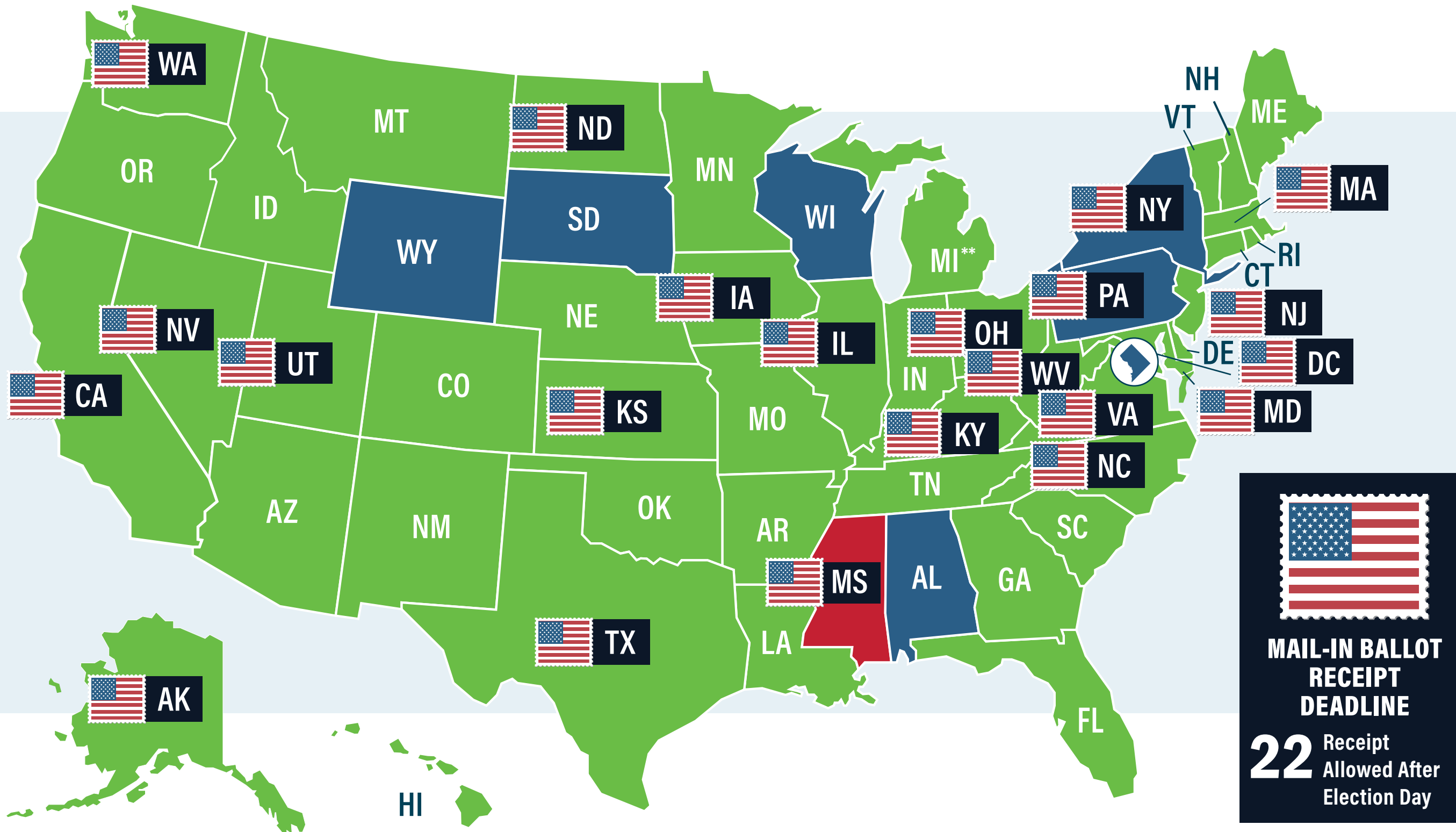# MAIL-IN VOTING PROCESSING FACTORS

AS OF OCTOBER 29, 2020. NOTE: Additional changes to state mail-in ballot processing factors may have occurred since this date.*

