

Vote by Mail

Threat Level: 3 (Moderate)

Who votes by mail and why?

In mostly mail elections, all active registered voters are sent a ballot in the mail. The voter marks the ballot, puts it in a secrecy envelope or sleeve and then into a separate mailing envelope, signs an affidavit on the exterior of the mailing envelope, and returns the package via mail or by dropping it off. Eight states and Washington, D.C., allow all elections to be conducted entirely by mail: California, Colorado, Hawaii, Nevada, Oregon, Utah, Vermont and Washington State. Vote by mail is allowed in several other states, i.e. where counties opt in, for specific small elections or in certain small districts. <https://www.ncsl.org/elections-and-campaigns/table-18-states-with-all-mail-elections>

In addition to states like ours that vote only by mail, there are states where people have the absentee ballot option instead of going to the ballot box. People who choose that option may be out of state for business on vacation, in the military stationed elsewhere, are not physically able to get to the ballot box, or people who don't drive.

Taking away voting by mail disenfranchises those people. In our state and others like it, we don't have the infrastructure to suddenly switch to an in-person ballot box system ahead of the midterm elections, but that may change by 2028.

The attack on mail-in voting has come in several forms

- 1) **Due date** for receiving the ballot
- 2) The federal government demanding **Voter lists or rolls** from the states
- 3) The **Post Office** has been instructed not to deliver ballots to people in the state that hasn't turned over those rolls.

(Proposals regarding mail-in voting in the SAVE Act are covered elsewhere in a separate summary.)

Why this matters. How urgent is this?

With the intent of limiting voting by mail, the President has issued several executive orders aimed at changing the current mail-in ballot voting system by the midterms in November. The time may be too short to change this by the midterms. However, the 2028 presidential election will be the next target. Some of these attempts to limit voting or disenfranchise voters have been supported by the Supreme Court; some haven't. Brief descriptions of the status of those orders and cases (with references) are listed below.

In this unusual federal government, we must remember that Trump has threatened to declare a national emergency and place the control of elections in the hands of the federal government. That would affect everyone.

<https://www.cnn.com/2026/08/11/politics/trump-national-emergency-election>

The federal government wants to control elections in all states. There are multiple court cases regarding this. Some are states petitioning to expand their ability to disenfranchise voters; others are

suing to prevent the federal government from controlling the election. The most significant suit was settled in the District Court in Massachusetts on 6/26/2026. The judge voided the federal government's demand for the states' voter lists. On 8/11/2026, the judge extended the ruling to apply nationwide. Below are the background, statements, and references that explain this ruling, as well as others, and increase awareness of all the attacks on mail-in voting.

UPDATE (September 15, 2026): The Supreme Court Left Mail-In Voting Alone for This Election

Bottom line up front: for the November 3, 2026 midterms, none of the USPS changes described below will actually happen. The Supreme Court has now weighed in twice on this fight, most recently on September 14, 2026, and each time it left the existing mail-voting rules in place.

How we got from the 8/11/2026 ruling described below to that result:

- June 25, 2026 – Judge Talwani (Massachusetts) blocked key parts of the executive order from applying to the 2026 election.
- August 24, 2026 – The Supreme Court sided with the administration, 6-3, but only on a technicality: it ruled the states had sued too soon, before USPS had issued a final rule. This briefly let the administration move forward.
- Late August 2026 – USPS then issued its final rule (new envelope/barcode requirements, states required to submit voter lists to USPS, delivery holds for non-compliant states). Judge Talwani blocked it again within days, first with a temporary order (8/27) and then a longer-lasting preliminary injunction (9/6).
- September 14, 2026 – The Supreme Court denied the administration's request to lift that injunction. The vote was 7-2. Justice Kavanaugh, in a separate opinion, said that even if USPS eventually turns out to have the legal authority to do this, there isn't enough time before November for election officials to implement it responsibly. Justices Alito and Thomas dissented, arguing USPS does have that authority and that delay itself was harming the government.

What this means for voters: ballots for the 2026 midterms go out under the existing state rules – no new envelope requirements, no USPS voter-list checks, no delivery holds. The underlying legal question – whether USPS can ever regulate mail ballots this way – has not been finally decided, so this fight could resurface for 2028.

A related fight is NOT yet resolved: a separate case over a federal “citizenship verification” database (built on the DHS “SAVE” system) that states can use to screen voter rolls. A federal judge in Washington, D.C. blocked the administration from using the revamped database; as of mid-September 2026 that case (DHS v. League of Women Voters) is still pending before the Supreme Court – unlike the mail-ballot fight above, it has not been decided.

