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How Will Illinois' Push for Mail-In Balloting Affect Voter Confidence in the November 2020 Election?

The COVID-19 pandemic has made being in crowds gravely risky, leading many to promote, encourage, or even demand increased use of absentee voting for the November 2020 election. Illinois state government will not require voters to use absentee ballots, but it is nudging them in that direction by sending applications for mail-in ballots to everyone who voted in 2018, 2019, or the March 2020 primary.¹ The fact that Illinois already permits early, in-person voting, absentee voting, and in-person Election Day voting contributed to the state's high rating by the Brennan Center for Justice, in a recent report on state preparedness for the 2020 election.²



Proponents of absentee voting (or voting “by mail” or “at home”) have often portrayed it as a panacea, even before the pandemic made avoiding crowds so critical to public health. The Vote-at-Home Institute, for example, promises that absentee voting is a “secure and time-tested way to put voters first,” that it “is fair and equitable for all communities,” and “has proven to be highly secure.”³ Allowing people to vote

Authors

Brian J. Gaines, Senior Scholar, Institute of Government and Public Affairs, University of Illinois System; Professor of Political Science, University of Illinois at Urbana-Champaign

Kent Redfield, Scholar Emeritus, Institute of Government and Public Affairs, University of Illinois System; Professor Emeritus of Political Science, University of Illinois at Springfield

Christopher Z. Mooney, Senior Scholar, Institute of Government and Public Affairs, University of Illinois System; W. Russell Arrington Professor of State Politics, University of Illinois at Chicago

at their own convenience can reduce the stress associated with lines and time pressure, and can reduce the costs of voting for those who find it difficult to make time go to the polls because of work, family, or transportation issues. Hence, it could, in theory, yield greater turnout and perhaps promote more thoughtful voting.

Some Voting-Method Terminology

Completing a ballot away from a private booth at an official site was traditionally labeled “absentee” voting. States that switched to exclusive use of such voting initially preferred the terminology “voting by mail,” or “VBM” for short, and, at first, did expect or require that ballots be mailed. Ironically, proponents now grant that a best practice might be for absentee ballots *not* to be returned by the U.S. Postal Service, because they don’t want their innovation in voting harnessed to an institution that shows signs of becoming obsolete. A rhetorical shift underway is to re-label absentee voting as “at-home voting” even though the ballots can be filled out wherever the voter wants, whether at home, a coffee shop, on a subway, or in front of one’s boss at work. Submitting ballots online isn’t yet regarded as reliably secure, so the main alternatives to the mail are physical drop-off stations and third-person collection.⁴ The former option potentially reduces the convenience of absentee voting and, for present purposes, re-creates some risks of crowding and lines. The latter is prone to fraud and abuse, as the 2018 North Carolina Ninth District U.S. House race well demonstrated, and it is illegal in Illinois.⁵ A special class of absentee votes are those cast by eligible voters overseas, including active-duty military personnel, their families, and other U.S. citizens living abroad. Since the passage of the Uniformed and Overseas Citizens Absentee Voting Act in 1986, these votes are subject to distinct rules as compared to the great majority of ballots, which are cast domestically. Hereafter, we mainly follow the new Illinois legislation and employ “mail” or “VBM” as our descriptors.



Nonetheless, there are at least two obvious drawbacks to removing the act of voting from the privacy of the curtained booth. First, voting by mail (VBM) is not inherently secret, unlike completing a ballot in a private booth. The United States first adopted secret ballots in the 19th century to reduce then-widespread voter coercion and fraud.⁶ The shift away from secrecy represented by the increased use of absentee ballots has not been any group’s stated policy goal. However, as officials have prioritized convenience or access, they have been willing, quietly, to let secrecy go, with scant discussion of the tradeoff. The secrecy of voting, even in a booth, is more at risk today with the ubiquity of miniature cameras. But, ultimately, mail-in ballots are easily cast without secrecy, whereas it requires some effort to break the secrecy of a booth vote.

Another potential problem with VBM is that errors and mistakes in processing are more likely and harder to rectify. An inherent risk with lengthening the ballot “pipeline” by adding additional processing steps is that more ballots may be lost or miscalc, not through malfeasance, but due to human and machine error.

