



May 13, 2020

VOTE-BY-MAIL ELECTIONS

The COVID-19¹ pandemic in the United States during a presidential election year has increased discussion concerning the potential of conducting elections entirely with vote-by-mail ballots. This memorandum summarizes state activity regarding vote-by-mail elections, including costs of conducting such elections, and the effect of the COVID-19 pandemic on 2020 primary and general elections.

Currently, 21 states permit certain small elections, such as school board elections, to be conducted by mail.² Five states conduct all elections entirely by mail—Colorado, Hawaii, Oregon, Utah, and Washington.³

Possible advantages of vote-by-mail elections suggested by proponents include voter convenience, lower costs because poll workers and voting machines are not necessary, and the potential for increased voter turnout.⁴ Possible disadvantages suggested by opponents include loss of the traditional voting experience; possible disparate effects on certain populations, like Native Americans; risk of voter coercion; increased printing costs; and slower vote counting.⁵

Economics of Elections by Mail

Vote-by-Mail Costs Nationwide

The Brennan Center for Justice, an independent, nonpartisan law and policy organization, estimates the cost to ensure a vote-by-mail option is available to all voters nationwide would be between \$982 million and \$1.4 billion.⁶ Broken down by expenses, this cost includes:

1 Used interchangeably by states, COVID-19 and coronavirus both refer to the novel coronavirus caused by SARS-CoV-2.

2 NCSL, *All-Mail Elections*, <https://www.ncsl.org/research/elections-and-campaigns/election-laws-and-procedures-overview.aspx>

3 *Id.*

4 *Id.*

5 *Id.*

6 Brennan Center for Justice, *Estimated Costs of Covid-19 Election Resiliency Measures*, <https://www.brennancenter.org/our-work/research-reports/estimated-costs-covid-19-election-resiliency-measures>

- Between \$54 million and \$89 million for ballot printing;
- Between \$413 million and \$593 million for postage;
- For drop boxes for absentee ballots and appropriate security:
 - Between \$82 million and \$117 million for the purchase and installation, excluding current infrastructure in vote-by-mail states; and
 - Between \$35 million and \$47 million for the operation and maintenance, excluding current infrastructure;
- Approximately \$16.7 million for secure electronic absentee ballot request technology, excluding current infrastructure;
- Approximately \$4.2 million for ballot tracking, excluding current infrastructure;
- Between \$120 million and \$240 million for improvements to absentee ballot processing;
- Approximately \$92 million for additional facilities; and
- Approximately \$164.6 million for additional staffing to support absentee ballot processing.

Vote-by-Mail Costs by State

In light of the current COVID-19 pandemic, The Brennan Center for Justice, in coordination with the Alliance for Securing Democracy, Pitt Cyber, and R Street Institute, released a report estimating the costs of ensuring safe elections in five states: Georgia, Michigan, Missouri, Ohio, and Pennsylvania.⁷ The measures required to ensure safe elections, as determined by the report, are⁸:

- Development of infrastructure to support changed voter behavior, including an increase in online voter registration and voting by mail;
- Protecting voters and election workers, including providing poll workers with personal protective equipment, allowing curbside voting, cleaning polling places, and ensuring poll workers may work off-site without exposing election offices to cyber attacks; and
- Educating the public about changes made to election procedures and polling places, including notice of changed elections, moved polling sites, and new voting options to reduce density at in-person voting locations.

The cost estimates are based on interviews with election officials in each state, interviews with vendors and service providers, and projections of voter behavior.

⁷ Brennan Center for Justice, *Ensuring Safe Elections*, https://www.brennancenter.org/sites/default/files/2020-04/2020_04_5StateCostAnalysis_0.pdf

⁸ *Id.*

The report indicates local governments generally bear the expenses of conducting safe and secure elections. The report also suggests states (and more specifically local governments) will likely face budget challenges this year due to the pandemic and may not be able to implement all changes or make all investments needed without substantial federal aid. Specific information about each of the five states discussed is included below.

