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Federal Election Results: Frequently Asked Questions

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Federal Election Results: Frequently Asked Questions

States, territories, and the District of Columbia (DC) administer federal elections. Each of these jurisdictions has its own process for counting votes and declaring election winners, though all follow similar steps. These processes have drawn renewed congressional and public attention during recent election cycles.

The results that voters see reported on election night are the culmination of several steps in the election administration process, but are not the end of that process. Finalizing federal election results typically can occur days or weeks after election day. Among other steps, state, territorial, and local election officials *canvass* votes to ensure that ballots are valid and counted correctly. Election observers, audits, and other processes are designed to help ensure transparency and accuracy.

This updated report addresses frequently asked questions on these and related subjects. The discussion emphasizes the period between the time a voter casts a ballot and when states, territories, and DC finalize, or *certify*, the results.

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Introduction

The results voters see reported on election night are the culmination of several steps in the election administration process, but are not the end of the process. States, territories, and the District of Columbia administer federal elections. Each of these jurisdictions has its own process for counting votes and declaring winners, but all follow similar steps. Election administrators, political officials, and members of the public continue working after election night to finalize official results. This process typically takes several days or even weeks. State- or territorial-level federal election results in the United States are never official on election night.

Events in recent election cycles have generated renewed interest among some Members of Congress, other public officials, and voters about how election officials count votes and determine election results. This report provides brief answers to frequently asked questions about the processes for counting, documenting, and ensuring transparency after votes are cast. It addresses federal elections, although the discussion herein also generally applies to elections for state or local offices.

Professional election administrators manage most or all of the ballot-counting process.¹ Members of the public, the media, or credentialed observers typically monitor most or all of the ballot-counting process.² Specific practices and requirements vary by jurisdiction. Election officials have developed standard practices to document the chain of custody for ballots, ensure transparency, and generate accurate results.

Scope of the Report

The frequently asked questions below are designed to provide a resource for Members of Congress and congressional staff as they conduct oversight and consider legislation related to federal elections. The discussion emphasizes the period between when voters cast ballots and election officials finalize election results for federal elections. Because states, territories, and localities administer federal elections, the report contains general discussion of law, policy, and practice in those jurisdictions, but does not attempt to do so comprehensively.³ The report briefly discusses recounts and contested elections, but those topics are largely beyond the scope of this report. Other CRS products provide information on related topics concerning contested U.S.

¹ See, for example, Natalie Adona et al., *Stewards of Democracy: The Views of American Local Election Officials*, Democracy Fund, report, June 26, 2019, <https://democracyfund.org/idea/stewards-of-democracy-the-views-of-american-local-election-officials/>. For additional information on recent issues related to election workers, see CRS Insight IN11831, *Election Worker Safety and Privacy*, by Sarah J. Eckman and Karen L. Shanton; and CRS Legal Sidebar LSB10781, *Overview of Federal Criminal Laws Prohibiting Threats and Harassment of Election Workers*, by Jimmy Balsler.

² National Conference of State Legislatures, *Policies for Election Observers*, May 29, 2024, <https://www.ncsl.org/research/elections-and-campaigns/policies-for-election-observers.aspx>; and National Conference of State Legislatures, *Post-Election Audits*, September 11, 2024, <https://www.ncsl.org/research/elections-and-campaigns/post-election-audits635926066.aspx>. This CRS report uses the terms *observe* and *monitor* generally. In some instances (e.g., under Voting Rights Act provisions), the two terms have distinct meanings based on statute or regulation. Additional detail is beyond the scope of this report.

³ Federal law typically has relatively little effect on the process of counting and finalizing election results. As noted elsewhere in this report, other CRS products provide additional information about federal and constitutional provisions regarding contests, recounts, and certifying electoral college results.

House elections,⁴ the electoral college,⁵ the congressional role in verifying and counting presidential election results, and election workers.⁶

The report is intentionally brief to make the content more accessible. It does not discuss legislation or identify specific requirements and processes in individual jurisdictions. As such, the general information presented in this report does not assess any election jurisdiction's processes for or performance at administering elections. Similarly, the report does not provide specific compliance information, legal analysis, or policy analysis about critical infrastructure issues. Other CRS reports provide additional information about elections policy issues generally.⁷

Brief Background: Ballot Submission to Election Results

Election jurisdictions around the country use various processes and terminology to count ballots and obtain election results. The information noted below is generally applicable and abbreviated. Additional detail appears in the questions and answers in the text of this report. State, territorial, and local election jurisdictions document and publicize their individual requirements.

