

The Use of Ballot Drop Boxes During COVID-19

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The absentee ballot drop box is an increasingly popular option for voters to submit completed mail ballots to election officials without using the mail. While some states have successfully used ballot drop boxes for years, the COVID-19 pandemic has expanded the practice throughout the country, particularly as election officials have expressed concern about the U.S. Postal Service’s capacity to reliably deliver absentee ballots on time. Although states like Tennessee still prohibit the use of ballot drop boxes, citing the risk of voter fraud without clear evidence, overall at least 35 states have used or plan on using ballot drop boxes this year, and their use in the upcoming election will likely be the largest of any election in American history.

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I. Introduction

During the 2016 general election, nearly [one in six voters](#) nationwide cast their ballot using drop boxes, and this figure will likely rise in 2020. Ballot drop boxes are secure, locked structures that allow voters in many states to cast completed absentee ballots without relying on the U.S. Postal Service (USPS) for delivery. According to the [Election Assistance Commission](#) (EAC), some voters prefer ballot drop boxes to mail delivery due to “concern[s] about meeting the postmark deadline and ensuring that their ballot is returned in time to be counted.” Many states, therefore, offer voters the option to drop off absentee ballots up until Election Day, typically through staffed, indoor drop-off locations and unstaffed, outdoor boxes that are locked, anchored, tamper-proof, and often monitored by [24-hour video surveillance](#).

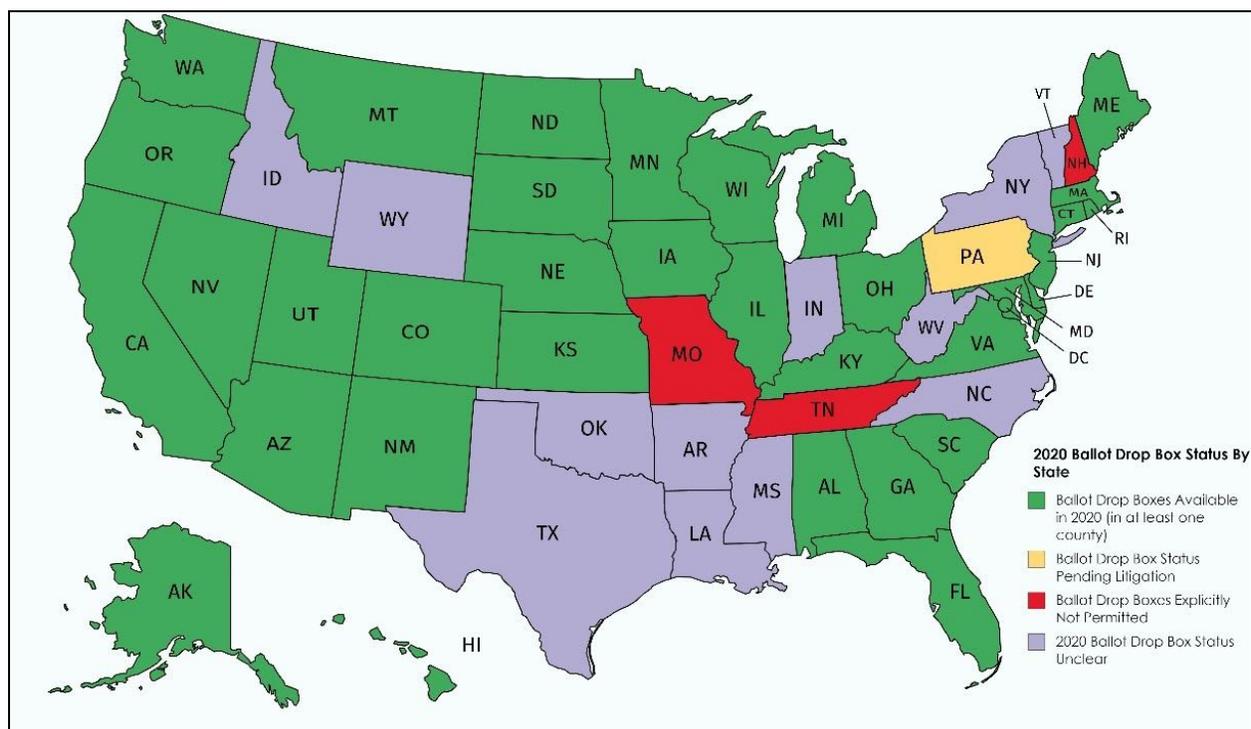
In some states, ballot drop boxes have been successfully implemented for years and serve as a popular option for many voters. In Colorado, for example, [nearly 75%](#) of all voters in the 2016 general election cast their ballot using a drop box. In Washington state, ballot drop box usage rates have also [increased over time](#), from 37.7% overall in the 2012 general election to 56.9% in 2016. In other states, however – especially those without a history of robust absentee voting – the use of ballot drop boxes is in its infancy or non-existent. Yet, due to COVID-19, an increasing number of states have ramped up their use of ballot drop boxes to give voters an additional option to vote without risking COVID-19 transmission in-person or potentially overwhelming the USPS with mail-in votes.

