

# POLICY *focus*

RECIPES FOR RATIONAL GOVERNMENT

NOVEMBER 2020

## Elections Integrity During a Pandemic

By IWF Staff

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### What You Should Know

2020 will be remembered as a year when Americans faced many challenges: The COVID-19 pandemic threatened our health and our economy. Schools closed; our social interactions changed. Uncertainty gripped the country.

2020 is also an election year. Americans in all 50 states and the District of Columbia will vote for local, state and federal offices, as well as various ballot initiatives and referenda. States are experimenting with changes to election laws and processes in order to keep voters safe and protect public health.

Voting is a fundamental right of all Americans over the age of 18. But voting procedures must always take seriously the need to protect against voter fraud. Illegal ballots effectively cancel out the votes of legitimate voters. We need to balance the need to make voting accessible with the need to protect the integrity of the ballot. This is true for changes related to COVID-19, as well as for changes that preceded the pandemic..

All Americans want fair and free elections with results that we can trust. This is a critical component of our system of government.

In this policy focus, IWF will clarify some existing misperceptions about American elections in general, and about voting during this exceptional year. It is imperative that we count every legitimate ballot and honor the results—whatever they may be.

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## Why It Matters

Although many Americans do exercise their right to vote (and 2020 stands to be a record-breaking year for voter participation), many misperceptions remain about how elections work and how best to secure them against fraud and abuse. Here are three important clarifications:

- **Presidential elections are never finalized on Election Day:** Although we often know the outcome of the presidential election on Election Day, sometimes the process of certifying state vote totals can take longer than expected, especially in close races or races with many mail-in ballots. Officially, the process isn't complete until the Electoral College votes. Voters should be prepared to wait for a final outcome, if need be.
- **Efforts to secure elections against fraud are not motivated by hostility to voting rights:** We must ensure that elections are secure against voter fraud and voter suppression. This should be a bipartisan goal. Every *legitimate* vote should count.
- **Changes to voting processes intended to mitigate public health concerns (such as mail-in voting) may open the door to increased voter fraud.** While we should be supportive of voters' health, safety, and comfort, we should be vigilant about election integrity. Counting mail ballots accurately and keeping polling places safe pose special challenges for states in this unusual year.

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## Background: Timeline of U.S. Elections

The U.S. doesn't hold a single national election. Rather, Americans select their president based on the combined results of **51 separate democratic elections** held in the states and in the District of Columbia. This means all aspects of voting, including voter registration, are managed at the state level, by state boards of elections, and vary from state to state.

When Americans vote on election day, they are selecting electors who will cast their state's electoral votes for president. State election officials assign electors based on the winner of the statewide popular vote. Counting the total number of votes cast in each state is an important step in the process. The process continues when, on the first Monday after the second Wednesday of December, electors meet in their state capitols to cast ballots in what we call the "Electoral College." Congress later certifies the results of the Electoral College vote the first week of January.

Often, we do know the result of the presidential election on election night, provided that sufficient ballot counts in a sufficient number of states indicate a clear Electoral College outcome. But even where there is an obvious landslide victory, the results that we see in the media on election night and the following day are actually only projected results. States make their final vote certifications in the weeks after Election Day.

This part of the process is **expected to take longer than usual this year** due to the increase in mail-in ballots related to the COVID-19 pandemic. Some states allow post-marked ballots

to be counted after Election Day, and states will also need time to determine the status of provisional ballots, which are expected to be cast in higher numbers this year. [A provisional ballot is one offered to a voter whose registration status is not confirmed before he or she votes. A provisional ballot is only counted later once voter registration is confirmed.]

Considering all of this, voters should be prepared to wait for the final results of the 2020 election some time after Election Day.

## The Voting Rights Act

Voting is a fundamental right protected by both the U.S. Constitution and federal law. Nevertheless, the federal government does not run elections, even elections for president. This is by design. A decentralized election system prevents a single person, national party, or international enemy from stealing the election or rigging the system. Operating elections at the state level provides important checks and balances against corruption and fraud, increases transparency, and allows for contained recounts where necessary.

The exception to this decentralized system is the Voting Rights Act of 1965. Congress passed the Voting Rights Act to eliminate racist prohibitions on voting in the South, 95 years after the 15th Amendment prohibited the denial or abridgement “on account of race, color, or previous condition of servitude” of the right of any American citizen to vote. Although the Voting Rights Act’s prohibition on discriminatory voting practices is permanent, the requirement that certain “covered” jurisdictions (designated by a complicated statistical formula) get permission from the federal government before changing any election-related procedures was intended as a temporary, emergency measure to deal with intentional, if cleverly disguised, discrimination by Southern bigots. Fast forward 55 years, and these “temporary”, “emergency” measures are still being used—even in jurisdictions without any history of Jim Crow segregation or race-based voting practices.

