



## What *Watson v. RNC* means for Asian American Voters

June 29, 2026

***SCOTUS rules in *Watson v. RNC* that federal Election Day law does not require ballots to be received by Election Day to be counted.***

### **Background**

In 2024, the Republican National Committee along with the Mississippi Republican Party, and the Libertarian Party of Mississippi challenged the Mississippi law that ballots postmarked by Election Day are counted if they arrive within five business days (Miss. Code Ann. § 23-15-637). The RNC claimed that Mississippi's law is overridden by federal Election Day laws (2 U.S. Code § 7) that require all states to have presidential and congressional elections on the first Tuesday in November. However, federal Election Day laws do not include when states must receive mail ballots to be counted.

[14 states, plus the District of Columbia \(D.C.\), Puerto Rico, Guam, and the U.S. Virgin Islands](#), that accept and count mailed ballots if they are received within a predetermined number of days after the election with a postmark on or before Election Day. These states include: Alaska, California, Nevada, Oregon, Washington state and Washington, D.C., where mail ballots are sent to all active registered voters; Illinois, Maryland, Massachusetts, New Jersey, New York and Virginia, which have no-excuse mail voting; and Mississippi, Texas and West Virginia, which require an excuse.

### **Decision**

On June 29, 2026, the [Supreme Court held](#) that the federal Election Day law does not require ballots to be received by Election Day to be counted. This means that states can count mail ballots that are cast on or before Election Day but arrive later. Justice Coney Barrett authored the majority opinion, joined by Chief Justice Roberts, Justice Sotomayor, Justice Kagan, and Justice Brown Jackson. Barrett wrote: "The electorate's choice is made when voting is complete, not when ballots are received."

### **What the Decision Means for Asian Americans**

This decision ensures that mail ballots postmarked on or before Election Day will be counted, even if they are delayed through no fault of the voter. The decision is important to the voting rights of Asian Americans, who vote by mail at significantly higher rates than other demographics communities:

- In the November 2024 election, 46.5% of Asian Americans who voted in the election chose to vote by mail. By contrast, only 28.6% of White voters chose to vote by mail in the November 2024 election. ([Current Population Survey \(CPS\)](#))

- Similarly, the [2024 Asian American Voter Survey](#) found that nearly half of Asian American voters (46%) prefer voting by mail or dropping their ballot off, instead of voting in person.
- In the November 3, 2020 election, young Asian American voters also [reported](#) using vote-by-mail at higher rates (46% of young Asian American voters [ages 18–29]), compared to 30% of young Hispanic voters, 27% of young White voters, and 21% of young Black voters

The decision helps to ensure that voting by mail is a safe, secure, and accessible way to vote.

### **U.S. Postal Service Policy Changes**

Last year the United States Postal Service (USPS) [revised the Domestic Mail Manual \(DMM\), adding section 608.11 “Postmarks and Postal Possession.”](#) It is a well-established USPS policy to treat all Ballot Mail as First-Class Mail and to postmark every return ballot mailed by a voter. As Asian Americans Advancing Justice | AAJC explained in a [blog post earlier this year](#):

The DMM clarified that the date of a postmark may not always be marked with the exact date USPS received the piece of mail. This has always been the case due to mail processing delays, which leads to a small amount of mail getting postmarked the day after USPS receives them. However, this may become more common as USPS consolidates mail processing centers across the country.

This change means that there may be a greater risk of ballots not being counted due to ballots not being postmarked on the day they were received.

### **Make Sure Your Mail Ballot is Counted**

Voters should send their ballots as early as possible. USPS continues to recommend that voters who vote by mail send in their ballots at least seven days before Election Day. Sending in ballots early helps to ensure ballots can be delivered to election offices on time in states where ballots must be received by Election Day to be counted. Voters who want to ensure their mail ballot is postmarked on the date it is received by USPS may go to any post office to request a manual postmark provided at no cost.

Voters with questions or who experience any issues while voting should call **1-888-API-VOTE or 1-888-274-8683** for assistance. Assistance is available in English, Mandarin (普通話), Cantonese (廣東話), Korean (한국어), Vietnamese (tiếng Việt), Tagalog, Urdu (اردو), Hindi (हिंदी), Bengali/Bangla (বাংলা) and Punjabi (ਪੰਜਾਬੀ).