

## **DIRECTIVE 2010-58**

July 14, 2010

To: Montgomery, Clinton, Highland and Warren County Boards of Elections

Re: **Official Canvass – 3rd Congressional District – July 13, 2010 Special Congressional Primary Election**

### **TIMELINE FOR OFFICIAL CERTIFICATION**

The official canvass of the July 13, 2010, special congressional primary election may begin no earlier than 26 days after the election (Sunday, August 8, 2010). Your board must conduct and complete the official canvass and certify the results no later than **Friday, August 13, 2010**, as provided on the 2010 Expedited Special Congressional Election Calendar that accompanied Directive 2010-52.

Before August 8, 2010, your board may examine poll books, poll lists or signature poll books, and tally sheets, and compare them to the summary statements. Any errors, defects or omissions must be noted and reconciled. Your board may verify the eligibility of persons casting provisional ballots and the validity of the required provisional voter statements. (See Dir. 2008-81 (“Provisional Voting”), Directive 2008-101 (“Guidelines for Determining the Validity of Provisional Ballots”), and Directive 2010-48 (“Directive Issued Pursuant to Court Order”).

**Reminder:** R.C. 3505.183(D) requires that a board determine the eligibility of every provisional ballot cast in that county before the board may canvass any provisional ballot. Further, R.C. 3505.183(D) provides that observers may be present while the board determines the eligibility of provisional ballots.

### **INSTRUCTIONS FOR OFFICIAL CANVASS**

In order for your board to declare and certify official results, all valid ballots cast in the July 13, 2010 special congressional primary election – including eligible ballots cast at the polls, provisional ballots and all absentee ballots – must be included in the official canvass.

In accordance with R. C. 3506.14(B), each board of elections must test the automatic tabulating equipment just prior to and just after the tabulation of ballots to ascertain that the central tabulation system will accurately count the votes cast for all offices and on all questions and issues. Please see Directive 2008-90 for detailed instructions for conducting the test prior to commencing the tabulation and after completing the tabulation of ballots for the official canvass.

- **Tabulation Instructions for Ballots NOT Included in the Unofficial Canvass**

In accordance with R.C. 3505.32(C), each board first must tally all eligible ballots that were *not* included in the unofficial canvass.

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

- **Optical Scan - Central Count (Absentee and Provisional Ballots)**

1. **Set the tabulator** to reject any blank ballot or any ballot containing one or more overvotes. A board may set the tabulator to also reject undervotes, if desired.
2. **Tabulate** optical scan ballots.
3. **Inspect** any ballot rejected by the tabulator to determine the cause(s) of rejection. The ballot must be examined to determine if the basis for rejection was in whole or in part due to one or more overvotes. R.C. 3506.21 requires the board to attempt to determine voter intent - an activity to be *confirmed* by a majority vote of the board in a public session. Determining voter intent may include determining whether a voter attempted to remove a mark from the ballot (such as an erasure or other indication of voter intent) to invalidate a choice and, in effect, eliminate an overvote.

If, upon examination of the ballot, the board determines that the basis for tabulator rejection is that a voter marked the ballot more than the permissible number of times for the particular race and that there is no indication of intent otherwise, then an overvote exists.

If necessary, ballots may be remade using the guidelines provided in Directive 2008-69. Remade ballots must be marked with an identifying mark or code to identify the remade ballot with the original ballot as provided in Directive 2008-69. Linking original and remade ballots will allow the ballots to be compared at a later time, so as to ensure integrity and accuracy.

If the tabulator rejects a ballot for the *sole* reason that it contains one or more overvotes, it shall *not* be remade; however, any such ballot must be included with the ballots that are tabulated after the Board remakes ballots. (See tabulation instructions below.)

4. **Remake** any ballot where the intent of the voter has been determined so that it may be processed by a tabulator. Please see Directive 2008-69 and the instructions in the previous paragraph for more information on the proper procedures to remake an optical scan ballot.
5. **Tabulate** all remade optical scan ballots and all ballots determined to have been rejected by the tabulator earlier solely due to an overvote.

- **Direct Recording Electronic Voting Machines (DREs)**

The board shall run the cartridges, PCMCIA cards and other removable memory devices on which the uncounted ballots are stored.

### **TABULATION OF RESULTS FOR THE OFFICIAL CERTIFICATION**

After tabulating all ballots that were *not* included in the unofficial canvass, each board must continue the official canvass certification process as follows:

- **Optical Scan - Centrally Counted Ballots (Absentee Ballots and Optical Scan Ballots Cast by Voters in Counties Using DRE Voting Machines)**

The board must:

- rerun the ballots that were centrally counted during the unofficial canvass and
- verify the count matches the unofficial count.

The results of the rerun centrally counted ballots from the unofficial canvass shall be combined with the results of those ballots just tabulated that had not been included in the unofficial canvass. This procedure will produce the totals to be certified as the official results for the July 13, 2010, special congressional primary election.

- **Optical Scan - Precinct Count**

The board must:

- rerun the precinct/polling place memory card and
- verify the count matches the unofficial count.

If the counts do not match, the board must run all ballots through the tabulator, which must be set to reject blank ballots and overvoted ballots. The board must follow the procedure explained above under "Tabulation Instructions for Ballots Not Included in the Unofficial Canvass."

The board must then combine the results of the rerun memory card tabulation of the unofficial canvass with the results of those ballots just tabulated that had not been included in the unofficial canvass. This procedure will produce the totals to be certified as the official results for the July 13, 2010, special congressional primary election.

- **Direct Recording Electronic Voting Machines (DREs)**

First, the board must rerun the precinct cartridges, PCMCIA cards, and other removable memory devices and verify that the count matches the unofficial count. If the count does not match the unofficial count, the board must compare the internal program memory on the voting machine to the cartridge results and determine the cause of the difference.

**Note:** The seal on the canister or the tape on the verified voter paper audit trail (VVPAT) shall not be broken to determine official results. If the seal must be broken for any auditing reason other

than for recount purposes, the board must notify the Elections Division of the Secretary of State's office immediately.

Second, the board shall combine the rerun results of the unofficial canvass with the results of those ballots just tabulated that had not been included in the unofficial canvass. This procedure will produce the totals to be certified as the official results for the July 13, 2010, special congressional primary election.

### **INSTRUCTIONS FOR REPORTING OFFICIAL RESULTS**

Please transmit the results, first by fax and then by U.S. Postal Service, to the Secretary of State's office using the **Official Special Primary Election Report** form provided with this directive. Following is the information for faxing and mailing the results:

- **Fax your results to:**  
Secretary of State's Elections Division: 614-752-4360
- **Promptly mail the completed *original* report to:**  
Secretary of State's Office - Elections Division  
ATTN: Denise Sherrod  
PO Box 2828  
Columbus OH 43216

If you have any question regarding this directive, please call one of the elections administrators at 614-466-2585.

Sincerely,

Jennifer Brunner