

BRIEFING BOOK

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ELECTIONS AND ETHICS

Mail Ballot Return Deadlines

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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 (terminology varies by state). The deadline for receipt of these ballots by election officials varies by state, from the day before an election, a specified time on the day of an election (such as before the close of the polls), or at some point in the days or weeks following an election.

In Kansas, KSA 25-1132 requires mail 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 election. However, such ballots received after the closing of the polls that are postmarked (or indicated by 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 of mail 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 the 2022 Session, the Kansas Legislature considered altering the deadline for the receipt of mail ballots or the transmittal of such ballots to voters.

Senate Sub. for HB 2056 would have required mail 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 mail ballots after the third day following an election. The bill died in committee.

SB 166 would have authorized county election officers to transmit mail ballots to voters up to 40 days prior to an election. The bill died in committee.

Legislation in Other States

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

Fourteen states have deadlines longer than Kansas, allowing for receipt of mail ballots more than three days after an election. These deadlines range from by 5:00 p.m. on the fourth day following an election (Nevada) to within 14 days of an election (Illinois). Three states require mail ballots to be received before the canvass (North Dakota, Utah, and West Virginia). States that allow ballots to be returned after the day of the election generally require the ballots to be postmarked on or before the day of the election.

