

MEMORANDUM

TO: Interested Parties
FROM: Center for American Progress
DATE: October 9, 2020
RE: Setting Expectations for Election Night

Americans have come to expect they will know the winners and losers of electoral races within just hours after polls close on Election Night. This fall, such expectations must be tempered. It is likely that the winners of the presidential election and other hotly contested state and local races nationwide will not be known on November 3rd. It may take days or even weeks to finalize election results.

Unfortunately, some elected officials have relentlessly attacked the integrity of U.S. elections, while attempting to cast doubt on the reliability of vote by mail. Some politicians have even threatened to reject the results that come in after Election Night. False and unproven claims about supposed widespread voter fraud have been repeatedly debunked.

It is crucial to set public expectations now for when election results will realistically be finalized. The public should expect that prolonged ballot counting periods are a normal, legitimate, and necessary part of ensuring that every voters' voice is heard. Understanding this reality is vital in maintaining public faith in the democratic process.

I. Election outcomes will take longer to determine this year

Today, [more than 40 states and the District of Columbia](#) allow voters to cast ballots by mail without an excuse or because of fear over COVID-19. The expected increase in mail ballots this year will slow ballot counting, as mailed ballots take longer to process than ballots cast in-person.

When a voter casts a ballot at their local polling place, the voter verification process is completed on the frontend by election workers at check-in. Once the ballot has been completed, it is fed into the ballot tabulator or ballot box for counting. With mailed ballots, voter eligibility and ballot verification are performed on the backend after the ballot is cast. After a voted ballot is received by an election office, officials must verify the voter's signature on the outside of the privacy envelope. Once eligibility is confirmed, the ballot must be removed from the privacy envelope and sorted so that it can be properly tallied. In some cases, mailed ballots are transferred to centralized tabulating locations for counting. If there are problems with a voter's signature, some states require that the voter be notified and given opportunities to [cure issues](#) up until a certain date.

In other words, whereas with in-person voting a majority of the voting verification process takes places before someone casts a vote— meaning there are fewer steps left after the polls close and counting begins—with a mail-in ballot most of the voting verification process takes places only after the ballot has been received and can be processed.

The counting process will be further slowed in those states that cannot begin processing or tallying mailed ballots until Election Day or after polls close on Election Night. Ballot counting may take especially long in states accepting ballots post-marked on Election Day even if they are received several days following the election and in states lacking adequate personnel and automated technology for processioning and counting ballots. Unfortunately, House-passed legislation to provide additional funding for states to process these ballots was rejected by the President and the Senate.

MAIL BALLOT PROCESSING AND COUNTING DEADLINES (2020 SWING STATES)

STATE	Date for processing absentee ballots	Date for counting absentee ballots*
AZ	Upon receipt of the absentee ballot	14 days before Election Day (Oct. 20th)
FL	22 days before Election Day (Oct. 12th)	22 days before Election Day (Oct. 12th)
GA	Upon receipt of the absentee ballot	Election Day
IA	1 day before Election Day (Nov. 2nd)	Generally, on Election Day
ME	7 days before Election Day (Oct. 27th)	After polls close on Election Day
MI	For jurisdictions with at least 25,000 people , processing can begin 10 hours before Election Day . For all other jurisdictions, processing begins on Election Day.	Election Day
MN	Upon receipt of the absentee ballot	After polls close on Election Day
MT	Upon receipt of the absentee ballot	1 day before Election Day if using tabulating equipment (Nov. 2nd) or on Election Day if manual hand count (jurisdiction specific)
NC	5 weeks before Election Day (Sept. 29th)	Ballot scanning can begin up to 5 weeks before Election Day (Sept. 29th)**
NH	Election Day	After polls close on Election Day
OH	May begin before Election Day (precise date not listed)	May begin before Election Day (precise date not listed)
PA	Election Day	Election Day
SC	2 days before Election Day	Election Day
TX	Upon receipt of the absentee ballot	Election Day. But in jurisdictions w/ 100,000+ populations, counting can begin 4 days before Election Day at conclusion of early in-person voting period
WI	Election Day	Election Day

**In some states, this deadline refers to the date on which election officials are permitted to begin entering ballots into tabulating machines for initial scanning. In most states, however, ballots are not totaled nor are results printed until Election Day.*

***County Boards of Election [begin meeting](#) weekly to approve absentee ballots on September 29th, at which time ballots may be scanned by ballot tabulators. According to Numbered Memo 2020-25 by the North Carolina State Board of Elections “Due to the significant increase in absentee ballots this election, it is strongly recommended that county boards authorize the scanning of approved ballots during absentee board meetings instead of waiting until Election Day.”*

Note: Some datapoints may have altered slightly as of publication due to fast moving litigation and emergency actions.

II. Initial Election Night vote counts may not paint an accurate picture of eventual outcomes

Preliminary vote counts on Election Night may overwhelmingly reflect ballots cast in-person at polling places, but not include many ballots cast via mail or provisionally. Ballots cast in-person are tallied almost immediately, while mailed ballots are counted only after completion of verification and sorting processes, which can take several days or weeks depending on the state. Many [provisional ballots](#), which are expected to be cast in high numbers this year due to voter confusion and postal delays, are also not counted until after Election Day.

