Bipartisan Policy Center

Prioritizing Achievable Federal Election Reform

January 2022

R Street

issue one™
FIX DEMOCRACY FIRST

AEI

UNITE AMERICA

Individual policy recommendations are endorsed by this group as part of a comprehensive package.

The purpose of this report is to highlight the synergy of these measures to strengthen our elections and encourage both parties to develop joint proposals in four key areas.

*The American Enterprise Institute does not take institutional positions.

AEI senior fellow Kevin Kosar was a participant in the working group.

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Introduction

Stark partisan dividing lines in Congress currently distract from potential areas of common ground in fostering an election system that puts voters first by being fair, accessible, secure, and transparent. These crucial topics include voter registration, voter identification, options to vote before Election Day, clean and accurate voter rolls, and audits.

This report outlines a realistic framework for bipartisan election legislation. If implemented, this framework would massively improve election administration and Americans' voting experience.

Federal election legislation, while rare, has a long track record of being bipartisan. For as much attention as members of Congress and the public have paid to how Americans vote, the most recent comprehensive elections bill passed in October 2002. But the urgent need for shoring election infrastructure becomes more obvious with each election.

This report authored by a working group of five nonprofit think tanks elevates the election and voting reforms that have gotten lost in the highly partisan federal debate about elections. The working group comprises individuals from five nonprofit think tanks from across the political spectrum: Bipartisan Policy Center, American Enterprise Institute, Issue One, R Street Institute, and Unite America. The data used in this report is sourced from Voting Rights Lab. We came together to publish this report to ensure that important concepts—such as accessible voter registration and accurate voter rolls—are understood to be nonpartisan proposals that will improve elections and not benefit one party more than another.

Many of the policy suggestions outlined in this report draw on recommendations made by BPC's Task Force on Elections, which includes 29 state and local election officials from 20 states devoted to making meaningful improvements to U.S. elections. The report references the task force's recommendations made in *Logical Election Policy*, *Improving the Voting Experience After 2020*, and *Bipartisan Principles for Election Audits*.

The proposals in this report also align with several findings from commissions focused on U.S. democracy, including the Carter-Baker Commission, a 2005 bipartisan group that produced 87 recommendations on federal election reform that was revisited in 2021 through a series of webinars. The recommendations also track the Presidential Commission on Election Administration, a task force led by Bob Bauer and Ben Ginsberg that produced a report with recommendations for state legislative action in 2014.

Federal and State Government Roles in Elections

The current partisan debate in Congress about elections and voting overshadows the history of successful federal legislation, referenced in Appendix A, when both parties came together to improve and secure the voting experience. The federal government has acted decisively in the past to enhance access, security, and transparency in the election system and to provide funding. Congress can continue to ensure these baseline principles through consistent minimum standards backed by much-needed and regular funding for states to implement them.

In March 2020, Congress worked expeditiously to provide $400 million in urgently needed emergency election funds to states at the beginning of the COVID-19 pandemic. This funding ensured the safety and security of the 2020 election. Local and state election officials across the country need federal support now to do their jobs. It is time for Congress to provide this support.

States should take the lead on crafting voting systems that build on existing options and meet unique local needs. There are numerous examples of how election modernizations like those recommended here have been effectively and fairly used in blue, red, and battleground states. In 2021, Virginia passed a series of bills expanding early and absentee voting and improving automated voter registration and ushered in a slate of Republican officials in its next election. Importantly, states must have flexibility to implement minimum standards in ways that meet the unique needs of their voters.

Funding Elections

Elections in this country are underfunded. That reality led to an influx of private philanthropic funds in 2020. Those funds may not be coming again, and ideally should not be relied upon since funding elections is an inherently governmental responsibility.

Regular, annual federal funding is the mechanism to incentivize the adoption of the policy suggestions outlined in this report. Elections are chronically underfunded and, currently, there is no regularized funding for elections at the federal level. Federal mandates often go unfunded, which weakens legitimacy when election officials lack the resources needed to comply with federal law.

The U.S. must better fund domestic democratic processes, like elections. This working group believes that annual, federal funding tied to the minimum standards outlined below incentivizes states to implement critical election infrastructure policies, while maintaining the authority of states to administer their own elections. Tying future funding to continued implementation further incentivizes this bipartisan policy package and creates an opportunity for the federal government to contribute to the ongoing cost of elections. Finally, mandating states match federal funding demonstrates continued commitment to election infrastructure.

States that meet the federal minimum standards outlined below by 2024 should be eligible for grants accessible through the federal government. The incentive-based legislative framework, outlined below, requires investment at the federal level. For states that meet the federal minimum standards for voter registration, casting a ballot and counting the vote, the federal government should provide access to grants at the state level.

A possible formula for determining the amount of funding per state is to consider $10 per vote cast in the previous presidential election distributed over the subsequent four years. For example, if a state had 7 million ballots cast, it would receive $17.5 million each fiscal year for election administration purposes until the next presidential election resets the multiplier. This is only an example of one possibility for the federal government to fund elections.