II. The Ballot Drop Box Landscape

A. Drop Box Usage by State

The National Conference of State Legislatures reports that only [eight states](#) explicitly permit or require ballot drop boxes by statute or regulatory guidance, including Arizona, California, Colorado, Hawaii, Montana, New Mexico, Oregon, and Washington state. In practice, however, many more states use ballot drop boxes regularly, either through statewide practice (without specific statutory language) or on a county-by-county basis. According to the Brookings Institution, “[d]rop-off boxes, mail, and in-person channels” to vote are available in at least [sixteen states](#) as of August 15, 2020, including Alabama, Alaska, Delaware, Florida, Georgia, Maryland, Michigan, Nebraska, Ohio, and Utah, as well as Washington, D.C.

Many more states do not offer ballot drop boxes statewide but have implemented the drop box model in one or more counties or cities, including [Illinois](#) (in Chicago), [Iowa](#) (in Cedar Rapids and Marion), [Kansas](#) (in Sedgwick county), [Maine](#) (in Bangor), [Minnesota](#) (through a drive-through ballot drop off in Minneapolis), [Nevada](#) (in Clark county), [Pennsylvania](#) (in Philadelphia and several counties, pending recent litigation), [South Carolina](#) (in Charleston county), [South Dakota](#) (in Lincoln county), [Virginia](#) (in Arlington), and [Wisconsin](#) (in Milwaukee county, Sheboygan County, and many cities). Many other states have recently implemented new ballot drop box systems since the start of the COVID-19 pandemic, including [Connecticut](#), [Kentucky](#), [New Jersey](#), [New Mexico](#), [North Dakota](#), and [Rhode Island](#).



Altogether, at least 35 states (and Washington, D.C.) have used or plan on using ballot drop boxes in one or more locations in 2020. And a few more states, including [New York](#), have pending legislation that may implement drop boxes before November’s general election.

By contrast, a few states have explicitly disallowed the use of ballot drop boxes in the upcoming elections. [Tennessee](#), for example, will not allow drop boxes due to concerns of fraud. Tennessee’s Secretary of State Tre Hargett cited the risk of individuals illegally dropping off ballots on behalf of other voters. “We believe it’s a great security measure to have someone returning their own ballot by the United States Postal Service,” he said. Similarly, [New Hampshire](#) will not allow voters to

leave a ballot at town or city hall drop off boxes after hours; either a stamp is required or the ballot must be directly hand-delivered to an election official. [Missouri](#)'s Secretary of State also chose not to distribute the 80 drop boxes the state had purchased because state law requires ballots to be returned by mail.

B. Ballot Drop Box Types

There are typically [three types](#) of ballot drop boxes that are used during early voting and up until Election Day.

1. **Indoor, Temporary Ballot Drop Boxes:** These boxes are staffed and monitored by election officials, available during regular business hours, and located in various buildings known to voters, such as county and city office buildings, other government facilities, early voting locations, and Election Day voting sites. Some states, such as [California](#), allow voters to bring their completed absentee ballot to a polling place on Election Day and drop it off at a designated drop box, often letting the voter bypass in-person voting lines and reducing overall wait times.
2. **Outdoor, Temporary Ballot Drop Boxes:** These drop-off sites are usually staffed drive-through locations that allow voters to quickly give officials their completed ballots “when demand for a ballot drop box is [at its peak](#), especially on Election Day.” These sites are also generally accessible to voters on bikes as well as walkers. [Minneapolis](#) created two such locations during Minnesota’s August primary in order to help keep voters socially distant and to ease in-person lines on Election Day.
3. **Outdoor, Permanent Ballot Drop Boxes:** These boxes are unstaffed, secure structures placed in high-visibility and high-demand areas, such as locations near public transportation, college campuses, and public buildings (including community centers and libraries). The EAC recommends that these boxes be placed in well-lit areas that are accessible to voters. In addition, unstaffed boxes should be durable (constructed from steel or other strong materials), permanently bolted into the ground, and built to be tamper-proof. These drop boxes are also sometimes used for multiple purposes, such as collecting taxes and public utilities as well as ballots during different times of year. In [Madison, Wisconsin](#), for example, the city successfully converted public library book return boxes into secure absentee ballot drop boxes after COVID-19 shut down the city’s libraries.

