



Universal Vote-by-Mail Analysis

Prepared by:

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Voters of Maine's
Advocacy Team



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Introduction: Origin, Purpose, and Goals of the Analysis

The purpose of this analysis is to evaluate Universal Vote-by-Mail (UVBM) as an election method for Maine.

The League of Women Voters of Maine’s position on issues is determined by member consensus. In the absence of a clear position on UVBM, the League testified Neither For Nor Against Vote-by-Mail legislation introduced in the first session of the 129th Legislature. Interest in UVBM is trending nationally, and we anticipate that Vote-by-Mail will be re-introduced in future Legislative sessions. Our brief is to determine whether current League positions provide a sufficient basis on which to take a stand for or against UVBM for Maine.

We have gathered evidence on the pros and cons of UVBM as it has been implemented in other states. We compared these implementations to the current system of elections in Maine, and made informed estimates of UVBM’s potential impact on voter participation, election security, and administrative costs.

This process has been broad, utilizing other state and national League actions, journal publications, opinion articles, personal interviews, legislative testimonies and official government reports, opinions and data. Caution has been taken and assumptions clearly noted when applying other state experiences to Maine.

Definitions:

Convenience Voting: The last 20 years have seen a steady trend toward election systems that provide alternatives to casting a ballot in person on Election Day, including voting-by-mail, no-excuse absentee voting, and early voting. In studies, these systems are often grouped under the term, “convenience voting.”

Early Voting: Twenty-two states offer early voting, in which polling places are up and running for a specified period of time before Election Day. Voters cast their ballots using the same technology and procedures as those on Election Day. (In Maine, voters can cast ballots before Election Day in the presence of the clerk, but those ballots are processed and counted as absentee ballots.)

No-excuse Absentee Voting: Absentee voting was originally intended as an option for voters whose circumstances prevented them from voting on Election Day, such as being away from town, at work, or incapacitated. Voters requesting an absentee ballot had to provide a reason that they could not vote in person. Since the late 1990s, most states, including Maine, have instituted no-excuse absentee voting, which allows any voter to request an absentee ballot without providing a reason.

Ongoing Absentee Status: Ongoing absentee status is an opt-in convenience that allows voters to automatically receive absentee ballots by mail without having to request them before each election. Many states offer the status to voters who meet certain criteria, such as age or disability, while some other states allow any voter to request the status without providing a reason.

Same Day Voter Registration (SDR) /Election Day Registration: Same day registration is a system that allows eligible voters to register at the polling place on Election Day and cast their ballots in the same visit.

Universal Vote-by-Mail (UVBM): Universal Vote-by-Mail is an election system in which all registered voters automatically receive a ballot in the mail several weeks before Election Day. According to the National Conference of State Legislatures, the voter “marks the ballot, puts it in a secrecy envelope or sleeve and then into a separate mailing envelope, signs an affidavit on the exterior of the mailing envelope, and returns the package via mail or by dropping it off.”¹ It must be kept in mind that UVBM is an automatic ballot delivery system. Even in states with all-mail elections, there are various options for returning ballots in person, either to a voting center, an election office, or a secure drop box. Options for returning ballots in person are essential particularly in states that reject ballots received after Election Day.

¹ National Conference of State Legislatures, “All-Mail Elections (aka Vote-by-Mail)” <https://www.ncsl.org/research/elections-and-campaigns/all-mail-elections.aspx>, accessed 8 February, 2020.

I. The League of Women Voters and UVBM:

The League of Women Voters of the United States, to date, does not have a specific position statement regarding Universal Vote-by-Mail. However, a basic League principle, since its origin 100 years ago, has been to advocate for voting reforms that make our federal and local elections more free, fair, and accessible. In her testimony before Congress in 2019, Virginia Kase, Chief Executive Officer at the League of Women Voters of the United States, stated that:

“...it is the responsibility of government to create and enforce laws that prevent barriers in the democracy our forefathers designed to foster an open, transparent government powered by the people, for the people, all of the people. It is the duty of government to protect the rights of voters and to encourage participation in our political system, not create barriers that prevent participation.”²

At its 2004 annual convention, the LWVUS supported the implementation of voting systems and procedures that are Secure, Accurate, Recountable, and Accessible (SARA) and encouraged state and local leagues to evaluate and support voting systems based on these criteria. At the convention in 2010, the LWVUS delegates added the principle of transparency, thus expanding the SARA to SARAT. The LWVUS continues to dedicate itself to ongoing support for voting reforms, both in general and in state-specific elections that support these five principles.

While the LWVUS has not adopted a specific position statement on VBM, several state and local Leagues are supporting (or working toward) alternative ways of voting to the traditional practice (indeed, custom) of in-person voting at the election poll sites.

