

# Friendly Fire: Vote-by-Mail Ballot Confusion

October 12, 2020

## Executive Summary

In attempt to increase voter participation and make vote-by-mail resources more easily accessible, many independent organizations send individuals information about vote-by-mail resources, voter registration forms, and absentee-ballot applications. Ballots may be sent as physical mail, email, text message, phone calls, or information displayed on a website. When the information provided by these organizations is incorrect or misleading, these attempts to increase vote-by-mail participation could actually have the opposite effect on voter participation, by creating fear and confusion among voters. This report explores the various forms this problem takes, the cause of the problems, and the effects they may have overall on voter participation and the upcoming election. Three specific examples are examined:

- an incident where the Center for Voter Information (CVI) sent absentee-ballot applications with incorrect information enclosed
- a situation in which a nonpartisan website detailing voter registration information incorrectly listed that ex-felons are ineligible to register to vote
- a robocall campaign designed to deter voters from casting their ballots by mail this upcoming November

Each of these attempts could potentially decrease voter confidence in the integrity of vote-by-mail processes, and each ends up creating more work for election officials rather than helping them.

## Background

As November looms and the COVID-19 pandemic continues in the United States, vote-by-mail accessibility is becoming increasingly important for American voters. In the 2016 presidential election, more than 20 percent of voters relied on vote-by-mail or absentee ballots to cast their votes,<sup>1</sup> and it is projected that up to 64 percent of voters will rely on these methods in this year's upcoming presidential election, due to concerns over COVID-19.<sup>2</sup> While vote by mail increases for many citizens accessibility to voting, it carries with it numerous controversies, including ballot harvesting, voter fraud, and voter confusion.<sup>3</sup> Despite these concerns, studies have shown that vote by mail is unlikely to benefit either party during the upcoming election, and if anything, appears likely to increase voter participation in both parties.<sup>4</sup>

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<sup>1</sup> "EAVS Deep Dive: Early, Absentee and Mail Voting: U.S. Election Assistance Commission." *EAVS Deep Dive: Early, Absentee and Mail Voting* | U.S. Election Assistance Commission, U.S. Election Assistance Commission, 17 Oct. 2017, [www.eac.gov/documents/2017/10/17/eavs-deep-dive-early-absentee-and-mail-voting-data-statutory-overview](http://www.eac.gov/documents/2017/10/17/eavs-deep-dive-early-absentee-and-mail-voting-data-statutory-overview).

<sup>2</sup> Lazer, David, et al. *The State of the Nation: A 50-State COVID-19 Survey Report #7: Update on Vote by Mail*. Northeastern University, Harvard University, Rutgers University, and Northwestern University, 30 July 2020, [www.kateto.net/covid19/COVID19\\_CONSORTIUM\\_REPORT\\_7\\_VBM\\_JULY\\_2020.pdf](http://www.kateto.net/covid19/COVID19_CONSORTIUM_REPORT_7_VBM_JULY_2020.pdf).

<sup>3</sup> Derived from SQUINT results.

<sup>4</sup> Thompson, Daniel M., et al. "Universal Vote-by-Mail Has No Impact on Partisan Turnout or Vote Share." *PNAS*, National Academy of Sciences, 23 June 2020, [www.pnas.org/content/117/25/14052](http://www.pnas.org/content/117/25/14052).

## Friendly Fire

Many well-intentioned independent organizations have attempted to increase voter participation and make vote-by-mail resources more accessible for citizens but in their efforts have actually increased confusion. In some instances, voters who have already registered to vote are sent mail stating that they still need to register to vote and given instructions on how to do so. In other cases, voter registration forms are addressed to pets, deceased family members, or college students who no longer reside at that address. How do these problems arise? Many of these instances begin as genuine attempts to increase voter participation, sometimes in under-represented demographics, and their goal often is to make resources for vote by mail easier to find and use. These issues are especially pressing during a period in which the nation also faces COVID-19.

Incorrect personal information in databases, out-of-date systems, and rushed processes often contribute to these issues. Many of these independent organizations pull information from existing voter registration databases and commercially available datasets to identify individuals' personal information, such as name, address, and birthdate. If any of this information is incorrect or out-of-date, it will be reflected on mail sent to individuals. In some cases, systems used to automatically generate addresses for envelopes are out-of-date and result in erroneous mailing addresses or return addresses. Also likely are rushed efforts and uncared-for processes when trying to reach millions. However, the benefit of increasing voter participation overall could outweigh an increased level of confusion for a small portion of that group.

Even more worrying than the confusion this causes for voters and election officials is the possibility these blunders will undermine voter confidence in the integrity of the election process. Could the lack of confidence or confusion about the vote-by-mail process dissuade enough voters from participating in the election that the outcome is impacted?

