STATE SCORECARD

2022 GRADES FOR VOTE-BY-MAIL AND EARLY VOTING OPPORTUNITIES



Acknowledgments

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INTRODUCTION

While voting by mail and voting early came to prominence in 2020 because of the coronavirus pandemic, neither process is new—

and both are vital ways to increase access to the ballot even outside the context of the pandemic. Voting by mail is an increasingly popular option for voters across the political spectrum, as it gives them more time to consider the issues and candidates on their ballots and accommodates voters who have disabilities, lack easy access to transportation or are away from home on Election Day. Early voting periods prevent lines and crowded polling places and allow voters whose schedules or responsibilities would not allow them to get to the polls on Election Day to vote in person. Both processes mitigate the impact of obstacles to voting that might crop up on Election Day, such as bad weather, work issues or medical or family emergencies.

In 2020, the number of voters who took advantage of these options surged, which led several state legislatures to react by passing laws in 2021 that restricted opportunities to vote by mail and vote early in person. However, other states worked to expand them, making permanent some of the most expansive voting procedures introduced during the 2020 election. These opposing trends have continued throughout 2022, although fewer bills that impact voting by mail and early voting have been enacted this year.

Campaign Legal Center's previous report grading states' vote by mail and early voting policies, which was released on August 11, 2021, did not include scores for states whose legislatures had not adjourned at that time or were scheduled to return later in the year to consider voting rights legislation. This report provides grades for all 50 states on their vote by mail and early voting laws as of August 1, 2022, and notes specific changes made during the 2022 legislative sessions. Some states, like New Mexico, stayed the same, while others, like Massachusetts, markedly improved, and some states, like South Carolina, simultaneously improved and impaired access to the ballot. This report also considers how states within the same region compare to one another, as well as the potential implications of shifting state policies on voting by mail and early voting on the upcoming 2022 elections.

Each state's grade is solely based on its vote by mail and early voting laws. The grades are not intended to reflect the quality of voter access overall. Furthermore, there are important nuances within each of the vote by mail and early voting factors included in this report that may not necessarily be captured by each state's numerical grade. For example, a state may allow drop boxes but severely restrict how many each county can have, where they can be located and how each must be staffed. While each of these nuances can make drop boxes less accessible for voters, these nuances are not captured by the drop box grading factor. Similarly, a state may allow election officials to send voters unsolicited mail ballot applications but ban third parties, like civic organizations or community groups, from doing so, which severely restricts the pathways for voters to receive these applications. Additionally, a state may allow all eligible voters to vote by mail but fail to make vote by mail accessible to all voters, such as Native American voters and those in other historically marginalized communities.

While these details are not captured by the states' numerical grades, we have strived to make note of them in this report. Readers should keep them in mind when reviewing each state's procedures.



GRADING METHODOLOGY

We graded all 50 states on their vote by mail and early voting systems. Each state can receive a score of up to 10, based on the following factors:

- All Eligible Voters Can Vote by Mail.
- State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited Mail Ballot Applications.
- Uniform Mail Ballot Notice and Cure.
- State-Issued Driver's License or ID Not Required to Vote by Mail.¹
- Accepts Ballots Postmarked on or Before Election Day and Received up to 10 Days After Election Day.
- At Least Two Weeks of Early Voting.
- Voters Can Track Status of Their Mail Ballots Online.
- Ballot Drop Boxes.
- Voters Able to Vote by Mail Without Notary or Enhanced Witness Signatures.





Green states are considered Less Restrictive, meaning a state's laws for vote by mail and early voting access are less restrictive than other states; yellow states are considered **Restrictive** for vote by mail and early voting access, meaning a state's laws for vote by mail and early voting access must improve to support voters; and red states are considered **Most Restrictive**, meaning a state's laws for vote by mail and early voting access are anti-voter. While vote by mail and early voting are important methods that were crucial in ensuring safe and accessible voting during the coronavirus pandemic and beyond, they are not the only methods states should use to make voting accessible. This analysis does not cover other key factors affecting voter access, including in-person Election Day voting, same-day registration, automatic voter registration, out-of-precinct voting, voter wait times and more.

Our 2022 report has also made a few technical improvements from the first report. First, two criteria—those addressing ballot drop boxes and unsolicited mail ballot applications—were clarified to subtract a point for instances where the state does not expressly prohibit those acts but expressly restricts all the manners in which in the act can be completed. For example, while Arkansas does not expressly prohibit election officials from sending unsolicited absentee ballot applications, state law restricts the circumstances under which applications can be sent to the voter in such a manner that this





report does not grant Arkansas a point for this factor. Similarly, Delaware does not explicitly ban ballot drop boxes but also does not require them and only allows them to be located inside of election offices, making them inaccessible outside of business hours. Therefore, this report treats Delaware as not offering sufficient access to drop boxes for scoring purposes. While in our previous report we granted points to Oklahoma and West Virginia because their laws did not expressly prohibit drop boxes, we have taken those points away in this year's report in order to reflect this change in grading criteria.

Second, this report analyzes all 50 states, while the 2021 report only included the states whose legislative sessions had closed by the end of summer 2021. Each state is graded from its most recent legislative session. For example, most states will have completed their 2022 legislative sessions by publication of this report, but several states' legislative sessions are ongoing or yearround.² For those ongoing sessions, the state was graded by the state of the law by publication of this report, which largely reflects the result of the 2021 legislative session rather than their ongoing 2022 sessions. Likewise, states may have passed laws in 2021 that became effective in 2022. The purpose of this report is to provide a canvas of the current state of vote by mail and early voting policies in the 50 states. Importantly, many states whose grades in this report suggest that they promote voter access must nevertheless be criticized for the disproportionate barriers to accessing the ballot box faced by voters of color in those states. Though a state may receive high grades for the existence of certain vote by mail and early voting provisions in their election code, those state laws should be viewed critically through this lens, and a state that fails to address burdens that disproportionately harm voters of color should be assessed accordingly.



EXECUTIVE GRADING SUMMARY

Of the 50 states in this report, two received perfect grades—Illinois and Washington—and no state received a 0/10. Alabama remains the worst state in the country, with a 2/10 score and no meaningful changes over the past year. Overall, 18 states received **Less Restrictive** scores, 16 states received **Restrictive** scores and 16 states received **Most Restrictive** scores. In other words, the vast majority of the country, 32 of 50 states, has substantial room for improvement to ensure access to universal vote by mail and early voting.

While 24 states provide a permanent vote by mail list, 10 of those states only provide a permanent list for either voters with permanent disabilities or elderly voters: Connecticut, Delaware, Kansas, Louisiana, Mississippi, Missouri, New York, Tennessee, West Virginia and Wisconsin. Like last year, Alabama (2/10) boasts the worst score in the country, while Illinois and Washington are the only states to receive a 10/10. 34 sta

states allow all eligible voters to vote by mail.

24 states maintain a permanent mail voting list.

> states either allow election officials to send unsolicited mail ballot applications or do not expressly restrict them.

31 states have a uniform notice and cure process for mail ballots.

states do not require

a state-issued driver's

mail.

license or ID to vote by

33 states allow ballot drop boxes.

online..

states accept ballots

before Election Dav

states have at least

two weeks of early

states allow voters

to track the status

of their mail ballots

voting.

and received up to 10

days after Election Day.

postmarked on or

12 states allow voters to vote by mail without a notary or multiple witness signatures. This report also highlights how each state compares regionally, as well as the racial disparities and disparities suffered by people with disabilities because of inaccessible vote by mail and early voting policies. Among the 10 states with the highest Black populations according to the 2020 Census, only one state (Virginia) received a Less Restrictive score. Representing tens of millions of Black voters, the other nine states fall woefully behind the rest of the country in providing early voting and vote by mail access: Mississippi (4/10), Louisiana (6/10), Georgia (7/10), Maryland (7/10), Alabama (2/10), South Carolina (4/10), Delaware (5/10), North Carolina (5/10) and Tennessee (5/10). Discussed below, those states are primarily located in the South.

Additionally, this report highlights important policy changes for vote by mail and early voting access that will affect the ability of millions of voters to cast their ballots ahead of the 2022 elections. Every state should work to expand vote by mail and early voting opportunities so that voter turnout rates can continue to increase. Our country's democracy works best when all voters are able to exercise the freedom to vote in safe and accessible elections.



ALABAMA

•••••• 2/10

Alabama made no meaningful changes to its early voting and vote by mail system during the 2022 legislative session. It remains the worst state in the country for access to early voting and vote by mail.

- All Eligible Voters Can Vote by Mail.
- State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited Mail Ballot Applications.
- Uniform Mail Ballot Notice and Cure.
- State-Issued Driver's License or ID Not Required to Vote by Mail.
- Accepts Ballots Postmarked on or before Election Day and Received up to 10 Days After Election Day.
- At Least Two Weeks of Early Voting.
- Online Mail Ballot Tracking.
- Ballot Drop Boxes.
- Voters Able to Vote by Mail without Notary or Enhanced Witness Signatures.