CYBERSECURITY & INFRASTRUCTURE SECURITY AGENCY — CISA

WA, MT, OR, ID, ND, MN, NH, VT, ME, MA, WY, SD, WI, NY, RI, CT, NV, UT, NE, IA, IL, MI**, PA, NJ, DE, DC, CA, CO, KS, MO, OH, IN, WV, VA, MD, AZ, NM, OK, AR, TN, KY, NC, SC, MS, AL, GA, TX, LA, FL, AK, HI

MAIL-IN BALLOT RECEIPT DEADLINE

22 Receipt Allowed After Election Day

STATE MAIL-IN BALLOT PROCESSING BEGINS

43 Before Election Day

7 On Election Day— Before Polls Close

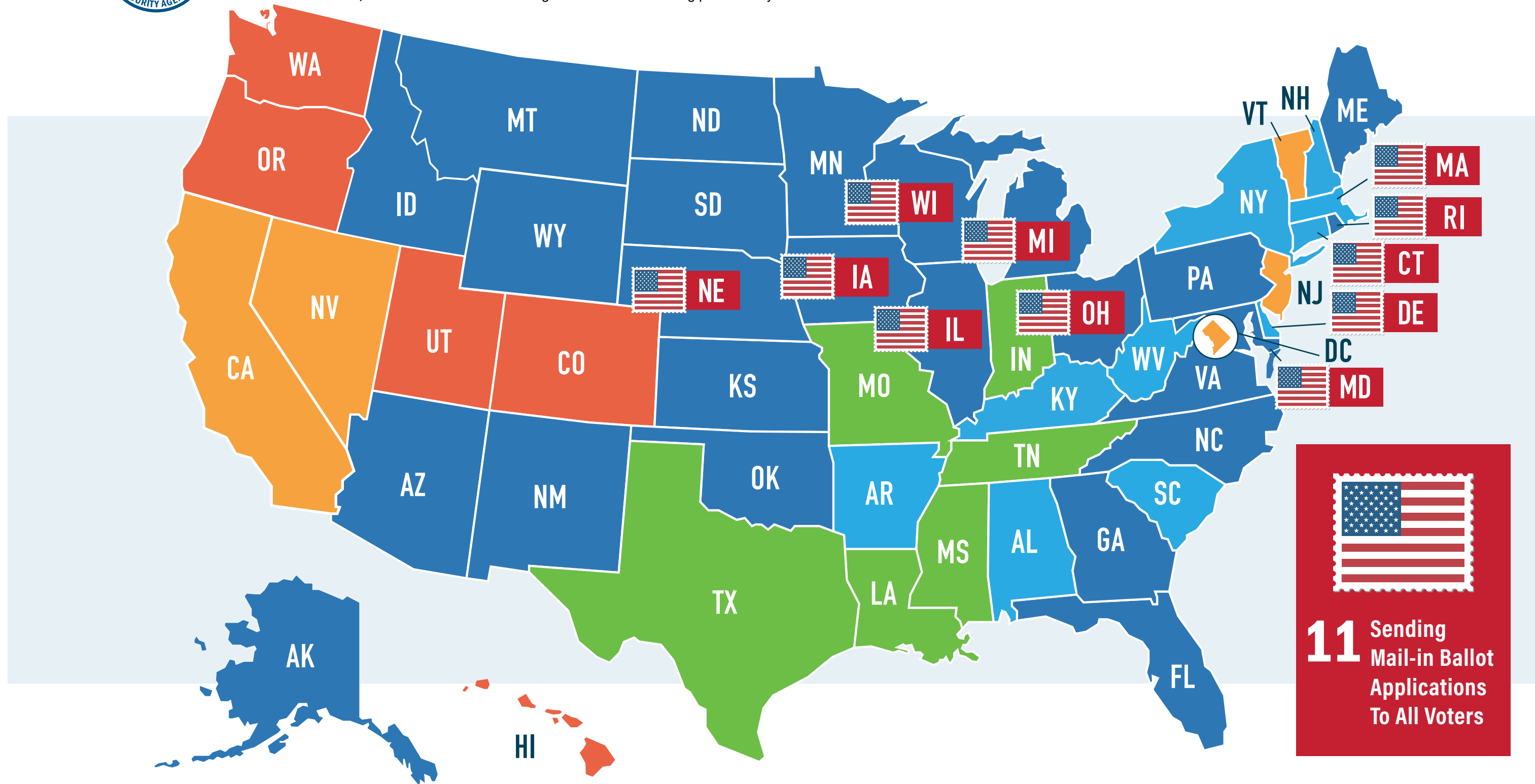**1** After Polls Close on Election Day or After Election Day

