

Report in Response to Executive Order No. 64

Considerations for Adopting Voting by Mail in Connecticut



Prepared for:

Governor Dannel P. Malloy

Foreword

This report was prepared in response to Connecticut Governor Dannel P. Malloy's [Executive Order No. 64](#) issued in February 2018, directing "an analysis of the potential methods and requirements to implement voting by mail for all local, state and federal elections." The report was prepared with assistance from the National Vote at Home Institute (NVAHI), a 501(c)(3) organization, at the request of and under the direction of the Office of the Governor and the Office of Policy and Management, and in consultation with the Office of the Secretary of the State.

Specific issues to be addressed were specified as: "administrative, technological, legal, security and fiscal requirements to implement voting by mail and return of mailed ballots by alternate means." The Executive Order (EO) directed the study to include "options for convenient, reliable and secure procedures and materials for voting by mail." And it called for "recommendations and a plan of action and milestones for design, testing and implementation of such a system, including a framework for proposed legislation and administrative changes." The recommendations set forth in this report are not intended to influence the outcome of any legislative or executive decisions made about this matter. Rather, the recommendations are meant to highlight best practices that exist around the country for expanded systems for voting by mail (also called voting at home).

An underlying premise, expressed on the first page of the EO, is that while Connecticut has been at the forefront of many recent pro-democracy voting reforms: Election Day registration, on-line registration, automatic voter registration, all of these efforts have focused on engaging the electorate at the point of registration. But the state has not moved as rapidly along the continuum of removing barriers to help ensure already-registered voters can exercise their franchise in casting their ballots. In addition to early in-person voting, which has been the subject of efforts to expand voting access in recent legislative sessions, various models of increased access to voting by mail, described in this report, may offer Connecticut residents additional time and flexibility in voting while at the same time increasing participation and reducing total administrative costs. Since this document will be used by people with a range of background knowledge in the subject area, this report will cover the following:

- **What:** What is "Vote by Mail" (including variations on that term);
- **Where:** Where the various modes of Vote by Mail (VBM) are being used;
- **Why:** Why other states have expanded use of this voting model, and what they have experienced;
- **Why now:** Why consideration of expanding VBM use is timely;
- **How: Security & Trust:** Common issues affecting the integrity and confidence in election security, how they may be addressed in VBM systems;
- **How: VBM Methods and Procedures:** What models of VBM are available and how they could be implemented;
- **Legislative Language:** Potential constitutional and statutory language to enable various VBM models;
- **Appendix:** A list of all linked references in this report (by section, in order)

To get the most from this report, it will be important for the reader to become familiar with a few terms of art, as they will have direct bearing on understanding the subtleties of the domain.

Absentee ballot: a ballot issued, usually by mail, to a voter in response to a request for that ballot, under the assumption that the primary voting place is an in-person polling facility at which the voter cannot (or prefers not to) vote, hence they will be “absent” from the traditional polling place. As the percentage of voters in the US using mailed ballots to vote has increased (now about 27 percent), the term “absentee ballot” has become less applicable.

In 18 states, including Connecticut, voters are required to provide a specific, legally valid excuse to qualify for such a ballot. Even fewer of those states, 11 including Connecticut, also have no provision for Early In-Person Voting (EIPV). In Connecticut, voters may also request, receive, and cast absentee ballots in person at their town clerk’s office, but are still constrained by the narrow list of permissible reasons. Conversely, in at least seven states, a majority of voters cast their votes using mailed ballots, not at a polling place.

Vote by Mail (VBM): In this report, this term refers to a voting system where voters may request ballots by mail, with the expectation that the vast majority of these ballots will then be returned by mail. While this model is standard among many states for their absentee voters, increasingly states are opting to provide multiple in-person return options for voters, such as official, secure drop sites, making VBM a potential misnomer.

Vote at Home (VAH): In this variant, ballots are sent to all voters, automatically, with the jurisdiction providing multiple return options. So, the distinction of this system is that nearly all voters receive the ballot before the election but may or may not return them by mail. Three VAH states (CO, OR, WA) now automatically mail ballots to 100 percent of their active registered voters. Almost all Utah counties also do so, as do five counties in California. In most of these jurisdictions, a majority of voters actually return their ballots in person, either to secure drop boxes or staffed vote centers, rather than by mail.

Turnout: Turnout is an important calibration of voter engagement. However, there are three primary data sets used as the denominator in different calculations of election turnout. All are used throughout the report and are identified accordingly.

Voting Eligible Population (VEP) is the largest, and includes all potential voters of proper age, citizenship, etc., whether registered to vote or not.

Registered Voters (RV) is a smaller turnout denominator than VEP, and includes all voters on the state’s voter list, regardless of whether they are active or not, with the definition of “active” varying by state.

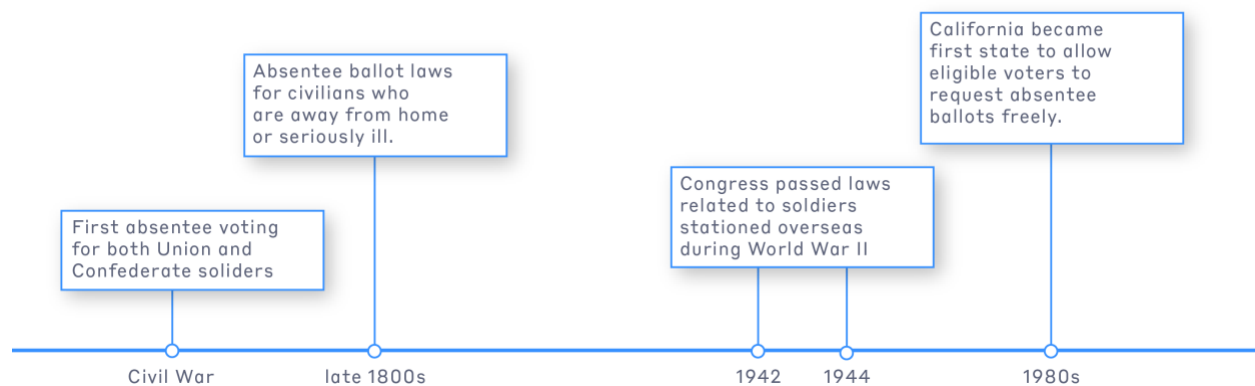
Active Registered Voters (ARV) is the smallest cohort, with those on the larger RV list removed based on a state’s calculation of what inactivity means.

WHAT

Before proceeding into the main report, it may be interesting for readers to know that voting “absentee” is a very old process in the United States. Both Union and Confederate soldiers in the Civil War were allowed to vote this way, with additional steps made in that direction during WWII. However, the process began to gain traction more broadly in the 1980’s.

The next major change occurred when Oregon passed 100 percent mailed ballot legislation by popular vote in 1998, with every registered voter automatically receiving a ballot in the mail for every election. The state fully implemented that model in 2000. Since then, two other states have followed suit (Colorado and Washington) while others have moved partially in that direction (California and Utah). Today, Colorado is generally viewed as the “gold standard” in how such elections are conducted. That state led the way in establishing vote centers as a core element of the process, in offering their voters software to track their ballot, and in conducting risk limiting audits before, during and after the election to ensure ballot counting was accurate.

Figure 1: Brief history of absentee ballot evolution in the US



Source: MIT Election Lab

The five levels of mailed-ballot delivery systems

There are essentially [five levels of mailed-ballot delivery systems](#) in the US today (scroll down the web page), ranging in the intensity of adoption from those states requiring a specific, limited-reason excuse to qualify for a ballot delivered to them, to systems where the ballot is sent automatically to every active registered voter. They are:

Level 1: Each voter must provide an excuse, from a list of acceptable excuses, to qualify for a ballot to be sent to them. Connecticut is one of the eleven states in this category (AL, AR, CT, DE, MA, MO, NH, NY, PA, VA, WY). The current Connecticut constitutional language can be found in *Article Sixth, Sections 7 and 8*. The relevant statute is: (*Conn. Gen. Stat. § 9-135*). Although there is an ability in Connecticut for no excuse / permanent status, (*Conn. Gen. Stat. § 9-140e*) its restriction to physical disability limits its application to a small subset of the electorate.

In practice, few jurisdictions actually check on the listed excuses for validity. Instead, it becomes an administrative and recordkeeping exercise, if those records are even kept.

Level 2: Each voter must provide an excuse as in Level 1, but that requirement is waived for voters over a specified age (usually 60 or 65). There are currently seven states in this category (IN, KY, LA, MS, TN, TX, SC).

Level 3: No excuse is needed to qualify for a mail-delivered absentee ballot. However, the voter must request a ballot for every election, or about once per year, depending on the state statute. There are currently 20 states in this category (AK, FL, GA, ID, IL, IA, ME, MD, MI, MN, NE, NM, NC, ND, OH, OK, RI, SD, VT, WY).

This model eliminates the need to track excuses, or age, for voters who request mailed ballots. However, with voters needing to request mailed ballots on a periodic but regular basis, it generates a steady flow of paperwork that needs to be managed by elections officials, plus the requirement for voters to remember the rules and election dates to know when they need to request a ballot.

Level 4: The state allows for a “permanent absentee” model, whereby the voter has to request absentee status only once. Then, as long as they do not move, or opt out at a later date, they automatically get a ballot delivered to them every election. There are currently 9 states in this category (AZ, CA, HI, KS, NV, NJ, MT, UT, WI).

Once established, this model tends to reduce administrative paperwork, and once on the permanent absentee list, a voter need not take additional action to get a mailed ballot before each election. On the other hand, this model requires a database of permanent mailed-ballot voters to be set up and maintained, while preserving the option of all other voters to opt in on an ad hoc basis, election by election, as they would in Level 3.