Georgia (6.9 million active voters)

Georgia is a no-excuse state, meaning voters may request absentee ballots without providing a reason for voting by absentee ballot. However, during the 2018 general election, only three percent of Georgia voters (242,661 mail ballots were returned by voters⁹) cast a vote by mail. Georgia's Secretary of State stressed the importance of conducting safe elections and relieving pressure on in-person voting locations during the COVID-19 pandemic, and, as of May 1, 2020, more than one million Georgia voters have requested an absentee ballot.¹⁰ Georgia's attempts to relieve the resource burden on local governments includes paying for the printing, packaging, and postage costs to send pre-populated absentee ballot applications to every active voter and absentee ballots to every voter whose application is approved by local officials.¹¹

According to the report, the cost to ensure safe elections in Georgia in 2020 would be approximately \$42.4 million to \$49 million for the state and approximately \$68.3 million to \$75.4 million for local governments.¹²

- The costs to the state specifically to support voting by mail include:
 - Absentee Ballot Applications
 - Approximately \$3.1 million to mail absentee ballot applications to every voter in the state;
 - Primary election:
 - Between \$3.1 million and \$3.9 million for postage and handling costs of \$1.88 to \$2.38 per absentee ballot;
 - Five elections in the 2020 cycle (presumed):
 - Approximately \$15.5 million for printing and mailing of absentee ballot applications;
 - Between \$16 million and \$22.4 million for printing, packaging, and mailing of absentee ballots; and
 - Infrastructure
 - Between \$640,000 and \$890,000 for infrastructure, including an online absentee ballot application tool, improving absentee ballot

9 U.S. Election Assistance Commission, *Election Administration and Voting Survey*, https://www.eac.gov/sites/default/files/eac_assets/1/6/2018_EAVS_Report.pdf

10 Georgia Secretary of State, *1 Million Plus Georgians to Vote Absentee – and Counting*, https://sos.ga.gov/index.php/elections/1_million_plus_georgians_to_vote_absentee_and_counting2

11 Brennan Center for Justice, *Ensuring Safe Elections*, https://www.brennancenter.org/sites/default/files/2020-04/2020_04_5StateCostAnalysis_0.pdf

12 *Id.*

tracking systems, and additional load and vulnerability testing for current online systems.

- The costs to local governments specifically to support voting by mail include:
 - Education and outreach
 - Approximately \$21.3 million to conduct absentee ballot education and outreach;
 - Processing and mailing absentee applications and ballots
 - Between \$4 million and \$5.4 million to process absentee ballot applications and provide prepaid return postage; and
 - Between \$28.5 million and \$34.2 million to process and tabulate absentee ballots.

Michigan (7.7 million registered voters)

After Michigan's Governor issued statewide stay-at-home orders in response to the COVID-19 pandemic, Michigan's Secretary of State took steps to promote the use of absentee ballots for local elections, including mailing voters an absentee ballot application with a postage-prepaid envelope.¹³ Prior to COVID-19, Michigan upgraded key infrastructure in response to a successful 2018 ballot initiative authorizing no-excuse absentee voting. However, the report deems those recent improvements insufficient to meet election officials' needs associated with an anticipated spike in absentee voting due to COVID-19.¹⁴

According to the report, the cost to ensure safe elections in Michigan would be approximately \$13.5 million to \$17.6 million for the state and approximately \$81.4 million to \$86.2 million for local governments.¹⁵

- The costs to the state specifically to support voting by mail include:
 - Primary election
 - Approximately \$6.0 million to mail absentee voter applications to all eligible voters with postage-prepaid return envelopes; and
 - General election
 - Between \$6.9 million and \$10.8 million to mail absentee voter applications to all eligible voters with postage-prepaid return envelopes; and
 - Infrastructure
 - Between \$590,000 and \$790,000 for additional infrastructure for voting by absentee ballot.
- The costs to local governments specifically to support voting by mail include:
 - Education and outreach

13 *Id.*

14 *Id.*

15 *Id.*

- Approximately \$9.0 million to conduct absentee ballot education and outreach; and
- Processing and tabulating absentee ballots
 - Between \$45 million and \$49.8 million to process and tabulate absentee ballots.