*This document is for information purposes only and may be subject to change as a result of litigation or changes to state laws. This data is sourced from state election calendars, NCSL, NASS, and NASED. CISA does not provide any warranties of any kind regarding this information. Voters should seek the most up-to-date election information from their state and local elected officials.

**Cities or townships with more than 25,000 may begin processing ballots the day before election day.

MAIL-IN VOTING 2020 POLICY CHANGES

AS OF OCTOBER 29, 2020. NOTE: Additional changes to state mail-in voting policies may have occurred since this date.*

11 Sending Mail-in Ballot Applications To All Voters

5 Mail Ballot To All Registered Voters

5 Policy Change— Mail Ballot To All Registered Voters

25 Absentee— No Excuse Required

10 Absentee Policy Change— Relaxed Excuse

6 Absentee— Excuse Required

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MAIL-IN VOTING:
ELECTION INTEGRITY SAFEGUARDS

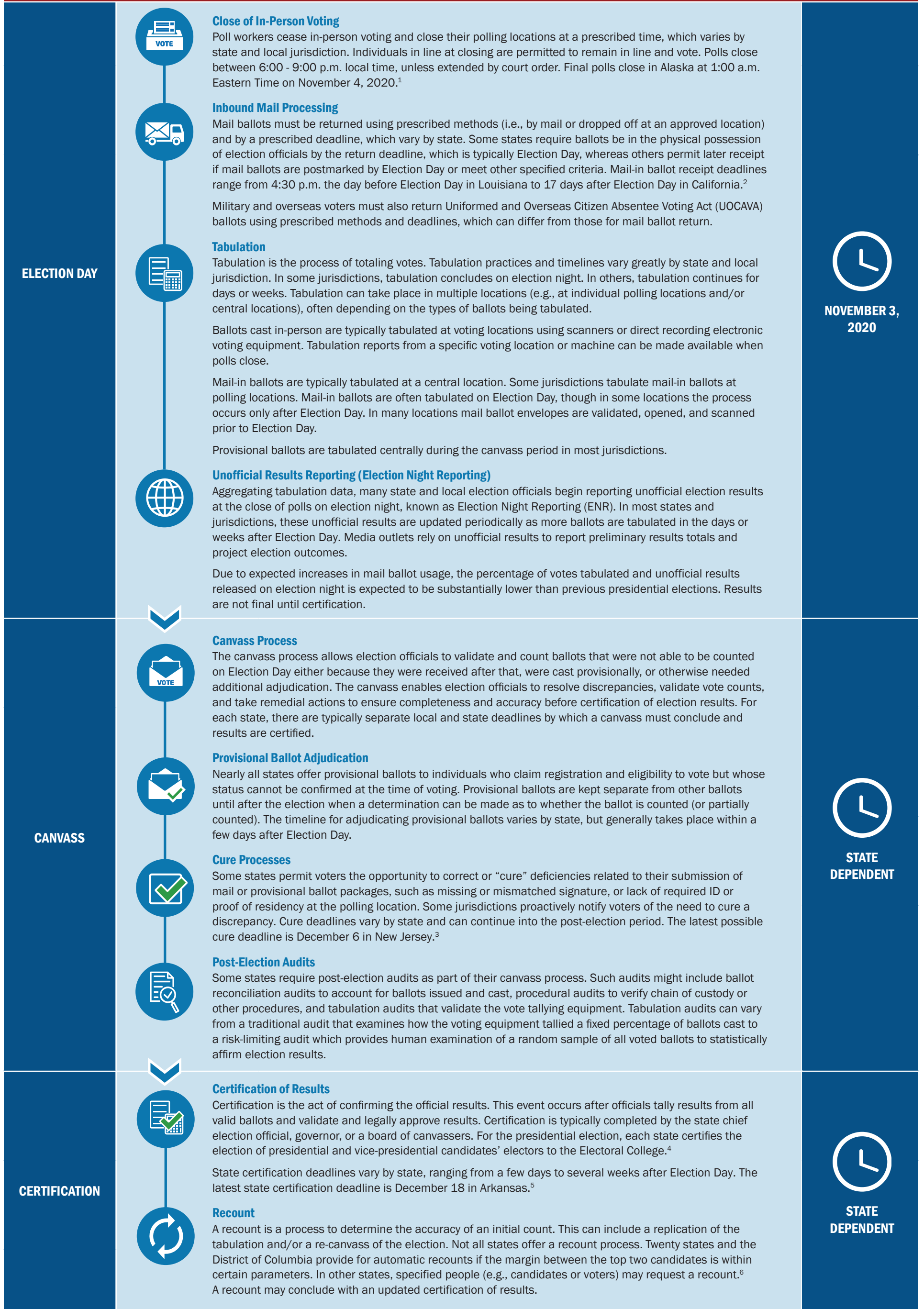|	SAFEGUARD	DESCRIPTION	IN-PERSON EQUIVALENT
PROCEDURAL	Ballot packages and envelopes	Many states coordinate with USPS to designate ballot packages as "Official Election Mail" to demonstrate authenticity.	None
	Signature attestation	In many states, ballot packages are signed by the voter attesting under penalty of perjury that they are the person who filled out the ballot.	A voter announces their name and address and signs a pollbook attesting their identity.
	Signature verification	In many states, election officials verify each signature manually or by using technology. In most states, there is an escalated review process for ballots flagged as having an issue.	Voters sign the poll book. However, there is no similar process for verifying in-person voter signatures prior to issuing voter a ballot.