After initial support for UVBM, the League of Women Voters of San Francisco conducted a study on UVBM and SARAT in 2010, offering public speaker events and review of other studies. LWVSF’s study concluded that UVBM did not meet the criteria for Security, Accuracy, or Transparency.³

In 2012, the League of Women Voters of Los Angeles conducted a study of vote-by-mail at the municipal level.⁴ In their conclusion, they supported VBM for some city elections, and recommended that implementation include voting centers for in-person voting, a fail-safe method for obtaining a replacement ballot if a mailed ballot is not received, and voter outreach programs to contact both active and inactive voters.⁵

² Virginia Kase, “Voting Rights and Election Administration in America” to the U.S. House Committee on House Administration, Subcommittee on Elections, October 17, 2019.

³ League of Women Voters of San Francisco, Education Committee Vote by Mail Study, March 15th, 2011, http://clemsonarea.sc.lwvnet.org/files/VBM_Analysis_final_document.pdf

⁴ League of Women Voters of Los Angeles, Vote by Mail Study Kit,

“https://my.lwv.org/sites/default/files/Vote_By_Mail_Study_Report.pdf, accessed 2 March 2020.

⁵ League of Women Voters of Los Angeles, “Voting Rights,” <https://my.lwv.org/california/los-angeles/position/voting-rights>, accessed 2 March 2020.

II. History of UVBM in Washington, Oregon, and Colorado:

Oregon ([ORS §254.465](#)):

Oregon led the nation in adopting Universal Vote-by-Mail. The practice of automatically mailing ballots to registered voters did not occur overnight, and was phased in slowly over 20 years, starting with local elections. In 1998, Ballot Measure 60, a referendum calling for elections to be conducted entirely by mail, passed by a wide margin. In November 2000, Oregon became the first state in the nation to conduct a presidential general election by mail.⁶

Washington ([Rev. Code of Wash. 29A.40.010](#)):

Since 1987, local governments in Washington state have had the option of using Vote-by Mail for elections. In 2005, election reforms were passed using Vote-by-Mail for gubernatorial elections (the result of the close Gubernatorial Race of 2004 requiring Voter IDs). However, in 2011, the Washington legislature passed legislation requiring all counties to conduct Vote-by-Mail elections. This process includes the state, at least 18 days before the election, mailing to every household a General Election Voters' Pamphlet that provides help with voting and information about the election process, including information about candidates and issues on the ballot.

Colorado ([CRS §1-5-401](#)):

In 2013, Colorado passed legislation that “all general, primary, odd-year, coordinated, recall, and congressional vacancy elections, the county clerk and recorder shall conduct the election by mail ballot under the supervision of, and subject to rules promulgated in accordance with article 4 of title 24, C.R.S., by, the secretary of state.” County clerks mail a ballot to each elector (in active status) 18-22 days before the election. Since voter registration is allowed until polls close on Election Day, Colorado law requires county clerks to operate polling locations called Voter Service and Polling Centers (VSPCs) starting 15 days before the election through Election Day. A voter can also choose to vote in person and is required to present valid identification.

Other states:

In 2018, Utah implemented UVBM for 99 percent of its voters. In 2020, Hawaii became the fourth state to implement UVBM. Seventeen other states allow all-mail voting for some elections.

⁶ Oregon Secretary of State, Elections Division, “Oregon Vote-by-Mail.” <https://sos.oregon.gov/elections/Documents/statistics/vote-by-mail-timeline.pdf>, accessed 29 February, 2020.

Table 1 | Comparing election practices in the three original UVBM states:

Election Practices for VBM States			
Election Practices	Colorado	Oregon	Washington
Registration	Same day	21 Days	Same day
Voting Guides with candidate and referendum information	Blue Book online for referendum information only. Other voter information online.	State version mailed to every household. Access online, request by phone or pickup. Counties may mail guide too.	State version mailed to every household. Access online, request by phone or email. Local online.
Mailed Ballots	No later than 18 days before Election Day.	Every registered voter 14 - 18 days before Election Day.	Every registered voter at least 18 days before Election Day.
Drop Boxes	Yes, locator online.	Yes, locator online and phone.	Yes, online maps and by signing in.
Postage	Postage required but ballot still delivered if postage is not paid.	No postage required as of 2019.	No postage required.
Tracking	Online.	Online and phone County Elections Office.	Online.
Error Notification	Yes, tracking for mailing, delivery and received. Sign up online for email, phone or text notification. Letters sent for signature issues.	Yes, tracking when ballot mailed and accepted for counting. Sign up online for text, phone or email notification. Letters sent for signature issues.	Yes, status of ballot available online. Sign up online for phone or email notification. Notification by letter of signature issues.
Requirement for in-person services	As of 2019, One Voter Service and Polling Center per county with 10,000 registered voters. LARGER counties based on registered voters, Prior to Election Day - one for each 20,000 - 75,000 registered voters the day before and Election Day - one for each 10,000 - 12,000 registered voters. All public higher education campus with over 2,000 students	One voting booth (minimum 3 individual booths) for counties under 35,000 registered voters. Counties over 35,000 registered voters - one voting booth per 20,000 registered voters. Location up to counties.	One Voting Center per county during the voting period. Voter registration must be available at County Auditors Office and the Division of Elections if in a different location. In addition, during Presidential General Election, a city over 100,000 must have a location to register voters, which can be one of the locations noted above.

