

VOTING IN BATTLEGROUND STATES

Key information on when and how to vote

This memo provides up-to-date information on voter registration deadlines, early and absentee voting practices, potential changes in voting laws, and the status of COVID-19 in key Senate and presidential battleground states. The introduction highlights the newest and most important changes in voting laws as well as defines important voting rules that will be referenced throughout the document. Some legislation and court cases are ongoing and the timing subject to change, so their expected timelines are reflected. This information is updated as of August 14th, 2020.

INTRODUCTION

Recent changes in voting laws and practices

- Governor Steve Bullock of Montana issued a directive permitting counties to conduct the general election entirely by mail and expand early voting opportunities
- A federal judge in Pennsylvania told the Trump campaign and Republican Party that they must produce evidence of vote-by-mail fraud in the state by August 14th
- Pennsylvania agreed to a change proposed in a lawsuit and asked a court to extend the ballot receipt deadline and count any ballot postmarked by Election Day and received by the third day following the election
- The ACLU is petitioning for a rehearing of its lawsuit over Alabama's photo ID law

Definitions of voting rules

(positive for voting rights / negative for voting rights / mixed)

- **No excuse absentee voting** – voters need not provide a specific reason to vote absentee; without this rule, voters can only qualify for an absentee ballot under certain conditions
- **Early voting** – casting a vote in person ahead of election day
- **In-person absentee voting** – dropping off an absentee ballot at a designated location
- **Same day voter registration** – voters can register on the day of the election
- **Permanent absentee list** – once a voter is added to the list, they will automatically receive an absentee ballot for all future elections

- **Automatic voter registration** – eligible voters are automatically registered to vote and have the option to opt out instead of having to opt in to the voter registry
- **Curbside voting** – a poll worker brings a ballot out to a voter’s car, where the voter fills it out, and then the poll worker collects the ballot
- **Voter assistance** – a third party helping voters get to the polls or fill out ballots
- **Ballot collection** – volunteers gathering and submitting absentee ballots
- **Postmark deadline** – counting all ballots that were sent after a certain day (usually Election Day) instead of rejecting those received after Election Day
- **Signature matching** – requiring the signature on a ballot to exactly match the signature on voter registration documents; if the signature does not perfectly match, as signatures often do not, the ballot is rejected
- **Voter ID laws** – requiring a form of identification to verify a voter’s identity in order to vote, sometimes only allowing specific government-issued forms of photo ID
- **Witness requirement** – when a witness must sign an absentee ballot in order for it to be counted
- **Postage requirement** – requiring voters to pay for postage on their absentee ballot
- **Transportation ban** – making it illegal for volunteers to take voters to the polls
- **Voter purge** – removing voters names from the voter roll, making them unable to vote in the election because they are no longer registered
- **Absentee ballot return deadline** – requiring absentee ballots to be received at the election office by the date of the election, rejecting votes mailed before election day but received after the deadline

ALABAMA: SENATE

Registration Deadlines

- October 19th: Voter registration deadline online or by mail (mail must be received)
- October 29th: Deadline to request an absentee ballot
- November 2nd, 5:00pm: Deadline to return an absentee ballot in-person or postmark a mail-in ballot
- November 3rd, 12:00pm: Mail-in ballot must be received
- Election Day Hours: 7:00am to 7:00pm

Early and Absentee Voting Rules

- Excuse required for an absentee ballot, but COVID-19 will be accepted as an excuse
- No early voting
- No in-person absentee voting
- Absentee ballot return deadline
- Witness requirement
- Photo ID requirement
- Ban on curbside voting

Legal Challenges to Voting Rules

- The secretary of state extended an emergency rule to allow people to vote absentee due to COVID-19 through the general election
- The Supreme Court ruled that for now Alabama does not have to abide with lower-court decisions that allowed curbside voting and made it easier to cast a mail-in ballot, allowing Alabama's strict mail-in ballot rules to remain in place
- Bill introduced to enact no excuse absentee voting (Alabama Legislature not scheduled to meet until the spring of 2021)
- Bill introduced to expand early in-person voting

- A federal appeals court ruled that Alabama's photo ID law can remain in force, but the ACLU is petitioning for a rehearing of the case

COVID-19

- Just experienced a severe spike in cases and deaths, but cases are slowly decreasing
- Retail stores, restaurants, bars, hair salons and barbershops, houses of worship, entertainment venues, and gyms are all open, but further reopenings have paused

ARIZONA: SENATE AND PRESIDENTIAL

Registration Deadlines

- October 5th: Registration deadline
- October 30th: Deadline to request an absentee ballot
- November 3rd, 7:00pm: Deadline to return completed absentee ballot
→ the state has agreed to review ballots achieved after election day
- Election Day Hours: 6:00am to 7:00pm