These funding parameters are just a starting point for the discussion on how federal funding can support election administration at the state and local level. There will need to be a balance between the incentive structure necessary to encourage participation with federal budget constraints. Congress is in the best position to balance these factors.

States should match a proportion of the funds received through grants and spend grants or document a budget demonstrating a spending plan for the grants within the federal fiscal year. Federal funding incentivizes states to invest in their election processes. The grants from Congress should be matched by states, so that states demonstrate investment in their election infrastructure. This working group does not have a recommendation for the percentage of matching but trusts that Congress can decide on a number. Grants should be spent within the federal fiscal year or accounted for in a budget that demonstrates a spending plan for the grants, to keep accurate and timely records of election spending year over year. A regular, annual investment in elections by Congress demonstrates a commitment to the legitimacy and security of the voting process.

Achievable Policy Options

Rather than providing a one-size-fits-all federal mandate, this working group posits that the key to bipartisan compromise is through **federal election funding for states** that meet the minimum standards proposed in this report. To ensure that feasible federal election reform options do not get lost in the overheated partisan debate occurring in Congress, this working group identifies four key areas to reframe the conversation about federal election reform: **voter registration, casting a ballot, counting the vote, and cybersecurity and physical security**.

Each policy suggestion described below relies on the other suggestions and minimum standards this working group recommends. The purpose of this report is to highlight the synergy of these measures to strengthen our elections and encourage both parties to develop joint proposals in these four key areas.

Individual policy recommendations are endorsed by this group as part of a comprehensive package.

These four areas each contain suggestions that are supported by either Democrats, Republicans or both at the state or federal level. The working group believes compromise can be achieved by engaging directly with the areas with the potential for bipartisan support. As with the Help America Vote Act (HAVA) in 2002, careful negotiation and an incentive-based grant structure will be the foundation of any federal election bill that passes through Congress. Reforms in these four key areas should not make a partisan impact and will improve election administration, voter confidence, and democracy in the U.S.

Currently, Colorado and Georgia meet all the recommendations detailed in this report. Seven additional states—Alaska, Arizona, Florida, Hawaii, Rhode Island,

Virginia, and Washington—meet all except one of our proposed standards. The goal would be for all states to be incentivized to meet all standards through federal grants.

This working group proposes minimum federal standards in the following key areas: voter registration, casting a ballot, counting the vote, and cybersecurity and physical security. The individual recommendations suggested in each of these areas should not be taken out of context from the greater policy area.

PERCENTAGE OF MINIMUM STANDARDS MET BY STATES
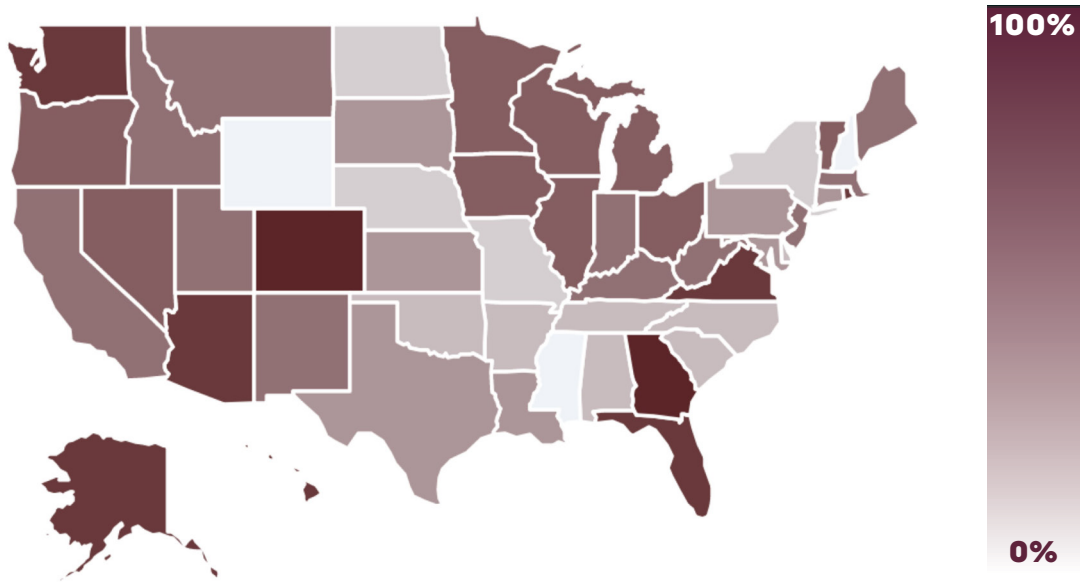
| State	Percentage Compliance	State	Percentage Compliance	State	Percentage Compliance
Colorado	100.0%	California	75.0%	Texas	66.7%
Georgia	100.0%	District of Columbia	75.0%	Alabama	58.3%
Alaska	91.7%	Idaho	75.0%	Arkansas	58.3%
Arizona	91.7%	Indiana	75.0%	Delaware	58.3%
Florida	91.7%	Kentucky	75.0%	North Carolina	58.3%
Hawaii	91.7%	Maine	75.0%	Oklahoma	58.3%
Rhode Island	91.7%	Massachusetts	75.0%	South Carolina	58.3%
Virginia	91.7%	Montana	75.0%	Tennessee	58.3%
Washington	91.7%	New Jersey	75.0%	Missouri	50.0%
Illinois	83.3%	New Mexico	75.0%	Nebraska	50.0%
Iowa	83.3%	Utah	75.0%	New York	50.0%
Michigan	83.3%	West Virginia	75.0%	North Dakota	50.0%
Minnesota	83.3%	Connecticut	66.7%	New Hampshire	33.3%
Nevada	83.3%	Kansas	66.7%	Wyoming	33.3%
Ohio	83.3%	Louisiana	66.7%	Mississippi	16.7%
Oregon	83.3%	Maryland	66.7%		
Vermont	83.3%	Pennsylvania	66.7%		

