

Early Voting

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November 28, 2018 | 2018-R-0278

Issue

Discuss early voting, including the types of early voting available in states that offer it and the length of their early, in-person voting periods. This report partially updates OLR Report [2014-R-0250](#).

Summary

According to the National Conference of State Legislatures (NCSL), 37 states and Washington D.C. allow all registered voters to cast a ballot in-person before Election Day. Under these “early voting” laws, voters need not provide a reason for voting before Election Day and they have the option of casting their ballot in person—usually at an election official’s office or a satellite voting location. (Under the other main form of pre-Election Day voting, regular absentee voting, voters must provide a justification for why they are unable to vote on the day of the election.)

Classifying a state’s form of early voting is not always straightforward as there is no universal definition of “early voting.” State laws vary with respect to their early voting policies and the terminology they use to describe them. Nonetheless, election experts typically group these laws as follows: early in-person voting, in-person absentee voting, and all-mail voting (often known as vote-by-mail).

Generally, early in-person voting is when voters appear in-person at one or more designated locations to vote before Election Day. Voters follow the same procedures that apply on Election Day and ballots are treated as regular ballots. In-person absentee voting is when voters apply for, receive, and cast absentee ballots in-person, rather than by mail, before Election Day. (With

regular absentee voting, voters typically conduct this entire process by mail.) In-person absentee ballots are usually subject to counting procedures applicable to absentee ballots, such as signature verification. Finally, all-mail voting is when every registered voter automatically receives a ballot by mail before Election Day. Voters generally have the option of voting their ballot early and in-person at a designated voter center, returning it in-person at a designated drop-off location, or returning it by mail.

Of the 37 early voting states, the majority offer either early in-person voting or in-person absentee voting. Three states (Colorado, Oregon, and Washington) conduct all-mail voting. Some states offer more than one type of early voting. Alaska, for example, offers both early in-person voting and in-person absentee voting. California offers in-person absentee voting to every registered voter; some counties additionally offer early in-person voting.

Early Voting Laws and Periods

States' early voting periods range in length from three to 45 days and begin as early as 46 days before the election and as late as the Thursday before it. Eighteen states and Washington D.C. offer early voting on Saturdays, and four offer it on Sundays, according to NCSL. Some states authorize local election officials, such as county clerks, to decide whether to offer early voting on Saturdays or Sundays.

Table 1 identifies each state's form of early voting, as well as the start and end dates of its early in-person voting period. Please note, early voting may not span the entire duration of the designated period. For example, within a given state, hours and days may vary by county. In some states, if the prescribed start date falls on a Saturday, Sunday, or legal holiday, the early voting period begins on the next regular business day (e.g., Texas).

The information in Table 1 applies to statewide general elections; early voting periods for primaries or local elections may differ. (It does not apply to regular absentee voting, which, as described above, requires voters to provide a justification in order to vote early.)

Table 1: Early Voting Laws and Periods

| State | Form of Voting | Starts | Ends |
|--|---|---|--|
| Alaska AS §§ 15.20.064, 15.20.045, and 6 AAC 25.500 | Early in-person voting and in-person absentee voting | 15 days before election | Day of election |
| Arizona ARS §§ 16-541 and 16-542 | Early in-person voting | 27 days before | Friday before election |
| Arkansas ARC § 7-5-418 | Early in-person voting | 15 days before | Monday before election |
| California Elec. Code §§ 3001, 3018, and 4108 | Early in-person voting and in-person absentee voting (may vary by county) | As early as 29 days before the election (according to the Secretary of State's Office, in practice, most counties offer it for 14 days before the election) | Day of election |
| Colorado CRS §§ 1-5- 102.9 and § 1- 7.5-104 | All mail voting | Voter service and polling centers (VSPCs) must be open for the 15 days before an election, for dropping off ballots or voting in person; VSPCs are not required to be open on Sundays | Day of election |
| District of Columbia DC ST § 1- 1001.09 and 3 DCMR § 702 | Early in-person voting and in-person absentee voting | 10 days before election for in- person early voting; 15 days prior for in-person absentee voting | Friday before election |
| Florida FSA §101.657 | Early in-person voting | 10 days before election (may begin 11 to 15 days before a state or federal election, at the discretion of the county elections supervisor) | 3 days before election (may end 2 days before a state or federal election, at the discretion of the county elections supervisor) |

