

BEYOND THE BALLOT: UNDERSTANDING POST-ELECTION PROCESSES IN AMERICA

OCTOBER 2024



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Movement Advancement Project

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Introduction

It's Election Day. You've cast your ballot at your local polling place. Proudly wearing an "I Voted" sticker on your shirt, you feel like a responsible citizen participating in democracy. When you get home, your favorite news outlet has already projected a winner. But you wonder, "Is it truly possible to count, verify, and certify a presidential election in just a few hours?"

Most of the attention around elections is, understandably, focused on candidates, issues, and how voters can cast their ballots on Election Day. However, there are many equally important processes that take place *after* voting ends and polls close. These processes—such as rules about how votes are counted and verified, or how final results are certified—are much less understood than the requirements for casting a vote, yet play important roles in protecting the security and accuracy of elections, as well as how long it may take for different states to know their final election results.

In a time where voter confidence is suffering and election denialism is surging, it's more important than ever to answer voters' questions about how their vote is counted, why results take time, and how results are verified and finalized. Additionally, and especially since the 2020 election and events of January 6th, 2021, there is a widening gulf between states and political parties in terms of what constitutes a truly secure election. This report addresses these questions and more.

This report outlines the steps that occur after Election Day to make sure that election results are verified, accurate, and secure. From handling mail ballots up through the meeting of the Electoral College, all states follow general procedures to count votes, verify those votes, and confirm results. This report also illustrates how state laws vary on important points of these steps—such as ballot pre-processing, post-election audits, and the partisanship of the certification process—and how those differences lead to certain predictable outcomes, such as some states taking longer than others to determine their final election results. Overall, the report shows that it takes time for democracy to work and for every valid vote to be counted while still making sure the process is accurate, secure, and accessible for all.

Using the Movement Advancement Project's (MAP) Democracy Maps tracking dozens of election-related laws, this report explains key post-election processes, shows how states differ in their post-election processes, and looks ahead to what impacts these policies will have on the upcoming 2024 elections.

Why Post-Election Processes are More Important Than Ever

After false claims of a stolen election in 2020 and attempts to overturn the legitimate results, post-election processes that were once considered noncontroversial (such as certification) have taken on outsized importance and a partisan bent, especially as the country heads into the 2024 contest. With conversations around election security now viewed through the lens of partisan politics, it is critical that voters understand how their votes are counted, to help resist further partisan divides and potential misinformation. The policies highlighted in this report work to verify the accuracy of election results, bolster public confidence in the election process, and uncover any potential instances of attempted election subversion or interference.

These post-election processes are also a key part of combatting the increasing amount of misinformation around elections. Much of the false and misleading information around the 2020 election occurred in the period after voting ended as some states took additional time to process and count votes.¹ As discussed in more detail later in this report, that's why policies like allowing states to begin processing absentee and mail ballots before Election Day can help to relieve public concern after voting ends and still allow election officials the time to accurately count and verify all valid ballots.

The policies highlighted in this report can also prevent any actual instances of interference with elections results, such as the events that occurred during the 2020 post-election period. This includes protecting the certification process by limiting the role of partisan actors and making clear that officials cannot refuse to certify based on political beliefs or external pressure.

As we get closer to November, many of these policies will likely come under the microscope in the media and public discussion. It is important to remember that by following best practices for these post-election processes, states can keep elections fair and independent, make sure all valid votes are counted, and help restore faith in our democracy.

How Does Your Vote Get Counted? An Overview

For many voters, the election process feels complete once they have cast their ballot. But in reality, that is just the first step in a long process to get to final election results. It takes time for democracy to work and for every valid vote to be counted, while also making sure the process is accurate, secure, and accessible for all.

Our election system is complex and varies across every state. But, as shown in the infographic on page 3 and outlined below, there are general steps that every state follows to count votes. How states vary within these general steps is discussed in the following sections.



Polls close and voting ends. Polling place closing times vary from state to state, and even county to county. The first polls begin closing on the East Coast at 6pm, and the last polls close in Alaska at 1am. Voters already waiting in line when polls close have the right to stay in line until they cast their vote.



The **actual counting of ballots** begins. Also referred to as “tabulation,” this can include early votes, mail ballots, in-person votes on Election Day, and ballots from service members and overseas voters. Some states also accept mail ballots that arrive after Election Day if they are postmarked on or before Election Day. Although the counting process begins as soon as polls close, some states take longer to count all votes, especially in high turnout elections in presidential years. Larger states like California also naturally take longer to count millions of votes compared to smaller states. During the initial counting of ballots, unofficial results begin to be released and picked up by media outlets.



Once the initial counting of ballots is complete, states begin what’s known as the **canvass process**, which accounts for every ballot cast and verifies those ballots are valid. Officials then prepare the official results and vote tallies and report them to the authorities in charge of finalizing results.



The canvass process can also overlap with **election audits**. These audits act as a safeguard, using statistical methods and random samples of ballots to verify the results of the canvass. Audits can also uncover any potential irregularities that do occur throughout the vote counting process.



Finally, the **election is certified**. This process can happen at both the local and state level, with the final certification always performed by the chief election authority of the state. Certification essentially means making the outcome of the election official, and a confirmation that the other steps in the ballot counting process were complete and accurate.

