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DIRECTIVE 2005-27

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To: All County Boards of Elections
Members, Directors and Deputy Directors

To ensure that all votes cast in the November 8 general election are counted accurately and uniformly, I am issuing this directive, which provides instructions for:

- Pretesting codes and tabulating equipment used in the official and unofficial canvasses.
- Canvassing unofficial election results on election night and official results thereafter.

PRETESTS

R.C. 3506.14 requires the board, before an election, to publicly test and audit the variable codes applicable to that election to verify the accuracy of any computer program that will be used for tallying ballots cast at the election. In order to satisfy this statutory mandate, boards are strongly advised to conduct the public test before election day.

The public pretest should be conducted after the Logic & Accuracy (L&A) testing has been completed. As the pretest is to demonstrate the accuracy of the tabulating program, the precincts chosen for the pretest should contain races with multiple candidates, candidate rotation, splits within a precinct, and write-ins, if applicable.

Public notice of the date, time and place of the test must be given by either proclamation or posting of the notice, as in the case of notice of elections.

The test must be conducted by using a pre-audited group of ballots with a predetermined number of votes cast for each candidate, issue and question. The automatic tabulating equipment must be tested for the ability to detect overvotes. If any error is detected, the cause for the error must be determined and corrected. An errorless test then must be conducted and certified by the board.

This test must be run again prior to counting ballots on election night and after the count is completed. The test also must be completed prior to and after the official count, before the board can approve the results as official.

UNOFFICIAL CANVASS

Reminder: You must send the results of your unofficial canvass to the Secretary of State's Elections Division by **noon on Wednesday, November 9, 2005.**

The unofficial canvass shall include all the ballots that the board determines are eligible to be counted on election night. (An example of a ballot that cannot be counted on election night is a provisional ballot.) The unofficial canvass shall be conducted in full view of the board members and any witnesses designated under R.C. 3505.21.

The board of elections must designate teams having an equal number of people from each major political party to inspect and count the ballots. Depending on the type of voting system used in the county, the teams either inspect or count the ballots as follows:

- Paper ballots *Count* and record votes cast; or sort into stacks, count the ballots and record the votes cast.
- Punchcards *Inspect* ballot cards for hanging chad by fanning a deck of voted ballot cards consisting of no fewer than 50 cards and remove any chad attached to the ballot card by one or two corners.

Remake any ballot card that is punched contrary to instructions, if voter's intent is clear. A ballot voted backwards shall be remade to count only holes that are clearly punched through the ballot card; if the pattern of holes indicate the ballot was initially voted backwards, then inserted correctly, only those holes punched properly shall be counted.

- Precinct Count *Verify* that memory cards and corresponding report from all the polling
Optical Scan places containing results from all precincts are received.
- Central Count
Optical Scan *Inspect* any ballot rejected by the tabulator as a blank ballot. Voter intent is determined by examining the ballot for a consistently made mark that is contrary to voting instructions. For example, rather than fill in the oval or arrow, the voter underlined choice, circled choice, circled oval or arrow by choice, made an "X", checkmark or other recognizable mark beside the choice, or the voter marked the ballot with a writing instrument not recognized by tabulator.

Remake any inspected ballot in which the intent of the voter has been determined.

- DRE *Verify* that cartridges, PCMCIA cards or other removable memory devices and a corresponding report is received from each precinct.

- *Write-ins: All Voting Systems*

If there are candidates on the ballot and write-in candidate(s) for the same office, the ballots must be checked for the possibility of an overvote and whether the name written on the ballot is a qualified write-in candidate.

A voter may write in only the last name of the candidate, if there is only one candidate with that last name as a candidate.

If there are two or more write-in candidates with the same last name, the voter must provide sufficient information for election officials to determine the voter's intent. For example, the voter must write the first and last name or office and last name on the ballot.

The oval must be filled in or arrow completed for a write-in vote to be valid on optical scan ballots.

REQUIRED REPORTS FOR THE NOVEMBER 8 GENERAL ELECTION

The election night reporting forms, unofficial report forms and official report forms will be sent under separate directives. As noted above, a board's Unofficial Canvass reports must be sent to our office by **noon** on the day after the election, **November 9**.

QUESTIONS?

If you have any questions regarding these instructions, please contact the Elections Division at (614) 466-2585.

Sincerely,



J. Kenneth Blackwell