
Returning Absentee Ballots

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Introduction



An absentee ballot, sometimes referred to as a mail ballot or vote-by-mail ballot, is typically returned through the postal service or dropped off at an election official's office by the absentee voter.

Sometimes, though, the voter may be unable to return the ballot in person or get it to a postal facility in time for it to be counted. In these cases, the voter may entrust the voted ballot to someone

else—an agent or designee—to return the ballot.

The chart below outlines state policies for who can return a voted ballot on behalf of an absentee voter or any voter who has a mail ballot. In some states, this is limited to a family member, or there is a restriction on candidates or campaign volunteers returning absentee ballots. Some states put limits on the number of ballots one person may collect.

In summary:

- Twenty-seven states and Washington, D.C., permit an absentee ballot to be returned by a designated agent: **Alaska, Arkansas, California, Colorado, Connecticut, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Minnesota, Montana, Nebraska, New Jersey, North Dakota, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, Virginia and West Virginia.**
 - A “designated agent,” in this case, could include a family member, person of the voter’s choosing, attorney, attendant care provider or anyone who has been designated by the voter. Often the designee must be indicated in writing by the voter.
 - Of these states, 12 limit the number of ballots an agent or designee may return:
 - **Arkansas, Colorado, Georgia, Louisiana, Maine, Minnesota, Montana, Nebraska, New Jersey, North Dakota, South Dakota and West Virginia.**
- Nine states permit an absentee ballot to be returned by the voter’s family member: **Arizona, Massachusetts, Michigan, Missouri, Nevada, New Hampshire, New Mexico, North Carolina and Ohio.**
- One state specifies that an absentee ballot must be returned by the voter either in person or by mail: **Alabama.**

- Thirteen states do not address whether an agent or family member may return an absentee ballot on behalf of a voter: **Delaware, Hawaii, Idaho, Mississippi, New York, Oklahoma, Rhode Island, Tennessee, Utah, Vermont, Washington, Wisconsin and Wyoming.**
 - **Note that interpretations of what this means vary. In some states, this may mean absentee ballot collection is generally accepted, and in others it may mean that this practice is not permitted.**

Other restrictions states put on the collection of absentee ballots include:

- **In Arizona, it is a felony to knowingly collect voted or unvoted absentee ballots from another person.**
- **In California, a person designated to return a vote by mail ballot shall not receive any form of compensation based on the number of ballots that the person returns.**
- **In North Carolina, it is a felony for any person to take possession of any voter's absentee ballot for delivery or return, with an exception for a voter's near relative or verifiable legal guardian.**
- **In North Dakota, no person may receive compensation, including money, goods or services, for acting as an agent for an elector.**
- **Texas prohibits the collection and storage of carrier envelopes for absentee ballots at another location for subsequent delivery to the early voting clerk.**
- **Maine, Maryland, Nebraska, New Jersey, North Dakota and South Carolina all specify that a candidate for office or an individual working for a candidate may not serve as a designated agent.**

State Statutes on Returning and Collecting Absentee Ballots

STATE	WHO CAN RETURN A BALLOT ON BEHALF OF AN ABSENTEE OR MAIL VOTER	OTHER RESTRICTIONS ON COLLECTING ABSENTEE BALLOTS
Alabama Ala. Code § 17-11-9	No one other than the absentee voter may return their own ballot by mail or hand delivery.	No one other than the absentee voter may return their own ballot by mail or hand delivery.
Alaska Alaska Stat. § 15.20.081(a) § 15.20.072	A friend, relative or associate may transfer the absentee ballot to the U.S. Postal Service or a private commercial delivery service for delivery to the division of elections. For those unable to vote in person because of age, illness or disability, a personal representative may pick up, assist in marking and return an absentee ballot.	Not specified.

