



**DIRECTIVE 2020-04**

March 9, 2020

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

Re: Unofficial and Official Canvasses of the March 17, 2020 Primary Election

**SUMMARY**

This Directive outlines the procedures that all boards of elections must follow when conducting both the Unofficial and Official Canvasses of the March 17, 2020 Primary Election. It also provides a schedule for the post-election cure period for absentee and provisional voters.

To assist boards of elections with any problems, questions, or concerns that may arise on Election Day, the Secretary of State's Office is staffed on Election Day from 6:00 a.m. until all boards have reported their unofficial results to our Office. Boards can contact the Secretary of State's Office using a dedicated telephone number that will be emailed to the boards of elections prior to March 17, 2020, or the main telephone number for the Elections Division at (614) 466-2585.

All Directors, Deputy Directors, and Board Members must ensure that they are able to receive emails via their .gov or .us address 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 March 17, 2020 Primary Election must be conducted on Election Night in accordance with state law.<sup>1</sup> The board must follow the procedures outlined in [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 appointed observers, and the board must continuously count the ballots during the Unofficial Canvass.<sup>2</sup>

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<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. 3505.21](#); [R.C. 3505.27](#); [R.C. 3505.29](#); [R.C. 3505.30](#).

## **I. REPORTING REQUIREMENTS FOR ELECTION NIGHT**

State law requires that all boards of elections provide regular periodic election results for certain contests to the Secretary of State's Office.<sup>3</sup> All counties must use the Secretary of State's County Submission System ("CSS") to provide summary results on all candidates for contests that appear on the county's ballot except candidates for the office of member of county central committee. The Secretary of State personnel assigned to each county board of elections and their contact information will be provided prior to Election Day.

Although boards of elections will have access to hand-key the results at the time frames below, the upload tool allows them to do this more efficiently and without data entry errors. Boards must use the USB thumb drives provided by the Secretary of State's Office to ensure the security of the boards' computer network and of the central tabulating system.

Unofficial election results provided to the Secretary of State's Office will be summary only, rather than precinct-level. Boards will upload precinct-level results for the Official Canvass.

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

Each board must log in to the CSS at 7:31 p.m. and upload vote totals for absentee ballots by 8:00 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 the board uploads partial absentee results at 8:00 p.m., be careful not to double-report the initial upload. Contact the board's voting system vendor if you need technical assistance.

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

The board may begin processing (including scanning) absentee ballots not earlier than the day after the close of voter registration (February 19, 2020). Do not tabulate any absentee ballot prior to 7:31 p.m. on Election Day.<sup>4</sup>

### **B. Maximum Time Between Reports**

**Election Night reporting begins with the first upload of absentee results by 8:00 p.m. and will continue at the assigned time period throughout the night.** After the board has uploaded its first summary election results, it must report on the following time increment assigned to the county:

#### **1. "Quarter-Hour" Counties**

*Butler, Clark, Clermont, Cuyahoga, Delaware, Fairfield, Franklin, Greene, Hamilton, Lake, Licking, Lorain, Lucas, Mahoning, Medina, Montgomery, Portage, Stark, Summit, Trumbull, Warren, and Wood Counties.*

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<sup>3</sup> [R.C. 3505.27\(C\)](#).

<sup>4</sup> See [Chapter 5, Section 1.06, of the Election Official Manual](#) for additional guidance on processing absentee ballots prior to Election Day.

“Quarter-hour” counties must report at each quarter hour (e.g., 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 board’s first upload of summary election results and continuing until all precincts have reported.

If, as the board approaches full reporting, one or more precincts have not reported, and it has been more than 30 minutes since the last report, it must notify the Secretary of State personnel assigned to the board to explain the delay. Once 100 percent of the precincts have reported, do not delay entering final vote tallies into the Election Night Reporting System (“ENR”). The board does not have to wait until its designated reporting time (noted above) before reporting the final results.

## 2. “Half-Hour” Counties

*Allen, Ashtabula, Athens, Belmont, Columbiana, Erie, Geauga, Hancock, Jefferson, Knox, Lawrence, Marion, Miami, Muskingum, Richland, Ross, Scioto, Tuscarawas, Washington, and Wayne Counties.*

“Half-hour” counties must report at each half-hour (e.g., 8:30 p.m., 9:00 p.m., 9:30 p.m., etc.), beginning at 8:30 p.m., the first half-hour that follows the upload of the board’s absentee summary election results at 8:00 p.m., then on every half hour after and continuing until all precincts have reported.