In-person services provided	ID required for in-person voting, In-person voting, voids mailed ballot. Voters can access any county voting center. Other services: Register to vote Drop box Replacement ballot	In-person voting at voting booths and voids mailed ballot. Other assistance is provided at County Elections Office, by phone, online or in-person. In-person assistance is not mentioned much; almost any problem says contact your County Election Office.	ID required for in-person voting. Mailed ballot can be used for in-person voting. Other services: Voter registration Election materials Replacement and provisional ballot Drop box
Deadline	Received by 7PM Election Day.	Received by 8PM Election Day.	Postmarked by Election Day and drop box by 8PM Election Day.

Table 1

III. Ongoing Absentee Status and Vote-by-Mail: Maine Law and Legislation:

A 1999 change in state law to allow “no excuse required” absentee voting (Title 21-A MRSA section 751) ushered in a new era in Maine elections. Since then, the number of absentee ballots cast has surged, growing from 10% of ballots cast in 2000 to about 30% in recent years.⁷

The Maine absentee system is a hybrid that combines features of Voting-by-Mail with a semblance of early in-person voting. Up to three months before an election, voters can apply to have an absentee ballot mailed to their home. Ballots are mailed from their clerk as soon as they are ready, and no later than 30 days before Election Day. Voters can return their ballots by mail (adding their own postage), or they can return them to the municipal clerk up until the closing of polls on Election Day. Ballots can also be obtained from and returned to the clerk’s office by immediate family members and by third-parties, although special restrictions apply to third-party ballot-running.

Alternatively, voters can go directly to their municipal clerk’s office and complete an absentee ballot on the spot without having to submit an application. From the voter’s perspective, this is effectively early voting. However, the ballots are processed, secured, and counted as absentee votes.

1. Ongoing Absentee: An Evolution Toward Universal Vote-by-Mail

⁷ “Analysis of Absentee Ballots for November of 2016 and 2018” Provided by Deputy Secretary of State Julie Flynn on February 25, 2019.

In 2009, LD 150 proposed allowing voters to apply, in writing, for ongoing absentee status. This option would let voters automatically receive an absentee ballot for statewide elections without having to submit an application each time. This is essentially opt-in Vote-by-Mail. Instead of passing the bill as written, the legislature directed the Secretary of State to conduct a pilot program of ongoing absentee status.

The pilot was conducted over three elections in four municipalities. In his final report to the legislature, then-Secretary of State Charles Summers recommended against extending the pilot program. He cited limitations of the Central Voter Registration system that would make it difficult to track voters with this status. He also noted that clerks found that some ballots were returned as undeliverable, even though the addressees had signed up for ongoing status quite recently.⁸

Biddeford clerk Carmen Morris found the process “easy to administer” and also cited favorable comments from voters. (Biddeford had been providing informal ongoing absentee status as a service to voters, but ended the practice after Ms. Morris learned that the law required that voters request an absentee ballot for each election.⁹) Representative Ryan Fecteau of Biddeford sponsored unsuccessful bills enabling ongoing absentee status in 2017 (LD 439) and in the first session of the 129th Legislature (LD 753). His bills allowed municipalities to offer the option of ongoing absentee status but did not mandate that they do so. The League of Women Voters testified neither for nor against LD 753. Our testimony acknowledged the added convenience for some voters, but also cited concerns about undeliverable ballots and the potential for fraud.

As this report is being written, a new bill to implement Ongoing Absentee status is under consideration by the Veterans and Legal Affairs Committee in the Second Session of the 129th Legislature. The bill, LD 2067, would establish the option of Ongoing Absentee Status in all municipalities. LVWME supported the bill with reservations; we highlighted concerns about the number of undeliverable ballots during the ongoing absentee pilot study. The bill was opposed by the office of the Secretary of State and the Maine Town and City Clerks’ Association.

2. Voting by Mail is Introduced

In the first session of the 129th legislature, LD 272 An Act to Allow Voting by Mail proposed rapid implementation of Universal Vote-by-Mail:

Notwithstanding any other provision of law to the contrary, beginning November 1, 2020, all elections for President of the United States, United States Senator, United States Representative to Congress, Governor, State Senator and State Representative and on referendum questions must be conducted by mail.

⁸ Charles E. Summers, Jr., Secretary of State. February 15 2011

⁹ Testimony of Carmen Morris on LD 753, 2011

The bill mandated convening a commission to make recommendations for implementation. Not having a position on voting by mail, the League testified neither for nor against. While acknowledging potential benefits in efficiency, especially if ballots are mailed to a central counting facility, we testified:

"These potential benefits are by no means guaranteed. Maine's no-excuse absentee voting system already provides citizens the option of voting from home. Adding permanent absentee voter status could enhance this provision. There's also a financial tradeoff: the cost of running polling places might be lower, but the cost of ballot management would likely increase."

We urged that any Vote-by-Mail process should include centers where voters can register and vote in person on Election Day. "But this would look more like what we've already got: no-excuse absentee voting. Or perhaps the convenience that voters want could be provided by [true] early voting." Our testimony concluded by recommending that a committee be established to study the issue further.