These steps that occur after voting ends are an essential part of our democracy and free and fair elections. Making sure that every valid ballot is counted and results are accurate takes time, and while we might want results right away, taking that time shows that the process is working. The following sections explain the many rigorous processes that states use after polls close on Election Day, and how the fact that these processes differ across states is what leads to some states having final results sooner than others.

It takes time for democracy to work and for every valid vote to be counted, while also making sure the process is accurate, secure, and accessible for all.



INFOGRAPHIC

HOW DOES YOUR VOTE GET COUNTED?

MAP

movement advancement project

1

POLLS CLOSE & VOTING ENDS

In-person voting ends as polling places close. Some states may continue to accept postmarked mail ballots after Election Day.



2

VOTE COUNTING BEGINS

Vote counting begins as soon as polls close. Timelines vary widely by state, with some jurisdictions completing on Election Night and others taking longer.



3

VOTE COUNTS COMPLETED & VERIFIED

Once vote counting is completed, the canvass process verifies that all cast votes are valid and official vote totals are compiled.



4

RESULTS CHECKED FOR ACCURACY

Most states require post-election audits, which confirm the accuracy of results and check for errors, often using random samples of ballots.



5

RESULTS CERTIFIED

Once vote totals have been finalized and verified through the canvass and audits, officials legally confirm the results of the election. This is called certification.



Visit the
Democracy Maps





How Does Vote Counting Begin and Why Are Results Not Final on Election Night?

Vote counting is an essential step in the post-election process and critical to ensuring that election results are accurate and reliable. Through this detailed review of all ballots, election results are verified and confirmed, and both election integrity and voter confidence are maintained.

However, counting votes takes time, and while counting votes may seem like a simple and straightforward task, it often requires many more steps than many people realize. What's more, the number of steps required can vary from state to state, as well as the number and type of ballots that need to be counted. As a result, some states need more time than others to count votes in accordance with their laws. This means that some states will not have results on Election Night, but that is only a sign of different states having different rules—not an inherent sign of trouble or interference.

Additionally, the way people vote has changed in many ways in recent years, with more voters using mail ballots than ever before.² Mail voting adds additional time to count, and as discussed below, states differ in when they allow the counting of mail ballots to begin—often adding even further time before final results can be determined.

From Ballot to Result: The Vote Counting Process

Just as all states follow a general process for voting but still vary in the specifics, so too do states follow a general process for counting votes, but still vary in the specifics. The counting of ballots is a multi-step process that varies by state but typically involves verifying voter eligibility, processing ballots, and beginning the tabulation, or counting, of results.

For in-person voting, the voter's eligibility is verified at the polling place, usually through presenting some form of identification or checking a signature. Most voters will then cast their vote by hand marking a paper ballot, or by using a ballot marking device.

For absentee and mail ballots, the process is different. Voters either return their ballots through the mail or to a drop box. The voter's eligibility is then verified later by checking signatures or in some states through copies of identification included with the ballot. In most states, the verification process for absentee and mail ballots can be done prior to Election Day, as shown in **Figure 2** as shown on page 6.

For tabulation, generally speaking, election authorities count votes through a combination of technology and human oversight. The vast majority of jurisdictions use “tabulation machines,” which scan ballots completed by the voter to count votes.³ These machines are faster and more accurate than a human counting ballots by hand.⁴ Once the machines finish counting, the initial results are usually transmitted to a central location where results will be aggregated. Human oversight occurs at various steps of the counting process. Bipartisan teams are able to observe the process of vote counting, and then officials audit all machine counts to ensure they are accurate.

How quickly a state can tabulate election results depends on several variables:

- **Population Size:** Larger population jurisdictions naturally have more voters and therefore more ballots to count. Larger jurisdictions may also have longer and more complex ballots which adds to the counting timeline.
- **Decentralized Elections:** The election system in the United States is unique in that it is highly decentralized, with more than ten thousand individual jurisdictions running elections across the country.⁵ Procedures often vary within states across these jurisdictions, leading to different processes or time required to count votes even within a state. Votes also must be delivered to central locations and eventually aggregated at the state level.
- **Mail Ballots:** Absentee and mail ballots, which have increasingly become popular over the last decade, have more steps involved for counting than traditional in-person votes. Verification of a voter's identity and eligibility must be completed after the ballot is received. And while most states allow jurisdictions to pre-process these ballots, some key states do not, which adds additional time. Also, some states allow postmarked ballots to arrive after Election Day, adding further time.
- **Provisional and Challenged Ballots:** Provisional ballots are essentially back-up options that are used when a voter's eligibility cannot be verified or is challenged at the polls. The voter still votes, but their eligibility is verified later. These ballots are usually counted last in the process (if verified) and take more resources to verify. More than half of states also allow voters to fix errors with their ballots after Election Day through a “curing” process; this usually occurs with absentee or mail ballots when an error, such as a signature discrepancy, is identified.

These steps take time for counting to be accurate and secure.