## Types of Problems

Voter registration forms and mail-in ballot applications sent in the name of deceased relatives, pets, and former residents individually appear as innocuous mistakes. The same goes for these unsolicited mailings sent to individuals who are actually ineligible to vote or to college students at both their home and college addresses. The intent behind these mistakes is all the same: increase voter participation as much as possible. However, each of these instances introduces the potential for fraudulent voter registration, which in turn creates the opportunity for the perception that voter fraud has occurred, and in doing so, undermines public confidence in the vote-by-mail process. In fact, some individuals have successfully registered their pets or deceased relatives to prove that voter identification laws are not stringent enough and that fraudulently casting

a ballot is not a difficult feat.<sup>5</sup> When a mail-in ballot application or voter registration form is misdelivered, such as in the case of a previous resident, not only does this open the door for potential voter fraud, but the intended recipient may not be receiving their election resources and thus may not be given the opportunity to vote.

In some cases,<sup>6</sup> return envelopes sent with the mail-in ballot applications had incorrect addresses. This introduces the immediate concern that applications will not be delivered to the correct location, and those individuals will never receive their absentee ballot. In addition, individuals' personal information, including their name, address, and political affiliation, would then be in the hands of strangers, who could misuse this information.

Letters from independent organizations are, sometimes by design, easy to mistake for official government mail, suggesting that whatever information it contains is factual, when in reality, much of this information is incorrect or misleading. When the information is incorrect, voters are left confused about which information to believe, who is sending this mail, why they are receiving it, and what they should do with it. In some cases, pre-filled forms include a significant amount of personal information, and individuals feel uncomfortable that their personal data is in the hands of unknown third parties.<sup>7</sup>

Sometimes this information is disseminated through text message, using the area code of cell phone numbers to send information relevant to state or local voting. While this is intended to be an easy method to reach a majority of citizens, it also ends up reaching many individuals to whom the information is not relevant. Typically, when people move to a new city or state, they do not change their cell phone number. As a result, when independent organizations send out information based on cell phone area code, they end up misdirecting a portion of their resources to people to whom the information does not pertain. These organizations could be directing their time and money more efficiently to increase voter participation, and they run the risk of confusing rather than helping voters.

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<sup>5</sup> Cimini, Kate. "California Man Who Registered Dogs, Dead Father to Vote, Sentenced to Probation." *The Salinas Californian*, The Californian, 16 Aug. 2019, [www.thecalifornian.com/story/news/2019/08/16/pacific-grove-man-sentenced-probation-felony-voter-fraud-case/2035198001/](http://www.thecalifornian.com/story/news/2019/08/16/pacific-grove-man-sentenced-probation-felony-voter-fraud-case/2035198001/).

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<sup>6</sup> Iannelli, Nick. "A Half-Million Unsolicited Absentee Applications Cause Confusion in Virginia." *WTOP News*, 6 Aug. 2020, [wtop.com/virginia/2020/08/unsolicited-absentee-applications-cause-confusion-in-virginia/](http://wtop.com/virginia/2020/08/unsolicited-absentee-applications-cause-confusion-in-virginia/).

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<sup>7</sup> Fessler, Pam. "A Big Vote Registration Push Reaches Millions - But Divides Elections Officials." *NPR*, NPR, 13 Feb. 2020, [www.npr.org/2020/02/13/805694260/a-big-vote-registration-push-reaches-millions-but-divides-elections-officials](http://www.npr.org/2020/02/13/805694260/a-big-vote-registration-push-reaches-millions-but-divides-elections-officials).

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Ultimately, these mishaps result in an overall reduced confidence in the integrity of our election systems, as well as an increased level of confusion amongst voters. Furthermore, these instances create additional work for election officials, often times negating previous work done to counter election misinformation.

### Example 1: Center for Voter Information Incident in Virginia

The CVI is a non-partisan, non-profit organization, partnered with the Voter Participation Center (VPC), that seeks to increase overall voter participation and increase “access to democracy.” They specifically target the “The Rising American Electorate,” which includes unmarried women, people of color, and young people. Together the organizations primarily send out voter registration forms, applications for absentee ballots, and “get out the vote” mail. However, they have been known in the past to make errors that cause confusion for voters and election officials alike.