The bill died, and since the legislature took no steps to establish a study committee, the League forged ahead with its own research, of which this report is the result.

In the same session, the Secretary of State introduced a proposed constitutional amendment that would have authorized the legislature to enact bills allowing for early voting or voting by mail. The League supported LD 1631, but the resolution failed.

3. The Constitutional Question

Would implementing voting-by-mail require a change to the Maine Constitution? In her testimony in support of LD 1631, the constitutional resolution mentioned above, Deputy Secretary of State Julie Flynn stated, "Currently, the Maine Constitution, in Article II, section 4, explicitly states that 'The election of Senators and Representatives shall be on the Tuesday following the first Monday of November biennially' and the election of Governor 'shall be' on that same Tuesday every four years. This language does not appear to leave the Legislature any room to expand the period of time during which the general election may take place (such as through early voting, Voting by Mail or any future election systems or processes that may be created.)"¹⁰

Former Assistant Attorney General and LWVME board member John Brautigam advances an alternative view:

"Currently, the only exception to in-person voting on election day is by absentee ballot. However, it is plausible that 'Election Day' is the day voting concludes and that the ballots are counted, and not necessarily the day that all the ballots are cast. The constitution mandates a certain day for 'the election.' But the Constitution is not clear

¹⁰ Testimony by Julie L. Flynn, Deputy Secretary of State, March 1, 2019

that voting may only occur on ‘Election Day.’ It is conceivable that voting could occur over a span of time up to Election Day, and that ‘the election’ itself would be defined as the day upon which voting concludes and counting begins. Maine already allows voters to cast a vote in advance of Election Day. Article II, Section 4 of the State Constitution provides that ‘The Legislature under proper enactment shall authorize and provide for voting by citizens of the State absent therefrom in the Armed Forces... and for voting by other citizens absent or physically incapacitated for reasons deemed sufficient.’”¹¹

Furthermore, Maine law already provides an option for towns to begin counting absentee ballots as early as the Friday before Election Day.

IV. Arguments Advanced by Proponents of UVBM:

1. Increase in voter turnout:

Universal Vote-by-Mail is the only current voting system that puts a ballot before every registered voter; an open invitation to vote. Three states that were among the top 10 states for voter turnout in 2018 are UVBM: WA, OR, and CO. Proponents of UVBM believe it is a direct path to an increase in voter turnout. The states of Utah and [Hawaii](#), with some of the lowest voter turnout historically, have added it to their efforts in order to increase voter turnout.

Maine also is in the 2018 top 10 states for voter turnout. Maine’s voting system is a combination of approximately 70% in-person Election Day voting, 10% early in-person absentee voting, 10% drop-box absentee voting and 10% mail-back absentee voting¹².

The premise of UVBM is to rely on mailed ballots and significantly reduce sites (open from the day ballots are mailed until Election Day) for in-person voting, drop boxes, registration, and voter assistance. Colorado and [Utah](#) have both faced long lines on Election Day due to voters preferring or needing in-person access. In 2019, Colorado voted to increase their two-year election budget by \$2 million to open more voting centers.¹³ The reduction of voting centers/polling sites may negatively affect Maine’s voter turnout due to a loss of community, access to same-day registration, no confidence in the postal service, and reduced access to in-person voting.

The Maine town of Biddeford is an interesting parallel to ongoing absentee ballots and UVBM.¹⁴ Biddeford had offered unauthorized ongoing absentee ballots prior to 2010. In

¹¹ Email message from John Brautigam to Penelope Hamblin,

¹² LD2067 Julie Flynn Testimony, February 12, 2020,

<https://www.mainelegislature.org/legis/bills/getTestimonyDoc.asp?id=138802>

¹³ “Colorado has one of the best election systems in the country, but Democratic lawmakers want to make it better”, Nic Garcia, The Denver Post, April 22, 2019.

¹⁴ Comparison of Maine voting turnout by League of Women Voters of Maine,

https://docs.google.com/spreadsheets/d/1ugNixr03CNRthQ2c8Lqiemw__sPM6jxp-Fha5o6oJ7Q/edit?usp=sharing

2010 Biddeford changed to sending out reminders to all prior absentee ballot users before each election, including an absentee ballot request form. Up until 2014, Biddeford demonstrated an increase in voter turnout compared to similar Maine towns in the same area, especially odd year elections. In 2014, Biddeford reduced their polling sites from 5 to 3, resulting in lower turnouts compared to the same towns. This history implies beneficial results from communicating with voters and negative results when easy access to polling sites is reduced.

In 2011, the [League of Women Voters - San Francisco did a study](#) on whether SARAT can be used to support UVBM and if LWVSF should continue to support UVBM. In their study they referenced a number of presentations and studies. One study in the report stated that though optional absentee voting is popular, a mandatory Vote-by-Mail process may reduce the likelihood of an individual voting by 13%, especially without significant communication to vote (4 pieces of mail sent by election officials).¹⁵

Two journal publications weighed in on UVBM and voter turnout:

VBM Richey, Sean "Voting by Mail: Turnout and Institutional Reform in Oregon. Social Science Quarterly V 89 N 4, 2008:

"If we are concerned with increasing turnout from all eligible citizens, then the reform does not meet that challenge. To facilitate greater turnout generally, we must consider combining simpler registration procedures with vote by mail."