Why Hand Counting of Ballots is Ineffective and Inefficient



Photo Credit: Arizona Mirror

Since the 2020 election and the resulting wave of misinformation, a troubling trend has emerged across the country with county election boards and other officials proposing eliminating the use of all vote counting machines and instead counting all ballots by hand. Officials in counties such as Cochise, Arizona, Nye, Nevada, and Shasta, California have even attempted these hand counts, leading to documented evidence of high error rates, expenses and logistical challenges.^a

Hand counting of all ballots has been proven to be inaccurate, inefficient, and a drain on resources. Studies have shown that vote counting machines have much lower error rates than hand counting, which introduces human error.^b Hand counting is also more expensive because it requires additional staff, resources and time. For example, the full hand count attempted in Shasta County was estimated to cost almost \$700,000 and required 375 extra staff members.^c Similarly, in Mohave County, Arizona, officials estimated a full hand count would cost over \$1,000,000.^d Hand counting is also much slower, which can lead to additional delays in the reporting of results, in turn further damaging voter confidence. There are certain situations when limited hand counting of ballots is necessary, such as in recounts, but the widespread expansion of this practice is not viable for the scale of American elections and would come at extreme and unnecessary expense to the taxpayer.

While hand counting might seem like a more secure and transparent way to count ballots, it in fact introduces significant potential for error, costs more resources, and undermines the integrity of elections.

^a Verified Voting. November 2023. “[Hand Counts.](#)”

^b *Ibid.*

^c American Oversight. October 2023. “[Election Denial in Shasta County.](#)”

^d States United. February 2024. “[The Reality of Hand Counts.](#)”

How Diverse Voting Methods Impact the Counting Process

While states follow the above general process in vote counting, different methods of voting each come with a different set of steps and timelines in the post-election period.

In particular, more voters now choose to use mail ballots than ever before,⁶ and mail votes take more time to process, as officials need to open envelopes, verify signatures, prepare the ballots for counting, and in some cases allow for voters to correct errors about their mail ballots. Some voters may also need to cast provisional or challenged ballots when their eligibility can't be confirmed at the polls, and these provisional ballots also take a longer time to count and verify.

Absentee/Mail Voting

As discussed above, absentee/mail ballots have more steps involved than in-person votes. First, when ballots arrive through the mail at the election office, they must be sorted by precinct or county. Ballots are logged in the state's registration system, and postmarks are checked in states that allow ballots to arrive after Election Day. After being sorted, the outer envelope of the ballot is usually examined to verify the voter's eligibility. In many states, this involves checking the voter's signature, sometimes involving experts or special software.

If issues are discovered during this phase, 30 states allow voters to “cure” errors with their ballots in the days following the election, as shown in **Figure 1** on the following page. This means that in these 30 states—including key swing states like Michigan, Ohio, Georgia, and Arizona—additional time may be required to determine final results, to allow voters the opportunity to ensure their votes are accurately counted.

After eligibility is confirmed, the ballots must be removed from their envelopes and prepared for counting. Finally, the ballots are counted, usually by scanning through a machine.

Many states allow some of these steps to be done prior to Election Day. Crucially, however, a small number of states—seven, as shown in **Figure 2**—still do not allow the processing of absentee or mail ballots to begin before Election Day. This artificial delay creates a backlog and almost certainly leads to the vote counting process extending past Election Day.

This in turn creates an unnecessarily longer gap between the polls closing and the availability of initial vote counts and unofficial results, which has in recent years been filled by mis/disinformation about fraud or election tampering, and sometimes further fueled by differences in how media outlets

