



## SUSTAINING CAPITALISM

A series focused on nonpartisan reasoned solutions in the nation's interest to the central challenges we face in order to provide prosperity for all Americans.

### 2020 Election: Achieving a Safe, Accessible, and Credible Election during COVID-19

The 2020 general election is already underway, with absentee ballots being mailed out and collected in some states. And what seemed worryingly possible in the spring is now inevitable: the COVID-19 pandemic will be an important factor in the conduct of this fall's election. Every community must address the public health threat and facilitate safe participation. Policymakers, election officials, and business leaders must ensure that voters need not choose between exercising their franchise and protecting their health, and that the election itself does not further spread COVID-19.<sup>1</sup>

The Committee for Economic Development of The Conference Board (CED) strongly believes that transparent, fair, and accessible elections are fundamental to the confidence of US citizens in their government and its leadership, and to the long-term health of the US economy. In [May](#), [June](#), and [July](#), CED called on Congress to provide states with funding to conduct a safe, accessible, and credible election in the midst of a pandemic. With the election in progress, and Election Day less than two months away, the states and local communities, with or without federal support—including leaders in the business community—must act to meet those goals.

As explained in this Solutions Brief, there is still time to protect voters and poll workers and maintain trust in the conduct and outcome of elections. Fortunately, effective measures are already in force in pockets of the country, with states and election officials needing only to replicate the best preparations and practices nationwide. This brief outlines recommendations policymakers should adopt to improve operations in their jurisdictions. Given the public health challenges involved, business leaders will also play a critical role in protecting their employees, customers, and communities during a successful election. To the extent possible, business leaders should take the concrete steps outlined in the brief to assist in the election effort.

# Recommendations

To protect voters and poll workers and maintain trust in the conduct and outcome of elections, policymakers and election officials should adopt election best practices designed to address the COVID-19 pandemic, including:

- Choosing appropriate polling sites and adjusting the polling-place environment and procedures for safe in-person voting
- Providing appropriate staffing and equipment for polling sites and training for poll workers
- Offering at least 10 days of early voting, including some weekend and evening hours
- Offering postage-paid, “no-excuse” absentee voting, supported by:
  - Voter registration and absentee ballot requests without in-person trips to election offices or notaries, including postage-paid applications for absentee ballots mailed to all registered voters where feasible
  - Early processing or counting of absentee ballots received prior to Election Day, with clear communication of the status of absentee ballot submissions
  - Secure, video-monitored absentee-ballot drop boxes with tight chains-of-custody procedures
  - Best practices for absentee ballot design to avoid missing or misplaced signatures
  - Clearly communicated absentee ballot deadlines, based on when a ballot is posted rather than when it is received, backed by a commitment from the US Postal Service to postmark all absentee ballots received

Business leaders should take concrete steps to assist in the election effort—helping to protect their employees, customers, and communities—including:

- Communicating new voting rules, options for voting, and voting procedures to employees and customers, including providing reminders to help their own employees vote early
- Directly aiding election officials through the donation of needed infrastructure, technology assistance, supplies, and services
- Making it easier or more affordable for employees to serve as poll workers
- Providing paid leave to facilitate safe voting and reduced crowding at the polls

## COVID-19 Requires Significant Changes to In-Person Voting

As in many other aspects of American life, the COVID-19 pandemic requires rethinking how Americans participate in an election—redesigning processes to limit in-person contact, and when such contact is unavoidable, providing tools to minimize risk. States and localities must shape their policies and procedures to ensure voter confidence in two fashions. First, voters must feel confident that they can vote easily, safely, and securely, without undue risk of contracting the virus. Second, even under altered procedures, Americans must feel that the election was conducted fairly and accurately reflects the will of the voters. Failing the former will threaten the latter, making access to safe voting procedures a primary concern.

Ensuring a credible election is a shared, bipartisan responsibility. Political parties must recognize their role and long-run self-interest in ensuring the election results are widely viewed as legitimate, even with the special requirements of the pandemic. The practice of allowing partisan and third-party poll monitoring should be protected, and widespread poll monitoring on a bipartisan basis—with trained, partisan observers from both sides participating at the same polling locations—should be encouraged to give confidence to voters of both parties. It is paramount that election officials clearly communicate new and existing options and measures that ensure safety and security.

Prior to 2020, five states—Colorado, Hawaii, Oregon, Utah, and Washington—already conducted their recent elections primarily through absentee ballots.<sup>2</sup> In the other states, even with large numbers of voters opting for absentee ballots, in-person voting remains the most common experience.<sup>3</sup> Even during the pandemic, if in-person voting remains an option, most voters will likely do so. Election Day during the 2018 midterms saw over 67 million Americans vote in person at one of more than 200,000 polling places, using the services of more than 630,000 poll workers.<sup>4</sup> Additionally, some voters need the accommodative services that polling places may provide—like language interpretation or physical voting assistance—and that may not be easily available to absentee voters.<sup>5</sup>

Minimizing the risk of in-person voting—giving voters and poll workers confidence that voting will be safe—requires reducing the largest risk factors for spreading the virus as currently understood.<sup>6</sup> This likely means reducing opportunities for potential crowding, reducing the time anyone spends in poorly ventilated areas, and providing extra protection to those who will have the most, and most sustained, interpersonal contact—the poll workers. Based on Centers for Disease Control and Prevention (CDC) guidance issued in June, states and localities should pursue three strategies: adjusting the physical environment of the polling place; providing appropriate staffing, equipment, and training; and spreading voter traffic over time to reduce crowding.<sup>7</sup>

