Transcript

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**Adia Samba-Quee:** [00:00:00] Civics 101 is supported in part by the Corporation for Public Broadcasting.

**Archival:** [00:00:04] The ayes have it in this meeting at the 20 20 Electoral College is adjourned.

**Hannah McCarthy:** [00:00:13] Listener Justin wrote in to ask on behalf of friend Christina, why does it take so long to count and officially certify the electoral votes? Specifically, what is with all of the downtime between the date when the electors meet to vote and the date that those votes are counted by Congress? Is it a holdover from the days of slow travel and horse drawn carriage? Is it about our molasses bureaucracy? Your friend Justin came to the right place, Christina, because this is Civics 101 podcast about the basics of how our democracy works. I'm Hannah McCarthy.

**Nick Capodice:** [00:00:45] I'm Nick Capodice.

**Hannah McCarthy:** [00:00:47] We've actually danced around this question in a few ways from our episode on the lame duck period to the process of counting your ballot to how the Electoral College votes. But the why of it all is a great question.

**Nick Capodice:** [00:00:59] We've got the election on the Tuesday after the first Monday in November, and then the Electoral College meets this year on December 14th.

**Hannah McCarthy:** [00:01:07] Officially, it is the first Monday after the second Wednesday in December. And then Congress counts those votes on January 6th.

**Nick Capodice:** [00:01:14] And then the inauguration is another two weeks after that. It is a good long while from A to Z. So where do all these dates come from?

**Hannah McCarthy:** [00:01:24] Many of these dates were determined by Congress initially because the Constitution allows states to determine the, quote, time, place and manner of their elections. States held presidential elections on different days.

[00:01:38] So first in 1845, Congress passes the presidential Election Day Act, which sets that Tuesday after the first Monday in November thing.

**Nick Capodice:** [00:01:47] Do you know why they chose a Tuesday in November?

**Hannah McCarthy:** [00:01:50] I don't.

**Nick Capodice:** [00:01:51] Well, so much of the voting population at the time were farmers. So spring, summer and early fall were out because those are planting [00:02:00] and harvesting seasons. Winter was out because travel would have been too difficult. Weekends weren't good because of church. Wednesday through Friday were market days and November 1st had to be ruled out somehow because that's All Saints Day. Thus the Tuesday after the first Monday in November.

**Hannah McCarthy:** [00:02:18] And it stuck.

[00:02:19] And then we see the date of the Electoral College vote show up in the Electoral Count Act of 1887. Congress wanted to minimize its role in election disputes, so they came up with several deadlines, giving states plenty of time to work out vote kinks. It also establishes that those electoral votes have to reach Congress by the fourth Wednesday in November.

**Nick Capodice:** [00:02:40] So why this long delay between the electoral vote day and the vote count in Congress?

**Hannah McCarthy:** [00:02:45] Well, the Constitution says that a new session of Congress starts on January 3rd, and it's the newly seated Congress that counts and certifies the final vote. So that's probably part of it. But it also is a partial holdover from the days before paved roads, telephones and Internet, tabulating the vote, gathering the electors all in one place, letting the president elect know they were elected, and then giving them time to assemble a cabinet. All of that took a lot of time when you couldn't just send an email. And we still need to allow time for a lot of it, especially in an election year like the one we just had.

**Nick Capodice:** [00:03:23] And also time for all those certificates of vote to be prepared and reach the Congress. This is a lot of bureaucratic red tape.

**Hannah McCarthy:** [00:03:30] And for the record, all of this used to take a lot longer. Congress initially set the president's inauguration and the beginning of a new congressional term to March 4th. And in fact, the weather was so bad following the first presidential election that George Washington wasn't sworn in until April.

**Nick Capodice:** [00:03:46] Have there been any attempts to make the whole timeline a little snappier?A little shorter?

**Hannah McCarthy:** [00:03:51] Actually. This year, Senator Marco Rubio made a play to extend the Electoral College timeline by giving states an even later deadline. And given how long it [00:04:00] took to count and recount the 2020 election results, we're not likely to say goodbye to a long time line anytime soon.

**Nick Capodice:** [00:04:07] Well, that does it for this Civics 101. If you have a question about how and why the United States does it, the way we do it, even if you're asking for a friend, submit your question by clicking on the button at the top of out homepage, Civics101podcast.org.