	Voter validation	In some states, a voter's identity must be validated before the ballot proceeds to the tabulation process.	This process is the same for states with voter ID or proof of residency requirements.
	Voter authentication	In some states, each voter is authenticated by having a witness sign the ballot package or by having it notarized.	There is no pre-authentication equivalency. Some states have the opposite where an in-person voter's identity can be challenged.
	Cure process	In some states, if the voter cannot be validated or authenticated, the voter is contacted to correct any issues.	Similarly, the provisional process provides an additional round of checks before the ballot is accepted or rejected.
PHYSICAL BALLOT	Ballot style codes	Most ballots have proprietary style codes, such as timing marks, code channels, or QR codes. If the codes are not recognized by the voting machines, the ballot is rejected, and an election official manually reviews it.	N/A
	Ballot paper specifications	Most ballots are printed on a specific type of paper. If the paper does not match the specifications in length, paper weight, or opacity, the voting machine will reject the ballot.	N/A
	Ballot watermarks	Some ballots have watermarks indicating that the ballot is authentic. Watermarks are specific to each election and confirm the ballot was printed by an approved printing authority.	N/A

POST ELECTION PROCESS MAPPING

This infographic provides a timeline of post-election processes for the 2020 presidential election from the close of polls on **Election Day, November 3, 2020, to Inauguration Day on January 20, 2021.**

