



**DIRECTIVE 2018-25**

July 31, 2018

To: Delaware, Franklin, Licking, Marion, Morrow, Muskingum, and Richland County Boards of Elections  
Directors, Deputy Directors and Board Members

Re: Unofficial and Official Canvasses of the August 7, 2018 Special Congressional General Election for the 12<sup>th</sup> Congressional District

**SUMMARY**

In lieu of issuing two Directives, this Directive outlines the procedures that boards of elections must follow when conducting both the Unofficial and the Official Canvasses of the August 7, 2018 Special Congressional General Election for the 12<sup>th</sup> Congressional District.

To assist boards of elections with any problems, questions, or concerns that may arise on Election Day, the Secretary of State's Office will be staffed on Election Day from 6:30 a.m. until all boards have reported their unofficial results to our office. As in the past, boards can contact the Secretary of State's Office using a dedicated telephone number that will be emailed prior to August 7, 2018 or the main telephone number for the Elections Division of (614) 466-2585.

All Directors, Deputy Directors, and Board Members must ensure that they are able to receive emails and other communications sent from the Secretary of State's Office on Election Day (including after the polls close).

**PART ONE – UNOFFICIAL CANVASS**

The Unofficial Canvass of the August 7, 2018 Special Congressional General Election for the 12<sup>th</sup> Congressional District must be conducted on election night in accordance with state law<sup>1</sup> and the processes and procedures outlined in [Directive 2017-13, Chapter 8, Section 1.02, of the Election Official Manual](#).

The Unofficial Canvass must be conducted in full view of the members of the board of elections and any observer appointed in accordance with R.C. 3505.21.<sup>2</sup> The counting of ballots for the Unofficial Canvass must be continuous.<sup>3</sup>

<sup>1</sup> R.C. 3505.27 (counting regular ballots that were cast at precinct polling locations); R.C. 3505.28 (ballots not counted); R.C. 3509.06 (counting absentee ballots); R.C. 3509.07 (absentee ballots not counted); R.C. 3511.11-3511.13 (uniformed service and overseas voter absentee ballots).

<sup>2</sup> R.C. 3505.27.

<sup>3</sup> R.C. 3505.27; R.C. 3505.29; R.C. 3505.30.

## **PERIODIC REPORTING REQUIREMENTS FOR ELECTION NIGHT**

State law requires that all boards of elections provide regular periodic election results for specified contests to the Secretary of State's Office.<sup>4</sup> All counties must use the Secretary of State's County Submission System (CSS) to provide summary results on the contest that appears on the county's ballot to fulfill this statutory requirement.

Although all counties will have access to hand-key the results at the time frames below, the upload feature must be the primary method of submitting results, allowing the board to more efficiently and accurately transmit results. Using the peripheral write-block device which was connected to a USB port on the SOS workstation, each board must only transfer results from its EMS to the SOS workstation by placing the hardware encrypted USB flash drive into the write-block device.

**Note:** Each county board of elections must use its SOS computer workstation to upload results into the CSS.

As in the past, unofficial election results provided to the Secretary of State's Office will be summary only, rather than precinct-level. Precinct-level results will be uploaded for the official canvass.

### **A. Reporting Absentee Ballot Results**

Each board must log in to the CSS at 7:30 p.m. and upload vote totals for absentee ballots by 7:45 p.m. unless the voting system is technologically unable to do so. If necessary, partial absentee results may be uploaded by the county (e.g., for GEMS users who were unable to scan all absentee ballots prior to starting the central tabulation of precinct cards). If you upload partial absentee results at 7:45 p.m., you must ensure that you do not double report the initial upload. Contact your voting system vendor if you need assistance.

You must enter zero (0) precincts reporting since the results do not include any results from Election Day precincts.

Remember, you may begin "processing," which includes "scanning," absentee ballots beginning 19 days before the election. You may not, however, "tabulate" any absentee ballot prior to 7:30 p.m. on Election Day.<sup>5</sup>

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<sup>4</sup> R.C. 3505.27(C).