Some number of errors is inevitable when large bureaucracies process high volumes of work. Interjecting one or two transmissions by the U.S. Postal Service between the request for a ballot and the tabulation of the completed ballot by election officials almost certainly increases error, but it is hard to know how much of this might occur. Moreover, with in-person voting, some mistakes may immediately be caught and fixed, as when equipment is designed to alert voters to “undervotes” (contests without any, or with some threshold of choices made) or “overvotes” (too many choices). Such automatic error checks are far more difficult with VBM, and probably impossible for ballots arriving close to the deadline for receipt.

How might these potential problems and other differences affect voters' confidence in the election process and outcomes? Aside from whether voter fraud and error are worse with VBM or in-person voting, how would a significant change in the way many people vote affect voter confidence? One of the core sustaining elements of a strong democracy is a high degree of citizen confidence in the results of elections. Ideally, defeated candidates and their supporters concede in the knowledge that they were bested in a fair fight of ideas, with the hope that they may return to the fight and win another time. Without confidence in elections, people may fail to vote, become cynical, and refuse to accept defeat at the polls or in the legislature, because they regard elections as fixed.⁷

In this Policy Spotlight, we examine the potential impact of the pandemic-induced shift to VBM on voter confidence in Illinois' election process for November 2020. Thirty-five states have changed their absentee or mail-in voting procedures in response to the pandemic.⁸ Do voters trust VBM? Our answer is "mostly yes, but not as much as they trust in-person voting." We close with some suggestions that might help alleviate voters' fears.

VOTER CONFIDENCE IN VOTING—ELECTION DAY, EARLY VOTING, AND VBM

Table 1 shows results from national surveys fielded in 2012 and 2016. Voters were asked, "How

confident are you that your vote in the General Election was counted as you intended?" This Survey of Performance of American Elections (SPAEE) features large samples from every state (N=200 for each state plus the District of Columbia), so it is especially useful for studying electoral rules that vary across states.⁹ Most states have made it possible for voters to choose at least one form of "convenience voting," either early in-person voting or VBM, but the details vary a great deal. The states also differ substantially in how their ballots are now cast.¹⁰

Some good news in Table 1 is that the 2016 election saw an increase in overall confidence among voters that their ballots were counted correctly, as against the prior presidential-election year. Furthermore, absentee voting had the highest jump, and its 2016 ratio of "very confident" to "not at all confident" or "not very confident" responses, at 9.2, was better than any of the comparable ratios for 2012. On the other hand, confidence in absentee voting continued to lag that for early voting and voting in-person on Election Day, with a lower "very confident" level and higher "not confident" level, for a worse ratio. Compared to 2012, 2016 also saw more convenience voting, with early and absentee ballots each comprising about 20% of the respondents' reported votes. Thus, the term "Election Day" is becoming obsolete, for better or worse. But note that early voting, comparable in usage level to

Table 1: Confidence in own vote counting by vote mode, 2012 and 2016

	2012			2016		
	Election Day	Early	Absentee (mail)	Election Day	Early	Absentee (mail)
Very confident (VC)	64%	65%	55%	68%	68%	65%
Somewhat confident	24%	26%	31%	24%	23%	26%
Not confident (NC)	9%	8%	11%	6%	6%	7%
Don't know	2%	2%	3%	2%	3%	3%
N (unweighted)	5,925	1,647	1,747	5,299	2,063	2,030
VC divided by NC	7.1	8.1	5.0	12.2	12.4	9.2

Top four rows are weighted percentages, with "not too confident" and "not at all confident" combined into one category. Weighting aims to estimate a nationally representative sample. The precise question in both the 2012 and 2016 SPAEE was "How confident are you that your vote in the General Election was counted as you intended?" A chi-squared test rejects independence for the 2016 distribution, with $p = 0.022$. In other words, the confidence distributions for the three kinds of voters are not the same.

absentee voting, is more like Election Day voting in regard to the confidence it inspires.

Are these gaps between confidence in voting modality evidence that voting method causes a given level of voter confidence? Not necessarily. Voters who are inclined to doubt the integrity of the electoral process may opt to vote absentee, such that their choice of voting modality is affected by their prior confidence, rather than the other way around. Causality might even run both ways. In any case, the association between confidence and modality is clear, if not the causal pathway. The gap is not huge, but it does appear that absentee voters have slightly lower confidence that their votes will be counted. This finding should concern Illinois election officials in the current effort to encourage VBM.

