

August 4, 2008

To: Interested Parties

From: Erin Ferns

Re: Convenience Voting

Introduction

The popularity of “convenience voting” measures—vote-by-mail (VBM), liberal absentee voting and EarlyVote—has grown in recent years. A majority of states now permit voting by mail upon request, early voting, or both. This trend towards convenience voting has been propelled by its popularity among voters and a perception among policymakers and advocates that such measures decrease costs, increase turnout, and are generally more advantageous than casting a ballot in person on the second Tuesday in November.

While legislation introduced in 2008 by state lawmakers indicates that this trends continues, few states saw passage of significant laws that alter the traditional way America votes. Furthermore, research suggests convenience voting may do little to expand the electorate, let alone increase voter turnout.

In this memorandum, we provide information on the status of convenience voting legislation in states for 2008, the current parameters of convenience voting laws in the states, and note some of the limitations of convenience voting measures.

Summary of Convenience Voting Methods

- **Vote By Mail (VBM):**

VBM permits voters to cast a ballot by mail instead of in person at a polling place.

- **Liberalized Absentee Voting:**

Liberalized or “no-excuse” absentee voting provides the opportunity for any voter to cast an absentee ballot without stating a reason. Some states go even further by allowing voters to obtain permanent no-excuse absentee voting status.

- **Early Voting:**

Early Voting permits voters to cast a ballot in person at a local elections office or satellite location in advance of the election.

Vote-By-Mail and Liberalized Absentee Vote

Pointing to an increase in overall turnout and voter satisfaction as a reason for reform—illustrated by Oregon’s success in voting by mail in every election—many advocates and lawmakers have been eager to abandon polling-place voting.

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Currently, 15 states allow eligible citizens to vote by mail in certain precincts or in certain elections, while Oregon currently remains the only state that allows all voters to vote by mail in all elections (Table 1).

Table 1: Vote by Mail States

Vote by Mail		
Certain Precincts		All Precincts
Arizona	Missouri	Oregon
California	Montana	
Colorado	New Jersey	
Florida	New Mexico	
Georgia	North Dakota	
Hawaii	Washington	
Kansas	Wyoming	
Minnesota		

This year, 15 states introduced bills relating to vote-by-mail (Table 2). Eight of these states proposed VBM in all elections and all precincts; four proposed VBM for certain elections and/or certain precincts; one state proposed to address more than one convenience voting measure, including VBM; and four proposed to provide a program to test VBM.*

Table 2: Vote By Mail Bills

State	Bill Number	Status	Type
Alaska	S 162	Failed-Adjourned	VBM
Florida	H 429	Failed-Adjourned	VBM*
Hawaii	S 1102	Failed-Adjourned	VBM
	S 1744	Failed-Adjourned	VBM
Iowa	D 1655	Failed-Adjourned	All Elections/Certain Precincts
	D 5807	Failed-Adjourned	All Elections/Certain Precincts
	HSB 34	Failed-Adjourned	All Elections/Certain Precincts
Idaho	H 402	Failed-Adjourned	VBM*
Illinois	H 1123	Failed-Adjourned	Pilot Project
Kansas	H 2670	Failed-Adjourned	VBM
Maine	S 925a	Failed-Adjourned	All Convenience Voting
Massachusetts	H 674	Pending	Pilot Project
	HD 3286	Pending	Pilot Project
New Hampshire	LSR 399	Failed-Adjourned	Pilot Project
New Jersey	A 2451	Pending	No-Excuse/VBM
Ohio	S 182	Pending	Certain Elections/All Precincts
Oklahoma	S 2027	Failed-Adjourned	VBM
Tennessee	H 485	Failed-Adjourned	VBM
Washington	H 2833	Failed-Adjourned	VBM

*Any Election or Precinct Designated by County Commissioner

* Montana prefiled a VBM pilot program bill in 2008 for the 2009 legislative session.

Currently, 35 states allow eligible citizens to vote absentee without stating a reason (“no-excuse”) and eight states permit permanent no-excuse absentee voting (Table 3).

Table 3: No-Excuse Absentee States

No-Excuse Absentee States		Permanent No-Excuse Absentee States
Alaska	Nevada	Arizona
Arizona	New Jersey	California
Arkansas	New Mexico	Colorado
California	North Carolina	Maine
Colorado	North Dakota	Montana
Florida	Ohio	Oregon (VBM)
Georgia	Oklahoma	Utah
Hawaii	Oregon (VBM)	Washington
Idaho	South Dakota	
Illinois	Texas	
Indiana	Tennessee	
Iowa	Utah	
Kansas	Vermont	
Louisiana	Washington	
Maine	West Virginia	
Maryland	Wisconsin	
Montana	Wyoming	
Nebraska		

This year, seven states considered bills relating to liberalized absentee voting (Table 4). Three states proposed to permit permanent absentee voting status; four introduced “no-excuse” absentee voting bills; and three states proposed to address more than one convenience voting measure, including liberalized absentee voting. One Hawaii bill permitting permanent absentee voting status was signed by the governor.

Table 4: Liberalized Absentee Voting Bills

State	Bill Number	Status	Type
Alaska	H 277	Failed-Adjourned	Permanent
Hawaii	S 2562	Failed-Adjourned	Permanent
	S 156	Enacted	Permanent
Maine	S 925a	Failed-Adjourned	All Convenience Voting
Michigan	S 127	Pending	No-Excuse
	H 5573	Pending	Permanent
	H 5891	Pending	Permanent
	S 1060	Pending	Permanent
Minnesota	H 768	Failed-Adjourned	No-Excuse
	S 211	Failed-Adjourned	No-Excuse
Missouri	H 2080	Failed-Adjourned	No-Excuse
	H 2088	Failed-Adjourned	No-Excuse
New Jersey	S 1380	Pending	No-Excuse
	A 2451	Pending	No-Excuse/VBM

Early Vote

Currently, 29 states allow voters to vote early and in person (Table 5).