In August 2020, the CVI mailed out more than 2.2 million applications for mail-in ballots to voters, intending to make these resources more accessible, assuming an increased number of voters will want to vote by mail in this year’s upcoming election, due to COVID-19 concerns. However, the system they used was unable to distinguish between cities and counties with the same name, and as a result approximately 25 percent of the return envelopes included with the applications contained the wrong address.<sup>8</sup> Voters worried about the legitimacy of these applications, as well as if their vote would ultimately get counted, and if vote by mail is a safe way to cast their vote. Some voters who had previously registered worried that this second piece of mail meant their first attempt at registering was unsuccessful, which in some cases may have led to individuals applying twice for a mail-in ballot.<sup>9</sup> Election officials had to issue various statements reassuring the public that these errors did not result from their efforts and that mail-in ballots are still a safe way to vote in the upcoming election. Additionally, election officials now have to devote resources to sorting through double applications and retrieving applications sent to the incorrect address. Though the CVI and VPC intended to increase accessibility to vote-by-mail resources, they caused more work for election officials who had to correct their mistakes and combat the resulting misinformation and confusion.<sup>10</sup>

### Example 2: Follow My Vote Maryland Voting Requirements

Follow My Vote is an independent organization dedicated to “improving the integrity standards of voting systems used in elections worldwide,” which they primarily seek to achieve through development of an online voting platform. In addition to this, Follow My

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<sup>8</sup> Confusion between Fairfax County and Fairfax City, Franklin County and Franklin City, Richmond County and Richmond City, and Roanoke County and Roanoke City.

<sup>9</sup> Some voters worried perhaps the Republican party mailed these ballots as an attempt to decrease vote-by-mail participation, fueled by President Trump’s tweets.

Antonio Olivio, “Mail-in Ballot Applications.”

<sup>10</sup> Nick Iannelli, “A Half-Million Unsolicited.”  
Graham Moomaw, “Nonprofit Mails.”

Vote hosts a Knowledge Center that shares resources about voting resources, voting methods, secure voting, and general information about governments around the world. Within the Follow My Vote Knowledge Center, there is a page providing information about online voter registration for Maryland.<sup>11</sup>

Brought to attention through a SQUINT™ submission, the Follow My Vote Knowledge Center page lists voter eligibility requirements for Maryland, one of which reads, “[Must] not be convicted of a felony.” Though this statement is not entirely inaccurate, the truth is much more nuanced, and the page’s information is misleading. In Maryland, you are still eligible to register to vote as a convicted felon if you have completed serving a court-ordered sentence of imprisonment, provided your felony convictions are not for buying or selling votes.<sup>12</sup> This law, put into effect in 2016, affected approximately 40,000 formerly convicted felons at the time, who were restored their right to vote.<sup>13</sup> However, Follow My Vote fails to clearly articulate this stipulation and consequently risks misleading formerly convicted felons and anyone who may be helping to advise them. It also raises the concern that additional information in their Knowledge Center may be incorrect.

### Example 3: Project 1599 Robocall

In August 2020, a robocall discouraging individuals from using vote by mail to cast their ballots in the upcoming election targeted individuals in Detroit, Pittsburgh, and Philadelphia. The call consists of a recorded message from someone claiming to be a “Project 1599” employee, which is a right-wing political organization run by conservative activists Jack Burkman and Jacob Wohl. Recipients of the call are warned, “Don’t be finessed into giving your private information to the man. Stay safe and beware of vote by mail.” The recording claims the personal information of individuals who vote by mail will be put into a public database, where it will be used by the police to “track down old warrants,” by credit card companies to “collect outstanding debt,” and by the Centers for Disease Control and Prevention to “track people for mandatory vaccines.” Though the recording claims to be on behalf of the Project 1599 political organization, Burkman and Wohl have denied their involvement in the call, and it remains unclear who is actually responsible.<sup>14</sup>

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<sup>11</sup> “The Secure Mobile Voting Platform of the Future.” *Follow My Vote*, 28 Aug. 2020, [www.followmyvote.com/](http://www.followmyvote.com/).

<sup>12</sup> Maryland State Board of Elections. *Restoration of Voting Rights in Maryland*, [elections.maryland.gov/voter\\_registration/restoration.html](http://elections.maryland.gov/voter_registration/restoration.html).

<sup>13</sup> Morris, Megan. “Former Felons in Maryland Now Have Right to Vote.” *USA Today*, Gannett Satellite Information Network, 22 Apr. 2016, [www.usatoday.com/story/news/politics/elections/2016/2016/04/22/former-felons-maryland-now-have-right-vote/83400610/](http://www.usatoday.com/story/news/politics/elections/2016/2016/04/22/former-felons-maryland-now-have-right-vote/83400610/).

<sup>14</sup> Kornfield, Meryl. “Robocall Targets Battleground States with Falsehoods about Mail-in Voting.” *The Washington Post*, The Washington Post, 28 Aug. 2020, [www.washingtonpost.com/politics/2020/08/27/robocalls-michigan-penn-voting-jacob-wohl/](http://www.washingtonpost.com/politics/2020/08/27/robocalls-michigan-penn-voting-jacob-wohl/).

