# Removing Barriers to the Ballot Box:

The Case for Mobile Voting







**Tusk Philanthropies** 

# Introduction

The fight for voting rights is one of the most enduring struggles in our nation's history. From its founding, when voting rights were limited to just wealthy white men, efforts to expand the franchise have been hard-fought and typically succeed only in response to national crises. Because of slavery, African American men, for example, were denied the right to vote until the adoption of the post-Civil War 13th, 14th and 15th Amendments to the U.S. Constitution. Even then, the right to vote for the previously enslaved was severely restricted in many states through violence, intimidation, and the adoption of "Jim Crow" laws. Women were not covered by the 15th Amendment. They were granted the right to vote after much agitation and in the wake of World War I with the ratification of the 19th Amendment in 1920. Native Americans were not granted full citizenship rights until passage of the Snyder Act in 1924, but even then, the right to vote was left to the states with the result being that it was not until 1965 that all Native Americans were theoretically covered. The voting age was lowered from 21 to 18 years of age by the 26th Amendment for young voters in response to the Vietnam War, with the cry, "old enough to fight, old enough to vote." Similarly, the Voting Rights Act of 1965 theoretically ending Jim Crow laws that disenfranchised Black, Latino, and Asian American voters was passed thanks to the modern Civil Rights Movement, which itself was sparked by two decades of advocacy and protest since World War II to end racial segregation.

Persons with disabilities often suffer unique disadvantages in exercising their constitutional right to vote. People who use wheelchairs or other mobility devices such as walkers have been unable to enter the polling place to cast ballots because there was no ramp. People who are blind or have low vision could not cast their vote because the ballot was completely inaccessible to them. People with intellectual or mental health disabilities have been prevented from voting because of prejudicial assumptions about their capabilities. It took the Americans with Disabilities Act of 1990 and other federal legislation to secure the right to vote for persons with disabilities. Even so, among voters with disabilities in 2020, only 26% voted at the polling place on Election Day compared to 31% of voters without disabilities.

Each of these events spurred an expansion of voting rights because we recognized as a country that when we restrict the right to vote, we deny our founding principles and harm our national character. Democracy depends on the ability of citizens to vote. We could not claim our democratic ideals while simultaneously suppressing the right to vote for millions of Americans.

Today, the struggle for voting rights continues, as far too many voters still cannot cast a ballot. Many of the voters who have been systematically excluded from the voting process throughout history continue to face obstacles to successfully voting today, especially military voters, voters with disabilities, Tribal community voters, younger voters, and other marginalized groups. We also continue to see the impact of climate change and natural disasters that add urgency to finding more resilient voting options to ensure Americans displaced in emergencies are not also disenfranchised.

The result is depressed turnout for too many voters. Even in 2020, when voter turnout was the highest in a century thanks to expanded voting options like vote by mail and early voting, significant turnout gaps persisted for traditionally underrepresented groups.

As a country, more must be done to expand access to voting for all eligible voters to ensure our democracy is truly serving all its citizens and we have guaranteed voting rights for all Americans. At the same time, we must also guarantee that any expansion of voter access is coupled with protection for the integrity of the voting process. This paper examines how our existing voting options systematically fail certain groups of voters and discusses how technologies like mobile voting would remove barriers and further expand voting access for these voters, without compromising the integrity of the election.



#### "Obstacles at every turn"



In 2020, election officials were forced to look for expanded options to serve voters in the midst of the COVID-19 pandemic. Twenty-four states plus the District of Columbia changed their rules to permit more voters the option to vote by mail, and as a result, the overwhelming majority of Americans had access to mail voting options in the 2020 presidential election.<sup>1</sup>

evidence from 2020 demonstrates The benefits of increasing the options and making votina more convenient. Turnout in the November general election was the highest in a century, with nearly 67% of eligible voters casting a ballot.<sup>2</sup> One study found that turnout was 5.6% higher states that average in automatically mailed every voter a ballot. Pew Research similarly found that of the ten states with the highest increase in turnout conducted over 2016, seven November election entirely or mostly by mail.<sup>3</sup> Primary election turnout in 2020 followed a similar trend, with seven of the ten states with the highest turnout conducting their elections all or mostly by mail.

5.6%

In 2020, turnout was an average 5.6% higher in states that automatically mailed every voter a ballot

7<sub>of</sub> 10

states that saw the highest increase in turnout conducted their election entirely or mostly by mail

<sup>1.</sup> Washington Post, September 25, 2020.

<sup>2.</sup> National Vote at Home Institute, January 7, 2022.

<sup>3.</sup> Pew Research Center, January 28, 2021.

Similarly, high turnout in the general election in 2018 suggests that the wider availability of convenient voting options means that expanded voting options like vote by mail have adequately addressed barriers to voting. That year, 50% of eligible voters participated, marking the highest midterm turnout in over a century. But consider that only 40% of eligible Hispanic and Asian voters participated, a 17-point gap from white voter turnout.<sup>4</sup> And just 28% of voters under 30 voted,<sup>5</sup> a more than 20-point gap from voters over 30.<sup>6</sup> The gaps were exponentially higher in the primary that year, with wide turnout disparities in both parties by race, income, and age.<sup>7</sup>

It is clear that despite modest improvements in turnout thanks to expanded access to vote-by-mail and other more convenient voting options, far too many voters continue to face obstacles to voting and are systematically excluded from the ballot box. These voters are not served well by any of the voting options available and consequently still show wide turnout gaps and have the lowest participation rates. With so many voters left out of the process, our democracy is imperiled, leaving us with chronic dysfunction, hyperpartisanship, and a continued failure to live up to our democratic ideals. It is time to add safe, convenient options like mobile voting to ensure all voters are able to participate in our democracy.

Let's examine the evidence.



<sup>4.</sup> Pew Research Center, May 1, 2019.