- *Submitting Ballots.* Voters deposit completed (also called “marked”) ballots in a ballot box or scanner at in-person polling places. Mail and early in-person ballots are received at designated sites across a precinct or at a central location.
- *Tabulating Ballots.* Ballots are counted, or *tabulated*, where they are cast, at centralized election offices, or both. These tabulations may occur multiple times to verify the accuracy of the total ballot count.
- *Canvassing Ballots.* Election officials aggregate ballot totals and document and reconcile questions about ballot validity through a process known as *the canvass*.
- *Certifying Results.* Final election results are called *certified* results. State-level certification occurs after the canvass (and, if required in that state, after audits).

As discussed in the questions and answers in the text of this report, a combination of professional election administrators, volunteers, and members of the public may be involved in these steps, depending on jurisdiction. Documenting chain of custody for ballots, following established procedures for observing elections and challenging ballots, and auditing results also help ensure transparency and accuracy.

What is the difference between returns reported on election night and final results?

Federal election results at the state or territorial levels are never official in the United States until after election day. Results appearing in media reports or that election jurisdictions release on election night are unofficial and preliminary. These initially reported (either by the media or

⁴ See CRS In Focus IF11734, *The Federal Contested Election Act: Overview and Recent Contests in the House of Representatives*, by R. Sam Garrett, L. Paige Whitaker, and Christopher M. Davis; and CRS Report RL33780, *Procedures for Contested Election Cases in the House of Representatives*, by L. Paige Whitaker.

⁵ See, for example, CRS In Focus IF12682, *Electoral College Overview*, by R. Sam Garrett.

⁶ See CRS Insight IN11831, *Election Worker Safety and Privacy*, by Sarah J. Eckman and Karen L. Shanton; and CRS Legal Sidebar LSB10781, *Overview of Federal Criminal Laws Prohibiting Threats and Harassment of Election Workers*, by Jimmy Balsler.

⁷ Congressional readers may contact the coauthors of this report for additional information on elections policy. See, for example, CRS Report R45302, *Federal Role in U.S. Campaigns and Elections: An Overview*, by R. Sam Garrett; CRS Report R45549, *The State and Local Role in Election Administration: Duties and Structures*, by Karen L. Shanton; CRS Report R46146, *Campaign and Election Security Policy: Overview and Recent Developments for Congress*, coordinated by R. Sam Garrett; CRS Report R46455, *COVID-19 and Other Election Emergencies: Frequently Asked Questions and Recent Policy Developments*, coordinated by R. Sam Garrett; CRS In Focus IF11477, *Early Voting and Mail Voting: Overview & Issues for Congress*, by Sarah J. Eckman and Karen L. Shanton; and CRS Report R46646, *Election Administration: Federal Grant Funding for States and Localities*, by Karen L. Shanton.

election officials) totals do not necessarily include all ballots submitted in the jurisdiction, have not been subject to the canvassing process, and could change. Consequently, it is normal and expected that final election totals differ from those announced on election night. It is also common that the candidates in various races can trade leads throughout election night and after, as additional ballots are counted.⁸ Typically, it takes several days or weeks to finalize election results through the canvass (and audits, where applicable) and certify a winner. State or territorial law sets deadlines for how and when these processes occur.

How do states finalize election results?

Although individual procedures vary by state, finalizing election results typically involves two major steps, the *canvass* and *certification*. The *canvass* involves assembling and verifying all validly cast ballots so that they can be aggregated into the final official election results (generally called *certified* results).⁹ As an Election Assistance Commission publication explains, “The purpose of the canvass is to account for every ballot cast and ensure that every valid vote cast is included in the election totals. This involves accounting for every absentee ballot, every early voting ballot, every ballot cast on Election Day, every provisional ballot, every challenged ballot, and every overseas and military ballot.”¹⁰ Depending on jurisdiction, groups of professional election officials, appointed canvassing boards, or both conduct the canvass.

Typical steps in the canvass include reconciling any discrepancies in the number of ballots issued versus those cast; duplicating damaged ballots that scanners cannot read, documenting that process, and counting the duplicated ballots; if applicable, addressing discrepancies in signatures or cast ballots (e.g., questions about voter intent based on ballot markings); and reconciling the number of ballots cast with the number of voters who voted in person at the polling place.¹¹ These processes may be repeated multiple times as precincts and vote centers compile their results and balloting information is consolidated at subsequently higher levels of election administration (e.g., precinct, county, and state).

In some jurisdictions, statistical data and written reports accompany the certified results and provide additional information about the canvassing process and how discrepancies were addressed. Similarly, in some cases, the certification is the final step in the canvassing process. In

⁸ See, for example, Nathaniel Persily and Charles Stewart III, “Actually, We Will Know a Lot on Election Night,” *The Wall Street Journal*, September 24, 2020, <https://www.wsj.com/articles/actually-we-will-know-a-lot-on-election-night-11600959867>; and Clara Hendrickson, Louis Jacobson, and Amy Sherman, “Not All Results Will Be Known on Election Night 2022. That’s Normal,” *Politifact*, October 3, 2022, <https://www.politifact.com/article/2022/oct/03/not-all-results-will-be-known-election-night-s-nor/>.

