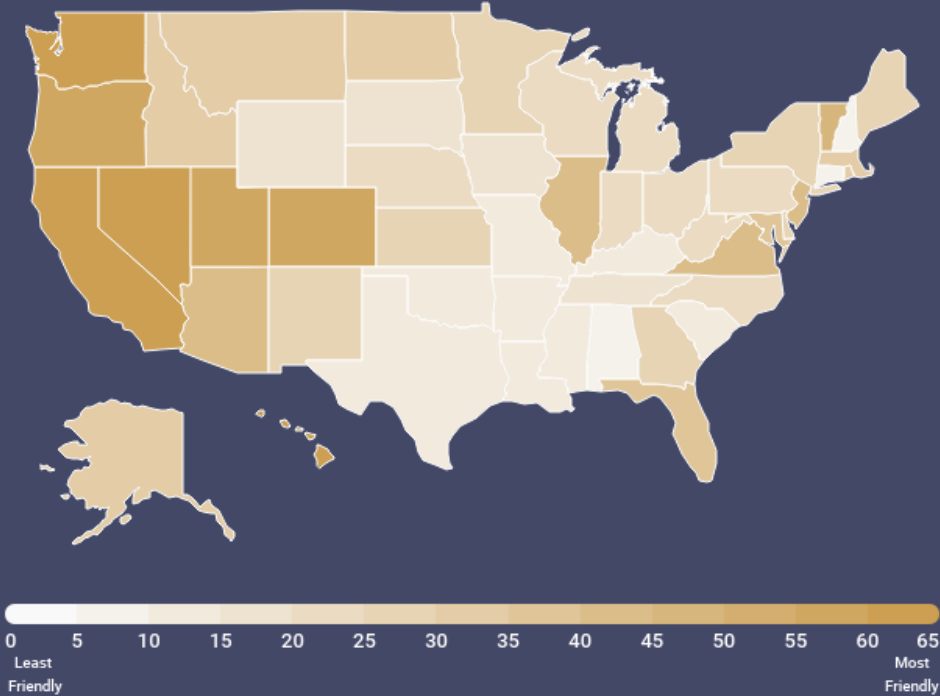


HOW “VOTE AT HOME” FRIENDLY IS YOUR STATE?

A national scorecard for state laws and key policies relevant to American voters' access to, effective and secure use of, and trust in mailed-out ballots



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INTRODUCTION

National Vote at Home Institute (NVAHI) is a 501 (c)(3), nonpartisan organization whose mission is to increase voters' access to, use of, and confidence in "voting at home" with mailed-out paper ballots.

Vote at Home's organizational vision is even more expansive: we further believe that the bedrock principles of citizen participation and democratic governance are best served when states can implement accessible and secure "Vote at Home" (VAH) election systems. In such VAH systems, all active registered voters are automatically mailed their ballots several weeks prior to every election. Voters can then return their ballots by mail or in-person via a wide range of accessible, convenient, and secure locations.

For the November 2022 election, eight states – Oregon, Washington, California, Utah, Hawaii, Colorado, Nevada, and Vermont – plan to use such a VAH election system. However, all 50 states and the District of Columbia have specific policies and practices relating to mail-ballot use, and there is a wide variance in the laws state legislatures have enacted.

Are all voters – or only some – eligible to even apply for a mailed-out ballot? (Such ballots are often called "absentees," even when no excuse is required). Can voters apply online for their mailed-out ballot, or must they submit a paper form? Can voters sign up once – an option sometimes called "permanent absentee or early voting" – to receive ballots for all future elections for which they're eligible – or must they apply for every election?

Do return ballots include paid postage? Will ballots be accepted as valid if they're postmarked by Election Day, or must they be received by then? If a voter's signature is determined not to match, or has been omitted, what "notify and cure" policies exist to help validate that vote?

These are just a few of the many policy choices that state legislators and others are responsible for with respect to mail ballots.

So how "Vote at Home" friendly is your state – and why does it matter?

