
VOTE-BY-MAIL AND ABSENTEE VOTING: SHOULD YOU DO IT?

AN EXPLORATION OF RISKS AND BENEFITS

Karen McKim

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Summary

The pandemic has created a frenzy of interest in voting by mail and, to a lesser extent, all forms of voting in which the voter puts the marked ballot into an envelope and is not present when the ballot is cast. But, sadly, it has not motivated much sober assessment of the election-security risks and benefits.

In fact, objective evidence of increased turnout is debatable, while evidence of rejected ballots and uncounted votes undeniable. Coercion seems an unsolvable problem. Potential fraud evokes only partisan talking points rather than problem-solving civic deliberation.

This article makes the case that while absentee voting is essential for those who need it, it is inherently less secure than polling-place voting; that it must be managed better than it is now; and that individual voters should vote absentee only when they need to.

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Special thanks to reviewers Dr. Barry Burden, Director UW-Madison Elections Research Center; to Charlotte Goska, Coalition of Voting Organizations of Brown County; and my husband, Keith Nelson. Their suggestions and corrections were valuable; any remaining flaws are the author's. The Wisconsin Elections Commission was provided with a draft and invited to comment but did not.

Vote-by-mail has not yet been discussed in any meeting among participants in Wisconsin Election Integrity. This article reflects only the references cited and my own observations, not the consensus of the group.

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Let's start with a quiz--just two easy questions.

1. Imagine a polling place where voters mark their ballots by hand, but instead of inserting the ballots into a tabulator, they hand them to a poll worker. The poll worker puts 1 in every 110 ballots into a reject pile and casts the rest. Would you: a) Be happy with that practice, or b) Run screaming to the district attorney to report intolerable interference with voting rights?
2. The State of Washington conducts elections by mail. It rejects 0.9% of the submitted ballots. Rejection rates vary among cities, however, so a voter's odds of being disenfranchised depend on where they attempt to vote. Would you like your state's elections to be like Washington's? a) Yes. b) No.

If you answered "b" to both questions, you're with me and the good folks of Washington State, who would like to reduce their ballot-rejection rate and improve consistency of election practices.

There are two ways you can vote: you can cast your ballot yourself, or you can submit your ballot in an envelope to be cast later by an election official.

In this article, 'in-person' refers only to the first type: A voter inserts the ballot directly into a tabulator (or in hand-counted jurisdictions, a locked box at the polling place). In-person voting is simple and transparent. You go to a polling place close to your home. A poll worker places a paper ballot directly into your hand. You mark the ballot in a private booth and cast it by inserting it into a voting machine or a locked box for later hand-

counting. This is done in one visit, which typically takes less than ten minutes except at the busiest times of day, in the busiest elections.¹ I timed my polling-place visit on April 7: I cast my hand-marked ballot 3 minutes and 47 seconds after entering the building. My son took 8 minutes, because he also had to register.

Once the ballot is placed in your hand, any interference would be extraordinary, obvious, and illegal. If you spill coffee or mark too many candidates in one race, you can re-do your ballot because you are present when the problem is noticed.

In other words, the risk that an in-person ballot will not be counted is effectively nil.

In this article, ‘absentee’ refers to any voting method that requires the voter to submit the ballot in an envelope, to be cast later by election workers when the voter is not present. Absentee ballots can be mailed or submitted at an early voting location, a drop box, or the elections office. This article assumes paper ballots for both absentee and in-person voting because paperless voting is, fortunately, on its way out.²

Absentee voting is necessary for some voters, but requires more steps over a longer time. More things can go wrong. The problems are harder to prevent; sometimes undetectable; and sometimes impossible to correct in time. The Wisconsin legislature, in section 6.84(1), Wis. Stats., warns voters that absentee voting is “exercised wholly outside the traditional safeguards of the polling place,” and tells election officials that it “must be carefully regulated to prevent the potential for fraud or abuse, overzealous solicitation of (voters), and undue influence on an absentee (voter).”

It’s not always the case, but this time the Legislature was right. Charles Stewart III, with the MIT Election Data and Science Lab, used the best available data to estimate that, nationally, for every 100 voters who request an absentee ballot, 79 ballots will ultimately be counted.³ Some of that shrinkage is the ballots of voters who decide either not to vote or to vote in person, but many ballots are lost to accident, interference, or rejection. Wisconsin absentee voters did better in the April 2020 election, conducted during pandemic stay-at-home orders. For every 100 voters who requested an absentee ballot, almost 89 were counted. That’s relatively good, but Wisconsin’s in-person voters did even better. Of every 100 ballots obtained by an in-person request at a socially-distanced polling place, 100 were counted.

Stewart and his colleagues suggest a pipeline as a metaphor for the absentee voting process. Figure 1 fleshes out that metaphor, using Wisconsin’s system. This paper will take a closer look at some—not all—of the leaks in this pipeline and discuss some of the benefits people expect from absentee voting. I won’t address the

¹ Fortier, John C., Charles Stewart III, et. al., *Improving the Voter Experience: Reducing Polling Place Wait Times by Measuring Lines and Managing Polling Place Resources*. Bipartisan Policy Center, April 2018. Online at <https://bipartisanpolicy.org/wp-content/uploads/2019/03/Improving-The-Voter-Experience-Reducing-Polling-Place-Wait-Times-by-Measuring-Lines-and-Managing-Polling-Place-Resources.pdf>

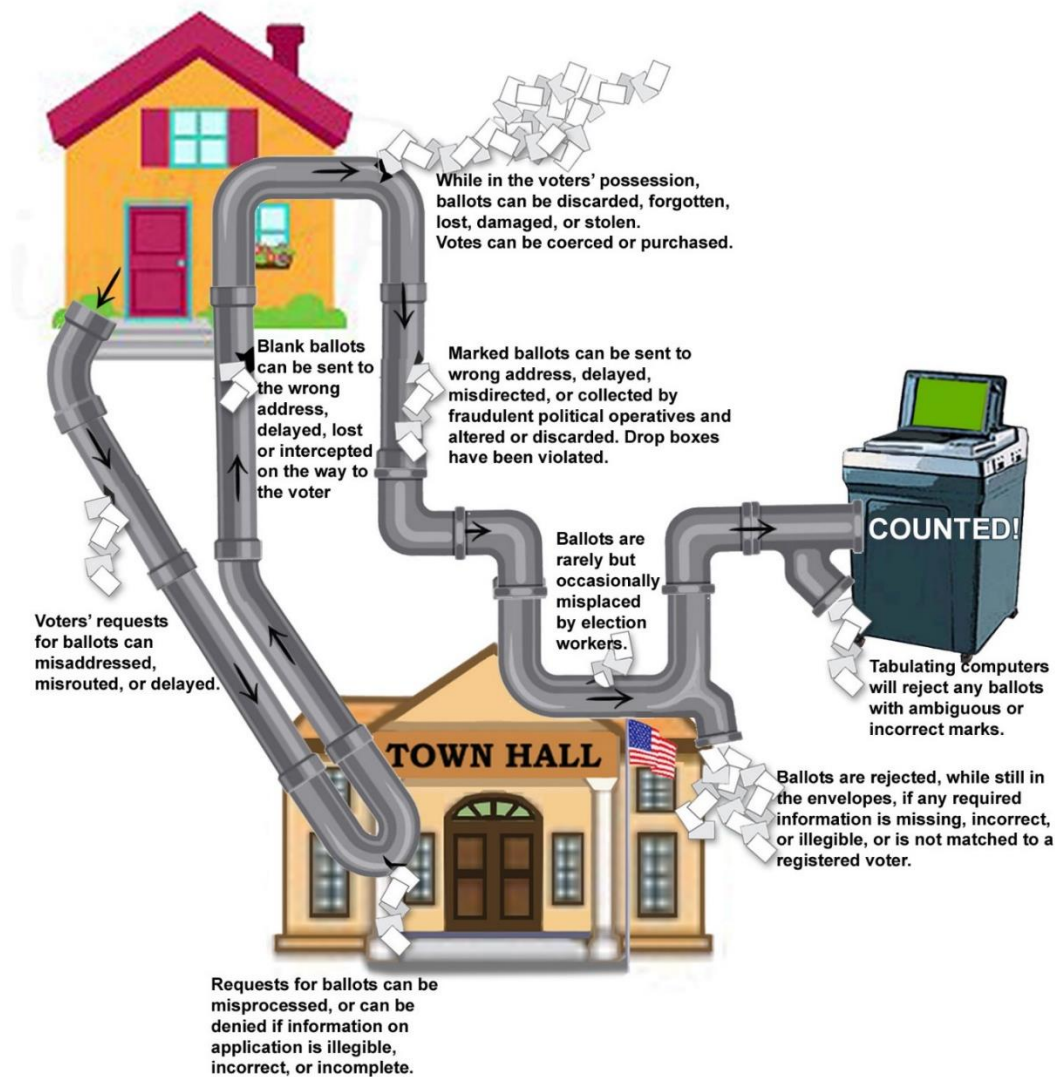
² Ropek, Lucas. *America’s Love Affair with Paperless Voting is Over – Here’s Why*. Government Technology; March 25, 2020. Online at <https://www.govtech.com/security/Americas-Love-Affair-with-Paperless-Voting-Is-Over-Heres-Why.html>

³ Stewart III, Charles. *Losing Votes by Mail*. New York University Journal of Legislation and Public Policy, Symposium Issue - Helping America Vote: The Past, Present, and Future of Election Administration, 13.3 Fall 2010: 573-601. Online at: <https://www.nyujlpp.org/wp-content/uploads/2012/11/Charles-Stewart-III-Losing-Votes-by-Mail.pdf>

risks that threaten both in-person and absentee ballots equally. These include registration and Voter ID problems; the risks of malfunction, hacking, and accidental mis-programming of the tabulators (that is, voting machines); and canvass practices that allow miscounts to go unnoticed and uncorrected. This article describes only the differential risks and benefits.