### Adjusting the physical environment

Some past polling locations will not be sufficiently safe. Small spaces with poor ventilation where overflow traffic is likely to bunch together indoors just might not be acceptable even with additional equipment or other alterations. Instead, election officials should seek well-ventilated locations that can accommodate a one-way flow of voter traffic (including

separate entrances and exits), with backup plans so that voters can remain appropriately distanced from each other indoors or outside should breakdowns result in large crowds.<sup>8</sup> Election officials will have the additional challenge of seeking out new polling locations that can meet these criteria—as well as meet preexisting accessibility needs and ensuring that a change in polling places does not geographically disadvantage some communities of voters.<sup>9</sup>

## Providing appropriate staffing, equipment, and training

Successful in-person voting—including prior to Election Day—requires hundreds of thousands of poll workers, often trained volunteers or one-day employees. It is difficult to recruit needed poll workers, a majority of whom are typically elderly, even in a normal year.<sup>10</sup> With the increased risks from COVID-19—especially for older persons, or those with underlying conditions—it will take a large civic effort to recruit and train the needed poll workers. Some volunteers may be compelled to drop out at a late hour because of unexpected contact with other infected individuals. States and localities—particularly in areas with high community spread—will need to recruit more poll workers than usual and will likely need to dedicate additional resources to do so, including potentially increasing the stipend paid to poll workers to reflect the increased risk of serving this year if recruits are otherwise hard to come by.<sup>11</sup> Some states and localities are offering government employees paid leave days to serve as polling volunteers, a strategy that could be effective in additional jurisdictions.<sup>12</sup>

A clear commitment to poll workers' safety, including in the selection and design of polling places, will help recruitment, but states and localities need to do more. For example, they must ensure that poll workers have personal protective equipment (PPE)—including gloves, masks, and disinfectants—in sufficient quantities for the entire voting period, and plastic or Plexiglas barriers as appropriate.<sup>13</sup> Similarly, states and localities without mask requirements in place should consider imposing them at polling stations, while providing masks for any would-be voters who have not supplied their own. Additionally, poll workers should be tested for COVID-19 to reduce the odds that they themselves are active spreaders. With all these changes in procedures, the heightened risks to poll workers themselves, and the higher volume of first-time poll workers that will be needed, states and localities will need to increase their efforts to train poll workers.

## Spreading out voter traffic

Even in a normal year, long wait times to vote at a polling location are concerning because they discourage participation and occur disproportionately in certain communities.<sup>14</sup> With the COVID-19 pandemic, longer wait times could increase the risk of infection, while the prospect of long wait times could be even more discouraging for the low-income and minority voters most likely to encounter them. Voters typically experience only short waits to vote—nine minutes on average in one study of the most recent general election—but a small fraction encounter a very long wait. In the 2018 midterms, even without the complications of a pandemic, 6 percent of voters reported waiting in line at least 30 minutes, while an estimated 5 percent of voting precincts experienced wait times of over 30 minutes at some point on Election Day.<sup>15</sup> Credibly reducing Election-Day crowding could both reduce the public health threat and increase voters' comfort in participating.

The most straightforward way to reduce crowding and protect poll workers and voters is to provide sufficient opportunities for voting prior to Election Day. States should offer at least 10 days of early voting, including some weekend and evening hours. Expanding the range of voting days will reduce crowding at popular times on Election Day, particularly benefiting voters with work or caregiving responsibilities that constrain scheduling flexibility. Expanded early voting also allows detection and correction of registration errors or kinks in new procedures before the rush of Election Day, when those challenges may lead to large crowds and overwhelmed polling staff.<sup>16</sup>

Some in-person early voting is already common. However, 10 states currently offer no in-person early voting, and several states that do offer it should expand when it is offered. Not including the traditional vote-by mail states, only 15 states and the District of Columbia currently require some weekend hours for early voting. Only six states and the District of Columbia require that early voting sites remain open until at least 7pm on some days, though additional states provide flexibility to local election authorities to offer evening hours.<sup>17</sup> Expanding early voting can be costly for resource-starved states and localities—as it requires securing appropriate polling places and additional staffing—but, considering public health, it is a particularly worthwhile investment in 2020.<sup>18</sup>

# Many states have policies in place to reduce crowding at polls on Election Day

## Early in-person voting



At least **10 days** guaranteed in all locations\*

**27** states

AK, AR, AZ, CA, GA, IA, ID, IL, IN, KY, ME, MI, MN, MT, NC, ND, NE, NJ, NM, NV, OH, SD, TN, TX, VA, VT, WY



**Some weekend hours** guaranteed in all locations\*

**16** states

DC, GA, IL, IN, KY, MD, MI, MN, NM, NV, NY, OH, OK, TN, VA, WV



**Some evening hours** (until at least 7pm) guaranteed in all locations\*

**7** states

DC, IL, LA, MD, NY, OH, TN

\*Includes early in-person absentee voting; does not include the vote-by-mail states (CO, HI, OR, UT, WA), which typically have a drop box infrastructure that allows for voting at extended dates and hours

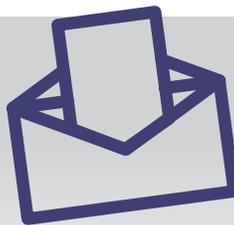
## Absentee voting



**Ballots mailed** to all registered or active voters

**9** states

CA, CO, DC, HI, NV, OR, UT, VT, WA



**Applications for ballots** mailed to all registered or active voters

**9** states

CT, DE, IA, IL, MA, MD, NM, OH, WI



**No excuse required** (beyond COVID-19) for absentee voting

**27** states

AL, AK, AR, AZ, FL, GA, ID, KS, KY, ME, MI, MN, MO, MT, NC, ND, NE, NH, NJ, NY, OK, PA, RI, SD, VA, WV, WY

A justification beyond concern about COVID-19 is still required to vote absentee in 6 states: Indiana, Louisiana, Mississippi, South Carolina, Tennessee, and Texas

