

Election 2020 After Action Report: Four Opportunities to Further Strengthen Tennessee's Election System

From the tornadoes that swept Middle Tennessee on the eve of the March presidential primary to the Covid-19 pandemic that upended daily life, state and local election officials in Tennessee faced multiple challenges as they prepared for and administered the 2020 elections. **Election officials rose to meet the moment**, managing record turnout and adapting to pandemic-related changes, all while maintaining the security of our state's elections.

Tennessee voters, too, overcame barriers around the 2020 elections -- so much so that they broke records. **Nearly 3.1 million voters** cast their ballots in the November election, **more than ever before**.⁽ⁱ⁾ And most voters voted in some way other than in person and on Election Day -- **67.4% of them used Early Voting** and **7.5% voted by mail**.⁽ⁱⁱ⁾ Typically, only about 2.4% of Tennessee voters cast absentee ballots during presidential election years, making 2020's absentee turnout an **increase of 212.5%**.

TENNESSEE VOTERS BY METHOD NOVEMBER 3, 2020 ELECTION

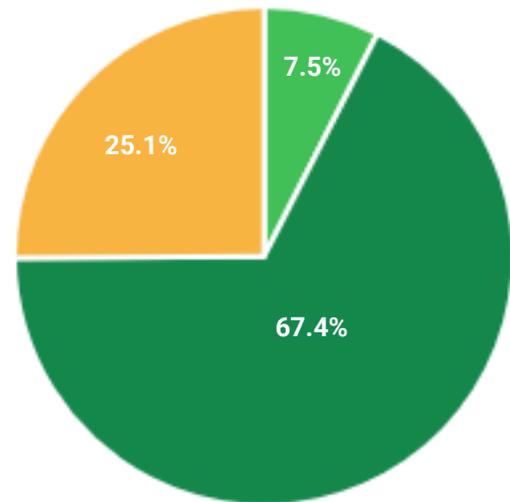


Tennessee voters widely embraced Early Vote and absentee voting during the 2020 Election.

Three-fourths of all ballots cast in the state (74.9%) were cast prior to Election Day.

Absentee by Mail	230,735
In Person on Election Day	771,024
Early Vote	2,072,932
Total Votes Cast	3,074,691

■ Early Vote
■ Absentee by Mail
■ In Person on Election Day



Source: Statistical Analysis of Voter Turnout for the November 3, 2020 Election as Submitted by the Counties

ThinkTennessee's Three-Part After Action Report on the 2020 Election

Strong turnout and the avoidance of major issues, such as the recounts seen in other states, offer only a high-level overview of an election's success, showing where things went well but excluding important data that could be used to help make Tennessee elections more secure, more cost-effective and more convenient for voters.

This **first-of-its-kind report** seeks to close that gap and build a base of evidence to support the continuous improvement of elections in Tennessee. The report addresses three questions:

Part I: How well did the administration of elections in Tennessee **work for voters?**

Part II: What **questions and challenges** did voters have when trying to cast their ballots?

Part III: What **policy changes** are needed to further strengthen our election system?

Methodology

To help answer these questions, we examined both publicly available information and two never-before-seen Tennessee datasets:

- Logs from **more than 800 Tennessee calls to 866-OUR-VOTE**, a national, nonpartisan hotline operated by the Lawyers' Committee for Civil Rights Under Law.
- A **statewide survey of Tennessee election administrators**, 15 of whom responded, conducted by ThinkTennessee from February 24 to March 5, 2021.

Recommendations

While our research confirmed that the system worked well for most voters, it revealed four opportunities for improvement.

Extend the voter-registration window and streamline the voter-restoration process.

Many callers reported challenges registering to vote, from missing the deadline to managing the voting-restoration process. Policy solutions like moving the voter-registration deadline closer to Election Day, implementing Same Day Registration and simplifying the restoration process for Tennesseans with prior felony convictions could ease administrative burdens for officials and help prevent would-be voters from missing their opportunity to cast a ballot.

Allow absentee ballots to be delivered to election officials in person.

Some callers reported questions about, and issues with, returning their absentee ballots. Tennesseans typically must return their absentee ballot by Election Day and via the mail.

In most states, however, voters may deliver absentee ballots directly to election offices or polling places, a convenience that gives them the certainty that their ballot has been received.

Provide financial support to allow all counties to purchase voting machines that produce a voter-verified paper audit trail.

A handful of callers reported their beliefs that voting machines initially selected a different candidate than they were attempting to select. Tennessee remains one of only six states where most voters do not have access to a paper ballot "backup."

