Ensuring All All Votes Count: Reducing Rejected Ballots

Trends in Mail Ballot Rejections in 2020

Jose Altamirano and Tova Wang

AUGUST 2022

HARVARD Kennedy School
ASH CENTER
for Democratic Governance and Innovation

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About the Authors

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Tova Wang is a Senior Practice Fellow in American Democracy at the Ash Center for Democratic Governance and Innovation. Prior to her appointment at the Ash Center, Tova was most recently Director of Policy and Research at the Center for Secure and Modern Elections, where she worked on voter registration reform and oversaw and conducted research on how to develop transformative strategies for increasing political participation among disengaged groups. She has 20 years of experience working on improving democracy, including for several years as a Senior Democracy Fellow at Demos. Tova has focused on issues related to greater political inclusion in the United States, including major studies on increasing voter participation rates among low income people, communities of color, naturalized immigrants, women and Native Americans. Her critically acclaimed book, *The Politics of Voter Suppression: Defending and Expanding Americans' Right to Vote*, was published in 2012 by Cornell University Press. She has also consulted for international organizations on voting rights, election reform, and constitutional reform in countries around the world for many years.

Her commentary on voting and participation has appeared in numerous print media outlets, including the New York Times, the Washington Post, The Hill and Politico, and she has appeared on numerous national television and radio news shows.

About the Ash Center

The Roy and Lila Ash Center for Democratic Governance and Innovation advances excellence and innovation in governance and public policy through research, education, and public discussion. By training the very best leaders, developing powerful new ideas, and disseminating innovative solutions and institutional reforms, the Center's goal is to meet the profound challenges facing the world's citizens. The Ford Foundation is a founding donor of the Center. Additional information about the Ash Center is available at ash.harvard.edu.

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Executive Summary

This brief studies trends in mail ballot rejection rates in 2020 compared to previous years and how different factors, including sets of policies and policy changes, the political environment, and voter outreach, may have contributed to these changes in an extraordinary election year. Our main findings include:

- Mail ballot rejection rates decreased in most states in 2020 compared to 2018, and a number of states saw a consistent drop from 2016 to 2018 to 2020.
- Certain states that adapted their voting laws to make mail voting more accessible in 2020, particularly in the South, saw especially pronounced changes in rejection rates.
- In North Carolina, rejection rates vary from county to county. Previous studies of other states' rejection rates found similar trends.
- States that implemented mail ballot policies, including ballot curing, increased ease of access when returning mail ballots at boards of elections, early voting sites, drop boxes, and ballot tracking, saw lower rejection rates than those that didn't, though we caution against assuming a causal relationship.
- Previous academic and advocacy research suggests that voters of color, young voters, and first-time voters are disproportionately more likely to have their mail ballots rejected.

We highlight these trends and suggest further areas of study that researchers, advocates, organizers, and policymakers can explore to better understand how voters casting their ballots by mail can ensure their votes are counted.

Introduction

In the lead-up to the 2020 election, headlines rang the alarm. "Here's the Problem with Mail-In Ballots: They Might Not Be Counted," cautioned the Washington Post.[1] "Why Rejected Ballots Could Be a Big Problem in 2020," read FiveThirtyEight.[2] These articles justifiably warned of a nightmare scenario. The expected increase in voters casting their ballots by mail led to widespread concern among many observers, advocates, and policymakers about a spike in the number of rejected mail ballots. Coupled with the close margins anticipated in several swing states, the disproportionate rate of rejected ballots among first-time voters and voters of color in several states,[3] and the historic number of rejected ballots in presidential primaries held earlier that year,[4] many were concerned that a larger number of disenfranchised voters could influence the outcome of the presidential election.

However, 2020 ended up being different. As we will explore in this brief, many states saw a decrease in the proportion of rejected mail ballots, even as almost all of them saw the expected rise in mail ballots cast materialize. Ahead of Election Day, organizers, voting rights advocates, election administrators, policymakers, and elected officials paid more attention than ever to ensuring those mail ballots were received on time and counted. For the first time in many states, election officials were required to notify voters of their right to "cure" their ballots—that is, to correct any problems with their mail ballots to ensure they would be counted. In other places, existing voting policies and procedures were modified to expand access to vote by mail and allow for more expansive cure procedures. In addition, organizers from state and local election offices and the media paid greater attention to mail voting, anticipating a surge in mail ballots due to the COVID-19 pandemic. These changes in policy, resource prioritization, and media attention may have contributed to the rate of rejected ballots falling to under 1% nationwide, a reduction of nearly 50% compared to 2018.

> Ballot curing: The process by which a voter can correct a problem with their mail ballot to ensure it is counted by election officials. Common problems include a missing voter signature or a non-matching signature.

This policy brief will review mail ballot rejection rates in all 50 states to highlight trends and insights across the last three federal election years (2016, 2018, and 2020), compare policy changes in states across this period, and offer potential explanations as to why we saw a drop in rejected ballots.

Mail Ballot Policy Overview

Over the years, states have enacted policies and procedures to make voting by mail generally more accessible. In 2020, six states—California, Colorado, Hawaii, Oregon, Utah, and Washington—conducted their elections entirely by mail.[5] Most states employ the following vote-by-mail process:

1. The voter requests their mail ballot, most commonly by mailing in a mail ballot request form or through an online portal.
2. The local board of elections (in most states, the county board of elections) receives the request, verifies the voter's identity, and mails the voter their ballot.
3. The voter receives the ballot in the mail, fills out their ballot, and verifies their ballot according to their state's policy (for example, signing the ballot envelope or having a witness sign their ballot envelope).
4. The voter returns the ballot to their local elections board, most commonly by mailing the ballot back or dropping it off in person, either at their local elections board building, a drop box, or an early voting site, depending on their state's policy.

5. The local elections board receives the ballot and verifies the voter's identity. If there are no problems at this stage, the ballot is set to be opened and counted per that state's law. If there is a problem, the ballot is set to be rejected. Finally, the state's cure policy kicks in, if it has one, requiring the elections board to notify the voter.

Most states employ a statewide verification standard to confirm that the information provided on the ballot is legitimate. The majority of states verify ballots through a signature-match system, where the voter is required to sign their ballot envelope and that signature is then compared to a previously provided signature (usually the signature on their voter registration application). A select number of states use a different verification system. North Carolina, for example, requires voters to have two adult witnesses sign their ballot envelope.[6]

Even within verification systems, there are many discrepancies between states (and in some states, between counties) as to the exact procedure used. Some jurisdictions have local election officials use their judgment to compare and verify signatures. Others have an automated verification system. Elsewhere, if a discrepancy, error, or missing signature is found, or if the ballot secrecy is compromised (such as failing to include an inner envelope when returning a ballot), the ballot is deemed deficient and set to be rejected.

1.

