



U.S. ELECTION ASSISTANCE COMMISSION
633 3rd St. NW, Suite 200
Washington, DC 20001

Committee on House Administration
“Why the Wait? Unpacking California’s Untimely Election Counting Process”

Testimony: United States Election Assistance Commission (EAC)
Donald Palmer, Chairman

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Chairman Steil, Ranking Member Morelle, and members of the Committee, I appreciate the opportunity to appear before you today to address post-election procedures, particularly the counting of ballots post-election and certification of election results as part of your series on the 2024 elections. I hope to also highlight some of the ongoing work of the U.S. Election Assistance Commission (EAC) which offers year-round help to election officials to improve the administration of elections. We are dedicated to ensuring that eligible American citizens can participate in a strong and secure electoral process and have confidence in the final results.

It should be noted that this testimony represents my thoughts on California’s current voting process and the EAC’s available resources relating to the same. Unless otherwise noted, I am solely responsible for this testimony, and my views may not necessarily reflect the positions of the agency or those of my fellow EAC Commissioners. I hope to provide some insight into why it takes longer to count ballots in California than in many other states, some of the factors involved, and general policy recommendations to improve the process upholding security, integrity and access to the ballot.

Prior to the 2024 election, I visited four of California's largest election offices to discuss their challenges, meet their senior staff, and thank them for their public service. The EAC also hosted a post-election meeting in Los Angeles, California on the election administration lessons learned in the 2024 presidential election where we heard testimony from many states and localities. While the administration of elections was widely successful, there have been concerns expressed over the extended and delayed reporting of final results in some states across the country.

American elections are highly decentralized with different states prioritizing different policies concerning ballot return, counting, and finalizing results. In recent years, the California legislature has made several policy choices that have been major contributors to the extended curing and ballot counting timeline. While the counting of every lawful ballot should be prioritized, extended periods of counting and curing do come with trade-offs in terms of speed and efficiency of reporting results.

As an all-mail ballot state, California gives voters up until 5 p.m. two days before certification, or 28 days after Election Day, to cure signature discrepancies on mail ballots. In contrast, other all-mail ballot states have much shorter time periods to cure ballots. For example, Arizona gives

voters five business days after the election to cure any signature issues, and Colorado voters have eight days.

In addition to the extended cure period, under California election law, ballots may be received up to seven days after the election. In contrast, the majority of states (33) require that mailed ballots be received by Election Day to be counted. When provided the opportunity to drop a mail ballot off on Election Day, voters inevitably do so, thus pushing the necessary canvassing and verification of mail ballots deeper into the pre-certification period. As an example, both of California's neighbors to the north, Oregon and Washington are also all-mail ballot states. In a recent federal election, Oregon required ballots to be received by Election Day while Washington simply required ballots be postmarked by Election Day but could be received 20 days post-election. Oregon ended up rejecting fewer ballots due to a ballot being received late than Washington. Voters that know that there is a hard public deadline (Election Day) for return of their ballot will be more intentional and cognizant of the deadline date.

Like many of you, I have heard the concerns about long counting times and the potential impact on voter confidence, particularly in close races, and I appreciate that there have been several proposals by legislators that would streamline ballot tabulation and cure periods. AB5, AB214 and SB 407 would shorten certification deadlines. SB406 and AB930 shorten ballot receipt deadline.

Individual state voting laws play a fundamental role in the success of our national elections. Some of the factors involved in the different pace in tabulating ballots and final certification of results include: extent and timing of absentee or mail ballots and early voting; pre-processing, tabulation, and reporting requirements; resources available to election officials; deadlines to return absentee or mail in ballots; and curing and provisional ballot rules.

To focus on the post-election process, the opportunity of voters to "cure" is important in providing an additional opportunity to voters to fix errors, omissions, or resolve signature issues. Policymakers, however, should scrutinize whether extended periods of time for the curing of ballots may unnecessarily impact the confidence of elections. There may be ways to provide additional resources, personnel, and technology to counties to help manage a larger number of ballots to be canvassed, counted, or cured prior to certification. For example, new technologies allow the election offices to text or email voters directly with a ballot issue allowing the voter to immediately cure or resolve issues associated with their ballot.