FIGURE 1: 30 STATES ALLOW VOTERS TO CORRECT BALLOT ERRORS

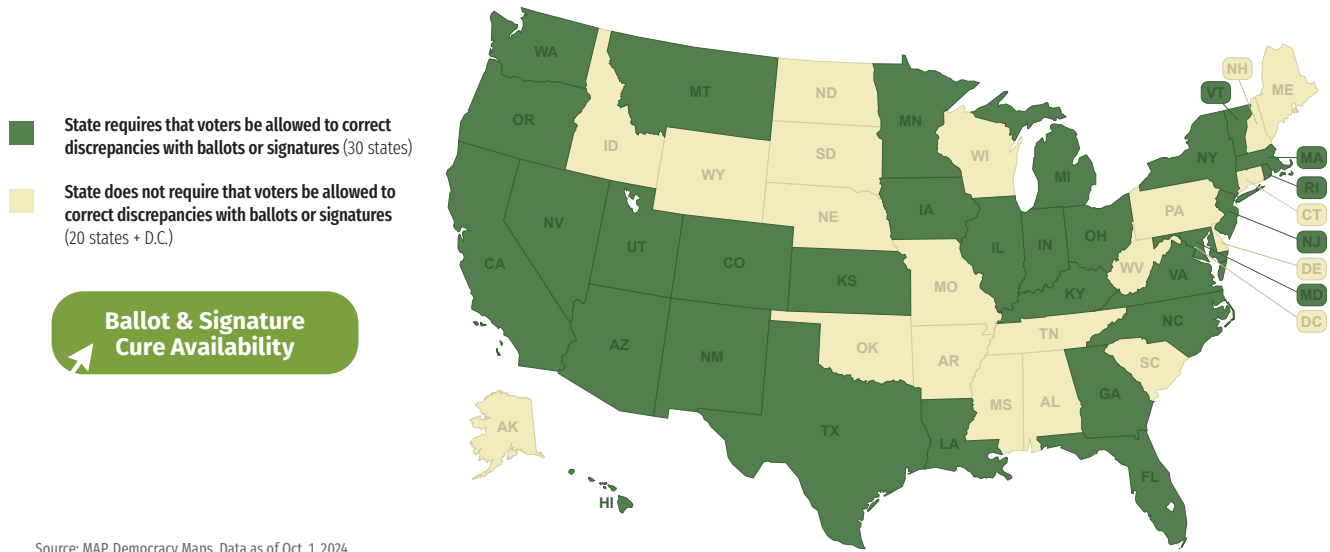
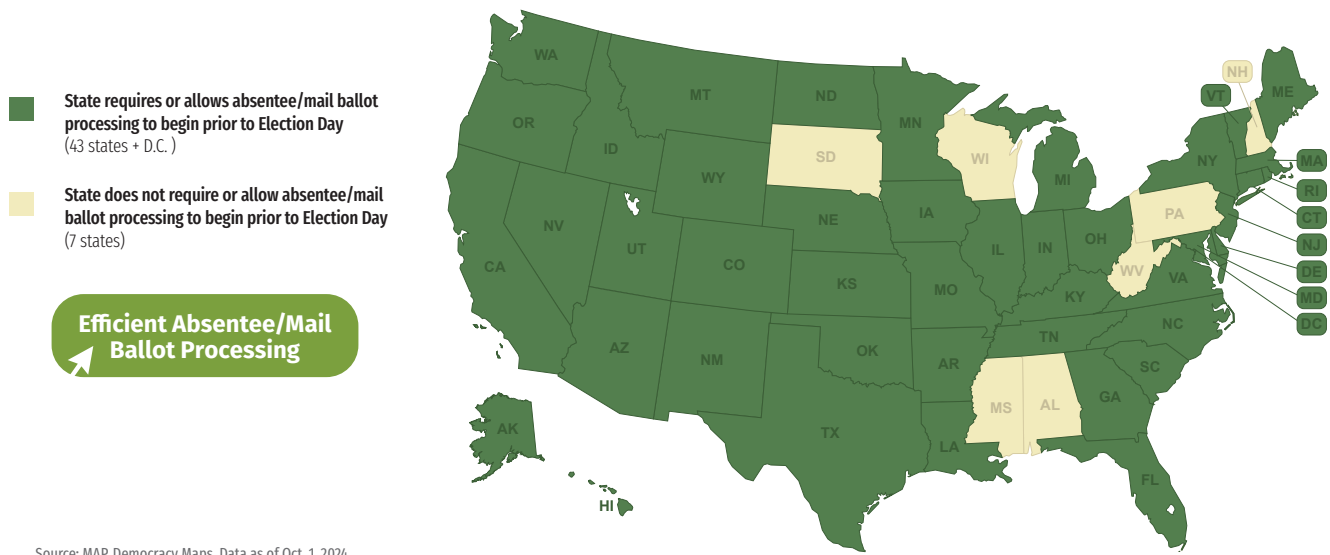


FIGURE 2: ALL BUT SEVEN STATES ALLOW PRE-PROCESSING OF ABSENTEE BALLOTS



report early election results and the actual official process of counting and verifying votes (see further discussion on page 7). Such misinformation could be minimized with more efficient policies allowing for pre-processing of mail ballots.

Particularly important to the 2024 election are Pennsylvania and Wisconsin, both of which do not allow pre-processing, despite repeated attempts to change this policy. Both states were among the closest margins in the 2020 election and are likely to see the same close margins in November 2024.⁷ In contrast, states like Colorado and Florida, which also have high

percentages of mail votes, are frequently among the earliest states to start announcing results, due in part to their efficient policies around pre-processing of ballots.

Provisional Ballots

Provisional ballots are a back-up voting method intended to allow voters who cannot establish their eligibility at the polling place to cast their ballot and have it verified and then counted after Election Day. Provisional ballots are required by federal law, although a small number of states (Idaho, Minnesota, New Hampshire and North Dakota) are exempted from this requirement.⁸ Like

absentee and mail ballots, provisional ballots require additional steps and time to be verified and counted. After the polls close, officials verify that the voter is properly registered and eligible to cast a ballot, and then the vote is counted. If the voter's eligibility cannot be confirmed, the vote is not counted.

While vote counting in some states will likely continue past Election Day again in 2024, this is not an indication of malfeasance, but rather the process working as it should. Election officials need time to do the important work of counting every vote and ensuring that every voter has their voice heard in our democracy.



How are Vote Counts Finalized and Verified?

Once the initial vote count has concluded, the “canvass” begins, which involves accounting for and verifying all ballots. This process consists of the aggregation and confirmation of every valid ballot cast, including absentee/mail ballots, military and overseas votes, early votes and provisional ballots. The canvass process also serves to identify any discrepancies that have occurred during the vote counting.

Steps in the canvass process include ballot reconciliation, chain of custody documentation and ballot review.

