

DIRECTIVE 2008-34

March 3, 2008

To: All County Board of Elections

Re: Manual Hand Count Procedures

This directive sets forth procedures for manual hand counting of ballots in the event of voting or tabulating machine failure or memory card or other memory device failure, or when a recount or an audit is performed.

All Voting Systems

1. Prior to a manual hand count being conducted:
 - a. Ballots must be inspected for mutilations and other invalidities.
 - b. Ballots must be checked for proper candidate position and to verify that each candidate or issue has been properly identified.
2. The manual hand count shall be conducted in public session under the supervision of a majority of members of the board of elections. The board employees (full-time, part-time, and/or election judges) shall perform the manual hand count in the presence of the board members and observers who may be in attendance in accordance with R.C. 3515.03.

Counties Using Optical Scan Ballots as Primary Method of Voting

1. Construct a team(s) of at least 2 individuals, with the team being evenly divided between individuals from each major political party. The two individuals must document/keep track of the votes by marking on the in-house Hand Count Tally Reporting Form.
2. Prepare copies of an in-house Hand Count Tally Reporting Form for tabulating the official manual hand count of the actual ballots.
 - a. List the candidates, questions, and issues, or the specific race or issue to be manually hand counted, as well as the type of ballot, *i.e.* regular or provisional ballot voted at the precinct or absentee ballot. Overvoted and blank voted offices or issues shall also be recorded and noted as such (e.g. "OV" for overvote and "BL" for when no votes are cast for a contest).
 - b. Once the manual hand count is completed the Democratic and Republican members of the board who are responsible for conducting the manual hand count shall affix their signatures and the date of the manual hand count on the in-house Hand Count Tally Reporting Form.

3. Verify that the number of each type of optical scan ballots which includes regular, provisional and absentee optical scan ballots matches the board's records of each of those types of ballots cast in the race or issue involved.
4. Sort the ballots by type using the stack method, and then count the votes cast for each candidate, question and/or issue in each stack. Further utilize the stack method as follows:
 - a. Create stacks by type, sorting by candidate, yes or no or for or against vote, and by overvote or blank vote. Do this for each contest to be manually hand counted.
 - b. A separate stack may also be compiled of those ballots with disputed or votes in question relating to voter intent, and these ballots may be marked with a paper clip or post-it note at the point on the ballot where the question arises. Please remember to include these ballots in subsequent stacks for a hand count for another race or issue.

Counties using Direct Recording Electronic (DRE) Voting Machines as Primary Method of Voting

1. Construct a team(s) of at least 4 individuals, with the team being evenly divided between individuals from each major political party. One from each party will unroll the voter verified paper audit trail (VVPAT) and read the results. The other two people will document/keep track of the votes by marking on the in-house Hand Count Tally Reporting Form.
2. Prepare copies of in-house Hand Count Tally Reporting Forms, one per voting machine per precinct for tabulating the manual hand count of the actual ballots, and a separate in-house Hand Count Tally Reporting Form for any optical scan ballots to be manually hand counted for the precinct.
 - a. List the candidates, questions, and/or issues, or the specific race or issue to be manually hand counted, as well as the type of ballot, *i.e.* regular (as noted above by type and voting machine) or provisional ballot voted at the precinct or absentee ballot. Overvoted and blank voted offices shall also be recorded and noted as such (e.g. "OV" for overvote and "BL" for when no votes are cast for a contest).
 - b. Once the manual hand count is completed the Democratic and Republican members of the board who are responsible for conducting the manual hand count shall affix their signatures and the date of the manual hand count on the in-house Hand Count Tally Reporting Form.
3. Verify that the number of each type of ballots to be manually hand counted, which includes regular ballots (VVPAT and Directive 2008-01 optical scan ballots) and provisional and absentee optical scan ballots matches the board's records of each of those types of ballots cast in the race or issue involved.
4. Hand count the votes on the VVPAT for the selected voting precincts by voting unit, listing voting machine serial number on the tally sheet. Tally the votes on the in-house Hand Count Tally Reporting Form. Overvoted and blank voted offices shall also be recorded and noted as such (e.g. "OV" for overvote and "BL" for when no votes are cast for a race or issue).

