



PREPARING FOR ELECTIONS IN THE SHADOW OF COVID-19

MAY 2020

EXECUTIVE SUMMARY

So long as Covid-19 continues to circulate, this election season is going to look radically different. Registration drives will be upended by social distancing measures, poll workers will have to guard against contagion, and fear of the virus will drive unprecedented demand to vote from home.

Massachusetts needs to adapt its voting rules quickly to accommodate these shifts, allowing time to make logistical arrangements and communicate new rules to voters.

For this research report, the Center for State Policy Analysis has worked with election experts to map the full range of potential approaches so policymakers understand the options and trade-offs involved.

Some changes are endorsed by a clear consensus of experts, but often the “correct” approach depends on a balance between competing interests. We find that:

- Demand for absentee voting and vote-by-mail will likely be enormous, requiring dramatic upgrades to state and municipal

capacity. Centralizing parts of this process could help alleviate the burden on cities and towns and reduce the risk of local bottlenecks.

- There is no definitive answer to the question of whether Massachusetts should automatically send absentee ballots to all registered voters, only a complex trade-off between expanded opportunity and election security.
- Polling places need to remain open as an option for all voters, including those with unstable housing, individuals with disabilities, and minority groups that have historically shown a preference for in-person voting. Allowing early voting for the September primary could also improve access.
- The cost of these changes could be substantial, particularly for cities and towns. However, Massachusetts has access to significant federal funding, including a large amount of unused money from the 2002 Help America Vote Act.
- Focusing on temporary changes — just for this unusual cycle — could help build consensus, though permanent alterations make sense where there is already strong agreement and clear long-term need.
- Being overwhelmed by one crisis doesn't immunize Massachusetts from other risks, and contingency planning needs to account for the threat of voter suppression, disinformation, and beyond.

The sections that follow delve deeper into these and other subjects, including how to support voter registration, partial centralization of the vote-by-mail process, requirements for safe polling places, and how lawmakers can assess complex trade-offs.

MAKING TOUGH DECISIONS

When facing these kinds of complex decisions — with no clear answer and steep trade-offs — it's helpful to stay cognizant of grounding principles and key dividing lines.

Core principles

When it comes to effective elections, there's a strong consensus about the basic principles:

- 1) Give all potential voters the opportunity to cast ballots without facing undue burden or risk.
- 2) Protect the integrity of the vote by ensuring that all proper ballots are counted while fraud, error, and other irregularities are identified and redressed.
- 3) Maintain public confidence in the process by demonstrating a commitment to fairness, transparency, and security

Note that it's important to distinguish between #2 and #3 — safeguarding the integrity of the votes and maintaining the public's faith that you are safeguarding votes. Both matter when designing an election process.

Temporary vs. permanent changes

Treating Covid-19 as a temporary challenge demanding temporary fixes should lower the stakes of change and make it easier to build consensus. It could also allow for a more focused approach, as lawmakers concentrate on what's needed this year without worrying too much about long-term implications.

On the other side, a lot of policies are kept in place by inertia alone, and this year may be a rare chance to improve outworn, suboptimal policies and rethink how people vote in Massachusetts.

As a kind of middle ground, the legislature could treat temporary changes as pilot programs, with follow-on studies designed to track the impact and assess future viability.

September primary vs. November general

Different approaches may be required for these two elections because they have different characteristics.

At the most basic level, the primary is party-specific, tends to generate lower turnout, attracts more politically engaged voters, and has to be organized more quickly.

VOTER REGISTRATION

No one knows exactly what life in Massachusetts will be like in the months ahead, but Covid-19 is likely to hamper voter registration.

Traditional voter registration drives, which involve face-to-face encounters and one-on-one assistance, will struggle to attract participants. And since these field operations are often the best way to register voters from marginalized communities, their disappearance creates an equity problem. Young voters could also be disproportionately affected, if college and high-school based registration drives are curtailed.

Citizens will still have options, including online registration for those with a driver's license and mail-in registration. But the state could widen opportunity by allowing voters to register much closer to or even on election day.

Election day registration is among the few proven ways to increase turnout. Short of that, giving voters more time to register would alleviate concerns about mail delays and help spread out visits to town clerks.

One asset Massachusetts has is our recently launched automatic voter registration system. Any residents renewing driver's licenses or applying for MassHealth are simultaneously registered to vote, which should expand voter rolls over time, though the system has not been in place very long.

VOTING AT HOME

Under threat of Covid, hundreds of thousands — maybe millions — of state voters will want to cast their ballots without visiting a potentially crowded polling site. That will be a shock to the Massachusetts voting system, which has strict limits on absentee voting and where only [4 percent of registered voters](#) were sent ballots in 2016.

