

What Comes After Watson? A Proactive Policy Agenda for Impacted States

The countdown to the 2026 midterms has already begun — but for [hundreds of thousands of Americans](#), the fundamental rules of how to return a mail ballot hang in the balance before the U.S. Supreme Court.

In the case [Watson v. RNC](#), the Republican National Committee is challenging a Mississippi law that allows ballots received a few days after Election Day to be counted — as long as they are postmarked on or before Election Day. Mississippi is one of [30 states](#) with grace periods allowing at least some voters' mail ballots to be counted if they are sent by Election Day but received afterward. Specifically:

- [Fourteen states and Washington, D.C.](#), currently have postmark deadlines with grace periods for all mail ballots. In these states, many voters — especially rural voters, voters without access to drop boxes or early voting sites, and voters who experience unexpected mail-delivery delays — often rely on grace periods to ensure their ballots are counted.
- [Sixteen additional states](#) provide a grace period specifically for military and overseas voters.

Grace periods are not a prerequisite for mail voting. Many states, such as [Colorado](#), have strong mail voting systems and do not offer grace periods. These states offer ballot drop boxes and other flexible options for voters to return ballots without relying on the mail.

However, we've also seen the negative fallout in states that have eliminated grace periods — without putting additional safeguards in place. For example:

- In **North Carolina** in 2024, election officials tossed 2,382 ballots that arrived within what had been a grace period until lawmakers [mandated](#) that ballots be received by Election Day.

- In **Ohio's** primary this spring, the percentage of mail ballots tossed out for arriving late increased tenfold compared to the 2024 general election after the state [eliminated](#) its grace period last year.

The magnitude of this ruling's impact will depend on each state's unique characteristics and existing election laws. In certain states, a prompt response will be particularly critical to ensuring that all ballots cast by eligible voters are counted. For example:

- In **Alaska**, where many parts of the state are not accessible by road, the postmark grace period is key to ensuring every vote is counted. In 2024, 12% of mail ballots were received during the state's grace period.
- In **Illinois** and **Virginia**, over 10% of mail ballots were received during the states' grace periods in 2024. Neither of these states requires drop boxes to be available 24/7.

By contrast, some impacted states already have laws that will protect against the negative effects of a ruling prohibiting grace periods. For example, although **Oregon** and **Washington, D.C.**, have grace periods, they also have robust drop box networks that allow voters to bypass the Postal Service altogether. In these jurisdictions, fewer than 1% of mail ballots cast in 2024 were received during the grace period. If these states invest in public education campaigns ahead of the midterms, voters will have time to adjust their behavior and return their ballots using a drop box, rather than relying on a postmark.

The bottom line: voters, state lawmakers, and election officials do not need to wait for a final ruling. States with grace periods should take proactive steps now to prevent last-minute confusion and ensure every eligible vote is counted.

This report lays out our state-specific policy prescriptions for the 14 states with grace periods for all mail ballots: **Alaska, California, Illinois, Maryland, Massachusetts, Mississippi, Nevada, New Jersey, New York, Oregon, Texas, Virginia, Washington, and West Virginia, along with Washington, D.C.**

Our recommendations include:

1. **Establish a robust ballot drop box network.**
2. **Allow voters to return mail ballots in person at all polling places.**
3. **Establish or expand in-person early voting.**
4. **Implement robust ballot tracking to alert voters if they need to vote in person.**
5. **Provide electronic ballot return options (EBR) for military and overseas voters.**

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ALASKA

MAIL VOTING IN AK

Alaska has no-excuse mail voting. In the 2024 election, 17.1% of all votes (58,355) were cast by mail. Many Alaskans, especially those on Native lands, rely on mail voting. An estimated 12% of mail ballots were received during the grace period in 2024.

Alaska's geography makes mail voting and the postmark grace period [more critical](#) compared to many other states. [Approximately 82%](#) of Alaska's roughly 350 communities lack year-round road access. Some communities are only accessible by plane or boat. Voters in these communities face unique obstacles to participating in elections.

PRE-WATSON DEADLINE

Ballots must be postmarked on or before Election Day and received by the close of business on the 10th day after the election. For overseas and military voters (UOCAVA) outside the United States, general election ballots postmarked by Election Day are accepted for 15 days after Election Day.

TIMELINE FOR ACTION

Alaska's 2026 legislative session adjourned on May 20. Legislative action following a decision in *Watson* would require a special session, which may be called by the governor or the legislature. Some of the recommendations below have featured in election reform legislation in the past few years, but none of the bills have been enacted.

At the end of the 2026 session, Gov. Mike Dunleavy vetoed [S.B. 64](#), which would have codified a ballot-tracking system, among other provisions. Municipalities do have some flexibility to provide these solutions, but availability will depend on funding.

RECOMMENDATIONS

- **Establish a robust ballot drop box network across the state, including in villages that are not accessible by road.** While some municipalities have offered ballot drop boxes in the past, there is no statutory authorization or requirement. Given Alaska's unique geography and the challenges it presents for mail delivery and travel, drop boxes placed in communities would allow ballots to reach officials' hands safely on or before Election Day without relying on the postal service. Drop boxes allow voters to securely return their ballots directly to election officials at convenient locations in their community. Drop boxes can replace mailboxes in contexts where a timely postmark is no longer sufficient to ensure a ballot is counted, and the postal service is often unreliable. **Check Out:** [2023 AK SB 138](#)