⁹ For example, the U.S. Election Assistance Commission’s Voluntary Voting System Guidelines define the canvass as, “The process of compiling, reviewing, and validating election returns that forms the basis of the official results by a political subdivision.” See U.S. Election Assistance Commission, *Voluntary Voting System Guidelines, VVSG 2.0*, February 10, 2021, p. 269, https://www.eac.gov/sites/default/files/TestingCertification/Voluntary_Voting_System_Guidelines_Version_2_0.pdf.

¹⁰ U.S. Election Assistance Commission, *Quick Start Management Guide: Canvassing and Certifying an Election*, October 2008, p. 2, <https://web.archive.org/web/20190814213357/https://www.eac.gov/assets/1/6/Quick%20Start-Canvassing%20and%20Certifying%20an%20Election.pdf>. See also U.S. Election Assistance Commission, *Quick Start Management Guide: Canvassing & Certifying an Election*, May 1, 2022, https://www.eac.gov/sites/default/files/electionofficials/QuickStartGuides/Canvass_and_Certification_EAC_Quick_Start_Guide_508.pdf. For additional discussion of military and overseas citizen voting, see, for example, CRS In Focus IF11642, *Absentee Voting for Uniformed Services and Overseas Citizens: Roles and Process, In Brief*, by R. Sam Garrett.

¹¹ See, for example, U.S. Election Assistance Commission, *Election Management Guidelines*, pp. 127-132. The *Election Management Guidelines* document is available on the EAC website https://www.eac.gov/sites/default/files/electionofficials/EMG/EAC_Election_Management_Guidelines_508.pdf.

others, the governor or chief state election official (e.g., secretary of state) issues certified results based on information provided in the canvassing authority's final report or meeting.

In some states, very close election margins during the canvass trigger recounts, discussed at the end of this report. Some jurisdictions also conduct *post-election audits*, which are intended to check the accuracy of the election outcomes reported by the voting system.¹² These audits involve comparing the results generated by the voting system against a sample of paper records of the vote, such as paper ballots or voter-verifiable paper audit trails generated by direct-recording electronic voting machines.¹³

What procedures might election jurisdictions use to provide transparency and demonstrate that the canvass is conducted correctly?

Election officials work to ensure that the election results they report are generally perceived to be fair, accurate, and legitimate. One way they do so is by having consistent, reliable, and transparent ballot collection and canvass procedures, which are typically established well before the election. To ensure that voters can cast their ballots privately and securely and that ballots are handled and counted correctly, vote-collecting and -counting processes generally involve multiple election workers and/or observers, representing multiple political parties.¹⁴

Policies about who can serve as an election observer, which stages of the election process they can observe, and what accreditation, if any, they must have are typically set by the states.¹⁵ Common categories of election observers include the general public, academics, and representatives of political parties or nonpartisan civic or legal organizations.¹⁶ An important role

¹² National Institute of Standards and Technology, *Election Terminology Glossary*, <https://pages.nist.gov/ElectionGlossary/#post-election-tabulation-audit>.

¹³ Exactly how jurisdictions that use post-election audits conduct them varies, but post-election audits generally can be grouped into two categories: (1) traditional post-election audits, which review records from a fixed percentage of voting districts or machines, and (2) risk-limiting audits, which use statistical methods to determine how many records have to be reviewed to achieve a specified level of confidence that the election outcomes reported by the voting system are the outcomes officials would get if they conducted a full hand count of the paper records. For more information about post-election audits in general or risk-limiting audits in particular, see CRS In Focus IF11873, *Election Administration: An Introduction to Risk-Limiting Audits*, by Karen L. Shanton; National Academies of Sciences, Engineering, and Medicine, *Securing the Vote: Protecting American Democracy*, Washington, DC, 2018, pp. 93-96, <https://www.nap.edu/catalog/25120/securing-the-vote-protecting-american-democracy>; National Conference of State Legislatures, *Post-Election Audits*, September 11, 2024, <https://www.ncsl.org/research/elections-and-campaigns/post-election-audits635926066.aspx>; and Mark Lindeman and Philip B. Stark, "A Gentle Introduction to Risk-Limiting Audits," *IEEE Security and Privacy*, vol. 10, no. 5 (September-October 2012), pp. 42-49.

¹⁴ As noted above, this CRS report uses the terms *observe* and *monitor* generally. In some instances (e.g., under Voting Rights Act provisions), the two terms have distinct meanings based on statute or regulation. Additional detail is beyond the scope of this report.

¹⁵ This report does not address the federal election observers or monitors who may be deployed under the Voting Rights Act (VRA) or the Congressional Election Observer Program. Committee on House Administration, *Election Observer Program*, <https://cha.house.gov/election-observer-program>. For additional discussion of the federal role in election administration and the VRA, respectively, see CRS Report R45302, *Federal Role in U.S. Campaigns and Elections: An Overview*, by R. Sam Garrett; and CRS Report R47520, *The Voting Rights Act: Historical Development and Policy Background*, by R. Sam Garrett.