Missouri (4.2 million registered voters)

Missouri requires voters to meet certain qualifications to cast an absentee ballot. However, due to COVID-19 concerns, some local election officials are promoting absentee voting as a safety measure and absentee voting in Missouri is expected to be much more prevalent than in past elections.¹⁶ In the November 2018 general election, five percent of registered voters in Missouri (215,879 mail ballots were returned by voters¹⁷) cast an absentee ballot by mail.¹⁸

According to the report, the cost to ensure safe elections in Missouri would be approximately \$590,000 to \$790,000 for the state and approximately \$58.8 million to \$66.2 million for local governments.¹⁹

- The costs to the state specifically to support voting by mail includes:
 - Infrastructure
 - Between \$590,000 and \$790,000 for additional infrastructure for voting by absentee ballot.
- The costs to local governments specifically to support voting by mail includes:
 - Education and outreach
 - Approximately \$7.3 million to conduct absentee ballot education and outreach;
 - Absentee ballot applications
 - Between \$8.6 million and \$9.6 million to mail and process absentee ballot applications; and
 - Absentee ballots
 - Between \$28.6 million and \$35.2 million to mail, process ,and tabulate absentee ballots.

16 *Id.*

17 U.S. Election Assistance Commission, *Election Administration and Voting Survey*, https://www.eac.gov/sites/default/files/eac_assets/1/6/2018_EAVS_Report.pdf

18 Brennan Center for Justice, *Ensuring Safe Elections*. https://www.brennancenter.org/sites/default/files/2020-04/2020_04_5StateCostAnalysis_0.pdf

19 *Id.*

Ohio (7.8 million registered voters)

Ohio legislators and election officials changed voting procedures for the April primary (originally set for March 17) by requiring voters to vote absentee by mail.²⁰ Only voters with disabilities or without mailing addresses were allowed to vote in person. Ohio's Secretary of State predicts the 2020 election will see the largest turnout in election history and has promoted efforts to make absentee ballot more secure and increase its voter adoption rate.²¹

According to the report, the cost to ensure safe elections in Ohio would be approximately \$4.2 million to \$4.4 million for the state and approximately \$65.8 million to \$77.8 million for local governments.²²

- The costs to the state specifically to support voting by mail includes:
 - Absentee ballot applications
 - Between \$360,000 and \$470,000 to develop and maintain an online absentee ballot application tool to allow voters to request absentee ballots online;
 - Absentee ballots
 - Between \$210,000 and \$300,000 for additional infrastructure, including improved absentee ballot tracking systems and additional load and vulnerability testing on online systems; and
 - Approximately \$3.6 million to send informational postcards to every registered voter explaining how to request and absentee ballot.
- The costs to local governments specifically to support voting by mail includes:
 - Education and outreach
 - Approximately \$4.8 million to conduct voter education and outreach;
 - Absentee ballot applications
 - Between \$6.6 million and \$8.3 million to mail and process absentee ballot application requests and applications; and
 - Absentee ballots
 - Between \$40.4 million and \$50.7 million to mail, process, and tabulate absentee ballots.

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

Pennsylvania (8.5 million registered voters)

Similarly to Michigan, Pennsylvania recently upgraded key infrastructure in response to a 2019 state law to allow no-excuse vote by mail.²³ However, election officials made changes to accommodate modest increases in voting by mail based on prior low rates of vote by mail. In 2018, only two percent of registered voters (195,953 mail ballots were returned by voters²⁴) voted by mail absentee ballot.²⁵

According to the report, the cost to ensure safe elections in Pennsylvania would be approximately \$17.5 million to \$17.9 million for the state and approximately \$61.6 million to \$72.2 million for local elections.²⁶

- The cost to the state specifically to support voting by mail includes:
 - Advanced ballot applications
 - Approximately \$8.0 million to mail vote-by-mail applications with postage-prepaid envelopes to voters;
 - Infrastructure
 - Between \$780,000 and \$1.2 million to obtain ballot tracking software, enhance voter look-up tools, additional testing for the online voter registration database, and upgrades to the online absentee ballot application; and
 - Between \$1.2 million and \$2.5 million to implement an accessible remote ballot-marking tool to allow voters with disabilities to utilize mail-in voting.
- The cost to local governments specifically to support voting by mail includes:
 - Absentee ballots
 - Between \$36.3 million and \$47.0 million to mail, process, and tabulate absentee ballots including:
 - Approximately \$7.3 million for materials, staffing, postage out, and return postage for the primary election;
 - Between \$7.9 million and \$17 million for materials, staffing, postage out, and return postage for the general election;
 - Between \$5.1 million and \$6.6 million for the purchase, installation, and maintenance of ballot drop boxes; and
 - Approximately \$16.1 million for staffing, facilities, and software to process and tabulate returned absentee ballots; and