-STATE ^{BY} STATE-SCORECARDS

ALASKA

Alaska made no meaningful changes to its early voting and vote by mail system during the 2022 legislative session.

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7/10

- All Eligible Voters Can Vote by Mail.
- State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited Mail Ballot Applications.
- Uniform Mail Ballot Notice and Cure.
- State-Issued Driver's License or ID Not Required to Vote by Mail.
- Accepts Ballots Postmarked on or Before Election Day and Received up to 10 Days After Election Day.
- At Least Two Weeks of Early Voting.
- Online Mail Ballot Tracking.
- Ballot Drop Boxes.
- Voters Able to Vote by Mail without Notary or Enhanced Witness Signatures.

ARIZONA

•••••••• 8/10

Arizona made no meaningful changes to its early voting and vote by mail system during the 2022 legislative session. Arizona made negative changes to these laws during its 2021 legislative session, when it passed laws that restricted the ability of voters to cure ballots with missing signatures by imposing a deadline of 7 p.m. on Election Day and eliminated Arizona's permanent mail voting list and replaced it with an "active early voting list" requiring voters to vote to stay on the list. As reported in 2021, it bears emphasizing that Arizona's score does not reflect the various nuanced and problematic ways that its vote by mail system imposes barriers on Arizona voters, especially Native American voters and voters of color. And, given public plans by certain state officials, candidates and other anti-voter actors to challenge vote by mail and early ballots,³ Arizonans' freedom to vote remains subject to attack.

- All Eligible Voters Can Vote by Mail.
- State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited Mail Ballot Applications.
- Uniform Mail Ballot Notice and Cure.
- State-Issued Driver's License or ID Not Required to Vote by Mail.
- Accepts Ballots Postmarked on or Before Election Day and Received up to 10 Days After Election Day.
- At Least Two Weeks of Early Voting.
- Online Mail Ballot Tracking.
- Ballot Drop Boxes.
- Voters Able to Vote by Mail without Notary or Enhanced Witness Signatures.

ARKANSAS

Arkansas made no meaningful changes to its early voting and vote by mail system during the 2022 legislative session.

- All Eligible Voters Can Vote by Mail.
- State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited Mail Ballot Applications.
- Uniform Mail Ballot Notice and Cure.
- State-Issued Driver's License or ID Not Required to Vote by Mail.
- Accepts Ballots Postmarked on or Before Election Day and Received up to 10 Days After Election Day.
- At Least Two Weeks of Early Voting.
- Online Mail Ballot Tracking.
- Ballot Drop Boxes.
- Voters Able to Vote by Mail without Notary or Enhanced Witness Signatures.

CALIFORNIA

9/10

California is an all-mail state. California did not make any statutory changes that affected its grade during its most recent legislative session, but legislators did enact several revisions to the state's election code to make mail voting even more accessible. These changes include improvements to the notice-and-cure process and a requirement that election officials mail ballots to all registered voters in future elections.

- All Eligible Voters Can Vote by Mail.
- State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited Mail Ballot Applications.
- Uniform Mail Ballot Notice and Cure.
- State-Issued Driver's License or ID Not Required to Vote by Mail.
- Accepts Ballots Postmarked on or Before Election Day and Received up to 10 Days After Election Day.
- At Least Two Weeks of Early Voting.
- Online Mail Ballot Tracking.
- Ballot Drop Boxes.
- Voters Able to Vote by Mail without Notary or Enhanced Witness Signatures.

COLORADO

9/10

Colorado is an all-mail state. Colorado made no meaningful changes to its early voting and vote by mail system during the 2022 legislative session.

- All Eligible Voters Can Vote by Mail.
- State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited Mail Ballot Applications.
- Uniform Mail Ballot Notice and Cure.
- State-Issued Driver's License or ID Not Required to Vote by Mail.
- Accepts Ballots Postmarked on or Before Election Day and Received up to 10 Days After Election Day.
- At Least Two Weeks of Early Voting.
- Online Mail Ballot Tracking.
- Ballot Drop Boxes.
- Voters Able to Vote by Mail without Notary or Enhanced Witness Signatures.

CONNECTICUT

6/10

Connecticut made no meaningful changes to its early voting and vote by mail system during the 2022 legislative session. Note that only voters with disabilities are eligible to join Connecticut's permanent mail voting list.

- All Eligible Voters Can Vote by Mail.
- State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited Mail Ballot Applications.
- Uniform Mail Ballot Notice and Cure.
- State-Issued Driver's License or ID Not Required to Vote by Mail.
- Accepts Ballots Postmarked on or Before Election Day and Received up to 10 Days After Election Day.
- At Least Two Weeks of Early Voting.
- Online Mail Ballot Tracking.
- Ballot Drop Boxes.
- Voters Able to Vote by Mail without Notary or Enhanced Witness Signatures.

DELAWARE

Delaware made no vote by mail or early voting changes relevant to the grading criteria during the 2021 legislative session. A 2019 bill that took effect on January 1, 2021, provides for 10 days of early voting, which falls just short of our recommended two weeks. Although Delaware does not explicitly ban ballot drop boxes, it also does not require them and allows them to be located only inside of election offices, making them inaccessible outside of business hours. This report treats Delaware as not offering sufficient access to drop boxes for scoring purposes. Note that only certain voters, such as voters who are disabled, reside out of state due to public service to the United States or serve as full-time caretakers, are eligible to join Delaware's permanent mail voting list.

- All Eligible Voters Can Vote by Mail.
- State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited Mail Ballot Applications.
- Uniform Mail Ballot Notice and Cure.
- State-Issued Driver's License or ID Not Required to Vote by Mail.
- Accepts Ballots Postmarked on or Before Election Day and Received up to 10 Days After Election Day.
- At Least Two Weeks of Early Voting.
- Online Mail Ballot Tracking.
- Ballot Drop Boxes.
- Voters Able to Vote by Mail Without Notary or Enhanced Witness Signatures.

FLORIDA

Florida made no meaningful changes to its early voting or vote by mail system during the 2022 legislative session, but the consequences of changes made during the 2021 legislative session have been starkly realized. Many of those changes, including limitations on drop boxes and changes to vote by mail applications, were found to have been racially discriminatory in violation of the Voting Rights Act by a federal district court in *League of Women Voters v. Detzner.* That decision is now stayed pending appeal.⁴

- All Eligible Voters Can Vote by Mail.
- State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited
 Mail Ballot Applications.
- Uniform Mail Ballot Notice and Cure.
- State-Issued Driver's License or ID Not Required to Vote by Mail.
- Accepts Ballots Postmarked on or Before Election Day and Received up to 10 Days After Election Day.
- At Least Two Weeks of Early Voting.
- Online Mail Ballot Tracking.
- Ballot Drop Boxes.
- Voters Able to Vote by Mail without Notary or Enhanced Witness Signatures.

GEORGIA

6/10

Georgia made no meaningful changes to its early voting or vote by mail system during the 2022 legislative session, but the consequences of changes made during the 2021 legislative session have been starkly realized. Many of the new restrictions to drop box locations and vote by mail applications enacted in 2021 are currently being challenged in federal court.⁵ CLC is additionally challenging Georgia's restrictions on third-party absentee ballot application distribution.⁶ Finally, although voters can provide photocopies of other forms of ID other than a driver's license to apply for an absentee ballot, Georgia law does not allow voters to apply with their Social Security number. The photocopy requirement is burdensome to such a degree that Georgia cannot receive a point for its ID requirements.

- All Eligible Voters Can Vote by Mail.
- O State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited Mail Ballot Applications.
- Uniform Mail Ballot Notice and Cure.
- State-Issued Driver's License or ID Not Required to Vote by Mail.
- Accepts Ballots Postmarked on or Before Election Day and Received up to 10 Days After Election Day.
- At Least Two Weeks of Early Voting.
- Online Mail Ballot Tracking.
- Ballot Drop Boxes.
- Voters Able to Vote by Mail Without Notary or Enhanced Witness Signatures.

HAWAII

Hawaii is an all-mail state. Hawaii made no meaningful changes to its early voting or vote by mail system during the 2022 legislative session.

- All Eligible Voters Can Vote by Mail.
- State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited Mail Ballot Applications.
- Uniform Mail Ballot Notice and Cure.
- State-Issued Driver's License or ID Not Required to Vote by Mail.
- Accepts Ballots Postmarked on or Before Election Day and Received up to 10 Days After Election Day.
- O At Least Two Weeks of Early Voting.
- Online Mail Ballot Tracking.
- Ballot Drop Boxes.
- Voters Able to Vote by Mail without Notary or Enhanced Witness Signatures.