- Reconciliation involves matching the number of ballots cast with the number of voters who signed in at polling places or requested mail ballots. Officials track every ballot throughout the process at the precinct level. This ensures that all ballots are accounted for.
- During the canvass, officials also review documentation associated with ballots and verify the security of all materials to ensure that the proper chain of custody has been preserved during the election process, like the handling of evidence in a criminal investigation.
- For the ballot review, officials evaluate each type of ballot, in particular provisional and late arriving mail ballots, to confirm voter eligibility and intent. This may also include the review of signatures on absentee/mail ballots as well as “cured” ballots in states where voters are given the opportunity to correct errors with their ballots.
- Finally, election officials tabulate the final election results. This involves an additional layer of verification to match the results to the numbers from the reconciliation process. Once the results account for all eligible ballots, officials submit the final results to the authority responsible for certification.

How and When Are Unofficial Results Reported?

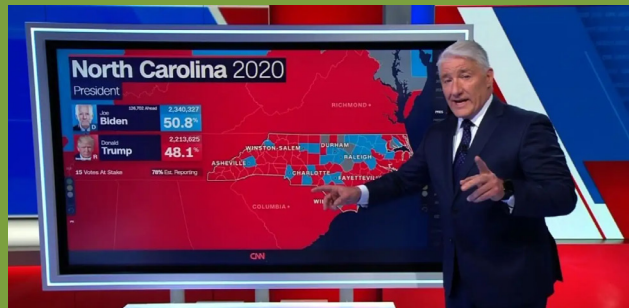


Photo Credit: CNN

Beginning on Election Night, jurisdictions begin to report unofficial election results, usually through Election Night Reporting (ENR) systems. These systems feed local-level results to official websites that the public can use to monitor. However, these results are not yet official, although the public discourse often views them as such. Election results are not final or official until the certification process is complete, as discussed below.

Unofficial results are reported as ballots are counted, and therefore often do not include ballots such as absentee or provisional ballots which take a longer time to process. As the canvass process begins, in which all valid ballots are verified and counted, results continue to evolve. The changing nature of results as they are updated can lead to confusion and distrust among voters, as seen in 2020. Therefore, fostering an understanding of the process and why it takes time is critical to rebuilding voter confidence.

There is an important difference between how the media reports election results and the actual process of counting votes and verifying accurate results. Outlets such as the Associated Press work quickly on election night to gather information at the local and precinct level to begin reporting results.^g Media outlets also use other data sources such as exit polls and statistical models to quickly project winners. These unofficial results and projections are often seen by the public as being official and lead to the perception that the election is final.

In contrast to media reporting of results, official election results are determined through a rigorous and legally mandated process to ensure accuracy and legitimacy. Most states count in-person votes before absentee/mail ballots. Also in most states, Democrats are more likely to vote by mail, which leads to a trend where initial results often favor Republican candidates, but margins then narrow as more mail ballots are counted later in the process.^f This so-called “blue shift,” or “red mirage” has been used in the past by partisan actors to incorrectly suggest fraud or malfeasance without evidence.

^g Associated Press. “How AP Counts the Vote.”

^f MIT Election Lab. July 2021. “One Shift, Two Shifts, Red Shift, Blue Shift.”



How Are Election Results Checked for Accuracy, and What is an Election Audit?

Post-election audits, when properly used, are a tool that allows states to verify the accuracy and performance of voting equipment and vote counting machines. In effect, a post-election audit checks random samples of paper ballots or records against the results produced by voting machines, to verify that votes were accurately counted and recorded. There are also recognized best practices, specifically the use of risk-limiting audits, that states can adopt to ensure the highest level of confidence in election results.⁹ Properly conducted, nonpartisan audits provide public confidence in election results and can also act as a safeguard against hacking and foreign interference by identifying potential irregularities in vote counts.

Most states require some form of a post-election audit as part of their canvass process. There are different types of audits that states may choose to employ:

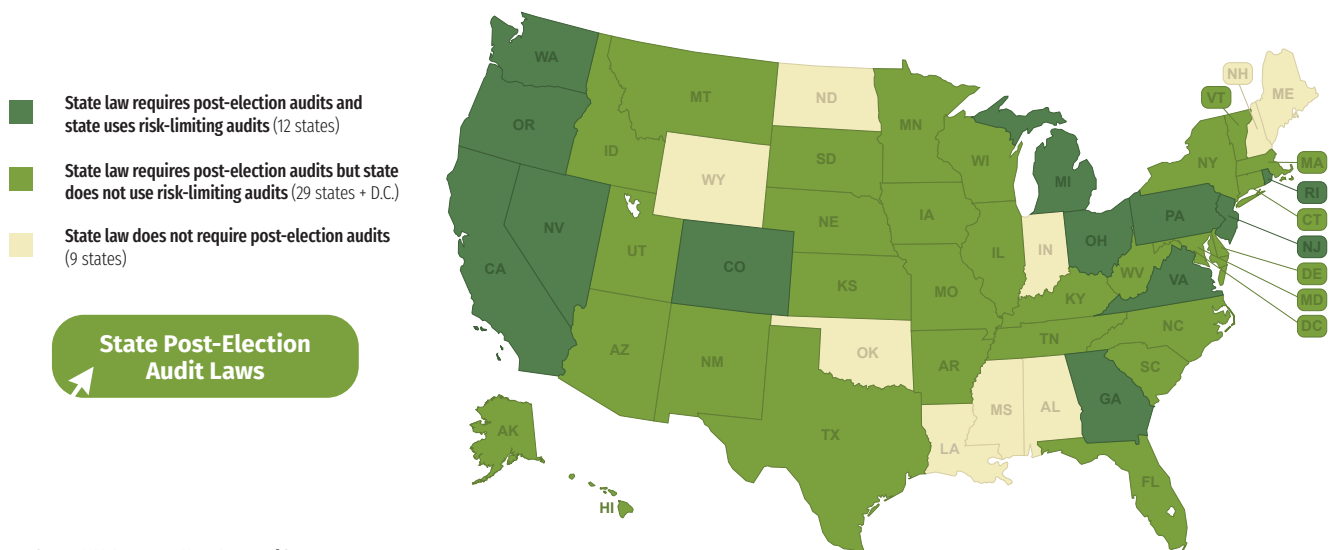
- **Tabulation Audits:** Tabulation audits are the most common form of election audits used across the states. These audits work by selecting a subset of local jurisdictions and/or voting machines and comparing the results produced by voting machines to paper ballots. This allows an additional layer of verification by having humans double-check results produced by machines.