¹⁶ National Conference of State Legislatures, *Policies for Election Observers*, May 29, 2024, <https://www.ncsl.org/research/elections-and-campaigns/policies-for-election-observers.aspx>.

observers play in some states is monitoring in-person voting on election day for technological problems, administrative issues, or indications of voter fraud, coercion, or intimidation.¹⁷

States and localities that provide drop boxes for mail ballots often have video surveillance or trained election staff monitoring drop box sites and mechanisms in place to secure ballot retrieval and chain of custody,¹⁸ such as assigning two election workers to collect ballots from each drop box.¹⁹ Other parts of the election process, including signature verification for mail ballots, typically also involve multiple people.²⁰

Many states include individuals who were not directly involved in the administration of the election on their canvassing boards or in canvassing processes, in order to help ensure impartial review.²¹ Most states also offer election observers or members of the media access to certain post-election procedures,²² such as counting mail ballots or conducting post-election audits or logic and accuracy tests.²³ Some jurisdictions also livestream their canvasses, enabling the public to watch the process online, or use an independent board rather than state or local administrators to conduct post-election audits.²⁴

¹⁷ National Conference of State Legislatures, *Poll Watchers and Challengers*, May 28, 2024, <https://www.ncsl.org/research/elections-and-campaigns/poll-watcher-qualifications.aspx>. Federal provisions in criminal law, the Voting Rights Act, or both also could be relevant. See for example, CRS Report R45302, *Federal Role in U.S. Campaigns and Elections: An Overview*, by R. Sam Garrett; and CRS Testimony TE10033, *History and Enforcement of the Voting Rights Act of 1965*, by L. Paige Whitaker.

¹⁸ National Conference of State Legislatures, *Table 9: Ballot Drop Box Laws*, July 11, 2024, <https://www.ncsl.org/research/elections-and-campaigns/vopp-table-9-ballot-drop-box-definitions-design-features-location-and-number.aspx>.

¹⁹ For example, see Arizona Secretary of State's Office, Elections Services Division, *Arizona Elections Procedures Manual*, December 2023, p. 73, https://apps.azsos.gov/election/files/epm/2023/EPM_20231231_Final_Edits_to_Cal_1_11_2024.pdf; and California Secretary of State, *Vote-by-Mail Ballot Drop Boxes and Vote-by-Mail Drop-Off Locations*, California Code of Regulations Title 2, div. 7, ch. 3, §20137, Ballot Collection Procedures and Chain of Custody, <https://www.sos.ca.gov/administration/regulations/current-regulations/elections/vote-mail-ballot-drop-boxes-and-drop-locations#20137>.

²⁰ For example, see William Janover and Tom Westphal, "Signature Verification and Mail Ballots: Guaranteeing Access While Preserving Integrity—A Case Study of California's Every Vote Counts Act," *Election Law Journal: Rules, Politics, and Policy*, vol. 19, no. 3 (September 2020), p. 329; and the "How Are Ballots Processed?" articles available from the Grand County, Colorado, Clerk & Recorder's Office, *Ballots & Processing*, <https://www.co.grand.co.us/1093/Ballots-Processing>.

²¹ For example, see Florida Supervisors of Elections, *2020 FSASE Canvassing Board Manual*, at https://web.archive.org/web/20231212215239/https://www.myfloridaelections.com/portals/fsase/2020%20Canv%20Board%20Manual%20FINAL_reduced.pdf; Minnesota Secretary of State, *Canvassing Boards*, <https://www.sos.state.mn.us/elections-voting/how-elections-work/canvassing-boards/>; and Washington Secretary of State, *Introduction to County Canvassing Boards*, https://www.sos.wa.gov/_assets/elections/introduction-to-county-canvassing-boards.pdf.

²² National Conference of State Legislatures, *Policies for Election Observers*, May 29, 2024, <https://www.ncsl.org/research/elections-and-campaigns/policies-for-election-observers.aspx>; and National Conference of State Legislatures, *Post-Election Audits*, September 11, 2024, <https://www.ncsl.org/research/elections-and-campaigns/post-election-audits635926066.aspx>.

²³ Logic and accuracy tests, which are typically conducted prior to an election but may also be conducted after the election in some jurisdictions, are used to check that election equipment is functioning correctly and that it is programmed and calibrated correctly for the current election. They involve running a test deck of ballots through the election equipment and may be conducted by a team of representatives of multiple political parties, open to the public, or both. See, for example, Texas Secretary of State, *Electronic Voting System Procedures*, <https://www.sos.texas.gov/elections/laws/electronic-voting-system-procedures.shtml#Section3>. For more on logic and accuracy testing and other checks on voting systems, see CRS Report R47592, *Federal Standards and Guidelines for Voting Systems: Overview and Potential Considerations for Congress*, by Karen L. Shanton.