IDAHO

Idaho made no meaningful changes to its early voting or vote by mail system during the 2022 legislative session to change its score. Our note from 2022 still stands: Idaho lacks adequate vote by mail policies. In particular, Idaho does not have a notice and cure process for ballots that have been rejected and accepts ballots only up until Election Day. Idaho's vote by mail policies must become more accessible to earn a higher grade.

- All Eligible Voters Can Vote by Mail.
- State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited Mail Ballot Applications.
- O Uniform Mail Ballot Notice and Cure .
- State-Issued Driver's License or ID not required to Vote by Mail.⁷
- Accepts Ballots Postmarked on or before Election Day and Received up to 10 Days After Election Day.
- At Least Two Weeks of Early Voting.
- Online Mail Ballot Tracking.
- Ballot Drop Boxes.
- Voters Able to Vote by Mail without Notary or Enhanced Witness Signatures.

ILLINOIS

10/10

Illinois is one of two states to receive a perfect score. Illinois made no meaningful changes to its early voting or vote by mail system during the 2022 legislative session to change its score.

- All Eligible Voters Can Vote by Mail.
- State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited Mail Ballot Applications.
- Uniform Mail Ballot Notice and Cure.
- State-Issued Driver's License or ID Not Required to Vote by Mail.
- Accepts Ballots Postmarked on or Before Election Day and Received up to 10 Days After Election Day.
- At Least Two Weeks of Early Voting.
- Online Mail Ballot Tracking.
- Ballot Drop Boxes.
- Voters Able to Vote by Mail without Notary or Enhanced Witness Signatures.

INDIANA

Indiana made no meaningful changes to its early voting or vote by mail system during the 2022 legislative session to change its score.

- All Eligible Voters Can Vote by Mail.
- State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited Mail Ballot Applications.
- Uniform Mail Ballot Notice and Cure.
- State-Issued Driver's License or ID Not Required to Vote by Mail.
- Accepts Ballots Postmarked on or Before Election Day and Received up to 10 Days After Election Day.
- At Least Two Weeks of Early Voting.
- Online Mail Ballot Tracking.
- Ballot Drop Boxes.
- Voters Able to Vote by Mail without Notary or Enhanced Witness Signatures.

IOWA

Iowa made no meaningful changes to its early voting or vote by mail system during the 2022 legislative session to change its score. It is worth noting, however, that voters will face the restrictions imposed by Iowa during the 2021 legislative session during the 2022 elections, including reduced early voting days and a prohibition on election officials sending unsolicited mail ballot applications. Additionally, to apply for an absentee ballot, Iowa requires all voters to provide either a driver's license number, state-issued identification number or voter verification number, with no option to provide a Social Security number. This is an undue burden for which Iowa receives no credit.

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- All Eligible Voters Can Vote by Mail.
- State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited Mail Ballot Applications.
- Uniform Mail Ballot Notice and Cure.
- State-Issued Driver's License or ID Not Required to Vote by Mail.
- Accepts Ballots Postmarked on or Before Election Day and Received up to 10 Days After Election Day.
- At Least Two Weeks of Early Voting.
- Online Mail Ballot Tracking.
- Ballot Drop Boxes.
- Voters Able to Vote by Mail Without Notary or Enhanced Witness Signatures.

KANSAS

8/10

Kansas made no meaningful changes to its early voting or vote by mail system during the 2022 legislative session to change its score. Last year, however, the state tried to restrict voting access by banning out-of-state entities from sending voters advance mail ballot applications. While this change did not affect Kansas's grade as it is not one of the factors considered in the grading process, it would have made voting harder for Kansans. In 2021, CLC represented groups that sued over the measure, and in 2022, the state agreed to a permanent injunction of that restriction.⁸ Finally, although voters can provide photocopies of other forms of ID other than a driver's license to apply for an absentee ballot, Kansas law does not allow voters to apply with their Social Security number. The photocopy requirement is burdensome to such a degree that Kansas cannot receive a point for its ID requirements. Note that only voters with disabilities are eligible to join Kansas's permanent mail voting list.

- All Eligible Voters Can Vote by Mail.
- State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited Mail Ballot Applications.
- Uniform Mail Ballot Notice and Cure.
- State-Issued Driver's License or ID Not Required to Vote by Mail.
- Accepts Ballots Postmarked on or Before Election Day and Received up to 10 Days After Election Day.
- At Least Two Weeks of Early Voting.
- Online Mail Ballot Tracking.
- Ballot Drop Boxes.
- Voters Able to Vote by Mail Without Notary or Enhanced Witness Signatures.

KENTUCKY

••••• 5/10

Kentucky made no meaningful changes to its early voting or vote by mail system during the 2022 legislative session to change its score. Though Kentucky technically allows other forms of identification to vote by mail, the additional requirements imposed to use the other forms of identification warrant a demerit against its score. Specifically, for mail ballot applications, Kentucky requires voters to provide a copy of a qualifying photo ID or execute an affirmation attesting that they are eligible to vote and have one of eight statutory impediments to obtaining a photo ID.⁹

- All Eligible Voters Can Vote by Mail.
- State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited Mail Ballot Applications.
- Uniform Mail Ballot Notice and Cure.
- State-Issued Driver's License or ID Not Required to Vote by Mail.
- Accepts Ballots Postmarked on or Before Election Day and Received up to 10 Days After Election Day.
- At Least Two Weeks of Early Voting.
- Online Mail Ballot Tracking.
- Ballot Drop Boxes.
- Voters Able to Vote by Mail Without Notary or Enhanced Witness Signatures.

LOUISIANA

••••••••• 6/10

Louisiana made a positive change to its vote by mail laws that increased the state's score. Specifically, Louisiana passed a law requiring the secretary of state to issue rules for notice and cure for vote by mail ballots; the secretary of state has promulgated those rules, which will be in effect for the 2022 elections. Additionally, the Louisiana legislature passed a resolution to study the effects of early voting on rural communities. CLC's research has underscored the negative racial and socioeconomic impact of early voting policies in Louisiana.¹⁰ Note that only voters with disabilities and voters who are senior citizens are eligible to join Louisiana's permanent mail voting list. However, in SB 144, Louisiana restricted the methods of hand delivery of absentee ballots that may effectively foreclose the use of drop boxes; for this reason, it does not receive a point for ballot drop boxes.

- All Eligible Voters Can Vote by Mail.
- State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited Mail Ballot Applications.
- Uniform Mail Ballot Notice and Cure.
- State-Issued Driver's License or ID not required to Vote by Mail.¹¹
- Accepts Ballots Postmarked on or Before Election Day and Received up to 10 Days After Election Day.
- At Least Two Weeks of Early Voting.
- Online Mail Ballot Tracking.
- Ballot Drop Boxes.

MAINE

Maine made three changes relevant to its grade in response to the pandemic. Before the 2020 general election, the secretary of state created an online ballottracking tool. In addition, during its 2021 legislative session, the legislature enacted measures that codified a notice-and-cure process for absentee ballots and created a permanent mail voting list. The latter bill takes effect in 2023; accordingly, next year, Maine will receive an additional point.

- All Eligible Voters Can Vote by Mail.
- State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited Mail Ballot Applications.
- Uniform Mail Ballot Notice and Cure.
- State-Issued Driver's License or ID Not Required to Vote by Mail.
- Accepts Ballots Postmarked on or Before Election Day and Received up to 10 Days After Election Day.
- At Least Two Weeks of Early Voting.
- Online Mail Ballot Tracking.
- Ballot Drop Boxes.
- Voters Able to Vote by Mail without Notary or Enhanced Witness Signatures.

MARYLAND

••••• 7/10

Maryland made no meaningful changes to its early voting or vote by mail system during the 2022 legislative session to change its score.

- All Eligible Voters Can Vote by Mail.
- State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited Mail Ballot Applications.
- Uniform Mail Ballot Notice and Cure.
- State-Issued Driver's License or ID Not Required to Vote by Mail.
- Accepts Ballots Postmarked on or Before Election Day and Received up to 10 Days After Election Day.
- At Least Two Weeks of Early Voting.
- Online Mail Ballot Tracking.
- Ballot Drop Boxes.
- Voters Able to Vote by Mail without Notary or Enhanced Witness Signatures.

MASSACHUSETTS

8/10

In June 2022, after allowing all eligible voters to vote by mail during the 2020 elections due to the COVID-19 pandemic, Massachusetts made no-excuse vote by mail permanent. All Massachusetts voters will be eligible to vote by mail in the 2022 elections.

- All Eligible Voters Can Vote by Mail.
- State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited Mail Ballot Applications.
- Uniform Mail Ballot Notice and Cure.
- State-Issued Driver's License or ID Not Required to Vote by Mail.
- Accepts Ballots Postmarked on or Before Election Day and Received up to 10 Days After Election Day.
- At Least Two Weeks of Early Voting.
- Online Mail Ballot Tracking.
- Ballot Drop Boxes.
- Voters Able to Vote by Mail without Notary or Enhanced Witness Signatures.

