

Georgia Election Certification Processes and Guardrails

Certification, the statutory process by which officials sign off on the completion of election results, has historically been an uncontroversial postelection formality in Georgia and across the country. State law has long established that officials have a mandatory, nondiscretionary duty to certify elections.

Despite this well-settled law, states across the country — including [Georgia](#) — faced a new phenomenon following the 2020 presidential election. Dozens of local [officials](#) nationwide refused or threatened to refuse to certify election results, often based on claims rooted in election denialism — the false idea that the 2020 election was stolen and that widespread fraud pervades our election system. Attempts to interfere with certification [persisted](#) in Georgia and elsewhere throughout the 2024 election cycle, evolving into a vehicle to express disagreement or doubt as to any aspect of an election, including the outcomes of downballot races.

These efforts did not succeed, often because state courts and state officials intervened to protect the certification process. But the threat remains that rogue officials in Georgia may attempt to interfere with the timely certification of this year's midterm election results. Fortunately, Georgia officials have several legal tools available to respond to any certification issues that arise — and to help prevent them in the first place. These guardrails are detailed below.

Timeline for Canvassing and Certifying the 2026 General Election in Georgia

Once precinct returns for the **November 3, 2026** election have been received and computed at the county level, “[s]uch returns shall be certified by the [county official(s) responsible for certification] not later than 5:00 P.M. on the Monday following the date on which such election was held and such returns shall be immediately transmitted to the Secretary of State.” In 2026, this date will be **November 9, 2026**. O.C.G.A. §§ 21-2-493(k), 21-2-497. Any recount or recanvass must take place prior to certification. O.C.G.A. § 21-2-495(a)-(b).

Upon receiving the certified returns from certifying officials in each county, the secretary of state “shall **immediately** proceed to tabulate, compute, and canvass the votes cast . . . and shall thereupon certify and file in his or her office the tabulation thereof.” O.C.G.A. § 21-2-499(a).

The secretary of state shall certify the votes cast for federal and statewide offices and ballot questions across multiple counties “[n]ot later than 5:00 P.M. on the seventeenth day following the date on which such election was conducted”: **November 20, 2026**. O.C.G.A. § 21-2-499(b). Following the “tabulation of any election for United States senator or representative in Congress, the Secretary of State shall lay the same before the Governor, who shall immediately issue certificates of election and commissions under the seal of the state, duly signed by the Governor and attested by the Secretary of State and deliver the same” to the winning candidates. O.C.G.A. § 21-2-502(b)(1).

Under Georgia law, non-presidential races in which no candidate receives a majority of the votes cast must be decided by a run-off election. O.C.G.A. § 21-2-501(a)(1). In 2026, any such election will take place on **December 1, 2026**. Following the run-off election, the same timeline for regularly scheduled elections applies. The county official(s) responsible for certification must certify the returns not later than 5:00 P.M. on the Monday following the election: **December 7, 2026**. O.C.G.A. §§ 21-2-493(k), 21-2-497. And the secretary shall certify the votes cast not later than 5:00 P.M. on the seventeenth day following the election: **December 18, 2026**. O.C.G.A. § 21-2-499(b).

Authority to Prevent and Respond to Certification Abuses

State Officials Can Issue Legal Opinions

The attorney general provides official legal opinions when requested by the governor or a head of an executive department. O.C.G.A. § 45-15-3(1). The attorney general also provides [opinions](#) when requested by other state officers, such as legislators, judges, or district attorneys. Prior to the election, the attorney general may choose to exercise this authority to emphasize the mandatory, nondiscretionary nature of election certification and the importance of timely completing postelection processes. Relatedly, the secretary of state [used his platform](#) to underscore the importance of timely election certification during the 2024 election cycle.

State Officials and Other Affected Parties Can Obtain a Writ of Mandamus

The most powerful legal remedy for certification refusals or delays will be a writ of mandamus. Under Georgia law, courts award mandamus remedies to “compel a due performance” when a “defect of legal justice would ensue from a failure to perform or improper performance” of a ministerial (i.e., mandatory) duty, and no other specific legal remedy is available. O.G.C.A. § 9-6-20.