<sup>5. &</sup>lt;u>CIRCLE at Tufts University</u>, May 30, 2019.

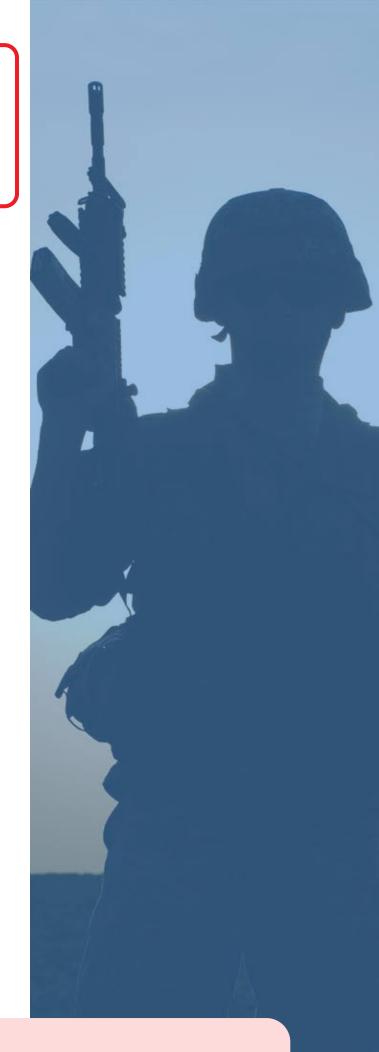
<sup>6.</sup> U.S. Census Bureau, April 23, 2019

<sup>7. &</sup>quot;The Primaries Project: The demographics of primary voters," Brookings Institute, October 23, 2018.

## Military & Overseas Voters

Our country has long sought to address the inherent barriers to voting facing our active-duty military service members and their families. Absentee voting in the U.S. traces its roots to those efforts, when soldiers fighting in the Civil War were among the first granted access to vote by mail ahead of the 1864 presidential election. During World War II, Congress sought to enfranchise soldiers deployed overseas through legislation that guaranteed access to a universal federal ballot by mail.

Today, nearly four million active-duty military,8 their family, and other citizens residing outside the country are eligible to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) of 1986.9 This law guarantees access to vote by mail and resolves persistent problems that left military and overseas voters unable to vote on anything but federal contests. Unfortunately, UOCAVA did not fix the inherent logistical challenges with getting ballots into the hands of voters around the world in a timely fashion. The Military and Overseas Voter Empowerment (MOVE) Act of 2009 addressed some of those issues by lengthening the voting window in federal elections to 45 days and requiring that qualified UOCAVA voters have the option to receive a ballot electronically.

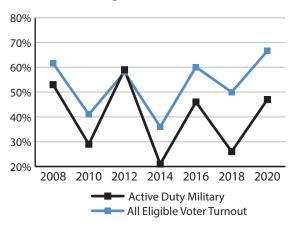


<sup>8.</sup> Based on data compiled by the Federal Voting Assistance Program.

<sup>9.</sup> Uniformed and Overseas Citizens Absentee Voting Act of 1986.

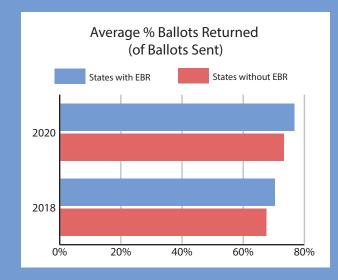
Evidence shows that the added options in the MOVE Act did little to help UOCAVA voters overcome obstacles to voting by mail. In 2012, the first presidential election after the MOVE Act passed, turnout among military voters increased from 52.9% in 2008 to 55.1% in 2012, 10 despite a nearly 4% decline in turnout in 2012 among all eligible voters. 11 But as the graph illustrates, participation rates in subsequent elections have fallen, with the gap in turnout widening compared to overall voter participation rates. 12

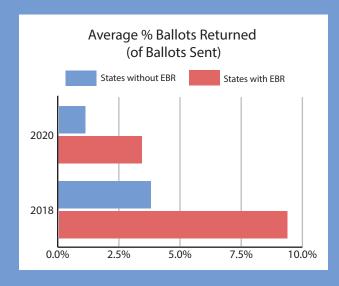
#### Active Duty Military Turnout Compared to Citizen Eligible Turnout (2008-2020)



Because of the concern about the delay in sending and receiving mail, a majority of states have expanded on the MOVE Act to permit military and overseas voters the option to return ballots electronically. Most electronic ballot return methods involve sending the voted ballot and accompanying affidavit form by fax, by email as PDF attachments, or by uploading the PDFs to an online portal or file transfer site, usually hosted by the state's chief election official.

These return methods help to mitigate the risk that UOCAVA voters' ballots go uncounted, and consequently, states with electronic ballot return do see modest increases in voter turnout among UOCAVA voters. In the 2018 and 2020 general elections, for example, average turnout among military and overseas voters was over three percentage points higher in states with electronic ballot return, and ballot rejection rates were nearly four percentage points lower.<sup>13</sup> That means approximately seven percent more military and overseas voters successfully voted those years in states with electronic ballot return compared to voters in states without it.





<sup>10.</sup> Federal Voting Assistance Program

<sup>11.</sup> Overall voting eligible population turnout was 58.6% in 2012, down over 3 points from 62.2% in 2008 [Source: U.S. Elections Project].

<sup>12.</sup> FVAP did not begin reporting turnout rates among eligible citizens overseas until 2016. FVAP also does not report on voter turnout in primariy elections and non-federal elections, limiting the data available to just federal general elections.