Democrats and Republicans agree that accessible, secure, and reliable voter registration processes are critical to fair elections. The opportunity for voters to register to vote through state and federal agencies, like the Department of Motor Vehicles (DMV), and through online means ensures that election administrators have accurate and up-to-date voter rolls. Timely and regular voter list maintenance enhances public trust by ensuring that only eligible voters receive and cast ballots. This pairing of accessible voter registration and timely voter list maintenance addresses election priorities on both sides of the aisle.

State Compliance with Voter Registration Recommendations

Percent of Recommendations Met by State
Based on Party Control of Executive Branch
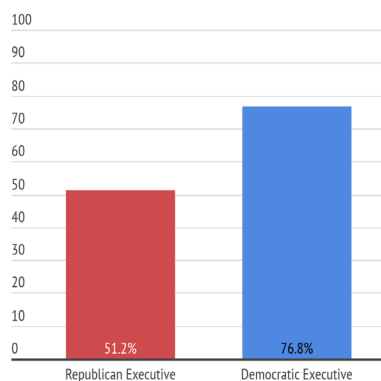
States that Meet 100% of Voter Registration Recommendations

Alaska
Colorado
Connecticut
Delaware
Georgia
Illinois
Maryland
Michigan
Nevada
Oregon
Rhode Island
Virginia
Vermont
Washington
West Virginia

The working group endorses the following package of federal policies to advance security and access in voter registration:

- *States should be required to perform voter list maintenance at regular intervals.* Regular list maintenance ensures that deceased voters are removed in a timely and efficient manner, which would dispel concerns over bloated voter rolls and fraudulent votes. Arizona, Louisiana, New Hampshire, Texas, and Utah have all passed laws with bipartisan support to expediently remove deceased voters from state voter rolls.

  The National Voter Registration Act (NVRA) prohibits states from removing a voter from registration rolls simply for failure to vote; however, 19 states have implemented supplemental processes to traditional list maintenance that rely on voter inactivity as an indicator to determine voter eligibility. This working group is not in agreement that voter inactivity should

indicate ineligibility; however, a standardized approach to performing list maintenance addresses many of the same concerns as the supplemental processes. Conditions—including outreach to inactive voters through multiple outreach channels, not just the United States Postal Service— should be met before voters are removed from voter rolls. For voters who appear to vote at the same address after being removed, states should investigate and implement an accessible reinstatement process as appropriate.

States should be incentivized by the federal government to join a multistate voter list maintenance system, such as the Election Registration Information Center (ERIC) program, for effective list maintenance. ERIC, a nonprofit run by its member states, provides a secure and accurate way for states to share voter registration and other data across state lines. For voters who move between or within states, their voter registration rolls and driver licenses can be securely shared among ERIC member states to expedite removal from their former states' voter rolls and addition to the rolls of their new state. Currently, 30 states are members of ERIC, including Alabama, Georgia, Colorado, and Oregon.

- *States should be prohibited from relying on external groups using undelivered mail to target voters for removal from voter rolls.* This practice, commonly called "voter caging," inaccurately assumes certain voters are ineligible to vote because their mail cannot be delivered to the address associated with their voter registration. It also outsources an inherently governmental function to private entities, when it is the government that should be responsible for and incentivized to maintain accurate voter rolls.

  "Voter caging" often occurs with partisan intentions that unfairly target minorities, voters of color, and other marginalized individuals. This practice also impacts individuals without set addresses —snowbirds, seniors living with different family members, and other seasonal or transitory workers. Basing voter registration eligibility on the assumption that voters are ineligible because their address appears to be incorrect leads to mistakes in who may be ineligible to vote. By prohibiting these campaigns, the federal government will incentivize fair and effective practices for maintaining voter registration rolls.

- *States should use standard automated voter registration processes based on security best practices.* The NVRA requires that states allow voter registration through the DMV. Some states have created voter registration application processes through the DMV to register voters unless an applicant declines to register to vote. This policy suggestion expands on the NVRA to include other state and federal agencies beyond the DMV, but maintains that states should allow applicants the option to opt out

of registering to vote. Some form of automated voter registration (AVR) is [currently implemented in 18 states](#) and Washington, D.C., with three additional states intending to implement AVR for the next election. For states that allow AVR, the DMV and other state or federal social services agencies should seamlessly connect with designated state election offices to update voter registration. AVR benefits voters as well as election administrators by making voter registration a seamless and efficient process. With AVR, election administrators maintain cleaner voter rolls because change-of-address information transfers directly from state and federal agencies to state voter rolls.

