



# COMMISSION ON ELECTION

# INTEGRITY

**BEST PRACTICES FOR MAKING IT**

**EASIER TO VOTE AND HARDER TO CHEAT**

# **RSLC COMMISSION ON ELECTION INTEGRITY: BEST PRACTICES FOR MAKING IT EASIER TO VOTE AND HARDER TO CHEAT**

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This document was prepared under the leadership of the following election officials along with their Republican Secretaries of State colleagues from across the country in partnership with Republican State Leadership Committee's Commission on Election Integrity:

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The Republican State Leadership Committee, home to the national caucuses for Republican state legislators and Secretaries of State, in early February formed a commission to restore the American people's confidence in the integrity of their free and fair elections by working with its members to share and discuss voter-centric current laws and future reforms that make it **easier to vote and harder to cheat.**

This document, which members of the commission and Republican secretaries of state from across the nation have worked together to produce over the past few weeks, is intended to present a non-exhaustive sampling of state provisions and policies on elections administration and integrity measures. This document includes a wide variety of practices, and it identifies states where those practices have been implemented. The commission encourages states to adopt measures that increase voter access and participation, without sacrificing security, accountability, and transparency.

Though restoring confidence in American elections is a national priority, it's the states that bear the important responsibility of administering elections. As a long-time partner to the secretaries of state and legislators who will be implementing laws and reforms in their current states, RSLC understands that each state is unique and there is no one-size-fits-all model system. What works successfully in one state may not find the same success in others, as there are numerous differences between states when it comes to the history of how their elections have traditionally been administered.

To that end, we hope that this serves as merely the beginning of a conversation in considering a sampling of current state provisions and innovations that may be useful in the future.

## THE PRE-ELECTION PERIOD

During the Pre-Election Period, election officials use voter registration information to plan and administer an election. The offices and issues to be presented to voters are established. Voters residing within a participating district are eligible to participate in the election. Election officials use voter registration data to identify the specific type and number of ballots to prepare, determine the amount of personnel and facilities needed to conduct the voting process, and ensure the correct information is provided to the voter.

## VOTER REGISTRATION

The foundation for secure elections is accurate voter rolls. They help election officials to plan an election, allow voters receive the correct ballot, and ensure that only eligible voters cast ballots. Voter registration laws should ensure that every eligible citizen has clear instructions and access to registering to vote. Each year, people become eligible to vote because they turn 18 years of age, move to a new neighborhood, or become a U.S. citizen. These changes impact voter registration records. To ensure accessible, secure, and accurate elections, officials must keep up with these changes by regularly updating their state voter.

The National Voter Registration Act of 1993 (NVRA) sets forth certain voter registration requirements with respect to elections for federal office. Successful election administration requires states to implement procedures to maintain accurate and current voter registration lists, as well as others deemed necessary by the states. States provide citizens the opportunity to register or update voter registration information at designated government offices, in-person, online, or by mail. Additionally, 40 states utilize online voter registration. [1] States may consider: the time deadline for accepting voter registration applications; under which circumstances a person's name may be removed from its voter registration rolls; and the notice process before or after removing a person from the voting rolls.

Additional initiatives to consider:

- Ensuring state law goes as far as federal law will permit when maintaining an accurate voter registration list. List maintenance of voter rolls should be regular and ongoing throughout every election cycle with quarterly or annual updates of national change of address provided by the USPS and other commercial vendors.
- Training that stresses that local election officials notify other jurisdictions when a voter has moved from the respective jurisdiction.
- Cooperation among state agencies to have accurate voter rolls. Example: match death records with vital statistics.

[1] 41 states have passed; 40 states currently utilize, Oklahoma has not implemented

- Receiving jury notifications from state courts when an individual states they are ineligible to serve on a jury because of non-citizenship, change of address, or notice of death.
- Providing free training to voter registration groups.
- Penalties for falsifying election documents.

## **PRE-ELECTION TESTING**

Managing election technology and testing voting equipment prior to the election is another way to increase voter confidence and allow for free and fair elections. Testing should be open to the public in a bipartisan and transparent manner.

## **PAPER BALLOTS**

Paper ballots provide a voter-verified paper audit trail (VVPAT), allowing election officials to have physical records against which they can test and verify tabulation results. Electronic or touch screen devices can produce a VVPAT to provide a similar safeguard. States may consider how and when paper ballots are completed or tabulated.

## **BALLOT TABULATION**

There are currently two main types of technology for tabulating votes: optical or digital scanners to count paper ballots, or Direct-Recording Electronic (DRE) machines (touch screen).