<sup>13.</sup> Election Administration and Voting Survey Reports, 2018 and 2020



This modest increase is notable, but it remains clear that existing electronic ballot return options are not adequately meeting the needs of UOCAVA voters. Existing options can be burdensome for voters to utilize because the voter typically needs access not only to a computer or mobile device, but also a printer and possibly a scanner in order to print and sign their ballot affidavit and then upload it for electronic return. Each of these return methods also require the voter to give up their right to a secret ballot because there is no way election officials can separate their identity from their marked ballot. That requirement is particularly ironic considering military service members are fighting to defend our democracy while simultaneously being asked to give up basic democratic rights.

Each of these return methods also carry tremendous security risks, giving voters no ability to verify whether or not the ballot received by the election office is the same as the ballot they cast. Email return options are even riskier for election officials. Election officials must open email attachments from unknown email accounts, a practice that is routinely cited as introducing a vast array of cybersecurity risks that could threaten other parts of the election system, including voter registration databases.

These deficiencies in existing ballot delivery and return options help to explain why military and overseas voters continue to vote at some of the lowest rates. In 2020, for example, just 47% of eligible military voters and a mere eight percent of eligible overseas citizens successfully voted in the 2020 presidential election. Domestic voters were ten times more likely to vote in 2020 than overseas voters.<sup>14</sup> Participation in primaries (which often matter more than general elections) and local elections is far worse.<sup>15</sup>

Some speculate that UOCAVA voters vote at lower rates because by residing in another country, they are disengaged and disinterested in U.S. elections. While that may be true for some eligible UOCAVA voters, this view dismisses the inherent interest many UOCAVA voters have in U.S. election outcomes. Many voters overseas are serving the country, whether in the military or in the State Department. Others are serving in humanitarian roles or may be studying abroad. Many of them have expressed interest in voting but are excluded due to the persistent barriers in place. The Federal Voting Assistance Program found that in 2020, 21% of military voters and nearly 40% of eligible overseas citizens wanted to vote but were unable to do so due to the obstacles they faced. These barriers, from postal delivery delays to the challenges in existing electronic return options, leave far too many eligible voters effectively disenfranchised.

#### Barriers to Voting for Military and Overseas Voters

- Postal delivery delays resulting in late arriving ballots
- No ability to verify emailed or faxed ballot is secure
- Existing electronic return options force voters to give up right to secret ballot
- Email return options force election officials to open email attachments from unknown senders

<sup>14.</sup> Federal Voting Assistance Program 2020 Post-Election Report to Congress, 2020.

<sup>15.</sup> UOCAVA turnout data is not typically reported in non-general elections, and the Federal Voting Assistance Program reports biennially on participation in federal general elections only. But anecdotal data, for example data reported from the City and County of Denver, shows significantly lower turnout among UOCAVA voters in local elections in 2011, 2015, and 2019.

### Voters with Disabilities

One of the most important civil rights laws passed in our nation's history, the Americans with Disabilities Act (ADA) guarantees that the 61 million people with disabilities<sup>16</sup> have equal access to public facilities, including voting. requirement has been interpreted to provide a guarantee that all voters, regardless of ability, have the right to vote independently and privately, whether voting in person at a polling place or by absentee ballot. Current Census data estimates that there are 38.3 million eligible voters with a disability, representing a nearly 20% increase since 2008, and meaning voters with disabilities now make up a larger share of the electorate than voters who are black (29.9 million) and Hispanic (31.3 million).<sup>17</sup> And since nearly everyone will experience temporary or permanent disability at some point in their lives, this guarantee has the potential to benefit nearly every American, including their friends and relatives.

Despite the federal guarantee in the ADA, voters with disabilities continue to face barriers to voting and are too often unable to exercise their right to vote. In the 2020 general election, for example, voters with disabilities voted at a 7% lower rate than voters without disabilities of the same age, a gap representing over two million fewer voters. Voters with disabilities were twice as likely to report difficulties voting as voters without disabilities, and 17% were unable to vote independently without difficulty, including voters casting a ballot in person and by mail.<sup>18</sup> Voters who are blind faced particular barriers to voting, with over 22% reporting difficulty voting by mail and just 54% reporting they were able to successfully vote in person without problems.<sup>19</sup>



There are 61 million Americans with disabilities.



Voters with disabilities had an 8% turnout gap in 2016



Expanded access to vote-by-mail in 2020 decreased that gap to 3.6%

<sup>16.</sup> CDC Fact Sheet: Disability Impacts All of Us.

<sup>17.</sup> Rutgers University, September 25, 2020.

<sup>18. &</sup>lt;u>Disability and Voting Accessibility in the 2020 Elections</u>, Election Assistance Commission.

<sup>19. 2020</sup> Blind Voter Survey Report, National Federation of the Blind.



Most policies designed to make voting more accessible focus on in-person voting since that has been the primary voting method used by all voters. Important improvements to in-person voting were made thanks to the Help America Vote Act (HAVA) of 2002, which included billions of dollars in federal funding to help states purchase accessible voting equipment and upgrade public buildings used as polling places to make them physically accessible.

But these efforts, while important, fail to address all of the barriers voters with disabilities face when trying to vote. For example, they do not address transportation barriers that inhibit voters with disabilities from getting to a polling place. And despite decades-long efforts, far too many polling places continue to have accessibility issues. A GAO report<sup>20</sup> found that two-thirds of polling places in 2016 had at least one impediment to voters with disabilities. And evidence shows that too often, voters with disabilities encounter malfunctioning accessible voting equipment and poorly trained poll workers at in-person polling locations.

Consider the experience of Ruth Sager, a blind voter in Maryland.<sup>21</sup> She filed suit in federal court following her experience voting in person in 2018. When she arrived to vote that year, the single accessible voting machine at her polling location was not working, and the poll workers' only solution was to offer her two election judges to read her paper ballot to her and mark it on her behalf. This solution was a total violation of her privacy, but unfortunately, Ms Sager's experience is not unique. In fact, she reported that in her 25 years voting at the same polling place, she remembers only two times when the accessible voting unit was set up properly.