- ***States' online voter registration systems should connect to other state databases to determine voter eligibility for voters who move intrastate.*** Online voter registration (OVR) offers a way for voters to accessibly and easily register to vote online. It benefits election administrators by providing accurate and reliable data directly from voters themselves. Currently, [43 states and D.C.](#) have implemented or have plans to implement OVR by the next election.

Historically, the expansion of early voting options and voting by mail has occurred in Republican and Democratic controlled states. Texas and Tennessee were two of the earliest adopters of early in-person voting. California, Oregon, and Colorado were earlier adopters of voting by mail. The expansion of options for voters to cast their ballot is in the interest of both parties. Though our elections are secure, the implementation of a standardized minimum for verifying voter identity requirements could mitigate concerns over fraudulent voting. Pairing voter identification standards with the expansion of voting by mail and early voting options addresses both Republican and Democrat priorities to improve voter turnout and ensure fair ballot casting.

State Compliance with Casting a Ballot Recommendations

Percent of Requirements Met by State
Based on Party Control of Executive Branch

	Republican Executive	Democratic Executive
	78.0%	79.0%
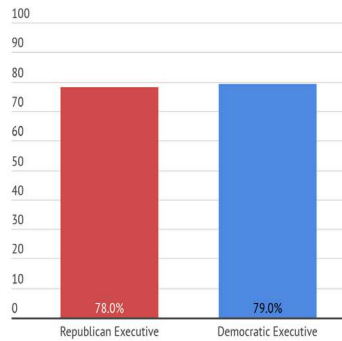
States that Meet 100% of Casting a Ballot Recommendations

Alaska
Arizona
Colorado
Florida
Georgia
Hawaii
Idaho
Michigan
Montana
Ohio
South Dakota
Utah
Virginia
Washington
Wisconsin

- *States should adhere to a minimum requirement for verifying voter identity that includes a variety of identification options.* Currently, 35 states have some form of voter identification required for voters to cast a ballot in person, including states that offer alternatives for voters who arrive without identification. By implementing a minimum standard of voter identification across states for federal elections, the federal government could appease concerns that certain states make it easy for ineligible voters to vote.

  Casting a ballot by mail versus at a polling place or voting center requires different identification policies because of the challenges of verifying a person's identity when they are not in person. For mail-in ballots, signature verification, voter identification numbers, and other verification means should be explored to prioritize security and accessibility.

- *Voters should have the option of voting early and in-person for a period of at least seven days in advance of a federal election. Smaller, municipality-based election jurisdictions should be allowed to join together to offer shared, convenient early voting.* Currently, 38 states have at least seven days of either early voting or in-person absentee voting (although some of these states do not include consecutive days or weekends). This suggestion would only require 12 states to expand their early voting options. By increasing to at least seven days of early voting, states are given the flexibility to adapt based on jurisdiction size without compromising voter access. Voters should be able to cast a ballot before Election Day in the same manner as they would at a polling place on Election Day. For smaller municipalities, resource sharing for early voting could mitigate the burden and extra costs of early voting. Federal funding provisions to support the implementation of these minimum standards will be discussed later in this report.

- *Absentee voting for all voters should be available with secure ballot tracking, a means of voter identity verification, robust ballot curing measures, and multiple return options.* Currently, 33 states and D.C. offer no-excuse voting by mail, 45 states and D.C. offer online ballot tracking, and 40 states and D.C. have some remote verification policy in place for mail ballots,[1] such as identification number requirements or signature verification. By giving voters the ability to receive a ballot by mail without providing an excuse, election administrators improve the convenience of voting and give all voters more options on how to vote. Secure ballot tracking gives voters insight into the arrival and processing of their ballot, thus improving trust and confidence in democracy.

The BPC Task Force on Elections endorses giving voters multiple options when choosing how to vote; however, the implementation hurdles of voting by mail include investing in new technology, expanding the timeline to process, improving the quality of voter registration lists, and an additional risk for election administrators because ballots are outside the direct control of election offices. The added risk of vote by mail prompts an emphasis on security and a prioritization by the U.S. Postal Service to ensure ballots are tracked throughout the voting cycle, as discussed later in this report.

Required, secure, online ballot tracking gives voters insight into the arrival and counting of their ballot. Signature verification provides a way for election administrators to verify the identity and eligibility of the voter. With expanded return options, including robust ballot curing measures, no-excuse absentee voting provides a standardized and flexible avenue to expand voting and provide options to voters.

1   Please see Appendix B to view the source for this metric.

The days after an election are especially prone to misinformation as election officials continue to count and process ballots while voters demand results. The problems that occur due to the lack of standardized ballot return dates contribute to mistrust in the election system and delay the reporting of results. High demand for unofficial election results after the close of polls conflicts with the necessity for accurate and secure vote counting procedures, placing election administrators in a tug of war between speed and accuracy. Election administrators work long hours and the lack of uniformity among states, and voters' lack of knowledge, leads to confusion among voters as to why results are delivered at widely different times across states. By addressing the lack of standardization in states' post-election timelines and coupling this with an increased timeline for election administrators to process ballots before the election, the release of unofficial election results could become expedited and more secure.

