



UNIFORM STATE ACE ACT

Safe Election Practices Toolkit

UNIFORM STATE AMERICAN CONFIDENCE IN ELECTIONS (ACE) ACT *Model State Election Integrity Legislation*

Uniform State American Confidence in Elections: Photo Identification Requirement Act

Purpose:

To require a photo voter identification and proof of residency to protect against fraud and strengthen the integrity of the voting process.

Background:

Photo identification is a common-sense safeguard that provides a means for election officials to verify the identity of a voter. Most individuals already possess a form of photo identification as it is required to engage in such activities as boarding a plane, entering federal buildings, and cashing a check. Americans overwhelmingly support voter identification requirements. It is necessary to prevent voter fraud and is a commonsense election integrity reform.

The Bill:

Under the Uniform State ACE Act model legislation, voters shall provide qualifying photo identification and proof of residency within the jurisdiction of the polling location when casting a ballot in person or provide a copy of their photo identification to obtain a mail ballot. Any voter who does not possess a qualifying photo identification shall be provided one by the state free of charge. The state shall also include a copy or digital image of each registered voter in the poll books.



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Uniform State American Confidence in Elections: State Voter List Improvement Act

Purpose:

To prevent voter registration fraud, to ensure voter registration lists are routinely updated, and to ensure individuals who wish to vote are eligible.

Background:

Studies have shown that clean and accurate voter registration lists not only promote election integrity and voter confidence, but also help to prevent ineligible people from voting, prevent double voting, expedite the voter check-in process at polling places, and assist election officials with properly allocating resources for the election. Failure to conduct regular list maintenance can negatively impact the integrity of the election process. Furthermore, the process for verifying a voter's eligibility should not be burdensome and should provide election officials adequate time to complete. Permitting individuals to register to vote and cast a regular ballot on the same day fails to provide election officials with enough time to verify eligibility and has the potential to negatively impact an election if a fraudulent registration is later discovered.

The Bill:

Under the Uniform State ACE Act model legislation's imposition of a voter registration deadline of thirty days before election day will protect the integrity of the election process by allowing election officials adequate time to verify eligibility. The bill also requires the state to carry out an annual list maintenance program to detect and remove ineligible voters from voter rolls. Further, to safeguard against foreign interference in our elections, the legislation requires the removal of non-U.S. citizens from voter rolls, meaning U.S. citizens shall be the only individuals permitted to vote in all federal, state, and local elections.



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Uniform State American Confidence in Elections: Ballot Harvesting Prohibition Act

Purpose:

To prevent election fraud and undue influence on voters by limiting the collection of mail ballots.

Background:

Permitting third parties to collect a voter's mail ballot and drop it off at a polling location, elections office, or drop box, a practice commonly known as ballot harvesting, is ripe for abuse, posing a serious threat to election security. Ballot harvesting gives candidates and their allies the opportunity to affect election outcomes by coercing voters to choose their candidate, or by outright ballot theft and forgery. There are rare instances in which an absentee voter could legitimately require assistance in returning their ballot, such as in the case of a person who is bedridden, and only in those discreet circumstances should another person be allowed to transmit a ballot for a voter.

The Bill:

The Uniform State ACE Act model legislation will protect the integrity of vote by mail process, the collection and transmission of mail ballots shall be limited to election officials, the United States Postal Service, other commercial common carriers, and the voter's family members, household members, or a caregiver.



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Uniform State American Confidence in Elections: Election Results Reporting Act

Purpose:

To increase confidence in election outcomes by requiring election officials to timely report the unofficial results of each election to the public.

Background:

Due to the difficulties of administering modern elections, in many jurisdictions, voters must wait days or even weeks before receiving the official results of an election. This waiting period is ripe for the proliferation of confusing and contradictory information, and since much of the processing and tabulating of votes is limited from view, voters are left to trust the government is properly following all legal procedures. For the public to have confidence in our elections, it is important that unofficial election results are made public the night of or the morning following the election and that all election activities conducted by election officials are done in a bipartisan manner.

The Bill:

The Uniform State ACE Act model legislation requires that unofficial election results be reported to the public no later than twelve hours after the close of polls on election day. To assist in complying with this deadline, the legislation directs election officials to begin processing mail ballots at such time they are received but includes a safeguard that does not allow for early tabulation to prevent a leak of results that could unduly influence an election. Further, to promote election integrity and transparency, the bill directs activities in connection with the processing and tabulation of mail ballots shall be carried out in a bipartisan manner.



