



## Republicans reconsider ballot harvesting and early voting amid midterm losses

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After Democrats defied historical trends and political expectations in the midterm elections, some Republicans are reconsidering their party's resistance to ballot harvesting, voting by mail, and extensive early voting periods.

The GOP has fought in several states to roll back changes to election law that became widespread during the pandemic, such as unlimited voting by mail and the proliferation of ballot drop boxes. Republicans have rejected ballot harvesting in particular as a threat to election integrity.

Ballot harvesting refers to a practice in which a third party collects ballots from voters in bulk and delivers them to a drop box or polling location.

Proponents of the practice say it increases election access for people who may struggle to submit their ballots themselves, such as elderly patients in nursing homes.

Opponents have argued it opens the door to abuses large and small, from the submission of potentially fraudulent ballots to the subtle forms of social pressure that might arise from having a friend or community leader oversee the completion of multiple ballots.

Thirty-one states specifically allow a person other than the voter who filled out the ballot to return it, according to the National Conference of State Legislatures.

While a number of those states place limits on who can do the returning — restricting it to family members of a voter, for example — and how many ballots a person can return on behalf of others, 16 states allow virtually anyone to return a ballot for someone else, and only nine states cap the number of ballots a third party can return.

Alabama is the only state in the nation that requires a voter to drop off his or her own ballot.

“I think this is one reason why ballot harvesting and its equivalents have been held as suspect for a long time and have been made illegal under many state laws — is that it took a long struggle to get to the idea of the secret ballot, a very individualist kind of approach,” Walter Olson, senior fellow at the Cato Institute's Robert A. Levy Center for Constitutional Studies, told the *Washington Examiner*.

Olson said laws that allow a political operative to comb union meetings or apartment halls for ballots can risk taking away the sense of privacy that permits voters to feel they can make choices freely.

“You’ve still got, first, potential pressure to make it into a social process,” Olson said. “So, all of this takes us away from a conception of voting that we struggled long and hard to get, which is that it is a profoundly individual decision where you don’t have to feel accountable to your nearest and dearest, let alone a political boss.”

“We want to insulate people from feeling that kind of pressure,” he added.

But a number of prominent Republicans, even ones closely allied with former President Donald Trump, have called for a greater focus on the tactical aspect of elections.

“The No. 1 reason for that is Democrat mastery of mail-in balloting, vote harvesting, and the machinery of the early vote in these states where they’re voting for weeks if not months before the election,” Stephen Miller, a former top aide to Trump, said this week of the GOP’s underwhelming midterm performance.

Larry Kudlow, former National Economic Council director under Trump, argued this week that Trump should rally Georgia voters to take advantage of early voting, something Trump has explicitly rejected in the past, for the state’s Senate runoff race.

“I think he ought to tell people to start their mail-in ballots immediately,” Kudlow said. “Don’t stop! Republicans have to learn how to play this game too.”

Some states are far more permissive about ballot harvesting than others, which would force Republicans to adopt a patchwork approach if the party does indeed shift toward taking the practice more seriously.

For example, California lawmakers removed virtually all barriers to ballot harvesting in 2016, and both parties have adjusted over the election cycles since in ways that could provide lessons to the rest of the country.

House Republicans wrote in a report about ballot harvesting in California that the removal of any limits on who could submit ballots in the state paved the way for Republican losses in 2018.

“This also gave rise to paid political operatives, known as ‘ballot brokers,’ recruiting and pressuring voters to vote by mail,” the House Administration Committee Republicans wrote in the report.

“These ballot brokers identify specific locations, such as large apartment complexes or nursing homes, where voters have traditionally voted for their party and build relationships with the residents,” the report said. “Operatives encourage, and even assist, these unsuspecting voters in requesting a mail-in ballot; weeks later when the ballot arrives in the mail the same ballot brokers are there to assist the voter in filling out and delivering their ballot.”

But Democrats similarly complained about Republican tactics under the law in 2020.

Republicans set up unofficial drop boxes at GOP-friendly places, including shooting ranges and churches, where the party collected ballots in bulk before bringing them to official drop-off locations.

While Republicans lost seven California congressional seats in 2018, they performed far better in 2020 and 2022; some analysts have attributed that shift to the GOP's ability to develop a ballot-harvesting strategy.

The expansion of early voting has provided obstacles to Republicans over the past two cycles as well.

Democrats cast more early votes than Republicans in recent elections, while Republican voters have tended to vote more heavily on Election Day.

“For more than two decades, Republicans in Arizona used early voting with precision — always outperforming Democrats in the early vote totals,” Sean Noble, a Republican strategist, told the *Washington Examiner*. “Donald Trump’s ridiculous claims of not trusting mail-in ballots put Republicans at a disadvantage in 2020 and 2022.”

“There is no question that Republicans must go back to dominating early voting if they are to stand a chance in 2024 and beyond,” Noble added. “Smart candidates will work to get votes from whatever means are available.”