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Arizona Ariz. Rev. Stat. § 16-1005	A family member, household member or caregiver may return an absentee ballot on behalf of a voter.	A person who knowingly collects voted or unvoted early ballots from another person is guilty of a class 6 felony.
Arkansas Ark. Code Ann. § 7-5-403	A designated bearer or authorized agent may obtain an absentee ballot on behalf of another voter and return it directly to the county clerk. The designated bearer must show photo ID to the county clerk and sign an oath both when obtaining and returning an absentee ballot.	A designated bearer may obtain absentee ballots for no more than two voters per election and shall not have more than two absentee ballots in his or her possession at any time.
California Election Code §3017	A vote by mail voter who is unable to return the ballot may designate another person to return the ballot.	A person designated to return a vote by mail ballot shall not receive any form of compensation based on the number of ballots that the person returns and an individual, group, or organization shall not provide compensation on this basis.
Colorado Colo. Rev. Stat § 1-7.5-107	Any person of the elector's own choice or to any duly authorized agent of the county clerk and recorder or designated election official may be designated to mail or deliver a mail ballot.	No person other than a duly authorized agent of the county clerk and recorder or designated election official may receive more than 10 mail ballots in any election for mailing or delivery.
Connecticut C.G.S.A. §9-140b	An absentee ballot may be returned by a voter's "designee," which includes a person who is caring for the applicant because of the applicant's illness or physical disability, including but not limited to, a licensed physician or a registered or practical nurse; a member of the applicant's family; or if no such person consents or is available, then a police officer, registrar of voters, deputy registrar of voters or assistant registrar of voters in the municipality in which the applicant resides.	Not specified.

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Delaware Del. Code Title 15 § 5507	Absentee voters must return their ballots by U.S. mail, by delivering it, or “causing it to be delivered” prior to the close of polls on Election Day. There is no explicit provision for an agent or designee to return an absentee ballot on behalf of a voter.	Not specified.
District of Columbia D.C. Mun. Regs. Tit. 3, § 722	A registered voter may apply for and return an emergency ballot through an authorized agent if the voter is unexpectedly unable to be present at the polls due to an illness or accident or the voter is serving on a sequestered jury on Election Day.	Not specified.
Florida Fl. Stat. Rev. § 101.051	Any elector applying to cast a vote by mail ballot in the office of the supervisor, in any election, who requires assistance to vote by reason of blindness, disability, or inability to read or write may request the assistance of some person of his or her own choice, other than the elector's employer, an agent of the employer, or an officer or agent of his or her union, in casting his or her vote-by-mail ballot.	Not specified.
Georgia Ga. Code Ann., § 21-2-385	In the case of an elector who is confined to a hospital on the day of the election, a family member or an individual residing in the household a disabled elector may personally deliver an absentee ballot on behalf of the disabled elector. A physically disabled or illiterate elector may receive assistance from any elector who is qualified to vote in the same county or municipality, an attendant care provider or a family member.	No person shall assist more than 10 such electors in any primary, election, or runoff in which there is no federal candidate on the ballot.
Hawaii	Not specified.	Not specified.
Idaho	Not specified.	Not specified.

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Illinois 10 ILCS 5/19-6 10 ILCS 5/19-13	A person authorized by the voter may return an absentee ballot. If the ballot is from a physically incapacitated elector an employee or person under the direction of the facility in which the voter is located may deliver to the ballot. There is an authorization on the ballot envelope naming and authorizing another person to return the ballot.	Not specified.
Indiana Ind. Code 3-11-10-1	A member of the voter's household or a person designated as the attorney for the voter.	Not specified.
Iowa Iowa Code §53.17	A voter may designate a person to deliver a completed absentee ballot.	Not specified.
Kansas Kan. Stat. Ann. §25-1128	Upon written designation by the voter, a person other than the voter may return an absentee ballot. Any such person designated by the voter shall sign a statement that such person has not exercised undue influence on the voting decisions of the voter and agrees to deliver the ballot as directed by the voter.	Not specified.
Kentucky Ken. Rev. Stat. § 117.0863	Any person assisting another in voting by use of absentee ballot shall complete a voter assistance form.	Not specified.
Louisiana LSA-R.S. 18:1308	If delivered by other than the voter, a commercial courier, or the U.S. Postal Service, the registrar shall require that the person making such delivery sign a statement, prepared by the secretary of state, certifying that he has the authorization and consent of the voter to hand deliver the marked ballot.	No person except the immediate family of the voter shall hand deliver more than one marked ballot to the registrar.
Maine 21-A M.R.S.A §753-B	Absentee ballot return by a third person is permitted as long as the third person is not a candidate or a member of a candidate's immediate family.	An absentee ballot may not be issued to a third person who has already been issued five absentee ballots for voters in the municipality until the third person has returned one of those ballots.

