



## CHAPTER 16: MISCELLANEOUS DUTIES<sup>1</sup>

### Section 16.01 Miscellaneous Duties Introduction

This chapter covers important duties that the board of elections must do beyond standard election tasks, including:

- Handling vacancies in offices.
- Managing removals and recalls.
- Running advisory elections when needed.
- Evaluating poll workers.
- Keeping online voter information tools up to date.

### Section 16.02 Vacancy in Elective Office

An office becomes vacant when someone dies, resigns, is suspended, or is removed before their term ends. Someone is usually picked to fill the empty position. Sometimes voters must elect someone to finish the rest of the term. This depends on:

- The specific office with the vacancy.
- When the vacancy occurred.

The U.S. Constitution, Ohio Constitution, Ohio Revised Code, and local government charters explain how to fill a vacant office by appointment, depending on the function of that office. The person appointed can serve the remainder of the term or until an election is held to select someone to fill the remainder of the unexpired term.<sup>2</sup>

When a county office becomes vacant, the board's director must tell the central committee of the former official's political party about their right to pick someone new.

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<sup>1</sup>[Directive 2026-43](#).

<sup>2</sup>See [R.C. 3.02](#); [R.C. 503.24](#); [R.C. 733.31](#); [R.C. 3521.03](#).

Use Secretary of State [Form 292 Certificate by Board of Elections - Political Party that Nominated the Last Occupant of County Office](#) for this.

## APPOINTING AUTHORITY'S DUTY

The group with the power to select someone to fill a vacant office must figure out which laws apply and follow them. [Filling Vacancies in Elected Offices](#) outlines these laws. These groups include city councils, village mayors, a board of township trustees, the county central committee of a political party, school boards, and others.

When someone is picked to fill the empty office, the group that picked them must certify it to both the board of elections and the Secretary of State within seven days.<sup>3</sup> Political parties can use [Form 291](#) to report when they have filled the vacancy in a city or county office. Other appointing authorities must write their own notice of an appointment and certify it to the board.

## BOARD DUTIES AFTER SOMEONE IS SELECTED

### 1. Issue Certificates of Appointments

The board of elections (or the Secretary of State for statewide offices) must give the new officeholder a certificate of appointment.<sup>4</sup> The board must use [Form 155-B](#) (Certificate of Appointment to Fill Vacancy in Elective Office) for this.

### 2. Submit Documents for Governor's Commission

A new person picked to fill any county office or judgeship must get a commission from the governor before they can start work.<sup>5</sup> The board sends the following items for county offices to the Elections Division of the Secretary of State's office:

- ☐ The notice from the group that made the pick ([Form 291](#)).
- ☐ The certificate of appointment completed by the board ([Form 155-B](#)).
- ☐ Any other needed documents (for example, [Form 292, Certificate by Board of Elections - Political Party that Nominated the Last Occupant of County Office](#)).

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<sup>3</sup>[R.C. 3.02\(B\)](#).

<sup>4</sup>[R.C. 3.02\(B\)](#).

<sup>5</sup>[R.C. 107.05](#).

The Secretary of State's office mails a governor's commission for the new official to the clerk of the court of common pleas in the new official's county. The clerk then delivers it to the new official.<sup>6</sup>

## Section 16.03 Removing Officials

### RECALL – ONLY FOR CITY AND VILLAGE OFFICIALS

A recall lets voters decide whether to remove (recall) a city or village official from office. Its use is very limited. It can only happen in cities or villages where voters have approved:

- A special form of local government (a charter or plan from [Chapter 705 of the Revised Code](#)), **AND**
- Rules that allow recall in that local home rule government.<sup>7</sup>

Note: Recall is not available in regular cities or villages or in special ones (limited home rule municipalities) that haven't adopted the recall rules. Voters also can't recall state, township, district, or county officials, except in counties with a charter that specifically allows recall.

For more on the recall process, see Chapter 11 in the [Ohio Ballot Questions & Issues Handbook](#).

### REMOVAL – ALL PUBLIC OFFICES

Ohio law says that any public official, as described in the official classification in [Section 38 of Article II of the Ohio Constitution](#), may be removed by judicial action of a court for good cause. To be removed from office, a court of competent jurisdiction must find the public official guilty of certain kinds of misconduct and other causes provided by law. To remove someone, a court must find the official guilty of misconduct for one or more of the following reasons:

- willfully and flagrantly exercising authority not allowed by law
- refusing or willfully neglecting to enforce the law or perform any official duty imposed upon them by law

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<sup>6</sup>[R.C. 107.07](#).