MICHIGAN

9/10

Michigan made no vote by mail or early voting changes relevant to the grading criteria during its 2022 legislative session but was already on the right track. However, while Michigan has a notice-andcure procedure, that procedure only exists because of administrative guidance issued by the secretary of state, not because of a specific statutory requirement. With a different secretary of state, Michigan's score could easily drop, so the state should work to enshrine its noticeand-cure procedure in state law.

- All Eligible Voters Can Vote by Mail.
- State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited Mail Ballot Applications.
- Uniform Mail Ballot Notice and Cure.
- State-Issued Driver's License or ID not required to Vote by Mail.
- Accepts Ballots Postmarked on or Before Election Day and Received up to 10 Days After Election Day.
- At Least Two Weeks of Early Voting.
- Online Mail Ballot Tracking.
- Ballot Drop Boxes.
- Voters Able to Vote by Mail without Notary or Enhanced Witness Signatures.

MINNESOTA

6/10

Minnesota made no vote by mail or early voting changes relevant to the grading criteria during its 2022 legislative session. Minnesota provides a permanent list for absentee ballot applications but not absentee ballots. Minnesota requires voters to have another registered Minnesota voter or a notary witness their mail ballot. This requirement is unworkable for many Minnesotans who vote by mail while temporarily out of state.

- All Eligible Voters Can Vote by Mail.
- State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited Mail Ballot Applications.
- Uniform Mail Ballot Notice and Cure.
- State-Issued Driver's License or ID Not Required to Vote by Mail.
- Accepts Ballots Postmarked on or Before Election Day and Received up to 10 Days After Election Day.
- At Least Two Weeks of Early Voting.
- Online Mail Ballot Tracking.
- Ballot Drop Boxes.
- Voters Able to Vote by Mail without Notary or Enhanced Witness Signatures.

MISSISSIPPI

4/10

Mississippi made no meaningful changes to its early voting or vote by mail system during the 2022 legislative session to change its score. The secretary of state of Mississippi recently promulgated rules for notice and cure for voters who are eligible to vote by mail. Mississippi remains one of the few states that provides no online ballot tracking, and its notary requirements make voting by mail particularly inaccessible. Note that only permanently disabled voters are eligible to join Mississippi's permanent mail voting list.

- All Eligible Voters Can Vote by Mail.
- State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited Mail Ballot Applications.
- Uniform Mail Ballot Notice and Cure.
- State-Issued Driver's License or ID Not Required to Vote by Mail.
- Accepts Ballots Postmarked on or Before Election Day and Received up to 10 Days After Election Day.
- At Least Two Weeks of Early Voting.
- Online Mail Ballot Tracking.
- Ballot Drop Boxes.
- Voters Able to Vote by Mail without Notary or Enhanced Witness Signatures.

MISSOURI

Although Missouri's score did not change year-overyear, the state made several significant changes through HB 1878 that severely weakened its vote by mail and early voting system. HB 1878 bans drop boxes, prohibits third-party distribution of absentee ballot applications and requires certain vote by mail voters to have their application notarized. While SB 1878 did add a two-week early voting period, it made that period nonseverable from the state's new in-person photo ID requirement; if the ID provision is struck down by a court, then Missourians will lose early voting access. CLC has sued Missouri because of this provision. Note that only permanently disabled voters are eligible to join Missouri's permanent mail voting list.

- All Eligible Voters Can Vote by Mail.
- State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited Mail Ballot Applications.
- Uniform Mail Ballot Notice and Cure.
- State-Issued Driver's License or ID Not Required to Vote by Mail.
- Accepts Ballots Postmarked on or Before Election Day and Received up to 10 Days After Election Day.
- At Least Two Weeks of Early Voting.
- Online Mail Ballot Tracking.
- Ballot Drop Boxes.
- Voters Able to Vote by Mail Without Notary or Enhanced Witness Signatures.

MONTANA

••••••• 9/10

Montana made no meaningful changes to its early voting or vote by mail system during the 2022 legislative session to change its score. While Montana facially appears to have expansive vote by mail and early voting policies, these policies disproportionately burden Native American voters. Because Montana has failed to make mail voting accessible to Native American voters who lack mailing services, its grade should be assessed critically.

- All Eligible Voters Can Vote by Mail.
- State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited Mail Ballot Applications.
- Uniform Mail Ballot Notice and Cure.
- State-Issued Driver's License or ID Not Required to Vote by Mail.
- Accepts Ballots Postmarked on or Before Election Day and Received up to 10 Days After Election Day.
- At Least Two Weeks of Early Voting.
- Online Mail Ballot Tracking.
- Ballot Drop Boxes.
- Voters Able to Vote by Mail without Notary or Enhanced Witness Signatures.

NEBRASKA

••••••• 7/10

Nebraska made no meaningful changes to its early voting or vote by mail system during the 2022 legislative session to change its score. However, it is worth noting that Nebraska did enact a law that set new requirements for drop boxes and changed the process of requesting a replacement mail ballot. The impact of these changes remains unclear; Nebraska's score should be assessed in light of how these policies may affect voters' ability to access mail voting in the 2022 election.

- All Eligible Voters Can Vote by Mail.
- State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited Mail Ballot Applications.
- Uniform Mail Ballot Notice and Cure.
- State-Issued Driver's License or ID Not Required to Vote by Mail.
- Accepts Ballots Postmarked on or Before Election Day and Received up to 10 Days After Election Day.
- At Least Two Weeks of Early Voting.
- Online Mail Ballot Tracking.
- Ballot Drop Boxes.
- Voters Able to Vote by Mail without Notary or Enhanced Witness Signatures.

NEVADA

Effective January 2022, Nevada added a permanent mail voting list for all eligible voters in the state. It therefore receives a higher score than in 2021.

- All Eligible Voters Can Vote by Mail.
- State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited Mail Ballot Applications.
- Uniform Mail Ballot Notice and Cure.
- State-Issued Driver's License or ID Not Required to Vote by Mail.
- Accepts Ballots Postmarked on or Before Election Day and Received up to 10 Days After Election Day.
- At Least Two Weeks of Early Voting.
- Online Mail Ballot Tracking.
- Ballot Drop Boxes.
- Voters Able to Vote by Mail without Notary or Enhanced Witness Signatures.

NEW HAMPSHIRE

4/10

New Hampshire made no meaningful changes to its early voting or vote by mail system during the 2022 legislative session to change its score. While in 2020 New Hampshire allowed voters to submit mail ballots via drop boxes, this was a temporary change made in response to a state of public emergency, which the state does not consider to be in effect anymore. Although New Hampshire does not explicitly ban drop boxes, currently, the only methods of delivery allowed for mail ballots are personal delivery to the clerk's office or postal mail. New Hampshire therefore does not get a point for ballot drop boxes.

- All Eligible Voters Can Vote by Mail.
- State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited Mail Ballot Applications.
- Uniform Mail Ballot Notice and Cure.
- State-Issued Driver's License or ID Not Required to Vote by Mail.
- Accepts Ballots Postmarked on or Before Election Day and Received up to 10 Days After Election Day.
- At Least Two Weeks of Early Voting.
- Online Mail Ballot Tracking.
- Ballot Drop Boxes.
- Voters Able to Vote by Mail Without Notary or Enhanced Witness Signatures

NEW JERSEY

8/10

New Jersey made no meaningful changes to its early voting or vote by mail system during the 2022 legislative session to change its score. New Jersey made only some minor adjustments to drop box regulation, including prohibiting them from being located near law enforcement agencies.

- All Eligible Voters Can Vote by Mail.
- State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited Mail Ballot Applications.
- Uniform Mail Ballot Notice and Cure.
- State-Issued Driver's License or ID Not Required to Vote by Mail.
- Accepts Ballots Postmarked on or Before Election Day and Received up to 10 Days After Election Day.
- At Least Two Weeks of Early Voting.
- Online Mail Ballot Tracking.
- Ballot Drop Boxes.
- Voters Able to Vote by Mail without Notary or Enhanced Witness Signatures.

NEW MEXICO

••••• 7/10

New Mexico made no meaningful changes to its early voting or vote by mail system during the 2022 legislative session to change its score.

- All Eligible Voters Can Vote by Mail.
- State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited Mail Ballot Applications.
- Uniform Mail Ballot Notice and Cure.
- State-Issued Driver's License or ID Not Required to Vote by Mail.
- Accepts Ballots Postmarked on or Before Election Day and Received up to 10 Days After Election Day.
- At Least Two Weeks of Early Voting.
- Online Mail Ballot Tracking.
- Ballot Drop Boxes.
- Voters Able to Vote by Mail without Notary or Enhanced Witness Signatures.

NEW YORK

7/10

New York made no meaningful changes to its early voting or vote by mail system during the 2022 legislative session to change its score. In 2021, several ballot measures that would have made all voters eligible to vote by mail failed to pass; however, in the same year, New York's legislature voted to extend its emergency noexcuse absentee voting policy through 2022. Note that only permanently disabled voters are eligible to join New York's permanent mail voting list.