Southwell, Patricia, "Voting Behavior in Vote-by-mail Elections". Analysis of Social Issues and Public Policy, V 10 N 1 2010:

"Previous research on the impact of vote-by mail on the nature of the electorate has generally found that vbm facilitates the participation of likely voters rather than drawing nonvoters into the electorate. The mobilizing effect of vbm during presidential elections is due to the elimination of the "bad day" phenomenon for habitual voters. When elections are conducted at the polling place, an unexpected crisis, such as medical emergency, automobile trouble, or an unanticipated trip, effectively disenfranchises the usually faithful voter. Under a vbm system, such crises are less likely to interfere with one's ability to vote."

In an unscientific interview process, one Maine voter¹⁶ who lived in a UVBM state for ten years found themselves voting less, one Utah millennial new to Maine¹⁷ likes having

¹⁵ League of Women Voters of San Francisco, Education Committee Vote by Mail Study, March 15th, 2011, http://clemsonarea.sc.lwvnet.org/files/VBM_Analysis_final_document.pdf

¹⁶ Phone interview with Evan Tess Murray, January 1, 2020, https://docs.google.com/document/d/1-szlf9qzZb4iKKXFYEzX8TYyk7Aw33YbGF_nP8SOqlU/edit?usp=sharing

¹⁷ In-person interview with Kirk Earl, January 7, 2020, https://docs.google.com/document/d/1JMd4eX5Af_7ZUaQDejYMmeTZnSkfPsczSn2_mAbxGOU/edit?usp=sharing

choices for voting but prefers voting in person, one retiree who has voted in many states prefers to vote in person, and a disabled voter in a UVBM state felt UVBM was great for them. Reasons for preferring voting in person included it feels good as a civic duty and a feeling of security that their vote was counted.

Increased voter turnout cannot be directly attributed to UVBM. UVBM states also have a mix of AVR, same-day registration, and voter guides mailed to each household. Colorado and Utah passed and implemented UVBM and same-day registration at the same time. Prior to the first year using UVBM (2018), Utah also allowed early voting and produced voter guides with candidate and referendum information. Voter turnout in Utah of eligible voters increased by 12% in 2018. Utah Election officials also attributed the increase in voter turnout to support for a medical marijuana ballot initiative, the U.S. Senate race of Mitt Romney, and the political climate.¹⁸

2. Increased Accessibility:

UVBM increases accessibility for many voters, eliminating obstacles caused by disabilities, lack of transportation, work, daycare, bad weather, travel, and other commitments.

Maine currently allows no-excuse absentee ballots, available by request or by early in-person voting (using absentee ballots) that also mitigates many of these obstacles.

However, it has been noted by the League of Women Voters of Maine and the League of Women Voters of San Francisco that vulnerable populations may see a drop in accessibility due to UVBM, including the homeless, Native Americans, populations with poor postal access, and populations with high mobility, including college students, and low income households, which can also include seniors and disabled households. Households below the poverty line have twice as much residential instability (19%) as non-poor households (10%).¹⁹ In addition, centralized UVBM voting systems typically rely more on on-line ballot tracking and voter guides that excludes households with no or limited computer access.

3. UVBM reduces the cost of elections:

The cost for elections by state is not only hard to determine but also hard to compare with other states. State voting costs, when available, rarely break down costs or identify which costs are included. Costs per vote cast for UVBM states range from \$9.56 (Colorado) to \$1.05 (Oregon).

¹⁸ "Lt. Gov. Spencer Cox praises 'ridiculous' jump in Utah voter turnout after statewide canvass of election results", Benjamin Wood, The Salt Lake Tribune, November 26, 2018, <https://www.sltrib.com/news/politics/2018/11/26/lt-gov-spencer-cox/>.

¹⁹ "Family Residential Instability", Urban Institute, May 2018, <https://www.urban.org/research/publication/family-residential-instability-what-can-states-and-localities-do>.

It is clear that some states have realized savings. [Colorado's implementation of UVBM](#) saw savings from the reduction of provisional ballots of 39,000 down to 1,000. In 1992, [Oregon's governor looked to UVBM to reduce the state budget](#) based on a task force study.

Maine's cultural and political history make it different from some of the western states that have embraced UVBM. Maine, along with 8 other states rely on towns to manage elections, making claims of cost reductions harder to justify for Maine. States that have implemented UVBM have county-run elections and saw reductions in costs due to lower labor and facility costs when they reduced polling/voting sites. In Maine, most facilities are owned by the town and much of the labor is supplied by current employees during their regular working hours. Any cut to polling sites would not generate enough savings to cover increases in printing costs, postage and ballot processing, including ballot preparation, signature validation and counting. An estimate based on election data supplied to the Secretary of State saw an increase of \$.90 per vote cast if Maine implemented UVBM under the current election process.²⁰ This does not include any increases that would result if municipal elections did not continue to be partnered with state elections.