- **Risk-Limiting Audits (RLAs):** Risk-limiting audits are a newer form of election audits that have come to be recognized by experts as a best practice.¹⁰ Risk-limiting audits are similar to tabulation audits but have key differences which improve the process. RLAs focus on specific elections rather than districts or voting machines and use statistical methods to select a sample size of ballots that is large enough to ensure correct election outcomes. So, in close elections, more ballots are selected to be audited, while fewer ballots are needed for contests with wide margins. Currently, 13 states conduct risk-limiting audits.

- **Other types of audits:** In addition to tabulation audits and RLAs, some states use other forms of post-election audits. These audits do not provide the same level of verification as the two methods discussed above, and are therefore not categorized as true audits on our maps, but can be useful nonetheless. Most commonly, these other types of audits take the form of a procedural audit, where

FIGURE 3: ALL BUT NINE STATES REQUIRE SOME FORM OF POST-ELECTION AUDITS



the focus is on reviewing that process and procedures set out by law were properly followed during the election. These may involve examining forms, making sure voting machines are operating correctly, and verifying the chain of custody for election materials. These procedural audits often overlap with the steps in the canvass process.

Legitimate nonpartisan audits are also key tools that can be used to counter misinformation and claims of stolen elections. Following the 2020 election, officials in Georgia conducted a risk-limiting audit as required by law, which affirmed the accuracy and legitimacy of results in the state amid a climate of election denialism and attempts by President Trump to overturn the results.

It is important to distinguish legitimate, nonpartisan election audits from some of the improper ballot reviews conducted following the 2020 election. In 2021, partisan officials in Arizona hired an outside organization called Cyber Ninjas to conduct reviews of ballots outside of the normal legal process.¹¹ Hiring independent groups to conduct audits is highly irregular and this organization and their subcontractors had no prior experience with elections.¹² These “audits” were conducted not because there was evidence of wrongdoing or incorrect results, but to undermine the legitimate results of the 2020 election and feed into misinformation. These efforts led to both ballots and voting machines being compromised and wasted at least \$9 million in taxpayer resources.¹³

Post-election audits are a vital tool for election officials and provide additional confidence that election results are accurate. Audits can also help to improve public trust in the election process by demonstrating results were correct and the election conducted fairly. Crucially, audits can also identify any potential errors that occurred during the vote counting process. All states should require the use of these audits, ideally best practice risk-limiting audits, and all voters should understand that while these audits may add time to getting final election results, they are vital tools in ensuring the security and accuracy of our elections.



How Are Election Results Finalized and Certified?

The final step in the post-election process (except for presidential elections, discussed more below) is certifying the results. **Certification refers to the step that follows the completion of vote counting and the canvass process, when government authorities officially confirm the results of an election.**

Certification involves several key stages and is governed by a combination of local, state and federal laws. The process typically begins at the local level after the canvass and any audits are completed. Local election authorities, sometimes boards or a single official, certify the results with an official acknowledgment that the results are accurate and reflect all valid votes cast. Following certification at the local level, results are sent to officials at the state level, where the results are totaled and reviewed. At the state level this process is usually conducted by the state’s chief election authority, either a state board or Secretary of State. This is the last step in the election process and finalizes results.

The timeline for certification to be completed varies by state, ranging from a few days post-election to several weeks. This timeline exists in part to allow the vote counting and canvass process to progress according to differing state laws, taking into account factors such as the processing of mail ballots and allowing time for audits to be completed. For presidential elections, this process involves additional steps at the national level involving the Electoral College, which is discussed in more detail below.

Certification, like many of the processes discussed in this report, had typically been a noncontroversial step in the election cycle prior to the 2020 election. These formerly routine processes are now under attack by partisan actors to overturn legitimate election results and feed into a climate of increasing election denialism and misinformation. Scattered efforts in multiple jurisdictions to disrupt the certification process during the 2022 election may provide a preview for more coordinated efforts in 2024.¹⁴ According to research by Citizens for Responsibility and Ethics in Washington (CREW), county officials in eight states have refused to certify election results since 2020.¹⁵



**“Election Certification Under Threat”
by CREW**

This risk of partisan interference is heightened by the fact that in almost all states, partisan officials are involved in the certification process at both the state and local levels. **To prevent partisan actors from disrupting certification, state legislatures can clarify that certification is a “ministerial task,”** meaning that officials have no discretion to refuse to certify results based on political beliefs or external pressures. States such as California, Colorado and Michigan make this clear in their election law, but in some states like Georgia and Wisconsin, the law is unclear on what happens if there is a refusal to certify results. Recent changes in Georgia that allow local boards to delay or refuse to certify results heighten the risk of problems with certification this November.¹⁶

The previous steps discussed in this report—vote counting, canvassing, and audits—ensure that votes are accurately counted, errors are identified, and issues are resolved. Once these steps are complete, certification puts the final stamp on the comprehensive election process.

