

TASK FORCE MEDIA GUIDE

Covering the Election Before, During, and After Nov. 3

PART 1

Learning From the Primaries

Thanks to COVID-19 and civil unrest, the 2020 primaries were marked by challenges for election administration and ballot casting.

In preparing its [post primary report](#), the National Task Force for Election Crises found lessons for the general election to improve election administration and ballot access — as well as how to more effectively convey the critical information voters need to know during this unprecedented election cycle. The process of administering and certifying an election is fundamental to our democracy, and ensuring that everyone understands this process before Nov. 3 will help reduce the noise and disinformation that threaten to engulf the 78 days from the general election through inauguration:

- **Manage Public Expectations About the Timing of Election Results**—Plan now for “Election Night” to actually be “Election Week(s).” Election night projections have always been just that, projections -- the vote counting and certification process has always played out over weeks. Given threats of disinformation around outcomes, it’s critical that the public is prepared for the possibility that counting every lawfully cast ballot by all eligible voters will take days/weeks. Critically important is helping the public understand that a lack of immediate results doesn’t equal wrongdoing or election integrity problems.
- **Prioritize Experts and Election Officials as Sources**—The public is best served by expert, trusted sources — not pundits looking to spin — with an emphasis on state and local election officials.

- Educate the Public on How Presidential Elections Work—Help the public understand how the general presidential election works from start to finish, both in local jurisdictions and nationwide, via stories that address:
 - ✓ **How and when presidential electors are chosen and cast their votes, the National Task Force on Election Crises;**
 - ✓ **How the president cannot delay or postpone an election, the National Task Force on Election Crises;**
 - ✓ **Lessons from the primaries to apply for November's general election, the National Task Force on Election Crises;**
 - ✓ **How ballots are actually submitted, verified and counted, the Bipartisan Policy Center;**
 - ✓ **The timeframe for accepting and counting absentee ballots, the National Conference of State Legislatures;**
 - ✓ **Voting by mail and absentee voting, the U.S. Election Assistance Commission;**
 - ✓ **Safely voting in person, the Brennan Center for Justice;**
 - ✓ **The rules and processes for confirming and certifying election results, including recounts, the U.S. Election Assistance Commission and the National Constitution Center;**
 - ✓ **Lawsuits and challenges are normal, and many have already been filed, the Brennan Center for Justice.**
- Avoid Speculating About Absentee Voting Preferences—Avoid speculation about which voters are most likely to vote absentee or which candidates are likely to benefit. Existing research does not conclusively demonstrate that members of one party are more or less likely to vote absentee.
- Report Critical Election Information and Prioritize Local Coverage—Focus on key facts regarding the election in the lead-up to November 3rd, including applicable rules and deadlines, especially when those change. Different jurisdictions have different rules.
- Avoid Speculating About the Reasons for Long Lines on Election Day—Recognize that the reasons for long lines are likely to be different in different places, and sometimes are the result of several factors.
- Ensure Accurate Coverage on Election Night and Thereafter—Take care that reporting on Election Night and thereafter includes what is both known and unknown about election results. In particular, the media should:
 - ✓ **Focus on information reported by election administrators (including numbers of requested and returned absentee ballots and the volume of in-person voting) and avoid overreliance on exit polling;**
 - ✓ **Present election data clearly and provide context through data visualizations that include unknown data such as the number of uncounted mail ballots versus in-person vote tallies. Important context also includes turnout in previous elections (including primaries) and the number of requested and expected mail ballots;**
 - ✓ **Always accompany “X% reporting” coverage with disclaimers or additional information—e.g., X% of in-person, absentee, or provisional ballots. When in doubt, confirm with election officials what their reported numbers actually mean;**
 - ✓ **Recognize that a large number of provisional ballots may also contribute to delays and report on numbers of provisional ballots cast. In a fraught political environment, covering one category of late counted ballots (absentee ballots) without also highlighting another (provisional ballots) could confuse or mislead the public;**
 - ✓ **Emphasize that even in previous years, Election Night results are never the official results and are always subject to change as all votes are processed and counted.**

- **Provide Context When Reporting on Irregularities**—No election is perfect. Context is critical when reporting irregularities (including making clear that irregularities do not necessarily equal fraud or other misconduct) so typical election concerns are not exploited to fuel bad faith claims about the election's legitimacy. Problems with voting machines are distinct from inadequate poll worker training on the machines, or issues with poll books (the latter is more common but less likely to affect the security of votes cast). Importantly, voter fraud is extremely rare and nearly always detected by election administrators.
- **Avoid Calling the Election Until the Outcome is Clear**—Absent overwhelming data in support of the outcome, focus on the process, which is fundamental to our democracy. Bad faith claims of victory, or election illegitimacy, must be handled with great care as election counts are processed and certified. If a candidate declares victory before a race has been certified, that is not a legitimate legal claim -- it is politically posturing, and can be described as such. Repeating these false claims absent context is dangerous, and can further roil a divided electorate and undermine democratic process.

PART 2

How the Election Might be Contested

Legal challenges around ballots, ballot counting, voting irregularities, and even the certification process are not uncommon. During this highly charged election year, such challenges can be expected -- and should not come as a surprise, or a sign in and of itself of election integrity issues. The calendar from Nov. 3 through inauguration on Jan. 20, 2021, is well defined by state statute and federal law -- and can be used to help prepare for and plan coverage.