## Mail Ballot Verification Policy by State in 2020
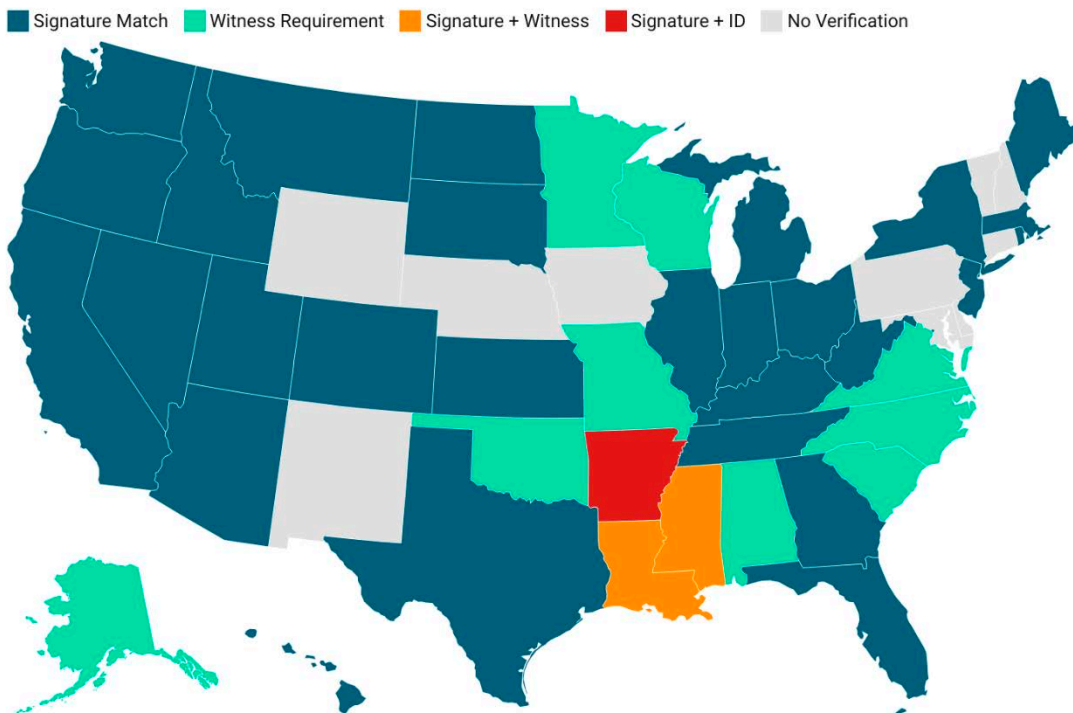
Source: Voting Rights Lab • Created with Datawrapper

States set their own policy regarding whether local election officials are required to notify the voter that their ballot is deficient and must be cured for it to be counted. The exact voter notification procedure, process to correct ballots, and deadline by which voters must cure their ballots varies by state. Local election officials exercise significant discretion in how these policies are implemented since they determine ballot validity, notify the voter, and advise the voter on how to correct any issue with their ballot.[7]

In the summer and early fall of 2020, in response to the expected surge in mail ballots due to COVID-19, several states significantly altered their mail voting regimes. General changes included expanding no-excuse absentee voting, making the mail ballot application more accessible, expanding early voting, providing more ballot drop-off locations, and establishing the right to cure for the first time and/or expanding cure deadlines.[8] North Carolina, for example, lowered their witness requirement from two witnesses to one.[9]

2.

Mail Ballot Notice and Cure Policy by State in 2020
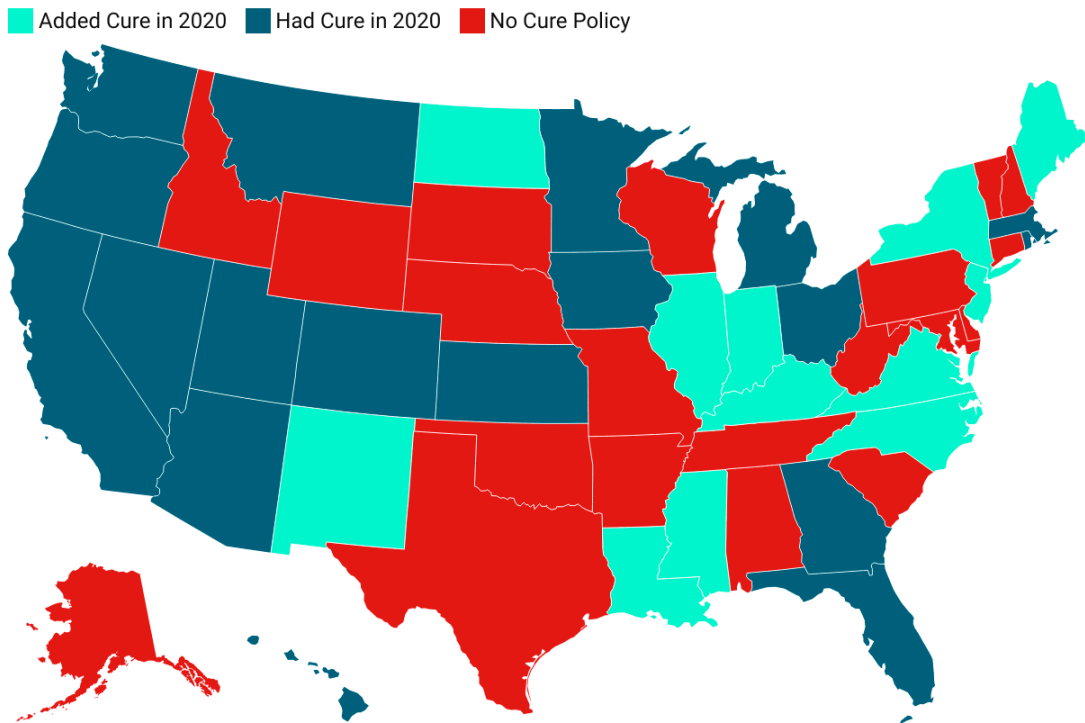
Source: Voting Rights Lab • Created with Datawrapper

These were timely changes, as the number of mail ballots rose significantly in 2020. According to the U.S. Election Assistance Commission's Election Administration and Voting Survey (EAVS), there were 69.5 million mail ballots counted nationwide—more than double the 32.9 million mail ballots cast in the 2016 election.[10] Despite this increase in the number of mail ballots, the proportion of rejected ballots did not rise. In 2020, 560,828 ballots were rejected, a national rejection rate of 0.8%. In 2016, that rate was 1.0%. In other words, while the number of mail ballots cast nationwide increased by over 36 million ballots, the number of rejected ballots increased by only 130,000 ballots.

Rejection rate: The percentage of a jurisdiction's received mail ballots that are rejected due to a problem with the ballot.

Given trends leading up to the 2020 general election, this was not a guarantee. Rejection rates rose across most states between 2016 and 2018, with over 750,000 ballots rejected across those two elections.[11] Earlier in 2020, an NPR analysis found that more than 550,000 mail ballots were rejected in the presidential primaries,[12] and in several states, the number of rejected ballots was close to the statewide margin of victory in the 2016 election. In other words, at the beginning of the year, the ballot rejection rate was increasing during primaries; by the end of the year, this trend had reversed itself in most states by the general election.

Observers also noted variations in rejection rates at the county level. At least 120 counties had double-digit rejection rates in 2018,[13] mostly in counties where absentee voting was uncommon.[14] The highest rejection rates were concentrated in New York, Kentucky, North Carolina, Arkansas, and Mississippi. New York was home to the counties with the highest rejection rates that year, with a very high rejection rate in Queens County (46.4% rejection rate), Kings County (46% rejection rate), and New York County (32% rejection rate). In comparison, less than 60 counties experienced double-digit rejection rates in 2020, and these were mostly in Arkansas and Kansas.