<sup>20 &</sup>lt;u>Observations on Polling Place Accessibility and Related Federal Guidelines</u>, General Accounting Office, October 2017.

<sup>21. &</sup>lt;u>"Voters with Disabilities Feel Left Behind by Paper Ballot Push,"</u> Pew Research, September 18, 2019.

Survey data from the National Federation of the Blind from 2020 shows the situation may be worsening. In its survey report on the 2020 election, NFB found that fewer blind voters reported that accessible voting equipment was set up at polling locations in 2020 than in prior years, and just 54% of blind voters reported being able to cast their vote without problems, a decline from as high as 87% in 2008. Blind voters were also less satisfied with the treatment by poll workers in 2020 than in other years, and six percent more voters reported needing assistance voting in person in 2020 than in 2016.<sup>22</sup>

Mail voting can help address some accessibility barriers, but traditional mail voting is not accessible for all voters with disabilities, particularly voters who are blind or print disabled and cannot independently hand-mark a paper ballot. Accessible absentee voting options are available in many states, unfortunately, most do not go far enough. A majority of states have adopted rules that permit a voter with disability to receive an absentee ballot electronically, usually by email or web portal. The voter can then use their own assistive technology to mark their ballot independently. However, in all but a handful of states,<sup>23</sup> voters must then print a physical ballot and return it by mail or at a drop box to the election official. This process requires voters to have access to a printer, which many blind voters report not having.<sup>24</sup> And any requirement for a voter to handle a paper ballot is not fully accessible. Voters who are blind cannot verify if the ballot prints correctly, and voters with physical impairments may be unable to handle the paper ballot after it prints.

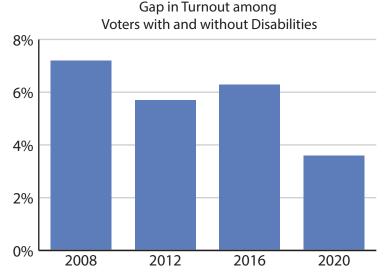
<sup>24.</sup> For example, blind voters in Massachusetts <u>reported</u> the barriers to using the state's electronic delivery system in 2020 and hail the new law that permits electronic ballot return. Similarly, <u>blind voters in New York</u> have publicly commented that they can't "read print" and therefore don't have printers.



<sup>22. 2020</sup> Blind Voter Survey Report, National Federation of the Blind.

<sup>23.</sup> National Conference of State Legislatures

These barriers have created a segregated and unequal voting process for people with disabilities and the result is depressed turnout and significant voting gaps, as illustrated in the chart below. Turnout in 2016 by voters with disabilities was 55.9% nationally compared to 62% among voters without disabilities, a 6-point gap that expands to nearly 8 points when adjusted for race, age, and other demographic data.<sup>25</sup>



In 2020, when most states expanded access to vote by mail, the turnout gap for voters with disabilities fell to 3.6%,<sup>26</sup> affirming that when transportation and physical location barriers are removed, more voters with disabilities are able to vote. In spite of those efforts though, voters with disabilities are still twice as likely to face difficulties voting as voters without disabilities.<sup>27</sup>

#### Barriers to Voting for Voters with Disabilities

- Inaccessible paper ballots, especially for voters who are blind or print disabled
- Accessible voting equipment at in-person polling sites not set up
- Inaccessible polling places
- Inaccessible signature affidavit signing options

- Electronic ballot delivery with physical return forces voters to have access to printers
- Inability to independently and privately handle a paper ballot, both in person and by mail
- Poorly trained poll workers
- Transportation barriers to in-person voting

<sup>25.</sup> Fact Sheet: Disability and Voter Turnout in the 2016 Elections, Rutgers University.

<sup>26.</sup> Note, when adjusted for age, the turnout gap in 2020 was over 7%, according to the Election Assistance Commission.

<sup>27.</sup> Disability and Voting Accessibility in the 2020 Elections, Election Assistance Commission.

#### Voters in Emergencies

The pandemic exposed the need for more resilient voting options to ensure all voters can exercise their right to vote even in emergencies. In 2020, voting by mail was the go-to option to ensure voters could vote without forcing them to risk their health. And it worked. Turnout was the highest in a century, and evidence shows that the increase in turnout was highest in states that conducted the election entirely or mostly by mail.

Vote by mail is certainly a step in the right direction to make voting more resilient. But it is not a solution that works in all emergencies. In 2020, COVID was the biggest threat to voting across the country, but in western states, wildfires displaced tens of thousands of voters in the weeks ahead of the election, especially in California, Colorado, and Oregon.<sup>28</sup> Voters forced to flee their homes along with first responders deployed to assist in emergencies have limited access to mail, making voting by mail cumbersome at best and impossible at worst. Similarly, in 2022, category 4 Hurricane lan devastated densely populated counties in Florida, displacing thousands of voters ahead of the midterm elections and forcing state and local election officials to consolidate and relocate in-person polling sites and even leading the Florida Governor to issue an executive order enabling absentee ballots to be sent by forwardable mail.



600,000
Americans are hospitalized daily, without a pandemic.