State Compliance with Counting the Vote Recommendations

Percent of Requirements Met by State
Based on Party Control of Executive Branch
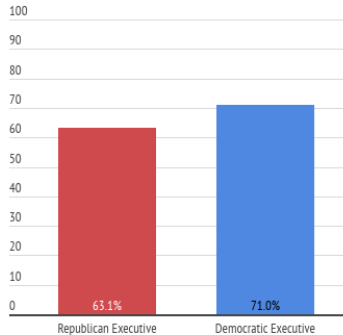
States that Meet 100% of Counting the Vote Recommendations

Arizona
Colorado
Washington DC
Florida
Georgia
Hawaii
Indiana
Iowa
Kentucky
Massachusetts
Minnesota
Montana
New Mexico
Rhode Island
Tennessee
Vermont

- ***States should begin preprocessing vote-by-mail ballots a minimum of seven days before Election Day.*** Currently, 32 states and D.C. allow election officials to begin verifying vote-by-mail ballots at least seven days before Election Day. The upside to incentivizing early processing of mail ballots is that it allows more time for identity verification and ballot curing for vote-by-mail voters. It also allows election officials an improved workflow for processing ballots before and during the election, which leads to ample time for a precertification audit after Election Day. With the continued expansion of vote-by-mail options, election administrators need expanded timelines and resources to process vote-by-mail ballots.

- ***In every state, mail ballots should be received by Election Day at the close of the polls to be counted.*** As discussed above, the period between when the polls close and when unofficial results come out provides a breeding ground for mis- and disinformation that undercuts trust in elections. The differences in the postelection timeline across states have become a deeply criticized and confusing discrepancy for voters. To expedite the release of unofficial results, the federal government should encourage a standard that all ballots must be received by the close of polls on Election Day. This could address the problem of each state releasing unofficial results on a different timeline and could build back trust in the election system. Exemptions for Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) voters or for voters who are a certain distance from the canvassing site should be considered.

  [Currently, 32 states and D.C. already require that ballots must be received by Election Day to be counted](). In 2020, ballot return procedures were the target of public speculation and disinformation campaigns. Simplifying and standardizing the process of returning vote-by-mail ballots by the close of polls could protect the elections process from the false claims made about later-arriving ballots. Increased demand among voters to receive results quickly also motivates this suggestion.

  This recommendation requires a well-functioning United States Postal Service (USPS) that can guarantee timely receipt and delivery. To accompany this recommendation, the working group suggests that the USPS prioritize election mail at a service level that offers ballot tracking. By formalizing the role that the USPS plays in elections and providing resources to implement ballot tracking services through the USPS, the federal government would improve the transparency and security of election mail.

- ***States and localities should conduct audits after each federal election.*** [Currently, 34 states and D.C. currently perform precertification audits]() or audits that include a means of addressing the discrepancy; for example, through a recount. For every federal election, states and localities should be required to conduct audits of their voting system. If a post-election audit finds significant discrepancies in the original tally of the vote, there should be a process put in place to correct the result, such as a recount. If the error is due to tabulation, then the audit should result in an expansion of the audit and, ultimately, a recount of all ballots cast. For state and municipal elections, the federal government leaves it up to the state to decide whether to audit. This leaves flexibility for states to develop robust audit systems but does not mandate that an audit be conducted for every

election. Precertification audits allow discrepancies to be identified prior to the certification of the vote, but finding the time to conduct an audit before the vote is certified can be challenging. BPC's report *Bipartisan Principles for Election Audits* further expands on this suggestion.

CYBERSECURITY AND PHYSICAL SECURITY

Since the 2016 election, the federal government has begun efforts to support the cybersecurity of state and local election offices. The importance of continued cybersecurity funding and guidance in elections cannot be denied by either party. Additionally, recent threats to the lives of election officials, experienced by Republican and Democratic election officials alike, indicates the need to consider physical security with the same seriousness as cybersecurity. The following suggestions represent a combination of bipartisan cybersecurity and physical security policies that could be implemented to enhance election safety and security across the U.S.:

- *The federal government should develop a program of cyber navigators that seeks to connect election officials with appropriate resources.* Cyber navigators could bridge election administration with cybersecurity best practice. These would be individuals who connect election officials with the resources necessary to effectively maintain secure and agile digital systems. Cyber navigator roles would be a highly effective way of expanding and elevating an individual in state election offices with the role of keeping all jurisdictions in the state aware of cybersecurity threats and vulnerabilities. A federal mandate for these positions ensures standardization across states to effectively deliver high-level cybersecurity protections across the U.S.