Why are voters' ballots rejected? There are several reasons. The most common ones are missing the deadline for returning the ballot and finding a deficiency during the verification process, usually in the form of a missing or mismatched signature or witness signature.[15] As we'll explore later, certain groups of voters are more likely to have their mail ballot rejected than others, including first-time voters, younger voters, and voters of color.

## Changes in Rejection Rates Over Time

Rejection rates shifted dramatically in some states over the most recent election cycles. Using state data available in the EAVS, we will first dive into 2020 rejection rates by state. Then, we will compare changes in state rejection rates between 2016 and 2020 and 2018 and 2020. Finally, we will look at why the state rejected these ballots and highlight noteworthy trends in this data.

Post-cure rejection rates are available through the EAVS for the 2016, 2018, and 2020 elections. The EAVS provides state-by-state data from election officials, including rejection reasons when available. In 2020, rejection rates dropped in most states, and most states fell below the threshold of a 1% rejection rate. Only 13 states rejected 1% or more of their received mail ballots. By contrast, in 2018, 38 states had rejection rates over 1%, and in 2016, 30 states had rejection rates over 1%.

Post-cure rejection rate: The percentage of a jurisdiction's received mail ballots that are rejected due to a problem with the ballot, calculated after all mail ballots have been counted and the vote result has been certified. This rejection rate does not include ballots that at one point were set to be rejected but were ultimately cured by the voter. The post-cure rejection rate is the rejection rate that is almost always used in official statistics.

3.

2020 Mail Ballot Rejection Rate by State
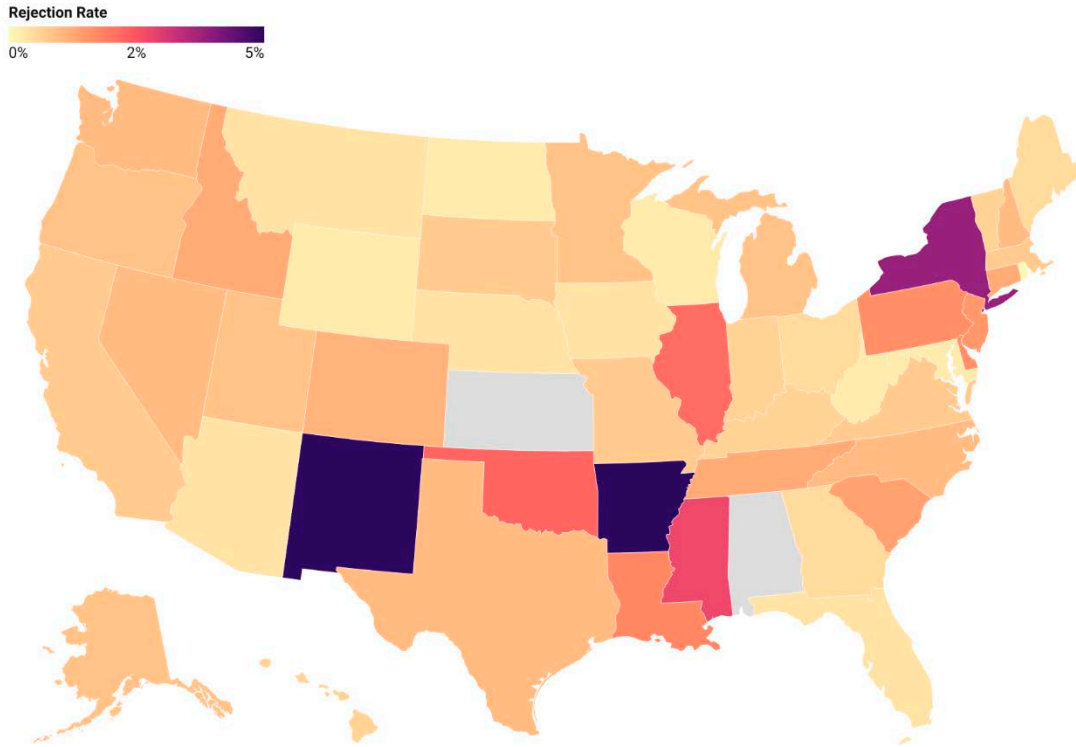
Rejection Rate

0%   2%   5%

States with missing data excluded
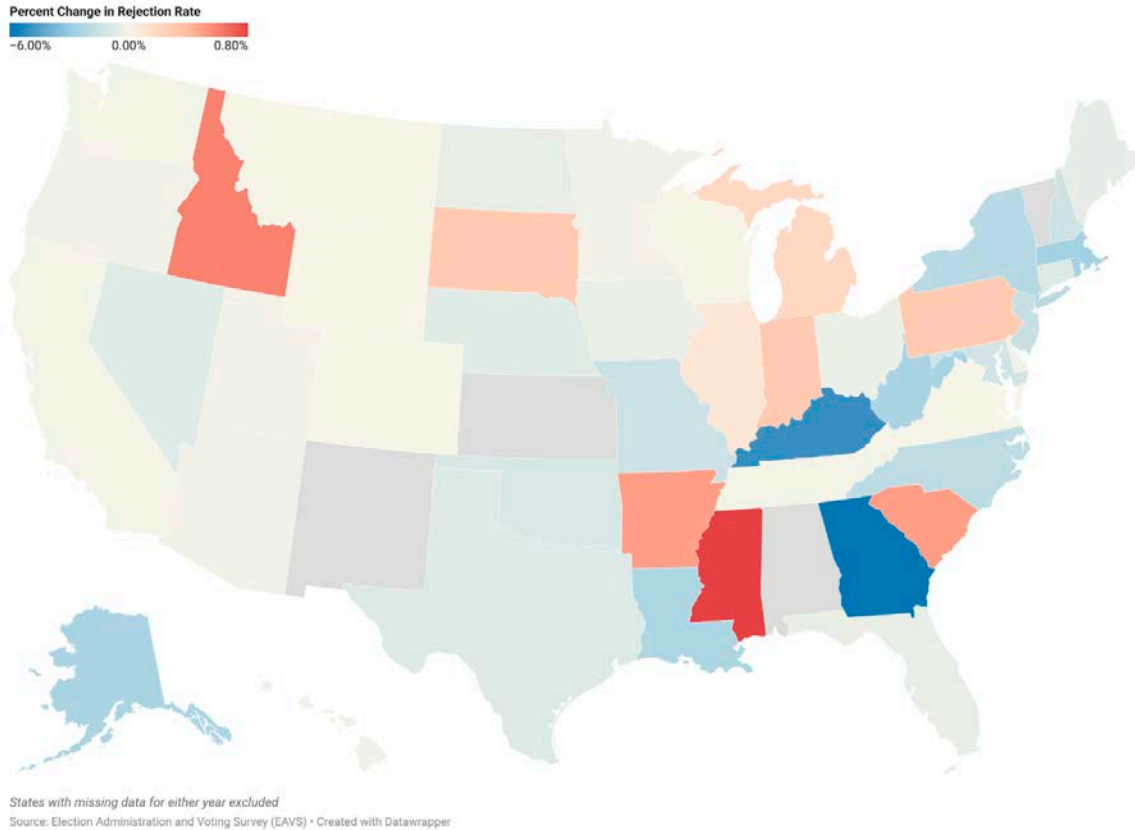Source: Election Administration and Voting Survey (EAVS) • Created with Datawrapper