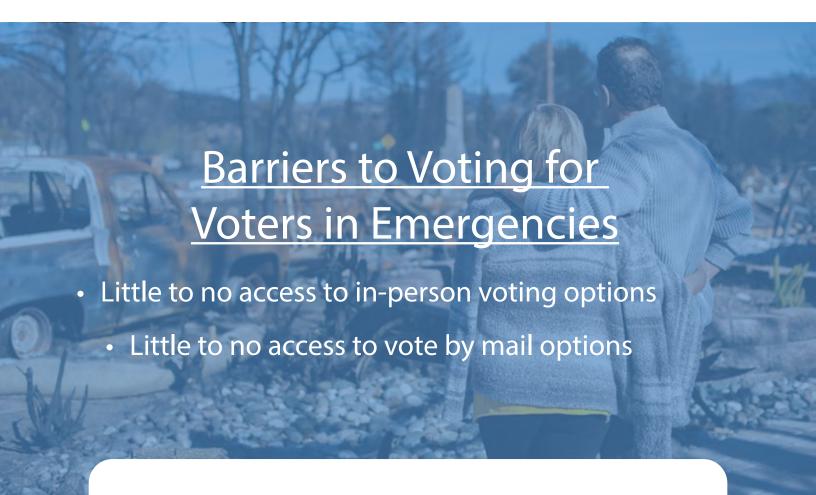


1,200,000
Americans are
displaced annually
due to natural
disasters

Tragically, Hurricane Ian was not the first storm to affect Florida voters in a general election. Just four years earlier, category 5 Hurricane Michael tore through counties in Florida's panhandle, forcing state and local officials to similarly scramble to identify ways to help affected voters get a ballot. Despite their best efforts, turnout in the affected counties was depressed by at least seven percent compared to the state turnout average.<sup>29</sup> Consider that the race for governor that year was within 33,000 votes and may well have been impacted by the lower turnout in those counties.

Unlike COVID, all evidence points to worsening hurricanes and more devastating wildfires in the years to come, with the worst effects coinciding every fall with general elections. On average, 1.2 million Americans are displaced every year due to natural disasters, 30 while thousands of first responders are also called to duty outside their home jurisdiction. And about 600,000 patients are hospitalized every day - without a global health pandemic. Current voting options, including vote by mail, are inadequate to ensure affected voters can still exercise their right to vote.

<sup>30.</sup> Internal Displacement Monitoring Centre



<sup>29.</sup> Brennan Center for Justice, September 28, 2022



#### Tribal Community Voters

Native Americans have long struggled for full citizenship rights. Despite the 14th Amendment in 1868 and subsequent federal laws in the early 20th century granting Native Americans citizenship, most Native voters were not given full voting rights until passage of the Voting Rights Act in 1965.

Nearly sixty years later, many voters in tribal communities continue to face barriers to the ballot box. In fact, the Native American Rights Fund noted in a recent report that "every barrier imaginable is deployed against Native American voters."31 Many voters in tribal communities struggle even to register to vote since they often have no standard address needed to determine their voting precinct. In-person voting is typically inaccessible since tribal community voters may live as many as 150 miles from the nearest polling place. The Native American Voting Rights Coalition found that 32 percent of respondents in South Dakota said the distance from polling places affected their decision about whether to vote,32 and Census data shows that over thirteen percent of Native American households lack access to a vehicle. And voting by mail is also difficult because at least 18% do not have home mail delivery.<sup>33</sup>

<sup>31. &</sup>quot;Obstacles At Every Turn: Barriers to Political Participation Faced by Native American Voters," Native American Rights Fund, 2020.

<sup>32.</sup> Native American Voting Rights Coalition Survey, January 2018.

<sup>33.</sup> Census Data, November 2017.

These obstacles help account for the fact that Native Americans have the lowest voter turnout rate of any racial or ethnic minority group in the U.S. According to data from the National Congress of American Indians, only two-thirds of eligible Native Americans are registered to vote compared to 73% of all eligible citizens, and voter turnout averages between five and fourteen points<sup>34</sup> lower than other minority groups.<sup>35</sup>

#### Barriers to Voting for Tribal Community Voters

- Lack of transportation to access in-person polling sites
- Lack of standard home address to register to vote
- 100+ mile distance from polling sites
- Lack of access to home mail delivery

<sup>34. &</sup>quot;Every Native Vote Counts: Fast Facts," National Congress of American Indians.

<sup>35. &</sup>quot;Voting Access for Native Americans," Election Assistance Commission, 2022.



#### **Young Voters**

In the more than 50 years since the 26th Amendment lowered the voting age to 18, youth voter turnout has remained frustratingly low. In fact, in 2020 when overall voter turnout was the highest in a century, young voters participated at roughly the same rate as in 1972, the first presidential election in which voters under 21 were able to vote.

Many have long held that young people don't vote because they are apathetic or disillusioned by politics. This reasoning is not supported by research, though. The American National Election Study, for example, found that in the last five presidential elections, more than three-quarters of young people were highly interested in politics, cared about who was elected, and intended to vote. The reasons so many of them ultimately didn't follow through are more complex and are symptomatic of the nature of young peoples' lives and various obstacles in place that make accessing a ballot more difficult for younger voters.<sup>36</sup>

Research finds that young voters face numerous obstacles to casting a ballot, whether in person or by mail. Young voters are more likely to be transient at the time they come of age to begin voting and therefore need to register to vote or update their voter registration far more frequently than their older counterparts.<sup>37</sup> Any barriers to voter registration then, including a lack of online registration, on-campus registration services, automatic registration, and same day registration, mean that many young voters are excluded from the election process altogether.

<sup>36.</sup> Studies on voting barriers for young voters include research published by <u>Duke University Political Science Professor Sunshine Hillygus</u> and by <u>Tufts University</u>.

<sup>37. &</sup>quot;The Real Reason Young People Don't Vote," Sunshine Hillygus, October 20, 2020.

Young voters also have difficulties accessing in person options due to scheduling or transportation barriers. They are more likely to have inflexible schedules, attending college or working hourly positions, and therefore are less likely to be able to access in-person voting options during open polling hours or wait in hours-long lines once there. Young voters are also less likely to own a car, and accessing other transportation, such as rideshare and public transit, can be expensive and time-consuming. And confusing rules about absentee ballots coupled with postal delivery delays make voting by mail more difficult for younger voters.