Figure 1

The Absentee Ballot Pipeline



This graphic shows Wisconsin's process; other states differ.

Only ballots both requested and submitted by mail must travel this whole pipeline. Voters can request and submit absentee ballots in person. However, any ballot submitted in an envelope must pass through the last two steps.

REJECTION

To begin to understand how absentee ballots escape from the pipeline, let's start near the end, with the marked ballots that have successfully made their way back to election officials.

In every state, the absentee ballot envelope must contain the voter's name, address, and signature. Some states, including Wisconsin, require more: the envelope must also contain a witness signature and address. Figure 2 (at right) shows Wisconsin's absentee ballot envelope.

Absentee voters can be disenfranchised if any of this information is missing, incorrect, or illegible. If the glue has failed and the envelope no longer sealed, the ballot will be rejected.

This, understandably, makes voters nervous. Washington State went to all-mail elections in 2005.⁴ Seven years later, in 2012, their voters were among the least confident in the nation. Only 52% were willing to tell surveyors that they felt "very confident" their votes would be counted.⁵

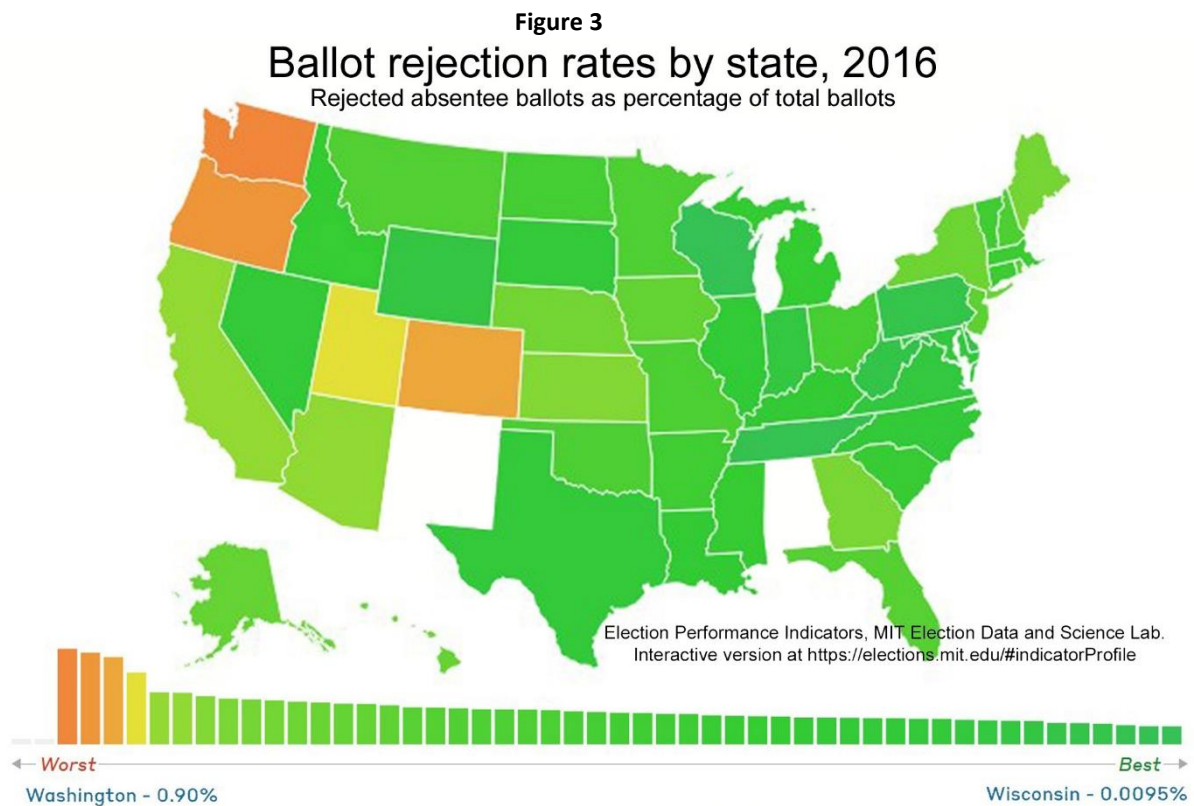
Washington voters are perceptive, not paranoid. Their votes **are** the least likely to be counted. Figure 3 shows 2016 ballot rejections as a percentage of all ballots. Predictably, the vote-by-mail states—Washington, Oregon, Colorado, Utah—stand out. (Hawaii implemented vote-by-mail in 2020.) About 1 in every 110 Washington voters' ballots were rejected—the highest rejection rate in the nation. Oregon was about the same—0.86%.⁶ It's simple arithmetic: Ballots submitted in envelopes are reject-able; ballots cast in polling places are not. More absentee ballots, therefore, means more rejections.

OFFICIAL ABSENTEE BALLOT APPLICATION/CERTIFICATION		
<small>(Official Use Only) The voter has met or is exempt from the photo ID requirement. Municipal or Deputy Clerk initial here:</small>		
<small>Note: With certain exceptions, an elector who mails or personally delivers an absentee ballot to the municipal clerk at an election is not permitted to vote in person at the same election on Election Day. Wis. Stat. § 6.86(6)</small>		
Voter: Please complete steps 1 through 5 below, in the presence of your witness.		
1 Place your voted ballot inside the envelope and seal it. Do not use tape or glue.		
2 Complete the section below if not completed by the clerk.		
Provide your VOTING address.		
Date of Election (month, day, year)		County
Municipality (check type and list name) Town <input type="checkbox"/> Village <input type="checkbox"/> City <input type="checkbox"/> of		
Voter's Name (Last, First, Middle) including suffix <small>(Please print legibly)</small>		
Street Address—Provide house number and street name or fire number and street name. OR		
If your rural address does not include a house number/fire number and street name, provide rural route number and box no.		
City		WI Zip Code
Official use only: Ward #		District (if applicable)
		Voted in clerk's office <input type="checkbox"/>
3 Sign and date this section.		
CERTIFICATION OF VOTER (Required)		
I certify, subject to the penalties for false statements of Wis. Stat. § 12.60(1)(b), that I am a resident of the ward of the municipality in the county of the state of Wisconsin indicated hereon, and am entitled to vote in the ward at the election indicated hereon; that I am not voting at any other location in this election; that I am unable or unwilling to appear at the polling place in the ward on election day, or I have changed my residence within the state from one ward to another later than 10 days before the election. I certify that I exhibited the enclosed ballot, unmarked, to the witness, that I then in the presence of the witness and in the presence of no other person marked the ballot and enclosed and sealed the ballot in this envelope in a manner that no one but myself and any person providing assistance under Wis. Stat. § 6.87(5), if I requested assistance, could know how I voted. I further certify that I requested this ballot.		
X _____ ▲ Signature of Voter ▲ <small>(All voters must sign.)</small>		_____/_____/_____ Today's Date
REQUIRED OF MILITARY AND OVERSEAS VOTER ONLY: I further certify my birth date is: _____/_____/_____		
4 Have your witness sign and write their address below.		
CERTIFICATION OF WITNESS (signature and address of witness are required)		
I, the undersigned witness, subject to the penalties for false statements of Wis. Stat. § 12.60(1)(b), certify that I am an adult U.S. Citizen and that the above statements are true and the voting procedure was executed as stated. I am not a candidate for any office on the enclosed ballot (except in the case of an incumbent municipal clerk). I did not solicit or advise the voter to vote for or against any candidate or measure. I further certify that the name and address of the voter is correct as shown.		
1. _____ ▲ Signature of ONE adult U.S. citizen witness▲		
2. _____ ▲ If witnesses are Special Voting Deputies, both must sign. ▲		
▼ Address of witness or addresses of both SVDs ▼		
1. _____		
2. _____		
Provide house number and street name or fire number and street name, city, state and zip code. OR If your rural address does not include a house number/fire number and street name, provide rural route number and box number, city, state and zip code.		
CERTIFICATION OF ASSISTANT (if applicable) - assistant may also be witness		
I certify that the voter named on this certificate is unable to sign his/her name or make his/her mark due to a physical disability and that I signed the voter's name at the direction and request of the voter.		
X _____ ▲ Signature of Assistant ▲		
5 Mail back your ballot. Allow 4-5 days for delivery to ensure your ballot is received by Election Day. Ballots received after Election Day will NOT be counted.		