Setting up and maintaining this database in Connecticut’s system may be able to take advantage of the state’s centralized voter registration database, but new features would be required to incorporate input and use by local registrars, as well as establishing the accepted methods for voters to select permanent status or change their status.

Level 5: A full VAH state or local jurisdiction is one in which every active registered voter automatically gets a ballot delivered, for every election. There are currently three states in this category (CO, OR, WA), although California and Utah are on a path to get there from Level 4 in the next election cycle or two. In some other states, certain counties and municipalities have been given this option over the last few years as well.

This model dramatically simplifies the election management process, since the need to staff and train poll workers drops significantly because of their reduced use. This model also saves significant money that otherwise would be needed for periodic upgrades to the large number of polling place voting machines and other equipment. On the other hand, these systems require robust processes to maintain an accurate voter address database and the ability to handle a large flow of returned ballots on and before Election Day.

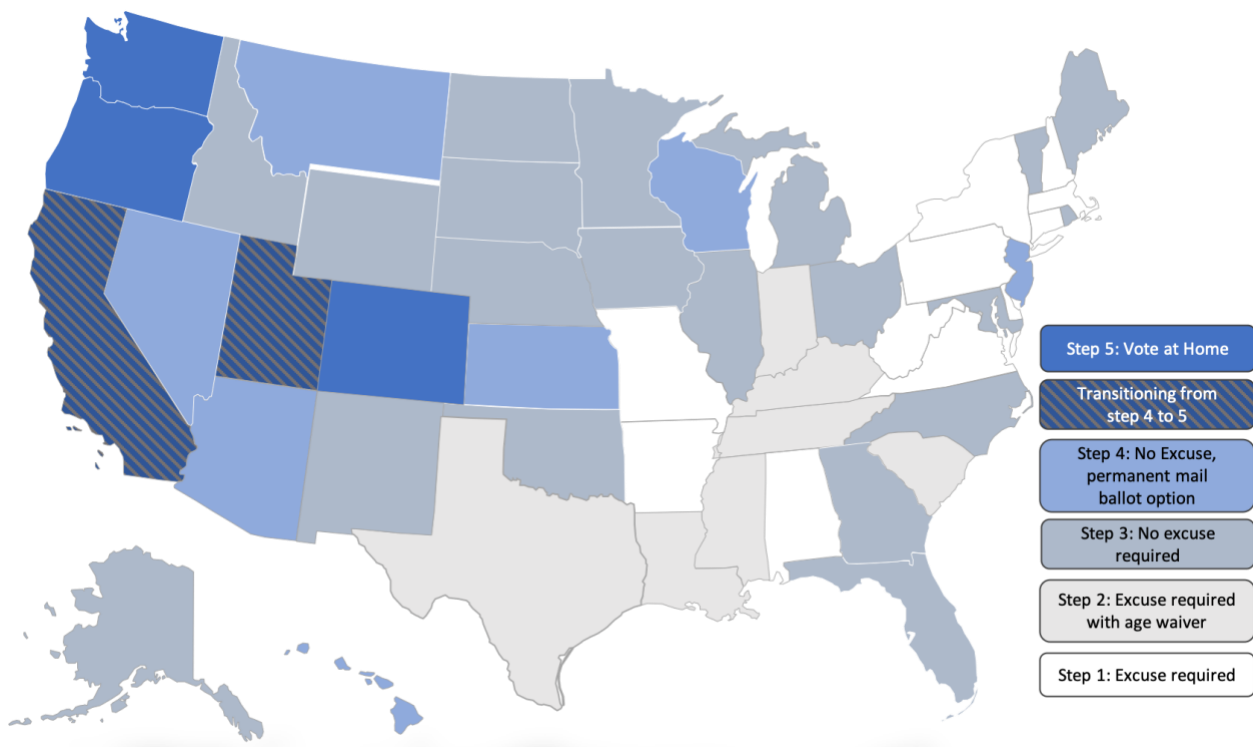
There are also some intermediate points between these five levels, often between Levels 4 and 5. Some states allow certain local or special vacancy elections to be held entirely via mailed ballots, but not federal ones. Some jurisdictions are now piloting mailed-ballot elections as a potential precursor to more widespread adoption. Such “transitional” processes will be discussed later in this report.

WHERE

Here is a map showing the current status of how states align versus those five levels.

Figure 2: Policy of US states versus the five levels of mailed ballot access. The West, with states with large geographical expanse and with active county governing structures, was a natural place for VBM to take root. Now, VBM is being considered actively in the Midwest. The East, with its own culture and hyperlocal control of elections, has moved more slowly to VBM. However, legislative and activist activity in NJ, MD, VA, NY and other states indicate that may be changing.

Mailed Ballot State Status - December 2018



For specific details on the [laws in all 50 states please see this link](#).

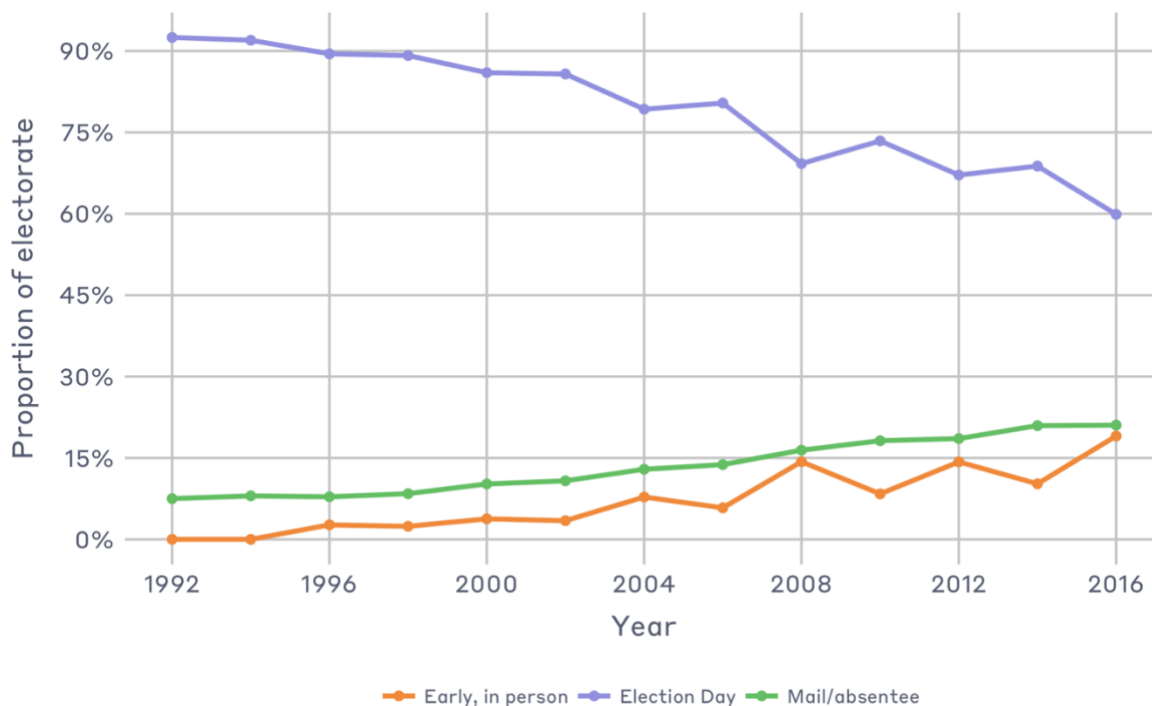
Questions sometimes arise about the role of early in-person voting (EIPV) as a supplement to or alternative to mailed-ballot voting. To a degree, all early voting time-shifts some of the vote, independent of increases in engagement. But recent research (much of it linked in this report) indicates there are a significant number of incremental voters who cast ballots because of the convenience that more access provides them, most notably in states with high mailed-ballot utilization (see Figures 6, 7, 8 & 9). Many voters appreciate having existing barriers to access and time limitations on voting removed or eased. It is beyond the scope of this report how EIPV would interact with additional mailed-ballot options in Connecticut's system, but further areas of inquiry could include, if Connecticut were to make both VBM and EIPV available, whether and how mailed ballot systems could reduce the overall costs and infrastructure requirements for

EIPV, as well as whether and how combining the two options could further reduce or time-shift the resource demands of same-day registration, polling place staffing, and vote counting.

Also note in Figure 3 that EIPV varies more than mailed-ballot voting between presidential and midterm elections, falling off a bit in mid-terms, while mailed-ballot usage has continued to climb steadily through both.

Here are the numbers, where the denominator is VEP, so the percentages are lower than other voting utilization charts in this document.

Figure 3: Proportion of the US electorate versus choice of voting method.



Source: MIT Election Lab. These statistics are based on self-reports by respondents to the [Voting and Registration Supplement of the Current Population Survey](#) (CPS).

Clearly, both mailed ballot and early in-person usage is growing, while Election Day polling place use is declining. At this rate, fewer than half of US voters will vote in-person at a polling place on Election Day in 2022.

A PEW Research survey on the 2018 midterms shows that 45 percent of voters cast their ballots prior to Election Day, although the differences by region in the US were stark, with 70 percent doing so in the West, compared to 12 percent in the Northeast. The research also shows 27 percent of all votes were cast from mailed ballots, meaning 18 percent came from EIPV.