Optical/digital scan systems tabulate paper ballots that are marked by the voter. Ballots are either scanned at the polling place or collected in ballot boxes to be scanned at a central location. DRE machines allow the voter to directly vote on the machine by the manual touch of a screen, monitor, wheel, or other device. States may consider: the necessary minimum requirements for a voting tabulator; where and how frequently paper ballots are scanned if using an optical/digital scanner; and if using a DRE machine, whether it should come with a voter-verified paper audit trail (VVPAT). Ensuring a paper trail for every vote cast in America promotes ballot security.

## **VOTER ID**

Requiring a photo ID card for online voter registration or in-person voting is a security measure to increase confidence in voter registration accuracy by deterring voter impersonation. Online voter registration applications submitted with a state-issued driver's license or ID card and social security number can be compared to the appropriate state department data for verification. This practice confirms the applicant has previously appeared in-person at a government office. Photo ID at in-person voting locations provides election workers a uniform method to check-in voters.

States may consider: what types of photo IDs are acceptable; how states can ensure eligible voters have free and easy access to the necessary ID; and the circumstances, if any, when a voter should be permitted to vote a regular ballot without a valid photo ID.

## THE VOTING PERIOD

Election system infrastructures in each state must be robust enough to provide accessible voting to all eligible citizens. They must also ensure that only one ballot is cast by and counted for each eligible voter, the ballots are counted, and the results are reported accurately. States have established and expanded in-person and mail-in voting options based upon the personnel, facilities, and equipment infrastructure available in local election offices.

### UOCAVA

The electronic transmission of ballots – via fax, email, or web portal – is most often reserved for voters who fall under the federal Uniform and Overseas Citizens Absentee Voting Act (UOCAVA), since UOCAVA voters often face unique challenges in obtaining and returning absentee ballots within state deadlines. In 2009, Congress passed the Military and Overseas Voter Empowerment (MOVE) Act, which expanded UOCAVA to provide greater protections and authorized the electronic transmittal of a ballot to an overseas or absent military or civilian voter. The UOCAVA voter will have the choice of receiving a ballot via mail or electronic means. States may consider: method(s) in which a UOCAVA voter may submit their ballot electronically; deadlines in which a UOCAVA ballot must be received to be counted; and whether the definition of a UOCAVA voter is expanded to include a larger group in the state.

### ABSENTEE VOTING

Absentee voting occurs outside the supervision of election officials, which may decrease voter confidence and the chance for fraud, but states understand that there is a need or desire for some voters to vote prior to Election Day. To balance these considerations, states may consider: eligibility to vote by absentee ballots; how a voter's identity is confirmed for an absentee ballot; uniform standards across the state; who may be authorized to touch or handle a sealed absentee ballot; how an error or omission on an absentee ballot may be cured; the deadline to request absentee ballots and the deadline to accept absentee ballots; when absentee ballots may be processed; and the addition of ballot tracking software to allow voters and the state election officials to track outstanding ballots.

## **EARLY IN-PERSON VOTING**

Early in-person voting offers voters the flexibility of an expanded window to vote, thereby creating greater access to in-person voting, while reducing the stress on election day lines and resources. Unlike absentee voting, it is conducted under the supervision of election officials, and may be a less expensive way to provide access to voters. States may consider: the number and placement of early voting locations; the timeline and hours available for early voting; when early voting ballots may be processed; and the security measures that need to be implemented to ensure than an early voter does not vote again.

## **UNIVERSAL VOTE BY MAIL**

Five states have adopted elections-by-mail systems with reduced options for in-person voting. When voting occurs outside of a voting center or polling location, security measures must be implemented to inspire public confidence that all eligible voters receive the correct ballots, that each returned ballot was voted by the voter to whom it was issued, and that only one ballot is counted for each eligible voter.

Security measures are critical for maintaining public confidence when officials send a ballot to each registered voter. To increase confidence, the state voter registration system must accurately contain the most up-to-date information on voters and their addresses, and exclude the deceased, nonresidents, and noncitizens. The voter registration information must be verified by the state department of motor vehicle licensing or the Social Security Administration per HAVA requirements. States may also consider evaluating technological ways a voter may provide an ID to election officials electronically without the use of a copier. The returned ballot should be verified through a signature match to the voter registration record or with the use of an ID, if possible. The statewide voter registration database must be compatible with local election management systems to ensure each eligible voter receives the correct ballot at the correct address with enough time to cast a ballot and have it counted. The systems must also ensure only one ballot can be counted for each eligible voter, whether more than one ballot is issued, or if the voter chooses to vote in-person.

Finally, robust physical and electronic audit trails must be established by election officials to provide a chain of custody for ballot processing. These audit trails must include dual-control environments, security seals and logs to document who had access to ballots during processing, and consistent ballot handling procedures for all local election offices across each state. Election officials should publicly reconcile and account for all mailed and received ballots at the conclusion of an election.

