

## **Literature Review of No-Excuse Absentee Voting and Vote-by-Mail Reforms**

### **Background**

Voting reforms have been sweeping the nation for much of the twentieth and early twenty-first century in an effort to protect democracy, ensure equality, and increase voter participation. The enactment of federal laws, such as the Nineteenth Amendment (women's suffrage), the Voting Rights Act of 1965 (outlawing discriminatory voting and registration laws), Twenty-sixth Amendment (lowering voting age to 18), National Voter Registration Act (motor voter), and Help America Vote Act (HAVA) have profoundly expanded voter participation. State and local governments have also enacted reforms to expand participation including early in-person voting (EIPV), vote-by-mail (VBM), no excuse absentee voting (NEAV) and permanent absentee voting (PAV). (Table 1. defines early voting reforms).

**Table 1.**

Type of Reform	Abbreviation	Definition
Early In-Person Voting	EIPV	Voters may cast a ballot in-person prior to Election Day at designated early voting locations.
Vote-By-Mail	VBM	Voters receive ballot a few weeks prior to Election Day. Voters may mail or drop off ballot at local polling place. Election officials may designate particular districts all VBM districts.
No Excuse Absentee Voting	NEAV	Voters do not need an excuse or reason to vote absentee.
Permanent Absentee Voting	PAV	Voters may request to permanent absentee voter status without an excuse or reason.

Anthony Downs' seminal work "*The Economic Theory of Political Action in a Democracy*" developed a model of voter participation that found the costs of participation and the minute possibility of impacting electoral outcomes resulted in lower levels of participation for rational voters.<sup>1</sup>

The expectation is that participation will increase in states that allow NEAV because it reduces the opportunity cost of voting. According to a 2004 survey by the John F. Kennedy School of Government, 20 percent of nonvoters said they were interested in

<sup>1</sup> Downs, Anthony, "An Economic Theory of Political Action in a Democracy," *The Journal of Political Economy*, Vol. 65, No. 2 (Apr., 1957), pp. 135-150.

voting, but did not have transportation to go to the polls on Election Day and another six percent were deterred from voting by the long lines at their polling place.<sup>2</sup> In 2008, a Common Cause report estimated that if voting was made "easier" by using VBM and NEAV almost 39 percent of all non-voters would have voted in the 2004 election.<sup>3</sup>

NEAV provides many conveniences to voters. NEAV allow voters to cast their ballot at a time and a place that is most convenient for them, avoid driving during inclement weather or long distances to their polling place and avoid waiting in lines at their polling place to cast their ballot. Today twenty-seven states and the District of Columbia allow NEAV. (Table 2 provides a listing of NEAV states.)

**Table 2.**

<b>No-Excuse Absentee Voting States</b>		
Alaska	Iowa	North Carolina
Arizona	Kansas	North Dakota
California	Maine	Ohio
Colorado	Maryland	Oklahoma
District of Columbia	Montana	South Dakota
Florida	Nebraska	Utah
Georgia	Nevada	Vermont
Hawaii	New Jersey	Wisconsin
Idaho	New Mexico	Wyoming
Illinois		

**Source:** Data provided by National Conference of State Legislatures, July 2011  
<http://www.ncsl.org/legislatures-elections/elections/absentee-and-early-voting.aspx>

As these new voting options become more available, NEAV has become increasingly popular with voters. Prior to 1978, California voters could only cast their ballot absentee if they were disabled, ill or unable to get to their polling place on Election Day. In 1978,

<sup>2</sup> "First Time Voters Propelled by Personal Contact: Non-Voters Discouraged by Election Procedures," Vanishing Voter press release, November 11, 2004.

<sup>3</sup> Common Cause, "Getting it Straight for 2008, What We Know About Vote By Mail Elections and How to Conduct them Well." Election Reform Brief, January 2008.