In 2020, the highest rejection rate was in Arkansas (6.4%), followed by New Mexico (5%) and New York (3.6%). Conversely, 18 states and the District of Columbia saw a rejection rate of 0.5% or lower.[16]

We saw the following key takeaways in terms of state mail ballot rejection trends in the most recent major election years (2016, 2018, and 2020):

- 46 states (and DC) saw their rejection rate decrease between 2018 and 2020, with four exceptions: Colorado, Indiana, Michigan, and New Mexico. Of these, all but New Mexico saw a marginal increase, which saw a large jump of 4.9%.
- Comparing presidential election years, 41 states saw their rejection rate decrease between 2016 and 2020.[17]
- Eight states saw their rejection rate decrease (or virtually stay the same) between 2016 and 2018 and 2018 **and** 2020: Arkansas, Arizona, Connecticut, Georgia, Hawaii, Nebraska, Utah, and West Virginia.
- 40 states saw their rejection rates increase between 2016 and 2018.[18]

4.

Change in Mail Ballot Rejection Rate, 2016 to 2020

Percent Change in Rejection Rate

-6.00%   0.00%   0.80%

States with missing data for either year excluded
Source: Election Administration and Voting Survey (EAVS) • Created with Datawrapper

Based on the findings above, specific states stand out. These trends in rejection rates overlap with the states that changed their policies in 2020 to drop previous restrictions on the use of mail ballots. Between 2016 and 2020:

- Georgia saw the greatest decrease in rejected ballots, with a 6% drop.
- Kentucky saw a 5.1% decrease.
- Massachusetts saw a 2.7% decrease.
- Rhode Island saw a 2.7% decrease.
- West Virginia and Alaska both saw a 2.5% decrease.

Since most states had an increase in rejection rates in 2018, the rate decreases between 2018 and 2020 are particularly pronounced in several states. From 2018 to 2020:

- New York had a 10.1% decrease.
- Kentucky had a 6.3% decrease.
- North Carolina had a 5.3% decrease.
- Massachusetts had a 5.2% decrease.
- Louisiana had a 4.5% decrease.
- Delaware had a 3.7% decrease.

- Washington, D.C., had a 3.3% decrease.
- Pennsylvania had a 3.1% decrease.
- Rhode Island had a 2.8% decrease.
- Oklahoma and Georgia both had a 2.7% decrease.

5.

Change in Mail Ballot Rejection Rate, 2018 to 2020
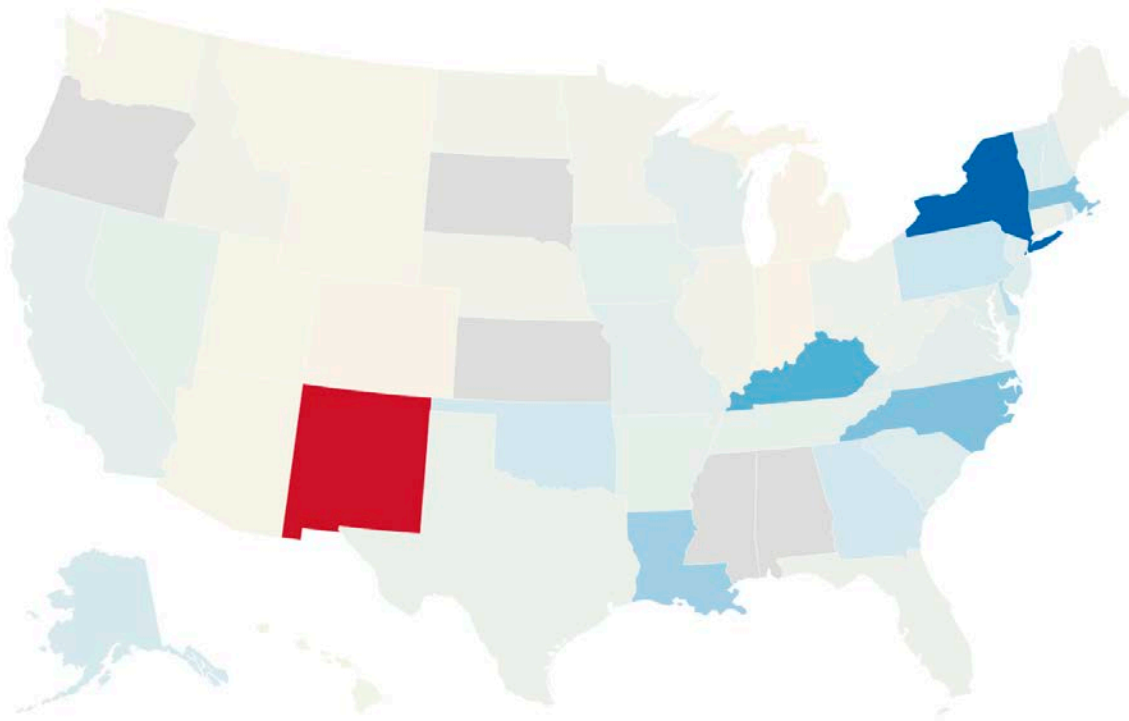
Percent Change in Rejection Rate

-10.1%   0.0%   4.9%

States with missing data for either year excluded
Source: Election Administration and Voting Survey (EAVS) • Created with Datawrapper

Rejection Reasons

Reasons for rejected ballots varied greatly from state to state, and it is difficult to determine a general trend or takeaway, especially due to the high frequency of missing or incomplete rejection reason data. That said, in 2020 we saw a general **decrease in ballots rejected for lateness** and a general **increase in ballots rejected for a non-matching signature** across several states.

In 2020, the most common reasons for rejection were as follows:

- Georgia, North Dakota, Tennessee, and Wyoming saw over 40% of their ballots rejected for lateness.
- Iowa, Nebraska, Maryland, and Rhode Island saw over 40% of their ballots rejected for a missing signature.
- California, Colorado, Hawaii, Nevada, Oregon, South Dakota, Utah, and Washington saw over 40% of their ballots rejected for a non-matching signature.

- Of states that had a witness requirement, Missouri, North Carolina, and South Carolina saw over 50% of their ballots rejected due to a missing witness signature. North Carolina had the highest rate nationwide at 79.5%.

From 2018 to 2020, the following trends stand out:

- The proportion of ballots rejected due to lateness dropped in 44 states and the District of Columbia (all but Alaska, California, Georgia, Louisiana, North Dakota, and Virginia).
- Four states saw large decreases in the proportion of ballots rejected due to a missing signature: Kentucky (39% decrease), Maine (26% decrease), Nevada (28% decrease), and North Carolina (49% decrease).
- Seven states saw noteworthy changes in the rate of rejected ballots due to a non-matching signature. These include California (42% increase), Nevada (38% increase), South Dakota (40% increase), Utah (30% increase), Washington (21% increase), North Dakota (25% decrease), and Rhode Island (34% decrease). Only six states saw their rejection rate due to a non-matching signature decrease: Arkansas, Louisiana, North Carolina, North Dakota, Rhode Island, and Wyoming.