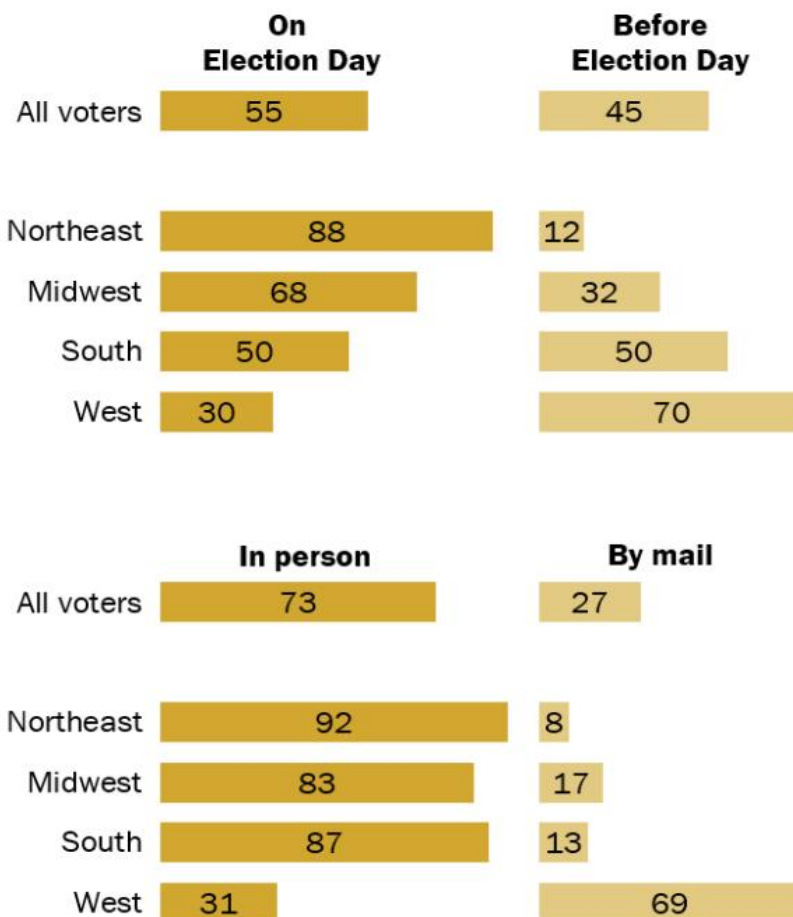
Note that 69 percent of voters in the West used mailed ballots compared to just 8 percent in the Northeast. [The full study can be found at this link](#), but the relevant chart is copied as Figure 4 below. These statistics can be accounted for partly because of the greater logistical obstacles to implementing vote by mail in Eastern states such as Connecticut, which has no county

government and no county-level election administration. In addition, the Western states that have adopted vote by mail include some of the more populous states and those with more geographically dispersed populations.

Figure 4: Differences in voting method usage by region, 2018 midterms

U.S. regions vote in different ways and at different times

% of voters who say they voted ...



Notes: Based on U.S. citizens who say they voted. Regions based on U.S. census definition. No answer not shown.

Source: Survey of U.S. adults conducted Nov. 7-16, 2018.

PEW RESEARCH CENTER

WHY

Voter engagement is a major, though not the sole, driver behind the move to greater use of VBM. The national popularity of voting via mailed ballot has been increasing steadily over recent election cycles, while at the same time in Connecticut it has remained essentially flat (see Figure 5). Still, voters in Connecticut who have requested and received “absentee ballots” have voted at a rate of over 90 percent. So, these voters’ acceptance of the model is clear, but it is likely that these are high-propensity voters already, because they choose to request, complete, and deliver their mailed ballots using a system requires additional steps and that is not a standard method of voting in the state. It is also worth noting that this method is the only alternative to voting in person on Election Day, so it may simply reflect a necessity rather than a voluntary choice. With VBM and EIPV in place, voters would be able to choose what method best suits their personal comfort level and schedule.

Figure 5: Mailed ballots as a percentage of total vote. Connecticut has much lower use of mailed ballots and its use is not growing as in the rest of the country.

	2010	2012	2014	2016	2018E
USA	20.01%	22.00%	23.35%	24.23%	~27%
CT	5.47%	7.54%	5.12%	7.88%	Unknown
CT % return rate	93.5%	91.3%	91.6%	>100%*	Unknown

*Obvious data error in EAC report 2018E = NVAHI and PEW estimates

It is also instructive to look at how states that employ higher levels of mailed ballot access see higher levels of voter engagement. Here, we have lumped Levels 1 & 2 (the excuse-required states) and Level 3 & 4 (the no-excuse states), leaving the full 100-percent vote-at-home states in a separate category. As shown in Figure 6, each grouping that provides more access to mailed ballots sees higher voter engagement.

Figure 6: Turnout percentage - states at the higher levels show consistently higher turnout

	2012	2014	2016
USA average	68.89%	47.48%	72.37%
Excuse (1 & 2)	64.53%	43.96%	68.65%
No Excuse (3 & 4)	72.27%	49.39%	74.03%
VAH (5)	81.80%	63.91%	81.62%

Source: US Election Assistance Commission – based on Active Registered Voters

Besides the aggregated numbers, there is both anecdotal data and statistically qualified data as to how well voters embrace the model of having a ballot delivered to them.

Statistically, both Colorado and Utah have been studied during their transitions to 100-percent mailed-ballot models. [Colorado saw a 3.3 percent increase in turnout](#) between 2012 and its 2014 shift to 100-percent mailed ballots. The increase was especially pronounced among lower propensity voters. At the same time, according to a PEW Trust study, [Colorado saw a \\$6-per-voter drop in election costs](#).

In the 2016 presidential election, [Utah saw a 5-7 percent increase in turnout](#) comparing its VAH counties to those still on the polling place model, with [a 10 percent increase among 25-to-34-year-olds](#).

Local government jurisdictions that have moved recently to a VAH model have also seen notable boosts in turnout. Anchorage, Alaska ran the first 100 percent mail ballot municipal election there in April 2018 [and saw record turnout](#), as did Las Cruces, New Mexico in August. In Nebraska, the Secretary of State authorized four counties to pilot a 100-percent mailed-ballot election for the 2018 midterms. Those four saw a 69.0 percent turnout versus a 56.5 percent average rate for the other counties.

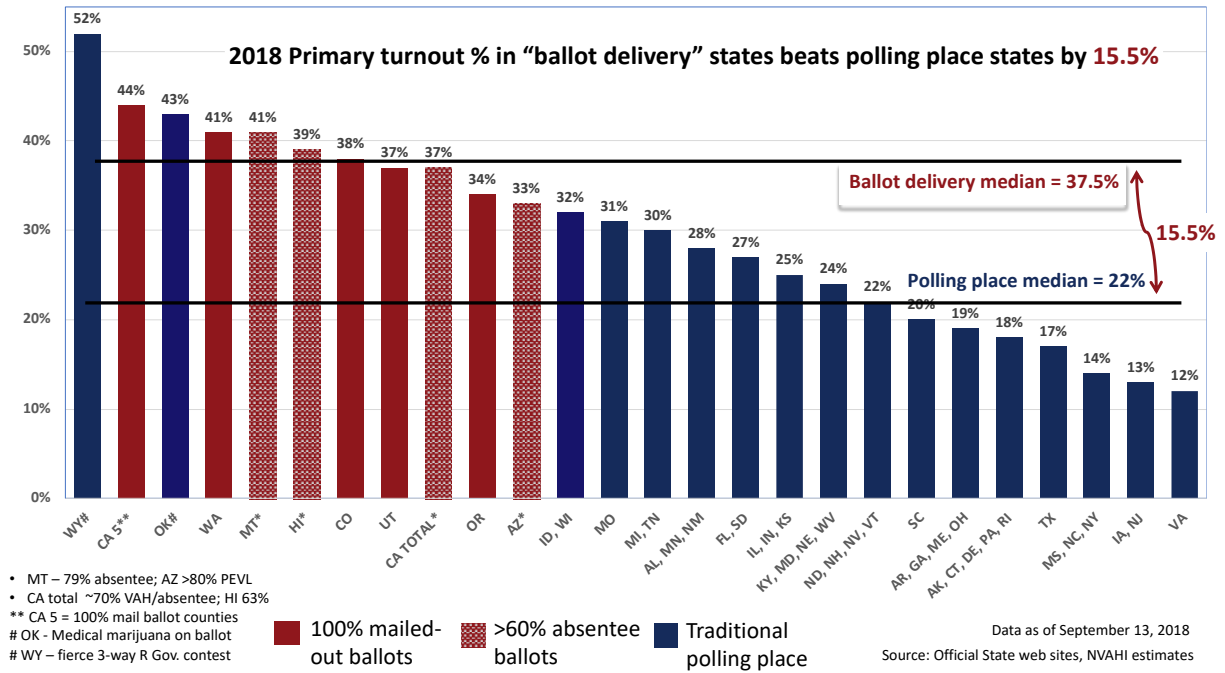
Nationally, more states are moving towards increased use of mail-ballot delivery models. Utah now has 27 of the 29 counties there (covering more than 98 percent of the electorate) using the model. In 2016, [California passed SB 450, which calls for a rollout of VBM by counties over the next few cycles](#), with five having gone to the 100 percent mailed-ballot model in 2018, and another 10 to 15 counties changing over in 2020.

[Hawaii passed HB 1401, authorizing Kauai County to run a pilot in 2020](#), and if successful, the government anticipates rolling out full VAH statewide in 2022. Wyoming now has a bill drafted for its 2019 legislative session that, if passed, [would authorize counties to opt into a 100-percent mailed-ballot approach](#). Michigan voters in November 2018 [passed Measure 3](#), which, among other things, moved the state from Level 2 to Level 3 (removing the need for an excuse to obtain a mailed ballot).

To summarize this data-heavy section, all elections are different from state to state and from cycle to cycle. Sometimes contested races drive turnout, sometimes not. In “closed” primary states, where only registered party members can cast ballots to choose Democratic or Republican nominees, as in Connecticut, New York, Oregon, and Pennsylvania, this approach may depress overall turnout, while “open” primaries may see more voters engaged.

In the 2018 mid-term primaries, states with either full 10 percent VAH, or with a majority of voters casting ballots they received by mail, saw a higher median turnout more than 15 percent greater than the others, as shown in Figure 7.

