



# SAFEGUARDING FUTURE ELECTIONS

Critical Reforms to Secure  
Voter Integrity and Rebuild  
Confidence in American Elections

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## Critical Reforms to Secure Voter Integrity and Rebuild Confidence in American Elections

American democracy is suffering from a credibility crisis. Activists and partisans filed more than a hundred lawsuits in an unprecedented election-year blitz, seizing on the pandemic as an excuse to undemocratically weaken voting safeguards for political gain. Elections across the country have also been marred by confusion, dysfunction, mismanagement, and instances of voter fraud. Many officials changed voting practices haphazardly, at the last minute, and sometimes unilaterally through legal settlements negotiated with partisan entities behind closed doors. These trends took a toll, and tens of millions of voters harbor grave doubts about the future legitimacy of the electoral process.



Rhetoric alone cannot restore voters' faith in the integrity of the ballot. State-led policy reforms are needed to secure absentee voting, impose tighter controls on the handling and processing of ballots, improve the reporting of election results, and strengthen voter identification and list maintenance laws. That might seem a herculean task, particularly in the current political climate, but post-election reform has been done before. After the 2000 election, Florida comprehensively tackled the problems that led to its recount debacle and has continued to make adjustments over the last 20 years. The results speak for themselves: Florida officials efficiently and timely processed more than 11 million ballots this November without major issues, while Philadelphia and other jurisdictions struggled for weeks to tabulate their results with far fewer ballots to handle.

The present moment demands similar action in states across the country. The policy reforms outlined below—guided by the lessons of 2020 and the Florida model for reform—are intended to deliver a voting system that is accessible and secure, inspires democratic participation, and earns the faith of every voter.

### HONEST RULES FOR HONEST ELECTIONS

1. **Clear rules and safeguards build confidence in election results.**
2. **Absentee voting has a role to play.**
3. **Absentee ballots must be secure.**
4. **Voter identification should be strengthened and improved.**
5. **Election results should be reported promptly and uniformly.**
6. **The integrity of the voter registration process should be preserved.**
7. **Voter rolls must be robustly maintained.**
8. **Elections must be transparent and auditable.**
9. **Strengthen mechanisms for resolving election disputes.**
10. **Emergency authority to modify election rules needs clarification.**
11. **Prohibit the use of private funds by local or county governments.**

## 1. Clear rules and safeguards build confidence in election results.

- A. Make it easy to vote, and hard to cheat.
- B. Voting rules should not be drafted to skew elections for political advantage.
- C. The responsibility for crafting election policy rests with elected legislatures; policy disputes do not belong in courtrooms as part of undemocratic, politicized lawsuits that ask judges to rewrite the rules.



## 2. Absentee voting has a role to play.

**There is no constitutional right to vote early or absentee, but done correctly, early in-person and no-excuse absentee voting can be easy, convenient, and secure.**

- A. Absentee ballots should be mailed only at the specific request of a voter; unsolicited ballots should never be sent.<sup>1</sup> Inaccuracies in voter rolls lead to ballots being sent to deceased or ineligible voters.<sup>2</sup> This wastes public funds and creates serious risks of abuse and fraud. For example, New Jersey's decision to automatically send ballots to all registered voters put large numbers of undeliverable ballots into circulation and helped to create the conditions for a fraud scandal that invalidated a May 2020 election in Paterson, New Jersey.<sup>3</sup>
- B. Absentee ballots must be received by the close of polls on Election Day.<sup>4</sup>
- C. The window to request ballots should end 15 days before an election, so requests can be received and processed, and ballots can be mailed to and from voters.<sup>5</sup>
- D. States should establish secure online portals for requesting absentee ballots.
- E. Early and absentee voting periods should begin a reasonable period of time before Election Day, such as three weeks or less, to ensure that voters have the opportunity to consider any late-breaking developments.
- F. Absentee voters should be able to easily track their ballots in real time as they would a package, up to the point at which they are processed and accepted for counting.
- G. Voters should have the opportunity to cure defects with absentee ballots for a reasonable period of time, such as two days after Election Day.<sup>6</sup> Cure opportunities should be applied uniformly throughout a state.
- H. Voters who wish to change their vote after voting absentee should have the opportunity to do so on or before Election Day.<sup>7</sup>

<sup>1</sup> New Jersey and Clark County, Nevada, chose to mail unsolicited ballots to all voters during the 2020 primaries. Undeliverable ballots were reported to have been dumped in trash cans and abandoned on sidewalks. Andrew O'Reilly, "Nevada's Vote-By-Mail Primary Stirs Fraud Concerns, As Unclaimed Ballots Pile Up: 'Something Stinks Here,'" Fox News (May 14, 2020), <https://www.foxnews.com/politics/nevadas-vote-by-mail-primary-fraud-concerns>.