- *The federal government should implement minimum cybersecurity standards for state and local election offices and include comprehensive cybersecurity training, multifactor authentication and moving to the ".gov" domain.* Funding for cybersecurity training for all election administrators at every level ensures that all election offices receive standardized, comprehensive training on cyber threats. A mandate for the implementation of multifactor authentication would protect vulnerable databases. Moving all jurisdictions' websites to the ".gov" domain would ensure that voters know they are interacting with the trusted sources of information. Moving to the ".gov" domain could assist with combating false information about elections. Technical support through the Cybersecurity and Infrastructure Security Agency, combined with federal funding for cybersecurity training

and implementation of best practices, would provide election offices with the support necessary to be properly secured against cyber threats.

- ***The federal government, in collaboration with the U.S. Election Assistance Commission (EAC) and the DOJ, should provide funding for the protection of election officials and information-sharing resources regarding threats to election officials.*** The [current rise in threats](#) to election officials, their staff, and their families is unacceptable. Proper legal protection includes clear guidance on who election officials should report threats to and collaboration between local, state, and federal law enforcement agencies. Election officials need to be made aware of situations where their lives may be threatened. Increased coordination to share this information with election officials can be offered through federal resources: the DOJ's task force for election officials, the EAC, and the Election Infrastructure Information Sharing and Analysis Center. These agencies should coordinate to ensure that resources and information regarding threats reach election officials in a timely and efficient fashion. The DOJ should expand its capacity to investigate potential threats to election workers and their families. Congress needs to reexamine existing federal protections for election officials to meet today's threats.

- ***The federal government should provide resources and funding for physical security and doxing training for election administrators and their staff.*** Election officials need to feel safe doing their jobs. [Doxing](#) is when an aggressor publicly discloses the personally identifiable information (i.e., phone number, address, etc.) of an individual with the intent to harass, threaten, or stalk them. Given the influx of threats and doxing of election officials at the state and local level, the federal government should sponsor training for how to handle death threats and ensure the safety of election administrators at all levels. This training should involve fostering lines of communication between election offices and law enforcement agencies at the local, state, and federal levels.

Current Uptake of the Standards

Georgia and Colorado already meet these election administration standards today. Seven additional states, Alaska, Arizona, Florida, Hawaii, Rhode Island, Virginia, and Washington are only missing one of these standards.

Three states—Arizona, Florida, and Hawaii—meet every standard except for automated voter registration and a full integration of their election offices with other state and federal agencies covered by the existing NVRA. Eighteen of the 50 states already meet at least 75% of these expectations.

The lowest takeup of the standards so far falls in the voter registration bucket, specifically around NVRA-related automation. Only 19 states have implemented some form of automated voter registration. Nearly 70% of states already require some type of voter identification, and nearly 75% offer early voting for at least seven days.

There are a few notable states to highlight. Kentucky meets 73% of these standards without having AVR implemented. New York state trails Kentucky, with only 55% of standards met.

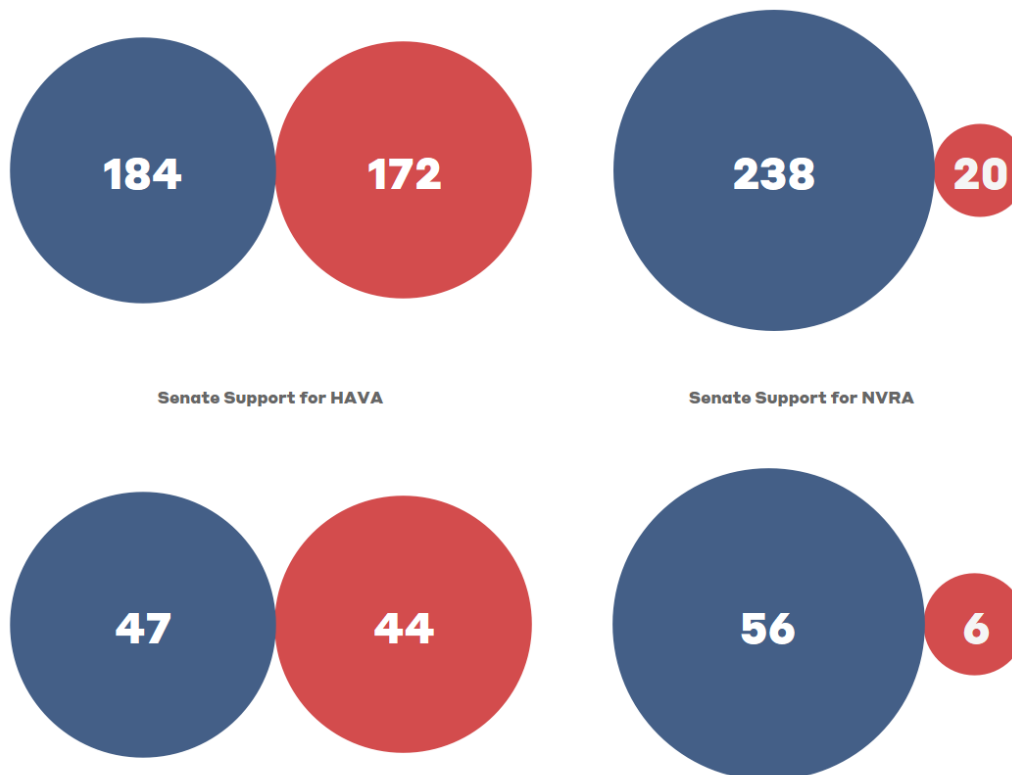## Number of States Meeting Each Minimum Standard
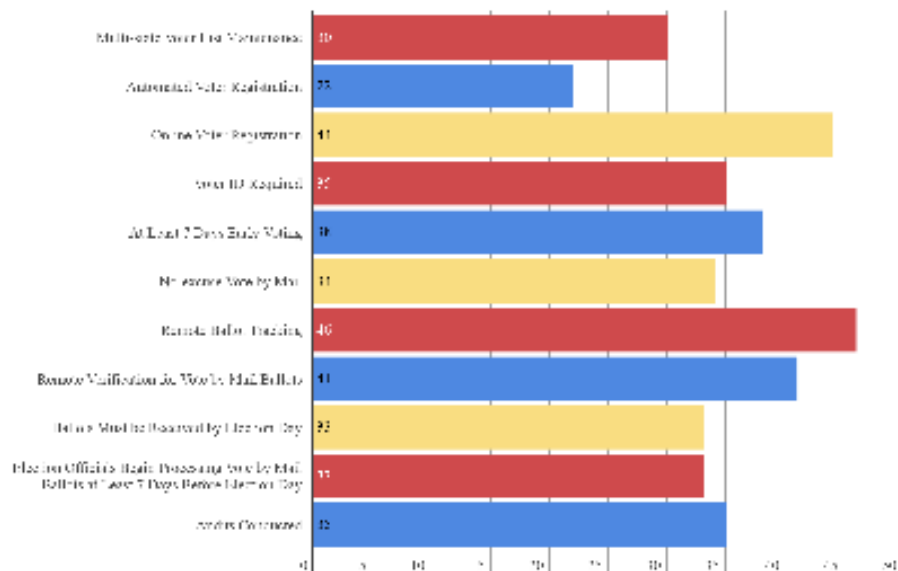
Conclusion