Georgia courts have long acknowledged that writs of mandamus can compel officials to perform their duty to complete canvasses and recounts and certify elections by the statutory deadlines. See, e.g., *Tanner v. Deen*, 108 Ga. 95, 101 (1899) (explaining that local election officials “were not selected for their knowledge of law” and therefore had no authority to make legal determinations as to the validity of election returns). See also *Bacon v. Black*, 162 Ga. 222, 226 (1926) (explaining that “[t]he duties of the managers or superintendents of election who are required by law to assemble at the courthouse and consolidate the vote of the county are purely ministerial”); and *Thompson v. Talmadge*, 201 Ga. 867, 876 (1947) (same).

In recent years, Georgia courts have reaffirmed the mandatory, nondiscretionary nature of Georgia’s election certification statute. In *Republican National Committee v. Eternal Vigilance Action*, Georgia’s Supreme Court invalidated a rule that would have allowed certifying officials to delay certification to conduct an undefined “inquiry” into the validity of election results. 321 Ga. 771, 808 (2025). According to the court, the rule was incompatible with the “clear requirements” of the state certification statute. And in *Adams v. Fulton County*, the Fulton County Superior Court likewise interpreted the state’s certification statute to conclude that local election officials “*must* certify and *must* do so by a time certain. There are no exceptions.” No. 24CV011584, 2024 WL 4592443, at *4 (Ga. Super. Ct. Fulton Cnty. Oct. 14, 2024).

When a question of “public right” is at stake, and the object of litigation is to “procure . . . a public duty,” a mandamus action may be brought by any person “interested in having the laws executed and the duty in question enforced.” O.C.G.A. § 9-6-24. Accordingly, candidates affected by the refusal to certify, the secretary of state (if the dispute is at the county level and interferes with the state certification deadline), and Georgia voters all could bring a mandamus claim. See also *Barrow v. Raffensperger*, 308 Ga. 660, 667 (2020) (allowing a voter to bring a mandamus claim “to enforce the Secretary’s duty to conduct an election that is legally required”).

Courts Have Tools to Enforce Court Orders If an Official Still Refuses to Certify

If a county certifying official defies a court order to certify, Georgia law allows a state court to appoint someone else to perform that action at the disobedient party’s expense. O.C.G.A. § 9-11-70.

An election official who refuses to comply with a mandamus order could also be held in civil or criminal contempt. O.C.G.A. § 15-1-4(a)(3); *Collins v. State*, 871 S.E.2d 676, 678 (Ga. Ct. App. 2022) (explaining criminal versus civil contempt under the relevant statute).

State Officials Can Impose Penalties Against Rogue Certifying Officials

A county official who intentionally refuses to certify election results may be subject to criminal sanctions under several Georgia laws. See, e.g., O.C.G.A. §§ 21-2-596, 21-2-597, 21-2-603. The attorney general is authorized to prosecute any official who violates criminal statutes while acting on behalf of the state or other government entity. See O.C.G.A. § 45-15-10.

District attorneys, in addition to their general authority within their jurisdiction, may be called upon by the attorney general to assist in a relevant prosecution. See O.C.G.A. §§ 15-18-6(6), 45-15-10(2).

Additional Resources

- Brennan Center, [“Election Certification: How to Strengthen State Frameworks”](#) (June 17, 2025)
- Brennan Center, [“The Roadmap to the Official Count”](#) (October 26, 2020)
- Campaign Legal Center, [“What is Election Certification?”](#) (October 8, 2024)
- Citizens for Responsibility and Ethics in Washington, [“Election Certification Under Threat”](#) (August 15, 2024)
- Lauren Miller Karalunas, [“How State and Local Election Certification Works”](#) (July 30, 2024)
- Protect Democracy, [“Election Certification, Explained”](#) (July 24, 2024)
- Protect Democracy, [“Election Certification Is Not Optional”](#) (March 2024)