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ADVISORY 2008-31

October 28, 2008

To: All County Boards of Elections

Re: Paper Ballots, Provisional Voter, and Other Election Day Supplies

To ensure that polling locations do not run out of paper ballots, provisional envelopes, provisional ballot notices, affirmation forms, or any other Election Day supplies, county boards of elections are strongly advised to follow the practices below.

All counties, regardless of whether they use optical scanners or direct-recording electronic (DREs) as their primary voting system, must provide registered voters with a paper ballot upon request. R.C. 3505.11(A) requires counties using optical scanners as their primary voting system to provide each precinct with at least 1% more paper ballots than the total number of registered voters in that precinct. Counties using DREs as their primary voting system must, under Directive 2008-59, provide each precinct with back-up paper ballots equal to 25% of that precinct's total turnout in the 2004 general election.

Similarly, all boards of elections are required, under R.C. 3505.181, to provide a provisional ballot to voters under specific circumstances. As discussed in Directive 2008-81, all provisional ballots must be cast on paper optical scan ballots regardless of the county's primary voting system. No person, other than a person eligible to vote on a DRE because of a disability, may vote a provisional ballot on a DRE voting machine.

Paper Ballot Supplies

Boards of elections should instruct poll workers to inform the Board when 30% of the paper ballots in their precinct remain. This will serve as an "early warning" for boards of elections that supplies may be running low and help the board staff monitor the paper ballot supply in the precinct.

Poll workers must also be instructed to contact the county board of elections if they have less than 100 paper ballots (regular or provisional) remaining in their precinct as a "fail safe" indicator of the paper ballot supply in the precinct. A simple way to do this is to have the poll worker place a sheet with the board's telephone number and instructions to call the board office at the point in the stack of ballots where 100 ballots are left, much like the sheet in a box of checks for your checkbooks that tells you it's time to reorder.

If a polling location reports it is "running low" on ballots, and the board of elections has ballot-on-demand, the board should immediately print additional ballots and have them delivered to that polling place. If a county does not have a ballot-on-demand printer, unused absentee ballots may be substituted. Poll workers should be instructed to reconcile these ballots separately and only use them if they run out of their regular paper ballots entirely.

As a last resort, ballots for the appropriate precinct could be photocopied and provided to voters, along with an informational sheet. The informational sheets should notify the voter that the photocopied ballot will be remade. The bipartisan board of elections must follow the instructions in Directive 2008-69 to remake the ballot. This last resort was used in the 2004 presidential election when voting machines broke down in a county and was viewed with skepticism by some voters who refused to vote such ballots, so it is highly advisable to include an informational sheet.

As discussed in Directive 2008-25, chain of custody forms should be filled out when transporting ballots from the board of elections, or satellite location, to a precinct. The presiding judge should retain this chain of custody form and return it at the end of the night to the board of elections with all other materials returned to the board.

Provisional Voter Supplies

Boards of election should instruct poll workers to contact the board when the precinct has only 30% of its provisional envelopes, provisional ballot notices, or affirmation forms (Form 10T) remaining. Boards of elections can help poll workers determine when this point has been reached by inserting a sheet of colored paper at the 30% point in the stack of envelopes, notices, or forms that tells the poll worker to call the board of elections.

Other Election Day Supplies

Boards of elections should review the "Polling Place Supplies Checklist" included in Directive 2008-88 (Polling Location Checklist for polling place supplies) to ensure that the poll workers have an adequate supply of all of the required materials.

Also, in accordance with Directive 2008-77 (Minimum requirements and best practices for poll worker training), boards of elections must have a contingency plan for poll workers that covers what to do in the event of a shortage of paper ballots.

If you have any questions concerning this directive, please contact an election administrator in the Secretary of State's Election Division at (614) 466-2585.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jennifer Brunner".

Jennifer Brunner