Source: National Conference of State Legislatures; secretaries of state

## Every Voter Should Have the Option to Avoid the Polls through Absentee Voting

All willing voters should be able to easily obtain and cast a postage-paid mail-in ballot without an explicit justification. No modifications or precautions can eliminate the public health risks of in-person voting. Some voters—especially those at high risk, or who live or work with high-risk people—will rightfully wish to avoid exposure at the polls. Those voters will not only be safer themselves, but they will also reduce crowding on Election Day and increase the safety of in-person voters and poll workers—cutting down on spreading of the virus.

Increasing shares of voters had been opting to vote absentee even before the pandemic. Nearly a quarter of votes were cast absentee in the most recent presidential election, up from 17 percent in the 2008 general election.<sup>19</sup> Concerns about COVID-19 will only strengthen preexisting reasons for preferring to vote absentee and likely drive record numbers of absentee votes for which states and localities must prepare, even if they have not taken steps to expand absentee voting.

In response to the pandemic, several more states have already moved to allow no-excuse absentee voting or have allowed self-attested concerns about COVID-19 to suffice.<sup>20</sup> At least for the 2020 general election, no-excuse absentee voting is already expected in at least 44 states and the District of Columbia.<sup>21</sup> But states and localities should also implement rules to support a successful absentee vote. For example, states should also help voters to register and request an absentee ballot without in-person trips to election offices or notaries. If states choose not to mail absentee ballots to all registered voters, as is standard practice in predominantly “vote-by-mail” states, mailing postage-paid *applications* for absentee ballots to all registered voters—as 10 states have done or plan to do—paired with clear instructions and ballot design, can inform voters of their opportunity to vote absentee.<sup>22</sup>

Positioning the country to receive a clear indication of the likely results as close as possible to the end of Election Day could help strengthen trust in the outcome. With so many more Americans choosing to vote absentee, states should encourage absentee voters to vote as early as they are comfortable to help facilitate a timely count.

### Absentee voting fraud appears rare though risks should be addressed

Opposition to easy, no-excuse absentee voting, including the mailing of absentee ballots to all registered or “active” voters, has often been rationalized with concerns about fraud.<sup>23</sup> However, despite a few documented instances of fraud—including a high-profile 2018 North Carolina incident of a congressional seat being vacated because of fraudulent activities associated with the winning candidate’s campaign—such cases have been extremely rare.<sup>24</sup> A review of news stories following the 2016 national election found only four instances of confirmed voter fraud, including just one involving absentee voting.<sup>25</sup> In 2018, a White House commission charged with investigating voter fraud disbanded without issuing any substantive findings.<sup>26</sup>

The lack of evidence is of course not proof of the lack of fraud, and getting a precise estimate of how much voter fraud of any type has occurred in past elections is likely impossi-

ble. For one, it can be difficult to systematically detect fraud from election results because even if there are thousands of instances of fraud in a national election, its relative incidence within an avalanche of legitimate ballots might make it hard to detect.<sup>27</sup> “Double voting”—two or more ballots cast in one person’s name in a single election—can at least theoretically be quantified based on information in publicly available state voter files. An analysis of the 2012 presidential election found that the *upper limit* for double voters was roughly 33,000—or about 1 in 4,000 voters—spread across the entire nation.<sup>28</sup> However, the researchers’ audit of a limited selection of voting records suggests that clerical error, rather than actual double voting, was likely the source for much, if not nearly all, of the apparent fraud. This suggests that double voting, including with absentee ballots, has been extremely rare and has not affected the outcomes of even very close election races.

Without credence gained from systematic approaches to detection, the case for voting fraud as a major concern relies on discovering individual instances of fraud. An analysis of The Heritage Foundation’s Election Fraud Database, which attempts to track instances of voter fraud over the past several decades, found only about 200 cases of documented fraud related to absentee ballots over the previous 20 years.<sup>29</sup> Seeking and detecting individual instances of absentee voter fraud is unsurprisingly difficult. Eligible voters whose registrations hypothetically could be used to commit fraud are unlikely to learn if ballots were cast in their names or if their ballots were tampered with after they were cast.<sup>30</sup> However, even with this uncertainty, the low frequency of confirmed absentee voting fraud—including few signs that voter fraud increased in the states that transitioned to primarily absentee voting over the past three decades—suggests that absentee voter fraud, like voting fraud generally, has been extremely rare.<sup>31</sup>

Despite the lack of evidence, a recent poll found that nearly half of respondents thought absentee voting was vulnerable to “significant” levels of fraud.<sup>32</sup> As a result, increased absentee voting could challenge voter confidence and trust in election results—even if those concerns are not well founded—unless voters gain more confidence in the process. However, some efforts to further reduce already low levels of voter fraud could produce only small benefits and make legitimate voting more difficult. For example, one analysis found that purging existing voter registrations that share the same name and birthdate of a more recent registration—a strategy to reduce potential double voting—would likely deregister roughly 300 eligible voters for every potential double vote prevented.<sup>33</sup> Instead, states should closely monitor practices that could be perceived as making absentee voting more vulnerable to fraud and find ways to provide greater confidence in absentee voting without increasing barriers. For example, Colorado provides text message alerts to registered voters when absentee ballot requests have been received, when absentee ballots have been mailed to voters, and when absentee ballots are returned, and several other states make it easy to track the status of an absentee ballot online.<sup>34</sup>