If, as the board approaches full reporting, one or more precincts have not reported, and it has been more than 30 minutes since the last report, it must notify the Secretary of State personnel assigned to the board to explain the delay. Once 100 percent precincts have reported, do not delay entering final vote tallies into the ENR. The board does not have to wait until its designated reporting time (noted above) before reporting the final results.

## 3. “Hourly” Counties

**“Top-of-the-hour” counties (e.g., 8:00 p.m., 9:00 p.m., etc.):** *Ashland, Auglaize, Brown, Champaign, Clinton, Crawford, Darke, Defiance, Fulton, Guernsey, Highland, Huron, Logan, Mercer, Morrow, Ottawa, Pickaway, Preble, Sandusky, Seneca, Shelby, Union, and Williams Counties.*

**“Bottom-of-the-hour” counties (e.g., 8:30 p.m., 9:30 p.m., etc.):** *Adams, Carroll, Coshocton, Fayette, Gallia, Hardin, Harrison, Henry, Hocking, Holmes, Jackson, Madison, Meigs, Monroe, Morgan, Noble, Paulding, Perry, Pike, Putnam, Van Wert, Vinton, and Wyandot Counties.*

**Note: “Bottom-of-the-hour” counties will report once at the “Top-of-the-hour” at 8:00 p.m. and then at the bottom hour as noted above.**

“Hourly” counties must report summary election results at the top *or* bottom of every hour, as specified above, and continue until all precincts have reported. If the board reports more frequently, it must still report on the hour.

If, as the board approaches full reporting, one or more precincts have not reported, and it has been more than 60 minutes since the last report, it must notify the Secretary of State personnel assigned to the board to explain the delay. Once 100 percent precincts have reported, do not delay entering final vote tallies into the ENR.

The board does not have to wait until its designated reporting time (noted above) before reporting the final results.

### C. Supplemental Statistics

The board must provide supplemental statistics when it reports the county's 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 submit the statistics when ready.

The required supplemental statistics are as follows:

- Counted Ballots
  - Total number of regular ballots counted from Election Day precincts (do not include absentee ballots; they are reported separately below).
  - Total number of non-UOCAVA absentee ballots counted.
  - Total number of UOCAVA absentee ballots counted.
  - Total number of absentee ballots counted.
  - Total regular Election Day 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.
  - Combined 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.

## II. SUMMARY AND FINAL REPORTS

Boards of elections must follow the 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 via email before Election Day:

1. Unofficial Vote Total Summary Report;
2. Write-In Report;
3. Most Populous Report(s) (when applicable); and
4. Signature Form.

In addition to the Unofficial Vote Total Summary Report submitted on Election Night, each board must print Current County Results from the CSS, proof to the Unofficial Vote Total Summary

Report, and email the Current County Results along with the Report to [Results@OhioSoS.gov](mailto:Results@OhioSoS.gov). Instructions outlining this requirement will be provided separately.

All final summary reports must be transmitted to the Elections Division via email to [Results@OhioSoS.gov](mailto:Results@OhioSoS.gov).

On Election Night, once the Secretary of State's Office receives, reviews, and compares the board's Unofficial Vote Total Summary Report and the Current County Results printed from the CSS, the Director will be contacted by its assigned Secretary of State staff member.

The Director must not leave the office until the assigned Secretary of State staff member contacts the Director to confirm that its reports have been received and reviewed to ensure the results match. The Director is responsible for releasing the board's staff.

### **III. VOTE TOTALS FOR PRESIDENTIAL DELEGATES**

Voters elect Republican candidates for president through both delegates at-large and congressional district delegates. Voters elect Democratic candidates for president through only delegates at-large. Therefore, only the results for the Democratic delegates-at large will be reported through the Election Night Reporting system. However, the Ohio Democratic Party's delegate selection rules allocate convention delegates according to each presidential candidate's results in each congressional district. Thus, the Ohio Democratic Party requests that vote totals for delegates pledged to Democratic candidates for president be centrally reported to the Secretary of State's Office.

