



Updated September 13, 2024

Early Voting and Mail Voting: Overview & Issues for Congress

Although voting in person at a polling place on Election Day is the most widespread voting practice, states and localities also offer some or all eligible voters opportunities to vote without going to the polls on Election Day. Sending voters ballots by mail (mail voting) and designating a pre-Election Day period when they can receive and cast a ballot in person (early voting) are two common options (see **Figure 1**). Some states and localities also use mail voting as their primary voting method, automatically mailing ballots to all registered voters and offering limited in-person voting options (all-mail elections).

Policy Overview

Alternative voting methods might differ from in-person voting at a polling place on Election Day in any of the following ways: when voters receive or cast a ballot, where they receive or cast it, and how they receive or cast it.

The defining differences between in-person Election Day voting and early and mail voting are when voters receive and cast ballots and how they receive them, respectively. Early and mail voting might also differ from in-person Election Day voting in other ways in practice. For example, voters who receive ballots by mail typically return them by mail or in a drop box rather than casting them in person.

All states are required by federal law to allow certain military and overseas voters to use mail voting in federal elections. Some states and localities also make early and/or mail voting available to all other eligible voters (no-excuse early or mail voting), while others offer them only to those with an approved excuse for not voting in person on Election Day. Approved excuses vary by state or locality but commonly include circumstances like being out of the area on Election Day or having a long-term illness or disability.

Mail Voting

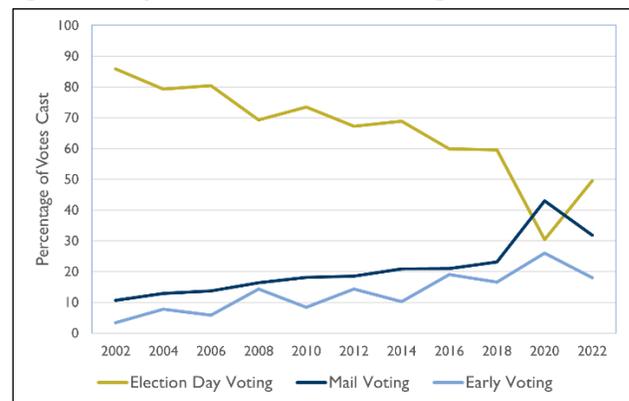
The “mail” in mail voting refers to the method by which election officials deliver ballots to voters, although voters who receive their ballots by mail often choose to return them by mail as well. Depending on the state or locality, voters might also have the option of depositing their mail ballots in a drop box, having them submitted by a third party, or returning them at the polls or an election office.

Some states and localities provide prepaid return envelopes with mail ballots, while others do not. Deadlines for requesting and returning mail ballots also vary. For example, some states require mail ballots to be returned by the close of polls on Election Day, while others will accept them if they are postmarked by that date.

According to the National Conference of State Legislatures (NCSL), as of December 2023, all states and the District of Columbia (DC) allowed at least some voters to receive their

ballots by mail and 36 states and DC offered some form of no-excuse mail voting. Eight of those states and DC allowed all-mail elections for all elections (California, Colorado, DC, Hawaii, Nevada, Oregon, Utah, and Washington) or all general elections (Vermont) as of January 2024, and a number of the others gave counties the option of holding all-mail elections or permitted all-mail elections for certain types of elections or jurisdictions.

Figure 1. Reported Methods of Voting, 2002-2022



Source: CRS, using data from the Voting and Registration Supplement to the U.S. Census Bureau’s Current Population Survey.

Notes: Respondents were asked whether they voted in person or by mail and, if the former, whether on or before Election Day. Some respondents who received their ballots by mail and returned them in person may have reported voting in person.

Early Voting

States that offer early voting designate days prior to Election Day when voters can receive and cast a ballot in person. Exactly where voters can vote early varies by state and locality, but early voting is usually available at select locations like vote centers or local election offices.

Forty-seven states and DC offered early voting for all eligible voters as of August 2024, according to NCSL. The length of the early voting period varied by state—ranging from 3 days to 46—and many states offered early voting only on certain days of the week. States that allowed voters to register to vote on Election Day may or may not have also allowed same-day registration during early voting; one state, North Carolina, offered same-day registration during early voting but not on Election Day.

Considerations for Policymakers

Proponents of providing voters with options for when, where, and how they receive or cast their ballots often present such measures as ways to improve voter participation—particularly for people who work during regular polling hours, will be out of town on Election Day, or have long-term illnesses or mobility issues. Alternative

voting methods could also help reduce voter demand on Election Day and address certain logistical or security concerns. For example, early or mail voting could help prevent long lines on Election Day, reduce administrative costs, minimize the need for additional polling places or poll workers, limit demands on election equipment, or reduce the need for provisional ballots. Jurisdictions that offer alternative voting methods may also be better equipped to handle unforeseen events, such as the COVID-19 pandemic or a tornado that struck Tennessee the night before its 2020 primary.