Mail ballots first became prominent during the U.S. Civil War, allowing soldiers fighting to preserve the union a chance to weigh in on President Abraham Lincoln's 1864 re-election bid. By the mid-2010s, about

25% of votes cast in major elections were coming in the form of returned mail ballots – a figure that rose to almost 50% in 2020’s COVID-19 pandemic election.

Just in the last 20 years, NVAHI calculates that more than 1 billion ballots have been mailed out, across all 50 states and D.C., for presidential and midterm elections; party primary races; and special vacancy and local elections. Strict and ever-improving security and verification protocols have meant that cases of even *alleged* voter fraud involving these 1 billion+ ballots – much less actual, proven cases – have amounted to far less than .0001% of the total. And none of those cases, across all 50 states, have come even close to changing an election outcome.

Voters choose mailed-out ballots for a host of reasons. Work schedules, family obligations, transportation challenges, bad weather, long voting lines – these and other realities can often end up thwarting citizens’ voting plans. Voters may prefer to directly mark a paper ballot, according to their schedules, often with the added benefit of feeling they’ve cast a more informed ballot.

Perhaps most important is how mail ballots strengthen America’s system of representative democracy. Indeed, an increasing abundance of research, especially in the wake of the 2020 election, is revealing how expanded use of mail ballots is strongly associated with – and drives – greater voter engagement and higher turnout.¹

In addition to helping identify key elements of state policy that can boost accessibility to, confidence in, and use of mail ballots, the scorecard provides a clear roadmap for state legislators, state and local election officials, and citizens interested in moving toward the adoption of a full Vote at Home election system. This scorecard also allows the tracking, over time, as to whether a given state is making progress, standing still, or even going backwards relative to these goals.

BACKGROUND AND METHODOLOGY

To compile this scorecard, NVAHI identified 15 key criteria that we determined to be most consequential for state legislators and other government officials interested in promoting and improving mail ballot accessibility and use.

Some of the criteria are simple Yes/No questions. For example, does a state have a Vote at Home election system for all elections? Does it require a legally verifiable excuse to request a mailed-out ballot – or are such ballots available to all voters, automatically sent or available simply by requesting one? Criteria involve

¹ McGhee, Eric, Jennifer Paluch, and Mindy Romero. 2021. “Vote-by-Mail Policy and the 2020 Presidential Election.” Public Policy Institute of California. <https://voteathome.org/portfolio/vote-by-mail-policy-and-the-2020-presidential-election/>

determining the presence (or absence) of certain key elements of state policies and practices relative to mail ballots.

In constructing other criteria, we did face certain dilemmas and the need to make key judgment calls.

For example, NVAHI believes as a matter of basic fairness that if a state allows “no excuse” mail balloting for voters above a certain age – e.g., 60 or 65 – it should be allowed for all voters.

However, because such policies can significantly expand access to mail ballots, we chose to award partial credit for state laws that at least give “no excuse” status to older voters or those with disabilities. Partial credit is also given to states offering what we call “single sign-up (SSU)” options for a limited subset of voters, rather than all of them.

In both cases – partial “no excuse” and partial SSU – we have confidence that such interim steps will help more voters and election officials alike get accustomed to widespread (and even automatic) mailed-out ballot processes. And once in place, such partial steps typically generate demands to expand them to all voters. By helping more citizens use, and feel confident about, mail ballots, even such partial steps boost mail-ballot use and voter turnout – and can help lay important groundwork for the eventual adoption of full VAH election systems.

Almost all the criteria we chose explicitly map back to the policy framework and laws that state legislatures enact. (For the most part, secretaries of state, local election administrators, and other government officials are responsible for properly administering these policies, even when they might personally disagree with them). But in a few cases, we chose to measure how well certain “non-legislative” criteria are being met.

For example, something called “ballot tracking” is a top NVAHI priority as it allows voters to receive notifications – e.g., by phone, email, or text – as to where their mailed-out ballot is throughout the voting process. (For example, has their returned ballot been received by election officials, and has it been accepted for counting?) Such transparency is a powerful way to help instill voter confidence in mail ballots, regardless of whether an application process is involved or not. Ballot tracking tools also help voters quickly identify problems – e.g., a missing or mismatched signature – that can then be fixed, provided state policy also gives voters sufficient opportunity to correct, or “cure” their ballot (another important, but separate, criteria where both full and partial credit can be earned).

