

State Laws Governing Early Voting

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Issue

Discuss early voting, including the type of early voting available in states that offer it and the length of their early, in-person voting period. This updates OLR Report [2018-R-0278](#). It does not contemplate any temporary changes to election laws made in response to COVID-19.

Summary

Forty-four states and Washington D.C. allow all registered voters to cast a ballot in-person before Election Day. (Delaware's law becomes effective in 2022.) Currently, the following six states do not allow all registered voters to cast a ballot in-person before Election Day without providing a valid reason: Alabama, Connecticut, Mississippi, Missouri, New Hampshire, and South Carolina.

Under these “early voting” laws, voters need not provide a reason for voting before Election Day and they have the opportunity to cast their ballot in person—usually at an election official’s office or at a satellite voting location. (Under the other main form of pre-Election Day voting, regular absentee voting, voters must provide a valid reason 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: (1) early in-person voting; (2) in-person, no-excuse absentee voting; and (3) 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, no-excuse absentee voting is when voters cast absentee ballots in-person, rather than by mail, before Election Day. In-person absentee ballots are usually subject to counting procedures applicable to absentee ballots, such as signature verification.

Finally, vote-by-mail is when every registered voter automatically receives a ballot by mail before Election Day. Because voters generally have the option of casting their ballot early and in-person at a voting center or returning it at a designated drop-off location, election experts often include these states as states with an early voting option.

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 days to 45 days; they begin as early as 46 days before the election and as late as the Thursday before it. Twenty-four states and Washington D.C. offer early voting on Saturdays or Sundays, according to the National Conference of State Legislatures (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. Concerning absentee voting, the table applies only to no-excuse absentee voting; it does not apply to regular absentee voting, which, as described above, requires voters to provide a reason, or "excuse," to vote early.

Table 1: Early Voting Laws and Periods

State	Form of Voting	Period Starts	Period Ends
Alaska Alaska Stat. §§ 15.20.061, 15.20.064, and Alaska Admin. Code tit. 6, § 25.500	Early in-person voting and in-person absentee voting	15 days before election	Day of election
Arizona Ariz. Rev. Stat. §§ 16-541 and 16-542	Early in-person voting	27 days before	Friday before election
Arkansas Ark. Code Ann. § 7-5-418	Early in-person voting	15 days before	Monday before election
California Cal. Elec. Code §§ 3001 and 3018	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 Colo. Rev. Stat. §§ 1-5-102.9 and 1-7.5-104	All-mail voting (with early in-person voting option)	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
Delaware Del. Code Ann. tit. 15, § 5402* <i>(Effective January 1, 2022)</i>	Early in-person voting	At least 10 days before election	Sunday before election
District of Columbia D.C. Code § 1-1001.09 and D.C. Mun. Regs., tit. 3, § 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	Day before election

Table 1 (continued)

<i>State</i>	<i>Form of Voting</i>	<i>Period Starts</i>	<i>Period Ends</i>
Florida Fla. Stat. §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)	Three days before election (may end two days before a state or federal election, at the discretion of the county elections supervisor)
Georgia Ga. Code §§ 21-2-380, and 21-2-385	In-person absentee voting	Fourth Monday before election	Friday before election
Hawaii 2019 Haw. Sess. Laws Act 136	All-mail voting (with early in-person voting option)	Voter service centers must be open starting 10 business days before an election, for dropping off ballots or voting in person	Day of election
Idaho Idaho Code §§ 34-1001 and 34-1012	In-person absentee voting (may vary by county)	On or before the third Monday before election	Friday before election
Illinois 10 Ill. Comp. Stat. 5/19A-5, 5/19A-15, and 5/19A-25	Early in-person voting	40 days before election; permanent early voting locations must be open at least 15 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 Iowa Code §§ 53.10 and 53.11	In-person absentee	29 days before election	Day before election

Table 1 (continued)