The cost estimate noted above does not address the issue that UVBM may be too labor intensive for towns to continue to manage, necessitating a centralized voting process. Again, there are not enough cost reductions identified that could cover start-up (\$1.5 million for Colorado) or operation costs for a centralized system, which could include mailing machines, signature verification equipment, increased security measures, labor to run a centralized process, and software for tracking ballots while still maintaining voting centers for drop boxes, in-person voting, same-day registration, and voter assistance.

4. VBM requires paper ballots:

VBM, by its nature, requires a paper ballot, which is considered essential for re-countability and security. Maine already uses paper ballots.

5. VBM allows time to study referendums and candidates before voting:

Access to an official ballot weeks before an election allows voters to take their time deciding how to vote. There are no surprises at the polls. It should be noted that Oregon, Utah, and Washington have on-line and mailed voter guides that include information and statements from candidates and arguments for and against referendums.

²⁰ Spreadsheet developed by League of Women Voters of Maine, based on Secretary of State survey, <https://docs.google.com/spreadsheets/d/1q93-PV4vGzQVg1GcJBQRcc1jI6M791H2F9RMAOwiFv4/edit?usp=sharing>.

V. What Would UVBM Fix in Maine?

What should Maine take away from UVBM? What can UVBM fix for Maine? It is the League of Women Voters of Maine's mission to consider and promote changes that engage every voter. There are some benefits attributed to UVBM that Maine's election process already includes: paper ballots, accessibility, reduced costs, and high voter turnout.

The premise of UVBM to send out a ballot to all registered voters is an invitation to vote, a significant psychological advantage currently not used in Maine. LWVSF reported that four communications from election officials are needed to ensure higher voter turnout with UVBM. Currently in Maine, there is little outreach from towns, counties, or the state to encourage people to vote, to share sample ballots, or to provide information/sources to learn more about referendums and candidates. Under UVBM, earlier access to an official ballot also provides voters time to study candidates and referendums before they vote. It also ensures that there are no surprise races or referendums on the ballot, causing voters to forego voting on these issues. In addition, many UVBM states also provide on-line and mailed voting guides, including information about referendums and candidates. John Lindback, former Oregon Director of Elections, believes Oregon's voter guides, distributed for 20 years, is a huge part of the process²¹. If we don't implement UVBM Maine can still invite, engage, and inform to increase voter participation.

VI. What Could VBM Compromise in Maine?

1. Security:

Absentee ballots and VBM create unique security and process concerns. Concerns begin at delivery. Ballots delivered by the USPS have no chain of custody. With ballots moving through so many hands, there is no guarantee ballots are secure through the process. The success of ballot delivery is also at risk, due to lost mail, late delivery, undelivered mail, and undeliverable mail due to incorrect or no longer valid mailing addresses. Julie Flynn, Maine's Deputy Secretary of State, noted in a pilot program for ongoing absentee ballots that there was a marked increase in undeliverable mail after 18 months.²² Mailed ballots cannot be forwarded. These undelivered ballots are supposed to be returned to the sender, but despite the heroic efforts of our postal carriers, these protocols may be imperfectly implemented. But if the USPS is not aware of the address change, ballots that are delivered to an outdated address become loose within the community, without tracking or means to control their use.

²¹ Notes from phone call with John Lindback, December 10, 2019, <https://docs.google.com/document/d/1VKfODQMW2AKHtB-gf2vjpj4-4LuY0ZXZqtfdB4OBSM/edit?usp=sharing>.

²² Testimony on LD 753, Julie Flynn, Deputy Secretary of State, February 25, 2019, <https://www.mainelegislature.org/legis/bills/getTestimonyDoc.asp?id=94563>.

Concerns also center on coercion, including door to door pressure, false information about ballots, and organized collection of ballots with intent to alter or not deliver ballots. Voters can also be pressured from friends, family, employers, or other persons. Any mailed ballot is at risk for the intended voter not to be the one casting the vote. Organized absentee ballot fraud has been documented in New Jersey and California. In 2018, a North Carolina election was overturned due to an organized illegal collection of ballots with many ballots not submitted for counting based on party affiliation.

Secrecy is also at risk from multiple interactions, including privacy within the voter's home and the delivery, handling, and processing of ballots.

Reliable validation of signatures is a critical process in mailed ballots. This step can be a tool, like photo IDs, to confirm the identity of the voter. But it can also be an obstacle in the voting process, with a valid signature being questioned and rejected. Similarly, signatures can also be approved and counted in error. Signatures can change over time and conditions, while subjective decisions by election officials who may or may not be well-trained or the miscalibration of signature validation equipment can reject signatures in error. The process of rejecting a signature, contacting the voter, and correcting the problem may put the vote being counted at risk.

The League of Women Voters of Maine has identified ways to mitigate security concerns, including joining the ERIC interstate voter registration database system, redesigned ballot envelopes, implementing best practices, and more centralized voting processes. However, these protocols have not yet been implemented and concerns cannot be fully eliminated.