²⁴ For example, see the "County Tabulation Room Camera Livestreams," section of Arizona Secretary of State, *Voting Equipment*, <https://azsos.gov/elections/voting-election/voting-equipment>; and Montgomery County, Maryland, Board (continued...)

What processes help election officials determine voter eligibility and the validity of ballots cast?

State and local election officials use various mechanisms to ensure that only eligible voters cast ballots and that each voter only votes once in an election. The specific processes used to verify voter identity vary by state and can further vary based on the type of ballot cast (e.g., in-person or by mail).

Election officials primarily use voter registration data to determine whether or not an individual is eligible to vote in a given election, regardless of whether the individual chooses to vote in person or via a mail ballot.²⁵ Election officials use state-level voter registration requirements and procedures,²⁶ as well as verification requirements under the Help America Vote Act of 2002 (HAVA),²⁷ to confirm a registrant’s identity and eligibility to vote, often by comparing information on voter registration applications with other government agency records.

Once a voter is on a state’s list of eligible voters, this information is used by election officials to monitor how, and if, voters have received a ballot, to ensure that each eligible voter can cast a vote and that no voter casts multiple ballots in the same election.²⁸ When voting in person, *poll books*, or lists of eligible voters, are used by local election administrators to confirm that individuals are currently registered voters and are at the correct voting location for their precinct or election district. *Electronic poll* (or *e-poll*) *books* are commonly used today and may be able to provide more recently updated voter information or some voter data in real time.²⁹ In jurisdictions that use centralized vote centers, e-poll books can help election administrators verify that a voter

of Elections, *2024 Presidential Primary Election Mail-In Ballot Canvass*, <https://web.archive.org/web/20240522175959/https://www.montgomerycountymd.gov/Elections/2024PrimaryElection/primary-ballot-canvas.html>.

²⁵ With the exception of North Dakota, all states and territories require individuals to register to vote prior to casting their ballots in federal elections; for more information, see CRS Report R46406, *Voter Registration: Recent Developments and Issues for Congress*; and CRS Report R45030, *Federal Role in Voter Registration: The National Voter Registration Act of 1993 (NVRA) and Subsequent Developments*. North Dakota does maintain a Central Voter File and requires voters to provide identification; see North Dakota Century Code, ch. 16.1-02, <https://www.legis.nd.gov/cencode/t16-1c02.html>, and North Dakota Secretary of State, *ID Required for Voting*, <https://vip.sos.nd.gov/IDRequirements.aspx?ptlhPKID=103&ptlPKID=7>.

²⁶ For more information, see National Conference of State Legislators, *Voter Registration List Maintenance*, December 14, 2023, <https://www.ncsl.org/research/elections-and-campaigns/voter-list-accuracy.aspx>.

²⁷ Under HAVA, for example, voter registration applicants must provide a current and valid driver’s license number or the last four digits of their Social Security number, if they have them. Voters who have not been issued a current and valid driver’s license or Social Security number are assigned an alternate, unique identifying number by the state for voter registration purposes (52 U.S.C. §21083(a)(5)(A)(i-ii)). HAVA also requires that states coordinate their voter registration lists with state agency records on felony status and death (52 U.S.C. §21083(a)(2)(A)(ii)), and directs state DMV officials to enter into agreements with the Social Security Administration and the chief state election official to verify and match certain voter registration applicant information (52 U.S.C. §21083(a)(5)(B)). HAVA also requires that new voters who submit a voter registration application by mail, and have not previously voted in a federal election in a state, must provide a current and valid photo identification or present “a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter,” along with their registration application or when they vote for the first time (52 U.S.C. §21083(b)); individuals who fall into this category and are unable to provide documentation when voting for the first time may cast a provisional ballot.

²⁸ National Conference of State Legislatures, *Double Voting*, April 29, 2024, <https://www.ncsl.org/research/elections-and-campaigns/double-voting.aspx>.