ELECTION TIMEFRAME

ELECTION DAY

Close of In-Person Voting
Poll workers cease in-person voting and close their polling locations at a prescribed time, which varies by state and local jurisdiction. Individuals in line at closing are permitted to remain in line and vote. Polls close between 6:00 - 9:00 p.m. local time, unless extended by court order. Final polls close in Alaska at 1:00 a.m. Eastern Time on November 4, 2020.[1]

Inbound Mail Processing
Mail ballots must be returned using prescribed methods (i.e., by mail or dropped off at an approved location) and by a prescribed deadline, which vary by state. Some states require ballots be in the physical possession of election officials by the return deadline, which is typically Election Day, whereas others permit later receipt if mail ballots are postmarked by Election Day or meet other specified criteria. Mail-in ballot receipt deadlines range from 4:30 p.m. the day before Election Day in Louisiana to 17 days after Election Day in California.[2]

Military and overseas voters must also return Uniformed and Overseas Citizen Absentee Voting Act (UOCAVA) ballots using prescribed methods and deadlines, which can differ from those for mail ballot return.

Tabulation
Tabulation is the process of totaling votes. Tabulation practices and timelines vary greatly by state and local jurisdiction. In some jurisdictions, tabulation concludes on election night. In others, tabulation continues for days or weeks. Tabulation can take place in multiple locations (e.g., at individual polling locations and/or central locations), often depending on the types of ballots being tabulated.

Ballots cast in-person are typically tabulated at voting locations using scanners or direct recording electronic voting equipment. Tabulation reports from a specific voting location or machine can be made available when polls close.

Mail-in ballots are typically tabulated at a central location. Some jurisdictions tabulate mail-in ballots at polling locations. Mail-in ballots are often tabulated on Election Day, though in some locations the process occurs only after Election Day. In many locations mail ballot envelopes are validated, opened, and scanned prior to Election Day.

Provisional ballots are tabulated centrally during the canvass period in most jurisdictions.

Unofficial Results Reporting (Election Night Reporting)
Aggregating tabulation data, many state and local election officials begin reporting unofficial election results at the close of polls on election night, known as Election Night Reporting (ENR). In most states and jurisdictions, these unofficial results are updated periodically as more ballots are tabulated in the days or weeks after Election Day. Media outlets rely on unofficial results to report preliminary results totals and project election outcomes.

Due to expected increases in mail ballot usage, the percentage of votes tabulated and unofficial results released on election night is expected to be substantially lower than previous presidential elections. Results are not final until certification.

NOVEMBER 3, 2020

CANVASS

Canvass Process
The canvass process allows election officials to validate and count ballots that were not able to be counted on Election Day either because they were received after that, were cast provisionally, or otherwise needed additional adjudication. The canvass enables election officials to resolve discrepancies, validate vote counts, and take remedial actions to ensure completeness and accuracy before certification of election results. For each state, there are typically separate local and state deadlines by which a canvass must conclude and results are certified.

Provisional Ballot Adjudication
Nearly all states offer provisional ballots to individuals who claim registration and eligibility to vote but whose status cannot be confirmed at the time of voting. Provisional ballots are kept separate from other ballots until after the election when a determination can be made as to whether the ballot is counted (or partially counted). The timeline for adjudicating provisional ballots varies by state, but generally takes place within a few days after Election Day.

Cure Processes
Some states permit voters the opportunity to correct or "cure" deficiencies related to their submission of mail or provisional ballot packages, such as missing or mismatched signature, or lack of required ID or proof of residency at the polling location. Some jurisdictions proactively notify voters of the need to cure a discrepancy. Cure deadlines vary by state and can continue into the post-election period. The latest possible cure deadline is December 6 in New Jersey.[3]

Post-Election Audits
Some states require post-election audits as part of their canvass process. Such audits might include ballot reconciliation audits to account for ballots issued and cast, procedural audits to verify chain of custody or other procedures, and tabulation audits that validate the vote tallying equipment. Tabulation audits can vary from a traditional audit that examines how the voting equipment tallied a fixed percentage of ballots cast to a risk-limiting audit which provides human examination of a random sample of all voted ballots to statistically affirm election results.