- **Strengthen in-person early voting by providing at least 14 days of voting, including evening and weekend availability.** Though Alaska's early voting period begins 15 days before Election Day, supervisors must only offer early voting on 13 of those days. Currently, election supervisors offer as few as 10 total hours of weekend early voting (only on the final weekend before Election Day). They are not required to provide any early voting hours outside standard business hours on weekdays. If voting by mail is not a reliable option, it becomes more important than ever for voters to have flexible options to cast a ballot in person on a day and at a time that works for them. **Check Out:** [H.B. 43](#)
- **Establish a statewide online ballot return portal for military and overseas voters, as well as voters with disabilities.** Alaska currently allows all voters to return ballots by fax. However, online ballot return portals for military and overseas voters are available only in certain jurisdictions. This added flexibility would ensure that voters facing specific obstacles can vote and have their votes counted without relying on the postal system.
- **Codify electronic ballot tracking in statute, ensuring voters can track ballots in real time with smart barcodes.** The Alaska Division of Elections offers a ballot-tracking service that is not codified in statute. This system allows voters to see when their ballot has been received. This knowledge can alert voters whose mail ballots are not on track to be received on time that they need to pivot to in-person voting. **Check Out:** [S.B. 64](#), [H.B. 390](#), [S.B. 289](#)

CALIFORNIA

MAIL VOTING IN CA

California allows all voters to vote by mail without an excuse and sends mail ballots to all active registered voters for each election. In 2024, mail voters accounted for over 13 million votes during the general election, about 81.1% of total ballots. In the 2024 general election, about 3% of the state's mail ballots were received during the grace period. Early data suggest that nearly 400,000 ballots were received during the grace period for the 2026 primary elections, out of roughly 9.5 million ballots cast.

PRE-WATSON DEADLINE

Postmarked ballots received after Election Day may be counted. Ballots must be postmarked on or before Election Day and received within seven days after Election Day.

TIMELINE FOR ACTION

The legislature reconvened on January 5, 2026 and is scheduled to adjourn on November 30.

RECOMMENDATIONS

- **Build upon California's existing drop box network by guaranteeing 24-hour access.** Under current law, all counties in California must offer mail ballot drop-off locations, consisting of secure, accessible, and locked ballot boxes located as close as possible to established public transportation routes. Locations open at least 28 days before an election, and at least one per county must be an accessible, secured, exterior drop box open at least 12 hours per day, including regular business hours. All other locations must be open at least during regular business hours. Drop boxes give voters the ability to securely return their ballots directly to election officials at convenient locations in their community, and can replace mailboxes when a timely postmark is no longer sufficient to ensure a ballot is counted, and the postal service is often unreliable.
- **Allow direct-to-tabulator return of ballots to polling places statewide.** Under California law, voters may return ballots by hand at polling places in counties that operate under the Voter's Choice Act, which applies to most counties, including the state's most populous counties. In other counties, ballots can only be hand-delivered to election officials, not to polling places. Allowing the return of ballots to polling places in all counties and allowing voters to place completed mail ballots directly into tabulators would both give voters more flexibility in an environment where the postal service is not a reliable means of ballot return and help speed up results. In

counties where voters can already return ballots at polling places, officials should promote this option. **Check Out:** [S.B. 1420](#)

- **Strengthen in-person early voting by providing at least 14 days of voting in all elections, including requiring evening and weekend availability.** In most counties, vote centers are open for "Election Day-style" early voting every day starting ten days before Election Day and continuing through Election Day. Other counties are not required to offer weekend voting. No counties are required to offer voting in evenings or outside standard business hours. If voting by mail is not a reliable option, it becomes more important than ever for voters to have flexible options to cast a ballot in person on a day and at a time that works for them.
- **Establish a statewide online ballot return portal for military and overseas voters, as well as voters with disabilities.** While California allows military and overseas voters to receive their ballots online, they must return their voted ballots by fax or mail only. Voters using these methods must, with their ballot, submit an oath waiving their right to a secret ballot and must be located overseas or called to military service within seven days of the election. Voters with disabilities must print their electronically received ballot and return it by mail or at a drop box, as electronic submission is not allowed. The added flexibility of a dedicated secure portal for ballot return would ensure that voters facing specific obstacles can vote and have their votes counted without relying on the postal system. **Check Out:** [S.B. 970](#)

DISTRICT OF COLUMBIA

MAIL VOTING IN DC

The District of Columbia Board of Elections mails ballots to all registered voters for every election. The district's lack of congressional representation means it does not have races for federal office on the ballot this November; however, the district's unique status might put its grace period for local races, including the mayor, in question in a way that is not the case for states. In 2024, around half of the total ballots cast were by mail, and roughly 0.8% of these were received during the grace period.

TIMELINE FOR ACTION

The D.C. Council is in session year-round. The Board of Elections has extensive authority to issue regulations, and the executive director is specifically delegated with authority.

PRE-WATSON DEADLINE

Mail ballots must be postmarked by Election Day and received by either the [seventh](#) day (standard voters) or the [10th](#) day (overseas and military voters) after Election Day.

RECOMMENDATIONS

- **Ensure that the district's drop boxes are available 24 hours a day.** D.C. law requires the Board of Elections to establish 55 drop boxes throughout the district; however, they must be available only for 10 hours per day. If the postal service can no longer be relied on because of the *Watson* decision, the Council must ensure these drop boxes are available to the public at all times of the day. This is already the case in practice. Drop boxes allow voters to securely return their ballots directly to election officials at convenient locations in their community. Drop boxes can replace mailboxes in contexts where a timely postmark is no longer sufficient to ensure a ballot is counted, and the postal service is often unreliable.
- **Strengthen in-person early voting by moving the first day earlier to provide at least 14 days of voting, and guarantee evening and weekend availability.** These policies should be codified into law, not left to the discretion of the Board of Elections. Early voting is available beginning on the [eighth day](#) before Election Day, with [hours](#) and [weekend](#) days to be determined by the executive director of the Board of Elections. If voting by mail is not a reliable option, it becomes more important than ever for voters to have flexible options to cast a ballot in person on a day and at a time that works for them.