Paper backups provide voters added confidence that their vote is being cast as intended and allow election officials to hand-count ballots in the event of a recount. The handful of states closely watched as election officials recounted ballots in 2020 were aided by having a physical, paper ballot to confirm vote counts -- including Georgia, which used machines with paper backups for the first time.

Focus voter-education efforts to ensure every voter has the information they need to successfully participate.

Most hotline callers sought information about the voter-registration process and where to find a polling place. Voting advocates focused on voter-registration efforts can help state and local election officials ensure that accurate information is shared so Tennessee voters are prepared for Election Day.

Part One:

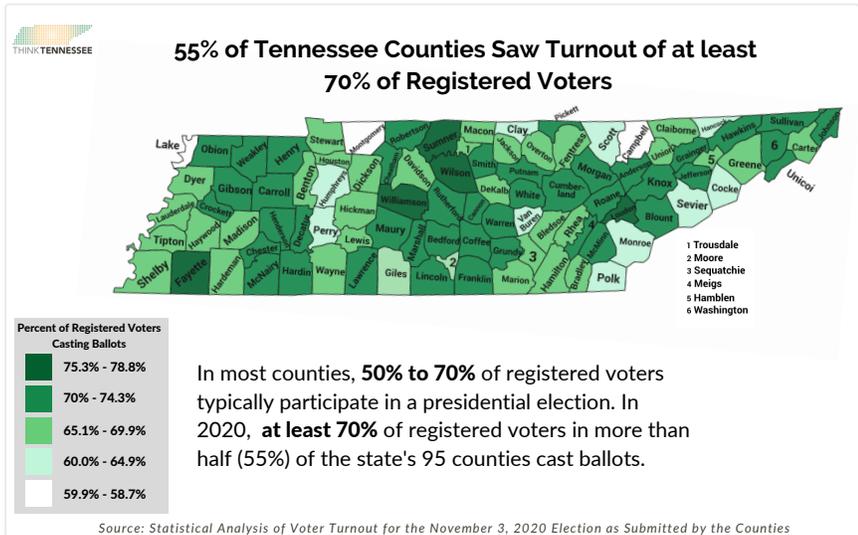
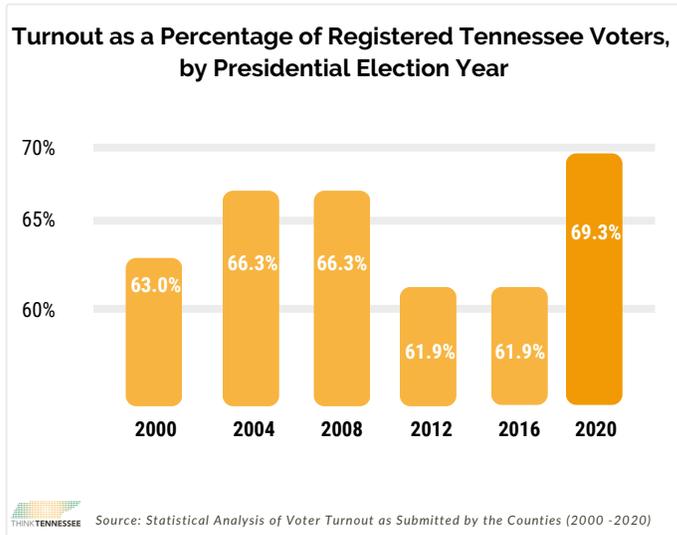
How Well Did the Administration of Elections In Tennessee Work for Voters?

For Tennesseans who were able to register in time to vote in the November 2020 election, our state's system of election administration **worked fairly well**. The Covid-19 pandemic impacted elections, but it did not keep voters from casting their ballots; they turned out in **record numbers**.

In contrast to national headlines about delayed or disputed election results, Tennessee counties largely reported their results on time and without contention. And election administrators expressed satisfaction that the election overall went smoothly.

The Pandemic Impacted Voters' Experience, But it Did Not Keep Them From Casting Their Ballots.

