

## State Election Laws Myth vs. Reality

- **MYTH: A one-size fits all federalization of elections is necessary to ensure elections are properly administered in this country.**
- **FACT: States have been successfully running elections for more than 200 years.**

## Early Voting

- **MYTH: Republican state legislatures are enacting laws that roll back early voting.**
- **FACT: Many of the state laws villainized by Democrats still include more days of early voting than the Democrat's own bill would require.**
  - In the Freedom to Vote Act, Democrats mandate 15 days of early voting
  - Georgia's SB 202, enacted March 25, 2021, mandates 17 days of early voting with two additional optional Sundays of early voting. Prior to SB 202, state law only provide for one Saturday of early voting, allowing local election officials to choose whether to extend the hours to other Saturdays or Sundays. It ends the Friday before Election Day in order to give election officials the time to adequately prepare for Election Day.
  - Iowa's SF 413, enacted March 8, 2021, did reduce the amount of early voting days in Iowa from 29 days to 20 days, but this is still 5 more days than what Democrats mandate in their bill. The state legislature in Iowa had previously shortened the early voting period from 40 days to 29 days as part of a 2017 voter ID law.
- **FACT: Many states with Democrat-led state legislatures offer less early voting than those with Republican-led state legislatures.**
  - New York offers 9 days of early voting.
  - Connecticut voters will be able to vote on a constitutional amendment in 2022 that will grant authority to the state legislature to draft a bill that allows for early voting, but currently offers no early voting.
  - Until 2022, Delaware provided no early voting. Under its new law, it will begin early voting at least 10 days before the election and end the Sunday before the election.
  - In 2022, Maryland will offer 8 days of early voting.
  - Massachusetts offers 8 days of early voting.
- **FACT: Even much-villainized Texas has expanded its early voting laws.**
  - Texas's SB 1, enacted September 7, 2021, after Democrats in the state legislature fled to Washington, D.C., to filibuster the bill, expands early voting. Early voting begins 17 days before the election and ends 4 days before the election. It requires at least nine hours of early voting on weekdays between the hours of 6 a.m. and 10 p.m. Prior to SB 1, early voting only took place during the county clerk's regular business hours.
  - In counties with a population of 55,000 it requires at least 12 hours of early voting on each weekday of the second week of early voting. In those counties, the law requires 12 hours of early voting on the last Saturday of the early voting period and at least six hours on the last Sunday. Previously, these requirements only applied to counties with more than 100,000 people and only five hours were required on the last Sunday.

## Mail Voting

- **MYTH: All Republican states are making it difficult to vote by mail.**
- **FACT: Many Republican states have no-excuse absentee voting.**

- Many Republican states, including Arizona, Florida, Georgia, Iowa, and Montana have no excuse absentee voting.
- Many Democrat states still require an excuse to vote absentee, including Connecticut, Delaware, and New York.
- **MYTH: State legislatures are making deadlines for mail-in ballots earlier in order to disenfranchise voters.**
- **FACT: USPS recommends sending election mail at least one week prior to the deadline to ensure it arrives on time.**
  - States like Georgia have adjusted their deadlines to reflect USPS recommendations in an effort to ensure ballots are sent and received on time. This will help to reduce the chance that voters do not receive their ballots in time or that election officials will not receive ballots in time to count them.

### Voter ID

- **MYTH: States are implementing voter ID for vote by mail in order to disenfranchise voters.**
- **FACT: As more voters are choosing to vote by mail, states are implementing some of the same safeguards used for in-person voting.**
  - ID is largely required to vote in person across the country. ID requirements for vote by mail reflects the reality that, as more states allow no-excuse mail voting and more voters choose to vote by mail, states need to ensure this method of voting is secure.
  - Recent polls show that 81% of people support voters being required to show ID in order to vote, including 62% of Democrats.