To best serve the public, it's vital that journalists:

- ✓ **Make clear that Election Night results are never official, and this year we may not know the final results for days or longer;**
- ✓ **Use terms like "Election Week" or "Election Season" (to include the early voting period), not just Election Day/Night;**
- ✓ **Avoid covering the election in a way that undermines public confidence in the outcome.**

NOVEMBER 3, 2020

Election Day

All states have chosen to appoint electors based on a popular election. Date set by federal law. See 3 U.S.C. § 1.

Early and/or absentee voting begins as early as September in some states.

Voting will conclude on Election Day, but it may take longer to finish counting ballots and resolve disputes.

DECEMBER 8, 2020

SAFE HARBOR DEADLINE

This is the deadline for states to resolve disputes concerning the appointment of electors (pursuant to laws enacted before Election Day) in order to have those appointments treated as "conclusive" by Congress. Date set by federal law. See 3 U.S.C. § 5.

There is strong incentive for states to resolve election disputes by this date, but doing so is not required by federal law.

DECEMBER 14, 2020

ELECTORAL COLLEGE MEETINGS

Electors meet in their respective states on the same day to cast their votes. Date set by federal law (but required by the Constitution to be the same for all states). See 3 U.S.C. § 7; U.S. Const. art. II, § 1, cl. 4.

Even if a state misses the Safe Harbor deadline, it can still resolve disputes and certify the results before the Electoral College meets.

If a state has not resolved disputes and appointed electors in time for them to vote on this date, the state risks being disenfranchised.

DECEMBER 23, 2020

DEADLINE FOR RECEIPT OF ELECTORAL CERTIFICATES

If Congress has not received a state's certificate of electoral votes by this date, the President of the Senate or the Archivist must request it from the secretary of state. Date set by federal law. See 3 U.S.C. §§ 12-13.

JANUARY 6, 2021

JOINT SESSION OF CONGRESS

Congress opens certificates and counts electoral votes in a special joint session. Date set by federal law. See 3 U.S.C. § 15.

The Electoral Count Act governs the process by which Congress considers electoral votes, including resolving objections and disputes over which votes to count.

If no presidential ticket has a majority of electoral votes at the end of the process, the Twelfth Amendment provides that the House of Representatives will choose the president and the Senate will choose the vice president.

JANUARY 20, 2021

Inauguration Day

The current presidential term ends at noon on January 20th. Date set by Constitution. See U.S. Const. amend XX, § 1.

If there is no clear winner by noon on January 20th, the Electoral Count Act provides for an "acting president" until disputes are resolved (the Speaker of the House is first in line). The current president does not stay in office.

Covering Bad Faith Claims About the Process

This election year is already flooded with bad faith claims about voting, candidates, election administration, and even the law.

This creates a fraught environment that further fuels distrust and partisanship; internal polling by Protect Democracy has found that 43% of Trump supporters and 63% of Biden supporters thought that if the other candidate were to win, it would be because of rigging, voter fraud, voter suppression, or foreign interference. The most effective antidote to this cynicism is proactive reporting that inoculates voters early and often -- not simply in response to false claims.

Research shows [fact-checking doesn't always help](#) counter the claims of fraud or build or with trust in the election. When covering the false claims, the context should establish that the claims are false without repeating the original misinformation. As well, headlines should be carefully crafted to avoid repeating, and amplifying, false claims.

Given the expectation that we will see more claims about the election being "rigged" as we approach Nov. 3, it's vital that the all-important contextualizing begin now by focusing on process, details, and the calendar between Election Day and Inauguration 2021. Important stories for helping voters understand the process, and inoculate them against bad faith claims of fraud, can focus on ballot tracking and security measures instituted by local election administrators, including signature checks; stories on how ballots (in-person and mailed) are counted and certified by state/locality; the process that states must follow to certify presidential returns; the likelihood of delays and challenges, which are not unusual; and the importance of counting every lawfully cast ballot -- in-person and mailed. Resources to help tell these stories and more include:

- ✓ List of experts from the [National Task Force on Election Crises](#);
- ✓ Legal guides on election processes, the [National Task Force on Election Crises](#);
- ✓ How and when presidential electors are chosen and cast their votes, the [National Task Force on Election Crises](#);
- ✓ How the president cannot delay or postpone an election, the [National Task Force on Election Crises](#);
- ✓ Lessons from the primaries to apply for November's general election, the [National Task Force on Election Crises](#);
- ✓ Expected vote counting times, by state, and where delays may emerge, [Defending Digital Democracy](#) at Harvard University's Belfer Center, [Defending Digital Democracy](#);
- ✓ Covering election administration, [Task Force Member Tammy Patrick](#), of Democracy Fund;
- ✓ Best practices on covering Voting By Mail (VBM), [ProPublica](#);
- ✓ VBM & fraud claims, [Task Force Member Wendy Weiser](#) and Harold Ekeh, of the Brennan Center for Justice;
- ✓ Voting fraud claims, [The Brennan Center for Justice](#) and [Task Force Member Tammy Patrick](#);
- ✓ VBM and voting disparities, the [American Press Institute \(API\)](#);

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- ✓ Covering in-person voting, the [Center for Tech & Civic Life](#);
- ✓ Misinformation resources, [FirstDraft](#) and [API](#);
- ✓ Issue and newsroom training resources from [Election SOS](#);
- ✓ Law enforcement at the polls from [Protect Democracy](#);
- ✓ Use of military/federal law enforcement from [Protect Democracy](#);
- ✓ Tools for news audiences to learn more about disinformation, from [PEN America](#).



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ElectionTaskForce.org