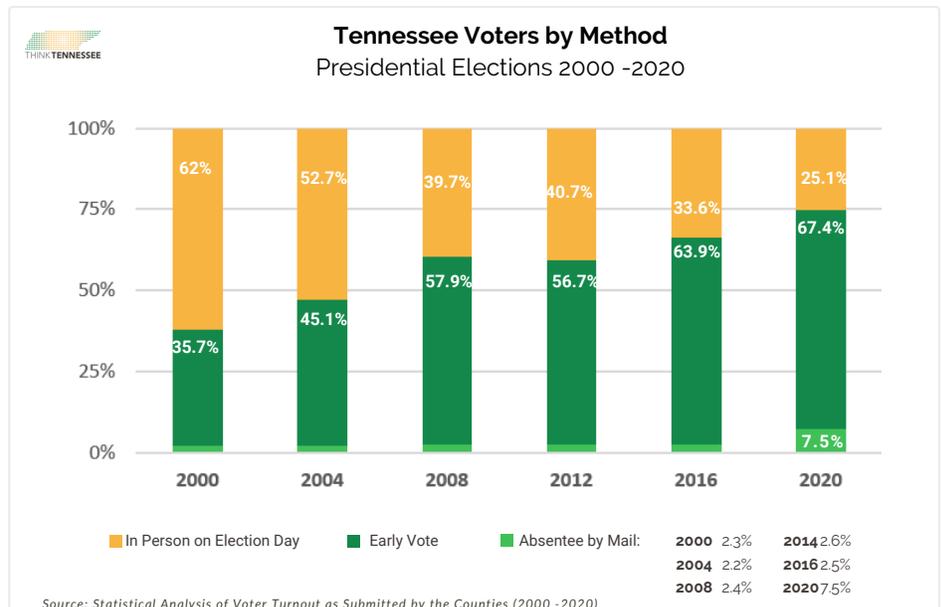
Thanks in part to temporarily expanded access to absentee voting, the Covid-19 pandemic did not keep voters from casting their ballots. More Tennesseans cast ballots in November 2020 than ever before, an increase seen across the state.



More voters cast their ballots early, either by absentee or during Early Voting.

In presidential elections from 2000 to 2016, an average of 2.4% of Tennessee voters cast absentee ballots. In November 2020, 7.5% of voters chose to vote absentee -- a **212.5% increase**.

And while more than half of Tennessee voters have been voting before Election Day since 2008 -- either via absentee or in-person Early Voting -- **three-quarters (74.9%)** of Tennesseans did so in 2020.



More voters were eligible to cast absentee ballots.

Higher absentee turnout among **already eligible** voting populations, like Tennesseans aged 60 or older, as well as turnout among voting populations that only became **temporarily eligible** to vote absentee during the pandemic due to a series of court rulings fueled the absentee increase in 2020.(iii)

- Voters with **underlying health conditions** that made them more susceptible to Covid-19, and their caretakers, were able to vote absentee in November using Tennessee's existing "illness" excuse.
- **First-time voters** who registered via a method other than in person, e.g., online or by mail, and were otherwise eligible could also newly vote absentee in November.(iv) Previously, the state required these voters to cast their ballots in person for their first election.

Permissible Excuses to Request an Absentee Ballot in Tennessee

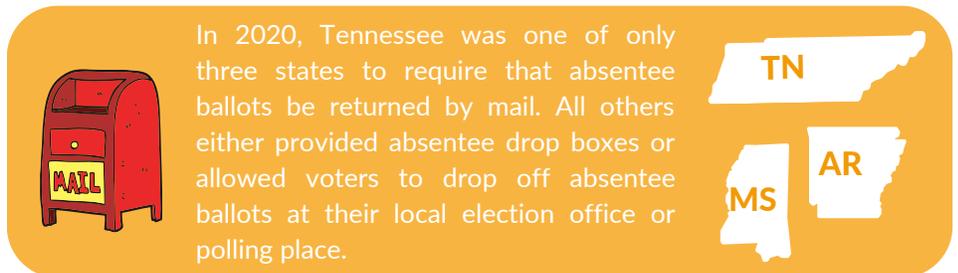
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| ✓ Out of town during Early Vote and on Election Day | ✓ Commercial driver (with credentials) who will be working outside of the county or state where they are registered |
| ✓ Resident of certain institutions (e.g., nursing homes) | ✓ Candidate for office on the ballot |
| ✓ Ill, hospitalized or have a disability, or their caretaker
<i>In 2020, this excuse was modified to include persons with underlying medical conditions that made them more susceptible to Covid-19, and their caretakers.</i> | ✓ Observing a religious holiday |
| ✓ Over 60 | ✓ Election official (e.g., poll worker) |
| | ✓ Juror on a federal or state court |

Source: Secretary of State Absentee by-Mail Ballot Information

Voters were allowed to bring completed absentee ballots to some post offices.

