



Kansas Legislative Research Department

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To: 2023 Special Committee on Elections
From: Elaina Rudder, Senior Research Analyst
Re: Mail Ballot Return Deadlines

MAIL BALLOT RETURN DEADLINES

According to the National Conference of State Legislatures (NCSL), all states offer some option for voting outside of a polling place through absentee, advance, or mail ballots (the terminology varies by state). The deadline for receipt of these ballots by election officials varies by state, from the day before an election, to a specified time on the day of an election (such as before the close of the polls), to some point in the days or weeks following an election.

In Kansas, [KSA 25-1132](#) requires completed advance ballots to be received by the county election office no later than the hour of the closing of the polls on the date of the primary or general election. However, such ballots received after the closing of the polls that are postmarked or indicated by the United States Postal Service (USPS) to have been mailed before the close of the polls will be considered as received before the close of the polls. In [HB 2158](#), the 2017 Legislature established the deadline for the receipt by mail of advance ballots by the county election office as the last delivery of mail by USPS on the third day following the day of the election.

Recent Kansas Legislation

During recent sessions, the Kansas Legislature has considered altering the deadline for the receipt of advance voting ballots or the transmittal of such ballots to voters.

2023 Session

[Senate Sub. for HB 2053](#), as enacted, amended election law to provide for a presidential preference primary to be held on March 19, 2024, and established voter registration and voting procedures for such election, including setting the deadline for the receipt of advance voting ballots transmitted by mail as the close of polls on election day.

[SB 209](#) would have required advance voting ballots to be received by county election officials by 7:00 p.m. on the day of the election. The bill was vetoed by the Governor.

[HB 2056](#) would require advance voting ballots to be received by county election officials by 7:00 p.m. on the day of the election. During the 2023 Legislative Session, the bill was passed by the House on a vote of 77 in favor and 45 opposed, and in the Senate, the bill was referred to and remains in the Senate Committee on Federal and State Affairs.

[SB 259](#) would amend various provisions of election law, including requiring advance voting ballots to be received by county election officials by 7:00 p.m. on the day of the election. The bill was referred to and remains in the Senate Committee on Federal and State Affairs.

[SB 260](#) would amend various provisions of election law, including requiring advance voting ballots to be received by county election officials by 7:00 p.m. on the day of the election and prohibiting the use of remote ballot boxes. The bill was referred to and remains in the Senate Committee on Federal and State Affairs.

2021-2022 Biennium

[Senate Sub. for HB 2056](#) would have required advance voting ballots to be received by county election officials by 7:00 p.m. on the day of the election. The conference committee report was adopted by the Senate but did not receive a vote in the House.

[SB 35](#) would have removed the option for the Secretary of State to extend the time of receipt for advance ballots after the third day following an election. The bill died in committee.

[SB 166](#) would have authorized county election officers to transmit advance ballots to voters up to 40 days prior to an election. The bill died in committee.

Other States

The deadlines for the receipt of mail ballots in each state are detailed below and are organized in three categories:

- States having the same deadline as Kansas;
- States with deadlines after the Kansas deadline; and
- States with deadlines before the Kansas deadline.

[*Note:* Statutory language in the following sections has been quoted or summarized.]

States Having the Same Deadline as Kansas

Three states have the same deadline as Kansas for the receipt of mail ballots (by the third day after an election):

Massachusetts. Early voting ballots mailed on or before the day of an election are accepted until 5:00 p.m. on the third day after the election. A postmark, if legible, is evidence of the time of mailing.¹

North Carolina. Absentee ballots that are postmarked on or before the day of the election and received by the county board of elections no later than 5:00 p.m. three days after the election will be accepted.²

Virginia. Any absentee ballot returned to the general registrar after the closing of the polls on election day but before noon on the third day after the election and postmarked on or before the date of the election will be counted if the voter is found entitled to vote.³

States with Deadlines After the Kansas Deadline

Thirteen states and the District of Columbia have deadlines after Kansas', allowing for receipt of mail ballots more than three days after an election. These states generally require ballots to be postmarked on or before the day of the election.