Figure 7: 2018 primaries – VAH states and majority absentee states lead turnout by more than 15 percent



And in the 2018 mid-terms in November, the top six states were either Level 5 100 percent VAH (#2 CO, #4 OR, or #6 WA) or were characterized by high absentee ballot use. Minnesota, Wisconsin and Montana, #1, #3, and #5, respectively are all Level 3 or 4 states. Of the others in the top 10, Georgia, Maine, North Dakota and Vermont are all Level 3 (no excuse) states. Figure 8 shows the data. (Primary data source for both Figures 8 & 9 – US Election Project)

Figure 8: 2018 midterm election turnout by state – Level 5 VAH states and Level 4 states lead

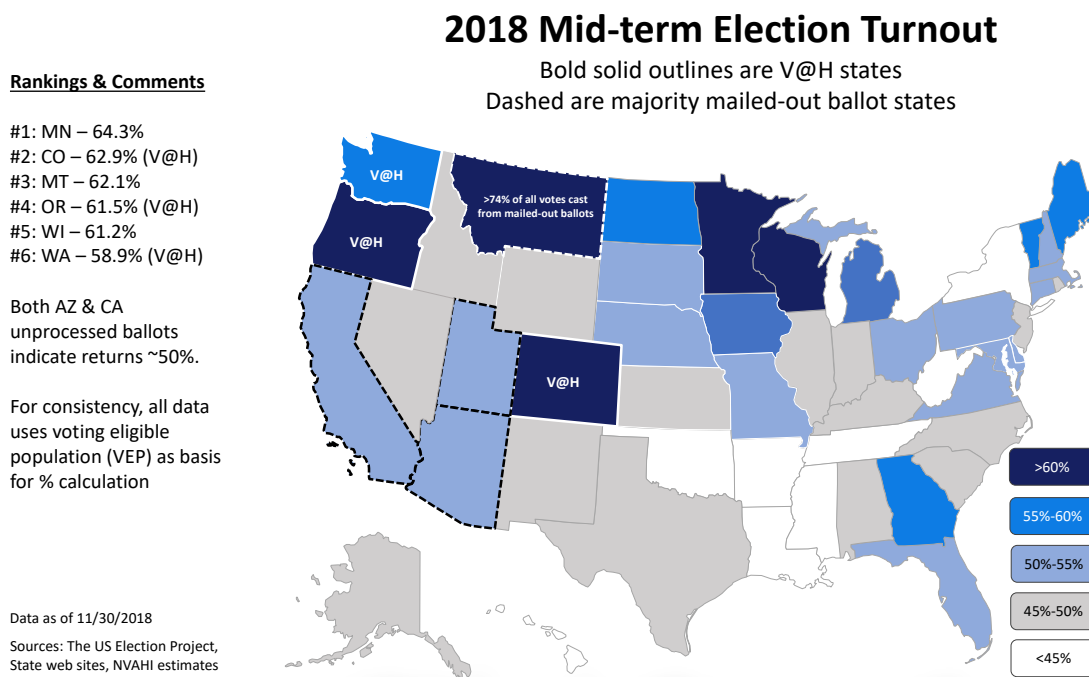


Figure 9: 2018 Midterms: Vote at Home states' turnout is ~12 percent higher vs. the rest of the country

	Votes Cast	VEP	% turnout
USA Total	116,877,206	235,714,420	49.6%
USA w/o VAH states	109,247,868	223,181,143	48.9%
CT	1,422,000	2,614,176	54.4%
CO	2,582,000	4,103,903	62.9%
OR	1,914,000	3,113,178	61.5%
WA	3,133,338	5,316,196	58.9%
Total VAH	7,629,338	12,533,277	60.9%

Besides voter engagement and turnout improvements, states are opting for more expansive VBM policies to increase security, as evidenced by Colorado recently being named by the Washington Post as [the most secure state in the country to cast a ballot](#).

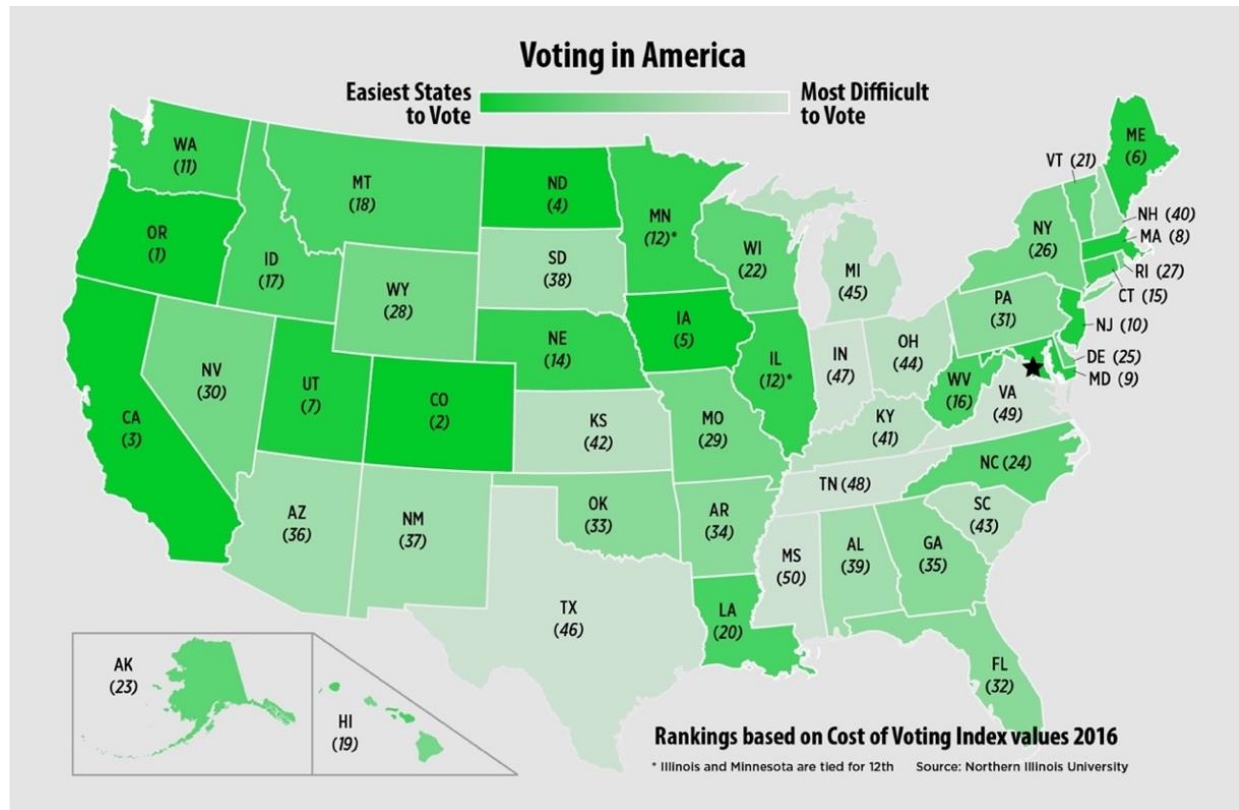
In addition, when states reach 100 percent coverage (Vote at Home) they see significant cost savings in conducting elections. [Colorado experienced a \\$6 savings per voter](#), with lower ongoing costs, as reported in a PEW Trust study. San Diego County [projected \\$2 million to \\$3 million saved](#). A separate PEW report outlined the [problems faced in recruiting and training poll workers](#), issues that increased use of mailed ballots can help address.

According to Amber McReynolds, formerly Director of Elections for the City and County of Denver, and currently Executive Director of the National Vote at Home Institute, in an article published in The Parallax,

“In 2008, it cost Colorado \$6.80 per voter using absentee balloting and DRE [direct-recording electronic] systems,” she says. And when the state switched to vote-by-mail statewide in 2014, she says, costs plummeted; the state saved \$10.5 million with the move. In 2016, we were down to \$4.20 per voter,” McReynolds said. “It reduced our costs to go to all-mail ballot delivery. Had we not gone to the Colorado voting model, it would have cost at least 10 times as much [to outfit] the polling places with updated machines.”

Finally, expanded vote-by-mail policies can be part of an overall approach to removing barriers to voter access to the ballot. [A study by Northern Illinois University of this topic](#) across 33 variables based on 2016 policies, ranked 100 percent VAH states Oregon and Colorado #1 and #2, respectively. Washington was most improved, jumping from 46th to 11th as a result of that state’s reforms. Connecticut is ranked 15th, which is a testament to how well the state stacks up in some of the 33 variables other than mailed ballot access. (see Figure 10 below)

Figure 10: NIU ranking of US states for ease of access to voting (2016)



Before leaving this section, it is important to address other research that concludes no turnout or voter engagement benefit from voting by mail. While a [2007 study of some precincts in California](#), conducted before VBM was widely adopted, showed that it did not increase turnout in presidential and gubernatorial elections, more recent studies (referenced previously) have shown the opposite. The National Conference of State Legislatures [makes available more current research](#) that shows [overall increases in voter participation, especially among low-propensity voters](#). Another study concluded that while the effect on overall turnout was not great, voting by mail can [increase participation in special elections](#), which traditionally have lower turnout.

WHY NOW

Recently there has been significant movement among states that were at Level 1 or Level 2 that may be instructive to Connecticut's decision and timing.

In the last year, New Jersey went from Level 1 to 3 (no excuse absentee) and then immediately to [Level 4 \(permanent absentee\)](#). Michigan voters just [passed an initiative petition \(Measure 3\)](#) that included a move from Level 2 (excuse required, with age waiver) to Level 3. That state is now indicating an interest in moving to Level 4, perhaps with a county option for 100 percent mailed ballots. New Mexico is looking at a similar possibility. [Rockville, MD will run a pilot](#) for that state in 2019 using all mailed ballots.