- All Eligible Voters Can Vote by Mail.
- State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited
 Mail Ballot Applications.
- Uniform Mail Ballot Notice and Cure.
- State-Issued Driver's License or ID Not Required to Vote by Mail.
- Accepts Ballots Postmarked on or Before Election Day and Received up to 10 Days After Election Day.
- At Least Two Weeks of Early Voting.
- Online Mail Ballot Tracking.
- Ballot Drop Boxes.
- Voters Able to Vote by Mail without Notary or Enhanced Witness Signatures.

NORTH CAROLINA

5/10

North Carolina made no vote by mail or early voting changes relevant to the grading criteria during its 2021 legislative session. The state's score would be lower if not for litigation: North Carolina implemented a mandatory notice-and-cure procedure only after being sued and ordered to do so by a federal court.¹² That order remains in effect, but because it was issued on a preliminary basis, it may be modified or eliminated before future elections. Likewise, North Carolina's voter ID requirement for mail voting was enjoined by a North Carolina state court.¹³ That ruling is currently being appealed to the North Carolina Supreme Court.

- All Eligible Voters Can Vote by Mail.
- State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited Mail Ballot Applications.
- Uniform Mail Ballot Notice and Cure.
- State-Issued Driver's License or ID Not Required to Vote by Mail.
- Accepts Ballots Postmarked on or Before Election Day and Received up to 10 Days After Election Day.
- At Least Two Weeks of Early Voting.
- Online Mail Ballot Tracking.
- Ballot Drop Boxes.
- Voters Able to Vote by Mail Without Notary or Enhanced Witness Signatures.

NORTH DAKOTA

North Dakota made no vote by mail or early voting changes relevant to the grading criteria during its 2021 legislative session.

- All Eligible Voters Can Vote by Mail.
- State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited Mail Ballot Applications.
- Uniform Mail Ballot Notice and Cure.
- State-Issued Driver's License or ID Not Required to Vote by Mail.
- Accepts Ballots Postmarked on or Before Election Day and Received up to 10 Days After Election Day.
- At Least Two Weeks of Early Voting.
- Online Mail Ballot Tracking.
- Ballot Drop Boxes.
- Voters Able to Vote by Mail without Notary or Enhanced Witness Signatures.

OHIO

Ohio made no vote by mail or early voting changes relevant to the grading criteria during its 2021 legislative session. Although state law permits the use of drop boxes, current guidance from the secretary of state limits their effectiveness by allowing only one per county—despite the fact that Ohio counties' populations range from 27,000 to over 1.3 million residents. On the other hand, Ohio only narrowly fails to meet one criterion: Election officials must accept ballots received up to 10 days after Election Day, but those ballots must be postmarked *before* Election Day.

7/10

- All Eligible Voters Can Vote by Mail.
- State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited Mail Ballot Applications.
- Uniform Mail Ballot Notice and Cure.
- State-Issued Driver's License or ID Not Required to Vote by Mail.
- Accepts Ballots Postmarked on or Before Election Day and Received up to 10 Days After Election Day.
- At Least Two Weeks of Early Voting.
- Online Mail Ballot Tracking.
- Ballot Drop Boxes.
- Voters Able to Vote by Mail Without Notary or Enhanced Witness Signatures.

OKLAHOMA

3/10

Oklahoma made a major change to its voter ID law for mail voting that warrants a demerit against the state's total score. As a result of H 3364, voters applying for an absentee ballot must provide an identification number that matches at least one of the identification numbers in their voter registration record (if there is an identification number in their record). For example, if a voter registered and only provided an Oklahoma driver's license as an identification number, they cannot later apply for an absentee ballot by providing the last four digits of their Social Security number. Also, Oklahoma law does not explicitly ban drop boxes, but it is widely understood in the state that drop boxes are not allowed. For this reason, Oklahoma no longer gets a point for drop boxes.

- All Eligible Voters Can Vote by Mail.
- State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited Mail Ballot Applications.
- Uniform Mail Ballot Notice and Cure.
- State-Issued Driver's License or ID Not Required to Vote by Mail.
- Accepts Ballots Postmarked on or Before Election Day and Received up to 10 Days After Election Day.
- At Least Two Weeks of Early Voting.
- Online Mail Ballot Tracking.
- Ballot Drop Boxes.
- Voters Able to Vote by Mail Without Notary or Enhanced Witness Signatures.

OREGON

8/10

Oregon is an all-mail state. Oregon made no vote by mail or early voting changes relevant to the grading criteria during its 2022 legislative session.

- All Eligible Voters Can Vote by Mail.
- State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited Mail Ballot Applications.
- Uniform Mail Ballot Notice and Cure.
- State-Issued Driver's License or ID Not Required to Vote by Mail.
- Accepts Ballots Postmarked on or Before Election Day and Received up to 10 Days After Election Day.
- At Least Two Weeks of Early Voting.
- Online Mail Ballot Tracking.
- Ballot Drop Boxes.
- Voters Able to Vote by Mail without Notary or Enhanced Witness Signatures.

PENNSYLVANIA

Pennsylvania made no vote by mail or early voting changes during its 2022 legislative session that impact its grade in this scorecard. However, its legislature passed S 106, which, if passed again in Pennsylvania's next legislative session, means that in 2023, Pennsylvania voters will vote on a constitutional amendment about whether to require state-issued ID for voting in person and by mail. Note that although the state does not have a true permanent absentee voting list, it does allow voters to submit a single application to vote by mail for all elections during a calendar year. Furthermore, while Pennsylvania law does not allow election officials to reject absentee ballots solely because of signature mismatches, there is no process for notifying voters of other issues with their ballots and allowing them to cure those issues enshrined in state law.

- All Eligible Voters Can Vote by Mail.
- State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited Mail Ballot Applications.
- Uniform Mail Ballot Notice and Cure.
- State-Issued Driver's License or ID Not Required to Vote by Mail.
- Accepts Ballots Postmarked on or Before Election Day and Received up to 10 Days After Election Day.
- At Least Two Weeks of Early Voting.
- Online Mail Ballot Tracking.
- Ballot Drop Boxes.
- Voters Able to Vote by **Mail Without Notary** or Enhanced Witness Signatures.

RHODE ISLAND

9/10

Rhode Island made important changes during its most recent legislative session by enacting RI S 2007, which creates no-excuse absentee voting, eliminates notary and witness requirements, and mandates drop boxes.

- All Eligible Voters Can Vote by Mail.
- State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited Mail Ballot Applications.
- Uniform Mail Ballot Notice and Cure.
- State-Issued Driver's License or ID Not Required to Vote by Mail.
- Accepts Ballots Postmarked on or Before Election Day and Received up to 10 Days After Election Day.
- At Least Two Weeks of Early Voting.
- Online Mail Ballot Tracking.
- Ballot Drop Boxes.
- Voters Able to Vote by Mail without Notary or Enhanced Witness Signatures.

SOUTH CAROLINA

4/10

South Carolina made significant changes to its early voting and vote by mail system in 2022. South Carolina passed S 108, which creates an early voting period but explicitly bans ballot drop boxes (though they were not typically in use in the state) and bans election officials from sending unsolicited absentee ballots. Despite expanding early voting, the concurrent restrictions caused South Carolina's score to remain low. Note that while South Carolina requires voters to have a witness sign their absentee ballots, voters only need one witness for their ballots to count and that witness can be anyone, so the state still gets a point for not requiring enhanced witness signatures, which refers to multiple witness or notary requirements.

- All Eligible Voters Can Vote by Mail.
- State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited Mail Ballot Applications.
- Uniform Mail Ballot Notice and Cure.
- State-Issued Driver's License or ID Not Required to Vote by Mail.
- Accepts Ballots Postmarked on or Before Election Day and Received up to 10 Days After Election Day.
- At Least Two Weeks of Early Voting.
- Online Mail Ballot Tracking.
- Ballot Drop Boxes.
- Voters Able to Vote by Mail Without Notary or Enhanced Witness Signatures.

SOUTH DAKOTA

4/10

The current legal status of ballot drop boxes in South Dakota is unclear. The statutes say that voters "shall either mail the ballot, deliver it in person, or have it delivered to the person in charge of the election." The secretary of state believes ballot drop boxes are allowed, and they were used in the July primary. However, Republican lawmakers are questioning the secretary of state's decision, claiming that the law does not permit ballot drop boxes.¹⁴ Due to the uncertainty in the law and the related uncertainty about the use of drop boxes in the November 2022 general election, South Dakota receives a demerit for this criterion.