How Are Election Disputes Resolved?

Occasionally as part of the post-election processes discussed in this report, legitimate disputes arise over results which must be settled either by procedures put in place through legislation, or through the judicial system. This most often occurs in elections where the results are closely contested. Recounts are one example; these are either requested by a candidate or party, or in some states automatically triggered by a certain margin of votes. Particularly in the last decade, disputes around elections are increasingly being decided in the court system. In the case of litigation, courts can order a wide range of remedies, up to and including ordering a new election. Presidential election disputes are resolved through a separate congressional process, as discussed in the preceding section.

How Does the Electoral College Work and How Has It Changed Recently?

In presidential elections, there are additional steps that are required before elections results become official. This primarily involves the Electoral College, a mechanism established by the U.S. Constitution which combines the popular vote with an allocation of electoral votes from each state.

The Electoral College consists of 538 electors, with each state assigned a number of electors equal to its total number of Senators and Representatives in Congress. Almost all states utilize a winner take all system, where the candidate that wins the popular vote in the state is allocated all that state’s electoral votes. The exceptions are Maine and Nebraska, which allocate their electoral votes proportionally based on congressional districts.

The process of the Electoral College operates independently from the state processes discussed in this report. Presidential candidates select their own electors who are then chosen if that candidate wins the popular vote in a given state. Once any remaining election disputes are settled, the electors meet in mid-December and cast their ballots for their party’s candidate. On January 6, Congress then meets in joint session to count the electoral votes, and the president-elect is subsequently inaugurated on January 20.

The Electoral College process has not been without controversy, particularly in recent years. In 1876, 1888, 2000 and 2016, presidents were elected through this process despite not winning the popular vote. Most notably, on January 6, 2021, an attempt was made by rioters to disrupt the joint session of Congress in which the electoral votes are counted. This in turn led Congress to reform the Electoral Count Act, originally passed in response to the disputed election in 1876. In 2022, a bipartisan group of lawmakers passed reforms to the Act that prohibit state legislatures from interfering in the Electoral College process, provide dispute resolution mechanisms, and make clear that the vice president occupies a formal role in the counting of electoral votes and does not have the ability to interfere in the process.

The 2024 presidential election is again forecasted to be a tight race. This in turn places an outsized importance on the Electoral College, as the election could again be decided by thousands of votes in key states.

The events surrounding the 2020 election and its aftermath on January 6th brought unprecedented attention to post-election processes and the disputes that often arise in close elections—including the potential for illegitimate disputes and attempts to disrupt our elections. For example, numerous partisan actors attempted to launch private, third-party investigations and audits (as discussed above), rather than via established and evidence-based processes—not to mention the unlawful attempts to disrupt the certification process both on and before January 6th. In established processes for addressing disputes, lawsuits were filed in multiple states, including Georgia, Pennsylvania, and Arizona, by candidates and political parties. These lawsuits were all eventually dismissed and provided clear evidence that the results of the election were valid.

The quick resolution of these disputes, through established and evidence-based mechanisms, can not only validate the legitimacy of our elections, but also serve to lessen the spread of related misinformation surrounding elections. As we head into November, these legitimate mechanisms for resolving election disputes will continue to play a crucial role in maintaining the integrity and security of our democracy.

Which States Might Take Longer to Have Results in 2024, and Why?

As in 2020, this year's presidential election is forecasted to be tightly contested in several states. The likelihood of a close election places increased importance on the processes covered in this report, and impacts voter confidence, media narratives and the actual verification and security of results. Variations in state policies concerning absentee ballot deadlines and the allowance of pre-processing, as well as potential attempts to disrupt the counting and certification processes, are the most important factors to monitor in 2024. Among the key states to watch in November:



Pennsylvania: President Biden won the state of Pennsylvania by only 81,000 votes in the 2020 contest.¹⁷ Pennsylvania was also one of the last states to finish the initial counting of votes, with unofficial results taking almost four days after Election Day. This delay was in large part caused by a significant increase in the number of voters choosing to vote by mail, combined with state law that did not allow those mail ballots to be processed prior to Election Day. Unfortunately, the state is likely to see similar delays this November, as state lawmakers

have repeatedly refused to pass legislation to allow the crucial pre-processing of ballots which could alleviate some of the backlog. In addition, Pennsylvania also saw several attempts in counties in 2022 to disrupt the certification process and request frivolous recounts, which if repeated could lead to additional delays.