One might also wonder if absentee voters are less confident mainly (or only) where VBM is unusual and unfamiliar, and not where it is widely used. Table 2 shows that there may be a grain of truth in this conjecture, but that the confidence gap is, nonetheless, robust. We separated the nine states with the highest levels of absentee voting in 2016—the (nearly) all-VBM states of Oregon, Washington and Colorado, plus Arizona, Utah, California, Montana, Hawaii, and Iowa—and compared these to the remaining states (plus the District of Columbia) in regard to the ratio of “very confident” to not confident responses, explained above.¹¹

Because only 156 people in the nine high-absentee-share states reported in-person, early voting, we combined the two in-person modes for that row. The lowest ratio, representing the least confidence, occurs for absentee voters in the 41 states and the District of Columbia where it is less common. But the second-lowest value is found among absentee voters in the states where VBM is the norm. Confidence is uniformly higher for voters who cast their ballots in person.

A Few Lessons from the Primaries

In due course, political scientists will likely study the differences across state primaries in 2020 unusually closely, since pandemic-induced restrictions were imposed by state and local governments midway through the extended primary season. On March 17, Illinois held its primary as concerns about COVID-19 spread were rapidly growing, but just before officials settled on widespread stay-at-home orders as a necessary precaution. The election proved to be mainly unremarkable. Wisconsin was the unusual state not to delay or move completely to VBM a primary scheduled in April or May. Its April 7 election was somewhat chaotic, proving that a late surge in demand for absentee ballots can easily overwhelm capacity, and that reducing the number of polling stations drastically while demand for in-person voting remains high is a recipe for long waits. Whether the election caused a spike in COVID-19 cases remained unclear as of this writing.¹² Turnout in Wisconsin did not notably drop from its 2016 primary and in several states that voted later, turnout appears to have risen dramatically, even where lines were long and other logistical problems acute.¹³

The debate over voting methods in the U.S. has recently become somewhat entangled with partisanship. Conservatives and Republicans mainly emphasize the dangers of absentee voting, focusing on ballot security and integrity, while Democrats and liberals laud the innovation, stressing convenience and more equal access. Today’s GOP skepticism about VBM, led by President Trump, is a shift, given that the reform was originally a Republican effort in the mid-20th century to increase

Table 2: Very confident to not confident ratios, by vote mode and state type

	In-person, Election Day	In-person, early	Absentee/by-mail
High (>40%) absentee (N=9)	12.2		10.3
Low (<40%) absentee (N=42)	14.1	13.7	9.0

Here, we condition by state traits (absentee-voting level) and compute ratios from unweighted frequencies.

military and older voters' participation.¹⁴ Table 1 is a “bivariate” result, not accounting for ideology or party. Could it be that the apparent association between lower confidence and separation from polling stations is due to those on the right tending to be both more suspicious of absentee voting and, perversely, more inclined to engage in it? In a statistical analysis also assessing the effect of respondents' self-identified ideology on their confidence, the finding persists: absentee voters are less confident that their ballots count, compared to voters using the other two methods. So, the (small) confidence curse of absentee voting is not merely a spurious result of ideological variation.

The 2012 SPAE data also demonstrate a small, but discernible association of higher beliefs in fraud in states with more absentee voting.¹⁵ Table 3 shows one sign that, in 2016, there was likewise a penalty for VBM. The SPAE asked respondents about six kinds of fraud. In Table 3, we show only the percentages that chose the “very common” response, again separating the nine states with very high absentee-voting levels from the other 42 jurisdictions.

The terminology of the responses offered is inherently ambiguous—exactly what such terms as “very common” and “infrequently” mean is left to the respondent, and people probably vary a good deal in how they understand them. In turn, it is hard to say what is a disturbingly high level of belief in any kind of fraud. We simply compare the aggregate responses for states with quite high levels of absentee voting to all the rest, without imposing any judgment about what constitutes a desirable baseline.

The first three columns in Table 3 reveal that voters in states with more absentee voting were a little more likely to say that some kinds of fraud (those that, arguably, are easier to commit when voting is done away from supervision) were very common. In the table, bold text designates items where the difference reaches conventional levels of statistical significance. Beliefs about votes illegally being cast by non-citizens, shown in the second column, are surely sensitive to perceptions of the size of the non-citizen population in the state. California is estimated to have the highest resident alien population, but the other eight high-absentee states are not uniformly high in this regard, so the gap in percentages believing that it is very common for non-citizens to vote is probably not spurious.¹⁶

The final column shows that voters in high-absentee states have slightly higher faith that official vote counters are not corrupt, which should please vote-at-home advocates. But the reasons to fear votes being cast away from secure booths do not really involve fraudulent *tabulation*, so that item is perhaps inapt for assessing voter confidence in the *vote-casting* method.