Preliminary vote counts may be especially misleading this year because of unprecedented reliance on mail voting. In all, mailed ballots are predicted to compose [one-third](#) of all votes cast in the November election. In the days following the election, as more mailed ballots are counted, vote tallies may shift. This happens every election, but the number of mailed ballots this year means the impacts may be greater; it is possible candidates leading on Election Night will ultimately lose the election several days later once all ballots are counted.

PRELIMINARY ELECTION NIGHT VOTE COUNTS WILL LIKELY BE MISLEADING DUE TO HIGH RELIANCE ON MAIL VOTING

ELECTION	Average Proportion of Mail Ballots of All Ballots Cast
2020 PRIMARY ELECTIONS	32%

**Note: A recent analysis by the Brookings Institution examining primary elections in 39 states and the District of Columbia found that, on average, ballots cast by mail comprised an average of 32% of ballots cast. In looking at those same 39 states and D.C. during the 2016 general election, mailed ballots comprised an average of just 13% of ballots cast.*

Dramatic shifts in vote counts are particularly likely in states that do not permit mailed ballot processing to begin prior to Election Day and in states accepting ballots post-marked on Election Day but received days later. In addition, because Republican voters in 2020 are more likely to favor in-person voting, experts predict that preliminary vote counts on November 3rd may be skewed towards Republican candidates. As more mailed ballots—a [preferred](#) voting method among Democratic voters this year—are tallied, there is likely to be what experts term a “[Blue shift](#).” This simply reflects the mechanics of when various types of ballots are counted and likely partisan differences in voting methods.

III. It is normal for election results to be finalized after Election Night

There are numerous examples of election outcomes being announced well after Election Day. During the spring primaries alone, some [20 states and the District of Columbia](#) did not report results for at least two days after their respective elections. In all, 13 states took at least five days to report election outcomes. During the 2018 midterm elections, the following important races were not decided on Election Day:

- The Arizona Senate race between Republican Martha McSally and Democrat Kyrsten Sinema was decided [nearly one week after](#) the election.
- The Florida Senate race between Republican Rick Scott and Democrat Bill Nelson was decided [more than 10 days after](#) the election.
- The Florida Gubernatorial race between Republican Ron DeSantis and Democrat Andrew Gillum was decided [more than one week](#) after the election.
- The Georgia Gubernatorial race between Republican Brian Kemp and Stacey Abrams was decided [10 days after](#) the election.
- The race for California’s 39th district between Republican Yong Kim and Democrat Gil Cisneros was called [nearly two weeks after](#) Election Day.

Notable presidential races that were not decided on Election Night include the [2004](#) presidential election, which was not decided until the following day, and the infamous 2000 presidential election, which was not decided until [December 12th](#). The outcomes of the [1960](#) and [1948](#) presidential elections were also not officially known until after Election Day.

Technically, electoral outcomes are not finalized until states [certify](#) them following an official election canvass (the process of aggregating and confirming vote counts). Certification deadlines vary by state. Whereas Florida must certify results by [November 17th](#) this year, Wisconsin has until [December 1st](#) to complete the certification process. In all, some [14 states](#) have until December to formally certify election outcomes for the 2020 general election. The [U.S. Constitution](#) and [federal law](#) provide states with [more than a month](#) following the general election to [finish](#) counting votes and assign electors to the Electoral College. This process is aptly described by [Joanne Lipman and Edward B. Foley](#):

If results aren’t known on election night, that doesn’t mean there’s a delay. The fact is, there are never official results on election night. There never have been... The 12th Amendment and the accompanying Electoral Count Act of 1887 give states five weeks — this year, until Dec. 8 — to count their popular votes. That tally determines each state’s presidential electors, who cast their state’s votes six days later, on Dec. 14. Only if states miss that December deadline would election results be genuinely late.

IV. Election results reported after Election Night are not indicative of fraud

Over the past several months, government officials have spread harmful conspiracy theories about election results reporting and lies about votes tallied after Election Night being indicative of fraud. Due to abnormally high levels of mail voting this year, it is all but inevitable that election results will not be known on November 3rd. Claiming that ballots counted after Election Day are inherently invalid is a thinly veiled attempt to undermine normal electoral procedures in order to challenge eventual outcomes. Politicians have employed this tactic before. In 2018, some officials argued that results in Florida's closely contested elections were only valid as of Election Night, falsely asserting that mail ballots were leading to rigged and fraudulent outcomes.

Far from suggesting anything untoward, lengthy ballot counting periods actually indicate that legitimate administrative processes are working as they should. It shows that, rather than rushing, election officials are taking time to thoroughly examine voter signatures and other criteria to verify eligibility, are exercising due diligence to ensure ballots are sorted properly and that all ballots are counted, and, critically, are ensuring ballots are counted *correctly* as the voter intended. As noted by Iowa Secretary of State Paul Pate (R), when it comes to counting ballots in November, "This is [not a speed game](#)... This is going to be an integrity and safety game."