- **Establish a statewide online ballot return portal for overseas and military voters, as well as voters with disabilities.** D.C. allows overseas and military voters by email or fax, but not through a secure online portal. This added flexibility would ensure that voters with specific obstacles can vote and have their votes counted without relying on the postal system.

ILLINOIS

MAIL VOTING IN IL

Illinois has no-excuse mail voting. In the 2024 election, 18.1% of all votes (1,034,773) were cast by mail ballot. Estimates suggest that over 10% (109,624) of all mail ballots in 2024 were received within the grace period after Election Day.

TIMELINE FOR ACTION

Illinois' 2026 legislative session began in January and will meet throughout the calendar year, subject to various scheduled recesses. Thus, the legislature would be able to enact necessary changes following the *Watson* decision during its regular 2026 session. The State Board of Elections could also potentially offer administrative solutions, such as encouraging longer hours for drop box availability in many counties and increasing support for ballot tracking.

PRE-WATSON DEADLINE

Ballots must be postmarked by Election Day and received by election officials within 14 days after Election Day. This deadline applies to both regular mail ballots and overseas and military ballots.

RECOMMENDATIONS

- **Establish a robust 24/7 ballot drop box network across the state.** Illinois law currently authorizes county election officials to provide drop boxes. In 2024, Illinois had a [robust drop box network](#) throughout the state. However, many of the jurisdictions that provided drop boxes limited their hours of availability. Those counties should consider adopting procedures similar to Champaign and other counties that provide drop boxes available 24 hours a day, seven days a week. Drop boxes allow voters to securely return their ballots directly to election officials at convenient locations in their community. Drop boxes can replace mailboxes in contexts where a timely postmark is no longer sufficient to ensure a ballot is counted, and the postal service is often unreliable.
- **Allow hand-delivery of completed mail ballots to election workers at all in-person early and Election Day voting sites, including direct-to-tabulator return.** Many counties allow voters to return mail ballots to Election Day polling locations, but limit pre-Election Day returns to mail and drop boxes. The flexibility of statewide ballot return to polling places on Election Day and early voting would give voters options for secure ballot return outside the postal system.

- **Establish electronic ballot tracking statewide, codified in statute, allowing voters to track ballots in real time with smart barcodes.** Illinois is among the three states without a statewide ballot-tracking system. Many counties offer online ballot tracking, but some do not. These systems allow voters to know when they have been received. This knowledge can alert voters whose mail ballots are not on track to be received on time that they need to pivot to in-person voting. **Check out:** [S.B. 60](#)
- **Strengthen in-person early voting by expanding weekend availability.** Illinois law already provides an extensive early voting period beginning 40 days before Election Day. State law also requires early voting sites to remain open until 7 p.m. on weekdays during the last full week before Election Day. One potential area for improvement is weekend availability. State law currently only mandates early voting availability on the last weekend before Election Day. Lawmakers should consider establishing statewide early voting hours on earlier weekends. If voting by mail is not a reliable option, it becomes more important than ever for voters to have flexible options to cast a ballot in person on a day and at a time that works for them. **Check out:** [H.B. 1901](#)
- **Establish a statewide online ballot return portal for overseas and military voters and voters with disabilities.** Illinois currently offers no electronic alternative to ballot return for overseas and military voters or for voters with disabilities. This added flexibility would ensure that voters facing specific obstacles can vote and have their votes counted without relying on the postal system.

MARYLAND

MAIL VOTING IN MD

In Maryland, all registered voters are eligible to request and cast a mail ballot without an excuse. During the 2024 election, 760,040 voters cast mail ballots, accounting for about one-fourth of the total votes.

TIMELINE FOR ACTION

Maryland's legislative session convened on January 14, 2026 and adjourned on April 13. Further legislative action before the midterms would require Gov. Wes Moore or a majority of each chamber of the legislature to call a special session.

PRE-WATSON DEADLINE

Maryland allows postmarked ballots received after Election Day to be counted. Ballots returned by mail must be postmarked on or before Election Day and received by 10 a.m. on the second Friday after the election. If the ballot is not legibly postmarked, the date the voter signed the affidavit controls. This deadline also applies to military and overseas voters.

RECOMMENDATIONS

- **Establish a robust statewide ballot drop box network, including a minimum number per county.** Maryland law provides rules for siting and securing drop boxes but does not require a specific number to be used. Each local board of elections must submit a drop box plan to the state administrator for review. The number of drop box locations available [varies widely](#) by county. Drop boxes allow voters to securely return their ballots directly to election officials at convenient locations in their community. Drop boxes can replace mailboxes in contexts where a timely postmark is no longer sufficient to ensure a ballot is counted and the postal service is often unreliable.
- **Strengthen in-person early voting by providing a longer in-person early voting period, including the weekend before Election Day.** The Maryland Constitution authorizes the legislature to provide up to 10 days of early voting in the two weeks before Election Day. State law provides eight days of voting in that time frame, from the second Thursday before Election Day to the Thursday before Election Day, with voting on both weekend days. Counties are required to offer thirteen hours of early voting, from 7 a.m. to 8 p.m., each early voting day. If voting by mail is not a reliable option, it becomes more important than ever for voters to have flexible options to

cast ballots in person on a day and at a time that works for them. Maryland should expand its early voting period to include the weekend before Election Day.