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<p>Maryland MD Code, Election Law, §9-307</p>	<p>A qualified applicant may designate a duly authorized agent to pick up and deliver an absentee ballot. An agent of the voter under this section: must be at least 18 years old; may not be a candidate on that ballot; shall be designated in a writing signed by the voter under penalty of perjury; and shall execute an affidavit under penalty of perjury that the ballot was: delivered to the voter who submitted the application; marked and placed in an envelope by the voter, or with assistance as allowed by regulation, in the agent's presence; and returned to the local board by the agent.</p>	<p>Not specified.</p>
<p>Massachusetts M.G.L.A. 54 § 92</p>	<p>A family member may deliver an absentee ballot on behalf of a voter.</p>	<p>Not specified.</p>
<p>Michigan M.C.L.A. 168.764a</p>	<p>A member of the immediate family of the voter or a person residing in the voter's household may deliver a ballot to the clerk for the voter.</p>	<p>Not specified.</p>
<p>Minnesota Minn. Stat. Ann. § 203B.08</p>	<p>The voter may designate an agent to deliver in person the sealed absentee ballot return envelope to the county auditor or municipal clerk or to deposit the return envelope in the mail.</p>	<p>An agent may deliver or mail the return envelopes of not more than three voters in any election.</p>
<p>Mississippi</p>	<p>Not specified.</p>	<p>Not specified.</p>
<p>Missouri V.A.M.S. 115.291</p>	<p>An absentee ballot may be returned in person by a relative of the voter who is within the second degree of consanguinity or affinity.</p>	<p>Not specified.</p>

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<p>Montana Mont. Code Ann. §13-35-703 * This legislation was enacted after a legislatively referred ballot measure was passed in 2018</p>	<p>Individuals authorized to transmit ballots are: an election official; a U.S. postal service worker or other individual specifically authorized by law to transmit U.S. mail; a caregiver; a family member; a household member; or an acquaintance.</p>	<p>A person other than an authorized individual may not knowingly collect a voter's voted or unvoted ballot. An individual authorized to collect a voter's ballot may not collect and convey more than six ballots.</p>
<p>Nebraska Neb. Rev. St. § 32-943</p>	<p>An absentee voter may appoint an agent.</p>	<p>A candidate for office and any person serving on a campaign committee for such a candidate shall not act as an agent for any registered voter requesting a ballot unless such person is a member of the registered voter's family. No person shall act as an agent for more than two registered voters in any election.</p>
<p>Nevada Nev. Rev. Stat. §293.353</p>	<p>It is unlawful for any person to return a mailing ballot other than the registered voter to whom the ballot was sent or, at the request of the voter, a member of the family of that voter.</p>	<p>Not specified.</p>
<p>New Hampshire N.H. Rev. Stat. §657:17</p>	<p>A family member may return the ballot and must complete a form and present a government-issued photo ID or have his or her identity confirmed by the city or town clerk.</p>	<p>Not specified.</p>

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New Jersey N.J. Stat. Ann. §19:63-9, §19:63-16	An authorized messenger may return the ballot. The bearer certifies that he or she received a mail-in ballot directly from the voter, and no other person, and is authorized to deliver the ballot to the appropriate board of election or designee on behalf of the voter.	No person shall serve as an authorized messenger for more than three qualified voters in an election. No person who is a candidate in the election for which the voter requests a mail-in ballot shall be permitted to serve as an authorized messenger or bearer.
New Mexico N.M. Stat. Ann. § 1-6-10.1	A voter, caregiver to that voter or member of that voter's immediate family may deliver that voter's absentee ballot to the county clerk in person or by mail, provided that the voter has subscribed the outer envelope of the absentee ballot.	Not specified.
New York	Not specified.	Not specified.
North Carolina N.C.G.S.A. § 163A-1298, § 163A-1310	A voter's near relative or verifiable legal guardian may return an absentee ballot.	It is a class 1 felony for any person to take into that person's possession for delivery to a voter or for return to a county board of elections the absentee ballot of any voter, except a voter's near relative or verifiable legal guardian.
North Dakota ND Cent. Code § 16.1-07-08	An absentee voter may designate an agent. The agent may not, at that time, be a candidate for any office to be voted upon by the absent voter. The agent must provide a signed, written authorization from an applicant.	No person may receive compensation, including money, goods or services, for acting as an agent for an elector, nor may a person act as an agent for more than four electors in any one election.
Ohio R.C. §3509.05	A family member of the absentee elector may deliver the ballot.	Not specified.