C. The Safety and Security of Ballot Drop Boxes

Ballot drop boxes generally weigh over [600 pounds](#) and are built to be more secure than the typical USPS mail box. For example, [an SUV in Washington state](#) crashed into one such box last year, but both the box and its contents survived. They are also typically [weather resistant and fire suppressant](#). The tamper-proof mechanisms vary by manufacturer, but they often include [special locks](#) to prevent opening, as well as tamper evident seals and one-way entrance slots. In addition, [the EAC](#) recommends that permanent ballot drop boxes be equipped with video monitoring technology or, if not feasible, be positioned close to nearby security camera or monitored by local law enforcement. As such, ballot drop boxes are extremely safe against misuse.



One ballot drop box protected its ballots even after an SUV plowed into it last year.
Credit: Thurston County, Wash., Auditor's Office

Given their utility and high demand, permanent ballot drop boxes typically cost about [\\$6,000 each](#) and, if custom-made, may need to be ordered four to six months before an election. Even after manufacturing, the deployment process itself can take up to [eight weeks](#) due to installation time and the acquisition of necessary security equipment. Manufacturers for these boxes include [Vote Armor](#), [Ballot Drops](#), and [Kingsley](#).

D. Drop Box Best Practices

[The EAC](#) recommends that election officials install one drop box for every 15,000 to 20,000 registered voters. Additional drop boxes should be added to areas with historically low rates of vote-by-mail usage, and counties should consider using demographic data and altering the placement formula based on different needs of urban and rural regions. When deciding where to place new ballot

drop boxes, officials can use the [U.S. Census Bureau Interactive Workforce Map](#) and other governmental data to best position drop boxes where voters live, work, and travel on a typical day.

Due to [concerns](#) about the integrity of the ballot delivery process from drop boxes to election officials, the EAC also recommends that bipartisan teams be positioned at every ballot drop box when polls close and that every state and county establish a “chain of custody” plan to ensure that the movement of all ballots is logged and can be tracked at all times. In [Connecticut](#), for instance, clerks empty drop boxes for delivery several times a day throughout the Early Election period, and in the days before Election Day, officials emptied boxes every hour in Hartford to avoid overflow and ensure a timely delivery of absentee ballots.

Several states with a history of vote-by-mail and ballot drop boxes provide additional best practices. Pierce County’s auditor in Washington state, for example, [recommended](#) in 2014 that counties open ballot drop boxes at the start of Early Voting, use daily pick-ups to track the frequency of use, and train election officials and political party observers on all relevant ballot drop box procedures. The auditor also advised election officials to use a “website, local voters’ pamphlet, and ballot inserts to inform voters of box locations,” noting that counties can also create an interactive online map with photographs, driving directions, and deadline reminders for all votes.

E. The Legality of Third Parties Delivering Ballots

During the COVID-19 pandemic, some voters – especially individuals at-risk for severe illness – may wish to designate someone else to deliver their ballot on their behalf. The legality of third parties delivering ballots into drop boxes varies widely by state, however.

- As of [March 2020](#), twenty-seven states allow absentee ballots to be returned by a designated agent, which can be a family member, care provider, or attorney;
- Nine states allow an absentee ballot to be returned by a voter’s family member;
- Thirteen states do not explicitly address this issue; and
- One state, Alabama, specifies that no one other than the absentee voter may return their own ballot.

A full list of state requirements can be found on the [NCSL website](#).

III. The Use of Drop Boxes in 2020

A. Changes Since the Start of COVID-19

During COVID-19, several state legislatures and governors have expanded the use of ballot drop boxes for November's general election.