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Uniform State American Confidence in Elections: Non-Citizen Voting Prohibition Act

Purpose:

To prevent the dilution of Americans' votes by prohibiting non-U.S. citizens from voting in any public election, whether federal, state, or local.

Background:

The Fifteenth Amendment, the Nineteenth Amendment, the Twenty-Fourth Amendment, and the Twenty-Sixth Amendment, among other references, make clear that the Constitution prohibits voting by non-citizens in federal elections. However, many states allow non-citizens to vote in state and local elections. Voting in U.S. elections is a privilege and a right of U.S. citizenship, and when non-citizens vote it dilutes the voice of hardworking Americans. Thousands of non-citizens are registered to vote in some states, and tens if not hundreds of thousands in total may be present on the voter rolls nationwide. These numbers have the potential to impact election outcomes as local elections are often decided by only a handful of votes, and even national elections have likely been within the margin of the number of non-citizens illegally registered to vote. This effectively disenfranchises U.S. citizens and allows those who do not have U.S. allegiance to determine U.S. political outcomes.

The Bill:

This short but impactful section of the Uniform State ACE Act model legislation simply and clearly bans non-U.S. citizens from voting in any public U.S. election.



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Uniform State American Confidence in Elections: Provisional Ballots Requirements Act

Purpose:

To address concerns with provisional ballots cast at the precinct level.

Background:

Created by federal law in 2002, provisional ballots are a fail-safe measure to ensure that a voter is still able to cast a ballot when there is a clerical question regarding the voter's eligibility or qualifications to vote. The purpose of provisional ballots is to ensure voters do not lose their right to vote due to mistakes made by election officials. However, given there is a question about the legitimacy of the voter, a provisional ballot must be treated separately from regular ballots and must be adjudicated by election officials to be counted. To ensure that voters who vote by regular or provisional ballot are afforded the same rights, provisional ballots should not be used to allow voters to circumvent established election administration rules such as photo identification and residency verification.

The Bill:

The Uniform State ACE Act model legislation would prevent fraud and maintain the integrity of the voting process. This model legislation requires that provisional ballots cast by a voter shall only be counted if cast at the correct voting precinct where the voter is registered. It also outlines the method by which election officials should verify whether a provisional ballot is eligible to be counted.



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Uniform State American Confidence in Elections: Mandatory Election Auditing Act

Purpose:

To require an auditing process for election officials to verify that election results were accurate and that the votes cast were properly recorded by the voting system.

Background:

Conducting audits of elections should be routine practice as they are necessary to ensure the entire election system operates properly. Regular audits would help dispel inaccurate information peddled by partisan groups and individuals and create an election system that is more accountable to the people it serves—the American public. Post-election audits promote integrity and increase voter confidence in the election results and outcomes.

The Bill:

The Uniform State ACE Act model legislation creates a requirement that an audit be conducted after every election to determine the effectiveness and accuracy of several key election components including, voting systems, nonvoting election technology, pre- and post-election procedures, mail-in balloting, reporting of results, and election official performance. Under the bill, all post-election audits shall commence within thirty days after each election is administered and be completed at least two days before the deadline for the losing candidate to file an election contest.



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Uniform State American Confidence in Elections: Election Observer Access Act

Purpose:

To foster transparency in elections by ensuring that individuals have meaningful access to observe the conduct of an election.

Background:

Transparency is a critical component of the American elections system, as it builds public confidence in the administration of the election and its results and outcomes. Observation can help promote and protect the civil and political rights of participants in elections and encourage civic involvement in the political process. It can lead to the correction of errors or weak practices, even while an election process is still underway. It can deter manipulation and fraud or expose such problems if they do occur. When observers can issue positive reports, it builds trust in the democratic process and enhances the legitimacy of the government. Furthermore, following elections, reports and recommendations by observers can lead to changes and improvements in election law and practice.

The Bill:

The election observation procedures set forth in the Uniform State ACE Act model legislation would allow candidates, political parties, committees affiliated with ballot initiatives or referendum, and the public to observe election processes and procedures that occur prior to the election, on election day, and post-election to ensure they are followed, voting systems are functioning properly, and ballots are processed and counted correctly in accordance with the law.



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Uniform State American Confidence in Elections: Drop Box Security Act

Purpose:

To ensure ballot drop boxes are highly secure.

