and shortages of the poll workers and polling places required for in-person alternatives.

Potential Challenges for Mail Voting in 2020

Reported rates of mail voting vary by state in ordinary circumstances—from more than 95% in Oregon and Washington in 2018, for example, to about 2% in a number of states, including Tennessee and West Virginia. States with more limited experience with mail voting might face particular challenges with scaling up mail voting in 2020, including issues relating to

- **the capacity to create, distribute, and process mail ballots**, such as acquiring high-capacity ballot scanners or ordering additional ballot return envelopes;
- **effects on other state election policies**, such as issues involving statutory timelines for counting mail ballots or reporting election results; and/or
- **mitigating risks of mail voting**, such as developing or refining procedures to minimize the potential for lost ballots, administrative delays, inconsistent signature verification procedures, or voter fraud, errors, or coercion.

There are also challenges that most or all states might face, including issues related to

- **compensating for possible delays or disruptions in United States Postal Service (USPS) operations**, especially given recent reports from the agency;
- **recruiting and protecting personnel for in-person parts of the voting process**, such as processing mail ballots or staffing polling places for voters who may have difficulty using mail ballots; and/or
- **ensuring voter address records are accurate**, particularly if voters may have relocated from their home precincts due to the COVID-19 pandemic.

Efforts to respond to challenges like the ones described above might be complicated by the facts that most states' legislatures are currently out of session, there are other COVID-19-related pressures on

election supply chains and state and local finances, and states have limited time to make changes to their 2020 election procedures. A timeline produced by the Election Infrastructure Subsector's Government and Sector Coordinating Councils indicates, for example, that preparations for mail voting in November 2020 should have started in early April 2020.

Concluding Observations

Congress has provided funding states can use to cover certain mail voting costs associated with the COVID-19 pandemic, including in the Consolidated Appropriations Act, 2018 (P.L. 115-141), the Consolidated Appropriations Act, 2020 (P.L. 116-93), and the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136). Current policy also provides for reimbursing the USPS for carrying balloting materials for uniformed and overseas citizens free of postage.

Congress might choose to take further action on mail voting in response to the COVID-19 pandemic—such as providing additional funding for states or the USPS or setting federal requirements for states to follow—or leave further action, if any, to the state and local officials who administer elections. Some proponents of congressional action say that expanding mail voting is essential for ensuring that elections are safe and accessible in 2020 and that states need help from the federal government to make the necessary changes in time. Some opponents of setting mail voting requirements, on the other hand, note that election practices vary by state and say state officials are better positioned than the federal government to determine whether or how to change election procedures to meet their voters' needs.

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