<sup>5</sup> See [Chapter 5, Section 1.06, of the Election Official Manual](#) for additional guidance on processing absentee ballots prior to Election Day.

## B. Maximum Time Between Reports

**Once the first Election Day precinct has reported, you must begin uploading summary election results.** Do not wait until you have some arbitrary, minimum number of precincts to report together. After you have uploaded your first summary election results, you must report on the following time-increment:

### “Quarter-Hour” Counties

*All counties in the 12<sup>th</sup> Congressional District are “Quarter-Hour” Counties for purposes of this election (assigned to Kathy Malott).*

Counties must report at each quarter hour (e.g., 7:45 p.m., 8:00 p.m., 8:15 p.m., 8:30 p.m., 8:45 p.m., etc.), beginning with the quarter hour that follows the upload of the board’s first summary election results, and continuing until all precincts have reported.

If, as you approach full reporting, one or more precincts have not reported, and it has been more than 30 minutes since your last report, you must notify Kathy Malott.

Once you have 100% precincts reporting, do not delay entering final vote tallies into the Election Night Reporting System (ENR). You do not have to wait until your designated reporting time (noted above) when reporting final results.

Contact information for Kathy Malott and other Secretary of State personnel will be provided under separate cover prior to Election Day.

## C. Supplemental Statistics

You must provide “supplemental statistics” when you report your last precinct or shortly thereafter. **Do not delay reporting vote totals only because the supplemental statistics are not yet available;** upload the election results, then return when the supplemental statistics are complete.

The supplemental statistics you are required to report are:

- Counted Ballots
  - Total number of regular ballots counted from Election Day precincts (include ballots cast on paper, when applicable, and DREs, when applicable, but do not include absentee).
  - Total number of non-UOCAVA absentee ballots counted.
  - Total number of UOCAVA absentee ballots counted.
  - Total number of absentee ballots counted.
  - Total regular and absentee ballots counted.

- Outstanding Ballots (ballots issued but not yet counted)
  - Total number of outstanding non-UOCAVA absentee ballots issued by the board, but not returned.
  - Total number of outstanding UOCAVA absentee ballots issued by the board, but not returned.
  - Total number of outstanding absentee ballots (issued by BOE but not returned by close of polls).
  - Total number of provisional ballots issued on Election Day.
  - Total number of provisional ballots issued before Election Day, but after close of registration at the board office.
  - Total number of provisional ballots issued at the polls or the board office.

## **SUMMARY AND FINAL REPORTS**

Boards of elections must follow the processes and procedures outlined in [Chapter 8, Section 1.02, of the Election Official Manual](#) for reporting summary results and submitting final summary reports in even-numbered year elections.

The required reports and forms (listed below) for the Unofficial Canvass and the instructions and deadline for submission will be provided to boards of elections under separate cover via email before Election Day:

1. Unofficial Vote Total Summary Report;
2. Most Populous Report (Franklin County only); and
3. Signature Form.

All final summary reports must be transmitted to the Elections Division via email to Allison Scott using an email address that will be provided under separate cover.

On election night, once the board's Unofficial Vote Total Summary Report has been received, reviewed and compared to the results uploaded into the CSS, the Director will be contacted by Elections' Staff.

The Director must not leave the office until contacted via phone by Secretary of State Elections' Staff who will confirm that the board's report has been received and reviewed to ensure the results match.

## **PART TWO – OFFICIAL CANVASS**

### **I. TIMELINE FOR OFFICIAL CERTIFICATION**

Boards of elections must begin and complete the Official Canvass of August 7, 2018 Special Congressional General Election for the 12<sup>th</sup> Congressional District no earlier than the 11<sup>th</sup> day after the election (Saturday, August 18, 2018) and must begin no later than the 13<sup>th</sup> day after the election (Monday, August 20, 2018). Each board must complete its official canvass and certify no later than the 17<sup>th</sup> day after the election (Friday, August 24, 2018).<sup>6</sup>

### **II. PERMISSIBLE PRE-CANVASS ACTIVITY**

Each board of elections must follow the instructions for pre-canvass activity that are outlined in [Chapter 8, Section 1.03, of the Election Official Manual](#).