Sources for this update:

<https://www.scotusblog.com/2026/09/supreme-court-denies-trump-administrations-request-to-implement-parts-of-usps-rule-on-mail-in-vot/>

<https://www.npr.org/2026/09/14/nx-s1-5962190/supreme-court-mail-in-voting-trump>

<https://www.scotusblog.com/2026/08/supreme-court-allows-trump-administration-to-move-forward-with-order-imposing-restrictions-on-mail-in-voting/>

<https://www.votebeat.org/national/2026/09/15/trump-mail-voting-executive-order-supreme-court-decision-2026-election/>

<https://www.scotusblog.com/2026/09/groups-urge-justices-to-leave-in-place-ruling-barring-trump-administrations-use-of-voter-databas/>

The **First** attack came as the issue of **when the mail-in ballots would be received**- the day before, the day of, or the day after.

On March 16th, a SCOTUS decision in a Mississippi case held that Mail-in ballots must be received by Election Day, not merely postmarked on that day.

<https://bipartisanpolicy.org/article/what-could-the-supreme-courts-decision-in-watson-vrnc-mean-for-mail-voting/>

*SCOTUS has since acted on mail-in voting again – twice, in fact, via its emergency (“shadow docket”) process rather than a fully argued case. See the September 2026 update above for what happened. A fully argued case on the merits may still come in an upcoming session.

SCOTUS has decided on issues regarding whether states have the right to gerrymander before the ten-year census data is available, as well as cases that are attempting to overturn the Voting Rights Act of 1965 in some cases and enforce it in others. That Act concerns racial discrimination.

<https://www.scotusblog.com/cases/watson-v-republican-national-committee/>

Twenty-three states sued over the timing of ballot receipt. Some states have statutes requiring that ballots be received (not by postmark date) by the day before the election. Some states require ballots to be received on the day of the election. Others accept ballots the day after the election. All states won in the Circuit Court, and the decision cited states’ rights. Since the states will determine what is acceptable, there will be no uniformity in the time accepted for receiving ballots, but the recent ruling prevents the federal government from having control.

<https://www.bbc.com/news/articles/cdxdyvxryl2o/>
<https://mapresearch.org/democracy-map/mail-ballot-receipt-deadlines>

The **Second** attack came as a **demand for the voter rolls** (lists of people who have registered to vote).

On March 26th, Executive Order 14399 was issued, stating that the Federal government would require state voter rolls and decide who could vote on those lists. The Federal government demanded that each state provide voter rolls now. *

*The original statement said now—who knows what POTUS meant?

<https://www.presidency.ucsb.edu/documents/executive-order-14399-ensuring-citizenship-verification-and-integrity-federal-elections>

CAUTION: It is unclear whether the federal government will give the voter rolls solely to the post office or whether the information will be shared with other organizations. As of now, the DOJ, or the Department of Justice, is requesting the information for the DHS. This information overlaps with the SAVE Act.

Over the past year, DOJ has made [conflicting statements](#) regarding plans to share the voter roll data it collects with the Department of Homeland Security. But in a March [hearing](#) in the DOJ’s case seeking Rhode Island’s voter file, the Acting Chief of the Voting Section of the Civil Rights Division stated that

the agency planned to run the voter roll data it collects “against DHS’S SAVE [Systematic Alien Verification for Entitlements] database.” The Civil Rights Division has a Memorandum of Understanding with DHS to [use SAVE](#) for voter registration and voter list maintenance.

<https://www.brennancenter.org/our-work/research-reports/tracker-justice-department-requests-voter-information>

The same 23 states that sued over the timing of ballot receipt also sued to overturn the federal government’s takeover of voter rolls. Two states dropped out of the suit (see below); the remaining 21 states that filed have won in the 6/26/2026 decision. (The two cases were dismissed due to capitulation- Oklahoma- or inept filing by the DOJ – Georgia). As of 8/11/2026, the decision in June became a national stay or hold on the federal demand for voter rolls.

In the U.S. District Court in Massachusetts, Judge Indra Talwani stated in a 6/26/2026 ruling that the 21 states could not be required to turn over the list of voters. Last week, on 8/11, she made that ruling National.

<https://thehill.com/regulation/court-battles/6023907-judge-blocks-usps-trump-voter-order/>

<https://www.cbsnews.com/news/trump-lawsuits-state-voter-rolls-justice-department/>

<https://www.cnn.com/2026/08/03/politics/trump-mail-voting-supreme-court-appeal>

<https://bipartisanpolicy.org/issue-brief/whats-in-the-new-executive-order-on-elections/>

Our state has adamantly refused to turn over those rolls. In fact, they made it a felony to do so.