⁴ State of Washington, Secretary of State. *1971-Present Changes in Voting*. Undated; viewed May 15, 2020. Online at <https://www.sos.wa.gov/elections/timeline/time5.htm>

⁵ Stewart III, Charles. *2012 Survey of the Performance of American Elections Final Report*. February 25, 2013 (draft). Massachusetts Institute of Technology Online at https://elections.delaware.gov/pdfs/SPAE_2012.pdf

⁶ MIT Election Data and Science Lab. *Elections Performance Index - Mail Ballots Rejected – 2016*. Online at https://elections.mit.edu/?fbclid=IwAR3JNWMGSeXfA-Ef048QDK0pr3p4r6lgrimhw3CbPYal4rzBZoHV_R2pBY#indicatorProfile-ABR



Mail and absentee ballots come with the risk that the ballot will not be accepted for voting when it is received by the election office. The most common reason mail ballots are rejected is that the signature on the return envelope does not match the one on the registration record. A large number of ballots are also rejected because they arrive after the deadline. Wisconsin's performance is likely related to a full recount of that year's presidential election, during which local officials reviewed every rejected absentee ballot and, upon reconsideration, accepted many.

In a reliable system, rejection criteria would be clear, unambiguous, and well-understood. But expecting that is unrealistic. Each clerk can understand the requirements slightly differently and, given the paucity of close oversight or observation, officials can be strict or lenient. As Dan Smith, a University of Florida political science professor explained to a reporter, rejection is not necessarily a matter of a voter's skill. It "is not an individual problem exclusively. Local election officials have incredible discretion."⁷

Records of Wisconsin's 2016 recount confirm Smith's observation. Counties' recount records contain evidence of frequent confusion and differences of opinion over the grounds on which absentee envelopes should be accepted or rejected.⁸ The Wisconsin Elections Commission (WEC) did its best to answer the local clerks' many questions but finally could do no better than to tell local officials they were on their own to

⁷ *ibid*; Gardner, Amy, et. al.

⁸ 2016 Recount minutes remain available on the Wisconsin Elections Commission website: <https://elections.wi.gov/search/node?keys=recount+minutes>

figure out which absentee ballots to accept or reject: “Several factors – who made the error, whether the ballot was already counted on Election Day, legal advice from corporation counsel – should be considered by the (county) Board of Canvassers when ultimately making a decision.”⁹

In addition to the thousands of voters who are disenfranchised, thousands more are inconvenienced. When election officials decide to reject an absentee ballot, they often try to contact the voters who can sometimes, with quick extra work, correct the problem before a deadline. According to Dr. Barry Burden, Director of the UW-Madison Election Research Center, “Some states go to extraordinary lengths to count absentee ballots. California officials work overtime to make sure voters have opportunities to cure their ballots. The downside of that system is that it takes weeks to complete the count.”¹⁰

But not always. Pat Haukohl was a Waukesha County Board Supervisor for 18 years and is a regular voter. She voted absentee for the first time in April, and her ballot was rejected because the witness (her husband) did not include his address. She did not learn of the problem until after Election Day, from a reporter.¹¹

We might not need to worry about subjective inconsistencies if they randomly affected all voters. But the identity of the voter is obvious to the officials as they make their judgments. They may not be able to see the ballot, but they know the envelope came from, for example, Maria Gonzales, DeQuan Washington, or from an apartment in a low-income project or a Jewish retirement home. Even well-intentioned humans are affected by implicit bias¹²—assumptions that subconsciously affect our perceptions and decisions. And it would be imprudent to assume all local officials are well-intentioned.

So sadly, there is evidence of systematic bias. Researchers with Dartmouth and the University of Florida followed 2.6 million absentee ballots in that state’s 2018 elections, 1.2% of which were rejected.¹³ Minority voters’ absentee ballots were twice as likely to be rejected as those from non-minority voters. In addition:

“...younger voters and voters needing assistance are disproportionately likely to have their mailed ballots rejected. We also find disproportionately high rejection rates for out-of-state and military

⁹ Haas, Michael and Richard Rydecki. *Statewide Recount for President of the United States Update #4*. Memo from WEC to local election officials. Wisconsin Elections Commission, November 30, 2016. Online at <https://elections.wi.gov/node/4499>

¹⁰ Email correspondence with the author, May 23, 2020

¹¹ Gardner, Amy, Dan Simmons and Robert Barnes. *Unexpected outcome in Wisconsin: Tens of thousands of ballots that arrived after Election Day were counted, thanks to court decisions*. Washington Post, May 3, 2020 Online at <https://wapo.st/3dKQhru>

¹² Jost, John, et. al, *The existence of implicit bias is beyond reasonable doubt: Executive summary of ten studies that no manager should ignore*. Research in Organizational Behavior, Volume 29, 2009. Online at <https://www.sciencedirect.com/science/article/abs/pii/S0191308509000239>

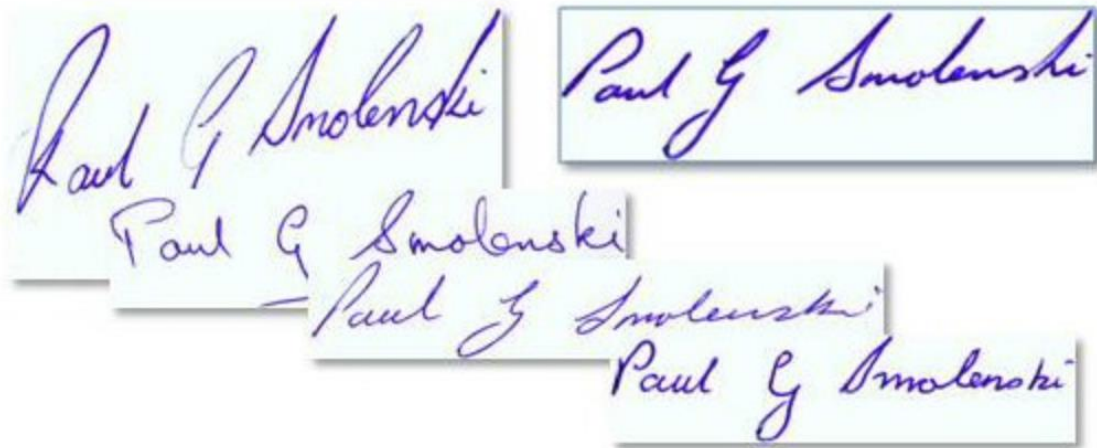
- also -

Page, Anthony, and Michael Pitts. *Poll Workers, Election Administration, and the Problem of Implicit Bias* Michigan Journal of Race and Law, 2009 Online at <https://repository.law.umich.edu/mjrl/vol15/iss1/1/>

¹³ Baringer, Anna, Michael C. Herron, and Daniel A. Smith. *Voting by Mail and Ballot Rejection: Lessons from Florida for Elections in the Age of the Coronavirus*. University of Florida Election Science, April 25, 2020. Online at <https://electionscience.clas.ufl.edu/2020/04/18/new-paper-voting-by-mail-and-ballot-rejection-lessons-from-florida-for-elections-in-the-age-of-the-coronavirus/>

dependents. Lastly, we find significant variation in the rejection rates of mailed ballots cast across Florida's 67 counties, suggesting a non-uniformity in the way local election officials verify these ballots."

Signature verification is the most controversial review procedure and the focus of voting-rights lawsuits.¹⁴ On its face, the logic is obvious: We don't want people mailing in ballots for anyone but themselves. A state that relies heavily on mailed-in ballots needs to do something to deter and detect fraud.



A set of signatures used in an international signature-verification competition sponsored by the Netherlands Forensic Institute in 2010.

What would a signature-verification effort look like, if truly designed to detect and deter fraud? Following well-established professional auditing practices, it would check only a random sample of ballots, enough to create a deterrent risk of detection for criminals while enabling managers to rely on only expert reviewers. The reviewers' accuracy would be regularly assessed. Incorrectly challenged signatures would be considered a problem because the mission is to find fraud, not to inconvenience innocent voters. Signatures that the voter will not or cannot defend as valid would be treated as evidence of possible fraud, referred to law enforcement, and investigated.