In response to nationwide concerns about the U.S. Postal Service's capacity to handle the increased demand for absentee ballots, the Tennessee Secretary of State's office dedicated a **post office in each county** as a drop-off location for voters still holding their absentee ballots close to Election Day.(v)

The decision allowed voters to bring a stamped absentee ballot to the dedicated post office, where it could then be delivered directly to election offices or picked up by election officials, reducing the chance of mailing delays.



Some in-person polling places were moved to allow social distancing.

To better facilitate lines that kept voters six feet apart and to limit the number of voters allowed in buildings at one time, some counties used new polling place locations.(vi) In 2020, the legislature granted county election commissions the ability -- with approval from the state coordinator of elections -- to change a polling place within 10 days of an election in the event of an emergency.(vii)

Counties recruited more, and younger, poll workers.

Traditionally, poll workers are over the age of 60, a group more susceptible to Covid-19.(viii) In 2020, state and local election officials recruited younger poll workers, aided by a new law passed earlier in the year that lowered the eligibility age from **17 to 16**.(ix)

To allow for ample poll-worker backup and increased capacity to count absentee ballots, Davidson County hired **nearly triple** its typical number of poll workers for November. (x) Around 17,000 poll workers -- **640 under 18, and 1,422 under 25** -- served statewide.(xi)

Results Were Reported on Time and Without Dispute.

With more voters around the country casting absentee ballots, voting advocates and election officials cautioned a potential delay in the reporting of vote counts. Yet, despite the record number of absentee ballots to count on Election Day, **all but two Tennessee counties** reported preliminary results before the end of election night.(xii)

Although disputes over election results made headlines around the country, the news from our own state was quiet. Coordinator of Elections Mark Goins testified before the Tennessee Senate State and Local Government Committee in February 2021 that **Tennessee did not experience the issues** that several other states reported after the election.(xiii)

Local Election Officials Reported That the Election Went Smoothly.

Tennessee election administrators expressed satisfaction that the election went smoothly and identified the increased demand for absentee voting as their main challenge.

Tennessee Election Officials Quoted in *The Tennessean* the Day After the Election(xiv)



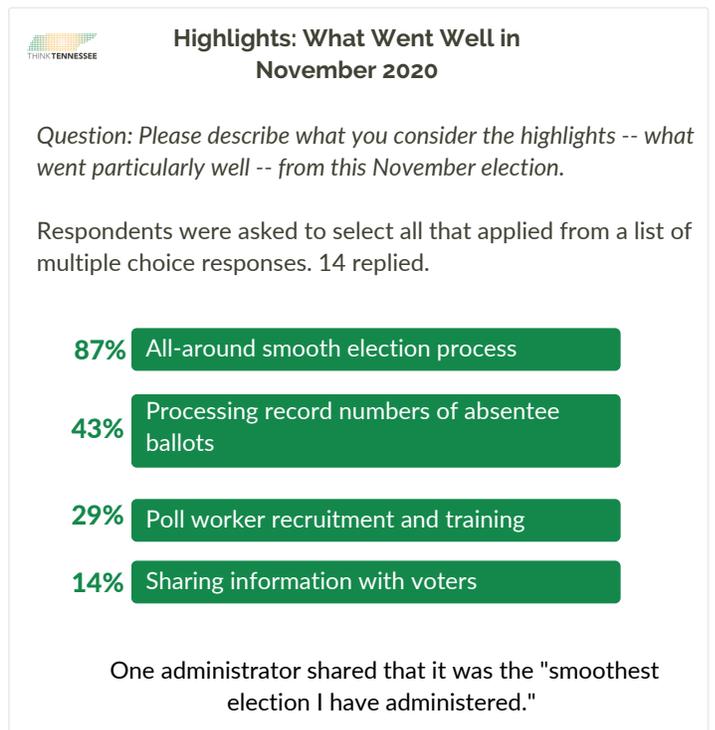
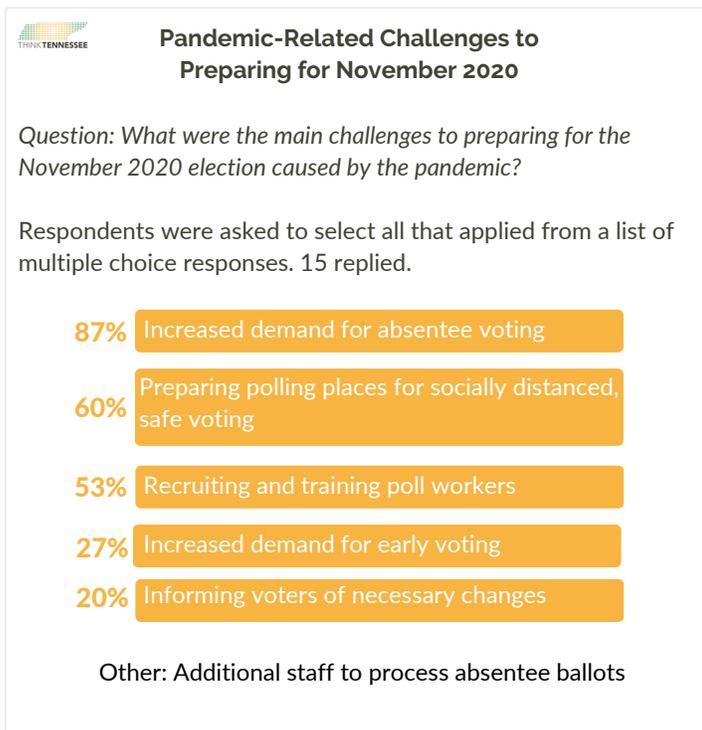
"There was a lot of expectation that there would be problems at voting precincts, those kinds of things. And they did not materialize. The voting public really worked with us.... [T]he process was smooth not only for the voter but also for our poll officials." **Davidson County Election Administrator Jeff Roberts**