STATE DEPENDENT

CERTIFICATION

Certification of Results
Certification is the act of confirming the official results. This event occurs after officials tally results from all valid ballots and validate and legally approve results. Certification is typically completed by the state chief election official, governor, or a board of canvassers. For the presidential election, each state certifies the election of presidential and vice-presidential candidates' electors to the Electoral College.[4]

State certification deadlines vary by state, ranging from a few days to several weeks after Election Day. The latest state certification deadline is December 18 in Arkansas.[5]

Recount
A recount is a process to determine the accuracy of an initial count. This can include a replication of the tabulation and/or a re-canvass of the election. Not all states offer a recount process. Twenty states and the District of Columbia provide for automatic recounts if the margin between the top two candidates is within certain parameters. In other states, specified people (e.g., candidates or voters) may request a recount.[6] A recount may conclude with an updated certification of results.

STATE DEPENDENT

POST ELECTION PROCESS MAPPING

APPOINTMENT OF PRESIDENT

ELECTORAL COLLEGE

Ascertainment of Electors
Per Federal law, each state's chief executive creates and submits a Certificate of Ascertainment listing the persons appointed as presidential and vice-presidential electors to the Archivist of the United States (and others). This certificate must be submitted "as soon as practicable" after the "final ascertainment" of the appointment of the electors, or "as soon as practicable" after the "final determination of any controversy or contest" concerning such election under its statutory procedure for election contests.

STATE DEPENDENT

Determination of Controversy
Per Federal law, each state makes its final determination of any controversy or contest concerning the appointment of its electors "at least six days before the time fixed for the meeting of the electors."[7]

DEC. 8, 2020

Meeting and Vote of the Electoral College
Per the Constitution and Federal law, each state's appointed electors are required to meet at a place designated by that state on the "first Monday after the second Wednesday in December next following their appointment" and cast their votes for president and vice president.[8]

DEC. 14, 2020

Certificate of Vote
Per Federal law each state's electors, after voting, create Certificates of Vote, listing the electors' votes for president and vice president, and submit them to the President of the Senate, the Archivist of United States, the state's secretary of state, and the federal judge in the district where the electors have assembled.[9]

If no Certificates of Vote have been received by the President of the Senate or the Archivist from a state's electors by December 23, 2020, ("the fourth Wednesday in December"), Federal law requires the President of the Senate to request immediate submission of the certificates lodged with the state's secretary of state and federal district judge.[10]

DEC.23, 2020

SWEARING IN OF CONGRESS

Swearing in of Congress
Per the Constitution and Federal Law, the new congress is sworn in on January 3. Prior any other business, any Member of the House of Representatives administers the oath of office to the Speaker, after which the Speaker administers the oath of office to all the Members present; and to any Members who afterward appear, prior to Members taking their seats.[11]

JAN. 3, 2021

JOINT MEETING OF CONGRESS

Joint Meeting of Congress
Per the Constitution and Federal law, the U.S. Congress meets in joint session on "the sixth day of January succeeding every meeting of the electors" to count the electoral votes submitted by each state's electors and declare the winners of the presidential and vice-presidential election.[12] Procedures for how Congress counts votes and addresses objections to state vote counts are detailed in the Constitution and Federal law.

JAN. 6, 2021

INAUGURATION DAY

Inauguration Day
The President and Vice President's terms in office end at noon on January 20, 2021, as required by the Constitution.[13] The new terms of the successor or re-elected president and vice president begin at the same time.