Early and Absentee Voting Rules

- No excuse absentee voting
- Can request ballots by mail with or without joining the permanent absentee list
- No witness requirement
- Early voting
- No absentee ballot return deadline
- No in-person absentee voting
- Signature matching
- No ballot collection except for by family members and caregivers

Legal Challenges to Voting Rules

- The Secretary of State agreed to expand voting opportunities for minorities throughout the state in a settlement agreement
- DNC suing the Secretary of State to allow voters five business days after federal elections to correct ballots that may be rejected for lacking a signature
- Bill introduced to implement automatic voter registration (Arizona State Legislature adjourned for the year, but may return for special sessions)
- Bill introduced to expand early in-person voting
- Bill introduced to prohibit the use of school IDs for voter verification and eliminate the ability to use other identity verification documents
- Arizona Republicans, backed by Arizona Gov. Doug Ducey and several Republican Senators, asked the Supreme Court for permission to revive a policy that allows administrators to throw away miscast ballots and another that bans ballot collection. These rules were struck down by a lower court as racially discriminatory, and if the Supreme Court agrees to take up the appeal, then Arizona will likely be able to carry out its restrictions in November (decision likely to arrive in fall)

COVID-19

- Recently experienced an intense surge in cases, but the cases and hospitalizations have been gradually declining
- Retail stores, restaurants, barbershops and salons, houses of worship, casinos, and pools and spas are all open, but the Governor has reversed the opening of certain businesses, closing bars, movie theaters, gyms, and waterparks

COLORADO: SENATE

Registration Deadlines

- October 26th: Last day to register for a mail-in ballot, early voting begins
- Same-day voter registration
- November 3rd, 7:00pm: Deadline to return completed absentee ballot
- Election Day Hours: 7:00am to 7:00pm

Early and Absentee Voting Rules

- All registered voters automatically receive a ballot in the mail, no application needed
- Early voting available
- No witness requirement
- Signature matching
- Absentee ballot return deadline

Legal Challenges to Voting Rules

- None

COVID-19

- Experienced a recent spike, but cases are now modestly decreasing and deaths remain low
- Retail stores, restaurants, salons and personal services, houses of worship, entertainment venues like museums, fairs, and rodeos, outdoor recreation, gyms, offices, and manufacturing are all open, but the Governor reversed some reopenings so bars and casinos are closed

FLORIDA: PRESIDENTIAL

Registration Deadlines

- October 5th: Registration deadline
- October 24th: Absentee ballot request must be received by mail, start of early voting
- October 31st: In-person absentee ballot request deadline, end of early voting
- November 3rd: Deadline to return completed absentee ballot
- Election Day Hours: 7:00am to 7:00pm

Early and Absentee Voting Rules

- No excuse absentee voting
- Early voting available
- No witness requirement
- Signature matching
- Absentee ballot return deadline
- Voter assistance ban

Legal Challenges to Voting Rules

- A federal appellate court stayed a lower court ruling that removed Florida's requirement that former felons pay their legal fees before their voting rights are reinstated, giving no timeline as to when the court would hear the case
- Progressive groups suing Governor DeSantis and state election officials over mail-in voting rules (scheduled to be heard in late July)
 - Postage requirement
 - Election Day receipt deadline
 - Voter assistance ban – makes it a misdemeanor for any individual paid by an organization to assist with returning more than two mail-in ballots each election
- Suit to expand early voting from two weeks to three

- Bill introduced to institute same-day voter registration (Florida Legislature does not meet until 2021)
- Bill introduced to impose further restrictions on voter assistance
- Bill introduced to make it a felony to register or attempt to register to vote if the applicant is not a US citizen
- Progressive groups agreed to drop a lawsuit challenging Florida's mail-in voting laws in exchange for assurances that the state will educate voters on mail-in voting options
- The Supreme Court ruled against waiving the requirement that convicted felons in Florida pay their court fines before regaining the ability to vote

COVID-19

- Continues to experience one of the worst outbreaks in the world, and while cases are decreasing slightly, deaths are increasing
- Retail stores, restaurants, salons and tattoo parlors, houses of worship, entertainment venues like sporting events without spectators, movie theaters, and concert halls, beaches, and gyms are open, but the Governor has reversed some reopenings and closed bars
- Schools are reopening

GEORGIA: SENATE AND PRESIDENTIAL

Registration Deadlines

- October 5th: Voter registration deadline
- October 12th: Early voting begins
- October 30th: Absentee ballot request must be received, last day of early voting
- November 2nd: Absentee ballot return deadline