Prior to joining the EAC, I served as the director of elections in Florida from 2008 to 2011 and the chief election official in Virginia from 2011 to 2014. Based on my experience at the state level, I would offer some context on ballot tabulation timelines. In Florida where I served, county supervisors of elections must finalize their election results within 13 days following the election, in accordance with state law. The state Elections Canvassing Commission then certifies the results the following day. County election officials offer voters a curing process, which includes signature resolution and the opportunity to correct incomplete ballot certificates.

In my opinion, the timeline in Florida offers a streamlined and efficient vote tabulation process that balances the need for accuracy and promptness. However, Florida did not just magically

develop an efficient process of cure and certification in just one legislative session. It took several years and election cycles with the scrutiny of stakeholders to find the correct procedures necessary to timely provide unofficial results and certify results while still providing voters a reasonable opportunity to resolve signature or provisional ballot issues.

In fact, there was occasionally undue delay by some Florida counties that seemed unreasonable, and the public and candidates expressed a lack of confidence in that aspect of the administration of elections. These delays by some counties would be frustrating and ultimately resulted in the Florida Legislature acting to set new deadlines to require more timely reporting of early voting and pre-processed mail ballots and prompt certification deadlines.

At the EAC, we work closely with state and local officials to provide guidance based on state and local election offices that have created efficiencies in their operations and increased transparency in the voting process. Just last week, we recognized several election jurisdictions with [Clearinghouse Awards](#) for excellence in election administration, including a state that built a program to streamline the ballot curing process for their voters. We will continue to highlight these and other programs that can serve as examples of how other local and state election officials can continue to innovate, within the confines of state laws.

As charged by the Help America Vote Act of 2002 (HAVA), the EAC fulfills its role as a [national clearinghouse](#) for information on election administration in many ways. This includes developing resources and guidance for election administrators across the country and conducting comprehensive research on the voting process through the [Election Administration and Voting Survey](#) (EAVS).

Specifically, the EAC regularly provides detailed best practices, templates, and webinars related to the [canvassing process and post-election activities](#). These materials include step-by-step guidance for reconciling vote totals, addressing discrepancies, and ensuring transparency and accuracy. The EAC also offers support on ballot curing, which provides jurisdictions with model policies and timelines to help voters correct issues with [mail or absentee ballots](#). These resources aim to promote consistency and legal compliance, ensuring that every lawful vote is counted and that the electoral process is secure, reliable, and timely.

The EAC continues to work diligently on the 2024 EAVS - a report we will soon send to Congress. The 2024 EAVS contains expanded questions relating to state ballot curing efforts, so you will have additional and comparative information to develop policy solutions. The new EAVS questions ask election officials to indicate the number of mail ballots that entered the cure process and were successfully and unsuccessfully cured. In addition, election officials were asked how they notify voters that their ballots need to be cured and the steps voters have to take for a ballot to be cured. This enhanced data will better enable the EAC to monitor ballot curing trends across the U.S. ultimately allowing the agency to prepare policy baselines to inform future state laws and administrative improvements. With the corresponding report and data due to be published on June 30, 2025, this year's survey represents the 11th iteration of an indispensable project to collect comprehensive data on election administration activities and voting in federal general elections.

I would also like to touch on the role of the United States Postal Service (USPS) in ballot delivery. Mail ballots are a fundamental aspect of voting for many Americans, including those with disabilities, and those serving in the military, or citizens overseas. During the 2024 elections, many election officials received voters' mail ballots days after the deadline to receive ballots passed, even though they were postmarked on time. Election officials will continue to maximize the relationship with the USPS to accommodate the voting needs of voters and the EAC intends to work closely with the USPS and the states to improve mail balloting procedures across the country.

Through adequate funding of the EAC, the Commission will continue to provide crucial support and policy recommendations to states and localities across the country in 2025 and beyond. Thank you for your continued investment in the EAC and unwavering commitment to election administrators, poll workers, and our nation's public servants. We look forward to collaborating closely with you this year on these and other essential matters. I would be pleased to address any questions you may have.