2. Ballot Rejection:

Ballot rejection is unique to mailed ballots, including UVBM. Unlike in-person voting in scanner jurisdictions where voters can confirm their vote was accepted before they leave the polling place, unless sophisticated absentee ballot tracking is accessible by voters, there is no way for a VBM voter to ensure their ballot has been counted. (Note that in handcount jurisdictions, ballots that are spoiled because of an over-vote, for example, would never be known to the voter.)

There are many reasons an absentee ballot can be rejected, including certification not properly completed, returned after deadline, returned as undeliverable, duplicate ballot received, envelope not signed by voter, missed enrollment date, not a registered voter, and signature does not match application. Though many states have detailed cure procedures, the national average for rejected mailed ballots is 1%. In November 2018, 2,119 absentee ballots were rejected in Maine.²³ Of those, 858 were rejected because the envelope was not signed, while 475 were received after the deadline. Unless those voters were notified and given a chance to fix the

²³ Office of the Secretary of State, "Civilian Absentee Ballots Returned and Rejected for November 2014, 2016 and 2018; February 26, 2020.

problem or vote in person, they were disenfranchised despite taking steps to vote. This does not include 8,104 mailed ballots that were never returned.

In the current political climate, rejected ballots create troubling headlines:

“Pa. absentee vote rejections high for U.S” – Philadelphia Inquirer 7/26/2019

“Young Parkland voters’ ballots were rejected at much higher rate than state average in November” – Washington Post 3/24/2019

“Georgia county tosses out hundreds of minority absentee ballots” – CNN 10/20/2018.

Tracking absentee ballots helps UVBM voters in Washington, Oregon, Utah, and Colorado to verify their ballot has been counted. This option requires centralized automated systems, including ballot envelopes printed with tracking numbers. Most states also provide an option to sign up on line for text, phone or email notifications. Though this tracking can send out alerts concerning signature validations or envelope acceptance, it can not notify voters of voter errors, including overvoting or undervoting. Often, tracking is accessed online, adding differential barriers to voters without internet access.

3. Voter Choice and Accessibility:

Accessibility to same day registration (SDR) could be at risk under some models of UVBM. A major argument for UVBM is reductions in voting system costs, normally realized by reducing the number of voting service and polling sites. Oregon, Washington, and Colorado, states with UVBM, all have greatly reduced sites (see matrix). If Maine voting sites are reduced to the same standards, first time voters or voters who encounter errors in their registration would no longer have convenient access to register or re-register. Same day registration has been available in Maine since the 1970s with over 500 sites available on Election Day. SDR was reaffirmed in Maine by a People’s Veto in 2011 after legislation was passed to enact a 2 day deadline to register. In 2012, Project Vote determined 8.07% of Mainers who cast a ballot registered on Election Day. Project Vote also documented a significant increase in voter turnout in SDR states versus non-SDR states each election from 1980-2012.²⁴ The issue could be mitigated by retaining more service/polling sites, as Colorado passed legislation to do in 2019, but this would increase the cost of VBM and begins to mirror Maine’s current system. Implementation of AVR may mitigate some of the demand for same-day registration.

UVBM could reduce voting access to special populations, such as Native Americans and homeless voters due to access to a physical or consistent physical address; some subset of the special population may find it more difficult to track ballot status, as well, due to technology limitations.

²⁴ Project Vote, “Same Day Registration, February 2015, <http://www.projectvote.org/wp-content/uploads/2015/06/SameDayFactSheet-PV-Feb2015.pdf>.

Adopting rules such as the Oregon model require a secure computer system, voter education, and convenient online access for tracking ballots, drop box locations and voter information , and by its very nature will be further limiting to those who do not have access or skills to use the online system.

UVBM would greatly reduce traditional in-person voting. VBM models generally have drop in locations where voters can deliver their ballots; these locations could be town clerks' offices or other accessible locations, though fewer locations may be designated by the State; and a window of time to deliver the ballot would be available rather than the traditional standard for in-person Election Day balloting.

Similar to the changes affecting in-person voting, early voting will remain an option in the 100% VBM model. Ballots can be hand delivered or mailed, allowing the voter to choose what time and method is most convenient.

A voter receiving a ballot will continue to be able to cast an In Person ballot on Election Day, though the location of the voting station may not be located in the general proximity of the previous location. Maine could mitigate this by retaining all of the current clerks' offices and polling sites as drop off points.

Currently, in some situations a third party can deliver an absentee ballot for the voter. Maine can retain this option in UVBM.

4. Centralized Elections:

The Maine Secretary of State's office believes, from an ongoing absentee pilot, that ongoing absentee ballots will not increase voter turnout but will convert current in-person early voters to mailed absentee ballots, increasing processing and cost for towns.²⁵ The concern from this analysis is that implementing ongoing absentee ballots will make UVBM inevitable, limiting other popular voting choices. In this analysis, it was found that states having implemented ongoing absentee ballots found the increase in mail ballots created a tipping point toward UVBM; security, voter confidence, timely ballot counts and cost efficiencies were at risk in dual and decentralized voting methods. Oregon faced this challenge in 1998²⁶ and Washington in a controversial governor election in 2004.²⁷ Both states enacted VBM laws to address these concerns. Under Maine's current election process, absentee ballots are already tasking Maine towns, where the management of elections resides.

