

Convenience Voting Options

Restricting voting to one Tuesday is inconsistent with the requirements of modern life. Congress first implemented the policy in 1845 to allow farmers traveling by horse and buggy a day to get to the county seat, a day to vote, and a day to get back without forcing them to travel on the Sabbath or interfering with their market day, which was typically Wednesday.¹ Fortunately, an increasing number of states recognize that this system is out of date. Busy schedules and the rigors of modern life require a variety of voting options to ensure Americans can participate in the political process. The most popular of these options are allowing people to vote early in person or absentee by mail.

Voting Early In Person

Thirty-three states and the District of Columbia allow people to vote in person before Election Day, without an excuse, at designated sites and times.² An early voting period that includes weekend and evening hours ensures that voters with traditional work hours, family responsibilities, and other scheduling restraints will have the opportunity to vote. Even in jurisdictions in which early voting lines are long, varied hours are important to accommodate those who can wait for a relatively long time in the evening or on a weekend but not during traditional work hours.

Eliminating flexible and expansive early voting can increase Election Day lines and can further discourage potential voters. In 2011, Florida enacted a bill that reduced early voting days and hours in addition to removing the option of early voting on the Sunday before Election Day.³ Voter turnout in the November 2012 election increased on other early voting days and on Election Day, causing longer lines. Long lines prevented an estimated 201,000 Floridians from voting on Election Day.⁴ The Florida legislature recognized the error of restricting early voting, and in 2013 passed legislation allowing Supervisors of Elections to expand early voting days and hours to include the Sunday before Election Day and others eliminated in 2011.⁵

No-Excuse Absentee Voting by Mail

Absentee voting by mail provides an important voting option for individuals with busy schedules, health problems, or limited transportation options. It allows all voters to consider the issues on their ballot and vote from the comfort of their own home. Twenty-seven states and the District of Columbia allow people to vote by mail without requiring an excuse.⁶ Seven states and the District of Columbia allow voters to join a permanent absentee voting list, which results in the voter automatically receiving an absentee ballot for all future elections in which the person is eligible to vote.⁷ Colorado, Oregon and Washington conduct their elections entirely by mail. In Colorado every voter will receive a mail ballot, but can surrender their mail ballots and vote in person at a voter service and polling center, if they choose.⁹ The use of absentee ballots and other forms of voting by mail has tripled since 1980.¹⁰

No-Excuse Absentee Voting by Mail (continued)

Although research suggests a slight increase in voter turnout due to no-excuse absentee voting, many individuals who voted by mail would have voted at the polls on Election Day if that was the only option. As a result, logic dictates that more votes cast by mail means shorter lines at the polls.

Requiring an excuse for absentee voting creates needless red tape that could disenfranchise voters. Missing or illegible information cause delays and staff time spent contacting the voter to process the form. For example, Pennsylvania requires voters to have an excuse to vote absentee.¹⁰ Those choosing “illness or physical disability” must include several details, such as a description of the illness or disability and their physician’s name, phone number, and office address.¹¹ This creates additional opportunities for illegibility or missing information that will lead to frustrating delays that could deter citizens from voting. It also serves as a disincentive for voters who would otherwise cast a ballot.

Conclusion

When Tuesday became the official Election Day in 1845, it was because it was the most convenient for voters. That is no longer the case for most people. We should not force people to jump through hoops to exercise their right to vote. Early and no-excuse absentee voting are commonsense solutions that allow more Americans to participate in our democracy. Although most states recognize the advantages of these flexible options, we hope for continued progress in the rest of the country.

Sources and Additional Reading

¹ Selena Simmons-Duffin, *Why Are Elections on Tuesdays?*, NPR: It’s All Politics, Oct. 23, 2012, <http://www.npr.org/blogs/itsallpolitics/2012/10/23/162484410/why-are-elections-on-tuesdays>.

² National Conference of State Legislatures, *Absentee and Early Voting*, <http://www.ncsl.org/legislatures-elections/elections/absentee-and-early-voting.aspx>. (last checked on July 1, 2015).

³ H.B. 1355 (Fla. 2011). MICHAEL C. HERRON AND DANIEL A. SMITH, FLORIDA’S 2012 GENERAL ELECTION UNDER HB 1355: EARLY VOTING, PROVISIONAL BALLOTS, AND ABSENTEE BALLOTS 2 (2013).

⁴ Anthony Man, *New Rules Could Take the Pain Out of Early Voting*, SUN SENTINEL, May 26, 2013

⁵ Scott Powers & David Damron, *Analysis: 201,000 in Florida Didn’t Vote Because of Long Lines*, ORLANDO SENTINEL, Jan. 29, 2013 http://articles.sun-sentinel.com/2013-05-26/news/fl-early-voting-lines-20130523_1_early-voting-county-election-supervisors-new-election-law.

⁶ <http://www.ncsl.org/legislatures-elections/elections/absentee-and-early-voting.aspx> NCSL, *supra* note 3.

⁷ National Conference of State Legislatures, *supra* note 2 *Id.*

⁸ Or. Sec’y of State, *Voting in Oregon*, <http://oregonvotes.org/pages/voterresources/index.html> (last viewed on July 1, 2015).

Wash. Sec’y of State, *Elections & Voting*, https://wei.sos.wa.gov/agency/osos/en/voters/Pages/i_need_to.aspx (last viewed on July 1, 2015). Colo. Sec’y of State, *Elections and Voting*, Election Fact Sheet, <http://www.sos.state.co.us/pubs/elections/vote/electionFactSheet.html> (last viewed July 1, 2015). *See also*, NCSL, *supra* note 2.

⁹ Chelsea Sheasley, *Absentee voting becoming more popular*, THE METROWEST DAILY NEWS, Oct. 17, 2012.

¹⁰ PA. CONS. STAT. § 3146.1.

¹¹ Pennsylvania Department of State, Absentee Ballot Application, <http://www.dosimages.pa.gov/pdf/AbsenteeBallotApplication.pdf> (last viewed on Mar. 26, 2013).

For more information please contact
info@fairelectionsnetwork.com or visit
www.fairelectionsnetwork.com