California adopted a NEAV reform. In that year, about 4.4 percent of ballots were cast absentee in California.<sup>4</sup> By 2010, about 48 percent of the ballots cast in California were by absentee.<sup>5</sup>

However, NEAV and VBM systems also come at a price. NEAV and VBM methods do not provide voters with the social reward or social accountability of voting at the polling place.<sup>6</sup> Voters don't go to the regular polling place, see neighbors or the poll worker while voting or receive an "I voted" sticker.<sup>7</sup> In addition, a study of California elections between 1990 and 2010 found a significant increase in lost votes occurred due to over- or under-votes<sup>8</sup> cast by those who voted-by-mail.<sup>9</sup> Still others are concerned that casting a ballot prior to Election Day may increase the possibility of voter fraud<sup>10</sup>, coercion<sup>11</sup>, or voters casting a ballot prior to late-breaking election information.<sup>12</sup>

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<sup>4</sup> Alvarez, R. Michael, Thad Hall and Betsy Sinclair, "Whose Absentee Ballots are Counted: The Variety and Use of Absentee Ballots in California," 2005.

<sup>5</sup> Alvarez, R. Michael, Charles Stewart III, Dustin Beckett, "Voting Technology, Vote-by-Mail, and Residual Votes in California, 1990-2010," 2011.

<sup>6</sup> Green, Donald P., Alan S. Gerber, and David W. Nickerson, *Getting Out the Vote in Local Elections: Results from Six Door to Door Canvassing Experiments*, Journal of Politics 65, 2003.

<sup>7</sup> Arceneaux, Kevin, Thad Kousser and Megan Mullin, *Get Out The Vote by Mail? A Randomized Field Experiment Testing the Effect of Mobilization in Traditional and Vote by Mail Precincts*. Prepared for presentation at the Annual Meeting of the American Political Science Association, Toronto, Canada, September 16, 2009.

<sup>8</sup> Over or under-votes, also referred to as "residual votes." An under vote occurs when a voter fails to mark the ballot for a particular race. An over-vote occurs when a voter marks more than one candidate for a single race.

<sup>9</sup> Alvarez, R. Michael, Charles Stewart III, Dustin Beckett, "Voting Technology, Vote-by-Mail, and Residual Votes in California, 1990-2010," 2011.

<sup>10</sup> "Judges have nullified results because of fraud in absentee ballots, for example, in the Miami mayoral race of 1997 and in some local elections in the past decade in South Carolina." Ornstein, Norman J., "The Dangers of Voting Outside the Booth," New York Times, August 3, 2001.

<sup>11</sup> Ornstein, Norman J., "The Dangers of Voting Outside the Booth," New York Times, August 3, 2001.

<sup>12</sup> Gronke, Paul, *Early Voting Reforms and American Elections*, Paper presented at the Annual Meeting of the American Political Science Association, Chicago IL, September 2-5, 2004.

The research on absentee voting and vote by mail attempts to answer these questions:

- What is the impact of voting No Excuse Absentee Ballot on participation?
- Who votes by No Excuse Absentee Ballot?
- Which absentee ballots are counted?
- How does the No Excuse Absentee Ballot reforms impact the political parties?

### **What is the impact of VBM and NEAV on the participation?**

Do the VBM and NEAV reforms increase participation? The evidence on participation has been decidedly mixed. While some studies indicate that the reforms have a significant positive impact on participation, others found the impact to be negligible. Still others found that the reforms had no impact at all on highly salient federal elections, but did increase turnout during lower profile local special elections.

Magleby's groundbreaking 1987 study of California, Oregon and Washington local elections found that VBM reforms increased participation by 19 percent.<sup>13</sup> Several later studies also found participation increased with VBM reforms, but at a lower percentage level. Southwell and Burchett studied 48 statewide elections between 1960 and 1996 in Oregon to determine the impact of all-mail elections on voter participation. They found that voter turnout increased by ten percent in all-mail elections, after controlling for electoral contextual variables.<sup>14</sup> Gronke, Galanes-Rosenbaum and Miller's 2003 study of all early voting methods found that only NEAV had a positive impact on participation. Their research found that after NEAV reforms are instituted, many voters quickly take

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<sup>13</sup> Magleby, David B., *Participation in Mail Ballot Elections*, Western Political Quarterly 40, March 1987.