Both [Indiana](#) and [New York state](#) (both at Level 1) passed no excuse absentee legislation in one chamber, but not the other in 2018. Key legislators in both states ([including NY Governor Cuomo](#)) have indicated they will proceed on that path again in 2019. [Pennsylvania is also considering a change to increase the use of mailed ballots](#). Additional county officials in Nebraska, on the heels of that state's successful trial with the four counties using 100 percent mailed ballots in the 2018 mid-terms [are looking at expanding its use](#). [Illinois is considering a move to Level 4](#) to allow permanent absentee ballots. Virginia has "no-excuse" bills pre-filed in [both chambers](#). In Alabama, the Secretary of State has proposed eliminating the state's "excuse required" law to move from Level 1 to Level 3 in 2019.

The move to more voter-centric policies, including mailed ballots is broad and deep across the country and is accelerating. So, Connecticut's investigation is timely.

The move to voting by mailed ballot has been put in place within red, purple, and blue states, with positive results. [A 2016 survey in Oregon showed 87 percent positive reaction to the model](#). If there ever was not just a bipartisan, but a non-partisan policy, it is this. See below two Oregon Secretaries of State (from different parties) sharing their respective support for vote at home:

[A NBC Nightly News segment on how Oregon views this is here.](#)

This video also demonstrates examples of voters' using secure 24 x 7 drop boxes that may be instructive when reviewing that concept in the "How: VBM Methods & Procedures" section later.

HOW: Security & Trust

While the prior sections focused on numeric measures of VBM, at the core, elections are about people. **Voters** want to feel connected to their government and to their community. They want to feel that their vote matters and will be counted appropriately. **Elections officials and policy makers (and citizens)** want substantive assurance that the election process is secure and fair. To those ends, this section will address **how well-constructed VBM systems address security and trust**, and how not-so-well-constructed systems have recently shone a light on mistakes to avoid.

Building on the comfort of traditional approaches

While many voters appreciate the convenience VBM provides, there are certainly some who would prefer the current way of voting. Some people like going to the polls, seeing their neighbors, and the tradition of voting in person.

The ritual of voting in person enjoys a strong tradition. However, in a vote-at-home system, this option does not go away. Staffed “[vote centers](#)” look very much like traditional polling places, but without the lines. In full VAH jurisdictions, well over 50 percent of votes are actually cast in person, either at staffed vote centers or into secure drop boxes. Those boxes may be outside, available 24x7, or inside traditional polling places such as the town hall, firehouse or library, and so available during normal business hours (more on drop boxes in the “How: VBM Methods & Procedures” section).

Research in California found that one important negative for voters switching to a vote at home model was not being able to receive and proudly wear their “I Voted” sticker. While it may sound trivial, some jurisdictions in that state are starting to add that sticker to the outbound ballot packet as both an incentive and reward for voters.

After Connecticut’s recent gubernatorial and legislative elections, there appears to be significant support among recently elected officials for introducing a constitutional amendment that would permit early in-person voting. Should such an amendment be adopted that also includes the option of voting early by mailed ballot, voters might enjoy maximum flexibility to choose how they vote. They could vote in person on Election Day or during the early voting period, either at local polling places or at more centralized vote centers if Connecticut chooses to establish them, or they could cast their votes by mailed ballot, returning their completed ballots by mail, at drop boxes, or at local precincts or vote centers. The combination of options could increase voter satisfaction and reduce long lines at polling places, as well easing the fiscal burdens on municipalities and difficulty in recruiting and training enough poll workers for a traditional one-day in-person election.

Creating trust in the minds of voters

Voters want and need confidence in their voting system. One of the best practices applied in VAH states and heavy permanent absentee states is to provide systems that allow voters to track their ballots, using the individualized bar code on the ballot envelope, through the entire voting cycle. This very much mimics what voters have come to expect from companies such as FedEx

and Amazon. When voters can track their ballots, they become much more confident that the system is fair, their vote matters and will be counted.

Denver's system, called [Ballot TRACE is particularly robust](#), as is [Democracy Works Ballot Scout](#). Voters can monitor their ballot at each point in its journey before and after they cast their vote – they can see when it is printed, on its way to them, delivered, on its way back to election officials, received, and accepted. If there is a problem with signature verification, voters can see that on Ballot TRACE, even before being officially notified. And Denver elections officials were pleased to discover that after Ballot TRACE was implemented, calls on Election Day decreased by 90 percent.

One concern raised about mailed ballots is the possibility of improper influence on the voter by a family member. Of course, this is possible. And proving a negative (prove it doesn't happen) is impossible. But there is one key consideration: Almost 25 percent of all votes cast in the US in 2016 came from mailed ballots, and that percentage is increasing (~27 percent in the 2018 midterms). By all indications, if this was a material problem, there would be major national reporting about it. This does not appear to be the case.

Securing the voting process

Elections officials are tasked with the responsibility to assure that balloting is secure, and that only properly credentialed citizens can cast a ballot. **In well-constructed VBM systems, this means that every incoming ballot has the signature on the return envelope matched to the signature on file with the voter's registration.** More details on this process, and how Connecticut could implement it, are in the "How: VBM Methods & Procedures" section.

Of course, this raises the issue of potential forgery and fraud. Could anyone just get a ballot and sign it? Could someone duplicate ballots and vote multiple times?

According to [the Heritage Foundation's research into voter fraud](#), high mail ballot states have no higher, and often lower, per capita cases of fraud. This may be due to the care high mail-ballot jurisdictions take in verifying current voter addresses, and in doing 100% signature verification checks on incoming ballot envelopes. So, there appears to be no tangible evidence of this as a material issue. As always, communication and education are important so that voters know where to go if they detect any attempts at fraud.

The voting multiple times concern is straightforward to address: Since ballot envelopes are barcoded to the individual voter, only one ballot per voter is accepted. If a second envelope (or more) with the same bar code arrives, it is rejected. If a ballot arrives without a barcoded envelope, it also is rejected.

On the potential forgery question, successfully forging a person's signature is remarkably difficult. **However, to assure this is not a problem, Connecticut will need to incorporate signature verification into its ballot receiving process.** This is not an insignificant challenge and could require more resources in Connecticut's system of hyperlocal management of

elections. But other states have addressed it and their strategies could be applied at the local level.

Some states add a second level of authenticity to the signature verification process. In Ohio, there is an option that allows voters to add the last four digits of that voter's Social Security number, or driver's license number next to their signature. For those doing verification, if the signature is "close," that added info, while not required, can assist in the verification process.

Note: The tradeoff is in Ohio the signature is therefore on an inner envelope, so that the other personal identification material is not visible in transit. That adds an administrative step upon receipt. The outer envelope is opened and thrown away before signature verification process can begin.

No voting system is perfect. But signature verification problems do not exist in Colorado, Oregon or Washington, or for that matter in majority absentee states such as California, Montana and Utah. Those states have proper processes, consistent statewide, to prevent such problems. Here is how [Arizona's largest county took a potentially bad situation and turned it around](#), although there was still one outstanding issue with ~100 ballots from the Navajo Nation that could have been addressed with better secure drop box availability on that reservation.

Learning from the mistakes of others

Not all VBM systems run smoothly, especially if there are fundamental flaws in their structure or implementation. During the recent midterm elections, a number of issues arose, most notably in Georgia, Florida, and North Carolina. Analyzing those missteps can help isolate the root causes, and help Connecticut not repeat those mistakes.

In Georgia, a key part of the controversy there was about the "exact match" used for signature verification. Under that model, the state confused the role of the signature judges with the goal of the process. The goal was (or should be) to ascertain to a high degree of certainty that the person sending in the completed ballot was the same person on the voter registration file. But whether that person used their middle initial to sign as opposed to full middle name, should not have been a determining factor. Focusing on the goal rather than a rigid standard could easily solve this issue.

In Florida, the vast majority of the issues were around signature verification and timing. Those issues could have been avoided by a simple change in Florida law to require speedy notification to voters of that there was a problem with matching their signatures on the ballot envelope, followed by providing adequate time, including after Election Day and multiple options to cure the ballot verification issue. Both voter notification and cure options are inconsistent in Florida and curing the issue after Election Day is not currently allowed.

In North Carolina (NC-09), the investigation into election fraud is still underway. However, a few conclusions appear likely. By putting in place a "witness to the signature" process that the voter had to manage, versus a signature verification managed by elections officials, their system created a barrier or inconvenience for some voters that unscrupulous campaign individuals could

exploit, by inserting themselves or their associates as apparent solutions to the witness requirement. In addition, the failure to provide drop boxes for ballot return also created a barrier that those same individuals could exploit to offer a “service” of gathering ballots for return delivery. Finally, the absence of any tracking technology like Ballot TRACE or Ballot Scout meant that the voters whose votes were being misdirected had no way of knowing that. Changes to policy by instituting statewide signature verification run by elections departments, adding drop boxes in convenient locations, and offering voters tracking software would address those problems.

Assuring timely results and reporting

This can depend on the choice made regarding the deadline for ballots coming in. Connecticut could opt for a ballot cut-off point of “received by” on Election Day vs. “postmarked by” a certain time on Election Day. The received-by model, in place in Colorado and Oregon, among others (and currently in Connecticut), means results are known much sooner.

In Oregon, ballots received before Election Day are sent through signature verification when they arrive. The envelopes can be opened, and the ballots separated and stored up to seven days before Election Day. But the ballots are then held securely until the morning of Election Day. Early that day, the ballots are put through the counting machines. When the polls close at 8 p.m. (in most states) on Election Day, those votes have already been counted.

If jurisdictions choose to provide partial results, they can initially report out approximately 30 minutes after the polls close, with a sample size of something in the range of 67 percent to 70 percent of the final tally. Of course, this does not include the upwards of 33 percent of the ballots that arrive on Election Day itself. But those ballots are counted by later that same evening and so full results can be issued then – essentially in line with existing polling place reporting today.