<sup>2</sup> In 2012, Pew researchers estimated that one in eight voter registrations nationwide—24 million in all—were inaccurate, outdated, or duplicative. In 2020, Michigan mailed absentee ballot applications to all voters on file, with at least 500,000 being returned undeliverable. Ten percent of the ballots automatically sent to Baltimore residents during an all-mail special election in May 2020 were undeliverable. "Inaccurate, Costly, and Inefficient: Evidence That America's Voter Registration System Needs an Upgrade, Pew Center for the States," Feb. 2012, [https://www.pewtrusts.org/-/media/legacy/uploadedfiles/pes\\_assets/2012/pewupgradingvoterregistrationpdf.pdf](https://www.pewtrusts.org/-/media/legacy/uploadedfiles/pes_assets/2012/pewupgradingvoterregistrationpdf.pdf), at 1; Emily Opilo, "About 1 in 10 Ballots Went Undelivered to Baltimore City Voters During 7th Congressional District Special Election," Baltimore Sun (May 13, 2020), <https://www.baltimoresun.com/politics/bs-md-pol-ballots-undeliverable-baltimore-voters-20200513-qw6rllrv3bdbjm2xup4d3td5aq-story.html>; Beth LeBlanc, "Benson: 500,000 Could Be Removed From Michigan's Voting Rolls, But Not Before Nov. 3," The Detroit News (Sep. 9, 2020), <https://www.detroitnews.com/story/news/local/michigan/2020/09/09/benson-500000-could-removed-michigan-voting-rolls-not-before-nov-3/5759559002/>.

<sup>3</sup> Anna Sturla, "Judge Invalidates Paterson, NJ, City Council Election After Allegations of Mail-In Voter Fraud," CNN, (Aug. 20, 2020), <https://www.cnn.com/2020/08/20/politics/pater-son-new-jersey-city-council-voter-fraud/index.html>. Ultimately, one in five ballots were rejected. Voters reported never receiving an absentee ballot, despite official records showing one had been cast for them. Approximately 800 ballots were found bundled together, evidence of illegal vote trafficking. Criminal charges were filed against four individuals, including a city councilman and a councilman-elect.

<sup>4</sup> 32 states do not count ballots that arrive after Election Day. "Receipt and Postmark Deadlines for Absentee Ballots," NCSL (Sept. 29, 2020), <https://www.ncsl.org/research/elections-and-campaigns/vopp-table-11-receipt-and-postmark-deadlines-for-absentee-ballots.aspx>.

<sup>5</sup> A 15 day cutoff comports with U.S. Postal Service recommendations. "FAQ: Voting by Mail," USPS (Oct. 8, 2020), [https://faq.usps.com/s/article/Voting-by-Mail#when\\_to\\_mail](https://faq.usps.com/s/article/Voting-by-Mail#when_to_mail). The County Commissioners Association of Pennsylvania recently endorsed a 15 day cutoff. "CCAP Election Reform Preliminary Report," CCAP (Jan. 2021), <https://www.pacounties.org/GR/Documents/CCAPElectionsReformReportJanuary2021.pdf>.

<sup>6</sup> For reference, see Fla. Stat. § 101.68 (4). Officials must "attempt to notify" a voter of a curable ballot deficiency "[a]s soon as practicable" and voters have until "5 p.m. on the 2nd day after the election" to submit a cure affidavit.

<sup>7</sup> Many states allow voters to spoil an absentee ballot if it has not been returned and instead cast a regular or provisional ballot at the polls. For example, Fla. Stat. § 101.69. However, few states have procedures to allow voters who change their minds after returning a mail ballot to cancel their vote prior to Election Day.



### 3. Absentee ballots must be secure. Voters must have confidence that their ballots will not be stolen, tampered with, or destroyed.