Finally, there is some ambiguity in comparing beliefs about voter impersonation. Column 5 of Table 3 shows higher levels of belief that absentee impersonation is very common in high-VBM states than elsewhere (8.3% versus 7.2%). But that gap might arise because people recognize that absentee voting itself is very common, rather than because they think it is especially prone to fraud. Comparing across columns 4 and 5, rather than across the rows in each column, is thus a useful check. In the high-VBM states, 8.3% say

Table 3: Percentages saying given form of election fraud is “very common” by state type

	1. Multiple voting	2. Non-citizen voting	3. Tampering	4. In-person impersonation	5. Absentee impersonation	6. Tally fraud
High absentee (9) (>40%)	6.2	11.9	5.5	5.6	8.3	4.8
Low absentee (42) (<40%)	5.5	10.2	4.9	6.1	7.2	5.0

Column labels are shorthand for: “People voting more than once in an election”; “People voting who are not U.S. citizens”; “People stealing or tampering with ballots that have been voted”; “People pretending to be someone else when going to vote”; “People voting an absentee ballot intended for another person”; “Officials changing the reported vote count in a way that is not a true reflection of the ballots that were actually counted.” Entries are percentages computed from unweighted frequencies. For formal two-sided difference-of-proportion tests, *p*-values are: 0.32 (multiple); 0.04 (non-citizen); 0.29 (tampering); and 0.80 (tally). Across column comparisons for impersonation are: 0.00 (high-absentee states) and 0.00 (low-absentee jurisdictions).

that absentee impersonation is very common, but only 5.6 % think in-person impersonation is very common. Where VBM is rarer, the percentages saying that absentee and in-person impersonation are very common are 7.2 and 6.1, respectively. So more people in both kinds of state perceive absentee impersonation as very common than think its in-person equivalent is very common.

None of the evidence above is conclusive proof that absentee voting erodes voter trust in elections to a dangerous degree. The differences are consistent, but small, and, as table notes reveal, not all of the comparison reach conventional levels of statistical significance. We have not here attempted to estimate full models of all of the factors shaping voters' subjective assessments of election fairness.

Any Evidence of Absentee-Vote Fraud?

In the debate about how safe and secure is absentee voting, exaggeration is common on both sides. President Trump's recent comments that "mail-in ballots are a very dangerous thing ... subject to massive fraud"¹⁷ could be defended as strictly true given the "subject to" language. But the risks are likely marginal rather than "massive." Proponents of absentee voting, meanwhile, commonly strain credulity by denying that non-secret voting is *any more* vulnerable to fraud or coercion than secret voting, or that fraud is "nearly non-existent."¹⁸ A popular approach is to quote seemingly exact statistics, as when Washington State's Director of Elections, Lori Augino, asserts, "Of the nearly 3.2 million ballots cast [in Washington in 2018], only 0.004% of the total ballots cast may have been fraudulent," based on her experience verifying signatures.¹⁹ Again, "may have been" in lieu of "were" rescues the argument from being strictly wrong, but it is misleading to imply that the state conducts a complete audit to validate all ballots.

Our focus in this Policy Spotlight is subjective belief about error and fraud, rather than the roles of political rhetoric or real-world events in creating such beliefs. But some election fraud certainly takes place, and there are reasons to doubt that reported or litigated cases constitute the full universe.

