



Tabulating Election Results in the United States

Introduction

The United States does not have a national Election Code that governs the tabulation and publication of all election results, although general provisions of the U.S. Constitution apply and, in limited circumstances, so do a few federal laws.

In practice, elections for local, state, and federal office are conducted primarily by local election officials in the nation's counties, parishes, and independent cities or townships. These local election officials, in most states, exercise broad authority. Despite their relative autonomy, these local election officials are bound by their respective state statutes regarding the conduct of elections. These statutes include the manner in which votes are to be counted. At a minimum, the county's obligation to count and report the vote accurately, and in an objective and impartial manner, is implicit if not explicit in law.

Although there are certain common characteristics among the procedures used in the 50 states, territories and the District of Columbia, there are also important differences among states based upon each state's history; culture; and equipment and procedures from one local jurisdiction to another. These differences depend upon in local history, population size, topography, budgetary restrictions, and culture.

Who Tabulates Elections Results

Local Authorities

The tabulation of ballots begins with the election officials in the nation's approximately 13,000 local election jurisdictions. These officials may include:

- poll workers hired to work at the voting place on election day and often representing both major political parties;
- regional or central election office staff who are part-time officials hired to verify the vote count and to process absentee ballots; and
- full time election officials, who have either been appointed or elected, and are the public officials primarily responsible for conducting elections.

Local election officials count the votes in accordance with state laws or regulations, as directed by the chief local election authority. Procedures can vary depending upon the administrative structure of the local election authority, the location of the initial tabulation, the voting system used, and the history of the local jurisdiction. **It is important to note that while election officials purchase voting machines and election management systems manufactured by private voting system vendors, in all instances, votes are aggregated and counted by local election officials as prescribed by State law.** Local election officials are also responsible for verifying the official results of all votes cast within their community and for certifying the winner of elections to local office.

State Authorities

State election authorities are responsible for computing and certifying the election results for all races that cross local jurisdiction boundaries. These include races for all statewide offices (e.g., Governor, U.S. Senator, State Attorney General, etc.) as well as others likely to cross boundaries. In addition, State election authorities are responsible for certifying the results of other elections to state office and the results of the state's Presidential electors' vote for U.S. President and Vice President.

Federal Authorities

Federal authorities are not involved in the tabulation and certification of election results, with the following two exceptions provided for in the U.S. Constitution:

- Every four years, the electoral votes for U.S. President and Vice President received from the States are read before both houses of the U.S. Congress and the total is officially tabulated and certified by that body on January 6, following the November general election of Presidential electors and the December vote of the electors in their respective state capital cities. If no candidate for President receives an absolute majority of electoral votes, the U.S. House of Representatives selects the winner from among the top three contenders with each state casting one vote. Similarly, if no candidate for Vice President receives an absolute majority, the U.S. Senate selects from among the top two contenders. The appropriate legislative house would count and certify its votes in such cases. (*Twelfth Amendment, U.S. Constitution*). See [The Electoral College](#) report.
- If the results of an election for the U.S. House of Representatives or the U.S. Senate are contested, the losing candidate may appeal to Congress. The U.S. House of Representatives has authority under the U.S. Constitution to resolve contested elections to that body. The U.S. Senate has the same authority to resolve contested elections for a Senate seat.

Challenges to election results may also be heard and resolved by a federal court of law. In some cases, this involves a recount of the votes by persons designated by the court as directed by the court.

Conclusion

The vote counting process in the United States is highly decentralized. This structure serves to compartmentalize the election process so that the effects of inadvertent errors or mismanagement are more or less contained. Furthermore, decentralization limits the opportunities for fraud or corruption, by making it extremely difficult to accomplish on a scale grand enough to be decisive without being detected.

Another important safeguard in the vote counting process is its openness to public scrutiny -- by candidate or political party representatives, or even the news media. Even failing direct observation, the creation and retention of official documentation of all activities related to the vote count provide assurance of the detection of errors, irregularities, or fraud, and the accuracy of the final election results.

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