Alaska. An absentee ballot postmarked on or before the day of the election may be accepted and counted if it is received by the close of business on the tenth day after the election. Voters who return absentee ballots by mail must use a mail service at least equal to first class.⁴

California. Any vote cast by mail ballot is considered timely if it is received by the voter's elections official via the USPS or a *bona fide* private mail delivery company no later than seven days after election day and if either of the following conditions is satisfied:

- The ballot is postmarked, time-stamped, or date-stamped, or is otherwise indicated by USPS or a mail delivery company that the ballot was mailed on or before election day; or
- If the ballot has no postmark, time stamp, or date stamp, and no other information is available indicating the date on which the ballot was mailed, the vote-by-mail ballot identification envelope is date-stamped by the elections official upon receipt of the vote-by-mail ballot and is signed and dated on or before election day.⁵

District of Columbia. Absentee ballots that are postmarked or otherwise proven to have been sent on or before the day of the election and received by the Board of Elections no later than the seventh day after the election are accepted and counted.⁶

1 Mass. Gen. Laws Ann. ch. 54, § 25B(13)

2 N.C. Gen. Stat. Ann. § 163-231(b)(2)

3 Va. Code Ann. § 24.2-709

4 Alaska Stat. Ann. § 15.20.081

5 Cal. Elec. Code § 3020(b)

6 D.C. Code Ann. § 1-1001.05(10A)

Illinois. Vote-by-mail ballots that are mailed to an election authority and postmarked no later than election day and received after the polls close on election day and before the close of the period for counting provisional ballots cast at that election must be endorsed by the receiving authority with the day and hour of receipt and must be counted during the period for counting provisional ballots.⁷ Vote-by-mail ballots may be counted absent a postmark or barcode if such ballots are received by the election authority after the polls close on election day and before the close of the period for counting provisional ballots, endorsed by the receiving authority with the day and hour of receipt, and the certification date is election day or earlier.⁸

[*Note:* The period for county clerks or boards of election commissioners to complete the validating and counting of provisional ballots is within 14 days after the election.⁹]

Maryland. An absentee ballot is considered to have been timely received if such ballot is received by the local board office from the USPS or a private mail carrier on or before 10:00 a.m. on the second Friday after an election, and if it was mailed on or before election day as verified by a postmark or by the voter's affidavit that the ballot was completed and mailed on election day when the postmark is missing or illegible.¹⁰

Mississippi. Absentee ballots received by mail must be postmarked on or before the date of the election and received by the registrar no more than five business days after the election is counted.¹¹

Nevada. In order for a mail ballot to be counted for any election, the mail ballot must be mailed to the county clerk, postmarked on or before the day of the election, and received by the clerk no later than 5:00 p.m. on the fourth day following the election.¹² If the date of the postmark cannot be determined but the mail ballot is received no later than 5:00 p.m. on the third day following the election, the mail ballot is deemed to have been postmarked on the day of the election and is counted.¹³

New Jersey. Every mail-in ballot that bears a postmark date on or before the day of the election and is received by the county board within 144 hours (6 days) after the time of the closing of the polls is considered valid and must be canvassed. Every mail-in ballot that does not bear a postmark date but is received by the county board by delivery of the USPS before, or within 48 hours after, the closing of the polls is considered valid and must be canvassed.¹⁴

New York. Absentee ballots postmarked on or before election day or showing a dated endorsement of receipt by another agency of the U.S. government no later than the day of the election and received by the board of elections no later than seven days following the day of the election must be counted. An absentee ballot received by the board of elections by mail that

7 10 Ill. Comp. Stat. Ann. 5/19-8(c)

8 *Id.*

9 10 Ill. Comp. Stat. Ann. 5/18A-15

10 Md. Code Regs. 33.11.03.08 (The Maryland State Board of Elections is authorized to determine the deadline for timely receipt of absentee ballots by Md. Code Ann., Elec. Law § 11-302.)

11 Miss. Code. Ann. § 23-15-637

12 Nev. Rev. Stat. Ann. § 293.269921(1)(b)

13 Nev. Rev. Stat. Ann. § 293.269921(2)

14 N.J. Stat. Ann. § 19:63-22(a)

does not bear or display a dated postmark is presumed to have been timely mailed or delivered if such ballot bears a time stamp of the receiving board of election indicating receipt by the board on the day after the election.¹⁵

North Dakota. Absent voter ballots postmarked or otherwise officially marked by the USPS or other mail delivery system before the date of the election and received after election day but before the meeting of the canvassing board (before 4:00 p.m. on the 13th day following the day of election¹⁶) are counted.¹⁷

Ohio. Any absent voter ballots with return envelopes postmarked prior to the day of the election and received after the close of polls on election day through the fourth day thereafter must be counted on the fifth day at the board of elections.¹⁸

Oregon. If an absent elector returns their ballot by mail, the ballot must have a postal indicator showing that the ballot was mailed no later than the date of the election and must be received at the office of the county clerk no later than seven calendar days after the date of the election.¹⁹ If a postal indicator is not present or legible, the ballot is presumed to be mailed on the date of the election and may be counted if the ballot is received no later than seven calendar days after the election.²⁰

