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DIRECTIVE 2014-32

October 14, 2014

To: All County Boards of Elections
Directors, Deputy Directors, and Board Members

Re: Official Canvass for the November 4, 2014 General Election

SUMMARY

This Directive outlines the procedures that all boards of elections must follow in conducting the official canvass of the November 4, 2014 General Election.

INSTRUCTIONS

I. TIMELINE FOR OFFICIAL CERTIFICATION

Boards of elections may begin the official canvass of the general election no earlier than the 11th day after the election (Saturday, November 15, 2014), and must begin no later than the 15th day after the election (Wednesday, November 19, 2014). Each board of elections must complete its official canvass and certify the results no later than the 21st day after the election (Tuesday, November 25, 2014).¹

II. PERMISSIBLE PRE-CANVASS ACTIVITY

A. Provisional Ballot Review

The Board must verify the eligibility of persons who cast provisional ballots and the validity of the required provisional voter statements in preparation for the official canvass. Procedures for determining the validity of provisional ballots are provided in [Directive 2014-20](#). Prior to the start of the official canvass, board personnel determining preliminary eligibility of provisional ballots may group provisional ballots by category to be later voted upon by the Board.

Reminders:

1. Boards of elections must determine the eligibility of every provisional ballot cast in that county before the Board may open and canvass any provisional ballot.²

¹ R.C. 3505.32(A).

² R.C. 3505.183(F).

2. Observers may be present, as provided by law, while the Board determines the eligibility of provisional ballots.³

B. Document Review

Prior to November 15, 2014, a board of elections must examine its poll books, poll lists or signature poll books, and tally sheets, and compare the information contained in those documents to the summary statements prepared by the precinct election officials.⁴ The Board must note and reconcile any error, defect, or omission that it detects during its examination of those records.

III. INSTRUCTIONS FOR OFFICIAL CERTIFICATION

A. All Voting Systems

All valid ballots cast in the general election – including eligible ballots cast at the polling places on Election Day, eligible provisional ballots, and eligible absentee ballots – must be included in the official canvass.

Each board of elections must test its automatic tabulating equipment before starting the count and after concluding the count, to verify the central tabulation system's accurate count of the votes cast for all offices and on all questions and issues.⁵ [Directive 2008-90](#) provides detailed instructions for conducting the tests.

B. Tabulation Instructions for Ballots Containing Votes NOT Included in the Unofficial Canvass

The board of elections first must tally all eligible ballots that were *not* included in its unofficial canvass.⁶ Those ballots include the following: provisional ballots;⁷ absentee ballots postmarked on or before November 3, 2014 that had not been received by the closing of the polls, but were received by November 14, 2014;⁸ timely mailed in-country uniformed service, out-of-country uniformed service, or overseas voter absentee ballots that had not been received as of the closing of the polls but were received not later than November 14, 2014;⁹ and challenged ballots the Board has determined are eligible.¹⁰

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 in accordance with the inspection and tabulation instructions for central count optical scan ballots provided in [Directive 2014-31](#) (Unofficial Canvass).

³ R.C. 3505.183(F); 3505.21.

⁴ R.C. 3505.32(D).

⁵ R.C. 3506.14(B).

⁶ R.C. 3505.32(C).

⁷ R.C. 3505.183(F).

⁸ R.C. 3509.05(B).

⁹ R.C. 3511.11(C).

¹⁰ R.C. 3503.24(D)(1); R.C. 3505.27.

C. Tabulation of Results for the Official Certification

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

1. Optical Scan Ballots

The Board must:

- Upload the memory cards containing votes that were centrally counted during the unofficial canvass (a county using a GEMS server may “re-import” the data containing votes that were centrally counted during the unofficial canvass in lieu of using external media, if the system is capable of doing so, or by rescanning all of the ballots);
- Upload the precinct/polling place memory cards containing votes that were counted during the unofficial canvass, if applicable; and
- Verify the count matches the unofficial count.

If the count does not match the unofficial count, the Board must contact a Secretary of State’s Elections Administrator before continuing the canvass.

If the counts match, the Board must combine the results of the re-run memory card tabulation of the unofficial canvass with the results of those ballots that had not been included in the unofficial canvass.