²⁹ National Conference of State Legislatures, *Electronic Poll Books*, June 17, 2024, <https://www.ncsl.org/research/elections-and-campaigns/electronic-pollbooks.aspx>. For discussion of federal guidelines for e-poll books, see CRS Insight IN12280, *Federal Guidelines, Testing, and Certification for Electronic Poll Books (E-Poll Books)*, by Karen L. Shanton.

has not previously voted at another location. In addition to identifying voters from poll book records, 36 states had some form of voter identification requirement in effect for in-person voting as of February 2024.³⁰

In circumstances where voters can vote by mail, some jurisdictions automatically send ballots to voters and others require voters to request a mail ballot.³¹ States that automatically send ballots or ballot request forms to voters generally rely upon address information on file in state voter registration records.³² In the voter records, election administrators typically note which persons have requested and cast mail ballots. Ballot tracking measures often allow an individual voter to check the status of his or her mail ballot, following it from the time it is sent out by election administrators to when it is returned and processed.³³ These mail ballot tracking measures, in conjunction with in-person voting records, also help election officials to ensure that only a single ballot is counted for each voter; for example, election officials can void a mail ballot if it has not yet been cast by a voter who decides to vote in person instead or if officials receive a mail ballot from a voter after he or she has voted in person.³⁴

States employ a number of measures to verify that a mail ballot is completed by the intended voter.³⁵ Many jurisdictions require voter signatures on the ballot envelope for completed mail ballots. The voter's signature often accompanies a legal attestation, asserting the voter's identity and eligibility. Election officials, computer software, or both may be used to match the signature(s) submitted by the voter to a known signature on file from the voter's registration records or other government agency records, if applicable, via a process known as *signature verification*.³⁶ If there is a missing, mismatched, or ambiguous signature, some states contact the

³⁰ National Conference of State Legislatures, *Voter ID Laws*, February 2, 2024, <https://www.ncsl.org/research/elections-and-campaigns/voter-id.aspx>.

³¹ National Conference of State Legislatures, *Voting Outside the Polling Place: Absentee, All-Mail and other Voting at Home Options*, March 7, 2024, <https://www.ncsl.org/research/elections-and-campaigns/absentee-and-early-voting.aspx>.

³² If a voter must request a mail ballot, he or she can often provide a different mailing address for ballot delivery.

³³ Vote.Org, "Track Your Ballot or Ballot Application," <https://www.vote.org/ballot-tracker-tools/>.

³⁴ See, for example, California Secretary of State, *Voting at a Polling Place after Applying to Vote by Mail*, <https://www.sos.ca.gov/elections/voting-resources/voting-california-if-you-applied>; and "Michigan's Absent Voter Process," in Michigan Bureau of Elections, *Election Officials Manual*, July 2024, ch. 6, <https://www.michigan.gov/sos/-/media/Project/Websites/sos/01mcalpine/Michigans-Absentee-Voting-Process.pdf?rev=256f6930421d4b5fa3bd7f68b5d20413&hash=2C689DA54313F0521AFA2C7AB905B63D>. Some jurisdictions may allow a voter who had previously requested a mail ballot to cast a regular in-person ballot. Other jurisdictions may require a voter who had previously requested a mail ballot to cast a provisional ballot in person, to allow election administrators to confirm that the mail ballot has not been cast; a provisional ballot may be required, for example, if a voter cannot provide the blank mail ballot to officials at the polling site. For additional discussion, see, for example, Jude Joffe-Block, "States Have Checks in Place to Prevent Voters From Voting Twice," Associated Press, August 26, 2020, <https://apnews.com/article/archive-fact-checking-9308770212>; and Nick Corasaniti and Stephanie Saul, "Is Voting Twice a Felony?" *The New York Times*, September 9, 2020, <https://www.nytimes.com/article/voting-twice.html>.

³⁵ Some states may waive certain requirements to make accommodations for individuals with disabilities who need assistance completing their ballots on a case-by-case basis. For further discussion of these issues, see Maggie Astor, "'A Failed System': What It's Like to Vote With a Disability During a Pandemic," *The New York Times*, September 25, 2020, <https://www.nytimes.com/2020/09/25/us/politics/voting-disability-virus.html>.

³⁶ For additional discussion of registration, see CRS Report R46406, *Voter Registration: Recent Developments and Issues for Congress*; and CRS Report R45030, *Federal Role in Voter Registration: The National Voter Registration Act of 1993 (NVRA) and Subsequent Developments*. For additional discussion of signature verification, see, for example, William Janover and Tom Westphal, "Signature Verification and Mail Ballots: Guaranteeing Access While Preserving Integrity—A Case Study of California's Every Vote Counts Act," *Election Law Journal: Rules, Politics, and Policy*, vol. 19, no. 3 (September 2020), pp. 321-343; National Conference of State Legislatures, *Table 14: How States Verify Voted Absentee/Mail Ballots*, January 22, 2024, <https://www.ncsl.org/elections-and-campaigns/table-14-how-states-verify-voted-absentee-mail-ballots>; and Cybersecurity and Infrastructure Security Agency (CISA) Elections (continued...)

voter and may provide an opportunity for the voter to correct the issue through processes known as *signature curing*, which may include an affidavit, a copy of additional identification, or both.³⁷ States may also have requirements for witness signatures or notarization of mail ballots, and voters may need to submit a copy of their photo identification with a mail ballot in certain circumstances.³⁸ Election officials may also check to ensure that the return address on a mail ballot matches that of the voter.³⁹ Some states require that a voter return his or her own ballot or limit who, aside from the voter, can return a mail ballot.⁴⁰

When do states count ballots and certify election results?