Voters in some states with high volumes of absentee voting have been given the option to place completed absentee ballots in secure, video-monitored drop boxes with tight chains-of-custody procedures, making absentee voting more convenient and providing assurance that the votes will count.<sup>35</sup> States should also process or count absentee ballots received prior to Election Day to facilitate the correction of clerical errors, speed the count-

ing of the bulk of absentee ballots, ease pressure on election workers processing votes immediately following Election Day, and avoid the appearance that large waves of absentee ballots are swaying election results after the fact.<sup>36</sup> One analysis found that only 16 states allow for early counting of absentee ballots.<sup>37</sup>

## Expanded absentee voting presents real challenges

Some election experts do believe that opportunities for fraud may be *relatively* greater with absentee ballots compared to in-person voting, but that absolute levels of fraud will be low either way.<sup>38</sup> Instead, their more pressing concern is that the relatively more complicated absentee voting process will lead to an increasing misalignment between a voter's intention and effective outcome, with more opportunities for error in acquiring and completing an absentee ballot and a greater chance that a vote will go uncounted.<sup>39</sup> According to US Election Assistance Commission data, roughly 1 percent of returned absentee ballots were rejected by election officials in the 2016 general election—compared with roughly 0.6 percent of votes cast in person.<sup>40</sup> Another study estimated that—due to damage or error on the part of postal or election workers or the voter—an additional 0.4 percent of voter-mailed ballots were never successfully delivered.<sup>41</sup> Finally, whether incorrectly marked or intentionally left blank, an estimated 1.5 percent of submitted, unrejected absentee ballots were not tabulated.

The rate of absentee ballots mailed by voters that do not result in counted votes is concerning and poses an additional problem if certain groups of voters are more likely to struggle with the hurdles to voting absentee.<sup>42</sup> However, resources and focus may help. Nearly half of 2016 absentee ballots rejected by election officials had missing or inconsistent signatures.<sup>43</sup> Another nearly quarter of absentee ballots were received after the deadline. Simplifying and clarifying the requirements would help—including adopting best design practices to avoid missing or misplaced signatures—as would clarifying timelines and making returning ballots easier. The rejection rate is lower in the states with the largest share of absentee voters, suggesting that familiarity with absentee procedures, or the infrastructure for absentee voting in such states, could increase absentee voter success.<sup>44</sup>

The risk of higher absentee ballot rejection rates could counsel for slow and deliberate expansion, perhaps modeled on the experience of the vote-by-mail states.<sup>45</sup> But that risk is easily offset by giving voters a safe opportunity to exercise their right to vote in this extraordinary time. The prevalence of absentee voting also may not be something state legislatures can control. Within existing rules, even in the absence of states' encouragement or process improvements, large numbers of Americans will surely opt to vote absentee due to the pandemic. States without a history of high volumes of absentee voting must proactively employ clear communication, thoughtful ballot design, and convenient and secure drop box options to improve the chances of successful absentee voting.

## Postal service challenges are manageable, but performance should be monitored

The successful conduct of every US election depends on the performance of the US Postal Service (USPS). In this pandemic, when more Americans than ever are expected to cast absentee ballots, the quality of USPS service is critical. But the USPS has its own challenges related to COVID-19 and pressures to cut costs, and there is already apparent measurable degradation in the reliability and timeliness of mail delivery, at least in some parts of the country.<sup>46</sup> Votes could be rejected in states that require absentee ballots to be returned by Election Day if extra time is added to the distribution or return of absentee ballots. The USPS itself warned many states that their current deadlines for requesting and returning absentee ballots may not allow consistent delivery in time to be counted.<sup>47</sup>

Congressional concerns over USPS's performance, and the possible repercussions for this fall's election, have become intertwined with ongoing debates about its operations, financial stability, and long-run outlook.<sup>48</sup> But debate over the big-picture role, responsibilities, and management of the USPS can proceed on a separate track from the imminent conduct of the general election.<sup>49</sup> A presidential election in the middle of a pandemic is not the time to implement major changes in USPS operations. Congress should ensure that the USPS keeps up its prepandemic level of services through the fall, providing additional resources if necessary. The postmaster general has offered some assurances along those lines, but with enough subsequent clarifications and caveats to be worrying.<sup>50</sup> Instead, USPS should frequently and publicly report easy-to-track service metrics to be held accountable in close to real time for any dips in performance this election season. Along these lines, the USPS has recently committed to provide some performance data to Congress weekly through the end of the year.<sup>51</sup> Additionally, states should set and clearly communicate absentee ballot deadlines based on what is in the voter's control—when he or she mails the ballot—rather than deadlines based on date of receipt. To facilitate such approaches, the USPS should commit to postmarking all absentee ballots received.