"The administrator and the workers really pulled it together." **Democratic Shelby County Election Commissioner Bennie Smith**

"There were only a small number of issues we dealt with and we were able to get those resolved...I think it really helped that people voted early." **Republican Shelby County Election Commissioner Brent Taylor**

"When you combine all the ballots we had to process and the Covid-19 precautions and the turnout we had and the contentiousness of the election and having (roughly 40,000 voters) on Election Day...it just could not have gone any smoother." **Knox County Election Administrator Chris Davis**

Most of the 15 election administrators who responded to ThinkTennessee's survey reported that their pandemic-response measures **worked well**. They listed new polling locations, expanded Early Voting and the use of ballot-tracking services for absentee ballots as solutions that made a difference.



Part Two:

What Questions and Challenges Did Voters Have When Trying to Cast Their Ballots?

During the November 2020 election, voters around the country could call a **hotline (866-OUR-VOTE)** operated by the Lawyers' Committee on Civil Rights Under Law. Callers received access to information about the voting process and help overcoming obstacles to their participation.

The overwhelming majority of the more than **800 Tennessee calls** were **questions about voting procedures** like voter registration, absentee voting, the location of polling places and acceptable forms of voter ID. To a lesser extent, voters also called to **report encountering challenges** like not appearing on voter rolls, feeling intimidated by behavior inside and outside the polling place and faulty voting machines.

These reports, analyzed here for the first time, provide important insight into Tennesseans' voting experience.

Most callers reported questions about, and challenges with, voter registration.

More than **200** Tennessee calls to the hotline concerned voter registration. Of these, the majority of callers sought to determine whether they were registered. The remainder had questions about the voter-registration process or believed they were registered but did not appear on voter rolls.

- ☎ 123 calls inquiring about voter registration were from would-be voters who **missed the voter-registration deadline**, which in Tennessee is 30 days prior to Election Day.
- ☎ 48 calls dealt with questions about **county-to-county moves**. Many voters did not realize that voters who move to a new county within Tennessee must re-register to vote.
- ☎ 46 calls were from would-be voters who thought they were registered but **did not appear on voter rolls**, including 15 who believed they had successfully registered online, by mail or while getting a Tennessee driver license. 19 would-be voters showed up at a polling place and were either turned away or voted using a provisional ballot.
- ☎ **25 calls** concerned voter registration for Tennesseans with **prior felony convictions**. Most were questions about eligibility and the procedure for regaining voting rights. More than half of these callers wanted to vote in the 2020 election but had not completed Tennessee's complex restoration process.

Voting Rights Restoration

Tennessee is one of **11 states** that require those with felony convictions to complete a **series of steps** beyond serving their sentence in order to have their rights restored. Eligibility for restoration **varies** based on the crime and year of conviction. For example, if two people committed the same crime in different years, one may lose her rights while the other may not.(xv)

Returning citizens with convictions that qualify for restoration who have completed their sentences, including parole and probation, must be able to demonstrate that they have **paid all outstanding legal financial obligations**, including court fees and restitution, to have their voting rights restored. Tennessee is the **only state** that also requires them to demonstrate that they are current on all child-support obligations.(xvi)

Some callers reported questions about, and issues with, receiving or returning their absentee ballots.