<sup>14</sup> Southwell, Priscilla L and Justin I Burchett, *The Effect of All-mail Elections on Voter Turnout*, American Politics Research 2000.

advantage of the NEAV method of participation,<sup>15</sup> resulting in a 4.7 percent increase in turnout during presidential election years in Oregon.<sup>16</sup>

Alternatively, Dubin and Kalsow's 1996 study of California's 1977 NEAV reform found that it increased the number of voters that opted to vote by absentee ballot, but did not increase overall participation.<sup>17</sup>

Kousser and Mullin's 2007 study compared voters in California counties randomly assigned to vote-by-mail and those assigned to traditional Election Day polling place voting during two elections cycles.<sup>18</sup> The vote-by-mail voters are matched and compared to Election Day voters based on demographic and partisan characteristics, while holding voter characteristic and the political context constant. The study found that the impact of voting by mail did not increase and may have even decreased participation during presidential or gubernatorial general elections. However, they found that VMB did significantly increase participation by an average of 7.6 percentage points during local special elections. The researchers theorize that participation increased because receiving a ballot in the mail during a low profile local election served as a "reminder" of the upcoming election and the convenience of allowing the ballot to be cast without visiting a polling place may have increased participation. "The marginal voter in high-turnout elections has a lower overall propensity to participate than the marginal voter in a local special

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<sup>15</sup> While as much as 30-40 percent of voter in some states take advantage of NEAV, in Washington that percentage was 85 percent in 2006.

<sup>16</sup> Gronke, Paul, Eva Galanes-Rosenbaum and Peter A. Miller, *Early Voting and Turnout*, PS: Political Sciene and Politics, October 2003.

<sup>17</sup> Dubin, J. A., & Kalsow, G. A., *Comparing absentee and precinct voters: A view over time*, Political Behavior, 18, 369-411.

<sup>18</sup> Kousser, Thad and Megan Mullin, *Does Voting by Mail Increase Participation? Using Matching to Analyze a Natural Experiment*, *Political Analysis* (2007) 15:428-445, July 2007.

election; thus, election processes that affect the costs of voting will make a bigger difference in the low-turnout context.”<sup>19</sup>

In another study performed by Kousser and Mullin, they looked California counties that were designated VBM counties. They found turnout was actually depressed by 2.6 to 2.9 percentage points during presidential and gubernatorial elections, but increased turnout during local elections by about 7.6 percentage points. They also studied down-ballot races and found significant drop-off for those races by voters who cast their ballot by mail.<sup>20</sup>

Berinsky, Burns, and Traugott’s 2001 study of Oregon voters using panel and post election voter survey data also found that while the VBM reforms did not have a large impact on habitual nonvoters, it was very effective at retaining likely-voters. The retention of likely-voters increased overall turnout by 6 percentage points.<sup>21</sup>

Bergman, Yates and Ginnold found that in California’s 2009 Special Election over 62 percent ballots cast were by mail.<sup>22</sup> Their paper on how election officials might improve voter participation for voters that utilize NEAV or VBM made the following recommendations:

- In addition to the traditional voting guide and sample ballot, materials should be sent that include NEAV or VBM directions and deadlines;

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<sup>19</sup> Kousser, Thad and Megan Mullin, *Does Voting by Mail Increase Participation? Using Matching to Analyze a Natural Experiment*, *Political Analysis* (2007) 15:428-445, July 2007, P. 43.

<sup>20</sup> Kousser, Thad and Megan Mullin, *Will Vote-by-Mail Election Increase Participation? Evidence from California Counties*, A project sponsored by the John Randolph Haynes and Dora Haynes Foundation.

<sup>21</sup> Berinsky, Adam J., Nancy Burns and Micheal W. Traugott, *Who Votes By Mail? A Dynamic Model of the Individual-Level Consequences of Voting by Mail Systems*, *Public Opinion Quarterly* Volume 65:178-197, American Association for Public Opinion Research, 2001.