For both the unofficial and official canvass, every board of elections must report the delegate vote total for each presidential candidate to the most populous county of each congressional district. The most populous county board of elections must report these vote totals to the Secretary of State's Office via the same procedures as for any other multi-county office by Wednesday, March 18, 2020.

### **PART TWO – POST-ELECTION CURE PERIOD**

Each board of elections must be open to the public on each of the seven calendar days immediately following Election Day, and during the hours specified below, in order to allow voters to cure a deficiency on an absentee or provisional ballot, as provided for in state law:<sup>5</sup>

- Wednesday, March 18<sup>th</sup> 8:00 a.m. – 5:00 p.m.
- Thursday, March 19<sup>th</sup> 8:00 a.m. – 5:00 p.m.
- Friday, March 20<sup>th</sup> 8:00 a.m. – 5:00 p.m.
- Saturday, March 21<sup>st</sup> 8:00 a.m. – 12:00 p.m.
- Sunday, March 22<sup>nd</sup> 1:00 p.m. – 5:00 p.m.
- Monday, March 23<sup>rd</sup> 8:00 a.m. – 5:00 p.m.
- Tuesday, March 24<sup>th</sup> 8:00 a.m. – 5:00 p.m.

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<sup>5</sup> [R.C. 3505.181\(B\)\(7\)](#); [R.C. 3509.06\(D\)\(3\)](#). See also *Northeast Ohio Coalition for the Homeless v. Husted*, 837 F.3d 612 (6th Cir. 2016) (holding that the seven-day post-election cure period for absentee and provisional ballots established in state law is constitutional).

## **PART THREE – OFFICIAL CANVASS**

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

Boards of elections must begin the Official Canvass of the March 17, 2020 Primary Election no earlier than the 11<sup>th</sup> day after the election (Saturday, March 28, 2020) and no later than the 15<sup>th</sup> day after the election (Wednesday, April 1, 2020). Each board must complete its official canvass and certify no later than the 21<sup>st</sup> day after the election (Tuesday, April 7, 2020).<sup>6</sup>

### **II. INSTRUCTIONS FOR OFFICIAL CANVASS**

Each board of elections must follow the instructions for pre-canvass activity outlined in [Chapter 8, Section 1.03](#) of the Election Official Manual. Boards must also follow the rules and procedures outlined in [Chapter 8, Section 1.04](#) of the Election Official Manual for conducting the Official Canvass.

### **III. 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 sent to the boards separately.

All certifications and reports must be signed by the appropriate board personnel before being submitted to any of the following:

- The Secretary of State’s Office;
- Another board of elections; or
- Another public entity.

The board may not use digital or stamped signatures for these reports.

Each board of elections must submit the signature form, which will be sent separately, for the purpose of certifying the Official Election Results. This submission must include 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**

1. After a board completes its official canvass, it must email [Results@OhioSoS.gov](mailto:Results@OhioSoS.gov) 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. Each board must provide a separate write-in tally that records the official canvass of the number of valid votes cast for write-in candidates using a reporting form that will be provided. Reporting to the Secretary of State 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

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<sup>6</sup> [R.C. 3513.22\(A\)](#).

voting system, or use a reporting form that will be provided 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 issues from each county in a multi-county jurisdiction and the total number of votes 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>7</sup> Each board of elections must provide this supplemental data for absentee and provisional ballots. Note that boards will be required to provide the total count of provisional ballots counted using the APRI Exception.<sup>8</sup> The reporting forms will be sent separately.

## **C. Certificate of Official Summary Results for Local Liquor Options and Questions and Issues**

Each board of elections must send a completed copy of [Form 126-B](#) to the Secretary of State’s Office (via email to [Results@OhioSoS.gov](mailto:Results@OhioSoS.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 mail to the following address:

Division of Liquor Control  
6606 Tussing Road  
Reynoldsburg, Ohio 43068-9005

The board of elections (most populous county if it is a multi-county issue) must certify the results of an election on tax levies and bond issues to the following offices and agencies:

- The county auditor of each county in which the election was held;
- The fiscal officer of the subdivision in which the election was held;
- The Tax Commissioner of the State of Ohio via email at: [DTE@tax.state.oh.us](mailto:DTE@tax.state.oh.us);
- and
- The Secretary of State

The board of elections of the most populous county must certify the results of an election on a school district income tax on [Form 125-A](#) to the following offices and agencies:

- The board of education that placed the issue on the ballot;
- The Tax Commissioner of the State of Ohio via email at [DTE@tax.state.oh.us](mailto:DTE@tax.state.oh.us);
- and
- The Secretary of State

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<sup>7</sup> [R.C. 3501.05\(Y\)](#).

