

Election Safeguarding

Election safeguarding organizations are working hard to protect the right of all eligible voters to cast a ballot that counts.

Immediately post-Election Day, these efforts will continue through monitoring two key steps:

1. the counting (or “canvassing”) of ballots, and
2. the certification of election results.

Counting of ballots

Every state has different laws dictating whether election officials can start processing and counting ballots before or on Election Night. Because of this, many states may not have final projected results on Election Night, and we may not have the results of certain federal elections, including the presidential election, until the days after Election Day.

We have a collective goal to ensure all eligible votes are counted according to state law.

County-level certification

Certification is a purely administrative task following the canvass, where election officials attest with a signature that the results are a complete and accurate record of all votes cast. Election officials have a **mandatory, legal duty** under state law to certify election results. The local certification timeline varies by state. Counties first certify the results, and then the state certifies the results, too.

What follows is a resource to provide an approximate timeline, likely risks, and model messaging to safeguard the 2024 U.S. elections.

This resource was written on November 1, 2024, by the ACLU, for the business community. It was lightly adapted by the Center for Artistic Activism for general use. Please keep in mind that compliance with federal, state, and local election, campaign finance, and lobbying laws are personal responsibility, and this document does not contain legal advice.

November 5 Election Night

Counting and processing of ballots

What's Happening	Potential Risks	Goals	Talking Points
- Votes are being counted. - The media may not declare a winner on Election Night given the tight projections of the race and state-specific processes regarding counting. - In some states, processing and opening of absentee ballots does not start until Election Day, so those votes will take time to be counted. - Margins may be too tight in battleground states to declare a winner.	- One candidate declaring victory before results are in. - Litigation to stop the count or challenge votes. - Demand from the public or from a candidate to stop the count before all votes are counted. - Allegations of fraud or other misinformation/disinformation causing instability and undermining our democratic norms and a free and fair election. - Intimidation of election officials attempting to count ballots.	- Assure the public the process is working as it should, that the counting takes time and is expected. - Reinforce that votes are being counted and it is critical that every voice is heard. - Build confidence in free and fair elections and stop the spread of misinformation. - Promote peace, calm, and patience.	- Election officials are carefully counting every vote, following the same procedures used in every election. - Every American has a voice in our democracy. Voting should be safe and accessible to all. Elections should be fair and transparent. - As we have expected, we do not have full results on Election Night. Some of the states with close margins do not even start to process mail ballots until today. For our elections to be free and fair, votes must be counted, and we encourage patience as votes are counted. - The election is not over until every vote is counted.

November 6-9 Counting and processing of ballots continues

County canvasses continue and in some places may continue beyond this time period.

What's Happening	Potential Risks	Goals	Talking Points
- Results will be coming in from swing states, and the winner of the presidential race and congressional races may be known. - Local election officials engage in the processing and counting of ballots. The counting process is specific to each state and mandated by state law. - This process (also known as the "canvass") contains rigorous voter verification and counting procedures to ensure that only eligible votes are counted and that all eligible votes are counted. - Some states have mandatory recounts if there are close margins. - State laws provide that any variations or discrepancies in the count are adjudicated during the canvass, not during certification. - Counting will continue, which determines the official results of the election, even if the media has already projected a winner.	- One candidate declaring victory before results are in. - Political pressure or demands to stop the count, frivolous voter challenges, litigation to delay or stop the count. - Allegations of fraud or other misinformation/disinformation causing instability and undermining our democratic norms and a free and fair election. - Intimidation of election officials attempting to count ballots.	- Cool temperature and provide assurances that all voices will be heard and the will of the people will be honored. - Build confidence in free and fair elections. - Promote peace, calm, and patience.	- In the United States, voters decide on their leaders in free and fair elections. - Representatives from both parties go through a meticulous list of steps to verify the count and check for accuracy. - Election officials are working around the clock to ensure accuracy. Every eligible vote must be counted and the results must be certified according to state law. - The election is not over until every vote is counted.

November Date TBD News outlets declare a winner.

What's Happening	Potential Risks	Goals	Talking Points
- News outlets project a winner of the Presidential race. This determination uses "unofficial results" in states to determine the winner of the Electoral College votes. These projections are not the "official results," which occur after the canvass process and certification step are complete.	- One candidate does not accept the results of the election. - Allegations of fraud or other narratives causing instability and undermining our democratic norms and election systems. - Calls to stop the official count or refuse results of the election, to not certify the results.	- Reinforce that the outcome is clear and that the will of the people must prevail to address attempts to stop or delay the official count. - Reinforce democratic norms in accepting the results and the will of the voters.	- In America, voters decide elections. - Some people [might/are] challenging the results. Our system allows for challenges, and also requires proof and following the law.

Throughout November County Certification

What's Happening	Potential Risks	Goals	Talking Points
- After the votes are canvassed and counted at the county level, they are certified at the county level. Then they are certified at the state level. Certification is not discretionary and is mandatory under state law. - The deadlines and processes for counting and the certification step vary from state to state.	- Since 2020, nearly 3 dozen election officials have refused to certify county election results, and these officials are still in office today. - Non-certification or delays to certification by county actors remains a key threat to democratic norms.	- Affirm results. - Reinforce that the outcome is clear and emphasize that certification is a mandatory, non-discretionary step after ballots have been counted.	- Election officials have been working around the clock to ensure accuracy and to count every eligible vote. - Now the results must be certified according to state law.

Throughout November County Certification (cont.)

What's Happening	Potential Risks	Goals	Talking Points
- At the county level, states typically have a deadline to certify the election results pursuant to state law. This timeline varies by state, but generally is throughout November in core battleground states.	- Litigation to delay or enjoin county or state certification.	- Reinforce democratic norms in accepting the results and the will of the voters.	- The voters have spoken, and election officials must fulfill their duty to certify the results.

Key Dates in December

December 11	December 17	January 6
- Under the new Electoral Count Reform Act (ECRA), December 11 is the federal deadline for states to certify their results. - 2024 will be the first Presidential Election with the ECRA in place.	- Electoral College Votes.	- Congress certifies the election.