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NASS Fact Sheet: The Absentee Voting Process in the United States

Background

All states have procedures for absentee voting, which provides eligible voters with an alternative to voting at their polling place on Election Day. However, absentee voting laws, policies and terms can vary considerably by state. Traditionally, absentee voting refers to receiving and returning a mail-in paper ballot prior to Election Day. However, more recent absentee voting practices allow individuals to cast a ballot in person before Election Day as part of an early voting period. Some states use other terms to refer to absentee voting, including vote-by-mail, advance voting or early voting.

No-Excuse Absentee Voting

According to the National Conference of State Legislatures (NCSL), 30 states plus the District of Columbia permit voters to vote absentee by mail) without having to provide a reason for doing so, while the remaining 20 states require a valid reason or a special set of circumstances for voting by absentee ballot. However, five states that ordinarily require an excuse to vote absentee (Indiana, Louisiana, Tennessee, Texas and West Virginia) provide a designated early voting period where individuals can vote in person without an excuse. In total, 34 states have an early in-person voting period.

Also according to NCSL, eight states (Arizona, California, Colorado, Hawaii, Montana, New Jersey, Utah and Washington) and the District of Columbia offer permanent, no-excuse absentee voting. This allows voters to automatically receive an absentee ballot for all future elections. (In Oregon and 38 of 39 counties in Washington, where voting is conducted entirely by mail, ballots are also automatically mailed.)

A number of states also provide an option for individuals who meet certain criteria (e.g. age, illness, disability, religious observance, etc.) to permanently receive absentee ballots.

Absentee Voting for Military & Overseas Citizens

All states have procedures for members of the military, their dependents, and U.S. civilians overseas, to cast an absentee ballot in their state of residence. The process is similar to other forms of absentee voting – a voter registers and requests an absentee ballot, the state sends the ballot to the voter, and the voter must be returned in time to be counted. The *Uniformed and Overseas Absentee Voting Act* (UOCAVA) outlines minimum requirements that states must follow in administering absentee voting procedures to individuals covered by the law. This includes sending out absentee ballots 45 days before the election. Depending on the voter's preference, the ballot can be sent via mail or via electronic means (e.g. email, fax or website). States must also allow UOCAVA voters to submit a write-in ballot if the regular ballot does not arrive in time.

Absentee Ballot Deadlines

Each state has its own deadlines for the return of mail-in absentee ballots. Dates may vary according to whether the individual submitting the absentee ballot is a civilian living in the United States, or a military or overseas voter covered under the Uniformed and Overseas Civilian Absentee Voting Act (UOCAVA).

For civilians residing within the U.S., the following information applies:

- In three states, absentee ballots must be returned prior to Election Day.
- In 36 states, absentee ballots must be returned by Election Day.
- In 11 states and the District of Columbia, additional time for the arrival of absentee ballots is provided after Election Day, as long as the absentee ballot is postmarked by Election Day.

For active duty military and overseas citizens covered under UOCAVA, the following information applies:

- In 30 states, absentee ballots of individuals covered under UOCAVA must be returned by Election Day.
- Twenty states and the District of Columbia provide additional time after Election Day for the absentee ballots of UOCAVA voters to arrive. Most of these states require the absentee ballot to be postmarked by a certain date (usually by Election Day).

Absentee Ballot Counts

There are widespread rumors circulating on the Internet claiming that absentee votes are not counted, or they are not counted unless election results are close. All valid votes that are legally cast in each election are counted, including absentee ballots. It can take a little longer to incorporate absentee voting tallies into final election results, but all votes are counted – regardless of whether the number of outstanding ballots can impact the results of an election or not.

- In most states, absentee ballot counting begins on Election Day. Forty states and the District of Columbia follow this practice. Thirteen states of these states and the District of Columbia specify that the polls must be closed on Election Day before absentee vote counting can get underway: Alaska, Alabama, District of Columbia, Illinois, Maine, Massachusetts, Minnesota, Mississippi, New Hampshire, New Mexico, Pennsylvania, South Dakota, Tennessee and Washington.
- Nine states allow absentee vote counting to begin prior to Election Day: Arizona, California, Colorado, Florida, Iowa, Nebraska, North Dakota, Oregon and Utah.
- Maryland allows absentee vote counting to begin after Election Day.

Regardless of when states begin counting absentee ballots, no state releases count totals or results until after the polls close on Election Day. It is also important to note that because many states allow for the arrival of absentee ballots after Election Day, the counting of absentee ballots continues through the deadline for receiving absentee ballots.