



J. KENNETH BLACKWELL
Ohio Secretary of State

180 E. Broad Street, 16th Floor, Columbus OH 43215
614.466.2655 / Toll Free: 877.767.6446 / Fax: 614.644.0649
e-mail: blackwell@sos.state.oh.us

Directive No. 2006-37

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To: ALL COUNTY BOARDS OF ELECTIONS

Voting an Absentee or Provisional Ballot on DRE with VVPAT – Secrecy of Ballot

The board of elections in every county must assign a five-digit number to each provisional or absentee cast on a DRE, following the procedures set forth in Directive 2005-25. This number serves as the stub number for electronically cast ballots.

The law requires election officials to remove from paper ballots the stubs bearing the numbers that link a ballot to a specific voter. This is done to protect and preserve the secrecy of the ballot. Because the five-digit stub number cannot be removed from ballots on DREs, election officials must take reasonable alternative steps to protect and preserve the secrecy of any absentee or provisional ballot stored on a DRE. Therefore, election officials must redact the stub number printed on the Voter Verified Paper Audit Trail (VVPAT) to avoid the linking of a ballot to a specific voter.

Provided below is an example of how a board of elections will conduct a recount while protecting and preserving the secrecy of each ballot. Following are the facts of this example:

- This recount involves only one precinct.
- Four provisional ballots were cast on the DRE in that precinct.
- The board of elections determined during its certification meeting that three of the provisional ballots were valid, and one was not.

In addition to the instructions provided with Directive 2005-32 for conducting the hand count of the VVPAT, the board of elections must follow this process:

1. A list indicating valid and invalid provisional ballots must be prepared with the electronic stub numbers included, but with no name linked to the numbers.
2. When a provisional ballot is listed on the VVPAT, the VVPAT team must immediately cover the portion of the ballot indicating the voter's choice(s) by a method determined by the board.
3. Then the two election officials comprising the VVPAT team shall ascertain from the list provided whether the ballot is valid or invalid.
4. Once a ballot's validity or invalidity has been ascertained, the VVPAT team shall mark out or label over that ballot's electronic stub number so the stub number is unreadable.
5. The ballot is then counted or not counted, depending upon its validity as indicated on the certification list. If the ballot is not counted, in addition to having the electronic "stub number" marked out, the ballot shall be marked "Not Valid."

If you have any questions concerning the directive, call my Elections Division at 614-466-2585.

Sincerely,

A handwritten signature in cursive script that reads "J. Kenneth Blackwell".

J. Kenneth Blackwell