



Final Report

# **The Evolution of Absentee/Mail Voting Laws, 2020 – Present**

Submitted to the MIT Election and Data Science Lab  
March 8, 2024

NCSL Contacts  
Wendy Underhill and Ben Williams  
Elections & Redistricting Program

## Cover Information

- **Authors:** Wendy Underhill and Ben Williams, National Conference of State Legislatures
- **Abstract:** The National Conference of State Legislatures (NCSL) conducted statutory and legislative research on absentee/mail voting laws before, during and after the COVID-19 pandemic, and developed a timeline and description of those changes. NCSL also performed qualitative studies of policymakers' and election officials' perspectives on those changes by holding three focus groups. The analysis of state laws shows no retrenchment on absentee/mail voting, and in fact mostly-mail elections were adopted in three additional states plus the District of Columbia during the study period, 2020 - 2022. The focus groups indicated that Republican lawmakers are particularly focused on election accuracy, and Democratic lawmakers are more interested in expanding absentee/mail voting. Local election officials were clear that they do not seek to be policymakers, and that they desire to work with their legislators to help them get the policy outcomes they desire.
- **Grant Amount:** \$157,000.

## Accomplishments

This project has two outcomes:

1. Statutory and legislative research on absentee/mail voting laws before, during and after the Covid-19 pandemic, including a timeline and description of changes. This includes the creation of a dataset in excel format describing these changes.
2. A qualitative study of policymakers' and election officials' perspectives on those changes, to be gathered through focus groups of Republican state legislators, Democrat state legislators and local election officials. The focus groups were held in-person in May 2023. Legislative attendees included chairs of committees with jurisdiction over elections, some of whom were also in leadership in their respective chambers. The local election officials in attendance included LEOs from the South, Midwest and West Coast who were elected on both a partisan (Democratic and Republican) and nonpartisan basis. Maintaining the confidentiality of attendees is of paramount importance.

With both portions, the goal has been to provide lawmakers, and to a lesser extent election administrators, scholars and advocacy groups, with accessible, nonpartisan research that can be used to understand the shifting landscape of absentee/mail voting laws from 2020 to 2022 and more effectively legislate those processes in the future. Because NCSL does not make policy recommendations to its members, this report does not include next steps or action items. This is particularly important since the separate focus group conversations were conducted with a promise of confidentiality. However, NCSL will add sections on points of agreement among the three groups to both webpages published on NCSL.org as deliverables for this grant.

**Key takeaways from the statutory and legislative research:**

1. There was no nationwide rollback of absentee/mail voting after the pandemic, counter to the narrative often seen in the media. No states curtailed absentee/mail voting eligibility between 2020 and 2022. On the contrary, absentee/mail voting eligibility increased.
2. Most of the policies tracked in this report were not novel. Only two—prohibitions on private funding of elections and prohibitions on drop boxes—were policy topics newly tracked by NCSL.
3. In general, the majority of states that liberalized absentee and mail voting laws in 2020 reverted to their pre-COVID status quo once the pandemic emergency ended.

**Key takeaways from the focus groups:**

**All three groups**—Republican election chairs, Democratic election chairs, and local election officials (LEOs)—showed confidence in the general conduct of U.S. elections, while acknowledging room for change. Members of all three groups expressed frustration over skeptical narratives about the 2020 election specifically, which cast doubts on election administration generally. Participants say the continued presence of election skepticism compels them to continue responding to questions and concerns with reliable information.

**Republicans** showed a strong interest in ensuring consistent and accurate election processes; a theme was skepticism about whether absentee/mail ballots are as secure as in-person votes, and especially methods used to verify the voters' identities. Republicans also were acutely aware of the election skeptics in their caucuses and among their constituents, and expressed frustration with the narrative that there is something wrong with elections, given that they themselves know elections are well-run (even though mistakes can and do happen). None expressed doubt about their state's, or the nation's, 2020 presidential election outcome.

**Democrats** focused on extending policy changes made during the pandemic to ensure that voters who were uncomfortable with in-person voting could still vote. In general, these Democrats came from states that made no-excuse absentee voting more readily available, and they either have made those changes permanent for future elections or hope to do so. They expressed frustration with the efforts of both the minority party and LEOs in their states to slow down the adoption of Democrats' preferred reforms, even though they all acknowledged the LEOs' expertise. While recognizing that election skepticism continues, Democrats heard less of it, and therefore had to respond to it less often than their Republican counterparts.

**LEOs** were very aware that they are not policymakers—their role is to implement decisions lawmakers make. These administrators expressed frustration with lawmakers who may not seek their expertise as they consider policy changes. They saw themselves as able to articulate the perspective of voters, who may be confused by rapid and frequent changes in election procedures, as well as their own analysis of potential administrative and fiscal outcomes from policy changes. The officials wish lawmakers and others in powerful or influential positions supported their profession more strongly, given the prevalence of election skepticism. And they are weary from explaining their processes to assure those who doubt them—yet remain committed to doing so.

