



Testimony of Amber McReynolds, CEO of the National Vote at Home Institute, Election Administration Expert, Author, and Former Director of Elections for the City and County of Denver, Colorado

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Good afternoon Chairman Myrie, Chairman Gaughran, Chairman Lavine, Chairman Thiele, and members of the NYS Senate and NYS Assembly Committees on Elections and Local Governments. Thank you for inviting me to participate in this virtual hearing;

It is a pleasure to provide testimony about improving vote at home systems in the state of New York. As you all know, the pandemic has upended all aspects of our lives and the voting process is no different. Simply put, our democracy is essential and we must do everything we can to ensure our election system is ready, resilient, and secure. Election officials across New York and around the country are working tirelessly to make this happen, even in extremely challenging circumstances and often with one hand tied behind their backs due to outdated laws and a lack of funding and resources. New York is not unique and is not even the largest state making adjustments right now. When we face extraordinary situations, we must approach solutions with creativity that frankly relies on replicating what we know works as opposed to reinventing the wheel. So, to me the question has to be 'how can we?'

Extraordinarily long lines or other challenging circumstances that voters often face are usually the most visible symptoms of a policy or a resource issue. We have seen long lines repeated in various election cycles and yet, in many states, the necessary adjustments have not been made to ensure this issue is not repeated again. Election officials have responded to difficult circumstances with little support and are attempting to do so again this year. But this year is unprecedented. They need support from elected leaders that have power to help. Election officials are on the front lines, delivering democracy to all voters in small towns and in metro areas, and it is only right that policymakers respond to their needs. Extraordinary challenges call for extraordinary solutions.

When you compare election performance in New York with other states, there have been challenges for years. New York ranked #42 on the Election Performance Index in 2016 which analyzes state performance on election administration. On voting wait times, New York ranked 34th. New York had work to do to improve their systems prior to the pandemic.

What is clear to me during this pandemic and other challenges we have faced as a nation is that Americans are resilient, and we need a voting process that is proven – resilient from a pandemic, from unfairness, from barriers, from foreign adversaries, from administrative deficiencies and from outdated policies that create challenges. We need a system that can withstand all and one that is responsive to voters. **If more voters are requesting absentee ballots, then policymakers need to respond to that trend and ensure the system**



is resilient and responsive to customers. The increase in the voter's choice to vote at home is customer-driven and any successful business responds to customer-driven data.

The fact is the pandemic has exposed challenges in most states' historical reliances on in-person voting on one single day that require a large number of people and resources to manage. In too many primary states this year, the closure of polling places, poll worker shortages, long lines, insufficient training, and voters' reluctance to enter crowded environments threaten the ability to vote in-person, and surges in absentee ballot requests that went unfulfilled left many voters unable to safely exercise their fundamental right to vote. It is our elected leaders' responsibility to ensure our democracy functions and all voters have access to participate. Enabling voting at home options is one way to help solve the challenges election officials and by extension, voters face during this pandemic. Voting by mail is proven, time-tested, and secure, and it dates back to the Civil War.

The mail ballot model puts voters first and has proven to be resilient during both natural disasters and the current pandemic. It is possible to improve the voting experience, streamline the administrative process, enhance security, all while conserving valuable resources, increasing turnout, and increasing trust in government. Voters have been voting this way at home safely and securely for decades in many states. From Utah, to Colorado, California, Oregon, Washington, DC, Vermont, and recently Nevada, policymakers have acted to ensure voters have a clear range of options to vote safely and securely. *No one should have to choose between voting and protecting their health.*

What does the process look like?

1. **In 8 states plus DC (CA, CO, DC, HI, NV, OR, UT, VT, and WA, all as of August 2020)** voters will be mailed a ballot in advance of the election and have multiple options to return their ballot at a secure drop box, voting location, or by mailing the ballot back through the postal service. Mail ballots were mailed to all voters for the presidential primaries in KS, WY, AK, and HI, and all had historic turnout and stood up their systems quickly.