Table 1 (continued)

| State | Form of Voting | Starts | Ends |
|---|--|--|---|
| Georgia GA Code § 21-2-385 | In-person absentee voting | Fourth Monday before election | Friday before election |
| Hawaii HRS §§ 15-7 and 15-9 | In-person absentee voting | 10 working days before election | Saturday before election |
| Idaho IC §§ 34-1001 et seq. and 34-1012 | In-person absentee voting; early in-person voting in counties that opt to implement it | On or before the third Monday before election | Friday before election |
| Illinois 10 ILCS 5/19A-10 and -5/19A-15 | Early in-person voting | 40 days before election | Day before election |
| Indiana Ind. Code §§ 3-11-4-1 and 3-11-10-26 | In-person absentee | 28 days before election | Day before election |
| Iowa ICA §§ 53.10 and 53.11 | In-person absentee | 29 days before election | Day before election |
| Kansas KSA §§ 25-1122a and 25-1123 | Early in-person voting | 20 days before election | Day before election |
| Louisiana LRS 18:1303 and 1309 | Early in-person voting | 14 days before election | 7 days before election |
| Maine 21-A MRS § 751 et seq. | In-person absentee voting | As soon as absentee ballots are ready (30-45 days before election) | Thursday before election, unless the voter has an acceptable excuse |

Table 1 (continued)

| State | Form of Voting | Starts | Ends |
|---|---------------------------|-------------------------------------|--------------------------------------|
| Maryland MD Code, Election Law, § 10-301.1 | Early in-person voting | Second Thursday before election | Thursday before election |
| Massachusetts MGLA 54 § 25B | Early in-person voting | 11 business days before election | Two business days before election |
| Minnesota MSA §§ 203B.081 and 203B.085 | In-person absentee voting | 46 days before election | Day before election |
| Montana MCA §§ 13-13- 205 and 13-13- 222 | In-person absentee voting | 30 days before election | Day before election |
| Nebraska NRS §§ 32-808 and 32-938 | In-person absentee voting | 30 days before election | Day before election |
| Nevada NRS §§ 293.356 and 293.3568 | Early in-person voting | Third Saturday before election | Friday before election |

Table 1 (continued)

| State | Form of Voting | Starts | Ends |
|---|---|---|--------------------------|
| New Jersey NJSA § 19:63-1 et seq. | In-person absentee voting* <i>*Under a 2018 law, voters who requested an absentee ballot (known as a “mail-in a ballot”) in 2016 will automatically receive such a ballot for future elections, unless they opt out.</i> | 45 days before election | Day before election |
| New Mexico NMSA §§ 1-6-5.7 and 1-6-5(F) | Early in-person voting and in-person absentee voting | Third Saturday before election for early voting; 28 days before election for in-person absentee voting | Saturday before election |
| North Carolina NCGSA §§ 163a- 1300 to 163a- 1303 | In-person absentee | Third Wednesday before election | Saturday before election |
| North Dakota NDCC § 16.1-07- 15 | Early in-person voting | 15 days before election | Day before election |
| Ohio Ohio Code §§ 3509.01 and 3509.05 | In-person absentee voting | Day after the close of voter registration | Day before election |
| Oklahoma § 26 OSA 14- 115.4 | In-person absentee voting | Thursday before election | Saturday before election |
| Oregon ORS § 254.470, Secretary of State Rules | All mail voting | Drop sites must open the Friday before an election but may open as soon as ballots are available | Day of election |

Table 1 (continued)

| State | Form of Voting | Starts | Ends |
|---|---------------------------|--|---|
| South Dakota SDCL §§ 12-19-1.2 and 12-19-2.1 | In-person absentee voting | 46 days before election | Day before the election |
| Tennessee TCA § 2-6-102 | Early in-person voting | 20 days before election | 5 days before election |
| Texas Tex. Elec. Code §§ 85.001 and 85.002 | Early in-person voting | 17 days before election | 4 days before election |
| Utah UCA § 20A-3-601 | Early in-person voting | 14 days before election | Friday before election, but election officials may opt to extend early voting to day before after providing required notice |
| Vermont 17 VSA §§ 2531 to 2537 | In-person absentee voting | 45 days before election | Day before election |
| Washington RCW § 29A.40.160 | All mail voting | Vote centers must open 18 days before election | Day of election |
| West Virginia WVC § 3-3-3 | Early in-person voting | 13 days before election | 3 days before election |
| Wisconsin WSA § 6.86 | In-person absentee voting | Third Monday before election | Friday before election |
| Wyoming WS § 22-9-101 et seq. | In-person absentee voting | 40 days before election | Day of election |

SOURCES: NCSL and Secretaries of State

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