<sup>7</sup>[Lockhart v. Boberek \(1976\)](#), 45 Ohio St.2d 292, 294; [R.C. 705.91](#); [R.C. 705.92](#).

- gross neglect of duty
- gross immorality
- drunkenness
- wrongdoing (including misfeasance (negligent actions), malfeasance (illegal actions), or nonfeasance (nonaction))<sup>8</sup>

For more information on removal through the courts, see Chapter 11 in the [Ohio Ballot Questions & Issues Handbook](#).

## REMOVAL – OFFICIALS WITH FISCAL DUTIES

Ohio law also has rules for removing public officials who have fiscal responsibilities. These officials include:

- County auditors and treasurers.
- Township fiscal officers.
- Village fiscal officers, clerk treasurers, and clerks.
- City auditors and treasurers.
- Similar officers in chartered municipalities.<sup>9</sup>

These officials may be removed for:

- Purposely, knowingly, or recklessly failing to perform a fiscal duty expressly required by law with respect to the fiscal duties of the office.
- Purposely, knowingly, or recklessly committing any act expressly forbidden by law in respect to their fiscal duties.<sup>10</sup>

This type of removal starts when an authorized person files a sworn affidavit and evidence with the Auditor of State. The people authorized by law to file such an affidavit and evidence are:

- County treasurers or commissioners (against county auditors).<sup>11</sup>

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<sup>8</sup>[R.C. 3.07](#).

<sup>9</sup>[R.C. 319.26](#); [R.C. 321.37](#); [R.C. 507.13](#); [R.C. 733.78](#).

<sup>10</sup>[R.C. 319.26\(A\)](#); [R.C. 321.37\(A\)](#); [R.C. 507.13\(A\)](#); [R.C. 733.78\(B\)](#).

<sup>11</sup>[R.C. 319.26\(A\)](#).

- County commissioners or auditors (against the county treasurers).<sup>12</sup>
- Four township residents (against township fiscal officers).<sup>13</sup>
- Members of city or village councils (against village or city fiscal officers).<sup>14</sup>

People with questions about this removal process should consult with private legal counsel, the county prosecutor (for county and township officials), municipal legal counsel (for municipal officials), or the Office of the Auditor of State.

## REMOVAL – CITY OR VILLAGE OFFICER

A complaint can be filed in court against city or village officials under [R.C. 733.72](#). This method is only available when the officer is:

- Getting an illegal payment.
- Has a private interest in a public contract.
- Is guilty of wrongdoing (negligent actions and illegal actions).

The complaint is filed with the probate judge in the county where the city or village is located.

People with questions about this type of removal should consult with private legal counsel.

## Section 16.04 Advisory Elections

An advisory election is a nonbinding vote on a question that city or village officials put on the ballot to see what voters think. It is not the same as voting on an actual law or charter amendment. It just tests what people think about the proposed legislation. Officials may hold an election on the actual legislation later.<sup>15</sup>

**Important:** Only cities or villages can hold advisory elections. Other governments (like the state, counties, townships, school districts, etc.) cannot hold them.

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<sup>12</sup>[R.C. 321.37\(A\)](#).

<sup>13</sup>[R.C. 507.13\(A\)](#).

<sup>14</sup>[R.C. 733.78\(B\)](#).

<sup>15</sup>In [State ex rel. Bedford v. Cuyahoga Co. Board of Elections \(1991\)](#), 62 Ohio St.3d 17, the Court held that [Article XVIII, Section 3 of the Ohio Constitution](#) (commonly referred to as the “home rule” provision) grants a municipality the authority to hold an advisory election, absent a specific prohibition against holding such an election in the municipality’s charter, the Ohio Revised Code, or the Ohio Constitution.

When city or village officials ask the board to put an advisory question on the ballot, the board should check its charter (if they have one) to see if advisory elections are allowed. If the charter doesn't prohibit advisory elections, the board may proceed. If the charter does seem to prohibit them, the board should talk to its legal counsel (the county prosecuting attorney).

All advisory election ballots must include the heading "Advisory Election."

## Section 16.05 Voter List for Jury Duty

On the date ordered by the common pleas court, the board must make a current list of voters for the county and file it with the commissioner of juries.

