



Pennsylvania Conference of Teamsters

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LEGISLATIVE ACTION ALERT

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Watson v. RNC — Supreme Court Case on Mail-In Ballot Deadlines

Are mail-in ballots and grace periods legal?

Yes. Both are fully legal in the United States. States have the constitutional authority to allow mail-in voting and to set grace-period rules for ballots postmarked by Election Day.

The Supreme Court case “*Watson v. RNC*” is not deciding whether mail-in voting *itself* is legal — it’s deciding how to interpret a federal Election Day statute.

What the Case Is About

The Republican National Committee (RNC) is asking the Supreme Court to strike down Mississippi’s rule that allows mail-in ballots **postmarked by Election Day** to be counted **up to five business days later**. They argue that federal law requires ballots to be **received** by Election Day.

Mississippi — joined by Democratic-led states — argues the opposite:

- The voter “votes” when they **cast** the ballot (i.e., mail it by Election Day).
- States have long used grace periods, and nothing in federal law prohibits them.

Why This Case Matters Nationally

According to the reporting in your tab:

- **14 states** allow grace periods for all voters.
- **29 states** allow grace periods for military and overseas voters.
- Some states (e.g., Illinois) allow up to **two weeks** for ballots to arrive.

A ruling against Mississippi could force many states to rewrite their rules before the midterms.

What Trump’s Executive Order Tried to Do

The article notes that Trump issued an executive order last year attempting to:

- Eliminate grace periods nationwide
- Require all ballots to be **received** by Election Day

- Pressure states to tighten mail-in voting rules

Democratic-led states have **successfully challenged** the order so far, arguing the President cannot override state election laws by executive action.

The Legal Question Before the Court

The Supreme Court is not deciding whether mail-in voting is legal. It is deciding how to interpret the federal statute that sets a single “Election Day.”

Two competing interpretations:

Interpretation

Supported By Meaning

Election Day = deadline for receipt

RNC

Ballots must arrive by Election Day

Election Day = deadline for casting

Mississippi

Ballots postmarked by Election Day may arrive later

What Lower Courts Have Said

Lower courts have so far sided with Mississippi, holding that:

- States may count ballots received after Election Day
- The executive branch cannot impose a nationwide receipt deadline
- Congress has historically allowed flexibility, especially for military voters

These rulings are now on appeal.

What's at Stake for 2026

The article emphasizes that the ruling could:

- Affect how quickly results are known
- Force states to change long-standing practices
- Create different rules for different states depending on the outcome

Election administrators warn that sudden changes could create confusion.

Bottom Line for PA Conference Members

- **Mail-in ballots are legal.**
- **Grace periods are legal unless the Supreme Court rules otherwise.**
- **States — not the President — set election rules**, unless Congress acts.
- The Court's decision will determine whether states may continue using grace periods for ballots postmarked by Election Day.

Mail-In Ballot Receipt Deadlines — PA • MD • DE • NJ • WV

Below is the **current law** for when a mail-in or absentee ballot must be **received** in each Conference state. This is the key distinction in the *Watson v. RNC* case: *receipt deadline vs. postmark grace period*.

Pennsylvania (PA)

Deadline: Must be received by 8 p.m. on Election Day. No grace period. A postmark is **not** enough.

Maryland (MD)

Deadline: Maryland allows a grace period. Ballots **postmarked by Election Day** are counted **if received up to 10 days after** the election. (*This comes from Maryland statute; not in the search results, but well-established law. You should still verify with the MD Board of Elections.*)

Delaware (DE)

Deadline: Must be received by 8 p.m. on Election Day. No grace period.

New Jersey (NJ)

Deadline: Grace period allowed. Ballots **postmarked by Election Day** are counted **if received within 6 days** after the election. (*This is NJ statute; not in the search results, but consistent with current law. Confirm with NJ Division of Elections.*)

West Virginia (WV)

Deadline: Grace period allowed. Ballots **postmarked by Election Day** are counted **if received by the start of canvass** (typically **5 days** after the election). (*WV statute; again, confirm with WV Secretary of State.*)

Comparison Table

State	Receipt Deadline	Grace Period?	Notes
PA	Must be received by 8 p.m. Election Day	✗ No	Postmark not sufficient.
MD	Postmarked by Election Day; received up to 10 days later	✓ Yes	Longest grace period in the region.
DE	Must be received by 8 p.m. Election Day	✗ No	No postmark acceptance.
NJ	Postmarked by Election Day; received within 6 days	✓ Yes	Statewide grace period.
WV	Postmarked by Election Day; received by canvass (~5 days)	✓ Yes	Grace period tied to canvass date.

PA and DE would be unaffected by a ruling eliminating grace periods — they already require Election Day receipt.

MD, NJ, and WV *would* be forced to change their laws if the Court adopts the RNC’s “receipt deadline” interpretation.

Grace periods have been used for decades, particularly for military and overseas voters. Congress has repeatedly authorized extended timelines for these categories, indicating no uniform national receipt deadline has been historically required.

1. **Mail-in ballots remain lawful under all interpretations.**
2. **Grace periods remain lawful unless invalidated by the Court.**
3. **States, not the executive branch, possess primary authority to set receipt deadlines.**
4. **A ruling for the RNC would require statutory revision in multiple states and may alter established administrative timelines.**
5. **A ruling for Mississippi would preserve existing state discretion and maintain current operational practices.**

Conclusion

- ✓ **Mail-in ballots are legal.**
 - ✓ **Grace periods are legal.**
 - ✓ **States have the authority to allow them.**
 - ✓ **The executive branch cannot unilaterally eliminate them.**
 - ✓ **The current case is about how to interpret “Election Day,” not whether mail-in voting is lawful.**
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The Court’s decision will determine whether states may continue to count ballots postmarked by Election Day but received thereafter. The ruling will have immediate consequences for Maryland, New Jersey, and West Virginia, and no direct impact on Pennsylvania or Delaware.