<sup>22</sup> Bergman, Elizabeth, Philip Yates, and Elaine Ginnold, *How Does Vote By Mail Affect Voters? A Natural Experiment Examining Individual-Level Turnout*, Project Sponsored by the Pew Charitable Trusts Pew Center on the States, Make Voting Work, 2011, Pg 2.

- Materials should be sent in “language-appropriate” mailings; and
- Information campaigns should be sponsored by the home community and performed by “coethnics” and “copartisans” to effectively encourage Latinos to participate using VBM and NEAV methods.<sup>23</sup>

### **Who Votes No Excuse Absentee Ballot or By Mail?**

Gronke and Galanes-Rosenbaum’s 2005 report prepared for the Center for American Progress found that more and more voters clearly enjoy the convenience of absentee voting.<sup>24</sup> Likewise, Priscilla Southwell’s 2004 follow-up study of Oregon’s VBM system found that the majority of Oregon voters preferred VBM. She found that at least 75 percent of voters favored VBM regardless of their gender, party identification, employment status, ideology, age, race, income, level of education or locale.<sup>25</sup>

Many reformers hoped that adopting the NEAV reform would reduce the “costs of voting” and stimulate an increase in turnout for all voters and result in an electorate that more accurately reflected the voting-age population demographically. Contrary to expectations, NEAV reforms have advantaged the members of the electorate that were most likely to vote anyway.<sup>26</sup>

Since political participation patterns closely follow certain demographic patterns and NEAV is more frequently utilized by those that were already likely to vote, the reforms “magnify the existing

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<sup>23</sup> Bergman, Elizabeth, Philip Yates, and Elaine Ginnold, *How Does Vote By Mail Affect Voters? A Natural Experiment Examining Individual-Level Turnout*, Project Sponsored by the Pew Charitable Trusts Pew Center on the States, Make Voting Work, 2011.

<sup>24</sup> Gronke, Paul and Eva Galanes-Rosebaum, *Getting out the Early Vote: Lessons for Progressives*, A Report Prepared for the Progressive Targeting Conference. The Center for American Progress, August 31, 2005.

<sup>25</sup> Southwell, Priscilla L., *Five Years Later: A Re-Assessment of Oregon’s Vote By Mail Electoral Process*, American Political Science & Politics, January 2004.

<sup>26</sup> Berininsky, Adam J., “*The Perverse Consequences of Electoral Reform in the United States*,” American Politics Research, Vol. 33 No. 4, July 2005, 471-491.

socioeconomic biases in the composition of the electorate."<sup>27</sup> Gronke et al., study of early voting also found early voters are more likely to be older and well educated and less likely to be African American.<sup>28</sup> Similarly, Karp and Banducci's study of Oregon elections between 1986-2000 (27 elections) found that when everyone votes by mail, participation increases for older voters with higher incomes and levels of education.<sup>29</sup> Alternatively, VBM reforms seem to decrease minority participation. Karp and Banducci found that for each ten percent increase in nonwhite residents, the overall participation decreased by between two and seven percent, depending on the type of election.

Karp and Banducci also found that participation declined in precincts that had higher percentages of renters and speculate that the high mobility of renters resulted in many ballots being mailed to the wrong/old address. They theorize that requirements to re-registering to vote upon relocating, reduces the level of turnout among recent movers. On the other hand, long-term residents have a higher level of participation, since they are not required to re-register prior to Election Day.<sup>30</sup>

The impact of all VBM elections in rural areas was also unexpected. Contrary to theories that NEAV and VBM reforms would increase participation for voters with long commutes to their polling place, the reform did not increase participation for such voters in rural areas, except during Republican primaries.

Karp and Banducci's follow-up study of 42 states over five successive elections confirmed their earlier findings. They found

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<sup>27</sup> Berininsky, Adam J., "The Perverse Consequences of Electoral Reform in the United States," *American Politics Research*, Vol. 33 No. 4, July 2005, p. 472.

<sup>28</sup> Gronke, Paul and Eva Galanes-Rosebaum, *Getting out the Early Vote: Lessons for Progressives*, A Report Prepared for the Progressive Targeting Conference. The Center for American Progress, August 31, 2005.