JAN. 20, 2021

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1 https://www.elections.alaska.gov/Core/electiondatesandhours.php

2 LSA-R.S. 18-1311. CA Elec Code § 3020

3 Voters have "48 hours prior to the date for the final certification ... to provide a cure." https://www.njleg.state.nj.us/2020/bills/A4500/4276_r2.pdf

4 Under Federal law, "electors of President and Vice President shall be appointed, in each State" on Election Day, that is, the "Tuesday next after the first Monday in November" every fourth year. 3 U.S.C. §1

5 https://www.nass.org/resources/2018-election-information/Canvassing-Timeframes-and-Recount-Thresholds

6 https://www.ncsl.org/research/elections-and-campaigns/automatic-recount-thresholds.aspx

7 3 U.S.C. §5

8 3 U.S.C. §7

9 3 U.S.C. §11

10 3 U.S.C. §12-13

11 U.S. Constitution, amend. 20, sec 1. 2 U.S.C. §25

12 3 USC §15

13 U.S. Constitution, amend. 20, sec 1

ELECTION RESULTS REPORTING
RISK AND MITIGATIONS

Results reporting systems have inherent risks, both static (risks to systems from cyber actors) and dynamic (risks to information over time). These risks can be managed through mitigating measures[1].

RISK	MITIGATING MEASURES
STATIC (SYSTEM)	
Like all technical systems, the technology used to report unofficial vote counts could be vulnerable to malicious attacks and errors.	**Security measures such as physical transport of official data, and auditing measures help manage risk and ensure integrity of election results.**
Unofficial election reporting often occurs on public-facing websites, presenting an attack surface for malicious actors. A successful attack would not change official results but can endanger public confidence.	Ensure tabulation and reporting systems have controls in place, including strong passwords, multi-factor authentication, and firewalls. Maintain an air-gap from the official tabulation systems. Use duplicate systems and media sources for redundancy.
Some jurisdictions electronically transmit, such as by modeming or email, unofficial results from polling locations, creating cyber risks such as person-in-the-middle attacks.	Jurisdiction should only use electronically transmitted results for unofficial reporting. Manually transmitted results should be used in the official tabulation system. Create duplicate copies and validate their consistency.
Reporting results may have temporary data errors that will be corrected over time. Errors can occur through hand entry of data, miscommunication of results, and data transmission.	Every state has a canvass process to detect and mitigate these errors. Audits, such as risk-limiting audits, and validation against duplicate sources will allow for the detection and correction of these errors.
Results reporting systems can be taken offline through availability attacks such as DDoS.	Security measures such as Intrusion Protection Systems, DDoS protection services, as well as duplicate sites and media sources ensure data availability.
DYNAMIC (INFORMATION)	
Dynamic risk exists because results change over time, which may confuse voters. Since the public may be unaware of this process, deviation from expected results may create suspicion and mistrust and enable misinformation and disinformation about election results.	**Election officials should make every effort to provide transparency in the process, including reporting the number and types (e.g. absentee, provisional) of ballots yet to be counted. This helps educate voters on the variability of information.**
Natural Evolution: Tabulating election results may mean leads in electoral races change over time. Typically, this change occurs most dramatically on election night and into the canvass as election officials process and tabulate ballots.	Results evolve naturally as votes are counted through the canvass process to determine final, conclusive results. Educate voters and the media about the dynamic nature of results reporting through public messaging and engagement.
Errors and Corrections: As in any system, accidental errors can occur within the dynamic environment of the unofficial election reporting system. When errors are caught and addressed, reporting numbers may change drastically over a short period of time.	The post-election canvass and audits, such as risk-limiting audits, are used to detect errors, make corrections, and determine final, conclusive results. Election officials may consider publicly logging the changes in unofficial results after election night.
Exit Polls: While news organizations rarely use exit polls alone to call election results, leaked results of exit polling on election day can create public confusion about accuracy of final results.	Diverse methods of verifying quality of election data provides a measure of detection against compromises. Detecting anomalies that may maliciously or accidentally impact election results reporting allows election officials the opportunity to respond and resolve the issues.

[1]Some information on this chart was derived from Stephen Pettigrew and Charles Stewart's recent analysis: "Protecting the Perilous Path of Election Returns" (2020)