²⁵ Phone conversation with Julie Fynn, Deputy Secretary of State, December 17, 2019, <https://drive.google.com/file/d/1yftJr7yf1hmuO0jy7PDaGmCG1qJr6zSb/view?usp=sharing>.

²⁶ Email from long time member of League of Women Voters - Portland (Oregon), Debbie Aiona, 1/17/2020, https://drive.google.com/file/d/1uWJI7Q1lhl-QimKMQ555Q3TrcmXIGTy_/view?usp=sharing.

²⁷ "Election Reform in Washington State", study by League of Women Voters of Washington, Fall 2016, https://lwwva.org/resources/Pictures/election_reform_study.pdf.

5. Citizens' Initiative Process:

UVBM will negatively impact Maine's citizen initiative process. Currently, organizations collecting signatures gather a large share of their signatures on Election Day at polling sites. The reduction of polling sites and in-person voters will significantly impact this resource, increasing the reliance on paid signature collectors and limiting access to the citizen initiative process to groups without high levels of funding.

VII. Best Practices:

We have compiled a set of recommended best practices that maximize the advantages and minimize the disadvantages of UVBM as outlined above. Each of these practices is in use in at least one of the three UVBM states: Oregon, Washington, and Colorado.

- At least one in-person voting and assistance site per county operating from the time ballots are mailed until Election Day closing, referred to as Voting Centers instead of polling sites.
- Non-USPS drop boxes for ballots
- Centralized methods for mailing, tracking ballots, verification of signatures, and counting ballots to increase cost efficiencies and process/security oversight.
- More robust error notification for absentee voters.
- Reliable signature verification on each return ballot envelope, with effective cure processes.
- Participation in ERIC (Electronic Registration Information Center - ericstates.org)
- Proactive registration address updates (AVR, USPS NCOA).
- Return postage
- Communications directly to voters including, voter guides mailed to every household, texts on status of ballots and deadline reminders.
- Strong penalties for anyone who subverts the process.

VIII. Conclusion and Recommendations:

In reaching our conclusions, we faced a dilemma. Universal Vote-by-Mail is promoted as a system that offers maximum convenience and accessibility to voters. However, UVBM by its very nature could limit choices on how to vote and reduce civic engagement by eliminating Election Day activities at the polls. Despite new ballot-tracking technologies, there are legitimate security concerns about the delivery, marking, and return of ballots unsupervised by election officials. These concerns apply to absentee voting as well as UVBM, but to the extent that UVBM multiplies the number of absentee ballots, it multiplies the risks.

Beyond voter convenience, the benefits of UVBM are harder to gauge. Voter turnout is hard to measure as it is not only a fluid process, impacted by election cycles, demographics and political climates, but it also cannot easily be attributed to UVBM. Most states have implemented UVBM in partnership with other highly effective methods that Maine has already adopted or can adopt without UVBM. Further academic study of the impact of UVBM on voter turnout is needed. According to our calculations, UVBM would not save money for Maine, given the high cost of printing, preparing, and mailing ballot packets to every voter, signature verification, and counting returned ballots. Best practices for UVBM, including a more centralized and automated process, would likely be more costly.

Our conclusions:

1. Maine's election system should protect our current range of choices.
2. Voting by mail is convenient. In the absence of UVBM, Maine makes it very easy to request a no-excuse absentee ballot.
3. Voting conducted under the supervision of trained election officials is generally more secure than absentee or UVBM voting.
4. Voting conducted under the supervision of trained election officials provides more opportunities for voters to correct improperly marked ballots.
5. Further academic study of the impact of UVBM on voter turnout and engagement is needed.
6. Implementation of UVBM in Maine according to the best practices outlined above would be unlikely to offer significant cost savings. This analysis could not identify any savings by implementing UVBM under the current system and the significant changes needed for best practices outlined above could likely increase costs more.
7. Best practices developed for UVBM related specifically to handling absentee ballots should be reviewed and implemented where applicable.
8. Outreach to all voters and an invitation to vote are where UVBM shines. We would support providing more resources to the Secretary of State so that sample ballots, election guides, and invitations to vote could be mailed to every household before every election.
9. Per CalTech/MIT Voting Technology Project²⁸, recommend promoting voting methods in the following order: Election Day in-person voting, early voting, and absentee ballots, to maintain lower costs, increase security, and decrease the impact of timeliness of voting.

²⁸ "Administration of Absentee Ballot Programs", Barry C Burden and Brian J Gaines, CalTech/MIT Voting Technology Project, July 15, 2015, [file:///C:/Users/nlban/AppData/Local/Packages/Microsoft.MicrosoftEdge_8wekyb3d8bbwe/TempState/Downloads/WP_112%20\(1\).pdf](file:///C:/Users/nlban/AppData/Local/Packages/Microsoft.MicrosoftEdge_8wekyb3d8bbwe/TempState/Downloads/WP_112%20(1).pdf).