The timeline for counting votes can vary, depending on when states and localities allow voters to cast their ballots⁴¹ and when election officials are allowed to begin processing and counting them. The window for casting ballots differs by state, as jurisdictions have different polling place hours on election day and different policies about whether or when to offer mail voting or early in-person voting.⁴² The date election officials could start sending voters mail ballots varied from 60 days before election day to 18 days as of September 2024, according to the National Conference of State Legislatures (NCSL), and early in-person voting periods ranged from 3 days to 46.⁴³ Depending on state law, early voting might continue until election day or end several days earlier, and mail ballots might be accepted as long as they are postmarked on or before election day or only if they are received by the close of polls.⁴⁴

In many states, election officials can begin processing early or mail ballots before election day. Exactly what counts as “processing” varies by state, but it might include conducting signature

Infrastructure Government Coordinating Council and Sector Coordinating Council’s Joint COVID Working Group, *Signature Verification and Cure Process*, https://web.archive.org/web/20240913214154/https://www.cisa.gov/sites/default/files/publications/signature-verification_cure_process_final_508.pdf.

³⁷ National Conference of State Legislatures, *Table 15: States With Signature Cure Processes*, August 22, 2024, <https://www.ncsl.org/research/elections-and-campaigns/vopp-table-15-states-that-permit-voters-to-correct-signature-discrepancies.aspx>.

³⁸ National Conference of State Legislatures, *Table 14: How States Verify Voted Absentee Ballots*, January 22, 2024, <https://www.ncsl.org/elections-and-campaigns/table-14-how-states-verify-voted-absentee-mail-ballots>.

³⁹ Darrell M. West, “How Does Vote-by-Mail Work and Does It Increase Election Fraud?” Brookings Institution, June 22, 2020, <https://www.brookings.edu/policy2020/votervital/how-does-vote-by-mail-work-and-does-it-increase-election-fraud/>.

⁴⁰ National Conference of State Legislatures, *Table 10: Ballot Collection Laws*, May 16, 2024, <https://www.ncsl.org/research/elections-and-campaigns/vopp-table-10-who-can-collect-and-return-an-absentee-ballot-other-than-the-voter.aspx>.

⁴¹ For information on early and mail voting timelines in each state, see National Association of Secretaries of State, *Absentee & Early Voting*, <https://www.nass.org/can-i-vote/absentee-early-voting>.

⁴² The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA; 52 U.S.C. §§20301-20311) specifies separate requirements for citizens abroad and members of the *uniformed services* (primarily military members). For brief additional discussion, see CRS In Focus IF11642, *Absentee Voting for Uniformed Services and Overseas Citizens: Roles and Process*, In Brief, by R. Sam Garrett.

⁴³ National Conference of State Legislatures, *Early In-Person Voting*, September 30, 2024, <https://www.ncsl.org/research/elections-and-campaigns/early-voting-in-state-elections.aspx>; and National Conference of State Legislatures, *Table 7: When States Mail Out Absentee/Mail Ballots*, September 23, 2024, <https://www.ncsl.org/research/elections-and-campaigns/vopp-table-7-when-states-mail-out-absentee-ballots.aspx>.

⁴⁴ National Conference of State Legislatures, *Table 11: Receipt and Postmark Deadlines for Absentee/Mail Ballots*, June 12, 2024, <https://www.ncsl.org/research/elections-and-campaigns/vopp-table-11-receipt-and-postmark-deadlines-for-absentee-ballots.aspx>.

verification, removing mail ballots from their envelopes, or running ballots through scanners in preparation for generating a tally. Some states also allow early or mail ballots to be counted on or before election day, while others prohibit counting until after the polls close.⁴⁵

Depending on the state, localities may have anywhere from days to weeks after an election to certify their election results to the state. According to NCSL, deadlines for state certification of results can range from specific hours like 5 p.m. the 17th day after the election to more general timeframes like, “Upon completion of the state ballot counting review.”⁴⁶ In presidential elections, federal law requires governors to issue certificates of ascertainment naming electors at least six days before the electoral college convenes.⁴⁷

What processes are available if disputes remain after election results are certified?

Different terminology applies to various scenarios surrounding disputed election results. The term *recount* refers to retabulating ballots to ensure that the certified count was accurate (although, in some jurisdictions, recounts might occur before certification).⁴⁸ Election officials generally conduct recounts when elections result in very close margins of victory to confirm that the certified results are accurate, or if there is evidence that counting equipment malfunctioned.⁴⁹ There are two kinds of recounts: automatic and requested. Typically, a narrow margin of victory in an individual race (e.g., less than one-half percent in some states) triggers an *automatic recount* as specified in state statutes. In other cases, candidates or voters may *request* recounts (sometimes called *initiated* recounts), often at their expense and under processes specified in state statutes.⁵⁰ Relevant state, territorial, or local election statutes specify which recount options are available in particular jurisdictions, if any, and under what circumstances.