All of these obstacles combine to make voting difficult for younger voters. Consequently, the turnout gap for voters under 25 remains high. In 2020, for example, the turnout gap for young voters under age 25 was 16 percent compared to voters 25 and older, according to Census data. Voters under 25 were half as likely to vote in 2020 as voters over age 65. The numbers were far worse in 2016, when the gap was over 20 percent compared to voters 25 and older, and grew to over 30 percent compared to voters over 65.<sup>42</sup> Other research shows that young voters are much less likely to vote in primaries, leading to a much older electorate in the election that often matters more than general elections.<sup>43</sup> And in local elections, young voters are 15 times less likely to vote.<sup>44</sup>

#### Barriers to Voting for Young Voters

- More likely to move between elections and need to update voter registration
- Less likely to have access to transportation

- More likely to face long lines at polling sites
- Less likely to have access to information about voting by mail

<sup>38.</sup> Pew Research Center, November 18, 2022.

<sup>39.</sup> U.S. car owners by age group, 2021.

<sup>40.</sup> A July 2020 poll found that half of voters under 35 did not have enough information to vote by mail, according to NPR.

<sup>41.</sup> For example, George Washington University students were unable to vote in the 2022 midterms due to ballot delivery delays and mailbox issues.

<sup>42.</sup> U.S. Census Bureau Historical Reported Voting Rates.

<sup>43.</sup> The 2018 Primaries Project: The demographics of primary voters, Brookings Institute.

<sup>44. &</sup>quot;Who Votes for Mayor", Portland State University.

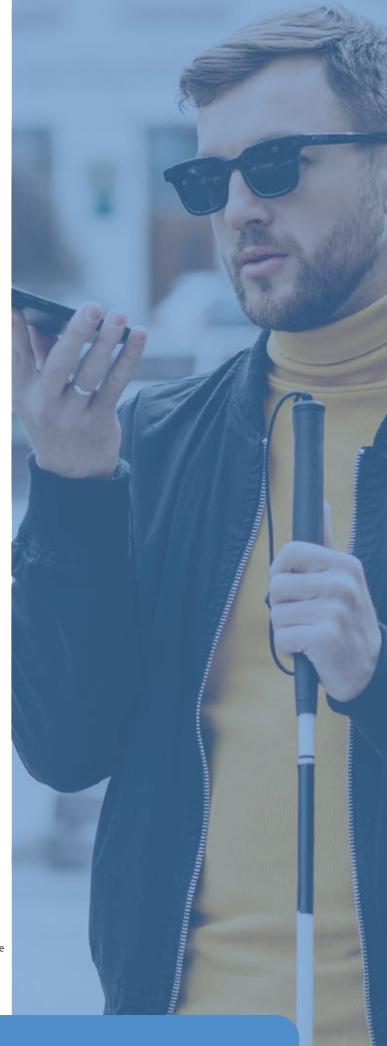
# The Solution: Adding a Mobile Voting Option

There is one common thread that contributes to the persistent turnout gaps among these voting groups: accessing a ballot remains unreasonably difficult for too many voters. Expanded access to options outside of a polling place, including automatic vote by mail and early vote centers, have helped to close the gap, but more is still needed to ensure all eligible voters can exercise their right to vote.

Mobile voting as an added option would address many of the access issues that inhibit participation by so many eligible voters. As in mail voting, mobile voting brings the ballot to the voter, enabling them to mark and return a ballot from the convenience of their mobile device or computer and without the need to get time off work to vote, overcome transportation issues, wait in long lines, or face disqualification due to voter ID requirements.<sup>45</sup> But unlike mail voting, mobile voting places the voter's ballot on the device they use every day, reducing the risk that a ballot by mail is lost, misdelivered, or rejected.

As the table on the next page illustrates, the added convenience of mobile voting would help make voting easier for all voters, but especially those with inherent barriers to existing options.

45. Importantly, though, mobile voting still provides tools for voters to meet identification requirements used in absentee voting. For example, in states that require voters to provide a copy of acceptable ID with their absentee ballot, mobile voting technology gives voters the ability to take a photo of the ID, which is then encrypted and transmitted with the signed affidavit and ballot.



Mobile Voting Benefits	
Military & Overseas Voters	<ul> <li>Convenience of voting from anywhere without risking postal delivery delays</li> <li>More secure than existing electronic return options like email and fax</li> <li>Doesn't force voters to give up their right to a secret ballot</li> </ul>
Voters with Disabilities	<ul> <li>Convenience of voting from anywhere</li> <li>Overcomes transportation barriers</li> <li>Enables voters to use their own assistive technology to mark and return their ballot</li> <li>Empowers voters to vote independently and privately, without ever needing to print or handle a paper ballot</li> </ul>
Voters in Emergencies	<ul> <li>Helps make elections resilient to natural disasters and other emergencies, which are expected to only get worse in years to come</li> <li>Places their ballot on the device they carry with them, even when fleeing natural disasters or confined in a hospital</li> <li>Mitigates the risk that they cannot receive or return a ballot or access in person voting options</li> </ul>
Tribal Community Voters	<ul> <li>Convenience of voting from anywhere</li> <li>Doesn't force them to travel hundreds of miles to vote in person</li> <li>Doesn't force them to rely on mail when they have no home mail delivery</li> </ul>
Young Voters	<ul> <li>Meets them where they are, on the devices they use everyday and gives them the convenience and flexibility of voting from anywhere</li> <li>Overcomes transportation barriers</li> <li>No need to get time off work or wait in long lines</li> <li>Mitigates the risk that technical errors lead to a tossed absentee ballot</li> </ul>



For military and overseas voters, electronic voting options have already been shown to increase turnout and reduce risk that their ballots go uncounted. But mobile voting options would offer a more secure return method than email or fax and will not force them to give up their right to a secret vote. Similarly, for voters with disabilities, mobile voting provides a fully accessible option that ensures any voter, regardless of ability, can vote independently and privately, meeting the federal guarantees in the Americans with Disabilities Act.