Most calls about absentee voting related to questions about the process and concerns about **not receiving** a requested ballot or about whether a voted ballot had been **received by election officials**. The remainder of calls were from voters concerned with returning an absentee ballot on time, some of whom changed their minds and decided to vote in person.

- 📞 27 calls related to questions about how to **vote absentee** or whether a voter was eligible to vote absentee.
- 📞 In 32 calls, voters **had not received** a requested absentee ballot or were worried about whether their ballot would arrive in time to be counted.
- 📞 11 calls inquired about voting absentee but had **missed the deadline** to request a ballot.
- 📞 14 calls came from voters checking on the **status** of their submitted absentee ballot.

A small number of callers reported attempting to vote in person but initially being incorrectly told they could not because they had requested an absentee ballot. Tennessee voters who request an absentee ballot but decide to instead vote in person may vote a provisional ballot.(xvii) The provisional ballot will count if records show that the absentee ballot has not also been received.

Concerns from a First-Time Voter

Because of the pandemic, Tennessee changed its policy on first-time voters voting absentee in the November election.(xviii)

Previously, a Tennessean who registered to vote using a method other than in-person was required to appear at a polling place to vote to confirm their identity with election officials. The state **stopped enforcing this restriction**, however, following a September federal court ruling. It allowed some first-time voters to submit photo identification along with an absentee ballot.(xix)

This change appears to have **caused some confusion**. A first-time voter reported they were initially told that their absentee ballot would be rejected because they did not also submit photo identification. But their ballot was ultimately counted after state election officials clarified that photo identification was not necessary for voters who registered online.(xx)

Many callers had questions about Voter ID.

The majority of the 70 calls about Voter ID were about acceptable forms of ID, with many questioning whether they also needed to have their voter-registration card. Additional questions related to whether expired and out-of-state licenses were accepted.

Voter ID

In Tennessee, voters must only present current or expired photo IDs; they do not need to present a voter-registration card.

IDs must be issued by **the state**, e.g., a Tennessee driver license, a photo ID issued by the Department of Safety and Homeland Security or a Tennessee handgun carry permit, or by the **federal government**, e.g., a U.S. passport or military photo ID. **Out-of-state driver licenses and Tennessee college student IDs are not accepted**.(xxi)

Hundreds of callers had questions about polling places, and some reported challenges.

- 125 calls sought **information about polling places**. The overwhelming majority were questions about locations and hours, with a small handful attempting to vote at Early Voting locations after the Early Voting period had ended.

Early Voting

Tennessee counties may run Early Voting periods from 20 to 5 days before Election Day. (xxii)

During the Early Voting period, voters may cast their ballot at any polling place in their county. Voters on Election Day must cast their ballots at the specific polling place assigned based on their address.

Counties operating Convenience Vote Centers (Rutherford, Monroe, Williamson and Wilson) are the exception, with Election Day polling places operating like those during the Early Voting period.

- Poll Workers:** 21 calls reported **perceived intimidation** by poll workers not providing enough privacy, commenting on voters' selections or providing questionable information.
- Polling Place Delays:** 11 calls reported **concerns** about a polling place, including a delay in opening or temporary machine malfunctions.
- Voting Machines:** 8 calls reported **issues with voting machines**, with five reports that machines initially selected the wrong candidate.
- Electioneering:** 14 calls reported voters in line with **campaign-related** clothing and face masks.
- Voter Confusion:** 12 calls reported confusion or anger about messages received from **third-party** Get Out the Vote organizations. Some callers who had already voted were worried the reminders to vote indicated that their vote had not been counted.
- Voter Intimidation:** 13 calls reported that voters waiting in line **felt intimidated** by individuals expressing support for a party or candidate. The majority of these calls reported individuals outside of the 100-foot perimeter around polling places, where campaign activities are legal.

Part Three:

What Policy Changes Are Needed to Further Strengthen Tennessee's Election System?