<sup>29</sup> Karp, Jeffrey A. and Susan A. Banducci, *Going Postal: How All-Mail Elections Influence Turnout*, *Political Behavior*, Vol. 22, No. 3, 2000.

<sup>30</sup> Ibid.

that no-excuse-absentee voters were more politically active, educated and older than other voters. The study also found that students and the disabled were more likely to benefit from NEAV reforms. However, minorities and independents' participation rates did not increase.<sup>31</sup>

Finally, Barreto Streb, Marks and Guerra's study of absentee voters in the 2003 California gubernatorial recall found that "vote preference" of absentee voters was not "significantly different" than that of Election Day voters.<sup>32</sup> Comparing survey results from the California Absentee Voter Survey and the Los Angeles Time exit poll, they found that absentee voters' party registration was "nearly identical to state-wide partisan registration."<sup>33</sup>

### **Which Absentee Ballots Are Counted**

Unlike ballots cast at the polling place, an absentee ballot, whether dropped off at a polling place or mailed, can be challenged and remain uncounted if it does not arrive on time, does not include the voters' address and signature or if the signature does not match the voter signature on file.

A 2005 CalTech/MIT study examines absentee voters, permanent absentee voters (PAV), overseas and military voters, and absentee voters who may be ill or disabled to determine which absentee ballots were most likely to be returned by the voter and included in the vote count. The study used the "absentee voter file" (AVF) from the Los Angeles County's November 2002 general election, which included the following data points:

- Basic voter information;

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<sup>31</sup> Karp, J. A., & S. A. Banducci, "Absentee voting, mobilization, and participation," *American Politics Research*, 29, 183-195. (2001).

<sup>32</sup> Barreto, Matt A., Matthew J. Streb, Mara Marks and Fernando Guerra, *Do Absentee Voters Differ From Polling Place Voters? New Evidence From California*, *Public Opinion Quarterly*, Vol. 70, No. 2, Summer 2006, P. 225.

<sup>33</sup> Ibid.

- All those in “vote-by-mail” precincts<sup>34</sup>;
- Military voters;
- Overseas voters;
- Party registration;
- Birth date;
- Ballot language (Chinese, English, Japanese, Korean, Spanish, Tagalog and Vietnamese);
- Whether the absentee voter cast their ballot; and
- Whether the absentee ballot was included in the vote count.

The study found that overseas voters’ ballots were more likely to be challenged and/or disqualified when compared to other ballots. Researchers indicated that disqualification was usually due to ballot arrival after the return deadline or information omissions and errors on the ballot return envelope. They also found that overseas, permanent absentee voters or those using absentee ballots in a language other than English were far less likely to be counted when compared to other ballots. These absentee voters’ were also far less likely to return their absentee ballot.

However, the study found that length of residency, income and race did not play a significant role in the likelihood of a ballot being counted, after controlling for type of absentee ballot.

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<sup>34</sup> Local election officials may designate precincts that have fewer than 250 registered voters as a “mail ballot precinct” or Vote-by-Mail (VBM) precinct and require all voters in that precinct to vote-by-mail.

### **How does VBM affect the political parties?**

Oliver's 1996 study used the 1992 Current Population Survey and a survey of state political party organizations to determine the impact of liberalized absentee voting laws and party activity on turnout. It found NEAV reforms increased absentee voting, but did not increase participation. However, the reforms did increase participation when combined with political party activity. For example, participation increases when the state party sends their supporters pre-filled out absentee voter applications. This research indicated that the impacts of the combination of party mobilization coupled with NEAV during the 1994 elections may have resulted in the Republican Party take-over of Congress.<sup>35</sup> The 1996 study found "(S)tate Republican party organizations are pursuing absentee mobilization campaigns with far more vigor than their Democratic counterparts. Consequently, the absentee electorate has become more upscale and Republican than the general electorate."<sup>36</sup>

Gronke and Galanes-Rosenbaum's 2005 report found that some political campaigns may benefit from early voting because the extended voting period provides campaigns with the opportunity to focus on particular supporters. They also found that some campaigns were reaching out to supporters and holding campaign events to specifically encourage early voting.

