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DIRECTIVE 2007-27
November 6, 2007

To: Putnam County Board of Elections

Re: Instructions To Putnam County Board of Elections for Tallying and Securing the Ballots in the Special Congressional Primary Election (Relevant Statute Attached)

All ballots shall be tallied by and at the Putnam County Board of Elections through central counting of ballots.

1. **TALLYING ELECTRONIC BALLOTS:** Attempts shall first be made to tally votes contained in Personal Electronic Ballot (PEB) cartridges from the machines. If these attempts fail, counting shall occur by use of the flash memory cards in each machine. If these attempts fail, counting shall be of the votes contained on the VVPAT by hand count.
2. **PREPARING REGULAR PAPER BALLOTS FOR TALLYING:** Envelopes containing any paper ballots voted before 7:30 p.m. shall be examined to determine which are regular ballots and which are provisional ballots. Some regular ballots may be encased in provisional ballot envelopes when pollworkers placed them in such envelopes to preserve ballot secrecy. Pollworkers should have reconciled such ballots with the pollbooks and separated them by labeling them as regular or provisional ballots (while still in their envelopes). Every tenth ballot in the separate container for **regular ballots** must be checked for accuracy against the pollbook, poll list or signature pollbook or other documentation provided by the pollworkers from a precinct to determine if it is a regular or provisional ballot. If any ballot fails to match the pollbook in its designation that the voter voted it as a regular ballot, all ballots from that precinct shall be individually reconciled with the pollbook, poll list or signature pollbook or other documentation to ensure that only regular ballots are counted on election night for the unofficial canvass.
3. **PRESERVING ENVELOPES OF REGULAR PAPER BALLOTS:** All envelopes in which regular ballots voted before 7:30 p.m. were encased shall be preserved in one or more containers that is/are sealed in a manner that the contents cannot be seen without breaking the seal and that is marked to identify its contents.

4. **PRESERVING PROVISIONAL BALLOTS VOTED ON OR BEFORE 7:30 P.M.:** All ballots determined to be provisional ballots voted before 7:30 p.m. shall be preserved in in one or more containers that is/are sealed in a manner that the contents cannot be seen without breaking the seal and that is marked to identify its contents.
5. **PRESERVING PROVISIONAL BALLOTS VOTED AFTER 7:30 P.M. AND UNTIL 9:00 P.M.:** All ballots voted after 7:30 p.m. and until 9:00 p.m. shall be preserved in one or more containers that is/are sealed in a manner that the contents cannot be seen without breaking the seal and that is marked to identify its contents.
6. **DECLARATION OF RESULTS OF THE ELECTION:** The following tallies shall be made and added together for a declaration of election results in the special Congressional primary election in Putnam County:
 - a. absentee ballot totals
 - b. electronic ballot totals
 - c. regular paper ballot totals
7. **RECONCILING BALLOTS AND FOLLOWING OTHER REQUIREMENTS OF LAW:** All other requirements of law for reconciling ballots shall be observed (e.g. spoiled and unvoted ballots accounted for and preserved).
8. **DOCUMENTING THE NUMBER OF PROVISIONAL BALLOTS PRESERVED BY THE BOARD:** A tally of the **number** of provisional ballots preserved for tallying in the official canvass (to occur on the 11th day after the election, Saturday, November 17, 2007) shall be documented according to the following categories:
 - a. provisional ballots voted on or before 7:30 p.m.
 - b. provisional ballots voted after 7:30 p.m. and until 9:00 p.m.

9. **SECURING THE BALLOTS AND RELATED ELECTION**

MATERIALS: After the board has declared the results of the election and transmitted such declaration to Wood County (the most populous county in the Congressional district) and to the secretary of state, it shall preserve all ballots and pollbooks, poll lists, signature pollbooks and tallying sheets in containers that are sealed in a manner that the contents cannot be seen without breaking the seal and that each container is marked to identify its contents. All such materials shall be stored in a room at the board that is locked and accessed by two keys, one held by the director or a board member of the same party as the director, and the second by the deputy director or a board member of the same party as the deputy director. The materials shall not be removed nor seals broken on containers without the express permission of the secretary of state. The board shall certify to the secretary of state that it has followed the procedures enumerated herein for tallying and securing the ballots.

Sincerely,



Jennifer Brunner

RELATED STATUTE:

3505.33 Declaration of election results - tie votes - abstracts and report of votes.

When the board of elections has completed the canvass of the election returns from the precincts in its county, in which electors were entitled to vote at any general or special election, it shall determine and declare the results of the elections determined by the electors of such county or of a district or subdivision within such county. If more than the number of candidates to be elected to an office received the largest and an equal number of votes, such tie shall be resolved by lot by the chairman of the board in the presence of a majority of the members of the board. Such declaration shall be in writing and shall be signed by at least a majority of the members of the board. It shall bear the date of the day upon which it is made, and a copy thereof shall be posted by the board in a conspicuous place in its office. The board shall keep such copy posted for a period of at least five days. Thereupon the board shall promptly certify abstracts of the results of such elections within its county, in such forms as the secretary of state prescribes. Such forms shall be designated and shall contain abstracts as follows:

Form No.1. An abstract of the votes cast for the office of president and vice-president of the United States.

Form No.2. An abstract of the votes cast for the office of governor and lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, chief justice of the supreme court of Ohio, judge of the supreme court of Ohio, member of the senate of the congress of the United States, member at large of the house of representatives of the congress of the United States, district member of the house of representatives of the congress of the United States, and an abstract of the votes cast upon each question or issue submitted at such election to electors throughout the entire state.

Form No.3. An abstract of the votes cast for the office of member of the senate of the general assembly, and member of the house of representatives of the general assembly.

Form No.4. A report of the votes cast for the office of member of the state board of education, judge of the court of appeals, judge of the court of common pleas, judge of the probate court, county commissioner, county auditor, prosecuting attorney, clerk of the court of common pleas, sheriff, county recorder, county treasurer, county engineer, and coroner.

Form No.5. A report of the votes cast upon all questions and issues other than such questions and issues which were submitted to electors throughout the entire state.

Form No.6. A report of the votes cast for municipal offices, township offices, and the office of member of a board of education.

One copy of each of these forms shall be kept in the office of the board. One copy of each of these forms shall promptly be sent to the secretary of state, who shall place the records contained in forms No.1, No.2, and No.3 in electronic format. One copy of Form No.2 shall promptly be mailed to the president of the senate of the general assembly at his office in the statehouse. The board shall also at once upon completion of the official count send a certified copy of that part of each of the forms which pertains to an election in which only electors of a district comprised of more than one county but less than all of the counties of the state voted to the board of the most populous county in such district. It shall also at once upon completion of the official count send a certified copy of that part of each of the forms which pertains to an election in which only electors of a subdivision located partly within the county voted to the board of the county in which the major portion of the population of such subdivision is located.

If, after certifying and sending abstracts and parts thereof, a board finds that any such abstract or part thereof is incorrect, it shall promptly prepare, certify, and send a corrected abstract or part thereof to take the place of each incorrect abstract or part thereof theretofore certified and sent.

Effective Date: 08-22-1995