## Business Leaders Can Play a Critical Role in a Successful 2020 Election

Amid the risks and challenges posed by COVID-19, policymakers and election officials can improve rules and procedures to hold safe and secure elections widely perceived as accessible, safe, and credible. But it will take a full community effort to successfully communicate and execute those policies in the limited time before voting begins in most places. With many states and localities resource strapped by the public health demands and economic fallout of the pandemic and facing declining trust and widespread concern about the fairness and accuracy of the upcoming election, the public sector has likely never been so in need of the critical assistance that business and other community leaders can lend to the election effort.<sup>52</sup>

Recognizing both the civic and reputational benefits of contributing to the health of US democracy, some businesses have already played a visible role in assisting with elections and supporting voter engagement.<sup>53</sup> A 2015 survey found that roughly 10 percent of employ-

ees had received nonpartisan information about some aspect of the voting process from their employers.<sup>54</sup> Prior to the 2018 midterms, the Time to Vote coalition promoted the commitment by hundreds of companies to offer employees time off from work to vote.<sup>55</sup> In a 2018 survey, 81 percent of customers reported being at least somewhat more positively inclined to shop from a company that engaged in “democracy promotion.”<sup>56</sup>

Business leaders’ action in 2020 is likely to increase, commensurate with today’s unprecedented challenges. In one high-profile instance, negotiations between players and owners led the National Basketball Association to offer arenas across the league as local polling stations—capable of handling large numbers of voters while enforcing social distancing and one-way traffic movement—bolstering an effort that had begun with individual owners and teams earlier in the year.<sup>57</sup> Addressing a perceived failing of past years, a number of leading social media companies released a joint statement in August on their collaboration with the federal government and each other to prevent election misinformation from circulating on their platforms.<sup>58</sup>

Beyond the long-run benefits to businesses from promoting an environment of trust in democracy in the US—which derives in part from accurate and safe elections—businesses must also recognize the near-term, bottom-line benefit of preventing the spread of COVID-19 in their communities, including among their own employees and customers, by reducing the potential public health threat to participation in the general election.<sup>59</sup>

Business leaders could pursue some of the following options to safeguard a successful election:

### **1 Communicating new voting rules, options for voting, and procedures to employees and customers, including providing reminders to help their own employees vote early**

Information relating to the 2020 election will be extraordinarily complex.<sup>60</sup> Holding aside intentional disinformation, switches to polling place locations and procedures, new rules about absentee voting, and voter concerns about public health risks could confuse voters or degrade their confidence in the integrity of the election. Given the local nature of elections, voters may hear accurate information for others that does not apply locally to them.

Even businesses that cannot afford resource commitments like staff time off could provide clear and accurate information for employees and customers.<sup>61</sup> Business leaders are often trusted voices in their communities. In a poll conducted in June and July 2020, Americans identified “small business” as the societal institution in which they had the most confidence.<sup>62</sup> Businesses can play an important civic role as a source of reliable, nonpartisan—essentially logistical—information. For example, employers can highlight critical deadlines for registering to vote and requesting or returning absentee ballots and promote up-to-date information on local polling locations and early voting hours.

## **2 Donating needed infrastructure, technology assistance, supplies, and services to directly aid election officials**

The brewing company Anheuser-Busch has announced that it will produce and donate significant quantities of hand sanitizer for use at polling locations during this fall's election.<sup>63</sup> Though not every business is in such a position, some firms may directly aid community election officials with supplies and services, as well as needed infrastructure such as physical space for polling places and assistance with technology, as several businesses have already done since 2016. The changing physical requirements in polling places will likely drive new or increased demand for items like PPE, Plexiglas dividers, and printing services. In the unusual circumstances of 2020, businesses able and willing to donate in-demand supplies could be a critical component of the election effort.

## **3 Making it easier or more affordable for employees to serve as poll workers**

Given how many poll workers are typically drawn from at-risk populations, state and local election officials could need hundreds of thousands of new, first-time poll workers this fall. In response, clothing retailer Old Navy will offer a full day of paid leave to employees who volunteer.<sup>64</sup> Other companies have offered Election Day as a paid holiday, facilitating voting and volunteering.<sup>65</sup> Even companies that cannot afford to pay employees to volunteer at the polls should consider protected unpaid leave for workers who are willing to volunteer, including during early voting.

## **4 Providing paid leave to facilitate safe voting and reduced crowding at the polls**

A critical challenge will be reducing crowding at polling sites by spreading in-person traffic across available times and, where early voting is available, days. Businesses can facilitate that spread by supporting employees' flexibility in when they can vote. The most direct route to achieving that goal would be to offer employees paid time off to vote. In 2018, an estimated 44 percent of employees received such a benefit.<sup>66</sup> Particularly for companies whose employees are not working remotely, the return on investment of supporting voting during less crowded times and reducing employee exposure could very well be positive.

Businesses offering paid leave for voting should include voting earlier than Election Day. Additionally, to encourage absentee voting—further minimizing potential crowding—employers should extend the benefit to cover travel to and from a secure drop box, elections office, or other location where absentee ballots can be submitted.

