



JENNIFER BRUNNER
OHIO SECRETARY OF STATE

180 EAST BROAD STREET, 16TH FLOOR
COLUMBUS, OHIO 43215 USA
TEL: 1-877-767-6446 FAX: 1-614-644-0649
WWW.SOS.STATE.OH.US

DIRECTIVE 2011-03

January 7, 2011

To: The Hamilton County Board of Elections

Re: "Wrong Precinct, but Correct Polling Place" Provisional Ballots

This Directive is being issued in furtherance of my vote in the Tie Vote Decision Letter of January 7, 2011, a copy of which is included with this Directive and incorporated herein by reference as if fully restated herein. The explanation and rationale expressed in that tie vote support the instructions issued to the Hamilton County Board of Elections contained in this Directive.

I hereby direct the Hamilton County Board of Elections to process and count the following "wrong precinct, but correct polling place" provisional ballots referenced in the tie vote decision issued January 7, 2011, regarding the 268 remaining provisional ballots at issue, as follows:

- Provisional ballots that were cast in the wrong precinct, but correct polling place, in situations in which the voters' addresses were located on the wrong side of a boundary street of the precinct in which the voter should have cast a ballot, which were approximately 31% of the 269 provisional ballots in question;
- Provisional ballots that were cast in the wrong precinct, but correct polling place, in situations in which the voters' addresses were located outside of the address range of a boundary street of the precinct in which the voter should have cast a ballot, which were approximately 15% of the 269 provisional ballots in question;
- Provisional ballots that were cast in the wrong precinct, but correct polling place, in situations in which the voters' addresses were located on streets that pass through the precinct in which the voter voted, but the addresses did not fall within the correct address range of the precinct in which the voter should have cast a ballot, which were approximately 10% of the 269 provisional ballots in question.¹

Following the processing and counting of said ballots, the Board must proceed to certify the results of the election and take any further steps necessary under the law to bring this matter to finality. If you have any questions about this directive, you may contact the elections attorney assigned to your board.

Sincerely,

A handwritten signature in blue ink that reads "Jennifer Brunner".

Jennifer Brunner

¹ Position Statement of Board Members Burke and Faux, p. 4. 17