In contrast, a vote-suppression effort masquerading as fraud-fighting would subject all ballots to review and possible rejection. There would be no need to use only forensic professionals to review the signatures; no

¹⁴ Carpenter, Lila. *Signature Match Laws Disproportionately Impact Voters Already on the Margins* ACLU Voting Rights Project, November 2, 2018. Online at <https://www.aclu.org/blog/voting-rights/signature-match-laws-disproportionately-impact-voters-already-margins>

effort would be made to assess the reviewers' on-the-job accuracy; and no action would be taken on the rejected ballots that voters cannot defend (because the goal is accomplished when the ballot is disqualified.)

Compare those two models to the best-practices guidelines offered by the federal Elections Assistance Commission (EAC).¹⁵ In general outline, it is as follows: Small armies of temporary staff are given a training session. You can judge the rigor by viewing Oregon's signature-verification webinar on YouTube.¹⁶ The EAC recommended that as an "excellent, comprehensive presentation."

Every submitted ballot is scanned and a digital image of each signature displayed on a monitor beside a reference signature stored on file. Reviewers work in teams to compare the signatures, while the ballots themselves wait in bins to be approved or challenged. Review teams are bipartisan, although mixed-ethnic or multi-generational teams might be more effective in counteracting bias. If local managers follow EAC guidance, they will supervise by "looking for reviewers who are accepting or rejecting outside of the normal distribution...who may need additional oversight or training."

I asked several election officials and vote-by-mail advocates, via Twitter, about the success of signature verification. They responded positively but did not mention fraud. Instead, they offered 'cure' rates as their indicator of success. Many voters defend their challenged signatures and get their ballots accepted. Problems turn out to be things like a wife signing for a husband with a broken wrist. Young voters' signatures evolve as they settle into their adult persona. Elderly voters develop tremors.

The election officials might consider that a success, but I doubt the challenged voters do. When I imagine myself receiving a letter saying, "Your ballot will be rejected unless you can prove the signature is yours by Monday at 5PM," I recall the feeling when a store clerk forgets to remove the inventory-control tag and it sets off the alarm as I leave. Yes, I can produce the receipt, but ... *ick*. And isn't convenience the main selling point for vote-by-mail?

Fortunately, Wisconsin law does not now require signature verification. Instead, officials here use the signatures in much the same way many banks do: they question them only if there is some other reason for suspicion, for example if two ballots ostensibly came from the same person. However, if vote-by-mail becomes prevalent here, signature verification will certainly be proposed, and if adopted, may operate in much the same way that Voter ID does—that is, more to suppress votes than to deter or detect fraud.¹⁷

¹⁵ Cybersecurity and Infrastructure Security Agency Elections Infrastructure Government Coordinating Council and Sector Coordinating Council. *Signature Verification and Cure Process v1.0*. 2020; US Elections Assistance Commission. Online at

https://www.eac.gov/sites/default/files/electionofficials/vbm/Signature_Verification_Cure_Process.pdf

¹⁶ Oregon Secretary of State Elections Division. *2019 04 26 10 03 Signature Verification Training* April 2019. YouTube video at <https://www.youtube.com/watch?v=UKiYGONnNT0&t=1550s>

¹⁷ Wines, Michael. *Some Republicans Acknowledge Leveraging Voter ID Laws for Political Gain*. New York Times, Sept. 16, 2016. Online at <https://www.nytimes.com/2016/09/17/us/some-republicans-acknowledge-leveraging-voter-id-laws-for-political-gain.html>

MISPROCESSING

An absentee ballot is not yet safe once accepted. Other accidents or errors can prevent it from being cast. These are harder to quantify because election officials rarely perform managerial quality-assurance reviews. Errors, therefore, become known only in recounts or if they are extreme.

Wisconsin's most recent review of the reliability of absentee-ballot processing was during the 2016 Presidential recount. An example of the results: In Dane County alone, recounters found 66 valid absentee ballots that had been accidentally left in their envelopes, accepted but not cast, in addition to 644 wrongly rejected absentee ballots.¹⁸

The final leak in the absentee-ballot pipeline comes when election officials feed the ballots, now removed from their envelopes, into computer tabulators.

One of the best features of voting machines, when used properly, is that they reject ballots they cannot read (e.g., smeared ink) or cannot understand (e.g., too many votes marked in one race). Before voting machines, when votes were hand-counted, those votes were lost because problems were not noticed until the voters were no longer present. Voting machines, however, can identify the problems immediately.



Election workers cast ballots using a high-speed bulk tabulator in Duval County, Florida, in November 2018.

Photo credit: Brendan Rivers, WJCT News, Jacksonville, Florida

This places absentee ballots at more risk than polling-place ballots for two reasons. First, extra handling makes them liable to damage from things like kitchen-counter coffee stains; wrinkles and ink transfer from being folded; and being torn when removed from the envelope. Many absentee ballots are counted by high-

¹⁸ Author's analysis of *Minutes of the 2016 Presidential Recount, Dane County*. December 2016. Online at <https://elections.wi.gov/search/node?keys=recount+minutes>

speed scanners, which are more likely to turn little tears into big ones than are the one-ballot-at-a-time scanners used by in-person voters.

Second, absentee voters are not present when their ballots are rejected. In-person voters can mark replacement ballots themselves. For absentee ballots, if the voter's intent on a machine-rejected ballot is discernable to humans, election officials are supposed to 'remake' the ballots—that is, copy the votes onto machine-readable ballots and cast those instead.¹⁹

Sometimes poll workers follow instructions and remake unprocessable absentee ballots. For example, in November 2018, City of Milwaukee officials damaged thousands of absentee ballots as they opened the envelopes. They remade all the ballots, working into the wee hours of the morning to finish the task.²⁰

But absentee voters cannot always count on that. Elections are run by an army of temporary workers, lightly trained and supervised, who get no more than four days' on-the-job experience every year. They don't always know or remember all the rules. Very often, they instruct each other and in doing so, make incorrect practices standard.

How do we know this? Example: In 2016, several Wisconsin counties hand-counted the recount, and in doing so discovered that poll workers had on Election Day failed to remake thousands of rejected but human-readable absentee ballots. Instead, the poll workers had been pushing an override button to force the machine to count the absentee ballot even when it could not count the votes. In this way, poll workers saved themselves work but sacrificed the absentee votes.

Effects of this practice were immediately evident in the Election-Night results—but not corrected. Very few voters leave the presidential race blank on their ballots. An 'undervote rate' above 0.5% should have prompted election officials to investigate.²¹

Yet in many wards around Wisconsin, where poll workers were failing to remake unreadable absentee ballots, the machines often produced undervote rates above 2%,²² in some places worse. For example, three wards in the City of Marinette collectively reported only 288 presidential votes from 416 absentee ballots.²³ We

¹⁹ Wisconsin Elections Commission, *Election Day Manual*, January 2020. Online at <https://elections.wi.gov/sites/elections.wi.gov/files/2020-01/Election%20Day%20Manual%20%282020-01%29.pdf>

²⁰ Spicuzza, Mary. *City of Milwaukee defends its handling of absentee ballots*. Milwaukee Journal Sentinel; November 7, 2018. Online at <https://www.jsonline.com/story/news/politics/elections/2018/11/07/scott-walker-eyes-damaged-absentee-ballots-recount-decision/1918944002/>

²¹ Stewart III, Charles. *The Performance of Election Machines and the Decline of Residual Votes in the United States*. in Burden, Barry and Charles Stewart III, eds., *The Measure of American Elections*. 2014, Cambridge University Press, pages 244-246.

²² Author's analysis of ward-by-ward pre-recount results for municipalities using Optech Eagle voting machines, compared to numbers of ballots cast, for November 2016. Data are online through <https://elections.wi.gov/elections-voting/statistics>. At that time, the Optech Eagle was used in all or parts of Adams, Eau Claire, Grant, Green Lake, Jackson, Lafayette, Manitowoc, Marinette, Menominee, Monroe, Oconto, Oneida, Outagamie, Pierce, Portage, Racine, Rusk, Shawano, Trempealeau, Vernon, and Waupaca Counties.

²³ Marinette County, Wisconsin. Minutes of the 2016 Presidential Recount. December 2016. Online at <https://elections.wi.gov/search/node?keys=recount+minutes>

must assume neither municipal nor county officials believed that 30.8% of the voters who had made the effort to submit an early ballot did not bother to vote for president. Yet both, before the recount, certified the obviously miscounted results without investigation or correction. In Racine County, where undervote rates reached 6% in some wards, the practice of overriding rather than counting machine-rejected absentee ballots was officially tolerated policy, not poll worker error, and continued through the machine-counted recount.²⁴

Officials knew why those voting machines were not reading the absentee ballots: The voters had marked their ballots with ink that did not contain carbon. The votes were legal and valid, and had local officials been following the law and WEC guidance, the votes would have been counted. But they were not because the absentee voters were not present when 1) the machines rejected their ballots; 2) poll workers failed to remake the rejected ballots, and 3) clerks did not bother to notice or correct the errors.