## Endnotes

- 1 The role of in-person voting in potentially spreading COVID-19 is not well understood and may be difficult to disentangle from other variable factors, including measures taken to prevent spread and the level of community transmission at the time of elections. One preliminary study of Wisconsin 2020 primary elections found that more in-person voting in a county was associated with higher rates of COVID-19 infections two to three weeks later, and that every 1,000 additional voters per polling location was associated with 1.3 additional COVID-19 cases per 100,000 individuals. In total, as many as 800 additional cases of COVID-19 may have been the direct result of in-person voting held in Wisconsin in April. See: Chad Cotti, Bryan Engelhardt, Joshua Foster, Erik Nesson, and Paul Niekamp, "[The Relationship between In-Person Voting and COVID-19: Evidence from the Wisconsin Primary](#)," National Bureau of Economic Research Working Paper No. 27187, August 2020.
- 2 [Voting Outside the Polling Place: Absentee, All-Mail and Other Voting at Home Options](#)," National Conference of State Legislatures, September 10, 2020.
- 3 Even in "vote-by-mail" states like Colorado and Utah, there is typically an option for casting a ballot in person, up to and including on Election Day, somewhere that approximates a traditional polling site (including county clerks' offices or "election centers." See: Conrad Swanson, "[Colorado's vote-by-mail ballots begin life in Washington State and end in storage. Here's what happens in between](#)," *Denver Post*, August 16, 2020; Katie McKellar, "[Despite political postal panic, Utah officials say voting by mail is safe, successful](#)," *Deseret News*, August 18, 2020.
- 4 "[The Election Administration and Voting Survey: 2018 Comprehensive Report](#)," US Election Assistance Commission, June 27, 2019.
- 5 Amy McGorry, "[How to safely vote during the coronavirus pandemic, according to experts](#)," *Fox News*, September 2, 2020.
- 6 "[How COVID-19 Spreads](#)," Centers for Disease Control and Prevention, September 21, 2020; and Siyao Shao, Dezhi Zhou, Ruichen He, Jiaqi Li, Shufan Zou, Kevin Mallery, Santosh Kumar, Suo Yang, and Jiarong Hong, "[Risk assessment of airborne transmission of COVID-19 by asymptomatic individuals under different practical settings](#)," *Journal of Aerosol Science* 151 (January 2021); published online July 24, 2020.
- 7 "[Considerations for Election Polling Locations and Voters](#)," Centers for Disease Control and Prevention, June 22, 2020.
- 8 Sandee LaMotte, "[Voting safely: How to protect yourself from Covid-19 while casting your ballot](#)," *CNN*, September 2, 2020.
- 9 One study found that distance from polling locations appears to influence turnout, with each quarter mile increase predicting a decline in voting of between 2 and 5 percent. See: Enrico Cantoni, "[A Precinct Too Far: Turnout and Voting Costs](#)," *American Economic Journal: Applied Economics* 12, no. 1 (January 2020): 61–85.
- 10 For example, in the 2018 election, roughly two-thirds of voting jurisdictions reported that it was "somewhat" or "very" difficult to get enough poll workers. A little less than 60 percent of poll workers across the early voting and Election Day periods were older than 60 years old; more than a quarter were over age 70. These numbers were similar in the 2016 general election as well. See: "The Election Administration and Voting Survey: 2018 Comprehensive Report" and "[The Election Administration and Voting Survey: 2016 Comprehensive Report](#)," US Election Assistance Commission, June 29, 2017.
- 11 "[America's poll worker shortage is a brewing crisis](#)," *Bloomberg*, September 2, 2020.
- 12 Kelly Mena, "[States scramble to recruit thousands of poll workers amid pandemic shortage](#)," *CNN*, August 13, 2020.
- 13 "[Considerations for Election Polling Locations and Voters](#)," CDC.
- 14 Hannah Klain, Kevin Morris, Max Feldman, and Rebecca Ayala, "[Waiting to Vote: Racial Disparities in Election Day Experiences](#)," Brennan Center for Justice, June 3, 2020.
- 15 Matthew Weil, Charles Stewart III, Tim Harper, and Christopher Thomas, "[The 2018 Voting Experience: Polling Place Lines](#)," Bipartisan Policy Center, November 4, 2019.
- 16 "[Expand Early Voting](#)," Brennan Center for Justice, February 4, 2016.
- 17 "[State Laws Governing Early Voting](#)," National Conference of State Legislatures, September 16, 2020.
- 18 In the era of COVID-19, there is a risk that offering in-person early voting that does not have sufficient hours, locations, or staff may drive crowds to limited early in-person opportunities, perversely leading some voters to face larger crowds at the early voting polling site than they otherwise would have on Election Day. Increased access to voting opportunities and the chance to change election plans—for instance, opting to vote later if the early voting site appears too crowded—help offset those risks, but states and localities should still be careful to ensure that expanded early voting operations are sufficiently funded.
- 19 "[2008 Election Administration and Voting Survey: A Summary of Key Findings](#)," US Election Assistance Commission, November 2009; and "The Election Administration and Voting Survey: 2016 Comprehensive Report."
- 20 Kate Rabinowitz and Brittany Renee Mayes, "[At least 84% of American voters can cast ballots by mail in the fall](#)," *Washington Post*, September 17, 2020.
- 21 The count of 44 states includes states that mail an absentee ballot to all registered voters but does not include South Carolina, whose Senate passed an expansion of absentee voting that will still need subsequent approval by the House and governor as of early September. See: Jeffrey Collins, "[SC Senate OKs no-excuse absentee voting, rejects drop boxes](#)," *Associated Press*, September 2, 2020.
- 22 Rabinowitz and Mayes, "At least 84% of American voters."<sup>23</sup> For example, see: Newt Gingrich, "[Newt Gingrich: Democrats want to steal November election – here's how](#)," *Fox News*, June 7, 2020. Under federal law, states can determine that voters are "inactive," though those definitions may vary by state. In Georgia, for example, a voter may become inactive if official election mail to the voter's registered address has been returned as undeliverable or the voter has not participated in an election or contacted an election official for five years. See: Adam Liptak, "[Supreme Court upholds Ohio's purge of voting rolls](#)," *New York Times*, June 11, 2018; and Mark Niese, "[Georgia voters to be made 'inactive' after absentee mail undeliverable](#)," *Atlanta Journal Constitution*, August 18, 2020.