- Election Day Hours: 7:00am to 7:00pm
 - In all cities with a population of 300,000 or more, polling places stay open until 8:00pm

Early and Absentee Voting Rules

- No excuse absentee voting
- Early voting available
- No witness requirement
- Drop boxes for absentee ballot collection
- Signature matching
- Absentee ballot return deadline

Legal Challenges to Voting Rules

- Significant issues with long wait times in primary election
- Fair Fight is suing the state over voting practices like voter purges, registration applications put on hold, and signature matching (lawsuit has been ongoing since 2018)
- The State Election Board agreed to extend two emergency rules allowing local election offices to continue offering drop boxes for absentee ballots and to again start processing ballots early
- Lawsuit to require the state to cover the cost of postage for mail-in ballots

COVID-19

- Recently set new records for number of cases, and although cases have begun to plateau, deaths remain high
- Retail stores, restaurants, hair salons and barbershops, houses of worship, entertainment venues, bars, nightclubs, and gyms are all open
- Schools are reopening

IOWA: SENATE AND PRESIDENTIAL

Registration Deadlines

- October 24th: Voter registration deadline
- October 30th: Absentee ballot request deadline
- November 3rd: Absentee ballot return deadline
- Election Day Hours: 7:00am to 9:00pm

Early and Absentee Voting Rules

- No excuse absentee voting
- No witness requirement
- In-person absentee voting available
- No signature matching
- No early voting
- Voter ID laws
- Absentee ballot return deadline

Legal Challenges to Voting Rules

- Challenges to voter ID laws (a judge upheld Iowa's voter ID law in late 2019)
- Bill introduced to implement automatic voter registration (Iowa Legislature currently in session)
- The Governor of Iowa signed an executive order granting convicted felons the right to vote
- A voting rights group sued Iowa over a law that bars election officials from using existing voter registration data to fill out incomplete absentee ballot requests
 - The Trump campaign, the Republican Party of Iowa, and other groups filed a motion asking the court to dismiss the lawsuit

- Iowa lawmakers approved of the secretary of state's proposal to send applications for mail-in ballots to all active registered voters

COVID-19

- Cases and deaths are low
- Retail stores, malls, restaurants, bars, spas, salons and barbershops, houses of worship, entertainment venues like movie theaters, casinos, and amusement parks, outdoor recreation, and gyms are all open

MAINE: SENATE

Registration Deadlines

- Voter registration deadline varies by locality
- October 12th: Start of in-person absentee voting
- October 19th: Deadline for postmark of in-person voter registration request or postmark of mail-in voter registration deadline
- October 29th: End of in-person absentee voting
- October 31st: Absentee ballot return deadline
- Election Day Hours: 6:00am to 8:00pm
 - Polling places in municipalities with a population of less than 500 open between 6:00am and 10:00am
 - Those with a population of 500 or more open between 6:00am and 8:00am

Early and Absentee Voting Rules

- No excuse absentee voting
- In-person absentee voting
- Early voting
- Same day voter registration
- Voters can only request ballots starting 90 days before the election
- Signature matching
- Absentee ballot return deadline

Legal Challenges to Voting Rules

- Challenge to rank choice voting
- Governor signed an automatic voter registration bill into law, scheduled to be implemented in 2022
- A lawsuit is challenging several voting laws and practices that restrict absentee voting, including failure to accept online voter registration applications, a photo ID law, a postage requirement, criminalization of ballot collection, witness requirements, ballot return deadline, and signature matching (filed 6/25)

COVID-19

- Few cases and deaths overall, and cases are decreasing
- Retail stores, restaurants, bars for outdoor service, hair salons and barbershops, houses of worship, entertainment venues like movie theaters and casinos, outdoor recreation, and gyms are all open, but some reopenings have been delayed, including indoor service at bars

MICHIGAN: SENATE AND PRESIDENTIAL

Registration Deadlines

- October 20th: Mail-in voter registration must be received
- October 30th: Last day to apply for a mail-in ballot
- November 2nd: In-person absentee voting
- November 3rd: Absentee ballot return deadline
- Election Day Hours: 7:00am to 8:00pm

Early and Absentee Voting Rules

- No excuse absentee voting
- In-person absentee voting
- Same day voter registration

- Can apply for a single absentee ballot and/or join the permanent absentee list
- Absentee ballot applications automatically sent to all registered voters
- Signature matching
- Absentee ballot return deadline
- Voter assistance and transportation ban

