

## State Laws Governing Early Voting

By: Kristin Sullivan, Chief Analyst  
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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. **This report has been updated by OLR Report [2023-R-0018](#).**

### 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**

| <b>State</b>  | <b>Form of Voting</b>   | <b>Period Starts</b>  | <b>Period Ends</b>     |
|---|---|---|------------------------|
| Alaska<br><br>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<br><br>Ariz. Rev. Stat. §§ 16-541 and 16-542  | Early in-person voting  | 27 days before  | Friday before election |
| Arkansas<br><br>Ark. Code Ann. § 7-5-418  | Early in-person voting  | 15 days before  | Monday before election |
| California<br>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<br>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<br>Del. Code Ann. tit, 15, § 5402*<br><i>(Effective January 1, 2022)</i>           | Early in-person voting  | At least 10 days before election  | Sunday before election |
| District of Columbia<br><br>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<br><br>Fla. Stat. §101.657                                      | Early in-person voting                                  | 10 days before election<br>(may begin 11 to 15 days<br>before a state or federal<br>election, at the discretion<br>of the county elections<br>supervisor) | Three days before<br>election<br>(may end two days before<br>a state or federal election,<br>at the discretion of the<br>county elections<br>supervisor) |
| Georgia<br><br>Ga. Code §§ 21-2-380,<br>and 21-2-385                    | In-person absentee voting                               | Fourth Monday before<br>election  | Friday before election   |
| Hawaii<br><br>2019 Haw. Sess. Laws<br>Act 136                           | All-mail voting (with early<br>in-person voting option) | Voter service centers<br>must be open starting 10<br>business days before an<br>election, for dropping off<br>ballots or voting in person                 | Day of election  |
| Idaho<br><br>Idaho Code §§ 34-1001<br>and 34-1012                       | In-person absentee voting<br>(may vary by county)       | On or before the third<br>Monday before election  | Friday before election   |
| Illinois<br><br>10 Ill. Comp. Stat. 5/19A-<br>5, 5/19A-15, and 5/19A-25 | Early in-person voting                                  | 40 days before election;<br>permanent early voting<br>locations must be open at<br>least 15 days before<br>election                                       | Day before election  |
| Indiana<br><br>Ind. Code §§ 3-11-4-1 and<br>3-11-10-26                  | In-person absentee                                      | 28 days before election   | Day before election  |
| Iowa<br><br>Iowa Code §§ 53.10 and<br>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<br><br>Kan. Stat. Ann. §§ 25-1122 and 25-1123                 | Early in-person voting    | Tuesday before election, or up 20 days before election (varies by county) | Day before election  |
| Kentucky<br><br>HB 574 (2021)  | Early in-person voting    | Thursday before election  | Saturday before election   |
| Louisiana<br><br>La. Rev. Stat. §§ 18:1303 and 18:1309               | Early in-person voting    | 14 days before election   | 7 days before election   |
| Maine<br><br>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<br><br>Md. Code, Elec. Law, § 10-301.1                      | Early in-person voting    | Second Thursday before election   | Thursday before election   |
| Massachusetts<br><br>Mass. Gen. Laws Ann. ch. 54 § 25B               | Early in-person voting    | 11 business days before election  | Two business days before election  |
| Michigan<br><br>Mich. Const. art. II, § 4                            | In-person absentee voting | 40 days before election   | Day before election  |
| Minnesota<br><br>Minn. Stat. Ann. §§ 203B.081 and 203B.085           | In-person absentee voting | 46 days before election   | Day before election  |
| Montana<br><br>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<br><br>Neb. Rev. Stat. §§ 32-808<br>and 32-938      | In-person absentee voting                               | 30 days before election  | Day before election      |
| Nevada<br><br>Nev. Rev. Stat. § 293.356<br>et seq.           | Early in-person voting                                  | Third Saturday before<br>election  | Friday before election   |
| New Jersey<br><br>N.J. Stat. Ann. § 19:63-1<br>et seq.       | In-person absentee voting                               | 45 days before election  | Day before election      |
| New Mexico<br><br>N.M. Stat. Ann. §§ 1-6-5.7<br>and 1-6-5(F) | Early in-person voting and<br>in-person absentee voting | Third Saturday before<br>election for early voting;<br>28 days before election<br>for in-person absentee<br>voting | Saturday before election |
| New York<br><br>N. Y. Elec. Law Title VI, §<br>8-600         | Early in-person voting                                  | 10 days before election  | Two days before election |
| North Carolina<br><br>N.C. Gen. Stat. Ann. §<br>163-227.2    | In-person absentee                                      | Third Wednesday before<br>election   | Saturday before election |
| North Dakota<br><br>N.D. Cent. Code § 16.1-<br>07-15         | Early in-person voting                                  | 15 days before election  | Day before election      |
| Ohio<br><br>Ohio Rev. Code §§<br>3509.01 and 3509.05         | In-person absentee voting                               | Day after the close of<br>voter registration   | Day before election      |
| Oklahoma<br><br>Okla. Stat. Ann. tit, 26<br>§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<br><br>Or. Rev. Stat. § 254.470,<br>Secretary of State Rules   | All mail voting (with early<br>in-person voting option) | Drop sites must open the<br>Friday before an election<br>but may open as soon as<br>ballots are available | Day of election  |
| Pennsylvania<br><br>Act 77 (2019)                                     | In-person absentee voting                               | 50 days before election   | Tuesday before election  |
| Rhode Island<br><br>R.I. Gen. Laws § 17-20-2                          | In-person absentee<br>voting <sup>1</sup>               | 20 days before election   | Day of election  |
| South Dakota<br><br>S. D. Codified Laws §§<br>12-19-1.2 and 12-19-2.1 | In-person absentee voting                               | 46 days before election   | Day before the election  |
| Tennessee<br><br>Tenn. Code Ann. § 2-6-<br>102                        | Early in-person voting                                  | 20 days before election   | Five days before election  |
| Texas<br><br>Tex. Elec. Code §§<br>85.001 and 85.002                  | Early in-person voting                                  | 17 days before election   | Four days before election  |
| Utah<br><br>Utah Code Ann. § 20A-<br>3a-601 et seq.                   | All mail voting (with early<br>in-person voting option) | 14 days before election   | Friday before election;<br>election officials may opt<br>to extend early voting<br>period to day before<br>election after providing<br>required notice |
| Vermont<br><br>Vt. Stat. Ann. tit.17, §§<br>2531 to 2537              | In-person absentee voting                               | 45 days before election   | Day before election  |
| Virginia<br><br>VA Code Ann. §§ 24.2-<br>700 and -701.1               | In-person absentee voting                               | 45 days before election   | Saturday before election   |

<sup>1</sup> 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<br><br>Wash. Rev. Code §§<br>29A.40.010 and<br>29A.40.160 | All mail voting (with early<br>in-person voting option) | Vote centers must open<br>18 days before election | Day of election               |
| West Virginia<br><br>W. Va. Code § 3-3-3                             | Early in-person voting                                  | 13 days before election                           | Three days before<br>election |
| Wisconsin<br><br>Wis. Stat. Ann. § 6.86                              | In-person absentee voting                               | 14 days before election                           | Sunday before election        |
| Wyoming<br><br>Wyo. Stat. § 22-9-101 et<br>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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