- **Establish a statewide online ballot return portal for military and overseas voters, as well as voters with disabilities.** Electronic ballot return is not currently offered in Maryland. Military and overseas voters and voters with disabilities can receive their ballots electronically but must return their completed ballots by mail, drop box, or in person. The flexibility provided by online ballot return systems ensures that voters facing specific obstacles can vote and have their ballots counted without relying on the postal system. **Check Out:** [S.B. 802 \(2024\)](#), [H.B. 645 \(2023\)](#)

MASSACHUSETTS

MAIL VOTING IN MA

Massachusetts offers no-excuse mail voting to all voters in most elections. State law permits municipalities to opt out of no-excuse mail voting for local elections. Roughly one-third of the electorate) voted by mail in Massachusetts for the 2024 general election. An estimated 12,163 to 24,326 ballots were received after Election Day.

PRE-WATSON DEADLINE

Ballots sent within the U.S. must be postmarked by Election Day and received by 5 p.m. on the third day after Election Day. Ballots sent by voters outside of the U.S. may be received by 5 p.m. on the 10th day after Election Day.

TIMELINE FOR ACTION

The Massachusetts legislature will be in session through January 1, 2027.

RECOMMENDATIONS

- **Strengthen the ballot drop box network across the state, requiring drop boxes in every municipality with 24/7 availability.** Massachusetts allows but does not require municipalities to establish secure ballot drop boxes for mail ballots, and not all drop boxes are available outside business hours. Drop boxes allow voters to securely return their ballots directly to election officials at convenient locations in their community. Drop boxes can replace mailboxes in contexts where a timely postmark is no longer sufficient to ensure a ballot is counted and the postal service is often unreliable. **Check Out:** [S.B. 534](#)
- **Allow hand-delivery of completed mail ballots to election workers at all Election Day voting sites, including direct-to-tabulator return.** Massachusetts [does not allow](#) voters to return ballots to polling places on Election Day. Giving voters this added flexibility, along with the ability to return ballots directly to tabulators, would increase voters' options for secure ballot return outside the postal system.
- **Strengthen in-person early voting by providing at least 14 days of voting, including evening and weekend availability.** Early in-person voting is available for all statewide elections, certain federal elections, and special elections held on the same date as statewide elections. Required hours of weekend voting vary by the number of registered voters, from four hours per weekend to eight hours per weekend day. No evening hours are required. It has become more important than ever for voters to

have flexible options to cast a ballot in person on a day and at a time that works for them. **Check Out:** [S.B. 534](#)

- **Establish a statewide online ballot return portal for military and overseas voters and voters with disabilities.** Military and overseas voters may return ballots through the mail, fax, or email. Voters with disabilities may return their ballots in person, by mail, by drop box, or by using a secure electronic portal. Expanding the use of the online portal for overseas and military voters would provide additional flexibility, ensuring voters can securely cast a ballot and have their vote counted without relying on the postal system.
- **Codify electronic ballot tracking in statute.** Massachusetts allows voters to track their ballots online, but tracking is not codified in statute. These systems allow voters to know where their ballots are in the mail system and when they have been received. This knowledge can alert voters whose mail ballots have not been received by election officials that they may need to pivot to an in-person voting option.

MISSISSIPPI

MAIL VOTING IN MS

Mississippi permits mail voting only for voters with a qualifying excuse. For the 2024 General Election, 199,689 absentee ballots were counted (including ballots cast in person at an election official's office – which also requires a qualifying excuse), and around 1% of those were received after Election Day.

PRE-WATSON DEADLINE

Ballots must be postmarked on or before Election Day and [received](#) by the close of business on the fifth day after the election.

TIMELINE FOR ACTION

The Mississippi legislative session began January 6, 2026, and ended on April 15. For the legislature to reconvene this year, Gov. Tate Reeves would have to call a special session. Already this year, the state enacted [H.B. 908](#), which would require mail ballots for all elections to be received by the day before Election Day – a policy that would be a [national outlier](#). This law will only go into effect if the Supreme Court invalidates the state's grace period.

RECOMMENDATIONS

- **Establish in-person early voting with at least 14 days of voting, including evening and weekend availability.** Mississippi is [one of only three states](#) that do not offer in-person early voting. If voting by mail is not a reliable option after the *Watson* decision, it becomes more important than ever for voters to have flexible options to cast ballots in person on a day and at a time that works for them. **Check Out:** [H.B. 355](#), [H.B. 365](#), [H.B. 447](#), [H.B. 1426](#), [S.B. 2584](#)
- **Establish a robust statewide ballot drop box network across the state.** Mississippi does not offer any drop boxes and only permits absentee mail ballots to be returned by mail. Drop boxes allow voters to securely return their ballots directly to election officials at convenient locations in their community. Drop boxes can replace mailboxes in contexts where a timely postmark is no longer sufficient to ensure a ballot is counted, and the postal service is often unreliable. **Check Out:** [S.B. 2585](#)
- **Allow hand-delivery of completed mail ballots to election workers at all polling places, including direct-to-tabulator return.** Mississippi prohibits in-person ballot return, requiring ballots to be returned by mail. This flexibility gives voters options for secure ballot return outside the postal system.

- **Establish a statewide online ballot return portal for military and overseas voters and voters with disabilities.** Mississippi permits military and overseas voters to return their marked absentee ballots through email or fax (phone or internet). The added ease of use and security of a dedicated online portal would ensure that voters facing specific obstacles can vote and have their votes counted without relying on the postal system.
- **Codify electronic ballot tracking in statute, ensuring voters can track ballots in real time with smart barcodes.** Mississippi currently offers online ballot tracking, but it is not statutorily required. This knowledge can alert voters whose mail ballots have not been received by election officials that they may need to pivot to an in-person voting option.