Background:

Voting at a polling location or delivering an absentee ballot by hand to an election official are the most secure methods of voting. A polling place under the bipartisan supervision of election officials and the observation of poll watchers helps ensure not only that the ballots are completed by the registered voters and deposited in a locked, sealed ballot box, but also that the voters' eligibility and identity are verified; that no voters are pressured or coerced to vote a particular way; and that no ballots get "lost" in the mail or not delivered on time. However, in our modern and busy world, many voters have called upon the government to allow for ballot drop boxes to make it more convenient to return their ballots. In jurisdictions where ballot drop boxes are implemented, the same level of security must be instituted in these locations as exists at polling places so that voters can be confident in the integrity of the votes contained within them.

The Bill:

The Uniform State ACE Act model legislation institutes several key requirements in order for drop boxes to be used, such as requiring them to be located inside a government facility or polling location, designating their location at least thirty days before the election, providing for both in-person and electronic monitoring, requiring ballots to be collected daily, and imposing chain of custody procedures for all ballots collected.



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Uniform State American Confidence in Elections: Prohibiting Ranked-Choice Voting Act

Purpose:

To prohibit the use of ranked-choice voting in public elections.

Background:

Ranked-choice voting presents a host of problems. Voters can rank all candidates, even those whom they would never vote for in a traditional election. Because of this, when some candidates are eliminated, the voter's ballot may count for a candidate the voter never wished to support. If the voter only ranked one candidate, and that candidate was eliminated, the voter's ballot would not be counted in the end tally. Ranked-choice voting complicates the voting process, reduces the power of an individual's vote, and potentially reduces voter confidence in election integrity.

The Bill:

The Uniform State ACE Act model legislation would prohibit the use of ranked-choice voting in all public elections.



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Uniform State American Confidence in Elections: Early Voting Requirements Act

Purpose:

To provide limited but adequate early voting opportunities.

Background:

Until the 1980s, states offered Americans only two ways to vote: in person on election day, or with absentee ballots for those unable to vote in person because of disability or illness. Since then, early voting has been instituted in most jurisdictions to make it more convenient for people to vote at their leisure. However, important safeguards must be considered when determining early voting policies. If polls open too many days before election day, early voters may vote before critical events occur that could change their view of a candidate. And if precinct hours and procedures are different from those on election day, voters can easily become frustrated and confused and fail to vote altogether. If a state chooses to adopt early voting, it must be mindful to impose smart requirements to secure voter confidence.

The Bill:

By allowing for ten days of early voting, the Uniform State ACE Act model legislation would afford voters plenty of opportunity to vote in person at a polling location. These ten days must also be within the two weeks before election day so that candidates have adequate time to get their messages out to the public. To create consistency, all early voting polling places must follow the same hours and same rules as polling places on election day.



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Uniform State American Confidence in Elections: Private Election Funding Prohibition Act

Purpose:

To prevent private partisan influence in elections by banning improper private funding of public election administration.

Background:

Since 2020 when states were tasked to conduct elections under extremely restrictive COVID-19 pandemic measures, there has been an uptick in the amount of private money donated to state election officials for the administering of public elections. While adequate funding is necessary to effectively administer elections, accepting private money to fill in the gaps of government appropriations could risk resulting in the donor having undue influence over elections. To ensure election integrity, it is essential to prevent private partisan funding from being improperly used by state and local election officials.

The Bill:

The Uniform State ACE Act model legislation uses the spirit of provisions in the federal American Confidence in Elections Act to eliminate the risk of private funding influencing public elections. It would prohibit election officials from receiving anything of value from a private entity for the administration of elections unless it is approved and distributed by the state's board of elections. It also removes any opportunity for the donor to write the amount off on taxes. The donation of polling places and goods with a nominal value is excepted.



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Uniform State American Confidence in Elections: Mail Voting Improvement Act

Purpose:

To prevent election fraud and coercion when voting by mail.

Background:

Voting by mail, while convenient, creates certain vulnerabilities in the election system if the appropriate safeguards are not in place. Automatically sending vote-by-mail ballots to all voters who appear on a voter registration list is a practice that ballot harvesters easily could take advantage of by collecting and forging votes, and live ballots could be sent to outdated addresses and individuals not eligible to vote. This, in turn, creates more work on the back end for election officials to verify that every vote submitted is legitimate.

The Bill:

To promote mail ballot security and ensure that only registered voters who wish to vote by mail receive a ballot, the Uniform State ACE Act model legislation would dictate that mail ballots shall only be sent to registered voters who affirmatively request to receive one. It also requires those who vote by mail to sign their ballot and a certificate of transmission, and those signatures shall be checked against the one on file with election officials. The bill details an opportunity for mail ballot voters to cure any discrepancy in their ballot or transmission and directs election officials to only accept ballots that are received by the close of polls on election day.