The file must include all voters registered in the county from the last general election (include ACTIVE-ACTIVE and ACTIVE-CONFIRMATION status voters), except for voters who haven't voted at least once during the past four years. The list also cannot include any voters with confidential records under the Safe At Home program.<sup>16</sup> The file should only have full names, registration addresses, and birth dates, unless more information is requested by the court. Send the file securely in accordance with the jury commissioner's directions.

## Section 16.06 Poll Worker Evaluations

All boards must have fair ways to assess their poll workers (called precinct election officials or PEOs).

Here are the minimum standards the board must check when rating PEOs. These rules also apply to workers doing early in-person absentee voting.

### EVALUATION CRITERIA

#### Opening and Closing of Polling Places

- Did the polling place open and close on time?
- Did PEOs print and sign zero tapes and summary reports?
- Did PEOs sign the oath?

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<sup>16</sup>[R.C. 2313.06\(A\)\(1\)\(b\)](#); [R.C. 111.44](#).

- Did PEOs correctly open and close the voting machines?

### Self-Reporting Problems

- Did PEOs correctly report voting machine problems to the board?
- Did PEOs correctly report when they were running low on ballot supplies?

### Handling of Provisional Ballots

- Did PEOs correctly give out provisional ballots to voters?
- Did PEOs send voters that were in the wrong polling place to the right one?

### Reconciliation after Polls are Closed

- Did PEOs match up all their numbers correctly?
- Did PEOs sign the reconciliation certification document?

See also [Chapter 6, Section 6.03](#) on poll worker duties and responsibilities.

## Section 16.07 Voter Online Tools

Each board must offer these lookup tools on its website:

### VOTER REGISTRATION STATUS

This tool must let voters find where they're registered to vote in the county. If they need to update their address, give them a link to do this. If a voter can't be found in the system, give them links to register. This tool must be available year-round. Make sure updates are made in the board's system promptly so they show up in the Statewide Voter Registration Database quickly.

### ABSENTEE BALLOT STATUS

This tool must allow absentee voters to track their ballot from application to counting. It must show:

- When their absentee application was approved.
- When the ballot was mailed or issued.
- When the board got the voted absentee ballot back.
- When the ballot was accepted for counting (or why it wasn't and the deadline to fix any problems).

This tool must be available starting at least 46 days before an election and be available 35 days after.

## **POLLING PLACE LOOKUP**

This tool must help voters find their correct polling place based on their registration address. Boards may also offer a link to online directions. Keep this tool available year-round. Boards need to make sure changes to polling locations are promptly sent to the Statewide Voter Registration Database.

## **SAMPLE BALLOT**

This tool must let voters see and print their correct sample ballot for the upcoming election based on their registration address. It must be available starting 46 days before the election.<sup>17</sup>

## **OTHER RULES ON LOOKUP TOOLS**

Since election information changes, boards must update these lookup tools regularly. Board employees should update changes to a voter's registration information or absentee ballot status each business day. Polling location or sample ballot changes must also be updated quickly.

Make sure the board website can handle peak traffic during busy election periods. Work with IT staff and vendors to ensure the board's site can handle presidential-year activity levels.

Each board must have strong security for its website and lookup tools.

The website must be designed with voters in mind. Check that:

- ☐ Users can easily find the board's site using online search engines.
- ☐ The site is easy to use (clear links, organized info, and plain language).
- ☐ The site works on different devices and browsers.

The board must ensure that its website is accessible and usable to voters with disabilities.

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<sup>17</sup>[R.C. 3511.04\(B\)](#).

## Section 16.08 Ranked Choice Voting Prohibition

Ranked choice voting (RCV), otherwise known as “instant runoff voting,” is a method of nominating or electing candidates in which:

1. Voters rank candidates on the ballot in order of preference.
2. Votes are tabulated in rounds. In each round, one or more candidates are nominated or elected, or a last-place candidate is defeated.
3. Votes are transferred from nominated, elected, or defeated candidates to the voter’s next-ranked candidate(s) in order of preference.
4. Tabulation ends when a candidate receives either a majority of votes cast or when the number of candidates nominated or elected equals the number of offices to be filled, as applicable.<sup>18</sup>

RCV is prohibited in any primary or general election in Ohio, except as permitted by Article X and Article XVIII of the Ohio Constitution,<sup>19</sup> which establish home rule by counties and municipal corporations, respectively. Adopting RCV carries financial penalties for the county or municipal corporation, however.<sup>20</sup>

When a county or municipal corporation has adopted (or revoked) the use of RCV in its primary or general elections, the board must promptly notify the Secretary of State’s office by emailing [Elections@OhioSoS.gov](mailto:Elections@OhioSoS.gov) the applicable resolution or ordinance.<sup>21</sup> The Secretary of State must then report the adoption (or revocation) to the Department of Taxation.<sup>22</sup>

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<sup>18</sup>[R.C. 3501.01\(E\)](#).