The WEC forbade further use of that model of voting machine,²⁵ but the risky practices remain. Poll workers can still force voting machines to accept absentee ballots when the machines cannot read the votes, because all modern machines have an override function. Local clerks can still certify obviously miscounted vote totals.

INTERFERENCE

The risks described to this point affect only those absentee ballots that successfully reached the election offices. But in fact, most absentee ballots that escape from the pipeline don't get that far. One trouble spot is right in the voters' homes.

Voters have the option not to return their absentee ballots, and some make that choice. Voter carelessness is another problem. Ballots might be mistaken for junk mail and thrown away. They might be misplaced; damaged; buried in a stack of bills; or set aside and forgotten until too late. Among the states that report complete data on absentee voting, 36.3 percent of rejected absentee ballots are rejected because they arrived too late at the elections office.²⁶

Other problems are not within the voters' control. Coercion may be the most intractable cause of absentee disenfranchisement. Journalist Rebecca Solnit recounted a story like many she heard as she studied this issue. A campaign worker told her:

"I can't stop thinking about this woman I met while door-knocking for Beto O'Rourke in Dallas. She lived in a sprawling low-income apartment complex. After I knocked a couple of times, she answered the door with her husband just behind her. She looked petrified and her husband looked menacing behind her. When I made my pitch about Senate candidate Beto O'Rourke, her husband yelled,

²⁴ McKim, Karen. *Racine County Canvass Certified Huge Miscounts—Twice*. Wisconsin Election Integrity blog, Nov. 21, 2017 Online at <https://wisconsinelectionintegrity.org/2017/11/21/racine-county-canvass-certified-hugec-miscounts-twice/>

²⁵ Wisconsin Elections Commission memo: *Optech Eagle Decertification Timeline and Required Procedures for Continued Use* October 2, 2017. Online at <https://elections.wi.gov/node/5272>

²⁶ Burden, Barry and Charles Stewart III, *The Measure of American Elections*. 2014, Cambridge University Press. Page 14

‘We’re not interested.’ She looked at me and silently mouthed, ‘I support Beto.’ Before I could respond, she quickly closed the door.”²⁷

Even in states with laws to prohibit taking possession of another voter’s marked ballot, family members are exempt.²⁸ So when absentee ballots arrive in the mailbox at the household in that anecdote, what are the chances the wife is going to be able to mark her own ballot, with her own choices? According to the American Association for Marriage and Family Therapy, 20% of American marriages are affected by abuse, and 90% of the targets of controlling abuse are women.²⁹ If those facts are true, mailing ballots to every registered voter’s household could be disenfranchising thousands of women without appearing to reduce their turnout. (Regrettably, I could find no academic research on the intersection of voting and controlling abuse.)

The only type of large-scale absentee-ballot fraud that has been proven and prosecuted is a practice known as ballot harvesting, in which political operatives collect marked absentee ballots from voters and deliver them to election officials. Such activity may provide a genuine service to voters, such as reviewing the envelopes to make sure they are filled out correctly and, in Wisconsin, witnessing the envelope.

But it can just as easily be corrupt. Ballot harvesting gives operatives opportunity to supervise the voters while they are casting a ballot, to coerce, intimidate, or pay them for their votes—or even to mark the ballots themselves. Once out of the voter’s sight, they can spoil the ballots to make them uncountable or simply dispose of them. In Wisconsin, simply opening the envelope, without making any other alterations, is enough to get an absentee ballot rejected.³⁰

Another vulnerability created by large-scale absentee voting is the possibility of providing voters with faulty or fraudulent materials. This has already happened twice to me. Once I received, unsolicited, a blank ballot and return envelope—with the envelope addressed to the wrong municipality. Shortly before the April 7 election, I received a form for requesting an absentee ballot, also unsolicited. It was addressed to the correct municipality, but my preprinted name was incorrect: Kim, rather than McKim..

Both incidents might have been honest mistakes rather than fraudulent attempts to interfere with my right to vote. Accidents do happen. In a recent Georgia incident, the Secretary of State mailed materials that gave absentee voters the incorrect date for a rescheduled election—the ballots say May 19 while the election will be held on June 9.³¹ But accidents demonstrate things that could also be done deliberately, and may provide cover for them.

²⁷ Solnit, Rebecca. *How many husbands control the votes of their wives? We'll never know*. The Guardian, November 19, 2019. Online at <https://www.theguardian.com/commentisfree/2018/nov/19/voter-intimidation-republicans-democrats-midterm-elections>

²⁸ National Conference of State Legislatures. *Returning Absentee Ballots*, February 2019. Online at <https://www.ncsl.org/blog/2019/03/06/ballot-collection-laws-all-across-the-board.aspx>

²⁹ American Association of Marriage and Family Therapy. *Domestic Violence* (undated) Online at https://www.aamft.org/Consumer_Updates/Domestic_Violence.aspx

³⁰ Wisconsin Elections Commission, *Election Day Manual*. January 2020. Online at <https://elections.wi.gov/sites/elections.wi.gov/files/2020-01/Election%20Day%20Manual%20%282020-01%29.pdf>

³¹ Richards, Doug. *Wrong primary date remains on Georgia absentee ballots*. WXIA News Alive. May 12, 2020 Online at <https://www.11alive.com/article/news/health/coronavirus/absentee-ballot-date/85-00a96b86-4549-408c-a5ea-3ff22c053e94>

As the number of absentee ballots increases, the more attractive they become as a target for fraud. But unfortunately, partisan passions degrade civic discussion of potential safeguards. Republican loyalists promote fear of what is known as ‘retail’ voter fraud (that is, individual voters casting single, illicit ballots). A good example are the signature-verification safeguards described above. It would be extremely costly and fatally obvious to attempt to swing the outcome of an election by fraudulently obtaining enough valid ballots and then individually forging signatures on each. At the same time, the safeguards against such fraud inconvenience thousands of legitimate voters whose ballots are challenged and disenfranchise thousands more. Yet Republican politicians focus heavily on retail voter fraud because the associated safeguards increase the difficulty of voting and reduce the number of voters.³²

For their part, Democratic loyalists tend to resist safeguards against even those practices that could allow wholesale fraud (that is, vulnerabilities that might enable a single corrupt actor to manipulate a large number of votes). Ballot harvesting is a good example. It often employs methods traditionally used by the Democratic Party to promote turnout in minority communities, so Democratic state legislators overlook the risks and tend to oppose legislation that would limit or control ballot harvesting³³—even though the practice was fraudulently used against them in the 2018 Ninth Congressional District race in North Carolina, where proven fraud led to the overturning of the results of an election and the indictment of the scheme’s organizer.³⁴

GETTING THE BALLOTS TO THE VOTERS

We’ve been working our way backwards through the pipeline, looking at the leaks between the voter and the tabulator. Many ballots, however, are lost from leaks in the very first segments of the pipeline: getting a blank ballot to the voter.

I will only skim over this information because the Wisconsin Elections Commission issued an excellent 24-page report that described those leaks well, with real-life data and description of problems that affected absentee voters in the April 7 election.³⁵ The report describes only the first segments of the pipeline because those are the only parts for which WEC has responsibility, but I highly recommend it to the reader.

The April 7 election was the pandemic election when voting in person became a health risk and officials faced a sudden tidal wave of requests for absentee ballots. We cannot know how many requests did not reach the officials, but more than 1.3 million did, more than five times the number requested in any previous election.

³² Blake, Aaron. *Republicans keep admitting that voter ID helps them win*. Washington Post, April 7, 2016. Online at <https://www.washingtonpost.com/news/the-fix/wp/2016/04/07/republicans-should-really-stop-admitting-that-voter-id-helps-them-win/>

³³ Parks, Miles. *Republicans Say Democrats' Election Reform Bill Doesn't Address Ballot Harvesting*. National Public Radio, March 2, 2019 Online at <https://www.npr.org/2019/03/06/700873523/republicans-say-democrats-election-reform-bill-doesnt-tackle-ballot-harvesting-i>

³⁴ Blinder, Alan. *Inside a Fly-by-Night Operation to Harvest Ballots in North Carolina*. New York Times, February 20, 2019. Online at <https://www.nytimes.com/2019/02/20/us/north-carolina-voter-fraud.html>

³⁵ Wisconsin Elections Commission. April 7 2020 Absentee Voting Report, May 15, 2020 Online at <https://elections.wi.gov/sites/elections.wi.gov/files/2020-05/April%202020%20Absentee%20Voting%20Report.pdf>

Although officials had to adapt procedures on the fly, results were admirably in line with those of other states with more established vote-by-mail systems: Voters returned 88.9% of the ballots mailed out and 1.74% of the returned ballots were rejected for reasons other than being late.³⁶ (Moving deadlines were a unique circumstance in this election, so the number of ballots rejected for being too late isn't relevant—we must hope—when thinking of future elections.)