Deep Dive: North Carolina

For the purposes of this brief, we took a closer look at state-level trends in North Carolina. The Tar Heel State is unique for several reasons. First, it is a geographically diverse swing state. Additionally, it added a raft of new policies meant to expand mail voting for the 2020 election, including establishing a right to cure (even if the policy is one of the strictest in the country), requiring a witness signature, and ensuring greater ballot transparency. As a result, North Carolina is a useful reference point when identifying reasons for county variations within states' rejection rates.

6.

2020 North Carolina Mail Ballot Rejection Rates by County
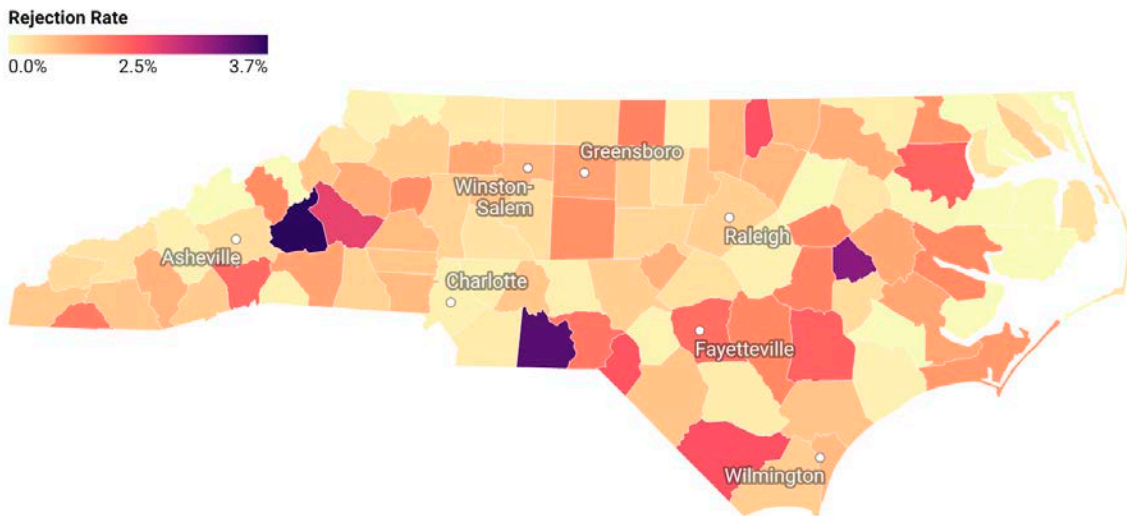
Source: Election Administration and Voting Survey (EAVS) · Created with Datawrapper

North Carolina's statewide rejection rate was in line with the national average at around 0.8%. In addition, **North Carolina saw its rejection rates drop across most rejection categories, and in 2020, most of its rejected ballots—almost 80%—were due to missing witness signatures.** This speaks to the overall inaccessibility of the witness requirement as a mail ballot verification regime.

As shown in the figure above, counties' rejection rates varied greatly. Several counties saw rejection rates higher than 1%. In particular, the counties east of Charlotte saw higher rejection rates than the rest of the state on average. We did not see any significant county variations in rejection reasons in North Carolina.

7.

Change in North Carolina Mail Ballot Rejection Rate, 2016 to 2020

By County

Percent Change in Rejection Rate
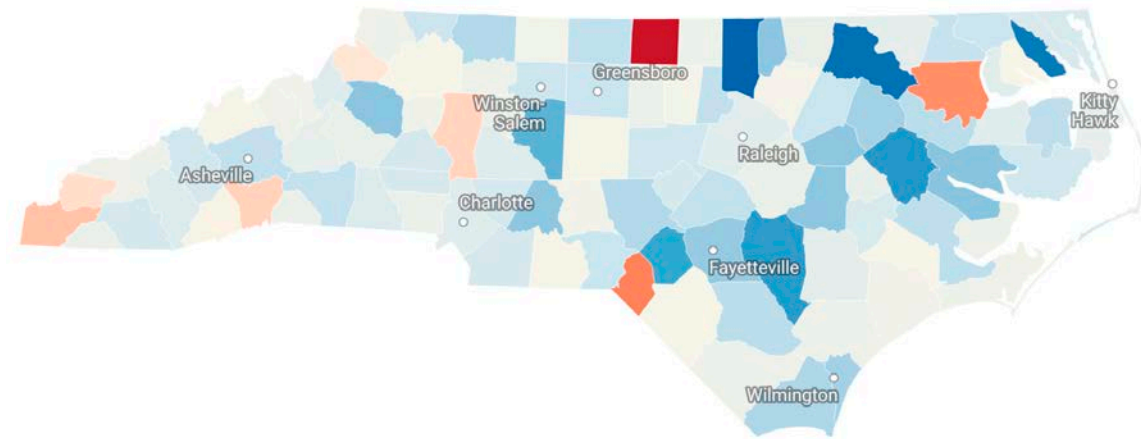
-10.8%   -1.0%   1.8%
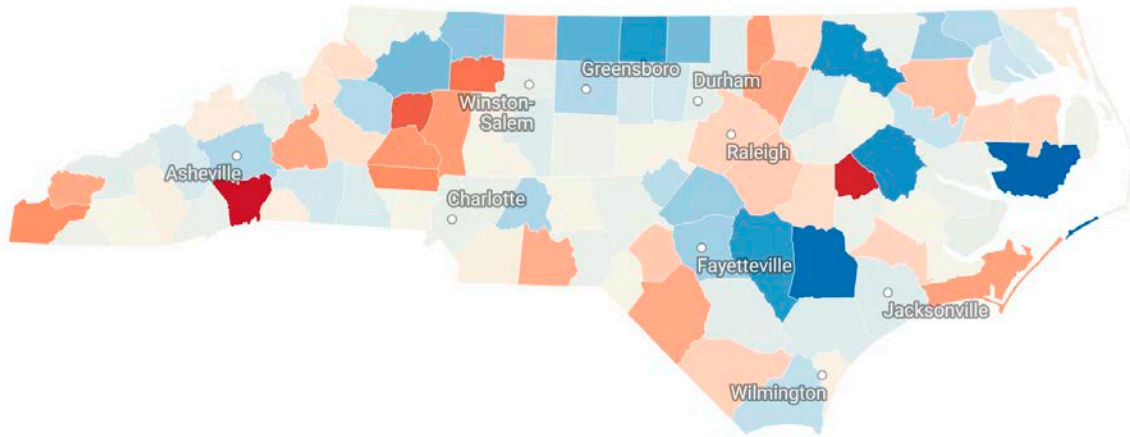
Source: Election Administration and Voting Survey (EAVS) • Created with Datawrapper

8.

Change in North Carolina Mail Ballot Rejection Rate, 2018 to 2020

By County

Percent Change in Rejection Rate

-22.8%　　0.0%　　1.8%

Source: Election Administration and Voting Survey (EAVS) · Created with Datawrapper

We also see county variations in the change in rejection rate between 2016 and 2020 and 2018 and 2020. North Carolina saw a large drop in its statewide rejection rate between both prior election years and 2020. Within the state, we see that several counties east of Wake County (home to Raleigh) saw sharp drops in their rejection rates compared to counties in the west.