Wisconsin: Much like Pennsylvania, Wisconsin was the focus of much attention in 2020, with President Biden winning the state by only 20,000 votes.¹⁸ Wisconsin is the other major battleground state that does not allow the pre-processing of mail ballots, with state lawmakers also refusing to enact a legislative fix in time for November. In addition to the mail ballot backlog, partisan actors requesting recounts and filing lawsuits seeking to overturn the results in the state in 2020 also led to delays in certifying the election. While Wisconsin will likely not experience the same level of delays as Pennsylvania in 2024, the combination of outdated policies and a climate of election denialism means the state will likely be under the spotlight again this November.



Michigan: Michigan also saw a relatively close margin in 2020, with President Biden winning the state by just over 150,000 votes.¹⁹ Much like Pennsylvania and Wisconsin, the state also saw challenges with the vote counting process, due to a large increase in absentee votes and the inability of election officials to process these ballots in advance. The state legislature has since adopted a partial fix, allowing jurisdictions to conduct limited pre-processing of ballots, although some state officials have said this will not do enough to alleviate backlog and potential delays. Like other battleground states, Michigan has been the site of numerous legal challenges surrounding recent elections, as well as attempts to disrupt certification, fueled by the election denialism movement in some parts of the state. The state legislature has acted to alleviate some of these issues by passing a law which makes clear that certification is a ministerial, non-discretionary duty. This November, with the state sure to be a close contest again in the presidential race, these newly adopted policies should play a role in reducing the challenges seen in 2020.



North Carolina: Former President Trump carried the state of North Carolina by an unexpectedly slim margin in 2020, winning by just under 75,000 votes.²⁰ Current polling forecasts the state to be even closer this November. North Carolina saw significant delays of the reporting of results in 2020, in part due to a state law which then allowed absentee ballots postmarked before Election Day to arrive up to nine days after Election Day. The

state legislature has since changed that deadline to require ballots to arrive by Election Day. Additional factors may impact North Carolina in November however, most notably the state's new voter ID law. Due to the new voter ID requirements, state officials expect an increase in the number of voters needing to cast provisional ballots, which take more time after Election Day to verify. In addition, another change in state law will change when early voting numbers are reported, which has already led the state board of election to preemptively release a statement setting expectations for later results.²¹



Georgia: Georgia was one of the closest contests in the 2020 presidential race, with President Biden only winning the state by 12,600 votes.²² This in turn led to multiple recounts in the state,

which ultimately confirmed the accuracy and security of the vote count. Georgia was also the focus of efforts to overturn the legitimate results of the election, with the Secretary of State pressured to “find” more votes by the former president Trump. Unfortunately, developments since 2020 point to another election shrouded by controversy in the state this year. After the state election board was taken over by a majority of election deniers, a rule was passed that will allow local election authorities to delay or refuse to certify election results if deemed questionable under vague standards. In late September, the board passed an additional rule that will require the hand counting of all ballots at polling places on election night. As discussed on page 5, such hand counts introduce significant delays and potential for error, as well as wasting valuable resources.²³



Arizona: Arizona saw the closest margin of any state in the 2020 election, with President Biden winning by just over 10,000 votes.²⁴ Arizona has also become a hotbed of election denialism, with multiple legal challenges filed in 2020 seeking to

overturn the legitimate results of the election. In addition, partisan officials in the state also conducted improper “audits” following the election, where unqualified individuals were hired to conduct reviews of ballots in an effort to undermine trust in the election results. These efforts, which failed to reveal any improprieties or differences in results, compromised the integrity of both ballots and voting machines and wasted valuable resources. Since 2020, the state has also seen numerous attempts by election deniers to delay certification and implement hand counting of ballots.²⁵ With election denialism remaining a potent force in the state, Arizona will certainly be a focus in November.



Nevada: Much like the other states highlighted here, Nevada also had a close margin in the 2020 election, with President Biden winning the state by under 35,000 votes.²⁶ Similarly, the state had logistical challenges with ballot processing in 2020,

in part due to the adoption of all-mail voting for the first time and allowing postmarked ballots to arrive up to four days after Election Day. These policies have been the focus of repeated litigation, and the state has also seen the rise of election denialism since 2020 as well. Fitting the pattern seen in other battleground states, there have also been numerous attempts to delay the certification of results and attempt hand counts of ballots. With Nevada again forecasted to be closely contested, these developments are important to monitor in November.

Conclusion

Our democracy has changed dramatically since 2020 and the rise of election denialism. But the processes highlighted in this report, and the election officials who oversee them, still operate to protect the accuracy, integrity and security of the election process. These protective policies include:

- Relying on accepted technology to count votes quickly and accurately with machines instead of relying on full hand counts which are inefficient and ineffective.
- Allow pre-processing of absentee ballots to verify voter eligibility before Election Day in order to prevent backlog, delays in initial reporting of results and resulting misinformation.
- Utilizing legitimate, nonpartisan audits, particularly best practice risk-limiting audits to verify the accuracy of vote counts.
- Preventing disruption of the certification process by clarifying the authorities responsible do not have discretion that delay or refuse to certify based on political beliefs or external pressure.

While misinformation and controversy now surround some of these post-election processes, the fact is that democracy takes time to work correctly—and different states take longer to finalize their results simply due to their own state laws, not due to interference or tampering. Like every other election, this November all valid votes will be counted, verified and certified to ensure that every voter has their voices heard.

Endnotes

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