

Will We Know Who Won The Presidential Election on November 3?

It May Be Up To Florida

By Edward Hamburg

A substantial increase in mail-in voting will be one of the many ways the 2020 elections will differ from others in American history. Voting by mail has, of course, been part of the American electoral system from its inception (see, for example, Alex Keyssar, The Right to Vote: The Contested History of Democracy in the United States). But never has the percentage of the total vote done through the mail (or placed in designated drop boxes) approached the 50% mark expected this year.

We know the pandemic is driving this change in voting, but we don't yet know the consequences of the change. One possible ramification could be its impact on when elections are decided, particularly in the race for President. Could we know who won the Presidency on Election Night? Or just a few days later? Or will a deluge of mail-in votes flood the systems to cause lengthy delays— or even force a vote in the House of Representatives, legal reviews, and a Supreme Court decision?

The following analysis suggests that we'll probably know that Biden and Harris won either the night of November 3rd or shortly thereafter — and that the outcome in Florida could determine this timing.

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The table below shows twenty-five states that will likely determine the ultimate outcome of the 2020 Presidential Election.^[1] Described for each is the number of Electoral College votes they should cast for the Democrats, as well as information on two factors that could most affect the speed with which these outcomes are determined: 1) whether or not the state accepts mail-in ballots postmarked November 3rd but received a few days afterwards; and 2) when they begin counting mail-in ballots regardless of when they're received.

The table lists an initial twenty states (Washington to Maine) where Democratic margins in the popular vote should be large enough that it won't matter how long it takes to count the mail-in ballots. In Arizona and Iowa, where Democratic margins could be smaller, results should still be produced by Election Night. Note that these twenty-two states would give Biden and Harris 244 Electoral votes, 26 short of the 270 required.

Next are shown the three states that should put the Democrats over the top (to 290) but whose Democratic popular vote margins might be too small to award them their Electoral votes until after most mail-in ballots are counted. These counts will take time given that two of the three states accept ballots after Election Day, and that all three don't start counting them before November 3rd.

Regardless, it shouldn't take very long for these states to see Democratic margins become sufficiently sizable and sustainable to determine Biden and Harris the winners.

Finally, the table shows a scenario in which Florida, if the Democrats won the state's 29 Electoral votes, could enable Biden and Harris an Election Night victory. This timely decision is possible because the state won't accept mail-in ballots after November 3rd and it starts counting them 15 business days before Election Day. If Florida goes Republican, then another possible scenario to a Democratic Election Night victory could involve North Carolina, which also doesn't accept late-mailed ballots and starts counting them 10 days prior to Election day — but with only 15 Electoral votes, they would have to join another state with at least 11 Electoral votes and some possibility of quickly counting mail-in ballots (like Ohio) to make it happen.

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Voting by mail will not only have an impact on the 2020 elections, it will increasingly become the preferred (if not the default) manner with which ballots are cast. As more supportive state electoral laws are passed, more enabling technologies are developed, and as voters further adapt their behavior, expanded mail-in voting could bring about unprecedented levels of citizen electoral participation, as well as faster and more secure procedures for determining electoral outcomes.

	Electoral Votes for Democrats	Post 11/3 Electoral Votes for Democrats	Accept Ballots After 11/3	Count Ballots Before 11/3	When Start Counting?
Washington	12		Yes	No	
Oregon	7		No	Maybe	Not Specified
California	55		Yes	No	
Nevada	6		No	No	
Colorado	9		Yes	Yes	10/19
New Mexico	5		No	No	
Minnesota	10		Yes	No	
Illinois	20		Yes	No	
Virginia	13		Yes	No	
Maryland	10		Yes	Yes	10/1
DC	3		Yes	No	
Delaware	3		No	Yes	10/30
New Jersey	14		Yes	No	
New York	29		Yes	No	
Connecticut	7		No	Yes	At the discretion of Registrar
Rhode Island	4		No	No	
Massachusetts	11		Yes	No	
Vermont	3		No	Kinda	11/2
New Hampshire	4		No	No	
Maine	2		No	No	
Arizona	11		Yes	Yes	10/20
Iowa	6		Yes	Maybe	11/2 or in time for 10pm on 11/3
Subtotal	244				
Wisconsin	0	10	No	No	
Pennsylvania	0	20	Yes	Kinda	7am 11/3
Michigan	0	16	Yes	No	
Target 270	244	46			
Still need	-26	20			
Scenario #1:					
Florida	29		No	Yes	10/12
Scenario #2:					
North Carolina	15		No	Yes	10/20
Ohio	18		Yes	Maybe	Up to Sec of State

Ed Hamburg, PhD, serves on corporate boards of high-technology companies and is an advisory partner with Morgan Stanley Expansion Capital. He can be reached at edwardhamburg@gmail.com

[1]To understand the focus on these twenty-five states, see my essay, “Why Democrats Win in 2020,”

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