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Early Voting and Mail Voting: Overview and Issues for Congress

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 can 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. In practice, early and mail voting might also differ from in-person Election Day voting in other ways. For example, voters who receive ballots by mail typically return them by mail or in a drop box rather than casting them in person.

Federal law requires all states 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 jurisdiction but commonly include circumstances like being out of the area on Election Day or having a long-term illness or disability.

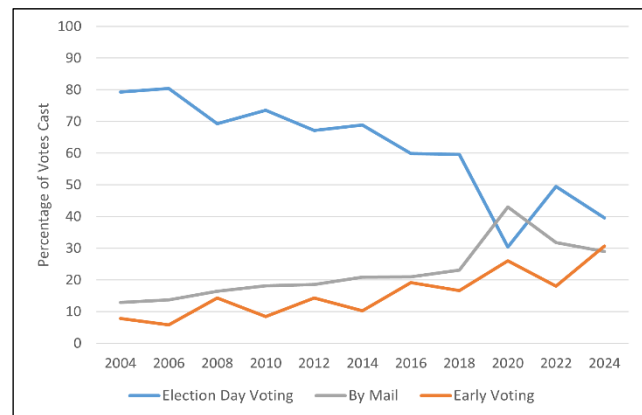
Mail Voting

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 jurisdiction, voters might also have the option of depositing their mail ballots in a drop box, having them collected 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. A case pending before the U.S. Supreme Court as of this writing, *Watson v. Republican National Committee*, could have implications for some current mail ballot return deadlines. For more on that case and its potential implications, see CRS Legal Sidebar LSB11419, *Election Law and the Supreme Court in 2026: Pending Cases on Redistricting, Campaign Finance, and Mail-In Ballots*.

According to the National Conference of State Legislatures (NCSL), as of March 2026, 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 used all-mail elections for all elections (California, Colorado, DC, Hawaii, Nevada, Oregon, Utah, and Washington) or all general elections (Vermont); a number of the others gave counties the option of holding all-mail elections or permitted use of all-mail elections in certain jurisdictions or for certain types of elections.

Figure 1. Reported Methods of Voting, 2004-2024



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 jurisdiction, 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 April 2026, 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. DC and 17 of the 21 states that allowed voters to register to vote on Election Day also allowed same-day registration during early voting, as of March 2026, and three states offered same-day registration during early voting but not on Election Day.

Considerations for Policymakers

Proponents of alternatives to in-person voting on Election Day present such options as a way to increase access to the

ballot—particularly for eligible voters who work during regular polling hours, will be out of town on Election Day, or have long-term illnesses or mobility issues. Alternative voting options might also have other benefits, such as reducing certain costs of conducting elections, giving voters more time to address issues with their ballots or registration records, and better positioning jurisdictions to handle unforeseen events like the COVID-19 pandemic in 2020 or Hurricanes Helene and Milton in 2024.

Such options might also have drawbacks. A particular concern expressed by opponents of policies like no-excuse mail voting and all-mail elections is that mail voting introduces opportunities for voter fraud, errors, and coercion. Other possible downsides of some alternative voting methods include potential to contribute to delays in reporting election results, introduce logistical challenges associated with longer-term storage of ballots or reliance on postal delivery, and lead voters who cast their ballots early to miss information that might have affected their choices.

States have typically introduced 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 some soldiers in the Civil War, for example, but no-excuse mail voting was not introduced until the 1970s. Often, states or localities have used 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 all-mail elections for all races in 2000 but approved a test of the process for local elections in 1981 and used it for select elections through the 1990s.

The following questions may be helpful for Members who are considering proposals related to early or mail voting:

- If considering a policy that would expand access to early or mail voting, would the policy be an option states or localities could choose to offer or a requirement 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 a policy that would limit early or mail voting, what concerns would the limitations be intended to address and how would they address them? Would accommodations be available for voters who faced obstacles to voting in person? Would the policy include provisions for high voter demand or unforeseen events?
- In either case, would federal resources be provided to help cover potential additional costs of implementing 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 or transitioning to new procedures, or educating voters and election workers?

Executive Order (E.O.) 14248, E.O. 14399, and Selected Recent Legislation

President Donald Trump issued executive orders on March 25, 2025, and March 31, 2026, that include provisions related to mail voting. Among other topics, E.O. 14248

addresses deadlines for returning mail ballots and E.O. 14399 addresses the design and transmission of mail balloting materials. As of this writing, litigation related to the executive orders was pending and the United States Postal Service (USPS) had proposed a rule related to E.O. 14399. For more on some of the pending litigation, see CRS Legal Sidebar LSB11368, *Executive Order on Elections: Legal Background and Court Challenges*.

Some Members have introduced legislation in the 119th Congress to codify or nullify the executive orders. Some Members have also offered proposals to require or prohibit use of alternatives to in-person voting on Election Day. For example, the Voter Empowerment Act, the Universal Right to Vote by Mail Act, and the Vote at Home Act would require states to offer early and no-excuse mail voting, no-excuse mail voting, and all-mail elections, respectively, for federal races. The Make Elections Great Again (MEGA) Act, the Mail Ballot Integrity Act, and a proposed amendment to the House-passed Safeguard American Voter Eligibility (SAVE America) Act would prohibit states from sending voters ballots for federal elections except on request, and the latter two measures would limit mail voting in federal elections to voters in specified categories.

Some of the above proposals, along with other measures introduced in the 119th Congress, would also specify or suggest how early or mail voting should be conducted for federal elections. For example, the Voter Empowerment Act and the People Over Long Lines (POLL) Act would provide for federal standards for certain aspects of early voting, and various measures would address one or more of the following aspects of mail voting:

- How USPS approaches mail voting, such as by limiting the operational changes it can make in the period before Election Day and directing it to prioritize processing of mail ballots, postmark ballots, or carry ballots free of postage.
- How mail balloting materials are designed, such as by requiring mail ballots or related materials to be accessible to individuals with disabilities or ballot envelopes to include markings like the Official Election Mail logo or an intelligent mail barcode.
- How mail ballots are requested and provided, such as by requiring or limiting use of permanent absentee lists, requiring or limiting information voters must provide to obtain a mail ballot, and setting timelines for voters to request mail ballots or election officials to send them.
- How mail ballots are returned, such as by permitting or limiting third-party ballot collection, requiring tracking of ballots returned by mail, and specifying how or where voters can return their mail ballots.
- How mail ballots are processed and counted, such as by requiring opportunities to remedy ballot defects, setting timelines to begin processing mail ballots, and requiring or prohibiting acceptance of ballots postmarked by Election Day that arrive after the close of polls.

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