In a razor-thin margin election, voters and the media might have to wait for all the ballots needing signature cures to be handled (see the signature verification section in “How” for discussion on curing). But with those ballots at usually well under one percent of votes cast, it means very few races fall into that category.

A brief discussion of the tradeoffs between “received by” and “postmarked by” ballot cutoff models can also be found in the “How: VBM Methods & Procedures” section.

Assuring that all populations are enfranchised

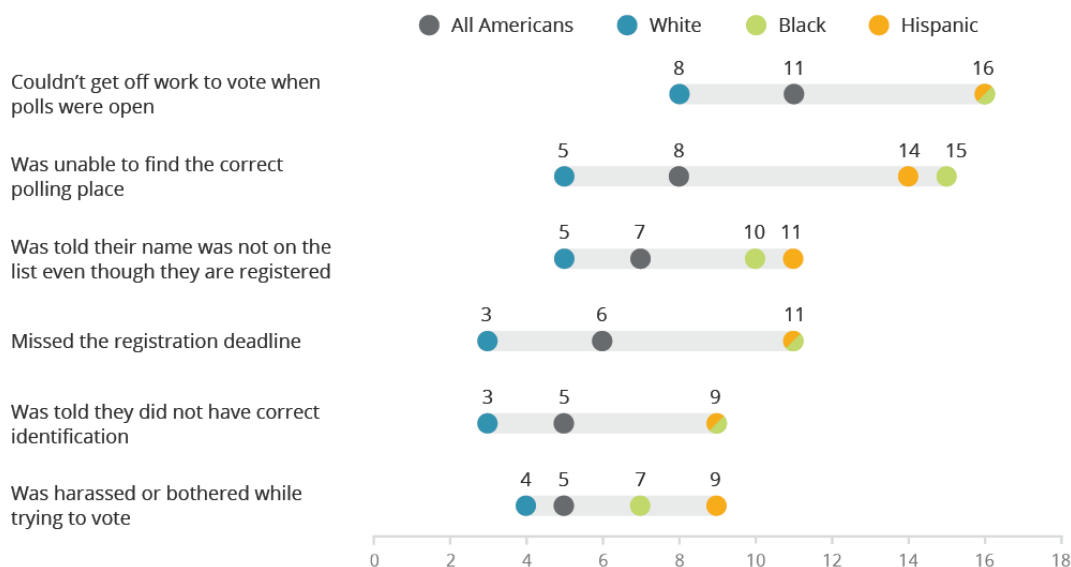
Some have expressed concern that VBM may disenfranchise lower income, minority and younger voters. Other states’ experience shows that is not the case. The data from both Colorado and Utah showed an increase turnout in that set of voters once VAH was in place, as well as for overall lower-propensity voters. As an additional example, in Oregon, homeless voters can register their address as “under the Burnside Bridge” with their ballot delivered to a designated shelter. If Connecticut were to combine a similar system with early in-person voting, disenfranchisement risks for such voters could be mitigated even more.

On a broader scale, [PRRI conducted research into issues that create obstacles for voters](#). The most relevant figure from that report (their Figure 3 copied below as Figure 11 in this report) indicates the six top hurdles people face when planning to cast a ballot in person, and that those issues are exacerbated for people of color. Five of those six are directly mitigated by mailed ballots. The other (missed registration deadline) Connecticut has already addressed with same day registration. Note the top issue, “Could not get off work when the polls were open” affected 11 percent of ALL voters.

Figure 11: Problems experienced at the polls, by race.

FIGURE 3. Black and Hispanic Americans More Likely to Report Experiencing Problems at the Polls

Percent who report they or someone in their household experienced the following the last time they tried to vote...



Source: PRRI/The Atlantic 2018 Voter Engagement Survey.

Finally, some information appeared recently that allowed comparisons in the 2018 midterm turnout by age cohort - nationally vs. Oregon with that state's 100 percent mailed ballot model. While Oregon's VAH model saw increased turnout for all age groups, younger voters were differentially more engaged when they had a ballot in their hands.

Figure 12: Difference in voter age engagement in 2018 midterms - national versus Oregon

Age Group	National turnout	Oregon turnout	Difference
18-34	28%	45%	17%
35-49	46%	64%	18%
50-64	64%	70%	6%
65+	77%	83%	6%

National data courtesy of Catalist, Oregon data from their Secretary of State. Denominator (both cases) 2016 Citizen Voting Age Population (CVAP) census

HOW: VBM Methods & Procedures

In considering Connecticut's unique situation where elections are conducted at the 169 town/city level, not the county level, some modifications are needed compared to what other states have done. In addition, the fact that any change will require a constitutional amendment means that whatever legislation might be proposed should try to incorporate potential future actions, so the gauntlet does not have to be run multiple times.

In looking at what other states have chosen to do, it appears that a few simplifying assumptions make sense: No other state seems to be considering a move from Level 1 to just Level 2 (no excuse, age waiver). This report assumes the goals specified Executive Order No. 64, which contemplates broader adoption of mailed balloting, so a move solely to Level 2 is not considered in this report.

On the other hand, no state has ever moved from Level 1 directly to Level 5 without some time and experience at Level 4 (permanent absentee) and without further experience in the space between Levels 4 and 5, such as a rollout or a pilot program. So, this section will focus on Connecticut's intermediate options including:

- A move to Level 3 (no excuse absentee)
- A move to Level 4 (no excuse, with permanent absentee list)
- An approach where something beyond Level 4 was authorized, that could lead towards Level 5 at a later date, if that was what the state desired

Moving to Level 3 (no-excuse absentee) can be implemented with a modest change in the statute described in the Legislative Language section. Voters would need to be informed of the new, less stringent rules, and elections officials would need to be released from their need to maintain any database of who and how many people requested ballots based on specific excuses.

Moving Level 4 (no-excuse, with permanent absentee) requires a more nuanced approach, especially if Connecticut's ultimate goal may be to eventually reach Level 5 (100 percent mailed ballots). Best practices for implementation include the following:

1. **Fundamental element:** Voters are able to designate their registration as "permanent mail ballot delivery" and from that point forward receive their ballots for all future elections by mail. Best practice is that those ballots go out no later than three weeks prior to Election Day for federal elections, with potentially less time needed for state or local elections.
2. **Building the permanent absentee list:** Immediately after passage of the new statute, Connecticut could consider notifying registered voters by mail of the new option now available to them.
 - a. There are two ways to build the permanent list, "opt-in" or "opt-out." In opt-out, voters who requested and received absentee ballots in the most recent statewide election would be notified that they would now be placed on permanent mail ballot delivery status but be given the choice to opt out and

then to either request an absentee ballot for specific elections, or to vote in person at a polling place. This is what New Jersey did for its 2018 midterms, building the absentee list to >12% of the total votes cast from mailed ballots in just the first election after the move to Level 4. If Connecticut adopted this approach, decision makers would have to determine which election officials would manage and maintain such lists, how they would be integrated with the statewide voter registration system, and how implementation and maintenance would be funded.

- b. Alternatively, prior absentee voters could simply be informed of their new option and could then opt into the permanent list. Voters who did not request and receive an absentee ballot in the most recent statewide election would also be informed of the new statute and their new option and be directed on how to sign up for permanent mail ballot list status (in-person, by mail, on-line) if they chose to do so. This will likely see slower initial growth in the permanent absentee list.

3. **Maintaining the permanent absentee list:** The state and municipalities should continue to partner with the US Postal Service and its National Change of Address (NCOA) system and receive an update of address changes at least once a month (ideally more frequently when closer to an election). Changes would be compared with the voter registration file, and where a voter has been found to have moved the following can occur:

- a. As is done today in Connecticut via the “motor voter” model pursuant to the National Voter Registration Act (NVRA), if the voter has moved within the state and notified the DMV, they will be notified by mail at their new permanent residential address that they have been re-registered automatically at that new address. They may ask to opt-out of the move. Those not notifying the DMV of their move will need to re-register as they do now. In addition, the DMV’s recently enhanced electronic motor-voter system could incorporate an opt-in or opt-out feature for permanent absentee status, as well as incorporating optional electronic delivery of messages about election dates and the option to choose permanent absentee status.
- b. If the voter moves to another state as indicated on the NCOA list, the state can mark the voting record as inactive (which removes them from the permanent mail ballot list) and send a letter with notification to the voter under NVRA requirements to encourage them to register to vote in their new state.
 - i. To manage their voter files, Colorado reassigns voters whose ballots come back undeliverable to the inactive list. Then, according to the NVRA, a forwardable piece of mail is sent to that voter’s address. If the voter does not respond, and then misses two subsequent general elections, they are removed from the voting rolls.

- c. In addition, the state's continued membership in the Electronic Registration Information Center could offer additional opportunities to maintain and ensure the accuracy of the permanent absentee list.

4. Handling Connecticut's specific voter registration and primary rules: In a system such as Connecticut, where voters can register up to and on Election Day, and for primaries non-affiliated voters can declare a party affiliation until noon the day before Election Day, a mailed-ballot model may present challenges and choices by decision makers about how whether and how those voters may obtain ballots for voting by methods other than in person.

In Colorado, which also has same day registration, this is handled by having a very visible cutoff for getting a mailed ballot eight days before Election Day. Voters who register (or declare party affiliation) after that point are not required to vote in person, but they are informed that it is too late for them to receive ballots by mail and are directed to a [vote center](#) to pick up ballots in person.

5. Making sure returning ballots is easy and fair: Connecticut should consider having multiple paths available for voters to return their completed ballots (see 4.a. below). Ballots returned by mail need to either be received by a specified time on Election Day or postmarked by a specified time on Election Day and received no later than a set number of days after Election Day.