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Oklahoma 26 Okl. Stat. Ann. § 14-108.1	Not specified.	Any voter who hand delivers his or her ballot as provided in subsection A of this section shall provide proof of identity to the county election board. A notary public must witness the absentee voter signing the absentee ballot return envelope. Notaries may not notarize more than 20 absentee ballot affidavits without the written approval of the election board.
Oregon Ore. Rev. Stat. §260.695, §254.470	A person may return a ballot on behalf of another voter.	A person may not attempt to collect voted ballots within any building in which any state or local government elections office designated for the deposit of ballots is located, or within 100 feet measured radially from any entrance to the building. A person may not establish a location to collect ballots voted by electors unless: The person prominently displays at the location a sign stating: "NOT AN OFFICIAL BALLOT DROP SITE"; and the sign is printed in all capital letters in bold 50-point type.
Pennsylvania 25 P.S. § 3146	The voter may designate an authorized representative in writing or if one is unavailable, a deputy sheriff may be used to deliver and return an absentee ballot.	Not specified.
Rhode Island Gen. Laws § 17-20-23	Not specified.	Not specified.

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South Carolina S.C. Code §7-15-385	A voter may authorize another person to return the ballot in writing. A candidate or a member of a candidate's paid campaign staff including volunteers reimbursed for time expended on campaign activity is not permitted to serve as an authorized returnee for any person unless the person is a member of the voter's immediate family.	Not specified.
South Dakota S.D. Codified Laws § 12-19-9 § 12-19-2.2	An authorized messenger can transmit a ballot.	If a person is an authorized messenger for more than one voter, he must notify the person in charge of the election of all voters for whom he is a messenger.
Tennessee	Not specified.	Not specified.
Texas V.T.C.A., Election Code § 86.006	A marked ballot voted under this chapter must be returned to the early voting clerk in the official carrier envelope. The carrier envelope may be delivered in another envelope and must be transported and delivered only by mail; common or contract carrier; or in-person delivery by the voter who voted the ballot. A person possessing an envelope of another voter does not commit an offense if that person is related to the voter within the second degree by affinity or the third degree by consanguinity; physically living in the same dwelling as the voter; a person who possesses a ballot or carrier envelope solely for the purpose of lawfully assisting a voter who was eligible for assistance; a U.S. postal service employee; or a common or contract carrier.	Carrier envelopes may not be collected and stored at another location for subsequent delivery to the early voting clerk. A person commits an offense if the person knowingly possesses an official ballot or official carrier envelope with intent to defraud the voter or the election authority.
Utah	Not specified.	Not specified.
Vermont	Not specified.	Not specified.
Virginia VA Code Ann. § 24.2-705	A voter who becomes incapacitated just before Election Day may vote by emergency ballot and designate a representative to deliver the ballot and return the marked ballot.	Not specified.

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Washington	Not specified.	Not specified.
West Virginia W. Va. Code, § 3-3-5	Not specified, though statute does address hand-delivering ballots (see next column).	No person may hand deliver more than two absentee ballots in any election and any person hand delivering an absentee ballot is required to certify that he or she has not examined or altered the ballot. Any person who makes a false certification violates the provisions of article nine of this chapter and is subject to those provisions.
Wisconsin	Not specified.	Not specified.
Wyoming	Not specified.	Not specified.

Additional Resources

- **NCSL's Absentee and Early Voting**
- **NCSL's All Mail Elections (aka Vote-By-Mail)**

For More Information

- **Call NCSL's elections team at 303-364-7700.**