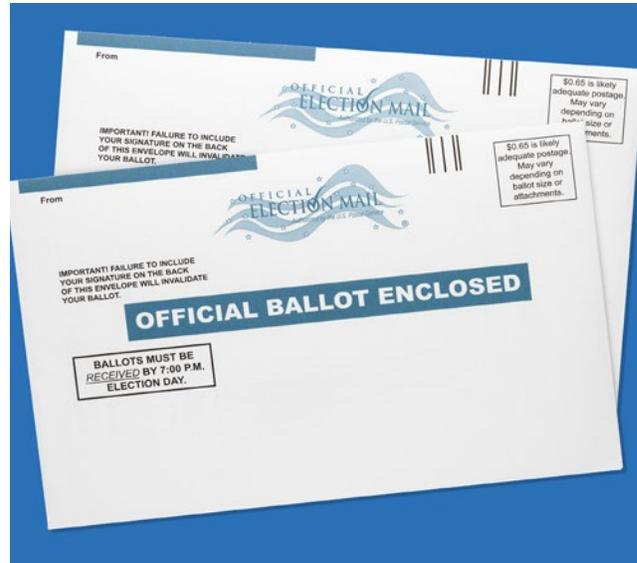
One of us (Gaines) served as an expert witness in a vote-fraud case in southern Illinois in 2000. Illinois made absentee voting easier in 2009, with Public Act 096-0553, but it was possible to cast an absentee ballot even before that. In the 2000 Democratic primary race for Circuit Clerk in Alexander County, Sharon McGinness narrowly defeated incumbent Susan Hileman, 1,299 to 1,089. But days before the primary, "a police raid confiscated 681 absentee ballots for the upcoming primary from the home, office, and truck of County Clerk Louis Maze ... along with ... evidence suggesting that Maze was opening the absentee ballots and replacing those in favor of Hileman with ballots cast in favor of her opponent."²⁰ Hileman sued and the ensuing case, *Susan C. Hileman v. Sharon McGinness and Louis Maze* (Circuit Court of Alexander County, No. 2000-MR-24), featured jaw-dropping testimony. One observer recalls, "...more than a dozen witnesses testified that they were paid \$3 each, and in some instances were given a pack of cigarettes or half-pint of whiskey, to cast votes for specific candidates. ... Perhaps even more telling ... was testimony during the trial about political slush funds funneled through a Cairo union hall, voter intimidation by felons and reports of rampant absentee voting fraud."²¹ Gaines' statistical analysis of the abnormality of the voting patterns was largely superfluous with so much direct evidence of cheating. The judge declared the result void and the office vacated. However, the Alexander County Democrat Central Committee promptly appointed McGinness back to the position. As noted by a veteran southern Illinois journalist, "...more unbelievable is the fact that the attorney general, state board of elections and the state police all investigated the 2000 primary election and still nothing happened. No indictments, no arrests, nothing."²² The case offers a clear rebuttal to the arguments sometimes put forward by defenders of absentee voting that there cannot be much undetected fraud because losing victims always have incentives to seek judicial remedies, and that the fairly small number of convictions demonstrates that fraud is exceedingly rare.

Voters have a high level of trust all forms of voting, but they have slightly less confidence in VBM, which reflects the additional risks inherent in VBM. Given those concerns and the pandemic conditions we are in, election authorities need to take immediate steps help to alleviate the concerns that voters will have in November.

SOME SUGGESTIONS FOR NOVEMBER 2020

As Illinois officials encourage more VBM in November 2020, for fully understandable and defensible public-health reasons, they should strive to counter any suspicions that the shift may raise about elections being rigged or flawed. Accordingly, we close with a short list of practical measures that could help mitigate the potential skepticism about the fairness of an election in which many more ballots are completed away from polling stations.

- **Promote and explain VBM:** State and local officials should waste no time in explaining the details of absentee voting to Illinois voters, including the rationale for promoting its use. Officials cannot assume that all voters will understand why their VBM application shows up in the mail or even that they know what VBM is. Extensive public outreach by election officials will need to be done before any ballot applications are sent, and then through the VBM voting period, perhaps in cooperation with various civic groups.
- **Warn voters of delays with Election Day voting:** As part of election authorities' promotional efforts, voters must be warned that due to COVID-19 precautions, Election Day could see high waiting times for voting and fewer polling stations. Such warnings serve two purposes. First, Election Day voters will be prepared, rather than shocked and discouraged, if the voting process is unusually time-consuming. Second, it may encourage more voters to request and use a VBM ballot, or to vote early at an official polling place, further reducing COVID-19 risks.
- **Prepare the polling places:** Even with expanded VBM, local election officials must still serve those who wish to vote in person. In November 2020, this means preparing polling places to deal with the pandemic. Exactly uniform procedures for cleaning equipment, spacing booths, and so on are less important than serious efforts everywhere to do the best job possible given local constraints. Early planning, leadership from the State Board of Elections, and cross-county cooperation will help ensure safety for in-person voters. Planning logistics is



critical to ensuring voter confidence on Election Day, and there is still time to prepare.