Alternatives to voting in person at polling places on Election Day could also raise concerns, which may vary with the particular policy proposal or voting method. Expanding voting options can impose costs like printing and postage for mail ballots or operating expenses for early voting locations. Early and mail voting may also present security concerns, including challenges related to longer-term storage of blank and completed ballots for early voting and to voter verification and the reliability of postal delivery for mail voting. Other concerns some have expressed about mail voting include that it presents opportunities for voter errors, fraud, or coercion and that waiting for returned ballots may delay final election results. Alternative voting methods could also diminish the role of Election Day as a shared civic experience, and voters who cast ballots early might miss information that could have affected their choices or vote for a candidate who is no longer in the race on Election Day.

States have typically implemented changes gradually when expanding voting options beyond in-person Election Day voting. Voting from outside the voter's home election jurisdiction was available as an option for soldiers in the Civil War, for example, but no-excuse mail voting was not introduced until the 1970s. Often, states or localities have provided transition periods or tested early or mail voting on a smaller scale (e.g., for certain categories of voters or local or lower-turnout elections) before rolling the policies out more widely. For example, Oregon began using mail voting for all elections in 2000 but approved a test of mail voting for local elections in 1981 and used it for select elections through the 1990s.

The following questions may be helpful for policymakers considering proposals regarding early or mail voting:

- If considering expanding early or mail voting, would the policy be an optional alternative or the standard for all elections? Which details of implementation would be specified in federal law versus left to state or local discretion? Would the policy include protections against potential issues like fraud or unreliable mail delivery?
- If considering limiting early or mail voting, which concerns would the limits be intended to address and how would they address them? Would accommodations be available for voters who face obstacles to voting in person? Would the policy include provisions for high voter demand or unforeseen events affecting the election?
- In either case, would resources be available to cover potential additional costs of the new policy? How

quickly could the policy be implemented? Would time or resources need to be allotted for changing state or local laws or ordinances, testing the new procedures, transitioning to full implementation, or educating voters and election workers?

Selected Recent Legislation

States and localities are currently responsible for determining whether or how to offer alternatives to in-person Election Day voting, and Congress may choose to defer to state and local officials on decisions about early and mail voting.

Members might also offer proposals to require or prohibit use of alternative voting methods. The 118th Congress's Early Voting Act (H.R. 1295) and Freedom to Vote Act (H.R. 11/S. 1/S. 2344) would require early voting for federal elections, for example, and the American Confidence in Elections (ACE) Act (H.R. 4563) would require early voting for all elections in DC. The Accessible Voting Act of 2024 (H.R. 7389/S. 3748), Vote at Home Act of 2023 (H.R. 1439/S. 700), and Freedom to Vote Act would require no-excuse mail voting for federal elections, while the Clean Elections in America Act (H.R. 8499) would limit mail voting in federal elections to individuals with one of a specified list of excuses.

Most of those bills, among others introduced in the 118th Congress, would also specify or suggest how early or mail voting should be conducted. For example, various bills would set requirements for early or mail voting in federal elections, and the ACE Act and related bills would specify one or more aspects of mail voting in DC. The ACE Act and other bills, such as the No Federal Funds for Ballot Harvesting Act (H.R. 4544) and the One Citizen One Vote Act (H.R. 512), would withhold certain federal funds from states and/or localities with specified mail voting policies, such as allowing certain third parties to collect mail ballots.

Legislation has also been introduced in the 118th Congress to help facilitate mail voting—either for eligible voters in general or for members of certain groups. For example, bills like the Election Integrity Mail Reform Act of 2023 (H.R. 4476) and the Election Mail Act (H.R. 2987/S. 1391) would direct the U.S. Postal Service to take certain steps to improve mail ballot delivery, such as marking election mail and prioritizing its processing. Other bills would require efforts to address access to mail voting for voters with disabilities (e.g., Accessible Voting Act of 2024), military and overseas voters (e.g., Freedom to Vote Act; Supporting Military Voters Act, H.R. 4251/S. 2197), unhoused voters (e.g., Unhoused Voter Opportunity Through Elections Act, H.R. 5294/S. 2971), incarcerated voters (e.g., Inclusive Democracy Act of 2023, H.R. 6643/S. 3423), or voters on Indian lands (e.g., ACE Act; Election Mail Act).

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IF11477

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