<sup>8</sup> See [Chapter 6, Section 1.06](#) of the Election Official Manual for an explanation of the APRI Exception.

#### **D. Electronic Precinct-Level Official Results File of Votes**

Each board of elections must upload an electronic precinct-level results file of votes that includes all candidates that appeared on the county's ballots (except for County Central Committee) on Wednesday, April 8, 2020 via the CSS. Instructions regarding the upload process as well as the time to complete the upload will be sent separately.

Additionally, boards of elections are required to provide, via email to [Results@OhioSoS.gov](mailto:Results@OhioSoS.gov), a separate report from the county's central tabulating system detailing turnout by party and 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 also be sent separately.

#### **IV. TIMELINE FOR REPORTS**

No later than **Tuesday, April 7, 2020**, the Secretary of State's Office must receive each of the following:

- Certification report and signature form;
- Report forms;<sup>9</sup>
- Electronic turnout detail by precinct; and
- SOVC report.

Each board should submit these reports as soon as the board has completed its official certification. Do not delay in submitting the official certification forms because of a recount for any race or issue. All completed reports must be submitted via email to [Results@OhioSoS.gov](mailto:Results@OhioSoS.gov).

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

#### **V. CERTIFICATES OF ELECTION AND/OR NOMINATION**

Each board of elections must follow the instructions for issuing certificates of election and/or nomination that are contained in [Chapter 8, Section 1.04, page 8-26](#) of the Election Official Manual.

#### **VI. RECOUNTS**

Before scheduling and 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.

Boards will be provided with a survey link to notify the Secretary of State of a recount. The survey will be provided via email along with the Official Canvass report forms. All boards must complete the survey, regardless of whether there is a recount in their county. If the recount to be conducted is for a multi-county jurisdiction, the Secretary of State's Office will issue the notice of recount after receiving notice from the most populous county. If a recount changes vote totals, the

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<sup>9</sup> Most populous county reports must include delegate vote totals per congressional district. Please review Part One, Section III ("VOTE TOTALS FOR PRESIDENTIAL DELEGATES") on page 5 of this Directive.

board of elections must submit a properly completed and signed amended certification and abstract to [Results@OhioSoS.gov](mailto:Results@OhioSoS.gov).

## **VII. POST-ELECTION AUDITS**

Every board of elections must review [Advisory 2020-01](#) regarding the recent changes in law governing post-election audits. The Secretary of State's Office will provide more guidance for complying with the statutory requirements and receiving reimbursement for audits.

## **VIII. VOTER HISTORY**

All boards must upload voter history for the March 17, 2020 Primary Election to the Statewide Voter Registration Database no later than 14 days after the board's official certification. Counties with more than 100,000 registered voters must contact Robin Fields to schedule their upload in advance. Use the election name **2020\_MAR\_PRIM** to submit the history for the election.

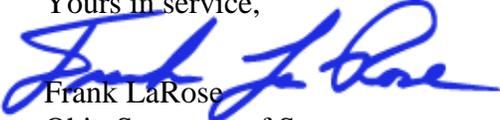
For purposes of assigning voter history, each board of elections must follow the instructions in [Chapter 8, Section 1.04](#) of the Election Official Manual. For assigning party affiliation, instructions are available in [Chapter 3, Section 1.14](#) of the Election Official Manual.

## **IX. RETENTION OF BALLOTS**

Because ballots for the March 17, 2020 Primary Election include candidates for election to federal offices, each board of elections is required by law to retain all ballots prepared for the election – both used and unused – for 22 months following the election.<sup>10</sup> If the board uses 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 must be retained. Accordingly, consult with the county prosecuting attorney regarding the retention of those images.

If the board has any questions regarding this Directive, please contact the Secretary of State's elections counsel at (614) 728-8789.

Yours in service,

  
Frank LaRose  
Ohio Secretary of State

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<sup>10</sup> [R.C. 3505.31; 52 U.S.C.S. 20701](#).