

Checks and Balances in Ohio: The Post-Election Day Process

American elections serve as a model for the world, thanks to our rigorous system of checks and balances and our neighbors serving as election workers faithfully carrying out those duties.

Working in teams made up of people from both parties, poll workers and election officials count, canvass, and audit votes, whether they are cast in-person or by mail. These election workers verify voters' identities. They inspect ballots. They resolve errors. They confirm that every legal ballot is counted as voters intended them.

When these checks and balances are complete, then the final phase of our election process happens: certification. This is the straightforward step in the process when election officials declare the winners. The multiple layers of checks and balances involved in the casting, counting, canvassing, and audit stages ensure that results are accurate.

This memo details the safeguards specific to the counting and canvassing processes – county and state certification must occur after all of these checks and balances. For greater detail about verifying mail ballot applications and ballots and a detailed timeline, [please visit the rest of our series on checks and balances in Ohio elections.](#)

Importantly, this is nonpartisan educational research intended for 501(c)(3)-compliant purposes only. It is not to be used for any partisan, political, or electioneering activities by any organization.

Counting: Technology and Bipartisan Oversight Work to Triple-Check Results for Accuracy

Ohio voters cast their votes using paper ballots or machine-marked ballots, depending on the county. Counties using direct recording electronic voting machines are required by law to provide a voter verified paper audit trail.¹ Ohio law mandates specific processes for counting votes. Each of these processes requires participation by a team of bipartisan election officers and includes equipment testing and periodic reconciliation of results.

Quality-Tested Technology Leads to Trustworthy Results

All voting and automatic tabulating equipment must be approved by the bipartisan Ohio board of voting machine examiners and certified by the Ohio secretary of state.² Ballots are counted using automatic tabulating equipment at each polling location or at a central counting location. In either case, Ohio law requires the county board of elections to test all tabulation equipment three times: 1) pre-election logic and accuracy testing before each election on each voting machine and

¹ Ohio Revised Code 3506.01

² Ohio Revised Code 3506.05 and 3506.07

component of automatic tabulating equipment; prior to the start of the unofficial Election Day canvass; and at the conclusion of the unofficial Election Day canvass.³

Ohio law requires the county boards to conduct public tests by bipartisan teams of election officials and notify the public of the time and place of all such tests.⁴ All automatic tabulation equipment must pass all three tests successfully before election returns can be officially approved.⁵

Both Parties Participate Throughout the Process

Ohio law imposes strict limitations on polling place entry and behavior. County boards appoint a bipartisan team of precinct election officials to conduct the election at their assigned precinct. Of election officials, one is selected as the voting location manager with overall responsibility for that location. The voting location manager should be a member of the party whose candidate for governor won the most votes in that precinct in the last gubernatorial election.⁶

Election observers appointed by political parties or a group of candidates are allowed at polling places, but only one observer per party (or collection of candidates) can be present at a time.⁷ In general, only voters (including their accompanied children), elections officials, appointed observers, a police officer, persons entering at the request of the board of elections to review the list of registered voters, or persons there to assist another voter are allowed to enter the polling location during an election or any room in which a board is counting ballots.⁸

When voting at polling locations, voters either mark their selections by hand using a paper ballot, a ballot marking device which then prints the ballot for the voter to review, or on a screen by utilizing a direct recording electronic voting machine (DRE) with a voter-verified paper audit trail.⁹ For all ballot types, boards of elections must ensure each ballot contains instructions in at least 12-point font in advising the voter how to properly mark their ballot.¹⁰ Voting by hand involves completely darkening an oval next to a selection. Voting using ballot marking devices includes making a selection on a digital touch screen.

Transparent Processes Instill Confidence

County boards and special election officials may begin verifying and processing absentee ballots - including scanning ballots using automated tabulating equipment - prior to Election Day, but in no circumstances may they disclose the count or any portion of the count before polls close at 7:30 p.m. on Election Day.¹¹ To ensure that the process is transparent, appointed election observers are allowed to witness the processing and counting of absentee ballots, except in very limited circumstances where doing so would permit the observers to learn the identities or residence

³ Ohio Revised Code 3506.14

⁴ Id.

⁵ Id.