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Michigan Secretary of State Jocelyn Benson cited the call as using “racially-charged stereotypes and false information” to dissuade minority participation in vote by mail.<sup>15</sup> It is unclear how many individuals received this phone call across both Michigan and Pennsylvania. Despite election officials’ reassurances that the recording contains false information and no such public database will be created, and even recipients of the call acknowledging it was “so obviously fake,” it undoubtedly sparked concern in both those who received the call and those who heard about it through news sources.<sup>16</sup> This type of tactic preys on a lack of trust in the government, fear over the protection of personal information, and a lack of transparency and understanding surrounding the vote-by-mail process. Ultimately, voters are again left doubting the integrity of vote by mail and fearful over how their personal information might be used without their knowledge or consent.

## Problem Scope

How big of a problem is this? That is, do these instances occur frequently enough that they could influence the outcome of the upcoming election? Two main results of these problems that could potentially impact the election include decreased voter participation as a result of voters feeling uncomfortable with the integrity and security of the vote-by-mail process, and increased voter fraud through absentee ballots.

While little official data exists around how frequently this occurs and the magnitude of its effect, we can look to past examples to examine potential worst-case scenarios. In the CVI incident in Virginia, approximately 600,000 voters (about 25 percent of the estimated 2.2 to 2.5 million voters that were sent the applications) were sent mail-in ballot applications with incorrect information, representing about 10 percent of Virginia’s registered voting population.<sup>17</sup> This incident likely also created a ripple effect on additional Virginia voters who heard the story repeated on local news broadcasts. While this instance would not likely prevent or discourage all these voters from participating in the election, this single event nonetheless created confusion and undermined confidence in vote by mail to some degree for one tenth of Virginia’s registered voting population, which is enough of the population to raise concern over the misguided efforts of these organizations.

The incorrect information found on Follow My Vote’s website directly applies to approximately 40,000 formerly convicted felons who have actually had their right to vote restored. These 40,000 voters make up about one percent of Maryland’s registered voting population, and, if relying on the information found in Follow My Vote’s Knowledge Center, they would incorrectly be led to believe they are ineligible to register

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<sup>15</sup> LeBlanc, Beth. “Benson Blasts Robocall Warning Detroit Voters to ‘Beware of Vote by Mail.’” *The Detroit News*, The Detroit News, 28 Aug. 2020, [www.detroitnews.com/story/news/politics/2020/08/27/benson-blasts-robocall-warning-detroit-voters-beware-vote-mail/3444856001/](http://www.detroitnews.com/story/news/politics/2020/08/27/benson-blasts-robocall-warning-detroit-voters-beware-vote-mail/3444856001/).

<sup>16</sup> Meryl Kornfield, “Robocall Targets Battleground States.”

<sup>17</sup> There are 5,778,648 voters registered in VA as of 7/31/2020.

“Registration Statistics and Polling Places.” *Registration Statistics and Polling Places - Virginia Department of Elections*, Virginia Department of Elections, 31 July 2020, [www.elections.virginia.gov/resultsreports/registration-statistics/](http://www.elections.virginia.gov/resultsreports/registration-statistics/).

to vote.<sup>18</sup> Though some may argue that one percent is not enough to impact the outcome of the election in Maryland, it is vital that all members of a community are able to participate in the democratic process.

It is not clear how many people were reached in the Project 1599 robocall incident, but the campaign targeted three cities and resulted in a press release in Michigan that likely expanded its footprint. The call specifically calls out “tracking down old warrants,” “collecting outstanding debt,” and “tracking people for mandatory vaccines,” as the purpose of the fake database, but it is easy to extrapolate and imagine that such a database could be used for additional purposes. Even though recipients immediately identified the call as fake, it was still successful in bringing these fears to mind in the public, as well as creating additional work for state election officials.

There is currently no way to determine whether the level of misperception about vote by mail will impact the outcome of the upcoming election, as a result of voters being unwilling or unable to vote, but that is the outcome that must be avoided. Though it is uncertain what percentage of voters will not cast their vote as a result of inaccurate vote-by-mail resources and information, it remains clear that a significant portion of registered voters have been affected in some way by these instances and that they pose danger to the integrity and acceptance of vote-by-mail processes.

## Recommendations for Election Related Activities

- Continuously refresh voter awareness of your official state or local election website. Use resources from TrustedInfo2020, the program of the National Association of Secretaries of State, to bolster all-state unity and promote trustworthiness.
- See <https://www.nass.org/initiatives/trustedinfo-2020> for details on where your ballot should be mailed or how it can be delivered to your jurisdiction.
- Join the SQUINT program to gain rapid awareness of misinformation in your state.

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<sup>18</sup> Megan Morris, “Former Felons in Maryland.”

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