- **Caution voters that results may be slow coming in:** Illinois voters and news media must also be prepared for not all election results being known on election night. The contests not resolved (“called”) until many days after Election Day are typically a few close races plus others that are ultimately not necessarily close, but that took place in a jurisdiction with many late-arriving ballots, such as California.²³ For example, note that the June 23 Democratic Senate primary in Kentucky was finally called seven days later, on June 30, because of a large number of absentee votes.²⁴ Election officials, of course, need to do what they can to prepare for the expected flood of mail-in ballots in November, including hiring more staff, buying high-speed ballot counters, developing procedures and systems for ballot verification, and so forth. But Illinois law stipulates that mailed-in ballots that arrive after Election Day, if postmarked no later than that day (the Tuesday after the first Monday in November, this year November 3), be counted along with provisional ballots.²⁵ When VBM was a small percentage of the total votes, as in past Illinois elections, only the tightest races would hinge on those votes, so most races could be called on election night. But in November, the increased percentage of mail-in ballots received may mean that many races will not be decided for days after the election. Preparing the public in advance for some delay could go a long way toward discouraging complaints and conspiracy theories and toward encouraging voter confidence.

- **Prevent vote harvesting:** Many documented or alleged cases of VBM fraud involve voters giving control of their ballots to someone other than an election official or postal worker. Illinois does not permit anyone other than the individual voter to return a completed absentee ballot, except when the voter has formally authorized another individual to do so.²⁶ Officials should clarify and publicize these rules against “vote harvesting” and strive to ensure that any violations will be resolved in a uniform manner.
- **Use new election law to secure an adequate number of polling places:** A new law for the 2020 election closes all schools on Election Day and authorizes election authorities to use school buildings as polling places. Schools are widely distributed through communities and have large spaces that can provide safe polling places to replace facilities such as nursing homes, which have been used in prior elections.²⁷



ENDNOTES

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⁸ Changes to Absentee/Mail-in Voting Procedures in Response to Coronavirus (COVID-19) Pandemic (2020),” Ballotpedia.org, Accessed July 6, 2020, [https://ballotpedia.org/Changes_to_absentee/mail-in_voting_procedures_in_response_to_the_coronavirus_\(COVID-19\)_pandemic,_2020](https://ballotpedia.org/Changes_to_absentee/mail-in_voting_procedures_in_response_to_the_coronavirus_(COVID-19)_pandemic,_2020).

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²³ See, e.g., Griffin Connolly, “Seven House Races, One Senate Race Still Uncalled As Florida Recount Deadline Nears,” Roll Call November 15, 2018 (<https://www.roll-call.com/2018/11/15/7-house-races-1-senate-race-still-uncalled-as-florida-recount-deadline-nears/>).

²⁴ Ella Nilsen, “Amy McGrath Just Won Her Unexpectedly Close Kentucky Senate Primary,” Vox.com, June 30, 2020, accessed July 1, 2020, <https://www.vox.com/2020/6/30/21301591/amy-mcgrath-kentucky-senate-primary-mcconnell>.

²⁵ 10 ILCS 5/19-8: (c) Each vote by mail voter’s ballot that is mailed to an election authority and postmarked no later than Election Day, but that is received by the election authority after the polls close on Election Day and before the close of the period for counting provisional ballots cast at that election, shall be endorsed by the receiving authority with the day and hour of receipt and shall be counted at the central ballot counting location of the election authority during the period for counting provisional ballots.

Each vote by mail voter’s ballot that is mailed to an election authority absent a postmark or a barcode usable with an intelligent mail barcode tracking system, but that is received by the election authority after the polls close on Election Day and before the close of the period for counting provisional ballots cast at that election, shall be endorsed by the receiving authority with the day and hour of receipt, opened to inspect the date inserted on the certification, and, if the certification date is Election Day or earlier and the ballot is otherwise found to be valid under the requirements of this Section, counted at the central ballot counting location of the election authority during the period for counting provisional ballots. Absent a date on the certification, the ballot shall not be counted.

If an election authority is using an intelligent mail barcode tracking system, a ballot that is mailed to an election authority absent a postmark may be counted if the intelligent mail barcode tracking system verifies the envelope was mailed no later than Election Day.

²⁶ 10 ILCS 5/19-6, 19-13.

²⁷ 10 ILCS 5/2B-10.

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Pg. 1 - Icon, #1250145054 by Robin Olimb

Pg. 2 - Voter’s button, #1198958341 by LPETTET

Pg. 7 - Mail-in ballots, #458931703 by SKrow

Pg. 8 - Voter with mask, #1227017220 by viavado