Massachusetts is one of just 16 states that requires a valid excuse to obtain an absentee ballot. Voters need to be out of town, barred by religious belief, or unable to visit polling places due to a physical disability.

Lawmakers have found several workarounds for these austere restrictions, however, which could enable vastly more absentee voting in 2020.

The most straightforward approach is to declare Covid-19 a valid excuse for everyone in 2020. The legislature has already done this for elections through June 30, with a law saying anyone taking precautions related to Covid is effectively unable to vote by reason of physical disability — and is therefore eligible for an absentee ballot.¹

There is another tack, though, involving a work-around introduced when the state began offering early voting in 2016. At that time, the state began a new program known as “early voting by mail,” which allowed voting from home — with no excuse required — during the early voting period. That option has been expanded to apply to 2020 municipal and special elections.

While there is an argument for doing everything possible to support voting from home, simultaneously pursuing both absentee voting and early voting by mail is bound to generate confusion.

Each has slightly different rules and requirements, and even the most vigorous public communications campaign might not prepare voters to appreciate these subtleties or to choose between the two options.

Plus, the early-voting-by-mail approach has not been tested in the courts, and it’s not clear whether it’s consistent with constitutional provisions requiring a valid excuse for absentee voting. Relying on it would create a risk that a whole class of votes could face legal challenge.

Choice-point: send ballots or send applications

Another hurdle to widespread absentee voting is figuring out how to get ballots into the hands of voters. It’s a tricky question because it involves a difficult trade-off between voter participation and election security.

Option 1: Automatically send absentee ballots to all registered voters.

The big advantage of this approach is the frictionless experience for voters, who will automatically receive a ballot at their doorstep. Other jurisdictions that send ballots in this way have seen some [increased participation](#), particularly in lower-profile elections. While it’s slightly trickier to do this for the September primary, we could take the modified approach of sending ballots to voters registered with a party while sending applications to unenrolled and independent voters.

Sending out ballots does have some downsides. Many of these ballots will end up at the wrong location because not all information in voter registration lists is accurate and up to date.² And because ballots can’t be sent out too far in advance of election day, people may not have much lead time to request a new one if the first doesn’t arrive at their current or preferred address.

What’s more, if many ballots do end up at the wrong address, it could feed concerns about the integrity of the election process — especially at a time when exaggerated tales, or pictures, of misused ballots could go instantly viral.

Lastly, sending ballots directly to voters cuts out a key check in the vote-by-mail process. Generally in Massachusetts, absentee ballots are returned with a signature, and that signature is verified against

the voter's application. No application means no signature check. (The process could be changed, however, to check ballot signatures against voter registration, and any fraudulent voter would still be liable to prosecution.)

Option 2: Send applications, so voters can request absentee ballots.

Distributing applications, rather than ballots, cuts down on security concerns, as misdirected applications are less incendiary than misdirected ballots. Plus, each submitted application would include a signature to be used for later verification.

Still, this approach has severe drawbacks. For voters, it creates an extra step, whereas research suggests that the surest way to invite participation is to make voting as easy as possible.

Just as important, it also creates an extra hurdle for cities and towns, which could prove a choke point in the entire vote-at-home effort. Unlike in option 1 — where a central processing site could send out all ballots without involving cities and towns in the distribution — sending applications requires much more town-level processing.

Massachusetts procedure calls for applications to be returned directly to cities and towns, which have to process those application and mail out corresponding ballots. If demand matches expectation, that could mean 10 to 20 times as many absentee ballot requests as in years past.

Such an increase would quickly tax the resources of municipalities, which can't scale their technology or manpower the way a big central location might. (Note that the problem of overwhelmed towns contributed to Wisconsin's [troubled primary election](#).)

Managing the logistics

Many other changes will be needed to meet the anticipated surge in demand to vote at home and scale up the state's systems for printing, distributing, collecting, and counting absentee ballots. As a gauge of potential scale, a bipartisan task force of

election experts has recommended that states have enough capacity to conduct a [**100 percent mail-based election**](#).

Here are some of the key issues that need to be addressed.

Matching process and infrastructure. Sending ballots to all registered voters requires one setup, sending applications another. But some greater centralization seems useful to allow for scaling, managing relationships with vendors, and controlling safety issues (such as the need to use return envelopes that don't require licking.) With municipal capacity a likely bottleneck, it may be helpful to offload the most time-intensive elements to a central processing site.