<i>State</i>	<i>Form of Voting</i>	<i>Period Starts</i>	<i>Period Ends</i>
Kansas Kan. Stat. Ann. §§ 25-1122 and 25-1123	Early in-person voting	Tuesday before election, or up to 20 days before election (varies by county)	Day before election
Kentucky HB 574 (2021)	Early in-person voting	Thursday before election	Saturday before election
Louisiana La. Rev. Stat. §§ 18:1303 and 18:1309	Early in-person voting	14 days before election	7 days before election
Maine Me. Rev. Stat. tit. 21-A §§ 751, 753-B(2), and 753-B(8)	In-person absentee voting	As soon as absentee ballots are ready (30-45 days before election)	Three business days before election, unless the voter has an acceptable excuse
Maryland Md. Code, Elec. Law, § 10-301.1	Early in-person voting	Second Thursday before election	Thursday before election
Massachusetts Mass. Gen. Laws Ann. ch. 54 § 25B	Early in-person voting	11 business days before election	Two business days before election
Michigan Mich. Const. art. II, § 4	In-person absentee voting	40 days before election	Day before election
Minnesota Minn. Stat. Ann. §§ 203B.081 and 203B.085	In-person absentee voting	46 days before election	Day before election
Montana Mont. Code Ann. §§ 13-13-205 and 13-13-222	In-person absentee voting	30 days before election	Day before election

Table 1 (continued)

<i>State</i>	<i>Form of Voting</i>	<i>Period Starts</i>	<i>Period Ends</i>
Nebraska Neb. Rev. Stat. §§ 32-808 and 32-938	In-person absentee voting	30 days before election	Day before election
Nevada Nev. Rev. Stat. § 293.356 et seq.	Early in-person voting	Third Saturday before election	Friday before election
New Jersey N.J. Stat. Ann. § 19:63-1 et seq.	In-person absentee voting	45 days before election	Day before election
New Mexico N.M. Stat. Ann. §§ 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
New York N. Y. Elec. Law Title VI, § 8-600	Early in-person voting	10 days before election	Two days before election
North Carolina N.C. Gen. Stat. Ann. § 163-227.2	In-person absentee	Third Wednesday before election	Saturday before election
North Dakota N.D. Cent. Code § 16.1-07-15	Early in-person voting	15 days before election	Day before election
Ohio Ohio Rev. Code §§ 3509.01 and 3509.05	In-person absentee voting	Day after the close of voter registration	Day before election
Oklahoma Okla. Stat. Ann. tit, 26 §14-115.4	In-person absentee voting	Thursday before election	Saturday before election

Table 1 (continued)

<i>State</i>	<i>Form of Voting</i>	<i>Period Starts</i>	<i>Period Ends</i>
Oregon Or. Rev. Stat. § 254.470, Secretary of State Rules	All mail voting (with early in-person voting option)	Drop sites must open the Friday before an election but may open as soon as ballots are available	Day of election
Pennsylvania Act 77 (2019)	In-person absentee voting	50 days before election	Tuesday before election
Rhode Island R.I. Gen. Laws § 17-20-2	In-person absentee voting ¹	20 days before election	Day of election
South Dakota S. D. Codified Laws §§ 12-19-1.2 and 12-19-2.1	In-person absentee voting	46 days before election	Day before the election
Tennessee Tenn. Code Ann. § 2-6-102	Early in-person voting	20 days before election	Five days before election
Texas Tex. Elec. Code §§ 85.001 and 85.002	Early in-person voting	17 days before election	Four days before election
Utah Utah Code Ann. § 20A-3a-601 et seq.	All mail voting (with early in-person voting option)	14 days before election	Friday before election; election officials may opt to extend early voting period to day before election after providing required notice
Vermont Vt. Stat. Ann. tit.17, §§ 2531 to 2537	In-person absentee voting	45 days before election	Day before election
Virginia VA Code Ann. §§ 24.2-700 and -701.1	In-person absentee voting	45 days before election	Saturday before election

¹ On Rhode Island's mail ballot application, a voter may indicate that he or she "may not be able to vote" at his or her polling place on the day of the election; the State Board of Elections [website](#) indicates that this is no-excuse absentee voting.

Table 1 (continued)

<i>State</i>	<i>Form of Voting</i>	<i>Period Starts</i>	<i>Period Ends</i>
Washington Wash. Rev. Code §§ 29A.40.010 and 29A.40.160	All mail voting (with early in-person voting option)	Vote centers must open 18 days before election	Day of election
West Virginia W. Va. Code § 3-3-3	Early in-person voting	13 days before election	Three days before election
Wisconsin Wis. Stat. Ann. § 6.86	In-person absentee voting	14 days before election	Sunday before election
Wyoming Wyo. Stat. § 22-9-101 et seq.	In-person absentee voting	40 days before election	Day of election

SOURCES: NCSL, U.S. Vote Foundation, and Secretaries of State

NOTE: For purposes of this table, “absentee voting” refers to no-excuse absentee voting; it does not refer to regular absentee voting, which requires voters to provide a reason, or “excuse,” to vote early.

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