Some states already offer robust ballot tracking to all their voters; in other states, some or no jurisdictions might have it. We also believe there’s a material difference between whether a ballot tracking system

proactively “pushes out” key ballot-status information or requires a voter to “look up” the status of their ballot. The different scores awarded within this category reflect such distinctions.

Finally, it’s important to note that some of the criteria are subsumed by others. For instance, states that already have a full VAH election system (criteria 1) by definition are eligible to receive full credit for five other criteria – 2-5, and 14. That’s because voters in these states enjoy at least that level of accessibility to mail ballots. However, on the remaining eight criteria it’s theoretically possible for a full vote-at-home state to receive no additional points – just as it’s possible for a non-vote-at-home state to receive full credit on all 14 of the other criteria.

Accordingly, the highest score – achievable only by a state with a full VAH election system for all elections that reaps the maximum score for all 15 criteria – is 65 points. And any non-VAH election system state can still receive as many as 55 points, by reaping the maximum score for the other 14 criteria.

Finally, we recognize that any scorecard like this is subject to criticism, as well as outright error. In addition to periodically updating the scorecard – state policies and practices have and will continue to change – we welcome the thoughtful suggestions and verifiable corrections that anyone interested in “vote at home” care to bring to our attention. Inquiries, corrections, and recommendations can be directed to info@voteathome.org.

STATE SCORING CRITERIA

Criteria #1: Statewide Vote-at-home Status —

As authorized by state law, do all active registered voters automatically receive mailed-out ballots for major elections?

10 points if all elections are conducted in this manner

8 points if only the general or primary elections are conducted in this manner

0 points if voters do not automatically receive mailed-out ballots for any major election

Criteria #2: No excuse for all voters —

Can any voter legally receive a mailed-out ballot simply by requesting one?

6 points if state law is permanent

1 point if “no excuse” applies only to some voters (i.e., voters 65+ or with disabilities)

0 points if every voter requires an excuse to receive a mailed-out ballot

Criteria #3: Single sign-up (e.g., "opt in" or permanent absentee) automatic ballot delivery —

Does state law require or authorize local election officials to allow voters to make a one-time request to ensure the automatic delivery of mail ballots for multiple future elections?

6 points if single sign-up permitted for all voters for at least two full election cycles (four years)

2 points if single sign-up permitted for all voters for at least one year

1 point if single sign-up permitted for some voters (e.g., based on age, disability, and/or remoteness, etc.) for at least one year

0 points if no voters may sign up to be on a permanent absentee or single sign-up list

Criteria #4: State/local government option authority for VAH elections —

Does state law allow local governments to conduct a full VAH election for one or more types of elections?

5 points if state law gives every county or local government the legal authority to conduct a full VAH election for any election, including general elections.

3 points if such authority exists statewide but is limited to local and/or other non-general elections.

2 points if local VAH option authority is restricted only to certain jurisdictions

0 points if no jurisdiction can decide to run a VAH election.

Criteria #5: Online sign-up for mailed-out ballots —

Can eligible voters go online to request a mailed-out ballot rather than submit a paper form?

2 points if all state voters can submit a request for a mailed-out ballot online

0 points if state law does not allow voters to request a mailed-out ballot online

Criteria #6: Ballot tracking —

Can voters sign up to receive real-time electronic and/or phone notifications of the status of their ballot (i.e., when it's mailed; when it's received; and when/whether it's been accepted for counting)?

4 points for a statewide, proactive electronic and/or phone notification system available to all voters

3 points for a proactive electronic and/or phone notification system available to at least 50% of a state's voters

2 points for a proactive electronic and/or phone notification system available to less than 50% of a state's voters

1 point for a ballot "lookup" tool that's available to all state voters without a proactive notification system

0 points if the only option for voters to inquire about the status of their ballot is to contact their elections office

Criteria #7: Statewide in-person ballot return —

Does state law give local governments the authority to provide a sufficient number of accessible and secure options for the in-person return of mail ballots?