Aside from the late-arriving ballots, however, the snarls described in the report illustrate problems that could prevent ballots from reaching voters' hands in any election. As WEC Technology Director Robert Kehoe explained at the Commission's May 20 meeting: "Complex systems are unlikely ever to be error-free." Kehoe promised corrections to reduce the chances the same problems will happen again, but "until those things happened, they were unanticipated, so other unanticipated things can happen."

Among the problems:

- For reasons that remain unknown more than a month later, many Oshkosh voters never received their requested ballots. Because of the concentration of complaints in the area, WEC staff investigated. Many requests were flawed (e.g. no photo ID), but several dozen requests were valid and correct. The computer system indicated that the requests had been processed, and the City of Oshkosh Clerk was confident the ballots were mailed to voters.
- As the Village of Fox Point clerk mailed ballots out to voters, they were repeatedly returned to the office, unopened and unmarked. As many as 150 ballots a day were coming back to the clerk instead of being delivered to the voters. Each time, village officials drove the ballots back to the nearest post office, only to have them reappear at the village hall instead of being delivered to voters. Postal supervisors could offer no explanation.
- The City of Milwaukee submitted a large batch of 8,607 approved absentee ballot requests to the WEC computer, so that mailing labels could be printed. The batch was still running when WEC staff shut down the system after midnight for maintenance, when they believed all batches submitted during the workday had been completed. This caused the system to indicate that the requests had been successfully processed, when they had not.
- Thousands of voters successfully completed the online application for an absentee ballot, but many others began the process and did not fully complete it, although they believed they did.

I have not described all the risks, but that's enough. It's time to ask: "Why the big push for absentee voting?"

BENEFITS

The public health benefits of voting by mail during a pandemic are obvious. If quarantine becomes a permanent feature of American community life, we'll have problems much bigger than how to vote. So let's assume in-person voting will be an option in the future—along with shopping, concerts, classes, and sports

³⁶ The figure given in the WEC report is 1.57%. Dr. Barry Burden, Director of the UW-Madison's Election Research Center, in correspondence with the author, pointed out that figure seems to be rejections as a percentage of all ballots issued, rather than of all ballots returned, and offered 1.74% as the more appropriate measure of rejections, with rejections as a percentage of ballots received and reviewed. I have accepted Dr. Burden's figure, which allows comparison with rejection rates in other states.

events. Can there be any lasting benefits from a system in which almost all voters submit their ballots in envelopes for officials to cast, and few if any voters cast their ballots themselves?

After reading through what I could get my hands on regarding the benefits of vote-by-mail, it seems to me evidence-based consensus exists on only the following:

- Absentee voting needs to be a option, or some will not be able to vote.
- The only election reforms that reliably and demonstrably improve turnout are measures that make registration easier, quicker, or more convenient.³⁷
- Increased absentee voting will not benefit either major political party.³⁸

Absentee voting was invented for people who must be out of town on Election Day and for people who are confined to their homes. For them, it is a necessity. Over the past decade or so, most states realized that fussing about why a voter wanted an absentee ballot was not worth the bother, for either the voters or the election officials. Absentee voting became a simple, no-excuse-needed option in almost every state.³⁹

So people began voting absentee by choice rather than necessity. Political workers, in particular, find absentee voting convenient. They can submit their own ballots in advance and spend Election Day doing political work. The political parties' and interest groups' get-out-the-vote efforts also benefit from data bases of voters who have and haven't yet submitted ballots, which enable them to contact only those who have not yet voted and cross the others off their lists.

My sense from speaking with other vote-by-mail supporters is that they are dedicated voters, with a deep commitment to vote in every election. They are, therefore, nervous at the thought of confining the act of voting to a specific day and place. If something else comes up—a sick child, car accident, or tornado—they fear they might miss it.

Dedicated voters, therefore, readily believe that absentee voting increases turnout—even when presented with evidence to the contrary. For example, the local newspapers where I live make a habit of reporting on the pace of early absentee voting in the weeks just before each election, as a harbinger of final turnout. After the election, if turnout was high, they assume a connection with absentee voting. But that assumption endures even when they see high early voting and low overall turnout in the same election. Here is reporter Jesse Opoien, commenting soon after the November 2016 election: “The decline (in turnout) — down nearly

³⁷ Burden, Barry C. and Canon, David T. and Mayer, Kenneth and Moynihan, Donald P., *Election Laws, Mobilization, and Turnout: The Unanticipated Consequences of Election Reform*. June 24, 2010. Online at <https://ssrn.com/abstract=1690723> or <http://dx.doi.org/10.2139/ssrn.1690723>

³⁸ Drutman, Lee. *There Is No Evidence That Voting By Mail Gives One Party An Advantage*. FiveThirtyEight, May 12, 2020. Online at <https://fivethirtyeight.com/features/there-is-no-evidence-that-voting-by-mail-gives-one-party-an-advantage/>

³⁹ National Conference of State Legislatures. *Voting Outside the Polling Place: Absentee, All-Mail and other Voting at Home Options*. April 24, 2020 Online at <https://www.ncsl.org/research/elections-and-campaigns/absentee-and-early-voting.aspx>

four points from 2012 and three points from what state elections officials projected — was all the more stunning as it followed record-high early voting numbers.”⁴⁰

Reporters like Opoien don’t seem to realize the possibility that heavy early voting could be nothing more than dedicated eager voters doing their dedicated eager thing, while the less-engaged marginal voters (the ones whose conduct makes the difference between high and low turnout) are unexcited by the opportunity to submit a ballot a month before Election Day. Or worse, that the low-enthusiasm voters read the news about the many eager early voters; concluded the election was already decided; and decided not to vote.

Academic studies show mixed results from early, absentee, and mail-in voting, at best.⁴¹ Some studies observe a favorable effect among at least some groups;⁴² others can find none.⁴³ Some find reduced turnout.⁴⁴ As with most social-science research, humans’ complexity and variation stand in the way of definitive answers. Scholars have trouble sorting out possible causes: If turnout changed as absentee voting expanded, why? If it didn’t, why not?

Unfortunately for researchers, states rarely make one change to their election laws at a time. So even if we observe increased participation after election reforms (we often do), we cannot know which change caused the increase. For example, Colorado’s vote-by-mail law was adopted in 2013 as part of a comprehensive package that included same-day voter registration at the polls, expanded in-person voting to several days; added provisions that reduced deactivation of registered voters who miss several elections, and included a ‘less onerous’ Voter ID requirement.⁴⁵ In 2005, Washington also adopted other measures at the same time

⁴⁰ Opoien, Jesse. *Why did Wisconsin see its lowest presidential election voter turnout in 20 years?* The Capital Times, November 11, 2016. Online at https://madison.com/ct/news/local/govt-and-politics/election-matters/why-did-wisconsin-see-its-lowest-presidential-election-voter-turnout-in-20-years/article_6dd2887f-e1fc-5ed8-a454-284d37204669.html

⁴¹ Mann, Christopher. *Mail Ballots in the United States: Policy Choice and Administrative Challenges*, in “The Measure of American Elections,” Barry Burden and Charles Stewart III, eds. 2014, Cambridge University Press

⁴² Leighley, Jan and Jonathan Nagler. *Electoral Laws and Turnout, 1972-2008*. November 20, 2009 Online at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1443556&rec=1&srcabs=1690723&pos=2

⁴³ Burden, Barry C. and Canon, David T. and Mayer, Kenneth and Moynihan, Donald P., *Election Laws, Mobilization, and Turnout: The Unanticipated Consequences of Election Reform*. June 24, 2010. Online at <https://ssrn.com/abstract=1690723> or <http://dx.doi.org/10.2139/ssrn.1690723>

⁴⁴ Kousser, Thad and Megan Mullin. *Does Voting by Mail Increase Participation? Using Matching to Analyze a Natural Experiment*. Political Analysis, 15(4), 2017 Online at <https://scholars.duke.edu/display/pub1049012>

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Elul, Gabrielle, Sean Freeder, and Jacob Grumbach. *The Effect of Mandatory Mail Ballot Elections in California*

Election Law Journal: Rules, Politics, and Policy VOL. 16, NO. 3 Sep 2017 Online at <https://www.liebertpub.com/doi/10.1089/elj.2016.0390>

⁴⁵ Chapman, Allegra, et.al, *The Colorado Voting Experience*. Common Cause Education Fund. 2019. Online at https://www.voteathome.org/wp-content/uploads/2019/07/ColoradoVotingReport_WEB2.pdf

as vote-by-mail.⁴⁶ In Oregon, the practice of voting by mail gradually increased over time as state laws incrementally expanded the option to more types of elections.⁴⁷

And in the absence of mind-reading, researchers must guess at the voters' motives and preferences. For example, when thinking about voters with disabilities, which seems more real or common: voters who prefer having a helper mark their ballot at home, or voters who prefer to mark their ballots privately at a polling place using accessible equipment? When thinking about low-interest voters, are they motivated more by the 'invitation' of a ballot arriving unsolicited in the mail, or by the social, civic-festival nature of a neighborhood polling place on Election Day?