<https://www.king5.com/article/news/politics/state-politics/gov-bob-ferguson-signs-election-bills/>

<https://senatedemocrats.wa.gov/riccelli/2026/02/05/senate-approves-legislation-to-protect-sensitive-voter-data/>

Note: a related but separate fight over a federal citizenship-verification database (the revamped DHS “SAVE” system) is still pending before the Supreme Court as of mid-September 2026 – unlike the ballot-mailing fight, this one has NOT been decided yet. See the September 2026 update near the top of this document.

The **Third** attack came as an executive order demanding the **USPS not deliver ballots** in states that haven’t turned over their voter rolls. This is being fought in the courts as well.

Postmaster General David Steiner confirmed (stated in the positive) earlier this month that the agency would not deliver mail-in ballots in states that refuse to hand over sensitive voter data to the Trump administration, telling lawmakers it was meant to ensure the “right ballots are going to the right people.” The change stems from a March executive order that directed USPS to propose a final post office policy be in place by August 3. Notably, the D.C. Circuit Court of Appeals has supported the post office in this.

<https://www.nytimes.com/2026/06/24/us/politics/postmaster-mail-ballot-rule-trump-elections.html>

This has also been stopped by the 8/11/2026 ruling in the Massachusetts case. (See below)

Today's ruling blocks USPS from implementing Section 3 of the executive order for the November 3 midterm elections and any earlier federal election. The court held unequivocally that "the executive branch has no authority to regulate elections" and recognized that the executive order is currently causing "irreparable harm" to both voting rights groups and voters by creating confusion about the mail ballots that millions of voters rely on.

<https://www.aclu.org/press-releases/federal-court-blocks-u-s-postal-service-from-implementing-executive-order-restricting-mail-voting>

Note: this 8/11/2026 ruling was NOT the end of the story – the administration kept fighting it. See the September 2026 update near the top of this document for how it was ultimately resolved by the Supreme Court on 9/14/2026.

What can you do?

You can work with any of the many groups defending our rights regarding mail-in ballots. You can give your opinion to the government at both the state and federal levels. You can work locally, as you are doing, to encourage others to vote and raise awareness of these attacks on our fundamental right to vote.

Specific to this fight

- **Push for a legislative fix, not just a court win.** Mail voting is currently protected because of court injunctions and a 7-2 emergency ruling – not because Congress settled the underlying question. A future Court or a future administration could revisit this for 2028. Contact your members of Congress (below) and ask them to support legislation making clear that USPS has no authority to condition ballot delivery on states handing over voter data.
- **Watch the still-pending voter-database case.** A separate case over a federal citizenship-verification ("SAVE") database, which states can use to screen voter rolls, is still pending before the Supreme Court as of mid-September 2026. Unlike the mail-ballot fight, this one has not been decided – a ruling against the challengers could still affect voter rolls even with mail ballots themselves protected for now.

Practical steps for Washington voters

- **Check your own voter registration status.** Confirm your registration is current, especially your address and signature on file, directly with the state rather than assuming it's fine – this matters more than usual given the SAVE database's history of mistakenly flagging citizens as noncitizens.
- **Track your ballot.** Once your ballot is mailed, you can watch its status – sent, received, accepted – so a problem gets caught early instead of after the deadline.
<https://voter.votewa.gov/WhereToVote.aspx>
- **Know how (and when) to return your ballot here.** In Washington, your ballot must be postmarked by Election Day OR placed in an official ballot drop box by 8:00 p.m. on Election Day – there are no polling places to vote in person. Find your nearest drop box well before the deadline; don't wait until the last day if you're mailing it.
- **Volunteer with your county elections office.** Washington doesn't use poll workers at polling places – instead, county auditors hire temporary election workers each cycle to process and secure ballots, and some counties also welcome volunteer observers. If you want to help make sure ballots (including your neighbors') get counted, contact your county auditor's office directly.
<https://www.sos.wa.gov/elections/auditors/>

Government contacts

Congresswoman Emily Randall <https://randall.house.gov/contact>

Senator Patty Murray <https://www.murray.senate.gov/write-to-patty/>

Senator Maria Cantwell <https://www.cantwell.senate.gov/contact/email/form>

Washington Secretary of State - Steve Hobbs <https://www.sos.wa.gov/>

Governor of Washington – Bob Ferguson <https://governor.wa.gov/about/office-governor/about-governor-ferguson>

Organizations

Indivisible – Hands Off Our Vote <https://indivisible.org/campaigns/our-vote/>

Protect Democracy - <https://protectdemocracy.org/our-work/protecting-elections/>

League of Women Voters - <https://www.lwv.org/>

ACLU - <https://www.aclu.org/documents/about-voting-rights-project>

Rock the Vote - <https://www.rockthevote.org/>

... and many more