5. Any one or combination of the following events would indicate that the voter verified paper audit trail (VVPAT) cannot be used for a manual hand count of ballots for a DRE voting machine:
 - The printer on the DRE failed to print.
 - The paper jammed, causing the printer to print repeatedly over the same area of paper, preventing the reading of votes recorded on that part of the VVPAT roll.
 - Election officials installed the paper roll in such a way that it did not record the votes of a voter using that DRE.
 - The VVPAT is lost or damaged beyond recovery.
6. Procedures for proceeding when VVPAT cannot be used:

R.C. 3506.18 provides that the VVPAT shall serve as the official ballot to be recounted of ballots cast on a DRE. The law makes no provision for what election officials shall do in the event that a VVPAT needed for a manual hand count is unavailable due to machine failure, human error, or accidents. In the absence of any statutory guidance, it is incumbent upon the Secretary of State, as the state's chief elections officer, to instruct a board of elections on how to proceed when a VVPAT needed for a manual hand recount cannot be used.

If, in the course of conducting a manual hand count, it appears that a VVPAT that cannot be used as the official ballot because it either does not exist or has been damaged beyond repair, all the members of the board of elections shall meet in public session, examine the VVPAT in question and determine whether or not it can be used as the official ballot for votes cast on the DRE to which that VVPAT was affixed.

If a majority of the board members determine that the VVPAT cannot be used as the official ballot, the board members shall immediately designate board personnel, equally divided between the two major political parties, to proceed as follows.

Process 1

The designated board personnel shall produce a readable paper trail from the voting machine whose VVPAT is unusable. After a readable paper trail is printed, the board shall inspect the summary of results printed thereon for the election that is to be manually hand counted and compare them with the electronic results, if any, of the canvass (unofficial or official as the case may be). If the summary of results on the paper trail matches the results of the canvass, if any, the board shall use the paper trail as the official ballot for the manual hand count.

Process 2

If the designated board personnel are unable to produce a paper trail from the voting machine following Process 1, above, they shall immediately proceed to upload the votes recorded on the DRE's removable memory device for the election that is to be manually hand counted and print a report of those votes. After printing the report from the DRE's removable memory device, the board members shall inspect the results printed thereon for the election that is to be manually hand counted and compare them with the electronic results, if any, of the canvass (unofficial or official as the case may be). If the results on the paper report produced under this process match the results of the canvass, if any, the board shall use this paper report for the manual hand count.

Process 3

If the designated board personnel are unsuccessful in retrieving the votes recorded on the DRE removable memory device following Process 2, above, they shall immediately proceed to upload the votes recorded on the DRE's hard drive or internal flash memory for the election that is to be manually hand counted and print a report of those votes. After the report is printed from the DRE's hard drive or internal flash memory, the board members shall inspect the results printed thereon and compare them with the electronic results, if any, of the canvass (unofficial or official as the case may be). If the results on the paper report produced under this process match the results of the canvass, if any, the board shall use this paper report for the manual hand count.

If the board has questions about this Directive, or if, after following the three procedures set forth in this Directive, the board is unable to produce a usable paper report for the manual hand count, please contact the Elections Division at (614) 466-2585.

7. Hand count provisional ballots (if for an official canvass, recount, or audit), and Directive 2008-01 paper ballots.
8. Sort the provisional ballots (if for an official canvass, recount or audit), and Directive 2008-01 paper ballots by type using the stack method, and then count each stack. Further utilize the stack method as follows:
 - a. Create stacks by type, sorting by candidate, yes or no or for or against vote, and by overvote or blank vote. Do this for each contest.
 - b. A separate stack may also be compiled of those ballots with disputed or votes in question relating to voter intent, and these ballots may be marked with a paper clip or post-it note at the point on the ballot where the question arises. Please remember to include these ballots in subsequent stacks for a hand count for another race or issue.

If you have any questions regarding this Directive or need clarification, please contact Elections Division administrators at 614) 466-2585.

Sincerely,

Jennifer Brunner