



## COVID-19 is Forcing America to Change Its Elections Systems

Mitchell Polman

As the COVID-19 pandemic continues to create havoc in the USA, elections officials are being forced to adopt to changing circumstances in order to ensure public safety during next November's general elections. There has been an overwhelming increase in requests for mail-in ballots and many states are planning on either mailing forms to request mail-in ballots to all voters or to even mail-out ballots to all voters without even requiring a formal request. President Trump has politicized the issue by taking to Twitter and ranting that mail-in ballots are subject to high levels of fraud without offering any evidence. It should be noted that mail-in ballots are not just sent at random. They are highly controlled and come with bar scan codes and signature requirements with one issued per voter. President Trump can complain all that he wants, but he has no authority in the matter as Article 1 Section 4 of the Constitution gives the authority to regulate elections to the states. The Federal government has no say in how a state conducts elections. Trump and the Republicans are concerned that simplifying voting by making it easier to vote from home will lead to a higher voter turn-out amongst minorities and thus work to the advantage of Biden and the Democrats. Some experts, such as Professor David Barker at American University, actually suggest the opposite. Barker points-out that young people, who are mostly leaning Democrat, are less likely to use the mail than older voters and that would actually work to the advantage of Trump and the Republicans.

The issue of mail-in balloting came to a head during last April's primary elections in Wisconsin. The Democratic governor, Tony Evers, was at odds with the Republican controlled legislature over whether to postpone the state's primary elections and a long drawn-out court fight ended on the night before the election with the state Supreme Court ruling that the election must go on. Many of the state's elections workers (most elections workers in the USA are elderly) failed to show-up for work on Election Day. The result was very long [lines](#) and a lack of social distancing at polling places. Subsequent cases of COVID were traced back to Election Day polling places. Since then, there has been a grassroots push that is supported by the Democrats to make it as easy as possible for voters to vote by mail with “no excuses” absentee voting, which means that voters do not need to offer a reason as to why they would like to vote by mail. This does not mean there will be no in-person voting. Federal laws that ensure the rights of the disabled to vote necessitate that there be at least some polling stations where voters can go to vote in-person. These will also serve as a back-up for voters whose ballots fail to arrive in the mail by Election Day. The challenge for elections officials is to decide how many in-person polling stations to have and where to locate them as well as how much staff they need.

Texas has resisted the effort to expand mail-in voting. Under current Texas law only people aged 65 and over, people who are ill or disabled, in jail, or away from their home county can vote by mail. Activists have been [challenging](#) this law in the courts and it may come before the US Supreme Court before the election. Current polls are showing the presidential election in Texas as very close with Biden having a 5% lead. Texas is currently a COVID hotspot.

Several states already conduct their elections by mail and some, including California, had already passed laws switching to all-mail systems prior to COVID-19. Oregon has been voting by mail since 1996 and is considered to be the “gold standard” for vote-by-mail. Even still, some states that have been in the process of switching are being forced to accelerate their process. In several states rules that govern exactly when ballots have to be returned for counting



have had to be changed or have been challenged. It is expected that the US Postal Service may be slowed-down by the number of ballots so deadlines for the counting of ballots have had to be extended. This means that the counting process will be much slower than usual and that it is possible that we may not know the winner of the presidential election and several key Congressional races until well after Election Day. This is a cause of concern for many as large Democratic leaning cities are expected to take longer to count than Republican rural areas. It is possible that Trump may be in the lead at the end of Election Day, but that the results may shift against him later as results from key cities such as Philadelphia, Milwaukee, and Detroit are not finalized until days or even weeks later. Given Trump's attitude it is feared that he will prematurely claim victory on Election Day and then claim fraud if he loses later.

Further complicating this situation is a long-standing feud between Trump and the US Postal Service (USPS). Trump has been complaining for a long time that USPS does not charge Amazon enough money to ship its packages (Trump has a special hatred for Amazon CEO Jeff Bezos). He has been trying to force USPS to make changes to its rates to force Amazon to pay more. USPS is run by a board whose members are appointed for staggered terms by the president. Only recently have all of the board members been appointed by Trump. Trump has threatened to veto congressional funding to USPS if he does not get his way on the Amazon conflict. USPS needs increased funding if it is going to be able to deal with what is expected to be a huge number of ballots that it will need to handle for the elections. It also needs to begin making preparations for that probability. Trump's continued feud with USPS and Bezos has been making it difficult for them to do so. There has been some speculation on the part of left-wing groups, [mainstream commentators](#), as well as people on social media that Trump is at least partially motivated out of a desire to sabotage mail-in balloting. One way or the other, it is hampering USPS' ability to prepare for the elections.

Digital tool developers have also been busy developing tools that help enable both campaigns and voters to adopt to voting-by-mail. CivicEngine, a company that already maintains the largest database of elections laws, has developed a digital tool called "[VotebyMail Engine](#)" that will enable campaigns to help their supporters keep track of their vote-by-mail deadlines and rules as well as the processing of the ballot itself. Ordinarily, campaigns and party operations focus on going door-to-door on Election Day to get their supporters out voting, but with the pandemic that is not likely to happen much this year. Consequently, there is a great need for technology tools to ensure that voters know how to get mail-in ballots, how to fill them out, and that they actually send them back in time, and monitor any problems with their ballots.

All-in-all the pandemic is transforming the American elections process and it is possible that some of this transformation may be permanent. There is increasing talk about permanently maintaining mail-in balloting as the preferred voting option in future elections. Much will depend on how well things go in November. The American public and media, which is accustomed to getting elections results quickly, may not like it if it is kept in suspense for a couple of weeks. For this year, however, there does not seem to be a better option short of endangering the health and lives of voters and elections workers.