NEVADA

MAIL VOTING IN NV

Nevada sends mail ballots to all active registered voters before each election. In 2024, mail voters accounted for 656,815 votes in the general election, about 44.2% of ballots cast. Ballots received after Election Day represented about 1.8% of mail ballots.

PRE-WATSON DEADLINE

Ballots returned by mail must be postmarked on or before Election Day and received by 5 p.m. on the fourth day after Election Day. Ballots that are not legibly postmarked are accepted if received by 5 p.m. on the third day after Election Day.

TIMELINE FOR ACTION

The Nevada legislature meets only in odd-numbered years and will not convene a regular session until 2027. A special session could be called by Gov. Joe Lombardo or by two-thirds of the legislature.

RECOMMENDATIONS

- **Establish a robust statewide ballot drop box network with 24/7 availability.** Nevada requires drop boxes at all early and Election Day polling places and at the clerks' offices. These drop boxes are only required to be open when polls or clerks' offices are open. Election officials have the discretion to establish additional drop boxes beyond what is required in statute. Drop boxes allow voters to securely return their ballots directly to election officials at convenient locations in their community. Drop boxes can replace mailboxes in contexts where a timely postmark is no longer sufficient to ensure a ballot is counted and the postal service is often unreliable.
Check Out: [A.B. 306 \(2025\)](#)
- **Strengthen in-person early voting by providing at least 14 days of voting, including more evening and weekend availability.** Nevada currently requires counties to offer at least four hours of early voting on Saturdays, but Sunday voting is provided at the county clerk's discretion. Evening hours are not required. No evening availability is required by statute. If voting by mail is not a reliable option, it becomes more important than ever for voters to have flexible options to cast a ballot in person on a day and at a time that works for them.
- **Codify the existing electronic ballot-tracking system to enable voters to track ballots in real time using smart barcodes.** Nevada offers electronic ballot tracking, but it is not codified in statute. These systems allow voters to know where their

ballots are in the mail system and when they have been received. This knowledge can alert voters whose mail ballots have not been received by election officials that they may need to pivot to an in-person voting option.

NEW JERSEY

MAIL VOTING IN NJ

New Jersey has no-excuse mail voting. In the 2024 election, 19.3% of all votes (832,469) were cast by mail ballot. There is no statewide data available on the number of ballots counted in 2024 that were received within the authorized grace period after Election Day; however, it is likely between 6,660 and 99,895.

PRE-WATSON DEADLINE

Ballots that are postmarked by Election Day and received by the county board of elections within 144 hours of the close of polls are considered timely. Ballots returned by the U.S. Postal Service without a postmark and received by the county board of elections within 48 hours of the close of polls are considered timely. The deadline is the same for regular mail ballots, overseas ballots, and military ballots.

TIMELINE FOR ACTION

New Jersey's 2026 legislative session began in January and will meet throughout the calendar year, subject to various scheduled recesses.

RECOMMENDATIONS

- **Allow hand-delivery of completed mail ballots to election workers at all in-person early and Election Day voting sites, including direct-to-tabulator return.** New Jersey does not allow the return of mail ballots to polling places. Adding this flexibility would give voters options for secure ballot return outside the postal system.
- **Establish a statewide online ballot return portal for overseas and military voters, and voters with disabilities.** New Jersey permits overseas and military voters to vote by email or fax, provided they also return their paper ballot by mail. The added flexibility of a dedicated secure online portal would ensure that voters facing specific obstacles can vote and have their votes counted without relying on the postal system. **Check Out:** [S.B. 2077](#)
- **Improve electronic ballot tracking to allow voters to track ballots in real time with smart barcodes.** New Jersey [requires](#) electronic ballot tracking in statute. The Division of Elections offers a *Track My Ballot* portal that uses [four codes](#): *N/A* (Not received), *Received*, *Accepted*, and *Rejected*. These systems allow voters to know where their ballots are in the mail system and when they have been received. This

knowledge can alert voters whose mail ballots are not on track to be received on time that they need to pivot to in-person voting.

- **Strengthen in-person early voting by providing at least 14 days of voting.** For New Jersey general elections, early voting begins 10 days before the election and lasts nine days. For a presidential primary or a non-presidential primary, early voting begins seven days before Election Day and lasts for six days. Early voting locations are open from 10 a.m. to 8 p.m., Monday through Saturday, and 10 a.m. to 6 p.m. on Sundays. If voting by mail is not a reliable option, it becomes more important than ever for voters to have flexible options to cast a ballot in person on a day and at a time that works for them.

NEW YORK

MAIL VOTING IN NY

New York allows all voters to request and cast a mail ballot. During the 2024 general election, 886,790 mail ballots were cast, which represented 10.6% of total ballots. There is no statewide data available on the number of ballots counted in 2024 that were received within the authorized grace period after Election Day; however, it is likely between 7,094 and 106,415.

PRE-WATSON DEADLINE

Mailed ballots that are postmarked must be received no later than seven days after Election Day. For general elections, overseas and military ballots must be postmarked by Election Day and received by the 13th day following Election Day. For primary elections, overseas and military ballots must be postmarked by Election Day and received by the seventh day following the election.

TIMELINE FOR ACTION

The New York legislature convened its legislative session on January 7, 2026, and it is ongoing. Opportunities also exist within the state to adopt policy changes outside of legislative action. For example, existing law makes it discretionary for local boards of elections to offer drop boxes, resulting in varying availability across counties. The State Board of Elections could issue guidance to counties establishing a minimum number of drop box locations.