In the rest of the states, voters can request that a ballot be mailed to them. A small number of those states still require an excuse to be provided with the ballot request, and even fewer still limit options based on a voter's age.

Every state offers an option to vote from home. Whether you call it absentee, vote by mail, mail-in ballots - it means that a ballot is being sent to the voter by mail, the voter completes the ballot, and the ballot is returned. An example of a process flow is here:

<https://www.denvergov.org/content/denvergov/en/denver-elections-divison/voter-election-information/ballot-life-cycle.html>

2. **Voting at home is a safe and secure method of voting** and the process includes strong security measures that ensure the authenticity of ballots. In some states, the process includes tracking ballots from the day they are printed to the day they are processed. Just like tracking a package ordered online.



3. **Accurate voter information is key**, which requires that election officials have the latest address information for each voter. Most states share information on voter movement across state lines, others directly contact voters based on mail forwarding designations, death records, motor vehicle registrations, and more to make sure voter information is accurate. Automatic voter registration and automatic address updates, along with joining systems like ERIC can assist with this aspect.
4. **Your ballot is as unique as you are:** Every voter gets a ballot with barcodes on the envelope that correspond to the individual voter and the voter's address. The ballot itself has a removable stub, the information for the specific election, precinct style, and other variables depending on the state.
5. **Once ballots are dropped off, they go through a verification process:** During the process, election officials make sure that the voting record of each voter is marked and that the ballot envelope is verified before the ballot is counted, much like when a voter checks in at their polling location. **Signature verification is a best practice security measure when combined with appropriate processes:** Voters sign their ballot the same way they sign other legal documents, and that signature is verified against other official signatures on record. When done according to best practices like demographically blind review, signature verification is an important security measure that leads to greater election confidence. Also voters with signature issues are given the opportunity to "cure" their ballots, meaning that they are able to directly verify the authenticity of their ballot. **The ballot is then extracted from the envelope.** The extraction process protects voter privacy, while maintaining the voter's identity in the barcoding process for security. Audits are conducted at each step and these audits ensure that every eligible vote received in the designated timeframe is counted. **Then the ballots are sent to the counting room** and at this point, state of the art scanning equipment counts each batch of ballots. Voter intent issues on ballots (such as stray marks) are flagged for review and resolved by election officials. Finally, the ballots that were scanned are tallied and that happens at the time that polls close.

Notable considerations and recommendations:

1. As noted in the [CISA Report](#) released on July 31, 2020,, "Disinformation risk to mail-in voting infrastructure and processes is similar to that of in-person voting while utilizing different content. Threat actors may leverage limited understanding regarding mail-in voting to mislead and confuse the public."
 - a. This includes casting doubt without evidence about the mail ballot process. Thus, combatting disinformation and misinformation is a critical aspect of election officials' work to educate the public about their voting options. Expanding vote-at-home options is nonpartisan and supported by leaders on both sides of the aisle. We recently released a Communications Toolkit for election officials to use to accomplish this task: <https://voteathome.org/comms-toolkit/>
2. Changes to USPS processes and delivery timelines will have a significant impact on our election process, regardless of voting method. Mail ballots are just one piece of how the USPS supports



election infrastructure. Federal and state laws have legal mandates with regards to sending voter registration information, ballot issue notices, election information, poll worker appointment letters, polling place notification cards, signature cards, address update notifications, and other required mailings. All of these **legally required** mailings are at risk if the post office is not able to process mail effectively or experiences delays.