### Voter Rolls

- **MYTH: States are improperly purging eligible voters from the voter rolls.**
- **FACT: States are taking reasonable measures to ensure their voter rolls are accurate, which makes elections more efficient.**
  - Proper list maintenance removes ineligible voters from the voter rolls and speeds up the voting process for voters, including reducing the length of lines at polling locations.
  - Utah's HB 12 requires the state registrar to provide information relating to deceased individuals to the lieutenant governor, who is then required to provide that information to county clerks, who are required to remove deceased individuals from the official register of voters.
  - Iowa's SF 413 requires the state registrar to conduct a verification of all voters in the statewide voter registration file, including reviewing DMV records and cross-referencing records with similar records maintained in other states to determine if any voters should be marked as inactive. Commissioners are required to participate in the USPS national change of address program to determine which voters have moved out of state. Voters who have not voted in the most recent general election are sent a notice to determine whether they are still active. And the law requires an audit of voter registration maintenance in April of every odd-numbered year.
  - Texas's SB 1111 requires the registrar to send a written confirmation notice to a voter's residence if the registrar has reason to believe that voter has moved. The voter must respond to the notice within 30 days with all information that a person must include on a voter registration application.

- In Kentucky, the State Board of Elections is required to take active steps to remove from the voter registration database voters who have moved, died, been declared incompetent by a court, or convicted of a felony.

### **Drop Boxes**

- **MYTH: States are restricting the use of drop boxes.**
- **FACT: States are allowing the use of drop boxes.**
  - Georgia did not allow for drop boxes at all prior to the pandemic, and only allowed county registrars to establish drop box locations during the 2020 election under a State Election Board emergency rule. With SB 202, counties are required to establish at least one drop box. This largely codified the emergency order from the pandemic and provides for drop boxes to be used in future elections.
  - Florida's SB 90, enacted May 6, 2021, allows for drop boxes, provided they are accessible during early voting hours, that they are monitored, and that they are emptied at the end of each day of early voting.
  - Iowa requires that one ballot drop box to be placed at the county auditor's office.
  - Indiana ensures that drop boxes are under the physical control and supervision of the county election board.
  - Kentucky requires each county clerk to provide a minimum of one drop box and requires public notice of all secure ballot drop box locations.
  - Beyond drop boxes, states offer voters many other opportunities to cast a ballot. Voters can place their ballot in any mailbox, many states allow voters to drop their ballots off at their local election official's office, many states offer early in-person voting, and voters can always vote in person on Election Day.

### **Authority of Chief State Election Officials**

- **MYTH: States are taking powers away from chief state election officials.**
- **FACT: No state has removed the ability of a chief state election official to administer elections.**
  - Democrats claim state laws like Georgia's stripped the Secretary of State's authority to oversee elections.
    - Georgia's Secretary of State is still is the chief election official in Georgia, tasked with overseeing all election activity in the state.
    - SB 202 did replace the Secretary of State on the State Election Board with a nonpartisan chair, making the Secretary of State a nonvoting member.
    - The law did provide new authority to the Board to suspend county or municipal election superintendents (election administrators) and appoint a superintendent to oversee the jurisdiction. But this only happens after an investigation by a performance review board and a hearing by the State Election Board. The Board must then determine that the election administrator in a jurisdiction has committed at least three violations of state election laws or has demonstrated nonfeasance, malfeasance, or gross negligence in the administration of elections.
      - The law also prohibits the board from suspending more than four superintendents. And it allows for a suspended superintendent to petition the Secretary of State for reinstatement.

- The State Election Board previously had authority to intervene in local election jurisdictions by initiating a lawsuit, and SB 202 just provides another path to ensure election jurisdictions are upholding their duty to run fair elections.
- There have been examples of election administrators in Georgia failing to carry out their duties. In October 2021, two Fulton County election workers were fired by the Fulton County elections director for shredding approximately 300 paper voter registration applications.
- In Arizona, a new law provides the Attorney General with the authority to defend the state's election laws in court, rather than the Secretary of State. The Secretary of State remains the chief elections officer in Arizona.