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## TCC POLICY BRIEFING

# MASS EARLY VOTING AND MAIL-IN VOTING ARE OBJECTIONABLE...

BY DR. STEVEN J. ALLEN

*But Republicans and conservatives must organize for it anyway*

Change the rules to a game, and you change the way the game is played.

Why did Republicans in 2022 do so poorly compared to expectations – expectations that were reasonable based on metrics such as the President’s approval rating? There were, as always, many factors influencing the outcome, including efforts by Mitch McConnell to weaken Republicans who weren’t his allies. Why were there so many weird aspects to the 2020 election, such as Donald Trump losing the election while winning 18 of 19 bellwethers (counties where the outcome almost always predicts the winner)?

There’s one factor that stands out as the best overall explanation – the massive shift to early voting and mail-in voting in 2020 and 2022 that gave a huge advantage to the Democratic Party.

Consider the effect of expanded early voting, of having Election Month instead of Election Day. Democrats have more voters who vote based on their group identity, who don’t need to hear both sides before voting. Republicans tend not to trust voting that occurs before Election Day. Advantage: Democrats. For example, in Pennsylvania, Senate candidate John Fetterman suffered a stroke in May that affected his ability to understand speech, but voters didn’t grasp the severity of his injury until he debated his opponent late in the campaign. By then, roughly 14 percent of his vote had been cast, compared to one percent of the vote for his opponent. Fetterman won by five points.

In Nevada, there was a rainstorm. Democrats had already banked most of their vote, Republicans hadn’t, and the reduction in Election Day turnout (estimated at one point for each inch of rain) cost Republicans a Senate seat.

The other big change, mass mail-in voting, was more momentous because it violates a core principle of modern democracy, the right of people to vote in private.

Before 1890, most Americans voted publicly. They used ballots prepared by political parties, with colors and markings that indicated which side each voter supported. Typically, they put their ballots in transparent containers. (On my business card is an 1867 image of a formerly enslaved man voting for the first time, and he’s putting his ballot in what appears to be a fishbowl.)

Because people voted in the open, they were subject to being intimidated by employers, political bosses, even KKK-types, or to being bought off. Alcohol was a frequent bribe, and elections were sometimes accompanied by drunken riots. Then states adopted the secret ballot system, in which people voted out of sight. No one could tell how individuals voted, so the

level of intimidation and bribery fell off. Turnout fell by 8-12 points, a good indicator of how many votes had been dishonest.

Today, the secret ballot is an internationally recognized right. The Universal Declaration of Human Rights, drafted by a United Nations committee headed by Eleanor Roosevelt, has been the liberal standard for almost 75 years, with elections “held by secret vote or by equivalent free voting procedures.” The Organization of American States and the Organization for Security and Cooperation in Europe likewise guarantee elections “by secret ballot.”

Mail-in voting is inconsistent with the secret ballot. Anyone seeking to intimidate you or bribe you can watch you vote to ensure your compliance with instructions. That’s why most democracies strictly limit mail-in voting or ban it. In this country, mail-in voting was traditionally available only for a stated reason such as being away for military service or business, or being homebound. Now it’s available in most places for no specified reason. In some jurisdictions, such as Washington, D.C. where I live, the authorities mail you your ballot without even asking.

Mail-in voting favors the side that’s organized enough to help people fill out their ballots. Where “vote harvesting” is legal or tolerated, it favors the side that can gather ballots and deliver them for counting.

I understand why Republicans don’t trust mail-in voting. I’ve been a political journalist for 50 years, and reporters in my generation considered the prevalence of mail-in votes to be the single best indicator of fraud in an election. The Commission on Federal Election Reform, co-chaired by former President Jimmy Carter and former Secretary of State James Baker, concluded in a 2005 report that “Absentee ballots remain the largest source of potential voter fraud.” That reflected the concerns expressed by the Century Foundation, the premier liberal think tank. The New York Times noted in 2012 that “votes cast by mail are less likely to be counted, more likely to be compromised and more likely to be contested than those cast in a voting booth.”

Conservatives are right to object on ethical grounds to early voting and mass mail-in voting. They are right to point out that mass mail-in voting invites fraud, and that it diminishes confidence in elections even when no fraud is committed.

But you can’t fix the problem unless you have political power, and you won’t have the power to fix it unless you win.

That means that conservatives must adapt to the new reality. They must build their own political machines. They must locate their voters well in advance, contact those voters early during campaigns, arrange for them to vote, help them vote. They must gather people together for group voting. They must engage in vote harvesting where it’s legal.

I believe the changes give about a three-point advantage to Democrats. Not much, right? But three points was enough to make a tremendous difference in 2020 and 2022. If three points had been added to the Democratic total in earlier elections, Republicans would not have won a presidential race since 1988.

Where Republicans and conservatives adapted to the new rules, they did well in 2022. For 2024 and beyond, they have no choice.

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