Ballot Drop Boxes in 2024

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Contents

Introduction	2
The Ballot Drop Box Landscape	3
The Use of Drop Boxes Since 2020	3
Conclusion	6

Introduction

<u>Ballot drop boxes</u> are secure, locked structures that allow voters to cast completed absentee ballots without using the U.S. Postal Service (USPS) or having to return the ballot in person. Four years ago, access to ballot drop boxes expanded immensely, and over 40% of absentee or mail-in voters cast their ballot using ballot drop boxes.

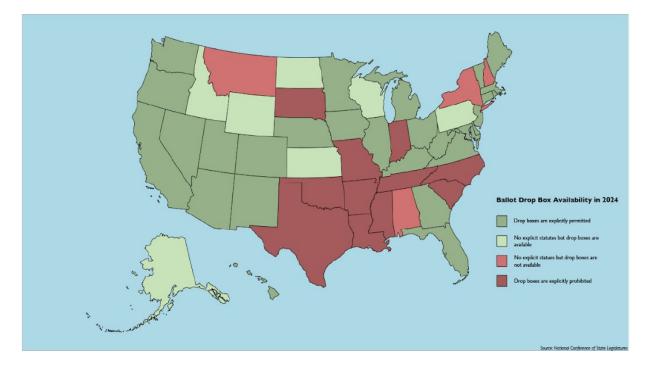
The 2020 election saw a massive wave of mail voting due to the circumstances introduced by the COVID-19 pandemic, with the use of ballot drop boxes being one means of casting those votes. Drop boxes may be supervised or unsupervised, with security features such as 24-hour camera surveillance. Some voters prefer to deliver their mail ballots because of a lack of trust in the postal process, concerns about meeting the postmark deadline, or because they can avoid traveling to an in-person voting location where they might also need to wait in line. Many states offer voters the option to drop off absentee ballots in drop boxes until Election Day and set minimum requirements for where they must be located, common security standards, and a minimum number of dropboxes for each region. The National Conference of State Legislatures <u>maintains a detailed table</u> with summaries of the laws pertaining to ballot drop boxes around the country.

Some states have successfully utilized ballot drop boxes for years, and they serve as a popular option for many voters. In Colorado, nearly <u>75% of voters</u> in the 2016 general election voted using a drop box. Washington State saw an <u>increase in ballot drop box</u> <u>usage rates</u> from 36.7% in the 2012 general election to 56.9% in 2016 and 73.1% in 2020. In 2020, many states increased and introduced ballot drop boxes to accommodate the pandemic by allowing voters to cast their ballots without entering polling sites and overwhelming the USPS with mail-in ballots. Since 2020, many states have continued to provide an increased number of ballot drop boxes to provide voters with an alternative method of casting their ballots. However, several states have prohibited or limited the availability of drop boxes, citing concerns over election security and the need to vote in person.

The Ballot Drop Box Landscape

According to the <u>National Conference of State Legislatures</u>, twenty-seven states and the District of Columbia explicitly permit drop boxes in statute. Additionally, while not explicit in statute, six states have some jurisdictions that use drop boxes: Alaska, Idaho, Kansas, North Dakota, Pennsylvania, and Wyoming.

Figure 1: A map of ballot drop box availability by state in 2024



The Use of Drop Boxes Since 2020

After the 2020 general election, several state governments changed their election administration laws regarding ballot drop boxes. Among these are:

+ <u>Florida</u> restricted ballot drop box locations in 2021 and requires election officials to supervise drop boxes in person during the hours for early voting.

- + <u>Georgia</u> requires all counties to have at least one box, but no more than one per 100,000 voters, and moved them from outdoor availability to inside early voting locations with specific daytime hours.
- + <u>Louisiana</u> effectively banned drop boxes as a method of voting.
- + <u>Maryland</u> requires local election boards to designate locations of ballot drop boxes and ensure their security.
- + <u>Michigan</u> requires state-funded absentee ballot drop boxes in <u>an amendment to</u> <u>the state constitution</u> passed through a ballot initiative.
- + <u>Delaware</u> codifies ballot drop boxes as a voting procedure.
- + <u>Missouri</u> explicitly prohibits the use of ballot drop boxes for the delivery of absentee

ballots.