Note: There are differences of opinion on whether to focus on "received by" or "postmarked by" mail cutoff dates. Connecticut currently uses a "received by" model and adds that an in-person drop off must occur the day before Election Day. The received by approach could be maintained, although it is a best practice to drop the "day before" requirement for in-person returns.

The state should at least know that the "postmarked by" model is an option, for one reason: It is simple for the voter. Voters learn there is one, and only one deadline, regardless of the method they use to vote. No voter is disadvantaged, whether they use a traditional polling place, a vote center, a secure drop box or by mail. Elections officials also have a simple task of communicating with their voters. And there is no debate after the fact about different rules being applied to different ballots.

However, postmarked by models do delay final election results. And it would require major changes to the way Connecticut conducts elections today. Since both models work, Connecticut may well consider leaving the received by model in place.

- a. Connecticut should consider allowing voters to return their absentee ballots either by mail, at a secure drop-off box, or dropped off at any officially designated voting location on or before Election Day. [A research report on how other states have decided how to optimize these approaches is available here.](#)

- i. In other states, with county-centric mail ballot models, ballots may be dropped off in jurisdictions outside the voter's home precinct and will be routed by elections officials to the proper locale for counting. This may be difficult in Connecticut as there is no obvious county labor force or funding to make this happen today. Going forward, as savings from mail ballot elections are realized, this may be an area for use of some of those funds.
- ii. Moving to a higher use of mailed ballots puts a premium on Public Service Announcements (PSAs) to make sure voters know when it is too late to use the US Mail for return. Those PSAs should be factored into any state rollout of greater mailed-ballot use. In addition, providing a list of authorized drop sites, both in the outbound ballot packet and on-line, is a best practice.

Given Connecticut's issue with mail being routed through New York state, before being returned, the state should consider setting a "visible deadline" after which voters are strongly encouraged to cast their ballot in-person via drop boxes or vote centers. Oregon sets that as the Thursday before Election Day, and PSAs run regularly across all major mass media outlets to remind voters of that cut-off leading up to that Thursday. Then, a new message runs after that date stating "It is now too late to mail your ballot. Use a drop site."

- iii. [According to Washington state officials, cost to acquire and install a 24 x 7 drop box](#) is about \$6,000 each – and their full-time access and visible presence seems to materially assist turnout. Alternatively, boxes located inside existing establishments, such as the town hall, fire state or library are much less expensive. Here is a [video of Oregon Senator Ron Wyden using such an "internal" drop box](#) in the 2018 midterms.

- b. If a voter for any reason receives and sends in more than one ballot, only the first one received at the elections department will be processed; all others will be rejected.
- c. Once the permanent mail ballot list rises to more than half of the active registered voters in the state, the state should consider putting in place well-distributed secure ballot drop boxes, available 24x7 wherever practical, with a best practice of at least one drop box for every 10,000-20,000 registered voters.

As seen in the video at the end of the "Why Now" section, 24x7 secure drop boxes resemble the ubiquitous metal USPS boxes (although marked very differently to avoid confusion) and are similarly secured. Best practices have those boxes emptied

regularly in the run up to Election Day, and then one final time just as the polls close. At that point, the boxes can be removed and stored until the next election.

- d. Another best practice would have no fewer than one drop box per town/municipality, and no fewer than one drop box per Native American reservation. Additionally, the state may choose a better minimum standard for standalone drop boxes for the more populous towns.

Note: Offering return postage (done now in California and Washington) would obviously entail significant additional costs. But the availability of drop boxes will cause fewer people to use the postage option, helping to cover the cost of those drop boxes. Offering return postage may help lift participation of millennials, many of whom do not use postage stamps regularly. There is discussion at the federal level for either a new lower standard postage charge for ballot transmission, and/or potential for federal financial support for mailed ballots. These developments should be monitored.

- e. Municipalities and towns should consider maintaining at least one staffed in-person vote center where voters may get assistance, have a lost or damaged ballot replaced, or a fresh ballot if they made an error on the initial one but haven't returned it, and register up to election day or access ADA supported voting equipment. It may make sense to co-locate this vote center with existing same-day registration locations. A vote center is necessary even if the state ultimately opts for 100 percent VAH polling. In larger municipalities, a minimum of one vote center per 30,000 registered voters is a best practice, and if 100 percent VAH is implemented, central vote centers and drop boxes should be open starting the day ballots are mailed out. In larger municipalities, it is then possible to open more vote center openings as Election Day approaches.

- 6. **Ballot authentication:** The signatures on incoming ballots need to be compared to the signature on file with the voter's registration. This will mean a change in requirements and training, as Connecticut today does not require signature matching verification. That comparison may be screened initially by electronic signature matching software, followed by an election judge, backed up by a bipartisan team. Best practice indicates that the file viewed for matching purposes should not have the voter's party, race, age or gender show up on the signature matching screen, to avoid any likelihood of bias in the evaluation.

- a. **What does a signature verification system entail?**

States with significant mailed ballots all use some form of verification of the signature on the ballot return envelope to validate that the person voting is the person for whom that ballot was intended. This is a core part of election security with mail ballot use. The process involves comparing the incoming signature against the one on

the individual's voter registration form, and where practical sometimes other easily available signatures such as digital DMV records, etc.

The goal is to have a high degree of assurance of a match, although since people's signatures may change over time, a "perfect" match should not be required, and to avoid the problems experienced in Georgia recently, the signature should not be required to match precisely the one on file (e.g. middle initial versus middle name) as long as the voter's identity can be determined either by the software, or in the smaller subset of cases, by human check.

Successful signature verification starts with training. Signature verification is both art and science. Denver's experience is that a signature matching specialist (there are firms Connecticut can hire to do the training) can conduct that training in about three hours, with a shorter refresher every few years, if needed. In many ways, this training will replace some of the training currently needed for poll workers, although a smaller number of those will still be required for in-person vote centers.

A first step to consider would be train town clerks, who currently manage the absentee process, as well as registrars and their key staff. To the extent that over time mail ballot usage continues to grow, the current work load on the registrars for handling polling place requirements may decrease, which may free them up to assist town clerks in signature verification. In the larger towns/cities a few additional staff will need training to have proper capacity (see below).

To see how Colorado trains signature verifiers, the training guide they use is linked here for reference: [Colorado's signature verification guide is linked here.](#)

b. How do you determine how many signature verifiers are needed in each town/city and what it will cost?

Judd Choate, Colorado's Director of Elections, provided some specific metrics and direction that should be useful in planning for a move to signature verification. First, he recommended that signature judges be set up with one person doing the initial screening, and only then moving to a two-member bipartisan team to review any initial rejections. This works to optimize throughput, while still making sure the need for any contested signature curing is bipartisan.

An average trained signature judge, in smaller jurisdictions such as Connecticut towns, would probably use a handheld scanner to scan the ballot envelope barcode, which would then show that voter's registration form signature on screen (if stored digitally), to be compared with the signature on the envelope. For those not stored digitally, the verifier could pull the voter's physical registration record to review.

Those judges can process about 2-3 signatures per minute that way, so comfortably about 100 per hour or about 750 per day. The initial rejection rate is usually in the 1 percent to 1.5 percent range, so that means the bipartisan backup judging team would just see 7-10 per initial rejections per day. Given the small volume of initially

challenged signatures, and the potential of VBM to reduce overall election staffing needs, Connecticut might wish to consider whether existing election officials, including existing registrars, town clerks, or other officials appointed by either the registrars or Secretary of the State could perform this duty.

To plan for proper signature verification capacity, consider the largest case of Stamford, with about 80,000 registered voters. In a presidential election, about 50,000 of those have cast ballots historically. If Connecticut moves to Level 4 (no excuse, permanent absentee) the history of other states indicates no more than 20 percent of voters would opt into that model in the short term, with more opting in over time.

That would mean 10,000 mailed ballots cast, coming in over a few weeks. If the peak was 30 percent of those arriving on Election Day, the prior 7,000 could have already been processed prior to that, and the remaining 3,000 ballots could be screened by four signature judges on Election Day. And those four judges could be paid for by a reduced number of poll workers required. If Connecticut's mailed-ballot adoption eventually scaled to 100 percent mailed ballots, low-end signature scanning equipment might be justified in the larger cities (Bridgeport, Waterbury, Hartford, New Haven, Norwalk, Stamford), while larger towns might need a few more trained judges.

But to start, a model of 1-2 trained initial signature judges per 20,000 registered voters seems to make sense. And Mr. Choate suggested that during the election period, those judges have about 1 percent of their work audited by a second set of eyes, both for acceptances and rejections.

c. What happens when a signature doesn't match, or is missing?

History says the bipartisan review team, upon closer inspection, gets comfortable accepting about 50 percent of the initially rejected signatures, so fewer than 1 percent need to go on to the "cure" process. That cure involves immediately notifying the voter, usually within 1-2 business days, that there is a signature match issue. Best practices indicate notification be via a variety of approved paths such as phone, text, email, mail, etc.

The voter is then provided multiple ways to provide an affidavit to verify that it was indeed their ballot. Again, best practices indicate that can be in person, phone, text, email, mail or some other approved means. That process is allowed to take place over the following 8-14 days, depending on the state, but can extend after Election Day. Voters who do not validate their signatures within the designated time have their ballots rejected.

- d. [California SB 759](#), that just passed in September 2018, has useful language if Connecticut chooses to put the ballot cure process into statute.