2. Direct Recording Electronic Voting Machines (DREs)

The Board must:

- Upload the precinct cartridges, PCMCIA cards, and/or other removable memory devices containing votes that were counted during the unofficial canvass; and
- Verify the count matches the unofficial count.

If the count does not match the unofficial count, the Board must contact a Secretary of State’s Elections Administrator before continuing the canvass.

Note: The seal on the canister or the tape on the voter verified 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 or a statewide post-election audit as prescribed by the Secretary of State, the Board must notify the Secretary of State’s Elections Division before proceeding.

If the counts match, the Board shall combine the re-run results of the unofficial canvass with the results of those ballots that had not been included in the unofficial canvass.

D. Tie Votes (Candidate Contest Only)

If, after canvassing all votes, more than the number of candidates to be elected to an office received the largest and an equal number of votes, the chairperson of the board of elections, in the presence of a majority of the board members at a properly noticed public meeting of the Board, shall break the tie by lot¹¹ and declare the winner *before* the Board certifies the results of the election for that office and orders a recount.¹²

A majority of the board members must sign the declaration, which must be dated. The Board may not authorize the use of digital or stamped signatures for this declaration. The Board must post a copy of the declaration in a conspicuous, accessible place in the board office for at least five days.¹³

IV. FORMS FOR OFFICIAL CERTIFICATION

Templates for reporting results to the Secretary of State's Office and, in some instances, to other boards of elections or public agencies will be forwarded under separate cover.

Additionally, because state law requires the Secretary of State to publish a report on the number of absentee and provisional ballots cast and counted,¹⁴ each board of elections must provide supplemental data.¹⁵

All certifications and reports must be signed by the appropriate board personnel before being submitted to the Secretary of State's Office, to another board of elections, or to another public entity. The Board may not authorize the use of digital or stamped signatures for these reports. Each board of elections must submit the signature form, which will be provided under separate cover, for the purpose of certifying the Official Election Results including Valid Write-In Vote Totals, the Supplemental Reports for Absentee Ballots and Provisional Ballots and the Ballots Cast by Precinct to the Secretary of State's Office.

A. Certification of Official Summary Results to the Secretary of State¹⁶

1. After a Board has completed its official canvass, it must email the Secretary of State's Office and attach a copy of the official vote total summary report generated by the Board's voting system. This report must be clearly labeled "<County>'s Official Canvass" and must contain only vote totals for that county.
2. A separate write-in tally must be provided that records the official canvass of the number of valid votes cast for write-in candidates, if applicable, using a reporting form that will be provided under separate cover. Reporting to the Secretary of State

¹¹ R.C. 3505.33. Examples of methods used to break a tied candidate race "by lot" include, but are not limited to, the chairperson flipping a coin, drawing straws, picking a name written on paper out of a hat, or cutting cards.

¹² By contrast, a Board does not break a tie in the case of a ballot issue that received an equal number of votes for and against the issue; that issue failed by operation of law, because it did not receive a majority of affirmative votes. A tie in an issue election results in the failure of the issue.

¹³ R.C. 3505.33.

¹⁴ R.C. 3501.05(Y).

¹⁵ R.C. 3501.11(P).

¹⁶ R.C. 3505.33; R.C. 3505.36.

the official canvass of valid votes for write-in candidates does not need to be detailed to the precinct-level.

3. The board of elections for the most populous county of any jurisdiction must generate a separate report from its voting system, create a report outside of its voting system, or use a reporting form that will be provided under separate cover for this purpose. This report must be clearly labeled “<County>’s Official Canvass – Most Populous County.” The report must include the total number of votes recorded for the office, question or issue from each county in the multi-county jurisdiction and the sum total for all counties. The contest(s) for which a Board is the most populous county must be marked to clearly identify it as a contest containing vote totals from other counties.

B. Certification of Official Summary Results to Senate President¹⁷

Each board of elections must send to the President of the Senate a copy of the Board’s official results (see IV.A.1., above) for the joint offices of Governor and Lieutenant Governor, and the offices of Attorney General, Auditor of State, Secretary of State, Treasurer of State, and Justices of the Ohio Supreme Court.

