



THE CASE AGAINST MASS-MAIL IN BALLOTS

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Absentee ballot voting has existed for decades. The practice of absentee ballot voting first started as a practice for the military members away from home and other individuals who were legitimately unable to vote in person on Election Day because of disability or travel. The intent of these ballots, however, was always to be administered judiciously, and most states continue to require individuals to apply for their absentee ballot and show [identification](#).

Over time, some states moved to use them for “convenience voting,” allowing people to choose absentee ballot voting instead of going in person to the polls. Unsatisfied with that approach, some states took further steps and implemented a voting system whereby mail-in ballots became the standard means of voting, overtaking traditional methods by which people vote in person.

Oregon was the first state to implement a no-excuse absentee ballot system when its legislature passed a [measure](#) in 2000. Since then, Washington, Hawaii, Utah, and Colorado have followed suit to implement mass mail-in voting systems. Twenty-nine other states and Washington, D.C. now allow no-excuse absentee voting. More states adopted these measures during the 2020 Election Cycle, and now only Texas, Louisiana, Mississippi, Tennessee, and Indiana require an excuse to request a mail-in ballot. Shockingly, there is now a widespread effort to make no-excuse absentee ballot measures permanent across all elections.

There is a critical difference to remember while thinking about the various types of mailed ballots. An absentee ballot requires that individuals request the ballot and receive one only after state and local officials determine their eligibility. Moreover, in some states, one now can apply to be on the voter rolls as a “permanent absentee voter,” which means one automatically gets an absentee ballot application every election.

The key action here is application. Whether through registration or a specific request, voters can easily receive an absentee ballot application, which they must fill out according to state laws and return within a certain period. After a process of verification by the clerk’s office is complete, an individual can receive a live ballot with the option of either mailing it back or returning it in person at a designated polling location.

Many states have placed safeguards around absentee voting, such as determinations of eligibility, due to recognizing the potential pitfalls of the lack of oversight. For instance, reliance solely on mail-in voting may lead to the disenfranchisement of America’s eligible

citizen class and could also lead to fraud through ballot trafficking. Many of the most disadvantaged and those with disabilities rely on in-person voting through the use of special equipment voting machines and sending unsolicited, difficult-to-track ballots with no clear chain of custody serves as a recipe for fraud. At the same time, this voting method is vital to millions of American citizens, and it should be protected as such. Still, it requires a specific solicitation of a ballot through an application supported by a proof of identity using a government ID.

The America First Policy Institute's Center for Election Integrity recognizes that the system instituted by many states such as Pennsylvania, Georgia, and Michigan in 2020 under the guise of COVID-19 disregarded the sanctity of the vote. Newly implemented systems saw every person on a voter roll, regardless of whether they requested a ballot or not, receive a live ballot through the United States Postal Service. Moreover, this system permitted ballots to be dropped off in a drop box in pre-select locations, oftentimes with no security or [chain of custody](#) to show their security. This removed any obstacles from ballots being illegally trafficked. Indeed, the security of these ballots was so negligent that ballot drop boxes were sometimes [vandalized and torched](#).

One must not forget, dirty and inaccurate voter rolls allowed [thousands of ballots](#) to be erroneously sent to individuals who had already received a ballot, thus enabling many illegally to vote more than once. A system was negligently created that actively violated the fundamental American fairness principle of one person one vote.

All of this has already occurred without the passage of H.R. 1/S. 1, or [S. 2093](#), though widespread efforts to pursue mass mail-in balloting across federal elections are likely to continue. Colorado's architect of mail-in voting, Amber McReynolds, now serves as a politically appointed member of the U.S. Postal Board following a tenure at the [National Vote at Home Institute](#), a non-profit organization with funding from organizations such as Democracy Alliance.

In the wake of the pandemic in 2020, the National Vote at Home Institute [advocated](#) for states and localities to adjust quickly to the surge in mass mail-in ballots by installing drop boxes for people to place completed ballots. However, with the quick adoption of measures like these, states negligently opened themselves up to violations of written law and fraud, which unsurprisingly led to lawsuits.