**Unless a state or local jurisdiction reaches a 60% threshold of voters with ongoing absentee ballot status, and maintains that threshold for two federal election cycles, they should not consider migrating to a full vote-by-mail system. States with the most experience conducting elections by mail found the successful full conversion to vote-by-mail takes between five and ten years to implement.**

## **SIGNATURE VERIFICATION**

Signature verification is a tool to prevent voter impersonation. When election officials receive an application from a voter requesting an absentee ballot, the voter's identity is verified before the ballot is sent. This is done in a variety of ways. Some states conduct signature verification when a ballot request is received and when the ballot is received to compare the voter's signature with their signature on file with the election official.

States may consider: whether this is a necessary or desired step and how and when any rejected applications may be cured. Contacting voters whose returned ballot envelopes contain unsigned oaths or mismatched signatures assists in updating voter signatures and identifying potentially fraudulent returned ballots.

## **ELECTION DAY IN-PERSON VOTING**

Election day in-person voting is recognized as the gold standard. Each state should adopt laws in compliance with all federal laws in place.

## **POLL WATCHERS**

Permitting representatives from each candidate, political party, or the general public to observe the administration of elections helps to promote transparency and confidence in the voting system and procedures. The rights of poll watchers and observers should be uniform across the state and expressly permitted any time voting is taking place or when ballots are processed or counted. States may consider: the qualification and credentialing of poll watchers; when poll watchers can be in place and where they may be located; and the rules of conduct for poll watchers.

## **VOTING CENTERS**

Voting centers are often placed in high traffic areas within the local jurisdiction where larger numbers of voters can be accommodated as an alternative to traditional, neighborhood-based precincts, so that voters may cast their Election Day ballots at any given voting center in its jurisdiction, regardless of their residential address. The possible advantages to using a voting center model are voter convenience, budgetary savings, and increased voter turnout;

however, the possible disadvantages include voter education in understanding the new system and the cost and logistics of producing the necessary equipment and technology to successfully run a voting center. If used in lieu of precinct-based polling locations, voting centers may also pose transportation difficulties for voters. In addition to those considerations, states may also weigh whether voting centers are required statewide or at the discretion of a jurisdiction, as well as the duration the voting centers are used.

## **POST-ELECTION DAY PERIOD**

The Post-Election Day Period of an election is used to reconcile, audit, certify, and, if necessary, recount an election. These processes should be transparent to the public to inspire confidence in the integrity of the election.

### **AUDITS**

A post-election audit serves as a way of checking that the voting equipment and procedures used to count votes worked properly and that an election yielded the correct outcome. In states with post-election audits, it is critical that the audits are clear and uniformly applied across all jurisdictions within the state. In addition to post-election audits, local election offices can provide transparency of the process with a reconciliation report detailing the disposition of each returned and cast ballot. There are various versions of post-election audits. As a state determines which type of audit may be successful, it may consider: the necessary scope and method in consideration of its voting method and state population; who should be tasked with conducting the audit; the timing of an audit; who may observe the audit; and what happens if a discrepancy is found.

### **RECOUNTS**

Election recounts are conducted after an election when the margin of victory is narrow or requested by a permitted individual. States may consider: whether a recount should be automatically triggered, and if so, what is an appropriate margin to trigger an automatic recount; whether a recount may be requested even if the margin of victory is outside of a set margin; if a recount is permissible by request, who is permitted to request a recount and the deadline by which the recount request must be made; who pays the costs of the recount; and the timeline and procedures that guides any such recount.



## FUNDING OF ELECTIONS

**To prevent outside non-government individuals or organizations from unduly influencing election administration, funding from non-government sources must be prohibited.** This will also require election officials to be transparent and communicative with government funding bodies about the true needs and costs of conducting elections.

## VOTING ENGAGEMENT

Citizens should have a way to ask questions and communicate problems/issues relating to the voting process, as well as report potential voter fraud or misinformation that could lead to voter disenfranchisement to election officials, who are the trusted sources for election information. States should consider whether to provide rewards for tips that lead to convictions of voter fraud or voter disenfranchisement.

## POLL OFFICIALS

Poll Officials must be adequately and uniformly trained across all jurisdictions in a state. Polling locations should be staffed by a sufficient number of workers with bipartisan, or multi-partisan, representation.

States should consider permitting all registered voters to be poll workers, rather than limiting the opportunity to only major-party registrants. States should also consider centralized poll-worker recruitment efforts by states' chief election officials, such as through a poll-worker online recruitment portal or partnerships with the private sector to locate and enlist poll workers.

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