23 *Id.*

24 U.S. Election Assistance Commission, *Election Administration and Voting Survey*, https://www.eac.gov/sites/default/files/eac_assets/1/6/2018_EAVS_Report.pdf

25 Brennan Center for Justice, *Ensuring Safe Elections* https://www.brennancenter.org/sites/default/files/2020-04/2020_04_5StateCostAnalysis_0.pdf

26 *Id.*

- Infrastructure
 - Approximately \$11.0 million to purchase security devices and to implement proper cybersecurity protections to accommodate processing associated with a spike in absentee voting.

States Currently Conducting All-Mail Elections

Colorado

Colorado law requires all general, primary, congressional vacancy, coordinated, odd-year, and recall elections to be conducted by mail.²⁷ Additionally, governing bodies of political subdivisions other than counties may determine other elections must be conducted by mail ballot.

If a multiple page printed ballot is used, Colorado requires voters to return all pages of the ballot at the same time.²⁸ If the voter returns at least one page of the ballot, the county clerk or designated election official must count votes on the submitted pages, and cannot count votes on additional pages returned at a later time.

Hawaii

Hawaii law will require all elections to be conducted by mail, starting with the 2020 primary election.²⁹ Hawaii's requirements for ballot packages for elections by mail include the official ballot, a return identification envelope with postage prepaid, a secrecy envelope or secrecy sleeve, and instructions.³⁰

Legislation introduced in 2020 would make changes to clarify the administration of elections by mail in Hawaii.³¹ This legislation would amend the definition of "ballot" to include a ballot summary produced by a voter using a web-based ballot or similarly accessed ballot.

Currently, the Hawaii Legislature is recessed until further notice due to the COVID-19 pandemic.^{32, 33}

27 Colo. Rev. Stat. § 1-5-401, <http://www.lexisnexis.com/hottopics/Colorado/>

28 Colorado Secretary of State Rule 18, https://www.sos.state.co.us/pubs/rule_making/CurrentRules/8CCR1505-1/Rule18.pdf

29 Haw. Rev. Stat. § 11-101, <https://www.capitol.hawaii.gov/hrs/isysquery/74fe9674-8d19-4d74-ac84-e7285b5b6e11/7/doc/#hit1>

30 Haw. Rev. Stat. § 11-102, <https://www.capitol.hawaii.gov/hrs/isysquery/7a137c9b-d73b-4bb8-89b2-fc1d4446dbba/5/doc/#hit1>

31 2019 Hawaii HB 2128, https://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=HB&billnumber=2128&year=2020

32 2020 Hawaii SCR 242, https://www.capitol.hawaii.gov/session2020/bills/SCR242_.htm

33 Hawaii State Legislature, <https://www.capitol.hawaii.gov/>

Oregon

Oregon requires county clerks to conduct all elections by mail.³⁴ Oregon law allows ballots to be counted only if they are returned in the return identification envelope, such envelope is signed by the elector to whom the ballot is issued, and such signature is verified.

Oregon requires county clerks to maintain voting booths for primary elections and general elections according to the number of electors in the county, but at least one voting booth must be maintained in each county.³⁵

Utah

Utah permits elections officers to administer elections by absentee ballots.³⁶ Depending on the election, the election officer is the Lieutenant Governor, the county clerk, the municipal clerk, the local district clerk or chief executive officer, or the business administrator or superintendent of a school district.³⁷

Utah requires counties that administer elections by absentee ballot to provide at least one election day voting center for every 5,000 active voters in the county who will not receive an absentee ballot. Regardless, at least one such voting center must be provided.

According to the National Conference of State Legislatures (NCSL), all counties in Utah are expected to hold all-mail elections in 2020.

