

PUBLIC INTEREST

— LEGAL FOUNDATION —

January 2021

RE: 2021 Legislative Priorities

The following are legislative priorities informed by recent research and observations of the 2020 Election cycle. The Public Interest Legal Foundation (PILF) is a nonprofit law firm dedicated to election integrity that also promotes common-sense reforms that preserve the Constitutional framework of American elections.

Administrative Integrity

Ban Outside Fund Contributions Toward Election Administration – Absolute bans on third parties offering grants or any other vehicle to fund regular election administration operations and/or special projects not specifically prohibited by existing state, federal, or local laws. The influx of private funds into election procedures creates opportunity for undue influence towards implementing procedures that state legislatures did not approve.

Mail Balloting Reforms

Identity Verification in Ballot Applications and Final Return Envelopes – Each mail/absentee ballot applicant must provide unique identification numbers provided by state government issuing agencies. In the case of a person not having a single acceptable ID number, last-four digits of Social Security number serves as a safety net. For those claiming to not have any SSN information, YET existing voter registration record shows a number on file, application shall be rejected.

Witness Requirements for Absentee Ballot Envelopes – Witness signature, printed name, voter registration address required for voters opting to vote absentee. A person shall not serve as a witness for more than three (3) absentee voters who are not related to or engaged as a caregiver. Exceptions given for those aged 65-plus.

Absentee Ballot Acceptance Deadlines – Absentee ballots will only be accepted if returned on or before the election day in question. Ballots postmarked by election day but arriving after shall not be counted. Exceptions for military/overseas voters where available.

Drop Box Use and Registry – Absolute prohibition on non-official drop box locations or sub-collection efforts. Official drop box locations must be located in government buildings or active polling place locations that are 1) operating under business hours (normal or extended); 2) connected to a registry system that collects ballot owner's name, voter registration address, and follow-up contact information. Registry also captures data if ballot is dropped off for a family member or part of a statutorily-established assisted voter program. THE REGISTRY IS A PUBLIC RECORD PRESERVED FOR 22 MONTHS AFTER APPLICABLE ELECTION DAY.

Ban on Ballot Harvesting – State law clearly defining acceptable terms for a person to handle and deliver the absentee ballot of another. Only a household member, legal relative, or lawfully assisting caregiver may return the ballot for another.

Absentee Ballot Return Limits – The following limits would be placed on ballots returned for others: household member (the total number of registered voters at the address in question); legal relative (5); lawful assistant caregiver (1 at a time).

Ample Funding for Envelope Barcoding or QR Code Systems – Legislature should ensure that jurisdictions with absentee printing responsibilities have reliable funding to install systems to track mailings.

Ample Funding for USPS Ballot Tracking Tool Subscriptions – Legislature should ensure jurisdictions with absentee mailing circulation responsibilities have reliable funding to utilize all available USPS ballot tracking offerings.¹

List Maintenance and Population Reforms

Mandates on State HAVA Officer to Establish Official Compacts with Other HAVA Officers – A legislative mandate that requires states to establish compacts to compare and share NCOA information, death records, and even engage in direct list comparison.

Citizenship Eligibility Improvements – Policies and legislative studies to ensure that foreign nationals legally present in the United States ARE NOT offered voter registration during covered transactions subject to the “Motor Voter” provisions of the National Voter Registration Act of 1993 and related state statutes.

Annual National Change of Address-Voter Roll Comparisons – Statewide requirement to compare whole voter roll against the USPS National Change of Address registry with appropriate local jurisdiction correspondence follow-ups.

Voter Registration Address Whitelisting – Require statewide voter registration database management/vendor implement a whitelisting protocol that only accepts noncommercial or other legally accepted addresses (group shelters, care facilities, etc.) from being enrolled into the residential portion of the voter roll.

Annual Duplicate Registration Merge Efforts – An affirmative, annual effort to identify and merge duplicate registrations existing at same addresses.

General Administration Reforms and Upgrades

Electronic Pollbooks – Invest in electronic check-in procedures at polling places with particular emphasis on interfacing state-issued ID cards and images.

¹ Only 4 million out of 31 million ballots circulated in the 2018 General Election utilized USPS tracking tools nationwide. *USPS-OIG; Processing Readiness of Election and Political Mail During the 2020 Elections* (August 31, 2020), <https://www.uspsoidg.gov/document/processing-readiness-election-and-political-mail-during-2020-general-elections>

Accessibility of Bulk Voter Registration Data -- Voter registration lists should be transparent, freely available (except information such as Social Security or driver's license numbers) to candidates, political parties, non-profit organizations, and the broader public upon request.

Litigation Matters

Legal Standing for Legislature – Ensure the legislature (by constitutional amendment process, dedicated legislation, or other local means) has standing to file a lawsuit against an executive office seeking to violate or depart from established statutory requirements involving the election code.

The Foundation also stands available to testify or comment against other particular matters that would worsen electoral integrity concerns or increase general confusion surrounding the administration and execution of elections.

Objectionable Policy Proposals

- Mass-Mail Election Reforms (see: Colorado, Oregon, Washington state)
- Mail ballot acceptance deadline extensions
- Relaxed postmark acceptance rules
- Automatic voter registration frameworks
- Pre-registration of minors
- National Popular Vote Compact
- Electoral College award splits
- Ranked Choice Voting