- 7. Other security issues:** Besides the protection of the database of registered voters, both at the state and municipality level, Connecticut should consider other elements of assuring the integrity of the vote:
- a. The continued use of [paper ballots statewide](#).
 - b. Have each mailed ballot envelope, and return envelope, barcoded to the individual voter.
 - c. [Proper design of the ballot envelopes is also important](#) (click on the link for examples). According to the Center for Civic Design, successful design will make it easier for voters to vote by mail, within affordable and robust election administration. The design will:
 - i. Make it easier for voters to recognize and return their ballot accurately
 - ii. Support bilingual ballots to meet Voting Rights Act language access requirements
 - iii. Improve election administration by reducing errors and make it easier to process vote-by-mail ballots.
 - iv. Create recognizable consistency to support statewide voter education campaigns.
 - v. Offer flexible templates so envelopes can be customized for local information and procedures.
 - vi. Support accurate handling and delivery of ballots sent through the US Postal Service (USPS).
 - d. [Risk limiting audits](#) during and after the election (per the Brennan Center for Justice)

A very thorough procedures manual from the [state of Oregon is available here](#).

LEGISLATIVE LANGUAGE

The following section contains suggested legislative language to enable voting by mail. Although the suggested constitutional amendment language incorporates basic language for EIPV, this report does not address specific statutory language regarding EIPV because that is not part of the EO 64 directive. The constitutional language below does not include time periods for early voting, but HJ 28, introduced in the 2018 legislative session, does include such language.

Constitutional Changes

Article Sixth, Section 7 and 8 currently read as follows:

SEC. 7. The general assembly may provide by law for voting in the choice of any officer to be elected or upon any question to be voted on at an election by qualified voters of the state who are unable to appear at the polling place on the day of election because of absence from the city or town of which they are inhabitants or because of sickness, or physical disability or because the tenets of their religion forbid secular activity.

SEC. 8. The general assembly may provide by law for the admission as electors in absentia of members of the armed forces, the United States merchant marine, members of religious or welfare groups or agencies attached to and serving with the armed forces and civilian employees of the United States, and the spouses and dependents of such persons.

(Sec. 8 amended in 1992. See Art. XXVII of Amendments to the Constitution of the State of Connecticut.)

Section 8 of article sixth of the constitution is amended to read as follows:

The general assembly may provide by law for the absentee admission of electors.*

Adopted November 25, 1992.

Section 7 could be revised to read:

SEC. 7. The general assembly may provide by law for voting in the choice of any officer to be elected or upon any question to be voted on at an election by qualified voters of the state by ballot delivered to the voter and or by voting in person prior to the day of election.

*Although Article Sixth, Section 8 does not require any change to enable voting by mail, Connecticut may wish to consider whether to eliminate the term “absentee” in an environment where voting by mail is a standard part of the election process regardless of the voter’s location on Election Day.

Statutory Changes

To move from current Level 1 to “no excuse” Level 3 and beyond, simply remove all the “reasons” for requesting an absentee ballot. So, the current statute – Conn. Gen. Stat. § 9-135 (2012):

Any elector eligible to vote at a primary or an election and any person eligible to vote at a referendum may vote by absentee ballot if he or she is unable to appear at his or her polling place during the hours of voting for any of the following reasons: (1) His or her active service with the armed forces of the United States; (2) his or her absence from the town of his or her voting residence during all of the hours of voting; (3) his or her illness; (4) his or her physical disability; (5) the tenets of his or her religion forbid secular activity on the day of the primary, election or referendum; or (6) the required performance of his or her duties as a primary, election or referendum official, including as a town clerk or registrar of voters or as staff of the clerk or registrar, at a polling place other than his or her own during all of the hours of voting at such primary, election or referendum.

Could be revised to read:

“Any elector eligible to vote at a primary or an election and any person eligible to vote at a referendum may vote by absentee ballot.”

Note: Connecticut may want to consider modifying its law, in short notice referendums, that only allows voters to vote “absentee” in person, and only allows a narrow set of approved ballot deliverers. Adding 24x7 drop boxes might assist to avoid arguments / challenges about whether a ballot was properly returned. In addition, allowing replacement candidates very close to Election Day, as Connecticut does, can conflict with an efficiently running VBM system. The state might consider moving the replacement cut-off date back far enough that ballots can be printed without the risk of having to be reprinted.

To move from Level 3 to “permanent absentee” Level 4, the current statute that allows a waiver only for physical disability, Conn. Gen. Stat. § 9-140e (2012), could be modified from the current language:

Any elector who is permanently physically disabled and who files an application for an absentee ballot with a certification from a primary care provider, indicating that such elector is permanently physically disabled and unable to appear in person at such elector’s designated polling location, shall be eligible for permanent absentee ballot status and shall receive an absentee ballot for each election, primary or referendum conducted in such elector’s municipality for which such elector is eligible to vote. Such elector’s permanent absentee ballot status shall remain in effect until such elector: (1) Is removed from the official registry list of the municipality, (2) is removed from permanent absentee ballot status pursuant to the provisions of this section, or (3) requests that he or she no longer receive such permanent absentee ballot status.

(b) The registrars of voters shall send written notice to each such elector with permanent absentee ballot status in January of each year, on a form prescribed by the Secretary of the State, for the purpose of determining if such elector continues to reside at the address indicated on the elector's permanent absentee ballot application. If (1) such written notice is returned as undeliverable, or (2) not later than thirty days after such notice is sent to the elector, the elector fails to return such notice to the registrars of voters, as directed on the form, the elector in question shall be removed from permanent absentee ballot status. If such elector indicates on such notice that the elector no longer resides at such address and the elector's new address is within the same municipality, the registrars of voters shall change the elector's address pursuant to section 9-35 and such elector shall retain permanent absentee ballot status. If the elector indicates on such notice that the elector no longer resides in the municipality, the registrars of voters shall remove such individual from the registry list of the municipality and send such individual an application for voter registration. Failure to return such written notice shall not result in the removal of an elector from the official registry list of the municipality.

To allow for permanent absentee status to be available to all, Sec. 9-140e could be revised to read:

“Any elector shall be eligible for permanent absentee ballot status and, having signed up for such a status, shall receive an absentee ballot for each election, primary or referendum conducted in such elector's municipality for which such elector is eligible to vote. Such elector's permanent absentee ballot status shall remain in effect until such elector: (1) Is removed from the official registry list of the municipality, or (2) requests that he or she no longer remain on such permanent absentee ballot status. In the event of involuntary removal, if the elector moves within the state, their permanent absentee status will be transferred to their new municipality, as is currently done for party affiliation, unless the elector affirmatively opts-out of that status by notifying their new jurisdiction.”

To allow for a possible migration over time from Level 4 to something approaching “universal VAH” Level 5, new statutory language would be required. An example of such language could be:

“The municipal election officials, by majority resolution of the town clerk and the two town registrars, may choose to conduct any and or all primary, special, general and referendum elections entirely by mail ballot. If they do so, they shall notify each registered elector by mail that the voting shall be by mail ballot, no later than 90 days prior to a general Federal or State election and a specified shorter number of days prior to a primary or local election. If the election officials make a determination to return to a polling place election environment, they shall notify each registered elector by mail of this decision no later than 90 days prior to a general Federal or State election and a specified shorter number of days prior to a primary or local election and shall provide the address for the polling place(s) to be used.”

Note: While there may be some concern about different jurisdictions within the state using different methodologies, history in other states indicates that often the

use of VBM spreads successfully once jurisdictions see a few others successfully implement it.

As mentioned earlier, California recently had significant issues with their signature verification process that they solved via legislation passed in September 2018. Their [SB 759](#) has more detail, but here are some of the salient points in the new statute that Connecticut might find useful to emulate.

(a) (1) Upon receiving a vote by mail ballot, the elections official shall compare the signature on the identification envelope with either of the following to determine if the signatures compare:

(A) The signature appearing on the voter's affidavit of registration or any previous affidavit of registration of the voter.

(B) The signature appearing on a form issued by an elections official that contains the voter's signature and that is part of the voter's registration record.

(2) In comparing signatures pursuant to this section, the elections official may use facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with the law.

(3) In comparing signatures pursuant to this section, an elections official may use signature verification technology. If signature verification technology determines that the signatures do not compare, the elections official shall visually examine the signatures and verify that the signatures do not compare.

(4) The variation of a signature caused by the substitution of initials for the first or middle name, or both, is not grounds for the elections official to determine that the signatures do not compare. (b) If upon conducting the comparison of signatures pursuant to subdivision (a) the elections official determines that the signatures compare, he or she shall deposit the ballot, still in the identification envelope, in a ballot container in his or her office.

(c) If upon conducting the comparison of signatures pursuant to subdivision (a) the elections official determines that the signatures do not compare, the identification envelope shall not be opened, and the ballot shall not be counted. The elections official shall write the cause of the rejection on the face of the identification envelope only after completing the procedures described in subdivision (d).

(d) (1) A minimum of eight days prior to the certification of the election, the elections official shall provide notice to all voters identified pursuant to subdivision (c) of the opportunity to verify their signatures no later than 5 p.m. two days prior to the certification of the election.

Connecticut decision makers would need to consider how much of the signature verification process should be committed to statute, and how much, delegated to the Secretary of the State's office to be administered via rule-making authority.

SUMMARY

As stated on page 1 of Executive Order No. 64, Connecticut has been a leader when it comes to enhanced methods for encouraging voter registration. However, the state is not in the same position when it comes to providing its voters with more convenient ways to cast their ballots.

The data from across the country demonstrates that states offering their citizens more voting choices via mailed ballots see an increase in voter engagement and turnout, with high security, and lower costs.

There is increasing momentum for using mailed ballots more actively in elections. After its successful adoption and positive experiences in several Western states, that momentum is now spreading more broadly across the country. Now may be the time to consider whether Connecticut can adapt those states' experiences and best practices in ways that respect the longstanding traditions and benefits of local control but that also conserve fiscal resources and recognize the realities of modern living, working and commuting needs that require more flexibility and access for voters.

There are well-traveled paths to lower barriers and increase voter access that can simplify the jobs of election officials, while better serving voters and maintaining security and confidence in all elections.

APPENDIX – LIST of LINKS

Foreword

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What

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