Washington

Washington automatically issues a mail ballot to each registered voter, overseas voter, and service voter for each general election, special election, and primary.³⁸ The automatic issuance of such ballots continues until the active registered voter dies, becomes disqualified, cancels their voter registration, or is placed on inactive status. The county auditor must mail such ballots to each voter at least 18 days before each primary or election, except where a recount or litigation is pending.³⁹

Washington requires county auditors to establish a minimum of one ballot drop box per 15,000 registered voters in the county and a minimum of one ballot drop box in each city, town, and census-designated place in the county with a post office.⁴⁰

34 Or. Rev. Stat. § 254.465, https://www.oregonlegislature.gov/bills_laws/ors/ors254.html

35 Or. Rev. Stat § 254.474, https://www.oregonlegislature.gov/bills_laws/ors/ors254.html

36 Utah Code Ann. § 20A-3-302, https://le.utah.gov/xcode/Title20A/Chapter3/20A-3-S302.html?v=C20A-3-S302_2019051420190514

37 Utah Code Ann. § 20A-1-102, https://le.utah.gov/xcode/Title20A/Chapter1/20A-1-S102.html?v=C20A-1-S102_2019092320190923

38 Wash. Rev. Code § 29A.40.010, <https://app.leg.wa.gov/RCW/default.aspx?cite=29A.40.010>

39 Wash. Rev. Code § 29A.40.070, <https://app.leg.wa.gov/RCW/default.aspx?cite=29A.40.070>

40 Wash. Rev. Code § 29A.40.170, <https://app.leg.wa.gov/RCW/default.aspx?cite=29A.40.170>

States Currently Permitting Counties to Conduct All-Mail Elections

California

California permits the governing body of a local agency to conduct local elections by mail under certain conditions, including local, special, and consolidated elections.⁴¹

Beginning January 1, 2020, any county may conduct any election as an all-mail ballot election under certain conditions.⁴²

Nebraska

Nebraska permits counties with less than 10,000 inhabitants to apply to the Secretary of State to mail ballots for all elections.⁴³ Counties may apply for such mail ballot elections in lieu of establishing polling places.

North Dakota

North Dakota permits boards of county commissioners (boards) to conduct elections fully or partially by mail ballot.⁴⁴ If the board decides to conduct an election entirely by mail ballot, North Dakota requires the election to include any city elections administered by the county auditor.

Kansas Election Law

Kansas permits certain local elections to be conducted by mail ballots if certain conditions are met.⁴⁵ Kansas requires the governing body of a political or taxing subdivision and the county election officer to agree to an election date and requires the county election officer to submit a written plan for the conduct of the election to the Secretary of State for approval.

Kansas permits such mail ballot elections only when the election:

- Is nonpartisan;
- Will not elect, retain, or recall any candidate;
- Is not held on the same date as another election when qualified electors in that subdivision of government are eligible to cast ballots; and

41 Cal. Elec. Code § 4000 to § 4008, https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=ELEC&division=4.&title=&part=&chapter=1.&article=

42 Cal. Elec. Code § 4005, https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=ELEC&division=4.&title=&part=&chapter=1.&article=

43 Neb. Rev. Stat. § 32-960, <https://nebraskalegislature.gov/laws/statutes.php?statute=32-960>

44 N.D. Cent. Code § 16.1-11.1-01, <https://www.legis.nd.gov/cencode/t16-1c11-1.pdf#nameddest=16p1-11p1-01>

45 2019 Supp. KSA 25-432, http://www.ksrevisor.org/statutes/chapters/ch25/025_004_0032.html

- Is a question submitted election when all qualified voters of certain subdivisions of government are the only electors eligible to vote.

The Kansas Democratic Party (KDP) announced March 30, 2020, that the 2020 democratic primary would be conducted entirely by mail ballot due to the COVID-19 pandemic and that there would be no in-person voting for the scheduled May 2, 2020, primary.⁴⁶ In the press release, the KDP stated more than 10 percent of polling locations originally secured as in-person voting sites independently canceled their contracts with KDP over COVID-19 concerns.

