Absentee/mail voting has been the headline issue among election administrators—and policy pundits—this year. Many states experienced problems in their primaries resulting from an increased volume of absentee and mail voting, with some states receiving 10 times the number of ballots cast outside the polling place compared to the general election just two years ago.

Many of the primary problems were due to the collision of increased volume of absentee/mail voting with preexisting state policies not designed to handle such an influx. Problems arose from ballots being mailed out to voters without enough time to return them through the mail and officials not being able to process ballots until Election Day, among other issues.

This brief explores six distinct policy decision points relating to absentee and mail voting, all of which can affect how smoothly a large volume of absentee/mail voting can be processed.

State Action

Each of these policy options saw legislative action in 2020. While it is unlikely that any additional changes in these areas will come about prior to this November, they are ripe for consideration in the 2021 legislative sessions.

1. **Application Deadlines.** To ensure ballots are sent to the voter with enough time to return it, election officials usually need to receive absentee ballot applications a week or more before the election. If a voter applies too close to the election, there may not be enough...
turnaround time for the voter to receive the ballot and mail it back. To date, 22 states have application deadlines of less than seven days before the election, 13 states’ deadlines fall exactly seven days before the election, and 10 states have deadlines more than seven days before the election. The postal service currently recommends that states “advise voters to request ballots at the earliest point allowable but no later than 15 days prior to the election date, and that voters mail their completed ballots before Election Day and at least one week before the due date.”

This year, Massachusetts and New Mexico enacted legislation temporarily moving back the deadline to request absentee ballots, and similar legislation is pending in New York, Ohio and Pennsylvania.

2. Ballot Drop Boxes. With increased attention on potential postal service delays, combined with considerations such as ballot application deadlines, lawmakers are looking toward methods for voters to return their ballots without relying on the mail. The most popular option has been the establishment of drop boxes, where voters can return their absentee/mail ballots. At least 24 states will permit the use of drop boxes this November, although many of them are deployed at the jurisdictional or municipal level. While most decisions on drop boxes have been made without legislation, nine states have laws establishing security criteria for drop boxes. This year, Nevada and New Jersey enacted laws regarding drop boxes, and legislation is pending in New York.

3. Ballot Collection. Some states require voters to return their own absentee ballot. Ten states allow a family member to return a ballot, and 26 states allow voters to designate someone to return their ballot. Thirteen states are silent on the issue.

Among the 26 states where voters can designate someone to return their ballot, 12 have placed limits on the number of ballots any one person can collect and return. Returning ballots for others is known as ballot collection or “ballot harvesting.” The limits are based on the concern that saving people the task of returning their ballot can bleed into encouraging them to vote a certain way.

Legislation to restrict ballot collection has been enacted this year in Oklahoma, and similar bills are pending in New York and Utah.

4. Ballot Receipt/Postmark Deadlines. The most common state deadline for election officials to receive absentee or mail ballots is on Election Day when the polls close. Some states, however, accept and count a mailed ballot if it is received after Election Day but postmarked prior to the election. To date, at least 18 states allow ballots postmarked on or before Election Day to be received after Election Day, although this number may be higher due to temporary changes. Deadlines to return ballots vary from the day before the election in Louisiana to up to 14 days past Election Day in Illinois and Utah.

Legislation to extend the deadline for postmarked ballots to be received past Election Day has been enacted this year in Mississippi and New York, and legislation is pending in Michigan and New Jersey.

5. Ballot Processing. In many states, processing absentee ballots can begin as they are received, prior to Election Day (although actually counting them is often done after the polls close). States that begin processing before Election Day can prepare absentee ballots—checking signatures, opening envelopes, removing and smoothing out ballots, stacking them and even possibly running them through the scanner—so that they are ready to be counted as soon as the law allows. By permitting election officials to do this work ahead of time, the counting process on Election Day (and election results reporting) are quicker. Currently, at least 34 states allow ballots to be processed in some form prior to Election Day, although this number may be higher due to temporary changes.

Legislation to allow ballots to be processed prior to Election Day has been enacted this year in Connecticut, New Hampshire and New Jersey this year. Legislation is also pending in Michigan.

6. Signature Cure Periods. Some states have a process in statute for voters to “cure” mistakes regarding ballot signatures, such as neglecting to sign, or the signature doesn’t match official records. These states notify voters and provide them with a process and time frame to verify that the ballot is indeed theirs. In states that do not have such a process, ballots with missing or mismatched signatures on the envelope are not counted.

Nineteen states require that voters be notified when there is a missing signature or signature discrepancy—and given an opportunity to correct it.

New York has enacted legislation this year to implement a signature cure process, and similar legislation is pending in New Jersey.