Utah. A ballot that is mailed is considered to be valid if the ballot is clearly postmarked before election day or otherwise clearly marked by the post office as received before election day and received in the office of the election officer before noon on the day of the official canvass following the election.²¹ [Note: The board of county canvassers is required to meet and canvass the returns no sooner than seven days after the election and no later than 14 days after the election.²²]

West Virginia. Absentee ballots returned by the USPS or other express shipping service are to be accepted if either:

- The ballot is received by the official designated to supervise and conduct absentee voting no later than the day after the election; or
- The ballot bears a postmark of the USPS dated no later than election day, and the ballot is received by the official designated to supervise and conduct

15 N.Y. Elec. Law § 8-412 (McKinney)

16 N.D. Cent. Code Ann. § 16.1-15-25 (During the 2023 session, the meeting of the canvassing board was changed from the eighth day following the day of the election to the thirteenth day following the day of the election.)

17 N.D. Cent. Code Ann. § 16.1-07-09

18 Ohio Rev. Code Ann. § 3509.05(D)(2)(a)

19 Or. Rev. Stat. Ann. § 253.070(3)(b)

20 Or. Rev. Stat. Ann. § 253.070(4)

21 Utah Code Ann. § 20A-3a-204(2)(a)

22 Utah Code Ann. § 20A-4-301(1)(b)

absentee voting no later than the hour the board of canvassers convenes to begin the canvass.²³

[*Note:* The commissioners of the county commission, sitting as a board of canvassers, must convene at the county courthouse on the fifth day following an election, which is not a Saturday, Sunday, or legal holiday, to canvass the returns of the election.²⁴]

States with Deadlines Before the Kansas Deadline

Thirty-two states have deadlines shorter than Kansas', requiring mail ballots to be received on or before the day of the election or within three days following an election.

Alabama. No absentee ballot may be opened or counted if received by the absentee election manager by mail, unless it is received by mail no later than noon on the day of the election.²⁵

Arizona. In order for an early voting ballot to be counted and valid, the ballot must be received by the county recorder or other officer in charge of elections no later than 7:00 p.m. on election day.²⁶

Arkansas. Absentee voting may be accomplished by the delivery of an absentee ballot by mail to the office of the county clerk of the voter's county no later than 7:30 p.m. on election day.²⁷

Colorado. Ballots returned by mail must be received at the office and in the hands of the county clerk and recorder or designated election official no later than 7:00 p.m. on the day of the election.²⁸

Connecticut. An absentee ballot delivered by mail is cast and counted if it is received by the clerk of the municipality in which the applicant is qualified to vote no later than the close of polls.²⁹

Delaware. For an absentee ballot to be counted, an elector must return their absentee ballot to the department office of the county in which the voter resides before the polls close on election day.³⁰

Florida. To be counted, all marked absent elector ballots must be received by the supervisor by 7:00 p.m. the day of the election.³¹

23 W. Va. Code Ann. § 3-3-5(g)

24 W. Va. Code Ann. § 3-5-17

25 Ala. Code § 17-11-18(a)

26 Ariz. Rev. Stat. Ann. § 16-548(A)

27 Ark. Code Ann. § 7-5-411(a)(1)(A)

28 Colo. Rev. Stat. Ann. § 1-7.5-107(4)(b)(II)

29 Conn. Gen. Stat. Ann. § 9-140b(a)(1)

30 Del. Code Ann. tit. 15, § 5508(b)

Georgia. Absentee ballots received prior to the closing of polls on the day of the election will be opened and counted.³²

Hawaii. To cast a valid ballot, a voter must return their identification envelope containing the optional secrecy envelope or secrecy sleeve with the marked ballot to the clerk or the clerk's designee no later than the closing hour of voting.³³

Idaho. A mailed absentee ballot will be counted if it is received by the issuing officer by 8:00 p.m. on the day of the election.³⁴

Indiana. Mailed absentee ballots are accepted by each circuit court clerk or an agent of the clerk until 6:00 p.m. on election day.³⁵

Iowa. An absentee ballot enclosed in a return envelope must be received in the commissioner's office before the polls close on election day in order for the ballot to be counted.³⁶

Kentucky. In order for a mailed absentee ballot to be counted, such mailed absentee ballot must be received by the county clerk no later than the closing of the polls on election day.³⁷

Louisiana. All ballots, including mail ballots, received by the registrar by 4:30 p.m. on the day before election day will be counted.³⁸

Maine. In order for an absentee ballot to be valid, it must be delivered to the municipal clerk at any time before the polls are closed on election day.³⁹