As previously mentioned, local election officials wield discretion and power in determining when and how to reject mail ballots. Several states leave it to local officials' discretion to decide how to contact a voter if there's an issue with their ballot as well as whether to use automated or manual signature-matching processes. In North Carolina, the notification requirement arguably played a role in allowing voters to vote another way if their mail ballot was set to be rejected. The Southern Coalition for Social Justice's analysis showed that over 10,000 people who were notified of an issue found a way to vote in person.[19] This demonstrates that ballot curing not only helps voters fix their mail ballots but provides them an opportunity to vote another way successfully.

A certain degree of county variation is natural; after all, certain states simply have more ballots to process than others. However, careful attention should be paid to any disproportionate discrepancies between counties that might indicate that certain groups' ballots are more likely to be rejected than others. In short, North Carolina demonstrates how variations and discrepancies in rejection rates within states could disproportionately affect some groups more than others.
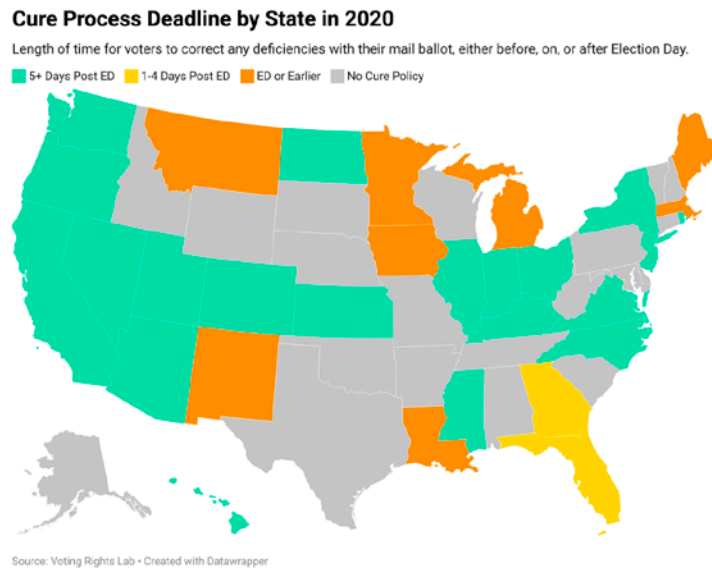
Contributing Factors

Several factors contributed to the general decrease in rejection rates nationwide in 2020. These include changes in policy, the charged political environment that year, and increased voter outreach.[20]

Changes in Policy

Several states changed their mail ballot policy to accommodate the expected rise in the number of mail ballots cast in 2020. This included providing ballot drop-offs as well as implementing ballot tracking and ballot cure policies. For the most part, states enacted more flexible policies that made it easier for voters to request and return their ballots and expanded deadlines to return ballots or cure any issues. There is a pattern of states with more restrictive policies having higher rejection rates in general. As an example, Arkansas, Louisiana, and Mississippi, the three states that had a dual verification procedure (signature match and/or witness requirement and another layer of verification), all had among the highest rejection rates in the country.
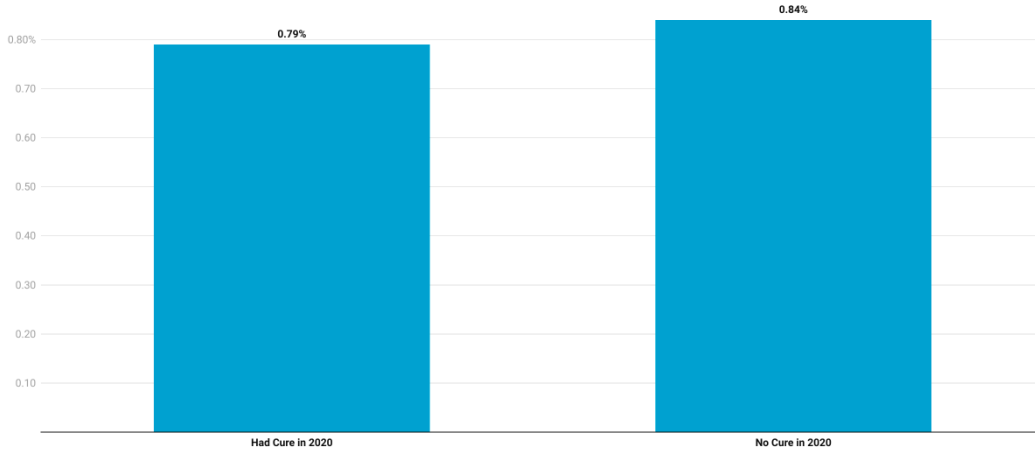
> Ballot drop-off: A site where voters are allowed to drop off their sealed absentee ballots. Some states or local jurisdictions designate specific boxes or similar physical locations where voters can drop off their ballots. Other states allow voters to drop off their ballots at county boards of elections buildings and early voting sites.

9.

Cure Process Deadline by State in 2020

Length of time for voters to correct any deficiencies with their mail ballot, either before, on, or after Election Day.

5+ Days Post ED   1-4 Days Post ED   ED or Earlier   No Cure Policy

Source: Voting Rights Lab • Created with Datawrapper

10.

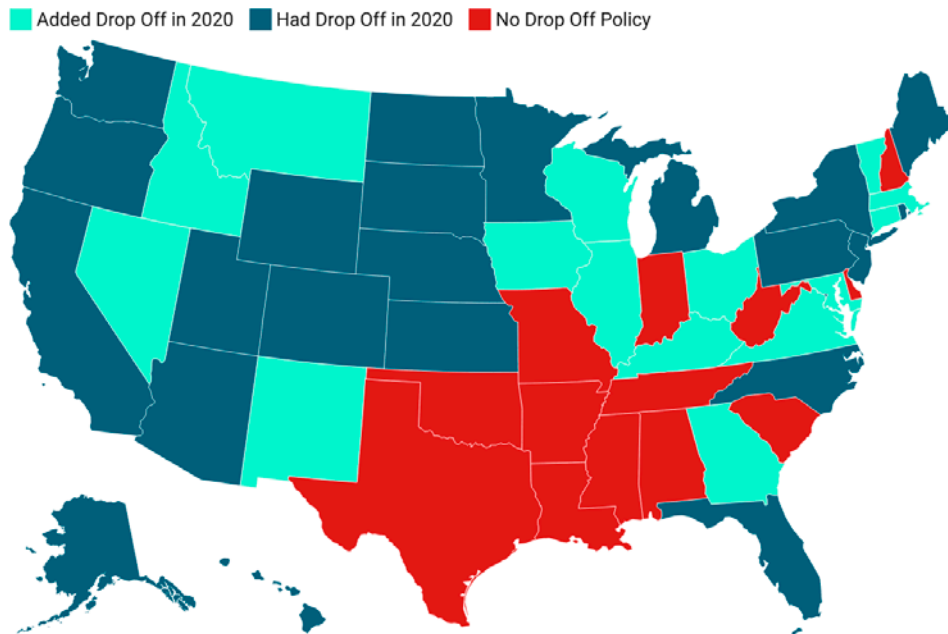**2020 Mail Ballot Rejection Rate by Ballot Cure Policy**

States missing data excluded
Source: Election Administration and Voting Survey (EAVS), Voting Rights Lab • Created with Datawrapper