Mobile voting would add resiliency to our voting system and help ensure election officials can meet the needs of voters impacted by natural disasters and unforeseen emergencies such as hospitalization. Mobile voting places the ballot directly into the hands of voters through technology they carry with them. Election officials would no longer need to scramble to find usable polling places or identify how to get mail ballots to displaced voters. Mobile voting would make emergency voting seamless.

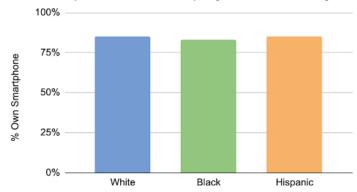
For voters with more systemic challenges, including tribal community voters and young voters, mobile voting options can help them overcome barriers that make voting by mail and in person more difficult. Mobile voting gives voters the convenience and flexibility to vote on their schedule and from anywhere. For tribal community voters, added mobile voting options would help to ensure they can vote from anywhere, without having to travel for hours to vote in person or be forced to determine how to receive a ballot by mail without home mail delivery service.

For young voters, mobile voting can also help mitigate the risk that their ballot goes uncounted due to technical errors. Evidence shows a disproportionate number of absentee ballots are rejected for young voters due to technical errors when completing the absentee ballot affidavit form. Errors may include missing required information such as a driver's license number or date of birth, or even a missing signature. Digital tools would prevent voters from leaving out required information, mitigating the risk that these omissions lead to a tossed ballot. And while mobile voting would not mitigate the risk of a tossed ballot due to a mismatched signature, digital options could render the signature affidavit unnecessary altogether, especially as digital identity verification tools, like the use of biometrics and digital driver's licenses, become common.46 These tools may provide even greater assurance that eligible voters - and only eligible voters - can access and vote their ballot, while making the voting process simpler and more accessible for all voters.

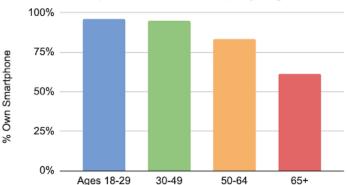
For tribal community voters, broadband and mobile access remains a challenge that must be overcome to fully enfranchise them through mobile voting. But Census data shows the gap in smartphone ownership among voters is closing,<sup>47</sup> and that a majority of tribal residents can access the internet through mobile devices.<sup>48</sup> In fact, as shown in the charts below, smartphone ownership is becoming nearly universal for the majority of Americans, regardless of race, age, or community.<sup>49</sup>

#### 46. <u>Digital IDs are now available in 15 states</u>, and are supported by the Department of Homeland Security, which is working on standards for mobile driver's licenses.

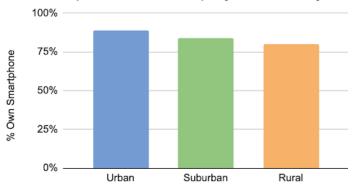
#### Smartphone Ownership by Race/Ethnicity



#### Smartphone Ownership by Age



#### Smartphone Ownership by Community



<sup>47.</sup> Mobile technology and home broadband, 2021, Pew Research Center.

<sup>48. &</sup>lt;u>"Mobile phones are the most common tool used by residents on tribal lands to get online,"</u> NPR, December 2018

<sup>49.</sup> Mobile Fact Sheet, Pew Research Center, April 7, 2021.



Among young voters, smartphone ownership is nearly universal, and they are by far most likely to be smartphone dependent. This digital dependency has helped Gen Z become one of the most politically engaged generations, using their digital literacy to mobilize one another on the key issues that matter to them.

In 2020, for example, Tufts research found that among voters aged 18-29, nearly half were never contacted by any political campaign, usually a key tactic needed to turn out voters. Yet youth turnout That is because young voters was still high. mobilized one another online, using social media and other digital tools to connect and turn one another out at protests, marches, and the ballot box. Similarly in Kansas in 2022, young activists used social media to mobilize Gen Z voters to vote on a proposed abortion ban in a special election in August. Their efforts helped them exceed turnout expectations and led to the surprising defeat of the amendment.<sup>50</sup> Young voters are already leveraging their digital literacy for civic engagement. It is time to add mobile voting options to meet them where they are.

50%

of 18-29 year olds were never contacted by a campaign in 2020.

11%

However, young voters increased their turnout by 11% from 2016.

<sup>50. &</sup>quot;Gen Z has a Passion for Political Activism. Schools can Nurture It," EducationWeek, January 6, 2023.

#### Solving for Security in Mobile Voting

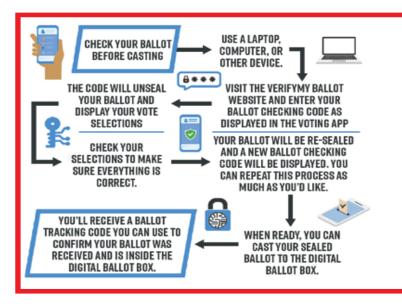
Before mobile voting is widely adopted, it is critical that systems used for mobile voting meet strict security requirements to protect the integrity of the election. Those requirements must ensure that only eligible voters can vote, that ballots are cast and counted as the voter intended. that voter privacy is protected, and that any threat is detectable. As a form of absentee voting, mobile voting carries some of the same risks as traditional paper mail voting, such as the risk a voter may be coerced or that someone may impersonate a voter and attempt to vote in their place. Like absentee voting, mobile voting protects against voter impersonation or fraud through the use of signature verification on submitted ballot affidavits, but mobile voting can also enhance voter verification with digital tools, such as the use of multi factor authentication, biometrics, and digital identity verification, to provide even greater security against the risk of voter impersonation or fraud.





