



**J. KENNETH BLACKWELL**  
Ohio Secretary of State

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**DIRECTIVE 2006-76**

October 20, 2006

To: ALL COUNTY BOARDS OF ELECTIONS  
Members, Directors and Deputy Directors

To ensure that all votes cast in the November 7 general election are counted accurately and uniformly, I am issuing this directive, which provides instructions for:

- Pre-testing codes and tabulating equipment used in the unofficial canvasses.
- Canvassing unofficial election results on election night.

**PRE-TESTS**

R.C. 3506.14 requires each board of elections, before any election, to publicly test and audit the variable codes applicable to that election so as 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, which includes the taking of any necessary corrective action, this office strongly advises all boards to conduct the public test before election day.

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

Each board must give public notice of the date, time and place of the test, by proclamation or posting of the notice as in the case of notice of elections.

The board must conduct the test using a pre-audited group of ballots so marked as to record a predetermined number of valid votes for each candidate, and on each question and issue. Additionally, the pre-audited group of ballots shall include for each office one or more ballots that have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject those votes. Finally, the automatic tabulating equipment must be tested for the ability to detect undervotes.

If any error is detected, the board must determine the cause for the error, correct it, and conduct another test. An errorless test must be conducted and certified by the board.

In addition to the pre-testing set forth above, the board must conduct additional successful tests on four more occasions:

- Before tabulating ballots on election night,
- After completing the unofficial canvass,
- Before the official count, before the certifies the results as official, and
- After the official count, before the board certifies 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 8, 2006.**

The election night "unofficial canvass" shall be conducted in accordance with Revised Code sections 3505.27 (*counting regular ballots cast at polling locations*), 3505.28 (*ballots not counted*), 3509.06 (*counting absentee ballots*), 3509.07 (*absentee ballots not counted*) and 3511.11 through .13 (*armed service absentee ballot*), as well as instructions provided by the Secretary of State office. The unofficial canvass shall include all 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. Pursuant to R.C. 3505.27, the unofficial canvass must be conducted in full view of the board members and any observers appointed 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/or count the ballots. Depending on the type of voting system used in the county, the teams either inspect or count the ballots as follows:

- **Optical Scan**      *Verify* that memory cards and corresponding report from all the polling places containing results from all precincts are received.  
  
*For absentee ballots tabulated using a central count system: Inspect* any ballot rejected by the tabulator as a blank ballot or a ballot in which the voter intent is in question. As stated in R.C. 3506.21(B), voter intent is determined by examining the ballot for a consistently made mark that is contrary to voting instructions. *Examples:* Rather than filling in the oval or box, the voter underlined or circled choice; circled oval or box by choice; made an "X", checkmark or other recognizable mark beside the choice; or marked the ballot with a writing instrument not recognized by tabulator.  
  
*Remake* any ballot where 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-in Candidates: All Voting Systems**

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. But 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 on the ballot the write-in candidate's first and last names, or the last name and the office sought.

*Optical Scan Ballots:*

- The oval or box next to the write-in candidate's name must be filled in for a write-in vote to be valid.
- If, for the same office, there is a candidate whose name is on the ballot and another candidate who is a write-in, the ballots must be examined for the possibility of an overvote and whether any name the voter has written on the ballot is a qualified write-in candidate.

**REQUIRED REPORTS FOR THE NOVEMBER 7 GENERAL ELECTION**

This office will send to each board of elections under separate cover:

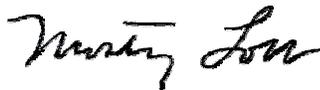
- the election night reporting forms,
- the unofficial report forms and
- the official report forms.

As noted above, R.C. 3505.30 requires every board to send its unofficial canvass reports to this office via certified mail by **noon** on the day after the election, i.e., November 8, 2006.

**QUESTIONS?**

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

Sincerely,



Monty Lobb  
Assistant Secretary of State