We can compare the pooled rejection rates for states that enacted similar mail ballot policies to the states that didn't. States also expanded the days available to return one's cured ballot, as seen in the map above. Starting with ballot curing, we see in figure 10 that states with a cure policy in place in 2020 had a lower average rejection rate, at 0.79%, than the group of states that did not have curing, at 0.84%. While this may seem like a small change percentage-wise, a similar change in the nationwide rejection rate would have yielded an additional 35,000 rejected ballots, larger than Biden's margin of victory in Georgia, Arizona, and Wisconsin.
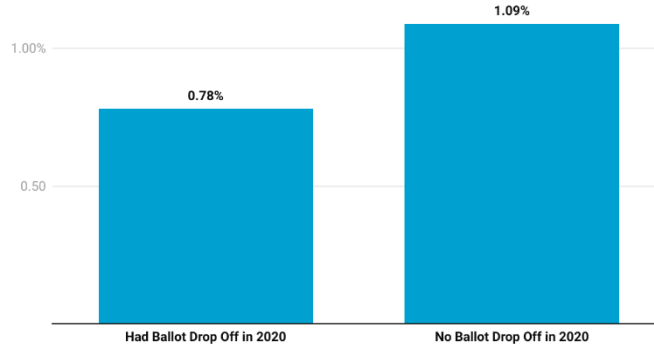
11.

Mail Ballot Drop Off Policy by State in 2020

Source: Voting Rights Lab • Created with Datawrapper

12.

**2020 Mail Ballot Rejection Rate by Ballot Drop Off Policy**

States with missing data excluded
Source: Election Administration and Voting Survey (EAVS), Voting Rights Lab • Created with Datawrapper

Ballot drop-offs were also expanded nationwide in 2020. Note that we included states that did not have statutorily defined "drop boxes" but had policies that led to de facto drop-off sites, such as early voting centers. As we see below, states that enacted ballot drop-offs saw a similarly lower average rejection rate than the national average, 0.78%, than states that chose not to, 1.09%. This underscores the importance of this voting option.

13.

Mail Ballot Tracking Policy by State in 2020

Added Ballot Tracking in 2020 ▪ Had Ballot Tracking in 2020 ▪ No Ballot Tracking

Source: Voting Rights Lab • Created with Datawrapper

14.

2020 Mail Ballot Rejection Rate by Ballot Tracking Policy

States with missing data excluded
Source: Election Administration and Voting Survey (EAVS), Voting Rights Lab · Created with Datawrapper
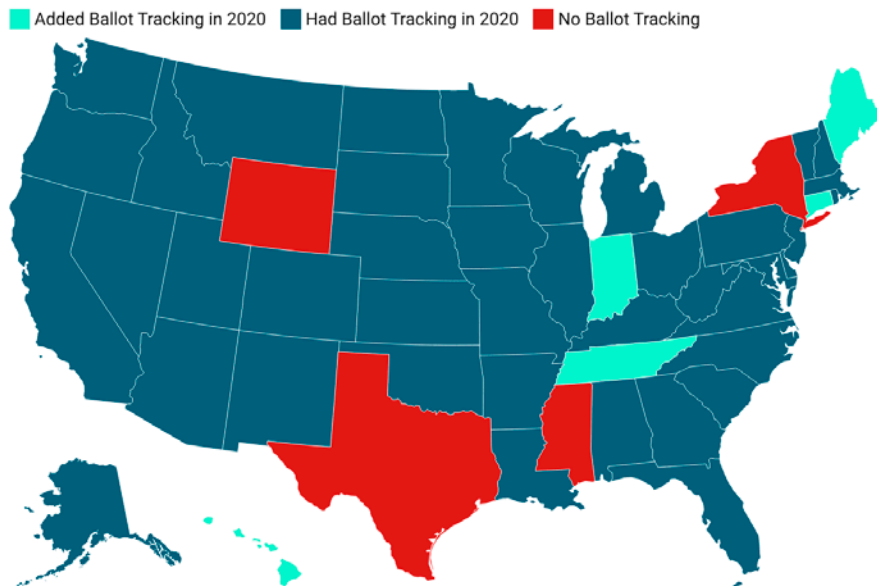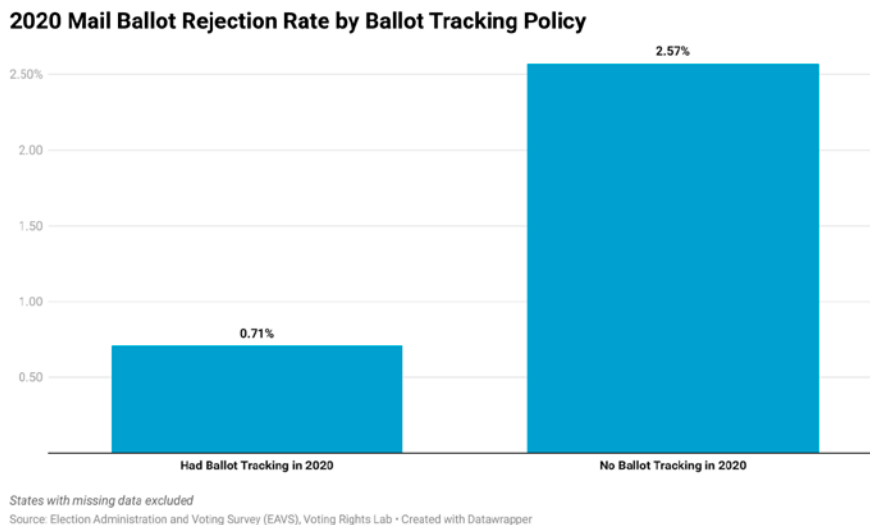
Finally, we looked at states that made ballot tracking available to voters. Ballot tracking allows voters to check that their ballots were received and counted by tracking their ballot status online or by phone. Several states either upgraded their ballot tracking systems to a more user-friendly and transparent platform or enacted ballot tracking for the first time. As shown above, states that enacted ballot tracking had an average rejection rate of 0.71%, lower than the national average. Only four states did not offer ballot tracking in 2020: Mississippi, New York, Texas, and Wyoming. These states' average rejection rate was far higher at 2.57%. But policies alone did not cause a given state's rejection rate. Other factors also played a role.

Political Environment
In 2020, organizers, advocates, and campaigns undertook extraordinary efforts to reach out to voters and inform them of deficiencies in their mail ballots and their options to cure them. These entities spent countless hours doing outreach, likely increasing the probability that voters would end up successfully curing their ballots—and having them counted.

The pandemic can partly explain the large jump in mail-voter turnout, and the general heightened focus on mail voting may have played a role in influencing voter behavior, from requesting a mail ballot when they otherwise wouldn't, to filling out their ballot carefully to avoid any error, to taking the time to cure their ballot in case a deficiency was found. Media coverage on changes to the U.S. Postal Service, including the possibility of delays, may have also played a part. Former President Trump's widely aired comments casting doubts on the legitimacy of mail voting only made the issue more prominent in voters' minds. At the same time, voters on social media saw ubiquitous references to vote by mail, from local voters excitedly sharing their mail-voting experience to news and opinion headlines focusing on the issue.[21] Voters may have taken extra care to ensure that their mail ballots were properly filled out and verified due to charged rhetoric concerning the legitimacy of mail ballots.