The most frequently offered mind-reading explanation of why absentee voting might increase turnout is convenience. The website home page of the National Vote At Home Institute, an organization that promotes voting by mail, explains that voters:

“don't have to take time off work, drive to a polling place or stand in long lines. Voting by mail equally serves everyone from seniors and disabled voters, who might have trouble getting to the polls, to rural voters a long way from one, to a single parent working two jobs, a busy family, sick kids, or someone with an unexpected business trip.”⁴⁸

But what is convenient? The rural voter might like an excuse for a trip into town, and suburban Joe might find it convenient to stop by the polling place on his way home from work. Both might find it inconvenient to figure out the written instructions for completing the absentee ballot envelope. Meanwhile, Maria might find it convenient to incorporate the absentee-voting paperwork in her bill-paying routine.

And convenience won't inspire those who don't want to vote anyway. A 2017 study asked non-voting registered voters in Milwaukee and Madison why they did not vote in the 2016 presidential election. The survey offered 12 responses, including “not enough time,” “lines too long,” and “transportation problems.” However, the two most frequently chosen reasons were “Unhappy with the choice of candidates” (50.8%) and “Not interested” (27.5%)⁴⁹ – sadly, things that cannot be improved by absentee voting.

Absentee proponents mention other benefits, but most of these are perceived problems with in-person voting that could be solved in ways that don't degrade ballot safety.

For example, absentee voting forces the use of hand-marked paper ballots. While it's true that paper ballots are more secure than ones generated by a touchscreen computer, that security is obtained only if the ballots are then used in routine outcome-verifying audits. Most Wisconsin voters already mark paper ballots, but

⁴⁶ Washington Secretary of State. *Changes in Voting: 1971-Now*. Undated. Online at <https://www.sos.wa.gov/elections/timeline/time5.htm>

⁴⁷ Oregon Secretary of State, *Vote by Mail*. Undated. Online at <https://sos.oregon.gov/elections/Documents/statistics/vote-by-mail-timeline.pdf>

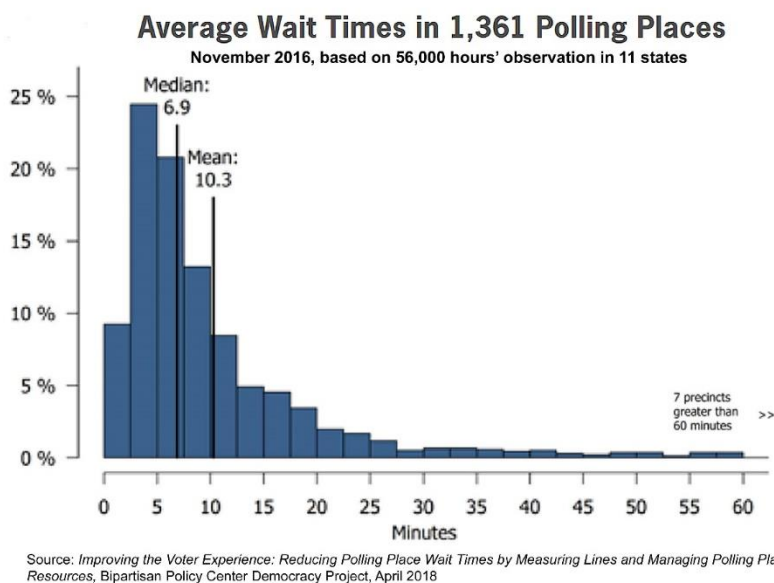
⁴⁸ Home page, <https://www.voteathome.org/> Viewed May 15, 2020.

⁴⁹ Mayer, Kenneth R., and Michael G. DeCrescenzo. *Supporting Information: Estimating the Effect of Voter ID on Nonvoters in Wisconsin in the 2016 Presidential Election*. September 25, 2017, page 13. Online at <https://elections.wisc.edu/wp-content/uploads/sites/483/2018/02/Voter-ID-Study-Supporting-Info.pdf>

Wisconsin election officials refuse to use them in effective audits.⁵⁰ (Some clerks perform random voting-machine spot checks, but those are more decorative than functional in terms of securing election results.) The problem isn't that Wisconsin doesn't have paper ballots; it's that we don't use them in effective audits.

Another touted benefit of absentee voting is avoiding long lines at polling places. However, the extent of the waiting-line problem is often exaggerated. As shown in Figure 4, empirical research shows that only a small portion of voters encounter Election-Day polling-place lines in excess of 10 minutes.

Figure 4



If voters insisted on good local polling-place management⁵¹, we could eliminate long lines without sacrificing ballot safety. With the exception of rare events such as a power outage, if long lines form, it's only because election officials did not follow accepted best practices: Avoid touchscreen machines that allow only one voter at a time to mark a ballot. Have enough working scanners to accept the hand-marked paper ballots as fast as the voters can mark them. Have enough poll workers; convince the high school to release students who want to work the polls instead of relying exclusively on retirees. Set up an efficient check-in process and use e-poll books. Have a greeter to answer voters' questions and steer them in the right direction.

Some vote-by-mail proponents say absentee voting gives them an opportunity to review the ballot before they arrive at the polling place, although that opportunity is not denied to them now. Most newspapers print a copy of the full ballot before each election; the MyVote.wi.gov website can show each voter their local ballot before each election; the League of Women Voters still publishes "Candidates' Answers" before every election in the larger communities. Failing all that, polling places post ballots on the wall where voters can

⁵⁰ McKim, Karen *Wisconsin County Clerks Association Doesn't Wanna*. Wisconsin Election Integrity blog, November 25, 2018. Online at <https://wisconsin-election-integrity.org/2018/11/25/wisconsin-county-clerks-association-doesnt-wanna/>

⁵¹ Stewart III, Charles. *Managing Polling Place Resources* Caltech/MIT Voting Technology Project, December 2105. Online at <http://web.mit.edu/vtp/Managing%20Polling%20Place%20Resources.pdf>

peruse them before beginning the voting process, and allow voters to use their cell phones to call a friend or check the internet.

Finally, partisans sometimes hope that absentee voting will help their party's candidates. But Wisconsin's April 7 election appears to be the first in history in which the absentee ballots and in-person ballots indicated a strong partisan slant, with the mailed-in ballots being more Democratic, and the in-person ballots being more Republican.⁵² I believe the unique circumstances of that election caused that anomaly. With the pandemic quarantine in effect, news was dominated by the battle between Republican politicians fighting to force in-person voting and Democratic politicians fighting to have the election moved to a different date or exclusively to mail. In this never-before and hopefully never-again situation, voters' choice of voting method was influenced by party loyalties.

WISCONSIN, NOVEMBER 2020

Knowing what we know about benefits and risks, how would large-scale absentee voting affect the November 2020 election? Looking at both risks and benefits, neither indicates anyone in Wisconsin should expect good results if voters continue to rely on mail-in voting at the rate they did in April.

The law of diminishing returns presents Wisconsin with one enviable barrier to increased turnout. Wisconsin voters already turn out in reliably high numbers when compared to other states, so there may not be much room for improvement through changing methods of voting. In the 2016 Presidential election, Wisconsin already had better turnout (69%) than three of the four states that conducted all-mail elections that year: Oregon (68%), Washington (66%), and Utah (58%). In fact, only four states had better turnout than Wisconsin, only one of which was a vote-by-mail state, Colorado (72%). None of the top three states—Minnesota (75%), Maine (73%), and New Hampshire (73%)—were vote-by-mail states.⁵³

Further, the states that claim positive effects all have absentee-voting procedures that are easier and simpler than Wisconsin's. Perhaps in future years, Wisconsin's legislature could make absentee voting as easy here as it is in the vote-by-mail states, but there's no time to pass new laws before November. Our Voter ID requirement, even for in-person voters, is one of the strictest in the nation and is made more onerous by absentee voting. Not only do voters need the proper ID, they must also have a way to photograph and submit it electronically, or a way to photocopy and mail it. Wisconsin voters must request the absentee ballot ahead of time, have that application approved, and have someone witness us putting the ballot in the envelope and have them sign the envelope, too. Such a plan-ahead, multi-step process is unlikely to be the magic bullet that engages potential voters who are not now willing, even impulsively, to make a quick visit to a neighborhood polling place on Election Day.