However, candidate campaigns are also faced with greater ambiguity and increasing costs as a result of any kind of early voting. The extended voting period requires extensive campaign event planning and greater financial resources to persuade voters to vote for their candidate. This study suggests that early voting reforms may benefit well-financed candidates because the prolonged voting period

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<sup>35</sup> Oliver, J. E. "The Effects of Eligibility Restrictions and Party Activity on Absentee Voting and Overall Turnout." *American Journal of Political Science*, 40, 1996, P. 498-513.

<sup>36</sup> Oliver, J. E. "The Effects of Eligibility Restrictions and Party Activity on Absentee Voting and Overall Turnout." *American Journal of Political Science*, 40, 1996, P. 511.

requires increasingly high campaign expenditures. It also found state election officials prefer early voting because it is not as costly for the state and easier to administer.<sup>37</sup>

Arceneaux et al. study found political campaigns' efforts to increase participation among those that must VBM depends on the profile level of the election.<sup>38</sup> Just as Kousser and Mullin's found that in low profile elections that VBM participation increased, this study found that those voters in low profile elections that were on the verge of voting were more likely to vote because of mobilization efforts. They also found that in high profile elections, get out the vote (GOTV) efforts increased the participation of VBM "low-propensity voters", but did not increase participation for "medium-propensity voters."

### **Conclusion**

Researchers have long expounded on the opportunity cost of voting coupled with the improbable likelihood of impacting electoral outcomes having resulted in lower levels of voter participation. State and local governments have enacted various early voting reforms in an effort to reduce the opportunity cost of voting and many voters have embraced those reforms.

VBM and NEAV reforms were enacted to increase overall participation, encourage a more representative electorate and reduce the costs of administering elections. However, all of the goals of the reforms have not been realized. While some of the early studies found an increase in participation, most of the studies found that increase in local, low profile elections. Alternatively, several studies

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<sup>37</sup> Gronke, Paul and Eva Galanes-Rosebaum, *Getting out the Early Vote: Lessons for Progressives, A Report Prepared for the Progressive Targeting Conference*. The Center for American Progress, August 31, 2005.

<sup>38</sup> Arceneaux, Kevin, Thad Kousser and Megan Mullin, *Get Out The Vote by Mail? A Randomized Field Experiment Testing the Effect of Mobilization in Traditional and Vote by Mail Precincts*. Prepared for presentation at the Annual Meeting of the American Political Science Association, Toronto, Canada, September 16, 2009.

found that voter participation did not increase due to the NEAV reforms in high profile national elections.

The reforms also failed to create a more demographically representative electorate. Studies have reported that while NEAV is gaining in popularity with the voting public, it is most frequently used by voters that are older, well educated with higher incomes. And since some researchers also found that NEAV actually may depress minority participation, the reform may have exaggerated existing demographic imbalances in the electorate. They also found that in precincts with higher proportions of renters, NEAV suppressed participation. They speculated that this is due to the high mobility of renters making it more difficult for those renters to receive their ballot in the mail.

Researchers have also found a significant number of NEAV and VBM votes go uncounted due to voter error. Since enacting NEAV reforms, there has been an increase in the number of "lost" absentee votes due to over- and under-votes. Also, absentee ballots must be returned, returned on time, and include the proper signature and information on the return envelope or they may be challenged and go uncounted.

NEAV reforms have an impact on political parties. The reform extends the voting period requiring candidates to reach out to voters with their GOTV efforts for longer periods of time. While this development provides parties more time to specifically target certain voting groups, the extended voting period requires them to spend more money on concerted GOTV efforts and political events. Political party GOTV efforts are found to be more effective on low-propensity NEAV voters, who are more likely to vote due to mobilization efforts. The unintended consequence of the reforms may be to advantage candidates with greater financial resources to utilize during the extended time voting period.

VBM and NEAV reforms provide voters with the opportunity to vote in the privacy of their own home at a time most convenient for them and many voters are enjoying that opportunity. However, these reforms are not a panacea. They have not dramatically increased participation or resulted in an electorate that is more demographically representative of the voting age population.

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