Table 5: Early Vote States

Early Vote States		
Alaska	Kansas	Oklahoma
Arizona	Kentucky	South Dakota
Arkansas	Louisiana	Tennessee
California	Maine	Texas
Colorado	Nebraska	Utah
Florida	Nevada	Vermont
Georgia	New Mexico	West Virginia
Hawaii	North Carolina	Wisconsin
Indiana	North Dakota	Wyoming
Iowa	Ohio	

This year, 11 states considered bills relating to early voting (Table 6). Five states proposed to provide early voting; three states proposed to extend the early voting period; three states proposed to provide additional early voting sites; one state proposed permanent early voting status; two states considered more than one convenience voting measure, including early vote; and one proposed to provide a program to test early voting in the state. Legislation failed in 10 of the 12 states, with an expansion of early vote sites enacted in Louisiana, and a bill to institute early vote still pending in Massachusetts.

Limitations of Convenience Voting

Although increasing voter participation and expanding the electorate is key in election reforms, vote-by-mail and liberalized absentee voting is limited in its effectiveness in expanding the electorate, and may be more susceptible to manipulation and corruption.¹

A recent examination of VBM's effect on Oregon's turnout concludes that turnout increased by only four percentage points, and only in presidential years—a far cry from the initial 10 percentage point increase earlier reports found. A 2005 study further noted that, while already active voters were more likely to vote if it was convenient, these particular voting reforms have little effect on the voting rates of infrequent or non-voters.²

Furthermore, dependence on the United States Postal Service to deliver mail ballots is problematic. The average first-class delivery rate is only 92%, and mail employees are not permitted to deliver to addressees that are “unknown.” Additionally, while the National Voter Registration Act prohibits election officials from automatically purging voters for failing to vote, the federal law does not apply to mail voters, who may not receive a ballot after inactivity in one election. Finally, while exceedingly rare in the polling place, voter fraud is often implicated by absentee ballot, particularly in local county or community elections.³

A recent Reed College study found that early voting, like absentee and VBM, increases turnout to a modest degree.⁴ Although the study notes that early voting opportunities tend to increase voting among rural residents and commuters thanks to the convenience of mailing a ballot, it also indicates that such election reforms merely encourage regular voters to vote in lower interest elections, and

¹ Project Vote. “Vote-by-Mail Doesn’t Deliver.” TomPaine.com. June 29, 2007.

² Berinsky, Adam J. “The Perverse Consequences of Electoral Reform in the United States.” *American Politics Research*, Vol. 33 No. 4, July 2005 471-491.

³ Minnite, Lorraine C., Ph.D., Barnard College, Columbia University, “Politics of Voter Fraud,” Project Vote, 2007.

⁴ Gronke, Paul, et. al. “Early Voting and Turnout.” Early Voting Information Center (EVIC) at Reed College, 2007.

Table 6: Early Voting Bills

State	Bill Number	Status	Type
Florida	S 1628	Failed-Adjourned	Expand Early Vote Sites
Illinois	H 612	Failed-Adjourned	Extend Time Period
	H 4819	Failed-Adjourned	Extend Time Period
	S 410	Failed-Adjourned	Extend Time Period
Kentucky	BR 183	Failed-Adjourned	Institute Early Vote
	H 138	Failed-Adjourned	Institute Early Vote
Louisiana	S 65	Failed-Adjourned	Expand Early Vote Sites
	H 960	Enacted	Expand Early Vote Sites
	H 1124	Failed-Adjourned	Extend Time Period
Massachusetts	H 711	Pending	Institute Early Vote
	HD 3611	Pending	Institute Early Vote
Maine	LR 3644a	Failed-Adjourned	Institute Early Vote
	S 925a	Failed-Adjourned	All Convenience Voting
Minnesota	S 211	Failed-Adjourned	Institute Early Vote
Mississippi	H 120	Failed-Adjourned	Institute Early Vote
	H 620	Failed-Adjourned	Pilot Program
	S 2481	Failed-Adjourned	Institute Early Vote
Rhode Island	H 7420	Failed-Adjourned	Institute Early Vote
South Carolina	H 3683	Failed-Adjourned	Expand Early Vote Sites
	S 247	Failed-Adjourned	Expand Early Vote Sites
Tennessee	H 16	Failed-Adjourned	Extend Time Period

do little to expand the electorate. Consistent with other convenience voting measures, a recent poll concludes that voters who take advantage of early voting methods tend to be more politically involved, better educated and better paid than those who did not.⁵ Thus, the method does nothing to correct biases in the electorate.

Conclusion

While this year saw several attempts on the part of legislators to make voting more convenient in advance of the 2008 elections, few of these convenience voting measures came to pass, resulting in little change in the way most Americans cast their ballots. Furthermore, studies suggest that convenience voting methods like vote-by-mail, liberalized absentee voting, and early vote do little to expand the electorate and may be more vulnerable to manipulation and error than traditional voting.

ElectionLegislation.org

ProjectVote is monitoring election legislation on critical issues - including convenience voting, provisional voting, voter ID, proof of citizenship, Election Day Registration, felon voting, youth voting, among others - in all states with legislative sessions in 2008. In addition, we are monitoring approximately 300 election bills that fall within a broad range of important election issues in 21 targeted states as part of our ElectionLegislation.org project. In 2007, we monitored 485 election-related bills in 24 states. This project is funded by the Open Society Institute and others.

⁵ Berinsky, Adam J. "The Perverse Consequences of Electoral Reform in the United States." *American Politics Research*, Vol. 33 No. 4, July 2005 471-491.