RECOMMENDATIONS

- **Establish a robust statewide ballot drop box network across the state.** New York county boards of elections are statutorily authorized, though not required, to provide one or more secure drop boxes for voters to use to return their ballots. Depending on timing, voters may also return their mail ballots to the County Board of Elections office, an early voting polling site, or an Election Day polling site in the voter's county. All counties are required to offer at least one early voting location, and many counties are required to offer more. In counties that are only required to offer one, that office may be the board of elections. Drop boxes allow voters to securely return their ballots directly to election officials at convenient locations in their community. Drop boxes can replace mailboxes in contexts where a timely postmark is no longer sufficient to ensure a ballot is counted and the postal service is often unreliable.

Check out: [A.B. 9626](#)

- **Strengthen in-person early voting by providing at least 14 days of voting, including expanded evening and weekend availability.** Early voting in New York begins 10 days before Election Day and continues each day until the end of the second day before Election Day – a total of nine days. Statutes require early voting on both days of both weekends immediately before Election Day. Early voting must be available for at least eight hours between 7 a.m. and 8 p.m. every weekday, and at least eight hours between 9 a.m. and 8 p.m. on each Saturday, Sunday, or legal holiday. In counties where all voters may use any early voting center, at least one early voting center must be open until 8 p.m. on at least two weekdays. If voters are assigned to specific early voting centers, each of those voting centers must remain open until 8 p.m. on two weekdays. If voting by mail is not a reliable option, it becomes more important than ever for voters to have flexible options to cast a ballot in person on a day and at a time that works for them.
- **Establish a statewide online ballot return portal for overseas and military voters, and voters with disabilities.** Electronic ballot return is not offered in New York. Military and overseas voters must return their completed ballots by mail. The added flexibility of online ballot return ensures that voters facing specific obstacles can vote and have their ballots counted without relying on the postal system. **Check out:** [A.B. 10081](#)

OREGON

MAIL VOTING IN OR

Oregon allows all voters to vote by mail without an excuse and sends mail ballots to all active registered voters for each election. In 2024, mail voters accounted for 99.6% of total ballots. Ballots received during the grace period accounted for only about 0.8% of the state's ballots in 2024.

PRE-WATSON DEADLINE

If returned by mail, ballots must be postmarked on or before Election Day and received within seven days after Election Day. Overseas and military voters follow the same deadlines. However, ballots with missing or illegible postmarks may still be counted if officials can determine that they were mailed on time (for example, through other postal indicators or a dated, signed declaration by the voter).

TIMELINE FOR ACTION

This year, the legislature convened on February 2 and adjourned on March 6. Enacting additional legislation this year would require Gov. Tina Kotek or a majority of both legislative chambers to call a special session.

RECOMMENDATIONS

- **Strengthen in-person early voting by providing evening and weekend availability, especially in the days right before Election Day.** Oregon offers early in-person voting starting 20 days before Election Day, but it is only available at the clerk's office during normal business hours. If voting by mail is not a reliable option, it becomes more important than ever for voters to have flexible options to cast a ballot in person on a day and at a time that works for them.
- **Establish a statewide online ballot return portal for overseas and military voters, and voters with disabilities.** Oregon offers electronic ballot return via email for all overseas and military voters, with some jurisdictions piloting secure online portals. Voters with disabilities are not eligible to return their ballots electronically. The added flexibility of online ballot return ensures that voters facing specific obstacles can vote and have their ballots counted without relying on the postal system.
- **Codify the existing electronic ballot-tracking system to enable voters to track ballots in real time via smart barcodes.** Oregon [offers](#) electronic ballot tracking, but it is not codified in statute. These systems allow voters to know where their ballots

are in the mail system and when they have been received. This knowledge can alert voters whose mail ballots are not on track to be received on time that they need to pivot to in-person voting.

TEXAS

MAIL VOTING IN TX

Texas allows voters with a qualifying excuse – such as being 65 or older or being absent from their county of residence – to vote by mail. In 2024, mail voters accounted for about 3.8% of total ballots. There is no statewide data available on the number of ballots counted in 2024 that were received within the authorized grace period after Election Day; however, it is likely between 3,478 and 52,163.

PRE-WATSON DEADLINE

Ballots must be postmarked by 7 p.m. on Election Day and must arrive by 5 p.m. the day after the election. If that date falls on a Saturday, Sunday, or a legal state or national holiday, the deadline is extended to the next regular business day. For overseas civilian voters, ballots must be postmarked by Election Day and received by the fifth day after Election Day. For military voters using the Federal Postcard Application, ballots must be received by the sixth day after Election Day.

TIMELINE FOR ACTION

The legislature meets biannually and will not convene for a regular session until 2027. Gov. Greg Abbott would have to call a special session for the legislature to consider changes to the law before the midterms.

RECOMMENDATIONS

- **Establish a robust statewide ballot drop box network across the state.** Texas does not [allow](#) drop boxes; instead, all absentee ballots must be returned by mail or, on Election Day, in person. Drop boxes allow voters to securely return their ballots directly to election officials at convenient locations in their community. Drop boxes can replace mailboxes in contexts where a timely postmark is no longer sufficient to ensure a ballot is counted and the postal service is often unreliable. **Check Out:** [TX HB 1856 \(2025\)](#), [TX HB 1917 \(2025\)](#), [TX HB 2082 \(2025\)](#)
- **Allow hand-delivery of completed mail ballots to election workers at all in-person early and Election Day voting sites, including direct-to-tabulator return.** Texas limits the hand delivery of mail ballots to the early voting clerk's office on Election Day. The flexibility of return to polling places on Election Day gives voters options for secure ballot return outside the postal system. **Check Out:** [H.B. 1856 \(2025\)](#), [H.B. 1917 \(2025\)](#)