⁶ Ohio Revised Code 3501.22

⁷ Ohio Revised Code 3505.21

⁸ Id; also Ohio Revised Code 3501.35

⁹ Ohio Revised Code 3506.01; Security and Voter Education Toolkit FAQ, Ohio Secretary of State

¹⁰ Ohio Revised Code 3505.12

¹¹ Ohio Revised Code 3509.06

addresses of those voters.¹² In official procedures for closing polling locations, precinct election officials record vital statistics using Election Day balance and reconciliation sheets provided by the board of elections, double-check the statistics, and sign the closing Certificate and Election Day Balance/Reconciliation Sheet.¹³ Precinct election officials must count the number of voters listed in the pollbook, the number of voted ballots, the number of soiled and unused ballots, and - in comparing the totals of voted ballots to the number of voters in the pollbook - account for any discrepancy with an explanation.¹⁴

Canvassing: Election Officials Securely Check Results

Canvassing is the process of compiling vote totals reported in returns from throughout a jurisdiction. Ohio conducts both unofficial and official canvasses, and canvassing occurs at the county and state level.

County Canvass: County Boards and Party Observers Start Verifying Results on Election Night

The county board of elections is responsible for conducting an unofficial canvass of the returns on Election Night after polls close. The unofficial county canvass must be conducted in full view of the members of the board of elections and any appointed election observers. Once the counting begins, the canvass must be continuous and no precinct election officials should leave until the unofficial canvass is complete.¹⁵ The board must complete the unofficial canvass by noon on the day following the election. When the board completes the canvass, they must transmit the unofficial count to the secretary of state and the administrative director of the Supreme Court, and certify the results to the secretary of state.¹⁶ The results are still considered unofficial for at least five days.

Throughout the process, a specific chain of custody must be followed. When polling place results have been determined and attested to in the proper forms and certifications, a bipartisan team of precinct officials must securely seal and return all ballots, voting equipment, and supplies to the board of elections. The team transporting the ballots must include the voting location manager and another sworn official who is a member of a different political party. This bipartisan team must travel together when returning the ballots and materials to the board.¹⁷

Boards of elections may begin the official canvass no earlier than the fifth day after the election, and must begin no later than the 15th day after the election.¹⁸ Prior to beginning the official canvass, the county board of elections must determine the eligibility of every provisional ballot cast and test its automatic tabulating equipment. Once the board begins the official canvass, it must

¹² Id.

¹³ Pg. 282 - Ohio Election Official Manual

¹⁴ Ohio Revised Code 3505.26

¹⁵ Ohio Revised Code 3505.27-29

¹⁶ Ohio Revised Code 3505.30

¹⁷ Ohio Revised Code 3505.31

¹⁸ Ohio Revised Code 3505.32

continue daily until the canvass is complete. The board must complete the official canvass within 21 days after the election.¹⁹

The official canvass begins when the board opens all envelopes containing uncounted ballots and tallies them. Then the board opens the sealed containers with the ballots counted in the polling place on Election night and verifies the count from the unofficial canvass. Upon completing the official canvass, the board must declare the results of the elections in writing and post a copy in a conspicuous public place for at least five days. Finally, the board must promptly certify the abstracts of the results with the secretary of state's office as well as the president of the senate.²⁰

State Canvass: State Officers and Party Chairs Compile County Results

Once all counties have completed their canvass and certified their results, the county board forwards a separate certificate showing the totals of the returns cast.²¹ For federal offices and non-executive state offices, the secretary of state promptly sets a time and place for canvassing the county abstracts and notifies the governor, auditor, attorney general, and the chair of the state central committees of each party of that time and place.²² At that time and place, the secretary canvasses the abstracts and declares the results. For state executive offices, Ohio's law empowers the senate president to lead a gathering of the majority of the General Assembly during the first week of the session after a regular election to canvass the county abstracts and declare the results.²³

Certification: The Voters have Spoken

Once canvassing is complete, winning candidates receive a certificate of election. For races that are determined by the county canvass, the boards of elections prepare and issue the appropriate certificates of election to the winning candidate.²⁴ For races canvassed at the state level, the secretary of state issues certificates of election for statewide offices, congressional offices, and state board of education member offices.

Once the state canvass determines the presidential candidate who received the most votes statewide, the secretary of state mails certificates to each presidential elector pledged to the candidate who won the statewide vote.²⁵ State law also requires the secretary to coordinate the meeting of the duly-selected presidential electors at the state capitol in December, including the conduct of casting the state's official votes for president and vice president.²⁶

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¹⁹ Id.

²⁰ Ohio Revised Code 3505.33

²¹ Id.

²² Ohio Revised Code 3505.35

²³ Ohio Revised Code 3505.34

²⁴ Ohio Revised Code 3505.38

²⁵ Ohio Revised Code 3505.39

²⁶ Id.