## Products

NCSL produced two reports stemming from this research: (i) a thorough accounting of states' election policy changes in 2020 in response to the COVID-19 pandemic, including whether those changes were reversed, adopted permanently or otherwise modified (link coming); and (ii) [a report](#) summarizing the three focus groups NCSL held for Democratic legislators, Republican legislators, and local election officials on how the 2020 election—both the quick pivot made throughout the nation to ensure that elections were run safely and the political landscape during and after the election--has affected their work since.

NCSL also produced an excel dataset of absentee/mail voting policy changes from 2020-2022, available on request to [election-info@ncsl.org](mailto:election-info@ncsl.org).

NCSL presented its work at the Southern Political Science Association 2023 conference (The Evolution of Absentee/Mail Voting Laws, 2020 to the Present) and at the Election Science, Reform and Administration Conference 2023 (The Evolution of Absentee/Mail Voting Laws, 2020-2022). Please contact NCSL at [elections-info@ncsl.org](mailto:elections-info@ncsl.org) for PowerPoints.

Further dissemination: In fall 2023, NCSL will write about its findings for NCSL's magazine, State Legislatures News and distribute these articles through its elections newsletter, The Canvass. NCSL will offer one or both of these articles to Electionline Weekly for republication. NCSL will include its findings at its December 2023 meeting for legislators and legislative staff.

## Participants

All research and writing for this project was completed by NCSL Elections and Redistricting program staff. They include:

- Wendy Underhill, Director
- Amanda Zoch, Project Manager (has since left the program)
- Ben Williams, Program Principal
- Saige Draeger, Policy Specialist (has since left the program)
- Helen Brewer, Policy Specialist
- Katie King, Policy Analyst
- Adam Kuckuk, Policy Analyst

NCSL is grateful to have had support from Auburn University Professors Kathleen Hale and Mitchell Brown, who helped with focus group design and execution.

## Impact

NCSL's research is foundational to policymakers', researchers', journalists', advocates', election administrators' and the public's understanding of where all 50 states and territories stand on election administration. In 2022, the Elections and Redistricting program's web-based resources received 3,338,775 pageviews, accounting for over 17% of NCSL's overall web traffic. Election administration topics dominated the list of top overall pages, including:

- 2022 State Primary Election Dates and Filing Deadlines
- Voter ID
- Access To and Use of Voter Registration Lists
- Felon Voting Rights
- Early Voting in State Elections
- Same-Day Registration
- When Absentee/Mail Ballot Processing and Counting Can Begin
- Electronic or Online Voter Registration
- Absentee and Early Voting

The products developed as part of this grant will further enhance the quality and prominence of NCSL's election administration web resources. In particular, NCSL's [Voting Outside the Polling Place](#) web resource will be updated with information gained through this project.

The project served an indirect purpose as well: connecting legislators with election officials. This outcome was most prominent with the focus groups, where legislators met with local election officials and toured a local election office. Legislators also made cross-state connections with peers during these meetings.

While other NCSL programs have held focus groups in this past, this was just the second time the Elections and Redistricting program had used a focus group. (The first time was with local election officials to understand their perspectives on election observation, for a project co-managed with the William and Mary Law School.) To ensure we optimized the focus groups to make participants comfortable and to ensure we gleaned useful information, NCSL consulted with Professors Kathleen Hale and Mitchell Brown from Auburn University's Election Administration program. Dr. Hale and Dr. Brown have significant experience with social science research, specifically with qualitative research on elections topics. NCSL's staff took time to observe how Hale and Brown ran their focus groups so that NCSL can conduct successful focus groups on our own in the future. In fact, in August 2023, we used this model to query legislative staff on what services and topics matter most to them.

## Changes and/or Problems

There were no unanticipated obstacles in conducting our project. The biggest hurdle to completing our work was the departure of several members of the Elections and Redistricting team in late spring 2023. Fortunately, remaining team members stepped up (along with great help from our summer law clerk, Michael Keifer, and summer intern, Harry Katz) and finished the research on schedule.

The choices on how the focus groups were constituted did not create problems, but they did have bearing on the outcomes.

- The legislator focus groups were held separately for members of the two parties, and the local election officials were in a focus group of their own. This was a conscious choice to make it more likely that participants would share their honest perspectives. Because NCSL is rooted in bipartisanship, we included social time and a tour of the local election office where all participants came together to round out the agenda.
- In the Democratic legislator and Republican legislator groups, we included only those who chaired the committees with jurisdiction over elections. This meant our participants were knowledgeable, but also that they represented the majority party in their states. No minority party voices were heard.