- A. Ban “ballot trafficking” (also known as “ballot harvesting”) by third parties. No one other than a voter’s caregiver, an immediate family member, or fellow household resident should be permitted to handle his or her ballot.<sup>8</sup>
- B. Prohibit all forms of compensation for ballot collection.<sup>9</sup>
- C. Individuals should be permitted to “assist” no more than three voters with filling out or casting a ballot in a given election.
- D. Each absentee ballot should be signed by a witness, and there should be reasonable limits on the number of ballots an individual may witness.
- E. Candidates for public office should be barred from collecting, returning, or assisting with the completion of absentee ballots.
- F. Each absentee vote must have a clear and auditable chain of custody, including the identities of anyone who assists a voter in completing or returning a ballot.<sup>10</sup>
- G. Drop boxes should be subject to clear and uniform rules that govern deployment, that mandate adequate security (e.g., through security cameras viewable by the public), require placement inside of a government building, and that limit drop box availability to regular business hours.
- H. Secrecy envelopes including a signature and date should be required for all absentee ballots.



### 4. Voter identification should be strengthened and improved. Better identification standards will reduce errors and make cheating harder.

- A. In-person voters should be required to produce a photo ID to vote, with limited and clearly defined exceptions that allow a voter to vote using an acceptable form of non-photographic ID.<sup>11</sup>
- B. States should allow for a wide range of acceptable photo IDs, and provide free photo IDs to any qualified voters unable to obtain one.<sup>12</sup>
- C. Absentee voters should be required to sign their ballots, and provide a copy of a valid photo ID, the last four digits of a social security number, or a driver’s license number, to reduce erroneous rejections.<sup>13</sup> First-time voters who vote using an absentee ballot should be required to include a copy of an acceptable photo ID at the time of registration, or with their absentee ballot.<sup>14</sup>
- D. Automated signature verification technology can improve and accelerate the signature verification process.<sup>15</sup> States should implement uniform standards for automated and human signature verification and provide officials with signature verification training.<sup>16</sup>



<sup>8</sup> State laws commonly limit who may possess another’s ballot. Ohio limits ballot delivery to family members of a voter, and establishes an alternate approach in cases of disability or confinement (ORC Ann. §§ 3509.05, 3509.08).

<sup>9</sup> North Dakota bars all compensation for “acting as an agent” for a voter (N.D. Cent. Code § 16.1-07-08).

<sup>10</sup> Arkansas further requires “designated bearers” to sign an oath and show photographic ID when collecting or returning an absentee ballot (Ark. Code Ann. § 7-5-403).

<sup>11</sup> Texas law requires that voters show an allowable photo ID or a specified non-photographic ID alongside a “Reasonable Impediment” declaration declaring under penalty of perjury that the voter lacks photo ID for one of a specified set of excuses (Tex Elec. Code § 63.001).

<sup>12</sup> Alabama voters lacking acceptable ID may apply for and receive a free photo voter ID card (Ala. Code § 17-9-30(f)).

<sup>13</sup> Alabama requires absentee voters to include a copy of an acceptable photo ID with an absentee ballot (Ala. Code § 17-9-30(b)). Ohio absentee ballots give voters the option to include either a driver’s license number, the last four digits of a social security number, or a copy of one of a specified set of acceptable voter identifications (ORC Ann. § 3509.05).

<sup>14</sup> See, for example, GA Code Ann. §§ 21-2-220, 21-2-385, 21-2-417.

<sup>15</sup> Automated Signature Verification (ASV) uses a camera to capture the signature on a ballot envelope. An algorithm compares the image to the reference signature on file. The Cybersecurity and Infrastructure Security Agency (CISA) suggests that states consider implementing ASV to speed up the signature matching process, particularly if the state anticipates processing large quantities of absentee ballots. As part of the first layer of signature review, ASV can quickly process ballots and approve signatures with little “variance between the envelope signature and the voter registration signature.” ASV software should be regularly validated, and should never be in a position to reject a ballot; ASV is a tool to flag for human review any signatures that do not meet its established confidence threshold. “Signature Verification and Cure Process,” CISA, [https://www.cisa.gov/sites/default/files/publications/signature-verification\\_cure\\_process\\_final\\_508.pdf](https://www.cisa.gov/sites/default/files/publications/signature-verification_cure_process_final_508.pdf).