Reducing the number of ballots. Currently the state prints separate ballots for in-person voting, absentee voting, and early-voting-by-mail. At the very least, it should be possible to create a single vote-at-home ballot.

Online ballot request and tracking. Voters can request absentee ballots in a number of ways, including via mail, fax, or by emailing a picture of a printed and completed application. Adding a web-based request form might provide a convenient alternative, though it cuts against the need to collect a signature.

Separately, the state has tracking system that allows absentee voters to confirm that their ballots have been received and are being processed. But the system is relatively new and some stress-testing could help ensure its readiness to meet the greatly expanded needs of 2020.

Multiple options for collection. Even in states with 100 percent vote-by-mail, most voters don't actually return their ballots [**via the post office**](#). Instead, they visit local election offices or use dedicated drop boxes. Massachusetts allows voters to drop absentee and vote-by-mail ballots with the city or town clerk, but we can also set up drop boxes in other locations, potentially including secure and convenient spaces around town as well

as outside polling places during early voting and on election day. As a check on fraud Massachusetts should consider maintaining its rule that family members can deliver ballots for those with limited mobility or limited transportation options while other organizers or third-party parties cannot collect and submit ballots for voters.

Prepaid postage. Mailing a ballot may not be particularly expensive, but postal mail is less routine than it used to be — both because young people rarely mail letters and because buying stamps can mean being exposed to Covid. Having the state prepay postage for applications and absentee ballots eliminates this potential hurdle, but it may work best if combined with greater operational centralization (as it appears difficult for the state to prepay postage on letters going to individual cities and towns.)

Consistent process to confirm signatures. Given that signature matching is imperfect, the state needs to set consistent standards of evaluation and rapidly inform voters of any affected ballots.

Timely counting. Massachusetts doesn't permit absentee ballots to be processed and counted until election day, an approach that works when the number of absentee votes is small but could produce long delays this cycle. Allowing cities and towns to open envelopes and prepare ballots prior to the election could ease this concern. Current practice also requires absentee ballots to be counted at the appropriate precinct, whereas it might be valuable to setup dedicated locations with transparent security procedures, whether at the municipal clerk's office or in some other hub.

One open question is whether to accept ballots that arrive after election day — assuming they're postmarked in time. Doing so could help maximize participation but would also create delays in the reporting process.

Expanded audits. Given the changes afoot, it's important that Massachusetts expand its audit process to reflect the shifting distribution of votes across modes: early, in-person, drop-off, mail.

Challenges with vote-at-home approaches

Even when expertly managed, absentee voting and vote-by-mail create a distinct set of problems and challenges, which we can't easily address with new rules or laws.

For instance, in-person voters who fill out their ballot incorrectly will get an alert from the counting machine, giving them an opportunity to fix errors. Not so with at-home voting. Hence, vote-at-home tends to result in a higher number of discarded votes, and there's some indication that voters from racial and ethnic minority groups are disproportionately affected.

Coercion is another issue that's difficult to redress. Alone in a voting booth, voters are free to fill in bubbles at their discretion; but at the kitchen table there may be other pressures. In the most extreme case, imagine "ballot parties" where people gather on Zoom to vote, showing off their filled ballots in a way that expands the risks of social pressure.

Outright fraud is a problem too — not a big problem, by the numbers, but still an issue that's more common with vote-by-mail than with other kinds of voting. One typical example involves political operatives who collect completed ballots from rival voters, promising to put them in the mail but instead making them disappear.

IN-PERSON VOTING

Even with vastly expanded options for absentee voting and vote-by-mail, in-person voting will likely remain the only meaningful option for some of the most vulnerable voters: those without stable housing or reliable access to the internet, those with language and literacy issues, and those with disabilities who rely on special voting machines.

What's more, Black and Hispanic voters have traditionally favored in-person voting, meaning they might be disproportionately affected by a too-aggressive reduction in the availability of polling places.

Still, in-person voting will have to be reworked in order to maintain access while minimizing the risk of contagion. Lawmakers should consider the following options:

- Offer *early voting for the September primary*, in addition to the November election, so that in-person voting can be spread over multiple weeks to cut down dangerous crowding.
 - Set requirements that conform to the *CDC's safety recommendations for polling sites*, including clear rules about social distancing, effective cleaning equipment, and appropriate handwashing.
 - *Select safe sites*, which could mean moving voting locations out of senior centers and nursing homes, as well as closing schools on election day to minimize contact between voters and others.
 - Recruit *poll workers from less vulnerable populations*, including younger residents and students rather than seniors who may face greater risks. The threat to poll workers is particularly high; they typically encounter about 700 voters on election day, whereas the average voter encounters just 20. Note that it may be necessary to train more poll workers than usual, in case of higher rates of illness on election day.
 - Develop a plan to handle *voters who appear to be ill*. During South Korea's April election, all voters were required to wear masks and have their temperatures taken; those with even mild temperatures were separated and taken to dedicated voting booths.
 - Allow cities and towns to use *curbside or drive-through voting*. While not appropriate for all communities, allowing people to vote from their cars would help minimize contact, and should be possible if towns set aside large parking lots. Voters would drive up to a booth or tent, share their information to get a ballot and envelope, fill out that ballot in another area of the parking lot, then seal it and deposit in a drop-off box. In a more narrow approach, curbside voting could be limited to voters at high risk or those over 65.
- *Consolidate polling places* where possible. Overzealous consolidation could disenfranchise voters and sow confusion, leaving many unsure where to go on election day. But if a substantial number of voters really do switch to absentee, that should dramatically reduce demand for in-person voting, allowing for some rethinking of needs. One option is to create "vote centers" where people from a variety of different precincts can vote, but this may require digital poll books or some other method to prevent double-voting.

COMMUNICATION PLANS

To avoid mass confusion and maintain high levels of participation, voters of all regions, ages, and backgrounds will need to be informed about the many meaningful changes in the 2020 election process, including new rules for registration, how to vote at home, methods for reporting potential fraud, changes to polling places, the expansion of early voting, precautions being introduced, and steps to take if you're feeling sick.

All this — and more — will need to be shared across communities, in multiple languages and various formats (print, radio, internet, etc.).

Having common rules across cities and towns makes a big difference. For instance, if municipalities could agree on a uniform process for handling absentee ballots, they could coordinate on a campaign to spread that information statewide. Should they go their 351 different ways, that information would be fragmented and harder to hear. One message that has to get through to voters is this: expect delays. Bottlenecks in the application process and generally stressed systems are likely to slow down many parts of the voting process, right up to the finale. It will take time for Massachusetts to count its unusually large number of absentee ballots, particularly if we opt to accept posted ballots after election day. And in the presidential race, the same delays could pile up in states across the country, deferring the tally for days or even weeks.

COSTS

Adapting our election system for Covid-19 will likely increase costs, though the exact amount will depend on the logistical path we choose.

By [one estimate](#), even the most efficient vote-by-mail system costs about \$5 per absentee vote, which would add up to \$12 million if at-home voters make up 70 percent of all voters in November. A [separate estimate from the Brennan Center](#) found that making vote-by-mail an option for all eligible voters in the state might cost \$20 million to \$30 million just for the general election.³

On top of this, making polling places Covid-ready will require additional funds, as would any expansion in early voting for the primary. (It's possible these costs might be offset by judicious consolidation of polling sites.)

The federal government could help defray some of the expense. As part of the recent CARES Act, Massachusetts is eligible for a roughly \$8 million grant covering Covid-related election costs, and the state also has access to as much as [\\$40 million in unused money](#) from the 2002 Help America Vote Act.⁴ Note that there are some strings attached — and not all election preparations can be covered by these funds — but the state should be able to get substantial federal support if desired.

More generally, the distribution of dollars needs to be carefully considered, as a large share of election-related costs are born by cities and towns, rather than the state itself.

CONCLUSION

There is one last thing for Massachusetts to consider heading into the 2020 election season.

Difficult as it is to see beyond our all-encompassing Covid crisis, the old concerns about election security and uncertainty have not disappeared.

They hover over the 2020 vote, waiting to materialize in the form of voter suppression, international interference, disinformation, or even natural disaster.

Having one crisis doesn't immunize you from others. Quite the contrary, it could make us look especially vulnerable in the eyes of potential malefactors. For this reason, the state needs to ensure the same level of non-Covid-related contingency planning as in any other year, with the same vigilance for election integrity.



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Endnotes

¹ This move is consistent with the approach in [New Hampshire](#) and the recommendation of a [bipartisan national task force](#).

² Town censuses in Massachusetts help to minimize errors. It's possible completion rates for this year's town censuses have been affected by Covid-19, as college students leave the state and others shelter away from their primary residence.

³ The Brennan Center calculates a cost of \$1 billion to \$1.4 billion for the nation as a whole, which scales down to \$20 million to \$30 million based on Massachusetts population.

⁴ The latest report from the U.S. Election Assistance Commission, covering Fiscal Year 2018, shows that Massachusetts had nearly \$42 million in unused funds from the 2002 act, along with nearly \$7 million in unspent 2018 HAVA grants.