Tennessee's election system proved in 2020 that **it can withstand** record-breaking turnout during a global pandemic. Our research confirmed that the system worked well for voters who were able to register to vote in time for the November 2020 election. It also revealed **four opportunities** to further strengthen voting policies and practices to prepare for future challenges:

- 1 **Extend the voter-registration window and streamline the voter-restoration process.**
- 2 **Allow absentee ballots to be delivered to election officials in person.**
- 3 **Provide financial support to allow all counties to purchase voting machines with a voter-verified paper audit trail.**
- 4 **Focus voter-education efforts on ensuring voters have the information they need to successfully participate.**

Recommendation One: Extend the voter-registration window and streamline the voter-restoration process.

With so many calls to the hotline seeking information about how to register or to report that registration was incomplete despite a voter believing he or she had successfully registered, the evidence supports the idea that even **minor changes** could have a **large impact** on voter turnout and engagement.

» **Extend the Voter-Registration Window**

Tennessee requires voters to be registered at least **30 days** before Election Day, the **longest period permissible** under federal law.(xxiii) Moving the voter-registration deadline closer to Election Day or eliminating it altogether increases the window of opportunity for Tennesseans to register to vote.

- Voters in **36 states** (including DC) have a longer registration window than in Tennessee, with the deadline closer to, or on, Election Day.(xxiv)
- Voters in **21 states** (including DC) can register to vote and cast a ballot at the same time.(xxv) These states have found a way to securely verify and quickly process same day voter applications.

» **Voting Restoration**

The process to restore voting rights after completing sentences for certain felony convictions in Tennessee is **among the most complicated in the nation**. For now, voting advocates can help these individuals maneuver the process so those who are eligible can get registered in time to cast their ballots in the next election.

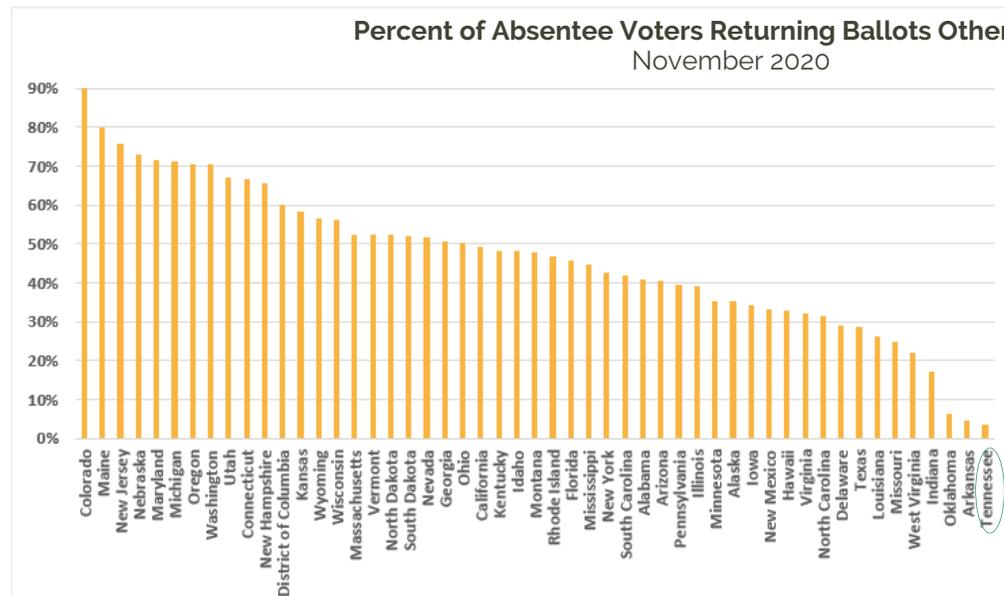
Broader, long-term fixes will require changes in Tennessee practices and law.

- **Streamline the Restoration Process.** Without uniform guidance about how to fulfill requirements or how legal financial obligation debts and payments are tracked, the current, multi-step process can be a challenge for individuals to complete. The process should be **streamlined and standardized** to reduce redundancies and ensure eligible Tennesseans are able to navigate it.
- **Decouple Child Support Requirements from Voting Restoration.** Until last year, Tennesseans could not request a modification of a child support order while incarcerated, leaving debts averaging **\$26,266 per person** to accrue. (xxvi) Today, Tennessee's returning citizens face the **unique burden** of being required to pay off that debt, which could take years beyond sentence completion, before regaining their voting rights.

Recommendation Two: Allow absentee ballots to be delivered to election officials in person.