3. A key recommendation based on my experience running elections is implementation of ballot tracking solutions that there is time to do that now. In fact, my organization and I have been working with various states to stand this system up now.
4. Another key recommendation is expanding the use of secure ballot drop-off options. There is still time to do this and there are various versions of this including 24 hour secure boxes, drive-up drop off options, or manned drop-off boxes at businesses or other locations.
5. Given the time constraints ahead of November, we must be creative and my organization also prepared a vote at home scale plan for states to consider:
http://voteathome.wpengine.com/wp-content/uploads/2020/07/VAHScale_StrategyPlan.pdf
That plan included being creative with solutions and scale and implementing a centralized (or regionalized) ballot processing facility within states to relieve the burden off of local officials and leveraging economies of scale when processing ballots. Similarly, it is critical for local election officials to plan for the increase in the use of vote by mail and adjust staffing, resources, and equipment accordingly. We have an operational toolkit that helps election officials with this task as well: <https://voteathome.org/elections-officials-operational-toolkit/>
6. NY is an example of a state that has not updated certain election laws and processes to ensure adequate time to process mail ballots, hence recent delays with election results. Local election officials have highlighted this gap, and policymakers have not made these necessary adjustments even though they are simply operational, and not partisan. There is time to address these issues and support election officials.
 - a. Resolve the inconsistency of the Election Law deadline for requesting an absentee ballot and the USPS mail delivery time frames to ensure that all voters are able to request, receive, process and return their ballot and that the ballot is received timely to be counted; and
 - b. I agree with Director Boehm and NY BOE Co-Chair Kellner that the communication strategy - consistent for voters is critical: "Board of Elections, campaigns and advocacy groups should all have clear and consistent communications to voters on the voting process and best practices to allow the voter sufficient time to request an absentee ballot, enable the Boards to process the request, and allow the voter time to receive, consider, complete and mail the absentee ballot back to ensure their vote is received timely." Our communications toolkit can help with this recommendation:
<https://voteathome.org/comms-toolkit/>



7. As with every part of our election system, we must be able to detect, deter, and hold accountable any bad actor who tries to interfere with the election process or with an individual voter. While voter fraud is exceedingly rare in elections regardless of voting method, it is still critical for election officials to detect malicious activity and for voters to report suspicious activity to appropriate authorities.
8. Six bills, introduced in the New York State Legislature between March and July 2020, aim to address problems with the State's vote-by-mail system instituted by Governor Cuomo's Executive Order regarding the COVID-19 pandemic. The State Legislature has passed five of these bills, which are currently awaiting the Governor's signature; the sixth remains in the Elections Committee. These bills, if passed and signed, would: (1) broaden the legal interpretation of "illness" to allow those at risk of contracting or spreading a disease to vote by absentee ballot until 2022, (2) allow all qualified voters to vote absentee during state disaster emergencies and require that absentee ballots be sent to all qualified voters during emergencies, (3) prescribe a process by which voters may remedy absentee ballot rejections, (4) allow voters to apply for absentee ballots more than thirty days before an election, (5) ensure that ballots without dated postmarks received within a day of election day be considered timely sent and delivered, and (6) establish an automatic voter registration (AVR) process. These bills were sponsored by Senators Biaggi, Kennedy, Myrie, Myrie, Gianaris, and Gianaris, respectively.

Our democracy functions well when every eligible voter is able to exercise their right to vote. Voters have already chosen to vote at home in record numbers in the primaries. Recent surveys show that an extraordinary number of voters are choosing to vote from home this November as well. Voters — the customers of our democracy — are sending a very clear message about how they want to vote; policymakers must respond to the needs of election officials to ensure they have the resources to serve voters effectively.

No election system is perfect, and this is why it is critical to continually review and improve systems by enhancing security, access, and transparency, particularly in this unprecedented time. An example of a necessary improvement is the implementation of ballot tracking systems that provide accountability to voters about the status of their ballot and give election officials an ability to track ballots through the process. Another example is advanced auditing techniques such as risk-limiting audits. We cannot settle when the moment calls for us to do better.

Democracy is the shared DNA of our nation, to our people, to our communities. We must do everything we can to ensure that it works for all, even in this most trying time. Going into November, election administration must be about who votes, not who wins. You have the opportunity to create a path forward for New York voters to vote and be confident in the system.