### **III. INSTRUCTIONS FOR OFFICIAL CANVASS**

Each board of elections must follow the processes and procedures for conducting the Official Canvass that are contained in [Chapter 8, Section 1.04, of the Election Official Manual](#).

### **IV. FORMS FOR OFFICIAL CERTIFICATION**

Templates for reporting results to the Secretary of State's Office 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.

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<sup>6</sup> R.C. 3513.22(A).

## A. Certification of Official Results to the Secretary of State<sup>7</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 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 from each county and the sum total for all 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>8</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. Electronic Precinct-Level Official Results File of Votes and Turnout By Precinct File

Each board of elections must upload an electronic precinct-level results file of votes to the Secretary of State on Monday, August 27, 2018 via the CSS. The upload tool within the CSS 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 containing votes, contact Matthew Tlachac at [mtlachac@ohiosecretaryofstate.gov](mailto:mtlachac@ohiosecretaryofstate.gov).

Additionally, boards of elections are required to provide, via email to [Ascott@ohiosecretaryofstate.gov](mailto:Ascott@ohiosecretaryofstate.gov), a separate report from the county's central tabulating system detailing turnout by precinct. Boards must also submit a Statement of Votes Cast (SOVC) report with their turnout report. Details outlining the content and generation of these reports will be sent under separate cover.

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<sup>7</sup> R.C. 3505.30.

<sup>8</sup> R.C. 3501.05(Y).

## V. TIMELINE FOR REPORTS

The Secretary of State's Office must receive each board of elections' properly completed certification report, signature form, report forms, electronic turnout detail by precinct (via email) and Statement of Votes Cast (SOVC) report not later than Monday, August 27, 2018. However, boards are encouraged to submit these reports via email as soon as the board has completed its official certification.

All completed reports should be provided to the Secretary of State's Office using a link that will be provided in an email after Election Day. Do not submit completed official certifications reports and forms via email.

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

**Each board of elections must upload an electronic precinct-level results file of votes that includes all candidates for the 12<sup>th</sup> Congressional District (unexpired term ending 1/3/2019) race to the Secretary of State on Monday, August 27, 2018 via the CSS.**

## VI. RECOUNTS

Do not delay in submitting the official certification form due to a recount. Before conducting a recount, please review the procedures set forth in state law and the instructions and procedures outlined in [Chapter 9, Section 1.02, of the Election Official Manual](#).

If a recount is to be conducted, the Secretary of State's Office will issue the notice of recount upon notification by the most-populous county. If the recount should result in vote totals changing, the board of elections must submit a properly completed and signed amended certification and abstract.

## VII. VOTER HISTORY

All boards must upload voter history for the August 7, 2018 Special Congressional General Election to the Statewide Voter Registration Database (SWVRD) no later than Wednesday, August 29, 2018. Counties with more than 100,000 registered voters must contact Robin Fields at [rfields@ohiosecretaryofstate.gov](mailto:rfields@ohiosecretaryofstate.gov) to schedule their upload.

For purposes of assigning voter history, each board of elections must follow the instructions outlined in [Chapter 8, Section 1.04, Division E, of the Election Official Manual](#).

The election name to submit the history for the election is 2018\_AUG7\_CDGEN.

## **IX. RETENTION OF BALLOTS**

Boards are reminded that ballots for the August 7, 2018 Special Congressional General Election for the 12<sup>th</sup> Congressional District include candidates for federal office, and each board of elections is required to retain all ballots prepared for the election – both used and unused – for 22 months following the election.<sup>9</sup> If your board utilizes a voting system and software that captures images of ballots as they are scanned by a high-speed scanner, those images may be subject to disclosure pursuant to a public records' request and need to be retained by your board. Accordingly, your board should consult with its legal counsel, the county prosecuting attorney, regarding the retention of those images.

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

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<sup>9</sup> R.C. 3505.31.