- All Eligible Voters Can Vote by Mail.
- State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited Mail Ballot Applications.
- Uniform Mail Ballot Notice and Cure.
- State-Issued Driver's License or ID not required to Vote by Mail.
- Accepts Ballots Postmarked on or Before Election Day and Received up to 10 Days After Election Day.
- At Least Two Weeks of Early Voting.
- Online Mail Ballot Tracking.
- Ballot Drop Boxes.
- Voters Able to Vote by Mail Without Notary or Enhanced Witness Signatures.

TENNESSEE

5/10

Tennessee made no vote by mail or early voting changes relevant to the grading criteria during its 2022 legislative session. Although the state gets a point for allowing election officials to send unsolicited mail ballot applications, it should be noted that Tennessee also makes it a felony for anyone other than an election official to distribute mail ballot applications. Although this report did not consider restrictions on third parties as a factor in determining scores, such restrictions are worth keeping in mind.

- O All Eligible Voters Can Vote by Mail.
- State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited Mail Ballot Applications.
- Uniform Mail Ballot Notice and Cure.
- State-Issued Driver's License or ID Not Required to Vote by Mail.
- Accepts Ballots Postmarked on or Before Election Day and Received up to 10 Days After Election Day.
- At Least Two Weeks of Early Voting.
- Online Mail Ballot Tracking.
- Ballot Drop Boxes.
- Voters Able to Vote by Mail without Notary or Enhanced Witness Signatures.

TEXAS

Texas legislators made early and mail voting more difficult in multiple ways during the 2021 legislative session. The state's omnibus election bill, S.B. 1, included bans on drop boxes and on election officials sending voters unsolicited absentee ballot applications. While S.B. 1 included provisions requiring the state to implement an online absentee ballot tracker and a notice-and-cure process, that process's implementation in 2022 has been a disaster.¹⁵

- All Eligible Voters Can Vote by Mail.
- State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited Mail Ballot Applications.
- Uniform Mail Ballot Notice and Cure.
- State-Issued Driver's License or ID Not Required to Vote by Mail.
- Accepts Ballots Postmarked on or Before Election Day and Received up to 10 Days After Election Day.
- At Least Two Weeks of Early Voting.
- Online Mail Ballot Tracking.
- Ballot Drop Boxes.
- Voters Able to Vote by Mail without Notary or Enhanced Witness Signatures.

UTAH

Utah made no vote by mail or early voting changes relevant to the grading criteria during its 2022 legislative session.

- All Eligible Voters Can Vote by Mail.
- State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited Mail Ballot Applications.
- Uniform Mail Ballot Notice and Cure.
- State-Issued Driver's License or ID Not Required to Vote by Mail.
- Accepts Ballots Postmarked on or Before Election Day and Received up to 10 Days After Election Day.
- At Least Two Weeks of Early Voting.
- Online Mail Ballot Tracking.
- Ballot Drop Boxes.
- Voters Able to Vote by Mail without Notary or Enhanced Witness Signatures.

VERMONT

•••••• 8/10

Vermont made no vote by mail or early voting changes relevant to the grading criteria during its 2022 legislative session.

- All Eligible Voters Can Vote by Mail.
- State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited Mail Ballot Applications.
- Uniform Mail Ballot Notice and Cure.
- State-Issued Driver's License or ID Not Required to Vote by Mail.
- Accepts Ballots Postmarked on or Before Election Day and Received up to 10 Days After Election Day.
- At Least Two Weeks of Early Voting.
- Online Mail Ballot Tracking.
- Ballot Drop Boxes.
- Voters Able to Vote by Mail without Notary or Enhanced Witness Signatures.

VIRGINIA

••• 9/10

Virginia made no vote by mail or early voting changes relevant to the grading criteria during its 2022 legislative session. But it is worth noting that Virginia has reinstated its requirement that a witness sign an absentee ballot (it still retains a point for not requiring enhanced witness signatures, which refers to multiple witness or notary requirements). While in 2020, Virginia dropped its witness requirement altogether, this was a temporary change that was made in response to a state of public emergency, which Virginia does not consider to be in effect anymore.

- All Eligible Voters Can Vote by Mail.
- State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited Mail Ballot Applications.
- Uniform Mail Ballot Notice and Cure.
- State-Issued Driver's License or ID Not Required to Vote by Mail.
- Accepts Ballots Postmarked on or Before Election Day and Received up to 10 Days After Election Day.
- At Least Two Weeks of Early Voting.
- Online Mail Ballot Tracking.
- Ballot Drop Boxes.
- Voters Able to Vote by Mail Without Notary or Enhanced Witness Signatures.

WASHINGTON

••••••• 10/10

Washington was already one of the few states that scored a 10/10 last year, and this year, it improved upon its own perfect score. Specifically, Washington passed a law providing a modest expansion of voting centers, requiring that county auditors open voting centers at certain locations where they previously just conducted voter registration.

- All Eligible Voters Can Vote by Mail.
- State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited Mail Ballot Applications.
- Uniform Mail Ballot Notice and Cure.
- State-Issued Driver's License or ID Not Required to Vote by Mail.
- Accepts Ballots Postmarked on or Before Election Day and Received up to 10 Days After Election Day.
- At Least Two Weeks of Early Voting.
- Online Mail Ballot Tracking.
- Ballot Drop Boxes.
- Voters Able to Vote by Mail without Notary or Enhanced Witness Signatures.

WEST VIRGINIA

4/10

West Virginia made no vote by mail or early voting changes relevant to the grading criteria during its 2022 legislative session. While the state does not explicitly ban election officials from sending mail ballot applications, they can only do so upon request; accordingly, West Virginia receives a demerit for this criterion. Note that only voters with permanent disabilities are eligible to join West Virginia's permanent mail voting list.

- All Eligible Voters Can Vote by Mail.
- State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited Mail Ballot Applications.
- O Uniform Mail Ballot Notice and Cure.
- State-Issued Driver's License or ID not required to Vote by Mail.
- Accepts Ballots Postmarked on or Before Election Day and Received up to 10 Days After Election Day.
- At Least Two Weeks of Early Voting.
- Online Mail Ballot Tracking.
- Ballot Drop Boxes.
- Voters Able to Vote by Mail without Notary or Enhanced Witness Signatures.

WISCONSIN

•••• 5/10

Wisconsin's legislature made no vote by mail or early voting changes relevant to the grading criteria during its 2021 legislative session, but a state trial court ruled in 2022 that state law did not authorize the use of drop boxes, which elections officials had made available in past elections. The state supreme court has allowed a ban on drop boxes to remain in effect for Wisconsin's April 2022 elections. The case is still pending. While Wisconsin requires voters to have a witness sign their absentee ballots, voters only need one witness (an adult U.S. citizen) for their ballots to count, so the state still gets a point for not requiring enhanced witness signatures, which refers to multiple witness or notary requirements. Note that only permanently confined or disabled voters are eligible to join Wisconsin's permanent mail voting list.

- All Eligible Voters Can Vote by Mail.
- State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited Mail Ballot Applications.
- Uniform Mail Ballot Notice and Cure.
- State-Issued Driver's License or ID not required to Vote by Mail.
- Accepts Ballots Postmarked on or Before Election Day and Received up to 10 Days After Election Day.
- At Least Two Weeks of Early Voting
- Online Mail Ballot Tracking.
- Ballot Drop Boxes.
- Voters Able to Vote by Mail Without Notary or Enhanced Witness Signatures.

WYOMING

••••• 5/10

Wyoming made no vote by mail or early voting changes relevant to the grading criteria during its 2022 legislative session.

- All Eligible Voters Can Vote by Mail.
- State Maintains a Permanent Mail Voting List.
- Election Officials are Able to Send Unsolicited Mail Ballot Applications.
- Uniform Mail Ballot Notice and Cure.
- State-Issued Driver's License or ID Not Required to Vote by Mail.
- Accepts Ballots Postmarked on or Before Election Day and Received up to 10 Days After Election Day.
- At Least Two Weeks of Early Voting.
- Online Mail Ballot Tracking.
- Ballot Drop Boxes.
- Voters Able to Vote by Mail without Notary or Enhanced Witness Signatures.

OVERVIEW

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AK	••••	NE	•••••
AZ	•••••	NV	•••••
AR	••••	NH	••••
CA	••••	NJ	•••••
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СТ	••••	NY	••••
DE	••••	NC	•••••
FL	••••	ND	•••••
GA	••••	ОН	•••••
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ID	••••	OR	•••••
IL	••••	PA	•••••
IN	••••	RI	•••••
IA	••••	SC	••••
KS	••••	SD	••••
KY	••••	ΤN	•••••
LA	••••	тх	••••
ME	••••	UT	•••••
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MA	••••	VA	•••••
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−state ^{by} state − OVERVIEW




POLICY IMPLICATIONS

Vote by Mail and Early Voting in 2022

Each of the past two years has featured a dramatic shift in the way that Americans approach voting. In 2020, the global pandemic caused many voters to become aware for the first time of options to vote by mail and vote early. The record turnout in that year's election, followed by the losing candidate's false allegations of voter fraud, led to the politicization of what were previously considered noncontroversial voting processes in both red and blue states alike. As a result, 2021 featured an onslaught of election-related legislation, with many bills aimed at curtailing voting by mail and early voting.