- 23 Carli Brosseau, Josh Shaffer, Dan Kane, and Will Doran, “Bladen County political operative faces new perjury, obstruction of justice charges,” *The News & Observer*, July 30, 2019.
- 24 Philip Bump, “There have been just four documented cases of voter fraud in the 2016 election,” *Washington Post*, December 1, 2016.
- 25 Michael Tackett and Michael Wines, “Trump disbands commission on voter fraud,” *New York Times*, January 3, 2018.
- 26 Individual behavior is often unpredictable, shifts from election to election, and is motivated by many factors that could frustrate attempts to detect statistical “irregularities” that do not involve large numbers and massive coordination. For this reason, the most promising use of statistical forensics to detect cheating is likely in determining large-scale fraud by the election authorities themselves to alter or fabricate outcomes, which may reveal vote totals that look more like the work of a person jotting down numbers—and the biases in number selection that a person is likely to gravitate toward—than the random result of an election. Such fraud on behalf of election authorities is sometimes labeled “election fraud” rather than “voter fraud” to distinguish the source of the fraud. See: Peter Klimek, Yuri Yegorov, Rudolf Hanel, and Stefan Thurner, “Statistical Detection of Systematic Election Irregularities,” *PNAS* 109, no. 41 (October 9, 2012): 16469–16473; and David Noonan, “What Does a Crooked Election Look Like?” *Scientific American*, October 30, 2018.
- 27 Sharad Goel, Marc Meredith, Michael Morse, David Rothschild, and Houshmand Shirani-Mehr, “One Person, One Vote: Estimating the Prevalence of Double Voting in U.S. Presidential Elections,” *American Political Science Review* 114, no. 2 (May 2020): 456–469.
- 28 Amber McReynolds and Charles Stewart III, “Let’s put the vote-by-mail ‘fraud’ myth to rest,” *The Hill*, April 28, 2020. Similarly, the News21 “Election Fraud in America” database documents 491 instances of election fraud allegations related to absentee ballots in the US between 2000 and the summer of 2012, though not all allegations led to findings of guilt, plea deals, or even charges. See: “Election Fraud in America,” News21, August 12, 2012.
- 29 While absentee voter fraud based on impersonation or the interception or modification of a legitimate ballot gets the most media attention, the type of absentee voter fraud that may pose the most risk is voter coercion, including within a household. A popular conception of voter intimidation might look like a political operative who menaces or pressures some captured audience into voting in the fashion the operative prefers without the anonymity of the voting booth to hide whether the voter complied. However, those scenarios, which have occasionally been documented in the past, are probably the easiest to discover since they leave many *knowing* victims. Another form of voter intimidation, long pondered but not well documented, is coercion within a household, such as an abusive partner forcing his or her spouse to fill out an absentee ballot a certain way under threat of violence. It is reasonable to expect that, relative to in-person voting, absentee voting would make that type of coercion more prevalent. While deeply concerning as a matter of domestic violence, because it operates on a small scale, often involving the outcome of just one vote, there would likely have to be both a significant share of households facing those conditions and an obvious bias, with intimidation leading to additional votes for a particular party or candidate, before it contributed to concerns about the integrity of an election. See: Hans von Spakovsky, “Vote Harvesting a Recipe for Coercion and Election Fraud,” The Heritage Foundation, October 30, 2019; and Susan Orr and James Johnson, “Voting by mail is convenient, but not always secret,” *The Conversation*, August 24, 2020.
- 30 “Voting by Mail and Absentee Voting,” MIT Election Data + Science Lab, accessed August 28, 2020.
- 31 Kevin Kosar, Marc Hyden, and Steven Greenhut, “The Conservative Case for Expanded Access to Absentee Ballots,” *R Street Shorts* No. 90, June 17, 2020.
- 32 “Pandemic surge damages Trump, boosting Biden’s White House bid,” ABC News/Washington Post Poll: The 2020 Election, July 19, 2020.
- 33 Goel et al., “One Person, One Vote.”
- 34 Warren Richey, “Voting by mail grows in popularity – but is it reliable?” *Christian Science Monitor*, December 21, 2017. In September, North Carolina became the most recent state to allow online tracking of absentee ballots. See: “State Board of Elections Launches Absentee Ballot Tracking Service,” North Carolina State Board of Elections, September 11, 2020.
- 35 Michelle Ye Hee Lee, “More states are using ballot drop boxes for absentee voters, but the boxes are already drawing skepticism,” *Washington Post*, August 6, 2020. The US Elections Assistance Commission has published guidance on requirements and practices for the secure use of drop boxes. See: “Ballot Drop Box,” US Elections Assistance Commission, accessed August 28, 2020.
- 36 Tim Harper, “This Year, States Should Process Absentee Ballots Before Election Day,” Bipartisan Policy Center, April 27, 2020. The risk of counting absentee votes early is that purported results of such a count, whether accurate or fabricated, may leak before Election Day, swaying voter behavior. However, particularly in the current environment, where many states will be processing unprecedented volumes of absentee ballots, the ability to deal with unanticipated challenges early and still deliver timely election results is more likely to enhance integrity and confidence than is a prohibition on early vote processing.
- 37 “Just 16 states can get a head start on counting mailed-in ballots,” *The Fulcrum*, September 14, 2020.
- 38 Stephanie Saul and Reid Epstein, “Trump is pushing a false argument on vote-by-mail fraud. Here are the facts,” *New York Times*, August 31, 2020. In The Heritage Foundation and News21 election fraud databases, absentee voting was involved in roughly a sixth to a quarter of documented instances or allegations of fraud, a slightly disproportionate share relative to the number of absentee ballots cast during the time period covered. See: “Election Fraud in America”; and “Election Fraud Cases,” The Heritage Foundation, accessed August 28, 2020.
- 39 Charles Stewart III, “Losing Votes by Mail,” *New York University Journal of Legislation and Public Policy* 13, no. 3 (Fall 2010): 573–601. However, judging the relative risks can be difficult since the counterfactual is not always clear. For example, someone who fails to successfully complete the absentee voting process might not have even attempted to vote in person on Election Day in the absence of the vote-by-mail option. Someone who starts an attempt to vote absentee may decide to switch to in-person voting later, but the reverse is unlikely. A set of recent studies suggest that about 10 percent of voters who requested an absentee ballot in the 2020 presidential primaries in Wisconsin and North Carolina ultimately chose to vote in person instead. Therefore, unsuccessful absentee voting attempts should be judged