- [Michigan](#) election officials recommended that voters use drop boxes instead of the Postal Service during its August primary due to mail delivery backlogs that risked invalidating late deliveries. The state now has [over 750](#) ballot drop box locations, most of which are 24/7, outdoor fixtures. As part of its expansion, Michigan used [\\$2 million](#) of its federal CARES Act funding “for cities to buy additional equipment to make obtaining and processing absentee ballots easier, such as ballot drop boxes, high-speed counting machines and automatic letter openers.”
- [Georgia](#) installed 144 absentee boxes through a statewide grant program, which allows counties to apply for \$3,000 to offset 75% of the cost of new ballot drop boxes. Georgia's Secretary of State Brad Raffensperger “encourage[s] every county to take advantage of the grant program and install a drop box ahead of the November elections.”
- [New Jersey](#) state officials announced that at least 105 more drop boxes would be added before November.
- [Connecticut](#) installed [around 200](#) drop boxes with CARES Act funding in time for the August 11, 2020 primary.
- [Kentucky](#)'s 2020 general election plan includes the use of ballot drop boxes for the first time, with locations to be decided by county clerks.
- [New Mexico](#) is launching a pilot program with ballot drop boxes for the general election.
- [North Dakota](#) allowed voters to return ballots via drop box during the June primary, but voters were required to contact their County Auditor for drop box locations.
- [Maryland](#)'s state elections administrator requested \$40,500 in additional funding from the state to purchase additional ballot drop boxes.
- [Rhode Island](#)'s Board of Elections authorized drop boxes for the June 2 primary in all 47 polling places and at the 39 Board of Canvassers in each city or town hall.
- [Louisiana](#)'s Secretary of State has taken steps to limit vote-by-mail options but nonetheless has proposed curbside drop-off options for absentee ballots.

In other states, the use of ballot drop boxes during the 2020 general election has been more controversial. In [Ohio](#), after a recent directive by [Secretary of State Frank LaRose](#), each county will only be permitted to have one ballot drop box. This limitation has raised ballot access concerns, particularly for voters without cars. For example, Delaware county's sole drop box is behind the county's board of elections building, 2.5 miles away from the city of Delaware and “nowhere within

walking distance of the city’s residents.” Mr. LaRose claims that he does not have the legal authority to expand drop-box locations without legislative action, but Ohio’s Democratic chairman [David Pepper](#) says that the Secretary of State has “spent the last month doing everything he could to stop drop boxes, delaying it for almost a month, and then unilaterally only saying one per county without a legal opinion.”



Delaware County’s only drop box, behind the board of elections building and next to several dumpsters.
Credit: Jo Ingles / Statehouse News Bureau

B. Recent Litigation

During the June 2 primary election in [Pennsylvania](#), the city of Philadelphia installed 11 ballot drop boxes around the city, and [around 20 counties](#) introduced drop boxes to ease the burden of a surge in mail voting. Since then, [the Trump reelection campaign sued](#) Pennsylvania in federal court, arguing that the use of ballot drop boxes during the primary was unconstitutional and asking the court to bar their use in the general election. The [complaint](#) alleges that “inadequately noticed and unmonitored ad hoc drop boxes” and “the lack of statewide standards governing the location of drop boxes” violates the equal protection clause of the Fourteenth Amendment. The suit also claims that drop boxes “have increased the potential for ballot fraud or tampering” and that the state’s mail-in voting system “provides fraudsters an easy opportunity to engage in ballot harvesting, manipulate or destroy ballots, manufacture duplicitous votes, and sow chaos.”

A federal judge [ordered](#) the Trump campaign to produce evidence of voting fraud occurring via drop boxes. After the Trump campaign “[failed to produce any evidence](#) of vote-by-mail fraud in Pennsylvania,” the judge [put the case on hold](#) pending resolution in Pennsylvania state court. President Trump has also recently [tweeted concerns](#) about ballot drop boxes, alleging that they “make it possible for a person to vote multiple times” and are a “big fraud,” but Twitter has since [placed a public interest notice](#) on the tweet for violating its civic integrity policy “for making misleading health claims that could potentially dissuade people from participation in voting.”

IV. Conclusion

Due to a combination of COVID-19 safety concerns, an increase in expected absentee voting generally, and more recent questions about the capability of USPS to deliver all absentee ballots in a timely manner, the use of ballot drop boxes during the 2020 general election will likely be larger than any election in American history. As states and counties prepare for an influx in absentee ballot requests and look for various avenues to reduce potential backlogs of incoming mail-in ballots, ballot drop boxes are a viable option for many voters. Still, states must also recognize the time it takes for manufacturers to produce and deliver these boxes, the importance of voter outreach and education about new drop box options, and the potential risk of future litigation.