In addition, the most populous county of a district contest for U.S. House of Representatives must send a copy of its official, district-wide results for that district contest to the President of the Senate.

Official results for the President of the Senate must be sent to:

President of the Ohio Senate
Ohio Statehouse
1 Capitol Square, 2nd Floor
Columbus, Ohio 43215

C. Certification of Official Summary Results for Local Liquor Option Questions

Each board of elections must send a completed copy of SOS Form 126-B to the Secretary of State’s office (via email to kmalott@ohiosecretaryofstate.gov) and a copy of the completed form to the Ohio Division of Liquor Control¹⁸ at the following address:

Division of Liquor Control
6606 Tussing Road
Reynoldsburg, Ohio 43068

D. Absentee and Provisional Ballot Supplemental Report

Each board of elections must provide supplemental data for absentee and provisional ballots. The reporting form will be sent under separate cover.

¹⁷ R.C. 3505.33.

¹⁸ R.C. 4301.39(A).

E. Electronic Precinct-Level Official Abstract

Each board of elections must upload an electronic precinct-level abstract of votes to the Secretary of State on Tuesday, December 2, 2014. The upload tool will allow you to do this efficiently and without data entry errors. You must use the file format provided by Secretary of State's Office. If you have any questions regarding the electronic precinct-level abstract, contact Tom Sheridan at tsherida@ohiosecretaryofstate.gov.

Additionally, boards of elections are required to provide, via email, a separate report from the county's central tabulating system detailing turnout by precinct.

V. TIMELINE FOR REPORTS

The Secretary of State's Office must receive each board of elections' properly completed certification, signature form, report forms, electronic precinct-level abstract (via upload), and electronic turnout detail by precinct (via email) on Tuesday, December 2, 2014.

Submit completed forms to Kathy Malott via email to kmalott@ohiosecretaryofstate.gov.

Every board of elections must maintain at its office a copy of each of its completed certification and report forms.

VI. CERTIFICATES OF ELECTION¹⁹

Boards of elections shall issue certificates of election to each person who the Board had declared elected at the November 4, 2014 General Election, except that

- The Board of elections in the most populous county of a multi-county district shall issue the certificates of election for that district except for the offices of representative to congress and member of the state board of education; and
- The Secretary of State shall issue certificates of election for statewide offices, offices of representative to congress, and offices of state board of education.

Certificates of election shall not be issued before the expiration of the time by which applications for recounts may be made. Boards of elections may not issue a certificate of election in a contest for which a recount is requested, or conducted automatically, until after the recount is complete.

VII. RECOUNTS

Do not delay submitting the official certification forms due to a recount for any race or issue. Before scheduling and conducting a recount, please review the procedures set forth in state law.²⁰

¹⁹ R.C. 3505.38

²⁰ R.C. 3515.01 - .072.

If any recount is to be conducted, please send notice of the recount to Melanie Poole via email to mpoole@ohiosecretaryofstate.gov. If the recount to be conducted is of a multi-county jurisdiction, the Secretary of State's Office will issue the notice of recount upon notification by the most populous county. If a recount should result in vote totals changing, the board of elections must submit a properly completed and signed amended certification.

VIII. VOTER HISTORY

All Boards must upload voter history for the November 4, 2014 General Election to the Statewide Voter Registration Database (SWVRD) no later than Friday, January 9, 2015. Counties with more than 100,000 registered voters must contact Robin Fields at rfields@ohiosecretaryofstate.gov to schedule their upload.

For purposes of assigning voter history, a voter record should be marked as having voted in the November 4, 2014 General Election, *only* if any of the following are true:

- The voter signed the signature poll book on Election Day; or
- The voter timely returned the identification envelope purporting to contain the voter's marked absentee ballot (including UOCAVA and FWAB), regardless of whether the ballot is eligible to be counted; or
- The voter is an eligible elector of the state of Ohio and cast a provisional ballot, regardless of whether the ballot is eligible to be counted.

If you have any questions regarding this Directive, please contact the Secretary of State's elections counsel assigned to your county at (614) 466-2585.

Sincerely,



Jon Husted