- + <u>Nevada</u> requires city clerks to establish a ballot drop box at every polling place in their respective cities.
- + <u>North Carolina</u> bans drop boxes as a method of returning absentee ballots.
- + <u>Rhode Island</u> requires each town or city to have at least one accessible ballot drop box, with specific requirements including video surveillance.
- + <u>South Carolina</u> does not list ballot drop boxes as a method to return absentee ballots.
- + <u>South Dakota</u> does not allow election administrators, or any individual, to establish or place an absentee ballot drop box.
- + <u>Vermont</u> allows accessible drop boxes and outlines security measures and a city's maximum number of drop boxes.
- + <u>Virginia</u> requires the establishment of ballot drop-off locations.
- + <u>Wisconsin</u> has had multiple major recent changes in the status of ballot drop boxes. In 2022, the <u>Wisconsin Supreme Court ruled</u> that ballot drop boxes are illegal under state law. In July 2024, the <u>Wisconsin Supreme Court</u> overturned that ruling, so drop boxes can again be used to administer Wisconsin elections.

Restrictions on Ballot Drop Boxes

The use of ballot drop boxes has been limited by legislation or policy changes in several states. Wisconsin stands out as a state with particularly active developments in the usage and legal activity surrounding ballot drop boxes. From 2022 until mid-2024, ballot

drop boxes were almost entirely illegal in the state after the <u>state supreme court</u> ruled that Wisconsin state law does not allow for unstaffed ballot drop boxes and that voters need to physically return their own absentee ballots. This was the culmination of a legal battle that had begun in January 2022, when the Wisconsin Institute for Law and Liberty, a nonprofit conservative law firm, challenged the Wisconsin Elections Commission on their guidance on using ballot drop boxes. Before the decision, in 2021, there had been 570 ballot drop boxes across the state, according to the Wisconsin Election Commission, but the use of these drop boxes was banned due to the state Supreme Court's 2022 ruling. However, in July 2024, the Wisconsin Supreme Court, with a slightly altered composition widely interpreted as a <u>new liberal majority in the body</u>, revisited that ruling. They voted to hear the case in March 2024, after it was filed by the Democratic group Priorities USA. In July 2024, they reversed the 2022 decision, allowing drop boxes to be again <u>used</u> in Wisconsin elections.

Florida, too, has experienced some back-and-forth over ballot drop box rules and usage. In 2021, <u>SB90</u> placed restrictions on who can drop off a voter's ballot, which <u>reportedly</u> <u>were amendments</u> to legislation that would have banned drop boxes altogether in the state. The law as it was passed required the location of a drop box to be chosen at least 30 days before an election, and that open drop boxes be supervised by an election official.

The number and availability of ballot drop boxes were also reduced in Georgia after their use expanded in the 2020 election <u>as a public safety measure</u> during the early days of the COVID-19 pandemic. Ballot drop boxes were provided to voters in Georgia for the first time in the 2020 primaries. In 2021, <u>Senate Bill 202</u> reduced the number of drop boxes in use but did not eliminate them; it required that all 159 counties in Georgia have at least one box, but no more than one per 100,000 voters, with eight drop boxes allowed in Fulton County. Drop boxes were also removed from outdoor 24/7 access with video surveillance to inside polling locations, which have specific hours of operation. <u>NPR reported, based on original analysis</u> with WABE and Georgia Public Broadcasting, that over half of the 550,000 voters who cast their ballots using drop boxes in the 2020 general election lived in Cobb, Dekalb, Fulton, and Gwinnett Counties, where the new law decreased the number of drop boxes from 107 to 25.

Conclusion

In the 2020 general election, many states implemented ballot drop boxes to accommodate voters for the circumstances introduced by the COVID-19 pandemic. Many voters across party lines used ballot drop boxes to cast their ballots for various reasons, such as avoiding in-person lines, convenience, and a distrust of the USPS. After the 2020 election, many state legislatures codified the use of ballot drop boxes to return absentee ballots and established guidelines for local election officials to monitor and ensure their security. However, a handful of states chose to explicitly ban the use of ballot drop boxes or place substantial restrictions on their availability to voters. Restrictions on ballot drop boxes, which are justified by a goal to balance accessibility with security, include limiting the hours of availability and decreasing the number of boxes in certain counties and cities. The restrictions on ballot drop boxes have primarily been supported by Republican lawmakers who cite concerns over election integrity.