Voter Outreach
State and local election officials also undertook outreach campaigns to inform voters about how to request, fill out, and return their mail ballots. In states like Pennsylvania and North Carolina, state election authorities organized information campaigns in accordance with their specific mail ballot

requirements and policies. Over the course of the election campaign, sudden factors such as litigation over mail ballot policy meant that these state officials often clarified or updated their public communications with very little notice.[22]

Whose Ballots Are Rejected?

Prior research on this subject confirms trends in mail ballot rejections that make it particularly urgent for policymakers and election officials to focus on ballot curing. Research suggests that **people of color, young people, and first-time voters are more likely to have their mail ballot initially rejected than others.**

A study of rejected mail ballots in Georgia's 2018 general election found that "newly registered, young, and minority voters have higher rejection rates compared with their counterparts."[23] Similarly, a Florida study of vote-by-mail (VBM) ballots for the 2018 election found that "younger voters, first-time voters, and voters from racial and ethnic minorities [were] much more likely to cast VBM ballots that [were] rejected."[24] The study also found "substantial" variation in rejection rates across Florida's 67 counties. Voters in these groups were at least twice as likely as older and white voters to have their VBM ballots rejected. They also found an "even greater variation within counties" when rejection rates were broken down by race. The study suggests a theme that most of the existing research echoes: significant variation in ballot rejection rates between counties suggests that, "at a minimum," ballot design, civic education efforts, and evaluation standards used are not uniform across these states.

Daniel Smith, the study's author and a professor of political science at the University of Florida, also studied Florida's ballot rejection rates in 2020. As a result of more transparent data made available by the Florida State Board of Elections, he added insights into cure rates that made determining the cumulative rejection rate possible. Initial rejection rates highlighted the same racial and age disparities found in 2018. Younger voters were more than three times as likely as older voters to have their ballots initially rejected, while Black, Hispanic, and other historically marginalized voters were at least 60% more likely to have their ballots initially rejected compared to white voters.

However, "nearly three-out-of-four voters who cast VBM ballots that were initially rejected successfully cured their ballots before the [deadline],"[25] narrowing the overall rejection rate between younger and older VBM voters and historically marginalized and white voters. Unfortunately, first-time voters were not as successful at curing their ballots compared to other groups. Additionally, the study found the same variation and lack of uniformity across counties as in 2018, noting that "because rejection rates are not consistent [across counties], one cannot assume disparities in rejection rates are due to the fault of individual voters."

Ballot Rejection Depends on Where You Live

The state of Washington's 2021 Performance Audit also found the most significant variable related to rejection was the county where a ballot was cast. Notably, the random sample study concluded that the ballots "appear to have been accepted or rejected appropriately, but counties with lower rejection rates appeared more willing to accept less conclusive signatures." Researchers were unable to explain what causes rejection rates to vary between groups of voters, positing "lack of familiarity with the voting process among younger voters, or language barriers for some racial and ethnic groups."[26] Additionally, the audit again found that ballot rejection was highly correlated with voter race and age, with younger voters and Black voters more likely to have their ballots rejected.[27]

In a Stanford Law study of California's mail ballot verification regime, the authors interviewed officials from counties comprising 80% of California's population to identify key trends in verification methods. Once more, one of the most prominent factors in rejection rates was the variation between

counties and the discretion that county officials hold in applying state laws and policies regarding ballot verification, notice, and curing methods. Notably, the study found that there are "general differences in how smaller and larger population counties hire and train staff," differences in the mediums used and frequency of attempts to contact voters regarding a deficiency, and differences in the curing methods besides mail afforded to voters.

Researchers also used EAVS data to identify differences in rejection rates across verification methods. They found that "the use of automated algorithmic matching technology, entirely VBM elections, and levels of review had no statistically significant effect on the percentage of votes rejected for signature mismatch." They also noted the effectiveness of follow-up remedy notification letters (used in two counties) and the inconsistencies across counties in reporting EAVS data regarding ballot rejection reasons.[28]

These studies suggest that there are many reasons why some groups of voters are more likely to make mistakes—or have their ballots rejected—when voting by mail. New voters may be unfamiliar with VBM or, if they live in a signature-match state, may sign their name inconsistently across different forms. Other research suggests that communities of color tend to receive lower-quality services from election officials as well as be on the wrong end of outreach programs or inconsistencies in verification standards, often because of the lack of a comprehensive verification, notice, and cure statewide standard.[29]

Areas of Further Study and Conclusion

Researchers, advocates, and policymakers may find the following areas of study useful to further understand why certain ballots are rejected at given rates and how we can empower voters to cast their ballots and have them count:

- Organizing: What was the role of organizers in increasing the number of cured ballots, and what best practices can be learned for the future?
- Election administration: What election administration policies and practices impacted the number of cured ballots? What are officials required to do under the law to notify the voter of their opportunity to cure? How did they attempt to contact voters, and how did this differ among states and counties in states of interest?
- A more granular demographic breakdown: What are the most common reasons for rejection, broken down demographically? How many of those ballots are successfully cured? What was the difference between 2020 and previous elections?
- Policy distinctions: What are the most important methods to have in legislation? For example:
  - What effect do different signature-matching policies make? What about a witness requirement?
  - Does it matter what mode of communication is used to notify a voter of the need to cure?
  - What are the differences between states that require someone to cure in person versus online?
  - What's the optimal number of days within which a voter should be able to cure their ballot?
- Impact of cure methods: How did the voter cure their ballot? Did the voter cure via the official curing method or by voting in person? Was it important that the voter have both options?
- Notification design: What role does the design of the notification letter play? Were states and counties that worked with non-partisan ballot design organizations more successful?

- Greater transparency in data: Is there a statewide standard of cure data available in each state? Specifically:
    - What is the entity responsible for providing data on rejected absentee ballots? Is it a statewide entity or is it handled at the county level?
    - If it is handled at the county level, are there statewide standards, or do local election officials have discretion?
    - If cumulative rejected ballot data is available, is it publicly available prior to the cure deadline or only after the election? Is it available after the certification deadline for that given election?
    - If cumulative rejected ballot data is available, are rejection reasons provided?
    - Based on the state/county policy on access to cure data, what is the status of coordinated campaigns/independent groups/organizers being able to access cure data during and after the election?

As we've seen, mail ballot rejection rates dropped across most states in the 2020 election. However, 2020 data and prior academic research on mail ballots strongly suggest that ballot rejections are felt disproportionately by different groups of voters, depending on their zip code. This was a heartening development following concerns that voters voting by mail could be disenfranchised due to a series of factors, including restrictive voting laws and delays in the postal service. States and election officials adapted to a changing environment and changed their policies to make it easier to vote by mail in most states. Some of these changes, such as the loosening of North Carolina's witness requirement, were temporary, made by emergency order or by short-term legislation. In the wake of the 2020 election, several states, including New York and New Mexico, have passed laws making these changes permanent.[30]

Other states have gone in the opposite direction. Most notably, Georgia and Texas passed laws in 2021 that imposed a more restrictive verification regime, generally making it harder to vote by mail. Texas' new mail ballot laws caused a large rise in rejections for their March 2022 primaries.[31] Meanwhile, in Georgia, the new verification policy switched from signature match to ID number and may have led to thousands more ballots being rejected in the 2021 local elections.[32]

Voting policies and especially mail ballot policies will continue to be a politically contentious issue at the national, state, and local level for now. It will also be something that organizers and election officials will have to continue to contend with.

Endnotes

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