The 2022 elections are the first to take place in the aftermath of these upheavals. In many states, voters will find themselves navigating new laws and processes. The grades in this report show the divide between states where legislatures have worked to make voting easier and states where they have purposely made it harder. But they also demonstrate that this choice isn't always binary.

In states like Missouri, South Carolina and Oklahoma. legislatures have simultaneously expanded access to the ballot in some ways while restricting it in others. Although their overall scores remain similar, the individual elements that make up those scores have changed. Missouri created a two-week early voting period but placed an additional hurdle on mail voting by banning drop boxes. South Carolina also created an early voting period but in the same piece of legislation banned drop boxes and prohibited election officials from sending unsolicited absentee ballot applications. Oklahoma eliminated its requirement that voters present a state-issued ID to apply for an absentee ballot but failed to score a point for this because its new law still unnecessarily limits the information a voter can use to validate their identity.

Some changes in grades also reflect the uncertainty about the ongoing status of the COVID-19 pandemic. In 2020, New Hampshire allowed voters to submit absentee ballots via drop boxes, and Virginia dropped its requirement that absentee ballots be signed by a witness. Both of these changes have now been reversed, as these were temporary changes that were made in response to a state of public emergency, which neither state considers to be in effect anymore. In contrast, New York passed legislation to extend its emergency policy to allow absentee ballot voting due to the COVID-19 pandemic through 2022 (however, the ballot measure that would have made no-excuse absentee voting permanent was rejected by New York voters).

#RestoreTheVOTE

#Re:



But while laws may vary greatly from state to state, a look at the nation as a whole reveals some surprising areas of consensus. On the positive side, 47 states allow voters to track the status of their mail ballots online, a factor that goes a long way in easing uncertainties around voting by mail and building confidence in elections. Additionally, 41 states do not require voters to provide a state-issued driver's license or photo ID in order to vote by mail. On the other hand, there are also areas where almost every state could stand to improve its policies. Chief among them is that only four states accept ballots that are postmarked on or before Election Day up to 10 days after Election Day. While some states accept ballots for shorter periods of time, such as California's seven-day period, these fall short of the ideal 10-day grace period, which accounts for delays in the U.S. Postal Service's mail delivery that may occur through no fault of the voter. Another area where the nation as a whole needs to advance its approach is with regard to permanent mail voting lists. Voters on these lists are automatically sent a mail ballot for each election, eliminating the need for voters to apply for a mail ballot before every election. This saves both voters and election administrators time and money; however, only 24 states have permanent mail voting lists of some kind, and of these, nine¹⁶ restrict eligibility for these lists to disabled or elderly voters, meaning that only 15 states allow all eligible voters to join permanent mail voting lists.

Certain vote by mail accessibility factors have also been subject to clear backward trends in

POSITIVE STEPS

47

41

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BUT JUST

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15 states allow *all* eligible voters to join permanent mail voting lists.

the past year. In particular, the use of ballot drop boxes suffered several setbacks since the last scorecard, with Missouri passing a law prohibiting them, New Hampshire rolling back a temporary public emergency provision that allowed them and South Dakota lawmakers challenging the legality of the secretary of state's decision to permit them. Furthermore, while Louisiana and South Carolina previously had election laws that were silent on the use of drop boxes, both states amended these laws in 2022 to prohibit them.

Disparities Faced by Voters of Color and Disabled Voters Not Captured by the Grading Criteria

The states analyzed in this report are judged by the existence of certain vote by mail and early voting policies, not the efficacy of those policies. This report is not intended to praise any given state's vote by mail and early policies, particularly states where those policies nevertheless result in substantial burdens on voters of color. Voters of color across the country fall victim to laws of general applicability that do not address the unique burdens they face, such as limited mail access, distant-or nonexistentearly voting locations in their communities and higher rates of mail ballot rejection. Many of these states still have much work to do to promote the freedom to vote for all voters despite their relatively high grades.

For example, an audit of Washington state's 2020 election found that the absentee ballots of African American voters were rejected four times as often as those of white voters, primarily for nonmatching signatures.¹⁷ Rejection rates were also elevated for Native American, Hispanic, and Asian and Pacific Islander voters.¹⁸ (Last year, two advocacy groups filed suit against a few counties in Washington state alleging discrimination against Latino voters and other racial minorities because of a comparatively higher rate of rejection of ballots from voters with Latino names.) Examinations of Georgia's 2020 primary election²⁰ and 2018 general election,²¹ as well as Florida's 2018 general election²² also found that racial and ethnic minorities were more likely to have their on-time ballots rejected compared with white voters. Journalists noted similar trends in North Carolina²³ and Colorado.²⁴

The fact that these disparities occurred in states with high scores as well as low scores indicates that even written policies that promote access to the ballot are not a guarantee of that access for voters of color.

It should also be noted that Native American voters in particular face barriers to vote by mail in states that have ostensibly accessible vote by mail policies. Many Native American voters do not have equal access to vote by mail because they lack access to mailboxes, post offices, mailing addresses and transportation.

Importance of Vote by Mail Opportunities for Voters with Disabilities

Voting by mail is especially beneficial for voters with disabilities given the difficulties that often accompany voting in person for these voters. While all polling places are required to adhere to the requirements of the Americans with Disabilities Act, the Government Accountability Office found that during the 2016 election, at least 60% of polling places were inaccessible





to disabled voters.²⁶ As Pew Trusts Stateline reported, "Many voters [with disabilities] found polling places inaccessible, some lacking wheelchair ramps. Places of worship, which often serve as polling places, are not subject to federal accessibility requirements. Inside polling places, many other voters with disabilities found accessible voting machines turned off or poll workers untrained in how to operate those voting machines."²⁷

The coronavirus pandemic led many states to expand their vote by mail and early voting options for the 2020 election, which may have played a part in the disability community's record turnout that year—62% of eligible adults with disabilities cast ballots during the 2020 election, a significant increase from the 56% turnout the disability community had during the 2016 election.²⁸ While voting by mail increased in 2020 for people both with and without disabilities, voters with disabilities were more likely to use this option, with just over half of disabled voters (52%) voting by mail before Election Day, compared to 40% of voters without disabilities.²⁹

Finally, though not reflected in the scores, it is important to note that many states have room to improve access to vote by mail for voters with disabilities. For example, states can provide alternatives to hand-marking ballots for voters who are unable to, such as by allowing a designated person to aid the voter. During the height of the pandemic in 2020, however, other states went even further by expanding

POSITIVE STEPS

62% of eligible adults with disabilities cast ballots during the 2020 election, up from 56% in 2016.

52% disabled voters voted by mail before Election Day, compared to 40% of voters without disabilities.

the electronic delivery of mail ballots to include voters with disabilities, in addition to military and overseas voters. The ability to receive, mark and in some states return ballots electronically makes vote by mail significantly more accessible for voters with disabilities. The elements that can make traditional vote by mail inaccessible to voters with disabilities, such as difficulties handmarking a paper ballot, are just one example of the many complicated ways that a facially accessible system might impose barriers for historically marginalized voters.

The subsequent passage of laws that restrict and expand vote by mail opportunities will therefore most keenly impact disabled voters living in those states. Our scorecard reflects the particular importance that voting by mail has in disabled communities, awarding a full point to states that maintain permanent mail voting lists for disabled voters, even if nondisabled voters are not eligible to be on these lists.



Rhode Island, New Jersey and Massachusetts

rank among the highest on our scorecard in the country and in the region. Rhode Island scored a nine out of 10 possible points on this year's scorecard due to its provision of no-excuse absentee voting, a permanent voting list for at least some residents, lack of a ban on state officials sending out unsolicited ballot applications, statutorily required notice and cure process, alternative identification options beyond presenting a state-issued photo ID or driver's license, a 20-day early in-person voting period, an absentee ballot-tracking system, availability of drop boxes and lack of requirement that absentee ballots be notarized or signed by witnesses.

New Jersey and Massachusetts both scored eight out of 10 possible points; neither state accepts ballots postmarked by Election Day but received up to 10 days after the election, nor do they have early voting periods that last at least two weeks. However, New Jersey accepts ballots postmarked by Election



NORTHEASTERN

Day for six days following the election, which is more permissive than Rhode Island and Massachusetts, both of which require ballots to be received by the end of polling hours on Election Day. New Jersey also allows for nine days of early in-person voting, and Massachusetts allows for 11 days.

Northeastern states generally have permissive voter ID laws for absentee voters, with every state accepting forms of identification other than a driver's license or other state-issued photo ID. Some states, like Delaware, require no identification at all for registered voters to vote absentee, while others, like Pennsylvania, allow for alternative forms of identification such as the four last digits of the voter's Social Security number. Most Northeastern states also have permanent absentee voting lists, but only for permanently disabled voters. The majority of Northeastern states (six out of 10) also allow noexcuse absentee voting.

