



Traditional Absentee Voting v. All-Mail Voting

The Importance of Federalism in the Electoral Process

The U.S. Constitution gives Congress the power to set the time, place, and manner of federal elections, but States alone are responsible for administering elections. The Founders understood that giving Congress the power to administer elections would be dangerous, for the very legislators seeking re-election would be tempted to manipulate election rules to skew the election in their favor. Federalism therefore serves as an important safeguard to limit the centralization of the electoral process. States reserve the power to determine the process by which to administer their elections and thereby maintain the flexibility to individually cater their elections procedures to the needs of their constituents. This has led States to adopt a variety of voting systems such as absentee voting and all-mail voting.

Understanding the Difference Between Traditional Absentee Voting and All-Mail Voting

Traditional absentee voting is where eligible voters request that their ballots be mailed to their address instead of obtaining and casting their ballots in-person at the polls. Traditionally, States have required voters to provide an excuse – e.g. severe illness or disability – to qualify for an absentee ballot. All 50 States provide for some form of absentee voting, and 17 States still require electors to provide a qualifying excuse to vote by absentee ballot. The remaining 28 States and the District of Columbia allow for no-excuse absentee voting.

All-mail voting, also known as vote-by-mail, is in essence universal no-excuse absentee voting. States automatically send ballots by mail to every registered voter ahead of the election. The voter is then responsible for returning the completed ballot with a signed affidavit before the deadline. Currently, five States – CO, HI, OR, UT, and WA – conduct all-mail voting. To accommodate voters who lack the ability to vote by mail, certain polling stations remain open. Electors who received their ballots by mail are also able to use these polling stations to return their completed ballots if they prefer not to do so by mail.

Necessary Administrative Procedures in All-Mail Voting

It is an immense administrative undertaking to conduct an election entirely by mail. All-mail voting systems require an expansive voting infrastructure, proper equipment, and in-depth personnel training to transport, process, and accurately count an election's worth of mail-in ballots and to communicate timely election results. All-mail voting requires printing and sending ballots, envelopes, and instructions to every active voter, which carries with it a hefty financial burden and can also greatly overwhelm the postal system.

Necessary safeguards are required to ensure mail ballots are correctly mailed to and received by each voter with enough time for the individual to return the completed ballot by the end of the voting period. For this process to work safely, States must adhere to strict deadlines and utilize updated and accurate voter registration lists; otherwise, ballots have the potential to be delayed or lost, thus jeopardizing voter participation. Implementing all-mail voting further requires extensive resources to both equip a workforce capable of tabulating countless mail-in ballots and to acquire the proper election equipment to quickly and accurately deliver election results.



The Importance of Election Integrity in All-Mail Voting

Unlike absentee voting, all-mail voting directly impacts voter autonomy. Absentee voting allows the voter to decide if he or she will partake in the election by requiring the individual to request a mail-in ballot, while all-mail voting removes the voter's choice of whether or not to receive a mail-in ballot because all registered voters are automatically mailed ballots. All-mail voting means that every registered voter receives a ballot in the mail, including those who wish not to participate in the election, which raises concerns of potential government overreach and of government infringement upon voter autonomy in the electoral process.

Further, when voters who desire not to participate in the election receive a ballot in the mail automatically, hundreds of thousands of ballots are sent but are never used. Since these ballots are not specifically requested by the voter and are far from the supervision of election officials, there exists greater opportunity for bad actors to acquire these ballots to influence the election. For instance, of the 2.8 million ballots sent by mail in Oregon in 2018, 930,000 ballots were either undeliverable or, for unknown reasons, unaccounted for.¹ The sheer number of unused ballots in all-mail elections makes it hard to ignore the potential for voter fraud, especially when the voter integrity protections in place are minimal.

It is vital for States with all-mail voting to establish safeguards to certify, verify, and authenticate mail ballots to protect the integrity of the electoral process. This includes verifying ballot affidavit signatures, implementing voter identification procedures, and adhering to integrous administrative methods for the handling, tracking, and processing of mail ballots. States with all-mail voting should institute measures to limit the influence of bad actors who seek to utilize multiple illegal methods to disrupt the voting process. These methods include but are not limited to putting pressure on voters, buying and selling votes, and harvesting,² intercepting, or blocking ballots. To prevent ineligible voters from receiving a mail-in ballot, these States also need to maintain updated and accurate voter rolls to ensure ballots are distributed with integrity.

Lastly, the lack of administrative oversight in all-mail elections means that mail ballots have greater potential to be rejected because voters cannot quickly fix disqualifying errors. This gives rise to potential voter disenfranchisement, which in turn damages public confidence in the electoral process and raises concerns of election integrity. All-mail voting States must establish ballot curing procedures that give voters the opportunity to fix ballot errors so that mail ballots are counted and not unduly rejected.

¹ See *Election Administration and Voting Survey*, U.S. Election Assistance Commission (2018).

² A lack of restrictions on ballot harvesting gives rise to voter fraud where bad actors are able to collect and return mail-in ballots for voters without certainty that it was actually the voter who completed the ballot or that the voter desired his or her ballot to be submitted. Currently, nine States permit only the voter's family member or caregiver to return the mail-in ballot. Alabama is the strictest State, allowing only the voter to return his or her mail-in ballot. Twenty-seven States and D.C. allow the voter to designate any agent to return the mail-in ballot, and only 12 of these States limit the number of ballots a designated agent may return. Lastly, 13 States are silent on who can return a voter's mail-in ballot. See *Returning Absentee Ballots*, National Conference of State Legislatures (Feb. 27, 2019). Restrictions on ballot harvesting are invaluable for how they safeguard the integrity of elections. For example, North Carolina's State Board of Elections refused to certify the 2018 election results for the 9th Congressional District race after a political operative for the winning candidate was indicted on illegally harvesting ballots.



The Time Required for States to Implement All-Mail Voting

For the five States that have all-mail voting, it has taken each of them years to roll out their voting systems and to additionally address resulting problems. Although these States have well-established all-mail voting systems, administrative issues are still prevalent. Washington, which implemented all-mail voting in 2011, is still working through the transition from in-person voting to all-mail voting nearly a decade later.

Implementing all-mail voting takes time. Acquiring an adequate voting infrastructure to process and count mail ballots is no simple task, and to enact procedures to be successful in doing so takes time and money to troubleshoot. It is vital that States with this system constantly update both their voter rolls to accurately deliver ballots and voter signatures to properly certify returned ballots. Moreover, States with all-mail voting systems had to invest significant time and resources to notify voters of the transition from in-person voting to all-mail voting. Taken as a whole, all-mail voting is not a system than can be rolled out in a matter of months.