Legal Challenges to Voting Rules

- The Michigan appeals court denied a request to require that absentee ballots be counted after the polls close on election day
- Challenges to mail-in voting rules including absentee ballot return deadline, postage requirement, voter assistance ban, and transportation ban (lawsuit currently being heard in court)
- Conservative group suing the Michigan Secretary of State over decision to automatically send absentee ballot applications to all registered voters

COVID-19

- Drastic reduction in new cases and deaths since peak in April, but cases are again increasing, although deaths remain low
- Retail stores, restaurants, bars for outdoor service, hair salons and barbershops, houses of worship, entertainment venues like theaters, nightclubs, and casinos, outdoor recreation, gyms in some regions, manufacturing, construction, and offices are open, but the Governor has reversed some reopenings, limiting indoor gatherings to 10 people and closing bars for indoor service and gyms in some regions

MONTANA: SENATE

Registration Deadlines

- October 5th: Regular in-person voter registration deadline, mail-in request postmarked
- October 8th: Post received for mail-in voter registration
- October 13th: Start of in-person absentee voting
- November 2nd: Last day to apply for a mail-in ballot, last day of in-person absentee voting
- November 3rd: Absentee ballot return deadline, can same-day register in-person at county election office
- Election Day Hours: 7:00am to 8:00pm
 - Some locations open at noon and close once all registered voters have voted

Early and Absentee Voting Rules

- Almost entirely mail-in voting
- No excuse absentee voting
- Can join the permanent absentee list
- In-person absentee voting available
- Same day voter registration for in-person voting
- Signature matching
- Absentee ballot return deadline

Legal Challenges to Voting Rules

- A Montana court temporarily blocked a law that restricted ballot collection efforts on Native American reservations, allowing expanded access to voting during the primary (pending further hearings for general election)

- Governor Steve Bullock of Montana issued a directive permitting counties to conduct the general election entirely by mail and expand early voting opportunities

COVID-19

- Very few cases and deaths overall, but new cases and deaths are drastically increasing
- Retail stores, restaurants, bars, salons and barbershops, houses of worship, entertainment venues like movie theaters, concert venues, and casinos, outdoor recreation, and gyms are all open

NORTH CAROLINA: SENATE AND PRESIDENTIAL

Registration Deadlines

- October 9th: Voter registration deadline
- October 15th: Start of early voting
- October 27th: Last day to apply for a mail-in ballot
- October 31st: Last day of early voting
- November 3rd, 5:00pm: In-person absentee ballot return deadline, absentee ballot postmark deadline
- November 6th: Mail-in absentee ballot return deadline
- Election Day Hours: 6:30am to 7:30pm
 - The hours can be extended if polling times are delayed or interrupted by more than 15 minutes

Early and Absentee Voting Rules

- No excuse absentee voting
- Early voting
- In-person early voting

- Absentee ballots must be postmarked by Election Day and received three days after election day
- Witness requirement
- Signature matching
- No ballot collection
- No permanent absentee list
- Voter ID law

Legal Challenges to Voting Rules

- Challenges to ballot receipt deadline, ballot collection rules, signature matching, witness requirement, and voter ID law, and seek to extend the 17 days of early voting to 21 days (being heard in court currently)
 - A federal judge refused to order these changes, but the judge told election officials that they cannot reject mail-in absentee ballots unless there's a way that voters can fix errors
- Lawsuit to restore voting rights to former felons (pending)
- The ACLU brought a new lawsuit that seeks to block the witness requirement for mail-in voting (pending)
- General Assembly lawmakers asked a North Carolina Superior Court to lift an injunction on the state's photo ID law after a new elections law made the photo ID requirement less strict, removing the court's rationale for blocking the law in the first place (pending)

COVID-19

- Cases, hospitalizations, and deaths all recently surged, but have begun to decrease from their peak
- Retail stores, restaurants, salons and barbershops, houses of worship, and pools are open, but the Governor has paused the state's reopening so bars, movie theaters, and gyms are closed

PENNSYLVANIA: PRESIDENTIAL

Registration Deadlines

- October 19th: Voter registration deadline
- October 27th: Last day to apply for a mail-in ballot
- November 3rd: Absentee ballot return deadline
- Election Day Hours: 7:00am to 8:00pm

Early and Absentee Voting Rules

- No excuse absentee voting
- In-person absentee voting
- No early voting
- Signature matching
- Absentee ballot return deadline
- Ballot collection ban
- Signature matching