Yet states within this region have room for improvement when it comes to early voting. Only Maine, Pennsylvania and Rhode Island allow early voting for a period of at least two weeks. Most states, like Maryland, allow for some days of early voting but less than two weeks. Only Connecticut and New Hampshire offer no early voting at all. Very few Northeastern states accept ballots postmarked by Election Day received up to 10 days after the election. Seven states do not accept ballots after the close of polls at all; two accept them but for fewer than 10 days after Election Day. Only one state, Maryland, accepts absentee ballots up to 10 days after Election Day.

Connecticut, Delaware, New Hampshire and New York all lack no-excuse absentee voting (although New York's legislature voted to extend its emergency no-excuse absentee voting policy through 2022). New Hampshire and Connecticut have the fewest opportunities for voting by mail and voting early in the region; Delaware and New York offer less than two weeks of early voting (nine and 10 days, respectively). Connecticut and New Hampshire lack permanent absentee voting lists, statutorily mandated notice and cure processes, provisions that allow absentee ballots postmarked by Election Day but received within 10 days afterward to be counted, and, as noted above, early voting.



SOUTHERN

In general, states across the South have a history of constructing barriers to the

ballot box, even though Southern states became early adopters of vote by mail and early voting after the passage of the Voting Rights Act of 1965. Most states in the region provide superficial access to early voting and vote by mail, with only four out of the 11 states in the region allowing all eligible voters to vote by mail. The various and nuanced ways that these states limit access prevent many voters from meaningfully accessing vote by mail and early voting.

Mississippi and Alabama pose the greatest barriers to voter flexibility, offering no early inperson voting, permitting only certain categories of voters to cast their ballots by mail and requiring witness signatures or notarization for absentee ballots. Alabama additionally requires absentee voters to provide state identification to vote (with exceptions for only *some* categories of voters, such as those with college or tribal IDs), in sharp contrast with all the other Southern states, which do not require state identification to vote absentee.

Voters who cast absentee ballots in Southern states do not have many choices about how to return their ballots, as all but two states do not allow voters to return them by drop box. Florida and Georgia—the two states that technically allow drop boxes—both added restrictions on drop box use in the last few legislative sessions, limiting their effectiveness.

Drop boxes are a way for absentee and vote by mail voters to return their ballots at a time that is convenient for them, especially for those who do not want to risk disenfranchisement from mail delays that may cause their ballots to arrive after Election Day. That concern is well founded in the South, because eight states reject all ballots received after Election Day (or in Louisiana's case, the day *before* Election Day).

Notably, every state except Mississippi allows voters to track their absentee ballots online, so voters are able find out if their ballot arrived in time to be counted.



WESTERN

Many Western states, including California, Colorado, Hawaii,

New Mexico, and Washington, are allmail states, meaning that they provide universal access to vote by mail and early voting. However, the West's performance is more variable on key factors that make mail voting less costly and more forgiving for voters. Only nine out of 15 Western states have a permanent absentee list, only 10 have a required notice and cure process, and only 11 permit voters to vote by mail without a state ID.

The West is home to Washington, which, like last year, received a score of 10 out of 10 in our scorecard—one of only two states to do so. Other states, like California, Colorado, Nevada and Montana, come close, with scores of nine out of 10, held back only by their failure to accept ballots postmarked by Election Day but received within 10 days after the election. On the other hand, Wyoming and South Dakota have some of the more restrictive vote by mail schemes in the West. While South Dakota has not expressly banned ballot boxes, the secretary of state and some state legislators have disagreed about whether South Dakota's election code authorizes ballot boxes. The restrictive interpretation of South Dakota's election code advanced by state legislators would unnecessarily eliminate a secure and convenient way to return absentee ballots.

Although most Western states maintained their grades from 2021, Utah has experienced a worrying downturn in the last year. In 2021, it scored a nine out of 10 on our scorecard, making it a green (least restrictive) state.



MIDWESTERN

Vote by mail and early voting opportunities

vary considerably within the Midwest. Nine of the 11 Midwestern states have authorized no-excuse absentee voting and allow for at least two weeks of early inperson voting for all eligible voters. Ten states permit voters to track their ballot through statewide or local platforms. However, states do not count ballots postmarked by Election Day and received up to 10 days after the election, forcing many voters to plan far in advance of Election Day and navigate uncertain post office schedules and potential mail delays. Only about half of the states have a permanent absentee voting list or a mandatory notice and cure provision. Inconsistency on these key elements of voter accessibility raises the cost of mail voting for many Midwesterners, unnecessarily making mail voting a less viable option for many voters. Although it is not reflected in the state's score in this report, Michigan is one of several states that does not permit election officials to begin processing mail ballots until Election Day, which results in unnecessary delays and disruption to the overall election administration process.

Moreover, Iowa and Ohio prevent election officials from sending unsolicited absentee ballot applications to voters. Missouri and Wisconsin explicitly ban drop boxes, while Indiana does not use them at all. Furthermore, Minnesota, Missouri and Wisconsin require a witness signature or notarization for absentee ballots. These states should join the rest of the Midwest in rejecting restrictions that are unnecessary to protect the integrity of elections and particularly burdensome during an ongoing health crisis.

The Midwest holds both examples for the rest of the nation and cautionary tales. Like last year, Illinois is one of two states to score a 10 out of 10 on our voter scorecard. In contrast, Missouri's score of 4 out of 10 remains unchanged. despite the state overhauling its election laws in 2022. Missouri expanded access to early voting by authorizing no-excuse absentee voting and two weeks of early in-person voting while also increasing the cost of absentee voting by creating a new state photo ID requirement and banning ballot boxes. In Missouri, like the rest of the region, there is much work left to be done.

CONCLUSION

For many states, the changes that will affect voters in the 2022 elections occurred during the massive legislative changes introduced during the 2021 legislative session. The state of vote by mail and early voting access remains disparate, as a voter's rights are subject to the whims of state legislatures still respondingboth positively and negatively-to successful high-turnout elections in 2020. Every eligible voter deserves the freedom to vote in the manner that is safest and most accessible to them. While there are some states making laudable progress to improve access to vote by mail and early voting, it is undeniable that many others are making various and nuanced restrictions that will greatly impact the ability of our most marginalized voters to access to ballot box. As we prepare for the 2022 election, voters and advocates nationwide should prepare for a sharp shift in access from 2020.



END NOTES

- Note that some states that received a point for this factor may require first-time voters to include a copy of their ID when voting by mail if they did not present ID when registering to vote.
- 2 These states include California, Illinois, Massachusetts, Michigan, New Jersey, New York, Ohio and Pennsylvania. The legislatures of Montana, Nevada, North Dakota and Texas do not convene in 2022.
- 3 See, e.g., Angela Gervasi, County GOP chair sues to get close-up look at ballot signatures, NOGALES INTERNATION-AL (Jul. 19, 2022), https://www.nogalesinternational.com/ news/county-gop-chair-sues-to-get-close-up-look-atballot-signatures/article_9f9c68fa-0797-11ed-939e-2f73 4a288738.html.
- 4 League of Women Voters of Fla., Inc. v. Fla. Sec'y of State, 32 F.4th 1363 (11th Cir. 2022)
- 5 See In re Georgia Senate Bill 202, No. 1:21-mi-55555.
- 6 VoteAmerica v. Raffensperger, Campaign Legal Center, https://campaignlegal.org/cases-actions/voteamerica-v-raffensperger.
- 7 Note that Idaho requires a voter to provide both a valid Idaho driver's license number and the last four digits of their Social Security number to request an absentee ballot online, https://voteidaho.gov/absentee-voter-information.
- See Doc. 73, VoteAmerica v. Schwab, No. 2:21-CV-2253 (D. Kan. Feb. 25, 2022); VoteAmerica v. Schwab, Campaign Legal Center, https://campaignlegal.org/cases-actions/voteamerica-v-schwab-kansas.
- 9 Ky. Rev. Stat. § 117.085(1); Ky. Rev. Stat. §117.228(1)(c)
 (8); Ky. Rev. Stat. § 117.001(13)
- 10 In-Person Voting Access: An Advocacy Toolkit for Louisiana Organizers, Campaign Legal Center, https:// campaignlegal.org/document/person-voting-access-advocacy-toolkit-louisiana-organizers.
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- 15 https://www.texastribune.org/2022/04/06/texas-mail-in-ballot-rejection-voting/
- 16 Connecticut, Delaware, Kansas, Louisiana, Mississippi, Missouri, New York, West Virginia and Wisconsin limit eligibility for their permanent mail voting lists to disabled and/or elderly voters.
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- 20 Brennan Ctr. for Justice, *Digging into the Georgia Primary* (Sept. 10, 2020), https://www.brennancenter.org/ our-work/research-reports/digging-georgia-primary.
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