- **Strengthen in-person early voting by providing at least 14 days of voting, including more evening and weekend availability.** For most elections, Texas offers at least 10 days of early voting, including the last Saturday and Sunday of the early voting period. In most jurisdictions, election officials are also required to offer several hours of evening voting, and they may choose to provide additional early voting hours and weekend availability beyond what is required by state law. If voting by mail is not a reliable option, it becomes more important than ever for voters to have flexible options to cast a ballot in person on a day and at a time that works for them. **Check Out:** [TX HB 1298 \(2025\)](#)
- **Establish a statewide online ballot return portal for overseas and military voters, and voters with disabilities.** Military voters, their spouses, and dependents stationed in recognized hostile fire or imminent danger pay areas, or in areas designated as combat zones by the president of the United States, may submit their completed ballots by fax only. Other overseas and military voters, as well as voters with disabilities, cannot electronically return their completed ballots. The added flexibility of online ballot return ensures that voters facing specific obstacles can vote and have their ballots counted without relying on the postal system. **Check Out:** [TX HB 1917 \(2025\)](#)

VIRGINIA

MAIL VOTING IN VA

Virginia does not require an excuse to vote by mail. For the 2024 general election, more than 500,000 mail-in ballots (about 11% of total ballots cast) were counted, and 52,000 (about 10% of mail ballots) were received after Election Day.

PRE-WATSON DEADLINE

Ballots must be postmarked on or before Election Day and received by 5 p.m. on the third calendar day after the election.

TIMELINE FOR ACTION

The Virginia legislative session ended February 22, 2026 and reconvened for a Veto Session on April 2 to consider (approve or reject) actions taken by the governor. A special session to enact changes to the law before the midterms would require a call from Gov. Abigail Spanberger or two-thirds of each legislative chamber.

RECOMMENDATIONS

- **Expand upon the ballot drop box network across the state to ensure 24/7 access.** Virginia law [requires](#) county general registrars, designated voter satellite offices, and Election Day polling places to act as ballot drop box locations. Registrars may establish additional drop-off locations. However, these drop boxes – particularly those inside polling locations – often have limited hours of availability. Drop boxes allow voters to securely return their ballots directly to election officials at convenient locations in their community. Drop boxes can replace mailboxes in contexts where a timely postmark is no longer sufficient to ensure a ballot is counted and the postal service is often unreliable.
- **Strengthen in-person early voting by guaranteeing evening availability.** Virginia law provides for in-person early voting beginning 45 days before Election Day until 5 p.m. the Saturday immediately preceding the election. Voting must be available during business hours on weekdays and on the two weekends before an election. Extended hours are at the general registrar's discretion. Guaranteeing statewide availability outside business hours would help ensure in-person early voting is accessible to all voters. If voting by mail is not a reliable option, it becomes more important than ever for voters to have flexible options to cast a ballot in person on a day and at a time that works for them.

- **Establish a statewide online portal for electronic ballot return for military and overseas voters, as well as voters with disabilities.** Currently, all overseas and military voters stationed outside Virginia must submit their ballots by mail. Ballots must be postmarked on or before Election Day and received by noon on the third day after the election. The added flexibility of online ballot return ensures that voters facing specific obstacles can vote and have their ballots counted without relying on the postal system. **Check Out:** [H.B. 493](#)

WASHINGTON

MAIL VOTING IN WA

Washington allows all voters to vote by mail without an excuse and sends mail ballots to all active registered voters for each election. In 2024, mail voters accounted for 3,912,337 votes during the general election, about 99.1% of total ballots. Ballots received after Election Day in 2024 represented around 3% (124,600) of mail ballots.

PRE-WATSON DEADLINE

Ballots returned by mail must be postmarked by Election Day and received before certification – 20 days after a general election or 14 days after a primary. If the postmark is missing or illegible, the date of the voter's signature on the declaration is used to determine if it was timely. Ballots delivered in person to dropboxes or the county auditor must be submitted by 8 p.m. on Election Day. Overseas and military ballots delivered by mail must also be postmarked and received before certification, while those submitted by email or fax must be received by 8 p.m. on Election Day.

TIMELINE FOR ACTION

The legislature convened on January 13, 2026 and adjourned on March 12. Returning to pass new legislation before the midterms would require a special session, which can be convened by the governor or by a resolution requiring a two-thirds supermajority vote of the members in each legislative house.

RECOMMENDATIONS

- **Strengthen in-person early voting by requiring evening and weekend hours.** Voting centers in Washington must be open during business hours for the 18 days before Election Day and until 8 p.m. on Election Day. Counties are not prohibited from operating voting centers outside of business hours or on weekends. If voting by mail is not a reliable option, it becomes more important than ever for voters to have flexible options to cast a ballot in person on a day and at a time that works for them.
- **Establish a statewide online ballot return portal for overseas and military voters, and voters with disabilities.** Washington offers electronic ballot return via email for all overseas and military voters. In late March, the legislature enacted legislation that authorized the secretary of state to conduct a feasibility study on the use of electronic ballot portals for overseas and military voters, disabled voters, and enrolled tribal members residing on reservations. The added flexibility of online

ballot return ensures that voters facing specific obstacles can vote and have their ballots counted without relying on the postal system.

- **Codify electronic ballot tracking into law.** Washington offers electronic ballot tracking, but it is not codified in statute. Voters can check on the status of their ballot through the [VoteWA](#) voter registration and ballot management portal. On the site, voters are provided with one of four [Ballot Status Codes](#): *Sent*, *Received*, *Accepted*, or *Rejection/Challenge + Challenge Reason*. These systems allow voters to know where their ballots are in the mail system and when they have been received. This knowledge can alert voters whose mail ballots are not on track to be received on time that they need to pivot to in-person voting.