Michigan. Absent voter ballots returned by mail must reach the clerk or authorized assistant of the clerk before the close of the polls on election day. An absent voter ballot received after the close of polls on election day will not be counted.⁴⁰

Minnesota. Absentee ballots received on election day after 8:00 p.m. must be marked as received late by the county auditor or municipal clerk and must not be delivered to the ballot board to be counted.⁴¹

31 Fla. Stat. Ann. § 101.67(2)

32 Ga. Code Ann. § 21-2-386

33 Haw. Rev. Stat. Ann. § 11-104(c)

34 Idaho Code Ann. § 34-1005

35 Ind. Code Ann. § 3-11.5-4-7

36 Iowa Code Ann. § 53.17(2)

37 Ky. Rev. Stat. Ann. § 117.086(1)(b)

38 La. Stat. Ann. § 18:1308(C)

39 Me. Rev. Stat. tit. 21-A, § 755

40 Mich. Comp. Laws Ann. § 168.764a

41 Minn. Stat. Ann. § 203B.08

Missouri. An absentee ballot received by an election authority after the closing of polls on election day is not counted.⁴²

Montana. Absentee ballots must be received prior to the close of polls in order to be processed and delivered in the unopened secrecy envelopes to the judges.⁴³

Nebraska. Ballots to vote early must be returned no later than the closing of the polls to be accepted for review by the county board for early voting.⁴⁴

New Hampshire. In any state election, completed absentee ballots delivered to the town or city clerk after 5:00 p.m. on election day must not be accepted.⁴⁵

New Mexico. Completed mail ballots received at the county clerk's office or a polling place or retrieved from the post office are accepted until 7:00 p.m. on election day.⁴⁶

Oklahoma. Absentee ballots must be returned to the secretary of each county election board no later than 7:00 p.m. on the day of the election.⁴⁷

Pennsylvania. An absentee ballot cast by an absentee elector or a mail-in ballot cast by a mail-in elector must be canvassed if the absentee ballot or mail-in ballot is received in the office of the county board of elections no later than 8:00 p.m. on the day of the election.⁴⁸

Rhode Island. Mail ballots cast on or before election shall be counted unless such mail ballot is received by the state board after the closing of polling places on election day.⁴⁹

South Carolina. Absentee ballots in return-addressed envelopes that are received by the county board of voter registration and elections before the time for closing the polls are counted.⁵⁰

South Dakota. If an absentee ballot is delivered to a polling place, absentee counting board, or the office of the person in charge of the election after the polls are closed in the county or local jurisdiction, then such absentee ballot is not counted.⁵¹

Tennessee. Ballots returned by mail must be received by the close of polls on election day in order to be counted by the counting board.⁵²

42 Mo. Ann. Stat. § 115.293(1)

43 Mont. Code Ann. § 13-13-232(2)

44 Neb. Rev. Stat. Ann. § 32-950

45 N.H. Rev. Stat. Ann. § 657:22

46 N.M. Stat. Ann. § 1-6-10(A)

47 Okla. Stat. Ann. tit. 26, § 14-104

48 25 Pa. Stat. Ann. § 3146.8(g)(1)(ii)

49 17 R.I. Gen. Laws Ann. § 17-20-16

50 S.C. Code Ann. § 7-15-420(B)

51 S.D. Codified Laws § 12-19-12

52 Tenn. Code Ann. § 2-6-304

Texas. To be counted, a marked ballot voted by mail must arrive at the address on the carrier envelope:

- Before the time the polls are required to close on election day; or
- No later than 5:00 p.m. on the day after the election, if the carrier envelope was placed for delivery by mail before election day and bears a cancellation mark of a mail carrier indicating a time not later than 7:00 p.m. at the location of the election on election day.⁵³

Vermont. All early voter absentee ballots returned by mail to the town clerk's office before the close of polls on the day of the election will be counted.⁵⁴

Wisconsin. Absentee ballots must be returned by mail to the polling place no later than 8:00 p.m. on election day to be counted.⁵⁵

Wyoming. An absentee ballot must be received before the polls close to be counted.⁵⁶

Unspecified Deadlines

The State of Washington does not specify a deadline for when mailed ballots must be returned to the county auditor, but in order for a mailed ballot to be counted, the ballot must have a postmark no later than the day of the election.⁵⁷

Please see the map below depicting state deadlines in comparison with the Kansas deadline.

53 Tex. Elec. Code Ann. § 86.007(a)

54 Vt. Stat. Ann. tit. 17, § 2543

55 Wis. Stat. Ann. § 6.87(6)

56 Wyo. Stat. Ann. § 22-9-119

57 Wash. Rev. Code Ann. § 29A.40.091(4)

Mail Ballot Requirements by State

