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**DIRECTIVE 2015-22**

November 6, 2015

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

Re: Official Canvass for the November 3, 2015 General Election

**SUMMARY**

This Directive outlines the procedures that all county boards of elections must follow in conducting the official canvass of the November 3, 2015 General Election.

**INSTRUCTIONS**

**I. TIMELINE FOR OFFICIAL CERTIFICATION**

Boards of elections may begin the official canvass of the General Election no earlier than the 11<sup>th</sup> day after the election (Saturday, November 14, 2015) and must begin no later than the 15<sup>th</sup> day after the election (Wednesday, November 18, 2015). Each board of elections must complete its official canvass and certify no later than the 21<sup>st</sup> day after the election (Tuesday, November 24, 2015).<sup>1</sup>

**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.

All board members, directors, and deputy directors must review the procedures for determining the validity of provisional ballots provided in [Directive 2014-20](#) prior to the start of the official canvass.

To aid in the efficiency of the official canvass, board personnel determining the preliminary eligibility of provisional ballots may group provisional ballots by category prior to the start of the official canvass to be later voted upon by the board as a part of the official canvass.

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<sup>1</sup> R.C. 3505.32.

**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.<sup>2</sup>
2. Observers may be present, as provided by law, while the board determines the eligibility of provisional ballots.<sup>3</sup>

**B. Document Review**

Prior to November 14, 2015, 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.<sup>4</sup> 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.<sup>5</sup> [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.<sup>6</sup> Those ballots include the following: provisional ballots; absentee ballots postmarked on or before November 2, 2015 that had not been received by the closing of the polls but were received by November 13, 2015; timely mailed in-country uniformed service, out-of-country uniformed service, or overseas citizen absentee ballots that had not been received as of the closing of the polls but were received not later than November 13, 2015; and challenged ballots the board has determined are eligible.<sup>7</sup>

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<sup>2</sup> R.C. 3505.183(F).

<sup>3</sup> R.C. 3505.183(F); 3505.21.

<sup>4</sup> R.C. 3505.32(D).

<sup>5</sup> R.C. 3506.14(B).

<sup>6</sup> R.C. 3505.32(C).

<sup>7</sup> R.C. 3503.24(D); R.C. 3505.27.

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 2015-19](#) (Unofficial Canvass).

### 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 the 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, 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 nominated or 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 lot<sup>8</sup> and declare the winner *before* the board certifies the results of the election for that office and orders a recount.<sup>9</sup> 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 the official canvass. The board must post a copy of the declaration in a conspicuous, accessible place in the board office for at least five days.<sup>10</sup>

### **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.

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, the Supplemental Reports for Absentee Ballots and Provisional Ballots to the Secretary of State's Office.

#### **A. Certification of Official Results to the Secretary of State<sup>11</sup>**

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 it must contain only vote totals for that county.
2. 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

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<sup>8</sup> 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.

<sup>9</sup> 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.

<sup>10</sup> R.C. 3505.33.

<sup>11</sup> R.C. 3505.30.

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. Absentee and Provisional Ballot Supplemental Report**

State law requires the Secretary of State to publish a report on the number of absentee and provisional ballots cast and counted.<sup>12</sup> Each board of elections must provide this supplemental data for absentee and provisional ballots. The reporting forms will be sent under separate cover.

### **C. Certificate of Official Summary Results for Local Liquor Option Questions**

Each board of elections must send a completed copy of Form No. 126-B to the Secretary of State's Office (via email to [AScott@ohiosecretaryofstate.gov](mailto:AScott@ohiosecretaryofstate.gov)) and a copy of the completed form to the Ohio Division of Liquor Control via email: [LiquorLicensingMailUnit@com.state.oh.us](mailto:LiquorLicensingMailUnit@com.state.oh.us) or by mailing to the following address:

Division of Liquor Control  
6606 Tussing Rd.  
Reynoldsburg, OH 43068-9005

### **D. Electronic Precinct-Level Official Results File and Turnout By Precinct File**

Each board of elections must upload an electronic precinct-level results file of votes on the three statewide issues to the Secretary of State on Tuesday, December 1, 2015 in to the SOS County Submission System. The upload tool within the SOS County Submission System 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. Instructions regarding the upload process as well as the time to complete the upload will be sent under separate cover. If you have any questions regarding the electronic precinct-level results file, contact Laura Pietenpol at [Lpietenp@ohiosecretaryofstate.gov](mailto:Lpietenp@ohiosecretaryofstate.gov).

Additionally, boards of elections are required to provide, via email to [Lpietenp@ohiosecretaryofstate.gov](mailto:Lpietenp@ohiosecretaryofstate.gov), a separate report from the county's central tabulating system detailing turnout by precinct. Details outlining the content and generation of this report will be sent under separate cover.

## **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 official results file (via upload), and electronic turnout detail by precinct (via email) on Tuesday, December 1, 2015.**

Submit completed forms to Allison Scott via email to [AScott@ohiosecretaryofstate.gov](mailto:AScott@ohiosecretaryofstate.gov).

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<sup>12</sup> R.C. 3501.05(Y).

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

## VI. CERTIFICATES OF ELECTION<sup>13</sup>

Boards of elections shall issue certificates of election to each person who the board had declared elected at the November 3, 2015 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.

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.<sup>14</sup> Any recount, if necessary, must be conducted consistent with the instructions and procedures outlined in [Directive 2014-13](#).<sup>15</sup>

If a recount is to be conducted, please send notice of the recount to Melanie Poole via email to [mpoole@ohiosecretaryofstate.gov](mailto: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 and abstract.

## VIII. VOTER HISTORY

All boards must upload voter history for the November 3, 2015 General Election to the Statewide Voter Registration Database (SWVRD) no later than Thursday, December 24, 2016. Counties with more than 100,000 registered voters must contact Robin Fields at [rfields@ohiosecretaryofstate.gov](mailto:rfields@ohiosecretaryofstate.gov) to schedule their upload.

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<sup>13</sup> R.C. 3505.38

<sup>14</sup> R.C. 3515.01 - .072.

<sup>15</sup> The security deposit for a requested (non-automatic) recount is \$60.00 per precinct. The minimum charge for a requested recount is \$5.00 per precinct and the maximum charge for a requested recount is \$60.00 per precinct. [Advisory 2015-01](#).

For purposes of assigning voter history, a voter record should be marked as having voted in the November 3, 2015 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,

A handwritten signature in black ink that reads "Jon Husted". The signature is written in a cursive, flowing style with a large initial "J".

Jon Husted