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Early Voting and Mail Voting: Overview & Issues for Congress

Although voting in person at a polling place on Election Day is the most common voting practice, states and localities also offer some or all of their 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 voters can receive and cast a ballot in person (*early voting*) are two of the most common options. Some states and localities 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.

Figure 1 presents reported voting methods from 1998 to 2018, according to the U.S. Census Bureau, including in person on Election Day, in person before Election Day, and by mail.

Some states and localities make early and/or mail voting available to all eligible voters with no excuse required (*no-excuse*) 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

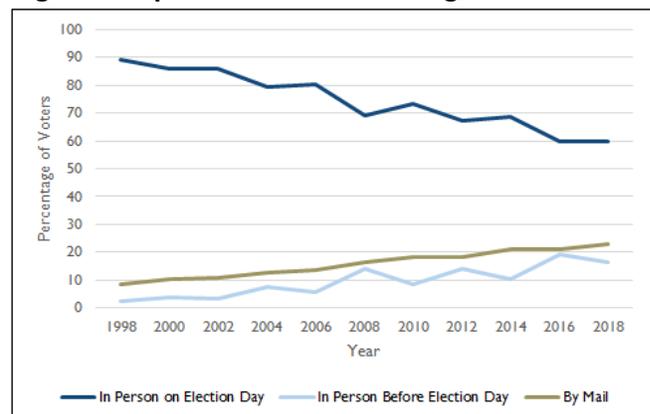
The “mail” in mail voting refers to the method by which states *deliver* ballots to voters. Voters who receive their ballots by mail might choose to return them by mail as well. Depending on the state or locality, voters might also have the option of leaving their mail ballots in a drop box, having them collected and submitted by a third party, or returning them at the polls or a local election office.

Some states and localities provide prepaid return envelopes with mail ballots, whereas 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, whereas others will accept them if they are postmarked by that date.

According to the National Conference of State Legislatures (NCSL), all states allow at least some voters to receive their ballots by mail and 33 states and the District of Columbia (DC) offer some form of no-excuse mail voting. Colorado, Hawaii, Oregon, and Washington require all-mail elections, and a number of the others, such as California and Utah, give counties the option of holding all-mail elections or permit all-mail elections for certain types of jurisdictions or elections.

Some states have considered expanding mail voting in certain emergencies. For example, California and Maryland have made their 2020 special congressional races all-mail elections in response to the COVID-19 pandemic. In some states that generally require an excuse to use a mail ballot, there have been proposals to allow no-excuse mail voting or add public health risks to the list of approved excuses.

Figure 1. Reported Methods of Voting, 1998-2018



Source: Voting and Registration Supplement to the Current Population Survey, U.S. Census Bureau.

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.

The length of the early voting period varies by state, and many states offer early voting only on certain days of the week. States that allow voters to register to vote on Election Day may or may not also allow same-day registration during early voting; North Carolina offers same-day registration during early voting but not on Election Day.

According to NCSL, the 4 all-mail states, 36 other states, and DC have early voting options in place, and a 41st state is to start offering early voting in 2022.

Considerations for Policymakers

Proponents of providing options for when, where, and how voters can receive or cast their ballots often present these measures as a way 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, mail or early 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 COVID-19 or the tornado that affected Tennessee the night before its 2020 primary.

Alternatives to voting in person at polling places on Election Day also raise a number of potential concerns, which may vary depending on the particular policy proposal or voting method. Expanding voting options can impose costs like printing and postage for ballots used in mail voting or operating expenses for the voting locations that are open during early voting. Early and mail voting may also present security concerns, including challenges related to voter verification and the reliability of postal delivery for mail voting and to longer-term storage of blank and completed ballots for early voting. Other concerns 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.

Election officials have typically implemented measures 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 in any state until the 1970s. Often, states or jurisdictions 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. Oregon began using mail voting for all elections in 2000, for example, but approved a test of mail voting for local elections in 1981 and used it for select elections throughout the 1990s.

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

- Would the alternative method be designed to provide flexibility about *when* voters can receive or cast a ballot, *where* they can receive or cast a ballot, *how* they can receive or cast a ballot, or more than one of the above?

- Would the policy serve as an optional alternative, or would it be the standard for all elections? If the former, would there be capacity to scale up for use by the entire jurisdiction if necessary, due to unforeseen events?
- How quickly could this method be implemented? Would it require changes to state or local laws? Would time need to be allotted for testing the new voting method or transitioning to its full-scale implementation?
- What protections would there be for mitigating any issues that arose? How would implementing the voting method affect the role of state and local election administrators, and would resources be available to address security issues or potential election disruptions?

Options for Federal Involvement

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 alternatives to in-person Election Day voting.

Members might also offer proposals to encourage or require states to adopt alternative voting methods. A number of bills introduced in the 116th Congress would require states to offer early or mail voting for federal elections and/or authorize appropriations to help them implement such policies. S. 957 would require states to offer early voting and authorize payments to help them do so, for example, and H.R. 92 and S. 26 would require states to mail ballots to registered voters and authorize appropriations to the United States Postal Service to carry ballots free of postage.

Federal legislation could also require states to offer alternative voting methods under certain circumstances. For example, one bill introduced in the 116th Congress would direct the U.S. Election Assistance Commission to create a federal absentee ballot for use by select voters, such as those affected by certain disasters or health emergencies (S. 3529). Other legislation would require states to offer no-excuse mail voting during national emergencies and authorize payments to help defray the accompanying costs (H.R. 6202; S. 3440).

Congress has also appropriated some funding that states might apply to certain early or mail voting expenses. For example, some of the funds Congress has appropriated under the Help America Vote Act of 2002 (HAVA)—including \$380 million for FY2018 (P.L. 115-141) and \$425 million for FY2020 (P.L. 116-93)—can be used for costs, such as helping meet increased demand for mail ballots as a result of the COVID-19 pandemic. Congress also included \$400 million in election administration-related payments to states in the Coronavirus Aid, Relief, and Economic Security (CARES) Act (H.R. 748).

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