WEST VIRGINIA

MAIL VOTING IN WV

West Virginia law requires voters to have an excuse to qualify to vote by mail. In 2024, 22,613 West Virginians voted by mail, representing 2.9% of votes cast. West Virginia's grace period ensured that 540 ballots received after Election Day were counted.

PRE-WATSON DEADLINE

Mailed absentee ballots must be postmarked on or before Election Day and received by the start of the vote canvass (five days after the election, not counting Sundays). Absentee ballots delivered in person must be received by the day before the election. Electronic absentee ballots must be received by the close of polls on Election Day. Military and overseas ballots must be postmarked by Election Day and received by the start of the canvass.

TIMELINE FOR ACTION

The West Virginia legislature adjourned its 2026 regular session on March 14. Enacting new laws before the midterms would require a special session called by Gov. Patrick Morrisey or three-fifths of both chambers of the legislature.

RECOMMENDATIONS

- **Establish a robust statewide ballot drop box network across the state.** West Virginia law currently prohibits the use of ballot drop boxes. Drop boxes allow voters to securely return their ballots directly to election officials at convenient locations in their community. Drop boxes can replace mailboxes in contexts where a timely postmark is no longer sufficient to ensure a ballot is counted and the postal service is often unreliable. **Check Out:** [2025 H.B. 2447](#)
- **Allow hand-delivery of completed mail ballots to election workers at all in-person early and Election Day voting sites, including direct-to-tabulator return.** West Virginia only allows hand delivery of mail ballots to clerks' offices, and such deliveries must be made by the day before Election Day. Increased flexibility would give voters options for secure ballot return outside the postal system.
- **Strengthen in-person early voting by including Sunday and evening hours.** West Virginia offers early voting starting 13 days before Election Day, during regular business hours and on Saturdays from 9 a.m. to 5 p.m. If voting by mail is not a reliable option, it becomes more important than ever for voters to have flexible

options to cast a ballot in person on a day and at a time that works for them. **Check Out:** [2022 S.B. 200](#)

- **Codify electronic ballot tracking into statute, ensuring that voters can tell when their ballots were received and whether they were counted.** West Virginia offers ballot tracking, but it is not required or protected by law. These systems allow voters to know where their ballots are in the mail system and when they have been received. This knowledge can alert voters whose mail ballots are not on track to be received on time that they need to pivot to in-person voting. **Check Out:** [2025 S.B. 802](#)

APPENDIX

Policy Assessment of Impacted States

Policy Assessment of Impacted States					
GENERALLY ALIGNED					
ROOM FOR IMPROVEMENT	Drop Boxes	Return to Polling Places	Ballot Tracking	In-Person Early Voting	Electronic Ballot Return for Military & Overseas
AREA OF CONCERN					
AK					
CA					
DC					
IL					
MD					
MA					
MS					
NV					
NJ					
NY					
OR					
TX					
VA					
WA					
WV					

The Mail Ballot Landscape by State (2024)

State	Total Votes Cast	Total Votes Cast by Mail	Mail Votes as % of Total	Total Ballots Received After Election Day ¹	Total Ballots Received During Grace Period As % of Mail Ballots
Alaska	340,981	58,355	17.1%	6,979	12.0%
California	16,164,330	13,113,392	81.1%	406,132	3.1%
District of Columbia	328,871	168,721	51.3%	1,409	0.8%
Illinois	5,717,147	1,034,773	18.1%	109,624	10.6%
Maryland	3,028,813	760,040	25.1%	6,080 - 91,205	

¹ Walker, Carter. How many voters could be affected by earlier mail ballot deadlines? We ran the numbers. Votebeat, 2026, <https://www.votebeat.org/2026/02/11/how-many-mail-voters-absentee-ballots-arrive-after-election-day-2024-2026-postmark-supreme-court/>. Accessed 26 May 2026.

State	Total Votes Cast	Total Votes Cast by Mail	Mail Votes as % of Total	Total Ballots Received After Election Day¹	Total Ballots Received During Grace Period As % of Mail Ballots
				(VRL Estimate) ²	
Massachusetts	3,512,930	1,174,638	33.4%	12,163 - 24,326	1.0% - 2.0%
Mississippi	1,225,176	199,689 ³	16.3%	1,786	0.9%
Nevada	1,486,297	656,815	44.2%	13,285 ⁴	1.8%
New Jersey	4,321,921	832,469	19.3%	6,660 - 99,896	

² Numbers noted as a "VRL Estimate" were calculated by extrapolating the 0.8% – 12.0% of mail ballots estimate from Votebeat's data.

³ Estimated by combining the number of ballots reported as received by the secretary of state on the day before Election Day with the Votebeat estimate of ballots received after Election Day. Includes absentee ballots cast in person at an election official's office.

⁴ Estimated by extrapolating the rates from Clark and Washoe counties from Votebeat's data to the rest of the state.

State	Total Votes Cast	Total Votes Cast by Mail	Mail Votes as % of Total	Total Ballots Received After Election Day¹	Total Ballots Received During Grace Period As % of Mail Ballots
				(VRL Estimate)	
New York	8,389,626	886,790	10.6%	7,094 - 106,415 (VRL Estimate)	
Oregon	2,269,608	2,259,964	99.6%	18,000	0.8%
Texas	11,488,820	434,692	3.8%	3,478 - 52,163 (VRL Estimate)	
Virginia	4,511,853	504,315	11.2%	52,245	10.4%
Washington	3,949,810	3,912,337	99.1%	124,600	3.2%

State	Total Votes Cast	Total Votes Cast by Mail	Mail Votes as % of Total	Total Ballots Received After Election Day¹	Total Ballots Received During Grace Period As % of Mail Ballots
West Virginia	769,206	22,613	2.9%	540	2.4%