based on the number of voters who incorrectly believe that their vote was counted who would have voted in person in the absence of the absentee voting option less the number of voters who successfully cast an absentee ballot who would not have otherwise voted. See: Charles Stewart III, [“Reconsidering Lost Votes by Mail,”](#) Massachusetts Institute of Technology, September 21, 2020.

- 40 “The Election Administration and Voting Survey: 2016 Comprehensive Report.”
- 41 Stewart, [“Reconsidering Lost Votes by Mail.”](#) Whether intentionally left blank or just not legible, an additional estimated 1.5 percent of returned absentee ballots were not tabulated.
- 42 Enrijeta Shino, Mara Suttman-Lea and Daniel Smith, [“Here’s the problem with mail-in ballots: They might not be counted,”](#) *Washington Post*, May 21, 2020. For example, a study of rejected absentee ballots in Florida in the 2014 and 2016 general elections found that younger voters and black and Hispanic voters were much more likely than average to have their absentee ballots rejected and less likely to have their ballots ultimately accepted after being flagged for a signature problem. See: Daniel Smith, [“Vote-By-Mail Ballots Cast in Florida,”](#) ACLU Florida, September 19, 2018.
- 43 “The Election Administration and Voting Survey: 2016 Comprehensive Report.”
- 44 Shino et al., [“Here’s the problem with mail-in ballots.”](#) One reason for the lower rate of rejected ballots could be that states that conduct elections primarily through absentee ballots often have well-established secure drop box systems. A study of Colorado’s 2014 general election found that most voters returned their ballots to a drop box, reducing the likelihood of an absentee ballot becoming damaged, delayed, or lost in the mail. Similarly, in 2016, most voters returned their absentee ballots to a drop box or elections office in Colorado, Oregon, and Washington. See: [“Colorado Voting Reforms: Early Results,”](#) Pew Charitable Trusts, March 2016; and [“Voting by mail and absentee voting,”](#) MIT Election Data + Science Lab.
- 45 For example, in Oregon, vote-by-mail was first tested in local elections, then used in special statewide elections, then expanded to all primaries and general elections. That pace of deliberate expansion may not be necessary with the experience and best practices of other vote-by-mail states to draw upon. But going from a rare use of absentee ballots to heavily vote-by-mail in a single election cycle is still less than ideal. See: [“Oregon Vote-by-Mail,”](#) Oregon Secretary of State, accessed August 31, 2020.
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- 47 Kevin McCoy, Donovan Slack, and Katie Wedell, [“Postal Service warns states: Some absentee, mail-in ballots may not be delivered in time to be counted,”](#) *USA Today*, August 18, 2020.
- 48 [“The post office’s problem isn’t Trump,”](#) *Wall Street Journal*, August 13, 2020; [“United States Postal Service: A Sustainable Path Forward,”](#) Task Force on the United States Postal System, December 2018; Kevin Kosar, [“Separating Myth from Fact About the Troubles of the Postal Service,”](#) American Enterprise Institute, September 2020.
- 49 Michael Pollard and Lois Davis, [“The United States Postal Service is more ‘essential’ than you thought,”](#) *The Hill*, August 25, 2020; Meghan Stuessy and Raj Gnanarajah, [“US Postal Service Financial Condition and Title VI of the CARES Act,”](#) Congressional Research Service, May 12, 2020.
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- 51 Jory Heckman, [“USPS to give weekly on-time mail delivery data to oversight committees,”](#) *Federal News Network*, September 1, 2020.
- 52 For example, the Center on Budget and Policy Priorities has estimated that state governments could face a cumulative budget shortfall of more than a half trillion dollars across 2020 to 2022 state fiscal years due to COVID-19. Between March and June, ICF found declining shares of Americans who held “a great deal” or “a fair amount” of trust in COVID-19 related information from the government at the federal (minus 19 percentage points) and state and local (minus 13 percentage points) levels. An August 2020 survey found that 46 percent of respondent were “not too confident” or “not at all confident” that the 2020 general election would be conducted fairly and accurately. See: [“States Grappling With Hit to Tax Collections,”](#) Center on Budget and Policy Priorities, August 24, 2020; John Boyle, Thomas Brassell, and James Dayton, [“As Cases Increase, American Trust in COVID-19 Information from Federal, State, and Local Governments Continues to Decline,”](#) ICF, July 20, 2020; Rebecca Morin, [“More than 4 in 10 Americans have concerns about the fairness of the presidential election, survey says,”](#) *USA Today*, August 21, 2020.
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- 56 Mike Ward, [“Civic Engagement Now Makes Good Business Sense,”](#) Democracy Works, November 14, 2018.
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- 64 Katherine Fung, "[Old Navy will pay employees to work at the polls, joining corporate America in encouraging workers to vote](#)," Newsweek, September 1, 2020.
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## SUSTAINING CAPITALISM

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