



NASS

National Association
of Secretaries of State

NASS Election Administration Survey: Early Voting and Absentee Ballot Counting Prior to Election Day 30 States Responding as of June 4, 2007

FOR ALL STATES:

State	Does your state law or practice allow by mail absentee or early voting ballots to be counted prior to Election Day?	If so, how long before election day? Are there any special requirements or procedures to ensure that results are not disclosed prior to the closing of polls?	Have there been any investigations or prosecutions involving the release of voting results prior to the close of polls?
1. Alabama	No.		
2. Alaska	No.	N/A	N/A
3. Arkansas	No	N/A	N/A
4. Colorado	Yes.	Ten days prior to Election Day, state law does not allow for the results to be published.	Not that the department of State is aware of.
5. Connecticut	No.		
6. Florida	Yes.	<p>Section 101.68, F.S., allows the canvassing board to begin the canvassing of absentee ballots at 7 a.m. on the fourth day prior to the election. During this process, the absentee ballots can be processed through the tabulator. Early voting ballots are put through the tabulator by the voter at the time they are voted, pursuant to section 101.657, F.S. Our early voting period begins 15 days prior to the election.</p> <p>Both sections 101.68 and 101.657, F.S. prohibit the releasing of results prior to the close of the polls on election day. Section 101.68, F.S., provides a penalty of a third degree felony for releasing results of absentee ballots prior to</p>	No.

		closing of the polls on election day.	
7. Indiana	No	N/A	No.
8. Iowa	No.	N/A	No.
9. Kansas	Yes, They may be processed, and optical scan ballots may be scanned, but no results may be tabulated or released.	How long before election day is up to the county election officer. No special procedures; the election officer is just prohibited by law from releasing results.	No.
10. Kentucky	No	N/A	No
11. Louisiana	No.	N/A	N/A
12. Maine	No.		
13. Maryland	No.		
14. Massachusetts	No.	N/A	N/A
15. Minnesota	No	N/A	No
16. Mississippi	No	N/A	N/A
17. Missouri	No.	The results of counting ballots are not released prior to the closing of the polls on Election Day. See Sections 115.469.5 and 115.655.6, RSMo.	Our office has not received any reports of investigations or prosecutions involving the release of voting results prior to the close of polls.
18. Montana	No	N/A	N/A
19. New Mexico	Yes.	Can begin the process for absentee five (5) days prior to election day. Cannot total results until 7:00pm on election day.	No. Law does not permit New Mexico to release results, only number of voters voting by early voting absentee on election day.
20. North Carolina	No		No, we are unaware this has ever happened.
21. North Dakota	Early Voting ó The votes are counted prior to Election Day, but the results may not be tabulated until the polls have closed on Election Day. Mail Absentee ó The processing of absentee ballots can begin no sooner than the moment the polls open on Election Day.	Early Voting is allowed in the 15 days prior to Election Day.	No
22. Ohio	No.		No, there have been no legal investigations.
23. Rhode Island	No.	N/A	N/A
24. Pennsylvania	No.		N/A
25. South Carolina	No.		
26. South Dakota	No		No
27. Tennessee	No.		
28. Vermont	No		
29. Washington	No.	N/A	No

30. Wisconsin	No	N/A	N/A
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FOR STATES WITH LOCAL JURISDICTIONS THAT USE CENTRAL LOCATION OPTICAL SCAN TO COUNT POLLING PLACE BALLOTS:

State	Does your state law or practice allow "early pickup" and counting (prior to the close of the polls) of ballots in jurisdictions using central location optical scan counting?	If so, are there any special requirements or procedures to ensure that results are not disclosed prior to the closing of polls?
Arkansas	No	N/A
Colorado	No.	
Connecticut	N/A	
Iowa	Iowa outlawed central count systems when implementing HAVA. When we did have central count, we did have a mechanism for early pickup - would be glad to share those old rules and requirements if you need them.	
Kansas	No such provision in law.	N/A
Maine	N/A	
Massachusetts	No.	N/A
Minnesota	No	N/A
Mississippi	N/A	
Missouri	Yes. The election authority may authorize the delivery of ballots voted prior to 11:00am to the counting location prior to the closing of polls. See Section 115.475.5, RSMo.	The results of counting ballots are not released prior to the closing of the polls on Election Day. See Sections 115.469.5 and 115.655.6, RSMo.
Montana	State law and practice anticipate early pickup and early counting of ballots on Election Day, particularly for absentee ballots.	A board counting ballots prior to the close of polls must be sequestered, as must anyone with access to the counting. An election judge or other individual having access to any results of early counting may not disclose the information while the polls are open and must remain sequestered until the closing of the polls.
New Mexico	Yes. Five (5) days in advance by the absentee board.	Yes. No results until 7:00pm on election day.
North Dakota	No.	N/A
Pennsylvania	No.	
Vermont	N/A	
Washington	Washington has one poll site county left that uses a central count for optical scan ballots. Early pickup is allowed on Election Day. On Election Day, counties may begin running absentee ballots through tabulators at 7 a.m. Results cannot be produced until 8:00 p.m. The one county in this category	Only that results cannot be produced until 8:00 p.m.

	uses the Hart System and is allowed before Election Day as long as the scanned images are not put into the tabulation program. The county may load the scanned images into the tabulation system on Election Day, but not produce results until 8:00 p.m.	
Wisconsin	No	N/A