Things don't look any better for Wisconsin's November election on the risk side of the equation. The WEC report on the April 7 election described what can go wrong in the part of the pipeline managed by a

⁵² Epstein, Reid. *Vote by Mail in Wisconsin Helped a Liberal Candidate, Upending Old Theories*. New York Times, April 21, 2020. Online at <https://www.nytimes.com/2020/04/21/us/politics/wisconsin-mail-voting.html?searchResultPosition=2>

⁵³ MIT Election Data and Science Lab, *Election Performance Index, 2008-2016*. Online at <https://elections.mit.edu/#indicatorProfile-T>

professional, full time state elections staff. The rest of the pipeline, in Wisconsin, is managed by 72 county clerks, 1,850 municipal clerks, and thousands of poll workers, without oversight by the WEC. It is unrealistic and unfair to expect them quickly to develop and learn reliable procedures for processing a flood of absentee ballots. As Louisiana State University's Christopher Mann warned, in areas where "the combination of policy and administrative inertia with dynamic growth in mail-voting rates is a recipe to increase the incidence of mail ballot problems."⁵⁴

Giving the United States Postal Service a key role in the November 2020 election adds another layer of risk. The odds that any properly addressed item will be truly lost in the mail may be incalculably low⁵⁵, but delay is more common and of significant importance for ballots. The USPS just isn't set up to be a critical moving part in the elections machine: Witness the US Supreme Court's ruling that ballots postmarked by Wisconsin's April 7 Election Day could be counted, only to have it quickly come to light that the USPS does not put postmarks on all the mail.⁵⁶ And with the current administration's stated intent toward both the USPS⁵⁷ and voting by mail,⁵⁸ reliable operation of the USPS and essential services such as Saturday mail and service in rural areas are far from sure bets for November.

To get the intended benefits of absentee voting in later elections, with far fewer of the risks, Wisconsin should explore the possibility of true early voting. Currently, we have only early absentee voting, where voters submit ballots in envelopes that are at risk of mishandling and rejection. True early voting would have polling places open for several days, not just a Tuesday, where voters can obtain their ballots in person and cast them directly into the tabulator, eliminating all the unique risks associated with absentee and mail-in voting. This practice, however, would require changes in state law, and certain issues relating to voting-machine security and testing need to be worked out.

WHAT TO DO?

Given the tidal wave of enthusiasm for absentee voting unleashed by the pandemic, this article may be the only one you will read that praises in-person voting. We take the neighborhood polling place for granted. It is too plain, too obvious, too old-school to have many enthusiastic advocates. It has no novelty value. No political consultants can make money selling GOTV services that rely on real-time data about Election-Day

⁵⁴ Mann, Christopher. *Mail Ballots in the United States: Policy Choice and Administrative Challenges*, in "The Measure of American Elections," Barry Burden and Charles Stewart III, eds. 2014, Cambridge University Press, page 139

⁵⁵ Reference.com. *What is the percentage of lost standard USPS mail?* Ask Media, undated. Online at <https://www.reference.com/business-finance/percentage-lost-standard-usps-mail-839882afe0b991dd>

⁵⁶ Schulte, Laura and Patrick Marley. *Many Wisconsin absentee ballots have returned without postmarks and may not be counted because of it.* Milwaukee Journal-Sentinel, April 10, 2020. Online at <https://www.jsonline.com/story/news/2020/04/10/wisconsin-election-votes-may-not-count-ballots-without-postmark/5123238002/>

⁵⁷ Fandos, Nicholas and Reid J. Epstein. *A Fight Over the Future of the Mail Breaks Down Along Familiar Lines.* New York Times, May 10, 2020. Online at <https://www.nytimes.com/2020/05/10/us/politics/postal-service-trump-coronavirus.html>

⁵⁸ Epstein, Reid J. Nick Corasaniti and Annie Karni. *Trump Steps Up Attacks on Mail Vote, Making False Claims About Fraud.* New York Times, May 20, 2020 Online at <https://www.nytimes.com/2020/05/20/us/politics/trump-michigan-vote-by-mail.html>

voters, as they can with early and absentee voters. Tech developers see no market for apps to help in-person voters track their ballots' split-second journey from hand to polling-place tabulator.⁵⁹

And sadly, neighborhood polling places have a 20th-century community-life vibe that doesn't fit with our modern individualistic lifestyle. Even before the pandemic, we were shopping online instead of visiting local retailers. Gaming online, alone or with distant internet denizens, instead of joining local bridge or poker games. Socializing on Facebook, not on the sidewalk. Voting from a kitchen counter is compatible with our 'bowling alone' lifestyle⁶⁰ in a way that visiting with our local officials and neighbors at the town hall is not.

If absentee voting becomes standard, as I believe it will, there are a few things responsible voters can do, collectively and individually, to protect our ballots.

Collectively, we must demand accountability and good performance from our election officials. Take a look at that May 2020 report from the Wisconsin Election Commission. **That** is what it looks like when officials hold themselves accountable: 1) solid data on performance; 2) active investigation into things that went wrong; 3) commitment to improvement.

Expect the same of your local election officials, for their absentee-ballot responsibilities. Give it a try: Call your municipal clerk and ask about the local absentee-ballot rejection rate in the most recent election; what the performance target is for the next election, and what he or she is doing to meet it. A clerk who is actively managing his or her operation will know those things. If your clerk doesn't, arrange a meeting between the clerk, you, and other local voters to figure out how to make absentee voting safer in your community. And don't encourage any other voter to vote absentee until you do.

As an individual, what is your best choice? When you consider whether to put your ballot in an envelope for someone else to cast later, you must understand the risks and the steps you can take to reduce them.

1. Know the steps in the process and the applicable deadlines for each, being aware that they may change between elections. Meet them with time to spare, to allow time to repeat or correct steps in case something goes wrong. In Wisconsin, you can obtain your ballot by visiting your municipal clerk's office or an early voting location. This will eliminate the risk that you won't receive your ballot or get it submitted in time.
2. Some voting rights advocates are currently recommending every voter request an absentee ballot even if they intend to vote at the polls, in case something—for example, a pandemic—makes in-person voting impossible. The advantage is that the voter clears the first hurdle—getting an

⁵⁹ Comment: It's a revealing indication of the irrationality of this debate that ballot-tracking software is promoted as a convenience for voters. Although loss of marked ballots in the mail is one of the more remote risks of absentee voting, this software allows absentee voters to track their ballots as they move through the process of delivery, receipt, and review. But how can the ability to track a ballot be easier, safer, or less work than a process in which voters have no need to?

Example: <https://www.fastcompany.com/90501588/track-your-ballot-like-a-package-how-technology-will-smooth-the-way-for-novembers-mail-in-ballot-surge>

⁶⁰⁶⁰ Putnam, Robert D., *Bowling Alone: The Collapse and Revival of American Community*. Website: http://bowlingalone.com/?page_id=13

approved Voter ID photo on file—well in advance of the election. However, if you then decide to vote in person at your neighborhood polling place, you will need to protect any materials sent to you from being used by anyone else and remember that voting might take longer at the polling place, because the poll worker must check to see whether your absentee ballot was returned before allowing you to vote in person.

3. If you decide to vote absentee, you will need to have a witness watch you mark your ballot and place it in the envelope. So don't mark your ballot until you have someone else in the room with you who is willing to be your witness.
4. You won't be present when your ballot is cast, so make sure you fill it out perfectly—no overvotes, no smudges, no bleed-through, no tears or wrinkles, no stains or stray marks. Protect your ballot from anything that could make a high-speed scanning machine reject it. Be sure to wait until the ink is dry before you fold the ballot.
5. Follow the instructions for filling out the absentee ballot envelope. Make sure every bit of required information is provided, legible, and accurate. Not just what you wrote; verify that the clerk and your witness also filled in their parts correctly and legibly. Completing the envelope at the municipal clerk's office or early-voting location, where you can have an official review and witness it reduces the risk of later rejection.
6. Do not open your envelope once you have sealed it. Do not give your completed ballot envelope to anyone else, other than an election official at an early voting location. If you mail your ballot, follow its path back to the election office with whatever tracking system your jurisdiction provides. Be prepared to take steps to remedy the problem if the clerk has not received your ballot by close of business on the Friday before Election Day.
7. Ask your municipal clerk how and when you can confirm your ballot has been accepted for counting (not just received; *accepted*.) Be prepared to take steps to remedy the problem if the clerk has not accepted your ballot before Election Day.
8. If you want to be most thorough and confident, visit your polling place (or central absentee-ballot processing center) on Election Day to observe election workers casting the absentee ballots. You might even hear your own name and address announced as a worker opens your envelope and puts your ballot into the stack to be cast.

For myself, I am not going to bother with any of the absentee-voting rigamarole. I will look at my local ballot ahead of time and research my options. I will then visit my neighborhood polling place on Election Day; say "Hi" to my neighbors and "thank you" to my municipal clerk and the poll workers; mark my ballot privately; and cast it with my own hand directly into the tabulator. Simple. Easy. Convenient. Secure.