

# CAMPAIGN LEGAL CENTER



## WHAT IS THE ELECTORAL COUNT REFORM ACT?

The Electoral Count Reform Act (ECRA) provides local, state and federal officials with a roadmap of the process to elect the president and vice president of the United States. This federal law, passed in 2022, outlines the updated rules and timeline for casting and counting electoral votes in presidential elections. The 2024 election will be the first under the ECRA's updated rules.

### What does the ECRA do?

The U.S. Constitution, federal statutes, state laws and local rules all govern different parts of a presidential election. Because the Constitution establishes that we elect our president through the Electoral College, "electors" from each state are appointed by the voters to select the president and vice president.

In other words, when Americans cast their ballots for president, they are actually voting for a slate of electors who will act on their behalf in the Electoral College. The ECRA outlines how voters' ballots are translated into electoral votes, which are then counted by Congress to determine the winner of the presidential election.

The ECRA is one of the many safeguards that ensures our elections are safe, secure and accurate. It lays out a specific and detailed timeline for electing the president and vice president that starts on Election Day and ends at the Joint Session of Congress. The law's procedures are a lot like a relay race with different officials in charge of completing different legs and handing off a baton to the next phase of the process.

## HOW DOES THE ECRA CLARIFY THE PRESIDENTIAL ELECTION PROCESS?

### The ECRA clarifies the timeline and process for casting and counting electoral votes by:

- Requiring states to appoint electors on Election Day in accordance with pre-existing law, which prevents state legislatures from subverting the will of the voters.
- Clarifying that the governor must certify their state's slate of electors – unless another official is designated – and establishes a deadline for doing so.
- Providing an expedited process for federal courts to resolve disputes about a state's certification of electors under the ECRA.
- Clarifying the vice president's role in the process when Congress meets to count each state's electoral votes.
- Raising the threshold for members of Congress to object to a state's certified election results.

# CAMPAIGN LEGAL CENTER



## WHAT IS THE TIMELINE FROM ELECTION DAY TO THE JOINT SESSION OF CONGRESS?

### Nov. 5, 2024: Election Day

On Election Day, Nov. 5, 2024, voters choose their electors who will act on their behalf in the Electoral College. On this day, people's votes begin to be translated into electoral votes for the Electoral College.

- In the event of a true emergency such as a natural disaster, the period for casting votes can be extended under the ECRA.

### Dec. 11, 2024: state certification deadline

After Election Day, state and local officials work together to canvass and certify election results. States must complete their post-election procedures by Dec. 11, 2024, which is when the ECRA requires governors — unless another official is designated — to certify a slate of electors that will represent their state in the Electoral College.

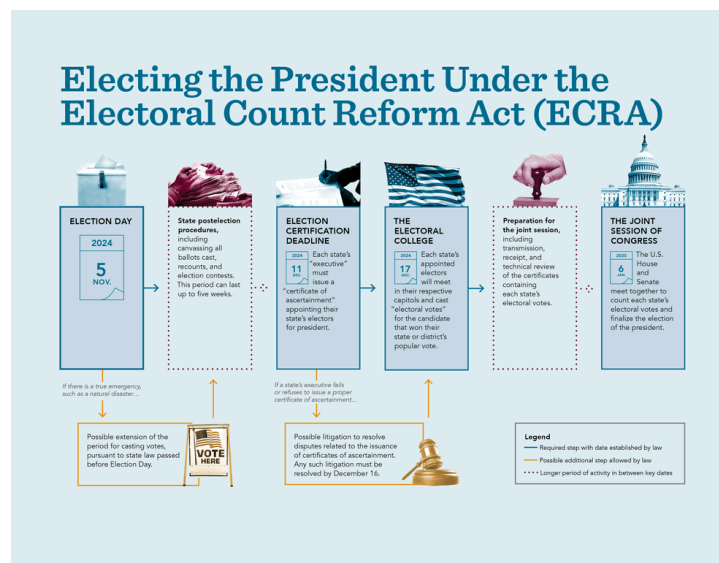
- If there are any disputes over a state's certification of electors, the ECRA enables candidates to go to federal court to resolve this dispute on an expedited timeline.

### Dec. 17, 2024: the Electoral College meets

On Dec. 17, electors will meet to take part in the Electoral College and cast their state's electoral votes for president and vice president.

### Jan. 6, 2025: Congress holds its Joint Session.

On Jan. 6, 2025, the U.S. House of Representatives and the Senate meet in a Joint Session to count the electoral votes from each state, consider any objections, and finalize the election of the president.



Campaign Legal Center, Protect Democracy and Bipartisan Policy Center proudly authored the recent report, *Electing the President: From Election Day to the Joint Session*, which further details the legal framework for electing the American president.