<sup>16</sup> Training for signature matching should be formalized and uniform across a state. Florida requires the Secretary of State as chief election officer to “provide formal signature matching training to supervisors of elections and county canvassing board members.” (Fla. Stat. § 97.012(17)).

## 5. Election results should be reported promptly and uniformly.

Results should be tallied and reported correctly and swiftly—on election night whenever possible—to avoid the consequences of vote counting that drags on, like 2020’s Pennsylvania Nightmare.

- A. Each state should adopt a uniform protocol for counting and reporting vote totals, and totals of yet-to-be counted ballots—including polling place ballots, absentee ballots, early votes, and provisional ballots.
- B. Once vote tallying begins, it should be required to continue until completion without interruption, absent an emergency that threatens officials’ safety.
- C. Officials should be permitted to begin processing absentee ballots prior to election day and prepare them for tabulating, subject to strict secrecy rules.<sup>17</sup>
- D. Jurisdictions should explain and justify, in real time, tallying slowdowns that delay the posting of election results more than 24 hours beyond the close of polls.
- E. If jurisdictions permit ballots to be received after election day, a timely tally of the number of “not yet received” ballots should be made publicly accessible online.



## 6. The integrity of the voter registration process should be preserved.

Voters should know that only eligible citizens are able to cast ballots.

- A. New voter registrations should be thoroughly vetted to establish residency and qualification to vote, and to weed out duplicate registrations both from within and outside the state.
- B. Voters should be able to trust that voter registration groups will properly handle their registrations and personal information. States should require groups engaged in voter registration drives (VRDs) to complete official training and register with the state.<sup>18</sup> Appropriate procedures should be put in place to sanction VRD organizations that repeatedly or intentionally produce inaccurate or incomplete voter registrations.
- C. Compensation for voter registration activities on the basis of a quota or per registration should be prohibited.
- D. Voter registration should be suspended 30 days before an election to permit the validation of new voter registrations and the timely processing of all registrations received. Voters who will turn 18 on or before election day should be permitted to register to vote for that election prior to the registration cut-off.<sup>19</sup>



<sup>17</sup> For example, Ohio permits pre-processing of ballots. ORC Ann. § 3509.06. Florida allows county canvassing boards to begin canvassing mail-in ballots 22 days before election day, but bars them from releasing any results. Fla. Stat. § 101.68(2)(a).

<sup>18</sup> At least eleven states, including Colorado, Georgia, and Texas, regulate voter registration training. See Georgia SEB R. 183-1-6-.02(5).

<sup>19</sup> For example, see Texas V.T.C.A., Election Code §13.143.

## 7. Voter rolls must be robustly maintained.

Old and erroneous voter registrations must be removed, with adequate safeguards to protect valid registrations.

- A. Congress should amend the NVRA to require voters, as a condition of voter registration, to provide the previous address at which they were registered (if applicable) and to consent to the removal of their old registration. Jurisdictions should be required to promptly disseminate and act on this information.
- B. Absent this, every state should provide voters with a means to cancel their voter registrations upon request, if such a mechanism does not already exist.
- C. State law should require the removal of outdated and inaccurate voter registrations as expeditiously as the National Voter Registration Act permits.<sup>20</sup>
- D. Each state's chief election officer should be required to report to the legislature annually a complete account of all list maintenance actions taken, including the total number of outdated registrations removed in a given year.
- E. State voter files should be publicly available and accessible. Chief election officers should be required to maintain monthly snapshots of the state's voter file for at least six years.
- F. States should participate in the Electronic Registration Information Center (ERIC) or a similar program, to detect duplicative or outdated voter registrations across state lines.
- G. Vet voter rolls routinely and periodically against National Change of Address (NCOA), Social Security Death Index, DMV, and other reliable and available records. Courts should be required to notify election officials of disqualifying felony convictions and juror dismissals due to non-citizenship.<sup>21</sup>



## 8. Elections must be transparent and auditable.

The public should not have to merely assume the validity of the results.