A federal election reform bill that provides funding to states that meet a reasonable set of minimum standards for voter registration, casting a ballot, vote counting, and cybersecurity and physical security could usher in a new, durable era in election administration. These policies would not disproportionately impact Republican or Democratic electoral prospects. Rather, it could heal partisan divides and ensure fair, accessible, secure, and transparent elections for the long term.

To instill national confidence in the fairness and security of our elections, the parties should take the first step to agree on the very basics of the mechanics of voting. Establishing a floor that all voters can understand that is achievable for election officials and respects resource constraints has the potential to significantly secure elections and improve the voting experience for years to come.

PAST FEDERAL VOTING LEGISLATION RECEIVED SIGNIFICANT BIPARTISAN SUPPORT

The Help America Vote Act of 2002 and the National Voter Registration Act of 1993 are the last two pieces of landmark election legislation to be enacted at the federal level. While hard to imagine today, both bills received significant bipartisan support, even after the 2000 election.

184 **172**

Senate Support for HAVA

238 **20**

Senate Support for NVRA

47 **44**

56 **6**

■ Democratic Votes in Favor   ■ Republican Votes in Favor

The Bipartisan Policy Center has long held that "Congress must look back to move ahead" on federal election reform. The last three major election laws enacted at the federal level offer real lessons on how to move beyond partisan talking points and into meaningful dialogue. The Help America Vote Act (HAVA) of 2002, the National Voter Registration Act (NVRA) of 1993, and the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) of 1986 all passed Congress with bipartisan support. The Voting Rights Act of 1965 also received bipartisan support in the House and the Senate.

HAVA was built on compromise; it maintained state and local control of elections while beginning to carve out space for more robust federal involvement. Each of the bill's big-ticket policy wins was the result of careful negotiation and relied on an incentive-based grant structure. Mitch McConnell (R-KY) and Chris Dodd (D-CT) were early supporters of HAVA. This working group adopts a HAVA-inspired grant structure to incentivize adoption of the standards outlined in this report.

HAVA established the EAC to assist states with federal elections and provide guidance around election laws and programs; provided funds for states to replace outdated voting systems; and created minimum election administration standards for states and local government responsible for the administration of federal elections.

While **NVRA** passed with less bipartisan support than HAVA, the minimum standards approach effectively implemented voter registration requirements across states. NVRA represents a commitment to accessibility, and prioritizes the needs of voters by providing opportunities to register to vote through state Departments of Motor Vehicles. NVRA arguably does not do enough to provide funding and resources to election offices to ensure compliance with all of the procedures outlined in the law. It also can make it more difficult to keep voter rolls clean in a now-highly mobile society.

UOCAVA was approved by a Republican-controlled Senate and a Democrat-controlled House by voice vote, so no record of individual votes was made, but the absence of a roll call vote suggests widespread support across parties for the bill. UOCAVA's passage demonstrated a commitment to accessibility and

the adoption of secure technology to allow certain groups of citizens to register and vote absentee in elections for Federal offices. UOCAVA covers members and families of the U.S. Uniformed Service and merchant marines and U.S. citizens residing outside the U.S.