One lawsuit in Wisconsin, filed by the [Wisconsin Institute for Law and Liberty](#), alleged that the use of drop boxes illegally allowed ballot trafficking to occur, thus jeopardizing the security and enfranchisement of legally cast ballots. Beyond this, the lawsuit claimed that the use of drop boxes was illegal under Wisconsin state law. According to the state, all absentee ballots must be returned by the voter to a municipal clerk. Thus, the use of drop boxes—[sometimes](#) maintained by independent non-profit organizations with no supervision and vulnerable to vandalism as we saw in several states—violated these laws and

represented a derelict of duty by the Wisconsin Elections Commission as alleged by the lawsuit.

While mass mail-in voting puts significant pressure on municipal clerks and the U.S. Postal system, causing demand for drop boxes, further issues are beyond legality. Most states allow non-profit organizations to register voters. The permissance of drop boxes to be patrolled by these same organizations invites oversight issues and disenfranchise rural voters who do not have the same access to these drop boxes as urban and suburban voters.

According to a report by the [Amistad Project](#), in Delaware County, Pennsylvania, a traditionally liberal district, there was a drop box for every 4,000 voters. It noted, however, that “in the 59 counties carried by Trump in 2016, there was one drop box for every...72,000 voters.” This discrimination based on geography should not be tolerated by anyone who supports a fair and equal voting system.

Mass mail-in voting presents vulnerabilities with the chain of custody of a ballot and increases the prevalence of error in states that do not maintain clean voter rolls. Despite the need for clean voter rolls, states oftentimes keep error-filled voter rolls. In large states like [California](#) and [New York](#), we saw what happens when the state sends out ballots to every address listed on a voter roll that includes deceased, illegitimate, or relocated voters. If all of these ballots were to be returned, it would make it incredibly difficult for state elections officials to recognize early on that these ballots were cast illegally. Coupled with diminished oversight in the custody of the ballot, it becomes an overwhelming burden on localities to verify that the ballot was indeed cast legally and only once.

Proponents of mass mail-in voting systems argue that it is vital to inclusiveness and that all voters should easily have access to cast a ballot. Thus, mass mail-in voting is needed and should, in theory, expand to increase voter turnout. However, studies have shown this not to be the case. One [study](#) performed a statistical analysis of voter turnout data from the 2004 and 2008 presidential elections found that early voting is associated with lower voter turnout because it dilutes the “stimulation” effects of election day. This study is consistent with [previous analyses](#) that found no evidence of a lasting increase in turnout from early voting. However, although the research is [mixed](#) as some demographic groups showed more significant gains in turnout.

Given the increased efforts to turn America’s election day into a drawn-out process by which people merely complete a form letter and ship it at their convenience, there must be standards set in place to instill greater security in the process.

First: Ballot counting before election day is fraught with the potential for fraud; however, states need to begin verifying the validity of these ballots beforehand. To avoid delays on election day, there should be a set of procedures in place to ensure that legal ballots are secured and counted quickly. The longer this process is drawn out, the greater the chance for error to be introduced into it as [ineligible](#) ballots may be counted. At the same time, states

and jurisdictions should ensure and safeguard beforehand that there are only legally cast ballots. Importantly, mailed ballots should be matched to their envelopes after being opened to secure future authentication procedures and audits.

Second: As the U.S. Postal Service sets no set delivery system, it is not uncommon for ballots to be lost in the mail and go uncounted. To prevent this from occurring, states should institute voter oversight through ballot tracking applications like California and Colorado. If a ballot is lost, states should allow voters to complete provisional ballots so that voters are not deprived of their ability to cast a legal vote. Moreover, states should work more closely with the U.S. Postal Service and only allow ballot applications to be sent via First Class mail, which allows state elections officials to use their Address Correction Services to match registrations with more updated address lists, thus providing additional security measures in ensuring only legally registered voters receive a ballot.

Third: In all cases, sending out live ballots without a voter asking for one should be avoided. Only when a voter asks for a mail-in ballot and complies with the proper state laws in filling out the application and verifying their identity should a ballot ever be mailed to the voter. Voters should hold elected officials in charge of elections accountable always. However, with the use of mass mail-in voting, loss of credibility occurs when elections officials shrug their duties to privately funded non-profit organizations and lose oversight into this cherished process.