Discriminatory voting practices are illegal. But half a century after the passage of the Voting Rights Act, the federal government should not have to approve of every change to voting hours or precinct locations in jurisdictions without any history of voter disenfranchisement absent evidence of discriminatory intent. Nor should we regard good faith attempts to stop voter fraud as racist absent proof of illicit motive.

## Changes to Voting Processes During a Pandemic

In the era of COVID-19, some states are making changes to their election systems, including increasing the use of mail-in ballots. Universal mail-in voting is different from “absentee” voting, which has always been an option in all 50 states. Typically, absentee ballots have comprised a small portion of total votes (and in many cases are so few that they don’t impact election results at all).

Ahead of the 2020 presidential election, nine states and the District of Columbia sent ballots to all registered voters (even those who did not request them and even those who had moved or died but remained on the voter rolls). Other states are making it easier to request a ballot to vote by mail this year. While these changes may sound like good ideas to help voters stay home and avoid

the risk of COVID-19, they come with a serious risk to election integrity. It is well-documented that mail-in ballots increase the risk of fraud, abuse, and mistakes in counting vote totals:

According to the **New York Times**, “there is a bipartisan consensus that voting by mail...is more easily abused than other forms” and that “votes cast by mail are less likely to be counted, more likely to be compromised, and more likely to be contested than those cast in a voting booth.”

In 2005, a bipartisan **Commission on Federal Election Reform** concluded that “absentee ballots remain the largest source of potential voter fraud” and that “vote buying schemes are far more difficult to detect when citizens vote by mail.”

The risk of fraud is exacerbated by the fact that our voter rolls and databases are often out of date. Pew Center on the States **found** that approximately 24 million (or one in eight) U.S. voter registrations are no longer valid or significantly inaccurate. Pew further notes that more than 1.8 million deceased people are listed as voters and approximately 2.75 million people are registered in more than one state.

When voter rolls are not purged of those who have moved, died, or are otherwise ineligible to vote, ballots are often sent to non-voters erroneously. In some cases, the number of inaccurate voter registrations is enough to swing an election. It is very possible that the 2020 presidential election will come down to a few thousand votes in key states. In close elections, the integrity of each vote matters even more.

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## Voter Fraud vs. Voter Suppression

**Polling** suggests that in 2020 there is widespread concern about counting votes accurately, but there is a partisan divide with respect to how the issue is framed: more Republicans are concerned about “voter fraud” while more Democrats are concerned about “voter suppression.” These are really two sides of the same coin in that they both represent concerns about election integrity.

Voting is a fundamental right. All eligible voters should be able to exercise that right without unnecessary barriers. At the same time, we cannot allow legitimate voters to have the power of their preferences weakened by fraud, abuse, and political machinations like ballot harvesting. Furthermore, if there’s widespread perception of voting fraud, voters get discouraged, and people start to distrust the sanctity and legitimacy of elections. It’s critical that Americans be able to trust that, in the election process, their votes are not cancelled out by fraud and illegitimate ballots. It is imperative that we count every legitimate ballot and honor the results—whatever they may be.

# What You Can Do

## Get Informed

Learn more about the United State's leadership on carbon reduction. Visit:

- [Heritage Foundation Vote Fraud Tracker](#)
- [The Pew Center on the States](#)
- [Commission on Federal Election Reform Report](#)

## Talk to Your Friends

Help your friends and family understand these important issues. Tell them about what's going on and encourage them to join you in getting involved.

## Become a Leader in the Community

Get a group together each month to talk about a political/policy issue (it will be fun!). Write a letter to the editor. Show up at local government meetings and make your opinions known. Go to rallies. Better yet, organize rallies! A few motivated people can change the world.

## Remain Engaged Politically

Too many good citizens see election time as the only time they need to pay attention to politics. We need everyone to pay attention and hold elected officials accountable. Let your Representatives know your opinions. After all, they are supposed to work for you!

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## ABOUT INDEPENDENT WOMEN'S FORUM

Independent Women's Forum (IWF) is dedicated to building support for free markets, limited government, and individual responsibility.

IWF, a non-partisan, 501(c)(3) research and educational institution, seeks to combat the too-common presumption that women want and benefit from big government, and build awareness of the ways that women are better served by greater economic freedom. By aggressively seeking earned media, providing easy-to-read, timely publications and commentary, and reaching out to the public, we seek to cultivate support for these important principles and encourage women to join us in working to return the country to limited, Constitutional government.

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