This report details a suite of policy options that are achievable at the federal level. To demonstrate the extent to which these policies are already in place at the state level, BPC compiled data from a variety of sources on which states currently meet each of the minimum standards included in this report. This section documents the sources, means of data collection, methodology, and other considerations for the data used for this report.

Partisan Composition of State Governments

Data on partisan composition of state governments was obtained from [Ballot-pedia](). While data was compiled by BPC on January 6, 2022 (prior to Virginia's gubernatorial transition), Virginia was considered as having a Republican executive for the purposes of this report.

Data on State Compliance with Minimum Standards

BPC collected data on state compliance with the minimum standards laid forth in this report from Voting Rights Lab and Verified Voting. Below is a detailed list of where data was obtained for each section of the report. Please contact the authors of this report for the full dataset.

VOTER REGISTRATION

Recommendation	Source	Notes
States should be required to perform voter list maintenance at regular intervals.	[Voter List Maintenance and Purges, Existing Law, Removal for Not Voting](). Voting Rights Lab. Date accessed: 1/7/2022.	The description of this recommendation references a policy option in which a removal process is triggered for voters who do not vote in a set number of elections. The group did not endorse this policy option, and it was used for explanatory purposes only; therefore, this data was not used in determining whether a state meets the recommendations of this report.
States should be prohibited from relying on external groups using undelivered mail to target voters for removal from voter rolls.	No data available.	The National Voter Registration Act of 1993 enacted federal protections to limit the abilities of external groups to target voters for removal from the rolls. However, some states still rely on lists provided from external groups to trigger a removal process. No data currently exists on which states permit this practice.
States should use standard automated voter registration processes based on security best practices.	[Automatic Voter Registration, Existing Law](). Voting Rights Lab. Date accessed: 1/7/2022.	
States' online voter registration systems should connect to other state databases to determine voter eligibility for voters who move interstate.	[Voter List Maintenance and Purges, Existing Law, ERIC Membership. Voting Rights Lab](). Date accessed: 1/7/2022.	

CASTING A BALLOT

Recommendation	Source	Notes
States should adhere to a minimum requirement for verifying voter identity that includes a variety of identification options.	Voter ID, Existing Law. Voting Rights Lab. Date accessed: 1/7/2022.	The essence of this report's voter ID minimum standard is that voters have a variety of options available to them to provide their identity prior to voting. As such, we considered states that meet any of the four categories (as outlined by Voting Rights Lab) as meeting the recommendation: • ID required to vote • ID required, can vote regular ballot without ID only if verified by another voter • ID requested, can vote regular ballot without ID • ID requested, can vote provisional ballot without ID
Voters should have the option of voting early and in-person for a period of at least seven days in advance of a federal election. Smaller, municipality-based election jurisdictions should be allowed to join together to offer shared, convenient early voting.	Early Voting Availability, Existing Law. Voting Rights Lab. Date accessed: 1/7/2022.	In prior reports, BPC considered early voting as distinct from in-person absentee voting. For the purposes of this report, BPC defers to Voting Rights Lab's definition and includes both polling-place-style early voting and in-person absentee as meeting our recommendation.
At minimum, absentee voting for all voters should be available with secure ballot tracking, a means of voter identity verification, robust ballot curing measures, and multiple return options.	Ballot Return, Verification, and Cure; Existing Law, Electronic Ballot Tracking. Voting Rights Lab. Date accessed: 1/7/2022. Ballot Return, Verification, and Cure; Existing Law, Curing Problems with Ballot Envelopes. Voting Rights Lab. Date Accessed 1/7/2022. Data on remote voter identity verification was compiled by Voting Rights Lab and shared directly with BPC. The data is not currently available publicly.	BPC considers states that meet each of the below requirements, as outlined by Voting Rights Lab, as meeting our recommendation: • Ballot tracking exists for all voters, regardless of whether it is statutorily required • Notice and opportunity to cure required • When casting a mail ballot, voters must provide an ID or ID number, or the signature of a notary or witness(es), or the voter's signature on the ballot will be compared to their signature of record.

COUNTING THE VOTE

Recommendation	Source	Notes
States should begin pre-processing vote-by-mail ballots a minimum of seven days before Election Day.	Absentee Voting, Existing Law, Ballot Verification Timelines. Voting Rights Lab. Date accessed: 1/7/2022.	
In every state, mail ballots should be received by Election Day at the close of the polls to be counted.	Absentee Voting, Existing Law, Ballot Return Deadlines. Voting Rights Lab. Date accessed: 1/7/2022.	
States and localities should conduct audits after each federal election.	Audit Law Database. Verified Voting. Date accessed: 12/15/2021.	BPC considered states that meet the below criteria, as outlined by Verified Voting, as meeting our recommendation: • Audits completed before or after results are finalized • If audits completed after results are finalized, audits are binding or partially binding on results

Cybersecurity and Physical Security

This report includes recommendations on cybersecurity and physical security targeted at the federal government. As we believe the federal government is best suited to take the lead on enhancing election security, we did not include these recommendations in our assessment of state compliance with the report.

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