- A. Statewide elections should be subject to post-election audits, such as risk-limiting audits, to build confidence in the reported outcome.<sup>22</sup> Voting machines should be required to produce a voter-verifiable and auditable paper trail.
- B. States should require that jurisdictions maintain a full chain of custody for each ballot, and the use of multiparty teams of officials when transporting ballots.
- C. Ensure robust pre- and post-election logic and accuracy testing and auditing of voting machines and software in a public forum.
- D. The chief election officer for each state should produce a public report after each general election evaluating the performance of officials and equipment, identifying major issues, and recommending reforms to improve efficiency and security.
- E. Every stage of the voting and tabulating process should be open to observation, with uniform standards that ensure observers can adequately view all aspects of the process.



<sup>20</sup> The Supreme Court upheld Ohio's model for voter list maintenance as fully compliant with the NVRA in *Husted v. A. Philip Randolph Institute*. In general, the Ohio model requires that voters suspected of having moved be mailed a form asking them to confirm their registration. If a voter does not reply and does not vote for two federal elections, his registration is canceled. Ohio law also permits voters to request cancellation of their registration. (ORC Ann. § 3503.21).

<sup>21</sup> Florida law requires state agencies to "furnish information relating to deceased persons, persons adjudicated mentally incapacitated, and persons convicted of a felony" to facilitated voter list maintenance (Fla. Stat. § 98.093).

<sup>22</sup> Georgia adopted the practice of conducting risk-limiting audits in a 2019 reform. Following the 2020 general election, the results of the presidential race in Georgia were audited. (Ga. Code Ann., § 21-2-498). For a full discussion of post-election auditing, see "Post-Election Audits," National Conference of State Legislatures (Oct. 25, 2019), <https://www.ncsl.org/research/elections-and-campaigns/post-election-audits635926066.aspx>.

**9. Strengthen mechanisms for resolving election disputes.**  
**When fraud or error is proven, remedies should be available beyond just the invalidation of an entire election.**

- A. Absentee envelopes and ballots must be able to be paired together after tabulation to permit improperly counted or fraudulent votes to be excised from the vote totals. Election officials should be required to keep the pairing system in confidence to preserve the ability to cast a secret ballot.
- B. Absentee ballots and envelopes should be tied together using data anonymization techniques, to preserve the secrecy of a voter's identity during routine ballot handling.



**10. Emergency authority to modify election rules needs clarification.**  
**State executives need to be able to respond to crises but should not be able to countermand ballot integrity statutes enacted by the people's representatives.**

- A. State statutes should clearly spell out the emergency authority of governors, chief election officials, or other executive officers to act as it relates to elections.
- B. Prohibit sue-and-settle litigation, in which activists and partisans sue officials to secure an agreement to ignore or effectively rewrite election law. This strategy was widely used to undermine safeguards in 2020 battleground states: in Minnesota, Pennsylvania, and North Carolina, for example, officials contravened state laws and agreed to count absentee ballots that were received late.
- C. Legislatures hold the constitutional power to regulate elections and should protect that authority by barring executive agencies from agreeing to legal settlements or consent decrees that substantively alter or weaken election laws.

**11. Prohibit the use of private funds by local or county governments.**  
**Public elections should not be subject to the private agendas of wealthy financiers.**

- A. The use of private funds to support election administration should not be permitted. However, if states do allow this practice, private funding should be permissible only if it is deposited into a state's general revenue fund and appropriated by lawmakers.
- B. Localities should be barred from soliciting or accepting private donations or grants to administer elections, purchase equipment, hire personnel, or otherwise finance election operations.



## CONCLUSION



The COVID-19 pandemic was an unprecedented stress test of American democracy. Voters and officials alike were compelled to modify their voting practices to accommodate the demands of a nationwide health crisis. Some states, such as Florida, proved up to the challenge. Others, such as Pennsylvania, failed to measure up, allowed their voting rules to be skewed for political gain, and were still counting ballots long after much larger states had concluded their vote tallies. Mismanagement, dysfunction, clear instances of fraud, and persistent attempts to weaken voting safeguards under the guise of pandemic response have taken their toll. Left unaddressed, these issues will reoccur and cast a cloud over future elections.

Like Florida after 2000, states must make rebuilding public trust in our electoral system a top priority. The proposals outlined here will improve the system through transparency, accountability, and the implementation of commonsense process reforms that have been shown to work. These reforms will improve the voting process, produce timely, accurate, and clear election results, and earn the trust of every voter.



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