Legal Challenges to Voting Rules

- A Democratic political group is backing a lawsuit challenging obstacles to absentee voting, including the postage requirement, absentee ballot return deadline, ballot collection ban, and signature matching (lawsuit is moving to the state Supreme Court)
- Pennsylvania Democrats sued the state to compel it to relax its mail-in voting rules by permitting ballot drop boxes, loosening the absentee ballot return deadline, requiring states to contact voters who submitted their mail-in ballot correctly to give them an opportunity to fix it, make the state count ballots that do not arrive inside a secrecy envelope, and uphold residency requirements for poll watchers
- Pennsylvania announced that the state will pay for return postage on all absentee ballots
- Pennsylvania's state elections agency is asking lawmakers to require counties to distribute mail-in ballots earlier in November and for

future elections and to count ballots as long as they arrive by the Friday after the election as long as they were postmarked by Election Day

- A federal judge in Pennsylvania told the Trump campaign and Republican Party that they must produce evidence of vote-by-mail fraud in the state by August 14th
- Pennsylvania agreed to a change proposed in a lawsuit and asked a court to extend the ballot receipt deadline and count any ballot postmarked by Election Day and received by the third day following the election

COVID-19

- Cases are increasing, but deaths remain fairly low
- Retail stores, malls, restaurants, bars, hair salons and barbershops, houses of worship, casinos, theaters, outdoor recreation, and gyms are all open

TEXAS: SENATE AND PRESIDENTIAL

Registration Deadlines

- October 5th: Voter registration deadline
- October 13th: Early voting starts
- October 23rd: Absentee ballot request post received deadline
- October 30th: Early voting ends
- November 3rd: Absentee ballot postmark deadline
- November 4th, 5:00pm: Absentee ballot post received deadline
- Election Day Hours: 7:00am to 7:00pm

Early and Absentee Voting Rules

- **Early voting**

- Absentee ballot must be postmarked by election day, but can be received the day after
- No in-person absentee voting
- Excuse necessary for absentee voting, except for voters 65 and older
- Photo ID requirement
- No ballot collection
- Signature matching

Legal Challenges to Voting Rules

- Texas's governor issued a proclamation extending the early voting period by nearly a week and allowing mail-in ballots to be delivered in person through Election Day
- The Texas Supreme Court put on hold a proposed expansion of absentee voting that would make lacking immunity to coronavirus a valid excuse to obtain an absentee ballot (lawsuits challenging this decision are ongoing)
- The Supreme Court denied to hear on an expedited basis a case challenging the denial of no excuse absentee voting to voters under 65, essentially ensuring that the rule will stay in place through November
- A lawsuit in Texas claims that in-person voting rules will disenfranchise Black and Latino voters during the pandemic and asks a federal judge to require a month of early voting, a mask mandate at polling places, a suspension of rules that limit curbside voting, the opening of additional polling places, and a temporary reprieve from a law that ended the practice of setting up temporary and mobile early voting sites

COVID-19

- Sharp surge in both cases and deaths, but both have begun to decrease
- Retail stores, malls, restaurants, salons and barbershops, houses of worship, entertainment venues like movie theaters, museums, and rodeos, outdoor recreation, gyms, offices, and manufacturing are open, but the Governor has reversed some reopenings and closed bars

WISCONSIN: PRESIDENTIAL

Registration Deadlines

- October 14th: Online voter registration deadline, mail-in registration must be postmarked
- October 29th: Last day to apply for a mail-in ballot
- October 30th: In-person voter registration deadline, mail-in registration must be received
- November 3rd: Absentee ballot return deadline
- Election Day Hours: 7:00am to 8:00pm

Early and Absentee Voting Rules

- No excuse absentee voting
- In-person absentee voting
- Early voting (dates vary by municipality)
- Absentee ballot application automatically sent to registered voters
- Witness requirement
- Absentee ballot return deadline
- Photo ID requirement
- Signature matching

Legal Challenges to Voting Rules

- A federal court in Wisconsin upheld restrictions on early voting and a requirement that residents must live in a district for 28 days to be eligible to vote there, as well as declaring unconstitutional emailing or faxing absentee ballots
- The Wisconsin Elections Commission agreed to send 2.7 million registered voters forms to request an absentee ballot for the presidential election
- Disastrous primary election during pandemic showed serious flaws with absentee ballot system

- Lawsuits challenging voter purges, signature matching, and absentee ballot return deadline, and seeking to require the state to send every voter an absentee ballot request form, hire more poll workers, and expand voter education (decision expected by end of August)
- A court ruled that a person who has moved to Wisconsin must establish residency at least 28 days before voting, up from 10 days previously, and the ruling also determined that ballots can only be sent by mail and early voting cannot begin more than 14 days prior to Election Day

COVID-19

- New cases are steadily increasing and reaching all-time highs, although deaths have remained fairly constant
- Retail stores, restaurants, bars, hair salons and barbershops, houses of worship, outdoor recreation, and gyms are all open