Mobile voting also helps mitigate other risks inherent to traditional absentee voting, such as the risk that a voter mismarks or under-votes their hand-marked paper ballot. Voters routinely make errors when marking a paper ballot by hand, sometimes due to human error and other times due to poorly designed ballots. For example, a poorly designed paper ballot in Broward County, Florida in 2018 resulted in tens of thousands of voters failing to vote in the Senate race, an effect that may have cost one candidate the election.<sup>51</sup> Errors and undervotes often result in votes being tossed or even incorrectly counted in ways that do not reflect the voter's intent. These errors can be prevented with digital marking tools like mobile voting, which prevent overvotes and marking errors and provide voters with warnings when they miss or undervote a contest.

Despite these improvements, mobile voting introduces other risks not present in other voting options. Any data transmission over the internet carries risk, but those risks can be mitigated with the proper security controls. Standards for mobile voting should require that any system used to transmit ballots over the internet be end-to-end verifiable. This means that voters must be able to independently verify their ballot is cast as intended and counted as cast, replicating and even exceeding the evidence available to voters casting a ballot in person. End-to-end verification helps to mitigate the risk that a voter's ballot can be compromised without detection, protecting the integrity of each voter's ballot and giving voters independent evidence that their ballot is cast and counted correctly.





End-to-end verifiability also offers the public a tool to verify that the election system is working correctly and that all valid ballots are included in the tally, increasing the transparency and verifiability of our elections. This verifiability is unavailable in current voting options, and consequently, we have seen how easily faith in our democracy can be challenged with false or misleading claims. With end-to-end verifiable mobile voting, all activity in the mobile voting system is publicly viewable and auditable, in real time, giving the public a direct view into the election system and enabling them to independently verify everything is correct.

The latest Voluntary Voting System Guidelines<sup>52</sup> adopted by the Election Assistance Commission include standards for end-to-end verifiability, and end-to-end verifiable voting systems have been piloted for in-person voting as recently as November 2022.<sup>53</sup> End-to-end verifiable mobile voting systems are currently used in other countries, and developers are at work on similar systems for U.S. elections.<sup>54</sup> These systems address many of the security challenges with mobile voting and mitigate the risk that an election can be compromised without detection.<sup>55</sup>

Mobile voting has numerous other benefits, beyond removing barriers to access and increasing the transparency and verifiability of elections. Mobile voting can help election officials fight mis- and disinformation by giving them a direct communication channel to their voters through which they can push accurate information about voter registration, voter requirements, and ballot information. And mobile voting offers a direct line of communication from voters to their local election official, enabling them to send an email, social media message, or phone call with the tap of a button.

<sup>52.</sup> VVSG 2.0

<sup>53.</sup> End-to-End Verifiability in Real World Elections, Microsoft

<sup>54.</sup> See tech.mobilevoting.org.

<sup>55. &</sup>lt;u>U.S. Vote Foundation</u>

Mobile voting also adds other convenient tools that can make the entire election process easier. Voters looking for information about what is on the ballot or seeking more information about contests and candidates can take advantage of interactive features in mobile voting, such as easy access to sample ballots and issue booklets, or even interactive ballots to research their options while they are voting. And digital technology helps non-native English speakers easily access election and ballot information in their native language.

Finally, mobile voting adds efficiencies for election officials that can not only save time and money, but also yield faster election results. Mobile voting can help speed up absentee ballot processes that often take days and even weeks, from faster signature verification to faster scanning and tabulation. All mobile voting systems piloted in U.S. elections generate a paper ballot for tabulation. But because the ballots are printed by the election official, the ballots are free from creases and tears that can slow down traditional paper absentee ballot scanning. In Charleston County, South Carolina, for example, they reported saving 17 hours of staff time processing just military and overseas ballots in a single election.<sup>56</sup> Faster ballot processing helps reduce the need for personnel, equipment, printing and mailing costs, potentially saving hundreds of thousands of dollars. And faster processing means election results can be reported sooner, reducing the risk of public confusion or misinformation that sows distrust in election outcomes and a loss of faith in our democracy.



#### Conclusion

Imagine if mobile voting had been an added option for voters in the 2020 general election. It is conceivable that many of the persistent gaps in turnout would have been significantly reduced - as evidence showed that adding mail voting options increased turnout for most voting groups. If no turnout gaps existed and all voting groups voted at or near the same rate, over 16 million more Americans could have successfully voted.<sup>57</sup> Adding another 16 million voters would have increased turnout to 73%, the highest in 120 years and matching turnout rates in most European countries.<sup>58</sup> Even if only ten percent of voters who were unable to vote in 2020 due to obstacles could have used mobile voting, another 1.6 million citizens would have been able to cast a ballot.

Most adults in the U.S. agree that all efforts should be made to make it easier for all eligible citizens to vote.<sup>59</sup> The internet and mobile technology has enhanced nearly every aspect of our daily lives, making everything from paying bills to shopping for groceries and even accessing health care more convenient and accessible. Most government services are now offered online, including motor vehicle services, paying taxes, and accessing government benefits. Other activities related to voting have similarly moved online, from registering to vote to requesting an absentee ballot, helping thousands of voters more easily access information and services related to voting. It is time to add the full voting experience to make voting easier, more accessible, and convenient for the millions of voters who are still effectively disenfranchised by our existing options. After all, in a democracy, the right to vote is the most basic civil right. We have a long history of expanding voting rights - and access to the ballot - to ensure all of our citizens can exercise that right. It is time to add mobile voting to move our country even closer toward full enfranchisement.



Visit <u>mobilevoting.org</u> to learn more

<sup>57.</sup> Based on data compiled and reported by the <u>U.S. Elections Project</u>, <u>Election Assistance Commission</u>, <u>U.S. Census Bureau</u>, <u>Pew Research Center</u>, and <u>Brennan Center for Justice</u>.

<sup>58.</sup> Pew Research Center, November 1, 2022.

<sup>59.</sup> Pew Research Center survey, March 1-7, 2021.