<sup>19</sup>[R.C. 3505.011\(A\)](#); [R.C. 3513.141\(A\)](#).

<sup>20</sup>[R.C. 3505.011\(B\)](#); [R.C. 3513.141\(B\)](#); [R.C. 5747.504\(B\)](#), (D)(3).

<sup>21</sup>[Directive 2026-23](#).

<sup>22</sup>[R.C. 3505.011\(B\)-\(C\)](#); [R.C. 3513.141\(B\)-\(C\)](#).

## Chapter 16 Checklist: Miscellaneous Duties

### When a Vacancy Occurs

- ☐ Determine what type of office it is.
- ☐ Note the date the vacancy occurred.
- ☐ Figure out which laws apply to fill it.
- ☐ For county offices: Tell the central committee of the former official's political party ([Form 292](#)).

### After an Appointment is Made

- ☐ Receive certificate of appointment from the appointing authority (within 7 days).
- ☐ Give certificate of appointment to the appointee ([Form 155-B](#)) and send a copy to the Secretary of State.
- ☐ For county offices, give to the Secretary of State:
  - Notice of appointment from appointing authority.
  - Certificate of appointment filled out by the board.
  - Any other required documentation.

### Managing Recall Procedures (City and Village Offices)

- ☐ Be sure the city or village has adopted:
  - A form of limited home rule.
  - The recall process as part of that government.
- ☐ Follow steps in Chapter 11 of [Ohio Ballot Questions & Issues Handbook](#).
- ☐ Make proper ballot materials if recall vote is approved.

### Handling Advisory Elections (City and Villages Only)

- ☐ Make sure request comes from a municipality (not county, township, etc.).
- ☐ Check their charter to see if it's allowed.

- ❑ If needed, consult with the county prosecutor.
- ❑ Be sure all advisory election ballots include “Advisory Election” heading.
- ❑ Run the election normally.

## **Making Jury Lists**

- ❑ Note date ordered by common pleas court.
- ❑ Make a file:
  - Including all registered voters from the last general election.
  - Leaving out voters who haven’t voted in past four years.
  - Leaving out voters with protected records under the Safe at Home program.

Include:

- Full names.
  - Registration addresses.
  - Dates of birth.
- ❑ Any other specifically requested information.
  - Send file securely to commissioner of jurors.

## **Evaluating Precinct Election Officials (PEOs)**

- ❑ Create fair rating standards.
- ❑ Make sure they apply to workers conducting early in-person absentee voting.
- ❑ Check:
  - Opening and closing procedures.
  - Correct operation of voting machines.
  - Correct reporting for problems with voting machines and ballot supplies.
  - How they handle provisional ballots.
  - How they direct lost voters.

- How they balance their numbers.

## **Maintaining Voter Information Tools Online**

### **■ Registration lookup tool:**

- Shows where voters are registered (give links to update if needed).
- Provide links for voters not found in system.
- Keep available year-round.
- Update regularly.

### **■ Absentee ballot tracker:**

- Shows application approval date.
- Shows when ballot was mailed.
- Shows when ballot came back.
- Shows if ballot was accepted or why not and deadline to fix issues.
- Make available 46 days before through 35 days after election.

### **■ Polling location lookup tool:**

- Shows where voters vote.
- Maybe gives directions.
- Available year-round.
- Updated promptly when location changes.

### **■ Sample ballot tool:**

- Can view/print correct sample ballots.
- Available 46 days before election.
- Update promptly with any changes.

**❑ Website**

- Can handle peak election traffic.
- Uses industry-standard security.
- Designed with voters in mind:
  - Findable with search engines.
  - Easy to navigate.
  - Works on all devices and browsers.
- Works for people with disabilities.
- Updated often.

**Prohibition on Ranked Choice Voting**

- ❑ Email [Elections@OhioSoS.gov](mailto:Elections@OhioSoS.gov) with the resolution or ordinance of a county or municipal corporation that has adopted or rescinded RCV in its primary or general elections.