While future elections may not see absentee voting levels as high as 2020, states will likely continue to **see an increase** over pre-pandemic levels.(xxvii)

All but three states allowed absentee voters to deliver ballots directly to election offices or polling places, a convenience that gives voters the certainty that their ballot has been received.(xxviii)



A 2020 survey of 18,200 registered voters in all states revealed that the overwhelming majority of absentee voters returned ballots in person rather than by mail.(xxix) Because Tennessee largely **does not allow** voters to return absentee ballots in person, our state's voters were the least likely in the nation to do so.

Source: 2020 Survey of the Performance of American Elections

Removing the requirement to return absentee ballots "by mail" would allow Tennesseans to choose to return their ballot in person, to the county election office or their polling place. Election officials could safely store these ballots in the same place they store absentee ballots delivered by the postal service; it would not require additional investment or separate absentee "drop boxes."

Recommendation Three: Provide financial support to allow all counties to purchase voting machines with a voter-verified paper audit trail.

Tennessee remains one of **just six states** still primarily using electronic voting machines that **do not provide a voter-verified paper audit trail**.(xxx) Paper trails are widely viewed as a security best practice and a method for giving voters confidence that their ballots have been cast as intended.(xxxi)

More Tennessee counties have moved in this direction between the 2016 and 2020 elections -- **from 7 to 28**.(xxxii) But the cost can be prohibitive for the remaining counties. Policymakers, both state and local, should prioritize funding this election security enhancement for all Tennesseans.

Recommendation Four: Focus voter-education efforts on ensuring voters have the information they need to successfully participate.

A majority of calls to the election hotline requested information on the voting process -- from whether they were registered to where and how they could cast their ballots. State and local election officials and advocates working on voter-registration efforts could help enhance voter awareness and preparedness by enhancing voter-education efforts.

Education efforts should particularly emphasize **voter-registration requirements and deadlines** -- including the need to re-register when moving from **county to county**. Existing resources like the state's **GoVoteTN website** and **online app** can be shared, and groups can partner with local election officials to share accurate and localized information.(xxxiii)

Notes and References

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- (xxv) National Conference of State Legislatures. (May 7, 2021). Same Day Voter Registration. See <https://www.ncsl.org/research/elections-and-campaigns/same-day-registration.aspx>.
- (xxvi) Tennessee Department of Human Services. (May 11, 2020). Tennessee Revises Child Support Guidelines to Better Serve Families. See <https://www.tn.gov/humanservices/news/2020/5/11/tennessee-revises-child-support-guidelines-to-better-serve-families.html#:~:text=Tennessee%20Revises%20Child%20Support%20Guidelines%20to%20Better%20Serve%20Families,-Revised%20rules%20recognize&text=Granting%20noncustodial%20parents%20the%20right,than%20180%20days%20of%20incarceration>. Personal communication from Tennessee Department of Human Services.
- (xxvii) Vasilogambros, Matt. (December 3, 2020). Lawmakers Push to Preserve Pandemic Voting Access. See <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2020/12/03/lawmakers-push-to-preserve-pandemic-voting-access>.
- (xxviii) In 2020, all but three states -- Tennessee, Arkansas, and Mississippi -- allowed voters to return absentee ballots in person. Missouri and Kentucky appear to have made Covid-19 exceptions. Both states typically also require voters to return absentee ballots by mail.
- (xxix) Stewart, Charles. (2021). 2020 Survey of the Performance of American Elections. Harvard Dataverse, V1, UNF:6:70KW4uouuTDT860MiPj3A==[fileUNF]. See <https://dataverse.harvard.edu/dataset.xhtml?persistentId=doi:10.7910/DVN/FSGX7Z>.
- (xxx) Verified Voting. The Verifier -- Polling Place Equipment -- November 2020. See <https://verifiedvoting.org/verifier/#mode/navigate/map/ppEquip/mapType/normal/year/2020>.
- (xxxi) Barrie, Jennifer, and David Lewis. 2018. Tennessee's Election Security: A Staff Update. Tennessee Advisory Commission on Intergovernmental Relations. See https://www.tn.gov/content/dam/tn/tacir/2018-publications/2018_Elections.pdf. U.S. Senate Select Committee on Intelligence. (July 25, 2019). Senate Intel Releases Election Security Findings in First Volume of Bipartisan Russia Report. See <https://www.intelligence.senate.gov/press/senate-intel-releases-election-security-findings-first-volume-bipartisan-russia-report>.
- (xxxii) Comment by Chairman of the Tennessee House of Representatives' Elections and Campaign Finance Subcommittee, Tim Rudd. (April 14, 2021). See https://tnga.granicus.com/MediaPlayer.php?view_id=659&clip_id=24645.

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