States Requiring or Permitting Elections by Mail in 2020 Due to COVID-19

Alaska

The Alaska Democratic Party changed their primary process due to the coronavirus pandemic.⁴⁷ The Party extended the option to vote by mail in lieu of in-person polling for the April 4, 2020, primary.⁴⁸

Delaware

Delaware Governor John Carney issued an Executive Order permitting registered voters to vote by absentee ballot if they are exercising self-quarantine or social distancing because of COVID-19 by expanding the the definition of “sick or physically disabled” for purposes of obtaining an absentee ballot.⁴⁹

Hawaii

The Democratic Party of Hawaii canceled all on-site voting for the April 4, 2020, primary and switched to all mail-in voting due to Centers for Disease Control and Prevention COVID-19 safety precautions.⁵⁰

Indiana

Indiana will permit all voters to cast a ballot by mail in the June 2, 2020, primary. Indiana will send an absentee-by-mail ballot to any voter who requests one.⁵¹

46 Kansas Democratic Party, *KDP Issues Update for the 2020 Primary Election*, <https://kansasdems.org/archives/19286>

47 Alaska Democratic Party, <http://www.alaskademocrats.org/2020-presidential-primary>

48 Alaska Democratic Party, *Alaska 2020 Delegate Selection Plan*, https://static1.squarespace.com/static/54bee0c9e4b0441ce96c4681/t/5e7c1c370078cb0966a66fa7/1585191992907/FIN3.23.20++1+DEL_TAB.pdf%20

49 State of Delaware, *Sixth Modification of the Declaration of a State Emergency for the State of Delaware due to a Public Health Threat*, <https://governor.delaware.gov/wp-content/uploads/sites/24/2020/03/Sixth-Modification-to-State-of-Emergency-03242020.pdf>

50 Democratic Party of Hawaii, *2020 Party-run Presidential Primary*, <https://hawaiidemocrats.org/2020ppp/>

51 Indiana Secretary of State, *Absentee Voting*, <https://www.in.gov/sos/elections/2402.htm>

Maryland

Maryland will conduct a special general election to replace the late Representative Elijah Cummings' term for Maryland's 7th Congressional District.⁵² The special election will be conducted by all-mail ballot.

Nevada

Nevada will conduct an all-mail ballot election for the June 9, 2020, primary election.⁵³ In a March 24, 2020, press release, the Nevada Secretary of State announced the primary election will be conducted as an all-mail election because of uncertainties surrounding the COVID-19 pandemic and for public health.⁵⁴

Pennsylvania

Pennsylvania's Secretary of State reminded voters they may request a mail-in ballot for the primary election if they have concerns about COVID-19 and choose to not vote in their polling place.⁵⁵ Pennsylvania allows voters to request absentee ballots without providing a reason for doing so.

Rhode Island

Rhode Island's Secretary of State announced the 2020 presidential preference primary will be a predominately mail ballot election and the Secretary of State's office will send all registered voters a mail ballot application.⁵⁶

West Virginia

West Virginia's Secretary of State announced guidance and a funding opportunity to assist county clerks in mailing absentee ballot applications to every registered voter for the 2020 primary election.⁵⁷

Wyoming

The Wyoming Democratic Party is conducting its 2020 presidential preference caucus by mail due to COVID-19.⁵⁸

52 Maryland State Board of Elections, *Election Information*, <https://www.elections.maryland.gov/>

53 Nevada Secretary of State, *2020 Election*, <https://www.nvsos.gov/sos/elections/2020-election>

54 Nevada Secretary of State, *Secretary Cegavske Announces Plan to Conduct June 9, 2020 Primary Election by All Mail*, <https://www.nvsos.gov/sos/home/showdocument?id=8491>

55 Pennsylvania Pressroom, *Secretary of State Reminds Voters of New Mail-In Voting Options Amid Coronavirus Concerns*, <https://www.media.pa.gov/Pages/State-Details.aspx?newsid=374>

56 Rhode Island Secretary of State Press Release, <https://www.ri.gov/press/view/38042>

57 West Virginia Secretary of State, *Coronavirus Facts*, <https://sos.wv.gov/about/Pages/Covid-19.aspx>

58 Wyoming Democratic Party, *2020 Presidential Preference Caucus*, <https://www.wyodems.org/2020caucus>