States or other election jurisdictions conduct recounts either by rescanning ballots or by hand counting, depending on circumstances and relevant requirements, and may address all or part of the certified results. Recounts also may involve a *re canvass*—in some states a separate process—

⁴⁵ National Conference of State Legislatures, *Table 16: When Absentee/Mail Ballot Processing and Counting Can Begin*, September 23, 2024, <https://www.ncsl.org/research/elections-and-campaigns/vopp-table-16-when-absentee-mail-ballot-processing-and-counting-can-begin.aspx>.

⁴⁶ National Conference of State Legislatures, *Election Certification Deadlines*, September 27, 2024, <https://www.ncsl.org/elections-and-campaigns/election-certification-deadlines>.

⁴⁷ See, in particular, 3 U.S.C. §5; 3 U.S.C. §7; and 3 U.S.C. §21. In 2024, governors or another designated state official must issue certificates of ascertainment by December 11. Electors meet in states, thus constituting the electoral college, on December 17. For selected 2024 dates based on federal statute, see Table 1 in CRS In Focus IF12682, *Electoral College Overview*, by R. Sam Garrett.

⁴⁸ For example, the U.S. Election Assistance Commission’s Voluntary Voting System Guidelines define *recount* as, “Repeat tabulation of votes cast in an election, whether manually or electronically, that is used to determine the accuracy of an initial count.” See U.S. Election Assistance Commission, *Voluntary Voting System Guidelines, VVSG 2.0*, February 10, 2021, p. 296, https://www.eac.gov/sites/default/files/TestingCertification/Voluntary_Voting_System_Guidelines_Version_2_0.pdf.

⁴⁹ See, for example, U.S. Election Assistance Commission, *Election Management Guidelines*, p. 133. The *Election Management Guidelines* document is available on the EAC website at https://www.eac.gov/sites/default/files/electionofficials/EMG/EAC_Election_Management_Guidelines_508.pdf.

⁵⁰ For example, as the National Conference of State Legislatures has explained, “Although post-election audits can lead to a full recount if errors are detected, they differ from a recount in that they are conducted regardless of the margins of victory. Recounts are most often triggered or requested if there is a tight margin of victory.” National Conference of State Legislatures, *Post-Election Audits*, September 11, 2024, <https://www.ncsl.org/research/elections-and-campaigns/post-election-audits635926066.aspx>.

to reexamine the validity of the ballots included in the certified results. Election officials, recount boards, or both typically conduct recounts.

Although timing varies by state, statutes typically limit the period during which recounts may occur. Election officials can face particularly tight deadlines for conducting recounts if they occur shortly before officeholders-elect are to be sworn in.

Election *contests* focus on the circumstances surrounding the conduct of the election. As with recounts, contests follow processes addressed in relevant state law. Generally, contests are resolved through litigation that is beyond the scope of this report. The Federal Contested Election Act (FCEA) provides procedures for resolving contested U.S. House elections.⁵¹ Ultimately, Article I, Section 5 of the U.S. Constitution specifies that each chamber of Congress “shall be the Judge of the Elections, Returns and Qualifications of its own Members.” Other CRS products provide information on related topics concerning contested U.S. House elections,⁵² the electoral college,⁵³ and the congressional role in verifying and counting presidential election results.⁵⁴

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⁵¹ 2 U.S.C. §§381-396. For additional discussion, see CRS In Focus IF11734, *The Federal Contested Election Act: Overview and Recent Contests in the House of Representatives*, by R. Sam Garrett, L. Paige Whitaker, and Christopher M. Davis; and CRS Report RL33780, *Procedures for Contested Election Cases in the House of Representatives*, by L. Paige Whitaker.

⁵² See CRS In Focus IF11734, *The Federal Contested Election Act: Overview and Recent Contests in the House of Representatives*, by R. Sam Garrett, L. Paige Whitaker, and Christopher M. Davis; and CRS Report RL33780, *Procedures for Contested Election Cases in the House of Representatives*, by L. Paige Whitaker.

⁵³ See, for example, CRS In Focus IF11641, *The Electoral College: A 2020 Presidential Election Timeline*, by Thomas H. Neale; CRS Report R43824, *Electoral College Reform: Contemporary Issues for Congress*, by Thomas H. Neale; and CRS Report R40504, *Contingent Election of the President and Vice President by Congress: Perspectives and Contemporary Analysis*, by Thomas H. Neale.

⁵⁴ See CRS Report RL32717, *Counting Electoral Votes: An Overview of Procedures at the Joint Session, Including Objections by Members of Congress*, coordinated by Elizabeth Rybicki and L. Paige Whitaker.

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