5 points if state law requires election officials to provide at least one secure drop box per 30,000 voters, for at least for one week prior to each general election

4 points if state law places no ceiling or other limits on the number of secure drop boxes that local officials can place in their communities to facilitate the return of mailed-out ballots

2 points for states whose policies fail to meet either of the above criteria, but which allow mail ballots to be returned to a voter's assigned polling place on or before Election Day.

1 point for states that only allow voters to return mail ballots by mail or by bringing them to their local elections office on or before Election Day.

0 points if the only option is to mail the ballot back

Criteria #8: Signature verification —

Are all returned mail ballots verified based on voters' signatures?

4 points if election officials verify 100% of signatures matched against voter registration rolls or other state signature databases, with no additional requirements.

1 point if election officials verify 100% of signatures matched against voter registration rolls or other state signature databases, in addition to other requirements (i.e. witness or notary).

0 points if signatures are not matched, or if a notary, witness signature, or other forms of ID are required in addition to signature verification.

Criteria #9: Ballot curing —

Are voters required to be notified and given sufficient time to correct and validate their ballots – e.g. if a signature is missing or deemed to not be a match?

4 points if state law requires voters to be notified in a timely fashion and given until at least 48 hours after Election Day to correct any mistakes or omissions to validate their ballot

2 points if state law requires notification, but provides less time and/or opportunity for voters to validate a rejected ballot

0 points if state law does not require voters to be notified in a timely fashion of ballot defects, and/or only allows “ballot curing” for certain kinds of errors or omissions

Criteria #10: Pre-paid postage —

At least for primary and general elections, do return ballot envelopes have prepaid postage?

4 points for postage-paid ballot return envelopes for all voters

0 points for requiring voters to pay postage on their return envelopes

Criteria #11: Postmark acceptance —

Can mail ballots be counted before certification if they are postmarked by Election Day?

4 points if properly postmarked ballots can be counted if they’re received within seven or more days after Election Day

2 points if properly postmarked ballots can be counted if they’re received within four to six days after Election Day

1 point for postmarked ballots received up to three days after Election Day

0 points if ballots postmarked by but not received by Election Day cannot be counted

Criteria #12: Accessible in-person ballot receipt/replacement opportunities —

Does state law allow local officials to establish accessible, physical locations for voters to register to vote, receive a replacement ballot, get assistance, and more?

4 points if state law permits at least one physical location within every election jurisdiction other than the local election office, open for at least seven days prior to Election Day, where voters who need assistance or prefer to vote in person can do so

2 points if there is at least one physical location within every election jurisdiction that are open for at least seven days prior to Election Day, where voters who need assistance or prefer to vote in person can do so

0 points if no in-person locations within a jurisdiction are open for at least seven business days prior to an election where voters who need assistance or prefer to vote in person can do so

Criteria #13: Preprocessing of mail ballots —

Does state law allow local officials to process, verify, scan, and (if appropriate) accept for eventual counting received mail ballots, beginning at least seven days prior to Election Day?

3 points if election officials may process, verify, scan, and accept for eventual counting received mail ballots beginning at least seven days prior to Election Day

1 point if election officials may process, verify, scan, and accept for eventual counting received mailed ballots beginning at least two days prior to Election Day

0 points if election officials are required to wait longer than two days prior to Election Day to cannot process, verify, scan, and accept for eventual counting mail ballots

Criteria #14: Mail-ballot application authority —

Are election officials allowed to mail out applications to all voters who are eligible to apply for a mailed-out ballot?

2 points if election officials are not prohibited from mailing applications to all eligible voters

0 points if election officials are prohibited from mailing applications to all eligible voters

Criteria #15: Assistance for Return of Mail Ballots —

May voters receive assistance with returning their mail ballots?

2 points if state law does not restrict who may return a voter's otherwise valid mail ballot via a USPS mailbox, secure drop box, or other official election site, with appropriate penalties for ballot tampering or misappropriation.

1 point if state law restricts mail-ballot returns to only immediate family members, caregivers, and/or other legal designees, with appropriate penalties for ballot tampering or misappropriation.

0 points if state law is more restrictive viz the return of otherwise valid mail ballots.