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DIRECTIVE 2006-91

November 15, 2006

ALL COUNTY BOARDS OF ELECTIONS

TO: Members, Directors, and Deputy Directors

**INSTRUCTIONS AND FORMS for the OFFICIAL CANVASS
and PREPARATION of ABSTRACTS
of the NOVEMBER 7, 2006 GENERAL ELECTION**

Timeline for Official Certification

In accordance with R.C. 3505.32(A), the official canvass of the November 7 election may begin no earlier than 11 days after the election (Saturday, November 18) and must begin no later than 15 days after the election (Wednesday, November 22). All boards of elections must complete the canvass of votes cast no later than 21 days after the election (Tuesday, November 28).

Prior to November 18, boards may examine pollbooks, poll lists, signature pollbooks and tally sheets and compare them to the summary statements. Any errors, defects or omissions shall be noted and reconciled. Boards may verify the eligibility of persons casting provisional ballots and the validity of the required provisional voter statements. (*See Dir. 2006-90*)

Although this examination process may begin prior to November 18, it must be completed before the board certifies the official results of the election on or before November 28.

Each board's properly completed certification forms must be **received** by this office **no later than the close of business on Wednesday, December 6, 2006**. Completed forms may be submitted as follows:

- Electronically to Kathy Malott at kmalott@sos.state.oh.us.
- In person at the Elections Division, 180 East Broad Street, 15th Floor, Columbus.
- Via U.S. Mail to: Secretary of State's Office, Elections Division, PO Box 2828, Columbus, OH 43216. If you choose to mail your completed forms, please remember that **our office must receive them by DECEMBER 6**.

Instructions for Voting Systems

All Voting Systems: In order for a board to declare and certify official results, all valid ballots cast in the November 7 election -- including eligible ballots cast at the polls, provisional ballots and absentee ballots -- must be included in the official canvass.

- **Optical scan**

1. **Central Count:** In accordance with R.C. 3505.32(C), each board first must scan and tally all eligible ballots that were not included in the unofficial canvass. Set the central scanners to reject blank ballots *and* overvoted ballots. The board must designate inspection teams comprised of an equal number of board employees from each major political party to inspect the rejected ballots and, if possible, determine voter intent.
2. **Precinct Count:** Each board then must rerun the precinct/polling place memory card and verify the count matches the unofficial. If it does not, the board must run all ballots through the tabulator and set it to reject blank ballots and overvoted ballots. The board must designate inspection teams consisting of an equal number of employees from each major political party to efficiently inspect the rejected ballots to determine voter intent.

- **DRE**

1. In accordance with R.C. 3505.32(C), each board first must tally all eligible ballots that were not included in the unofficial canvass. The board must run the cartridges, PCMCIA cards and other removable memory devices on which the uncounted ballots are stored.
2. The board then must rerun the precinct cartridges, PCMCIA cards and other removable memory devices and verify the count matches the unofficial. If it does not, the board must compare the audit trail or the internal program on the voting machine to the cartridge results and determine the cause of the difference.

NOTE: The seal on the canister or the tape on the verified voter paper audit trail (VVPAT) is not to 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 this office immediately.

Forms for Official Certification

As indicated below, a copy of some certification forms must be returned to other officials in addition to the Secretary of State. The following forms are included with this Directive:

1. Absentee and Provisional Ballot Report.
2. Certification for statewide candidates (*to be sent to the Senate President and Secretary of State*).
3. Certification of county vote for district offices (*to be sent to the most populous county of the district and Secretary of State*) – see additional instructions, below. Certification by the most populous county of district offices – see additional instructions, below.
4. Certification by the most populous county of district offices – see additional instructions, below.
5. Certification of votes for county offices.
6. Certificate of Results for Local Questions and Issues (Form No. 5) – see additional instructions, below.
7. Certificate of Results for Local Liquor Option Questions (Form 126-B) (*to be sent to the Division of Liquor Control and Secretary of State*).

- **Certifications to the Most Populous County**

Each form must show the name of the county, the district number and names of **all** candidates. The original form must be sent to the most populous county in the district, **and** a copy must be sent to the Secretary of State. If your county is the most populous, send the original to the Secretary of State's office.

- **Certifications by the Most Populous County**

After the most populous county has received all reports from the other county boards of elections within the district, the most populous county shall submit its report to this office by **no later than the close of business on December 6.**

- **Form 5**

In reporting local questions and issues on Form 5, please indicate by an asterisk (*) any subdivisions which overlap into another county. **If your county contains the most populous portion of the district, send the total vote to this office in a separate letter, showing the vote for each county.**

- Each board must submit to the President of the Ohio Senate the form reporting the votes cast for all statewide candidates (e.g., the state executive officers, justices of the Ohio Supreme Court, and U.S. Senator) and the state issues. Send it to: Matt Schuler, Chief of Staff, Ohio Senate, The Statehouse, Columbus, OH 43266.
- Forms to be submitted to the Division of Liquor Control must be sent to: Division of Liquor Control, PO Box 4005, Reynoldsburg, OH 43068-9005.
- Forms sent to the Senate President and Liquor Control must be received by those offices by the **close of business on December 6.**

Recounts

If, after canvassing all votes, more than the number of candidates to be elected to an office received the largest and equal number of votes, the board must break that tie as provided in R.C. 3505.33 and declare the winner before the board can certify the results of the election for that office. (By contrast, a board does not break a tie in the case of a ballot issue that received an equal number for and against the issue; that issue failed by operation of law because it did not receive majority of affirmative votes.)

Do not wait to complete any recount procedures provided for in R.C. 3515.01 through 3515.071 before submitting the abstracts and official certification forms. If the recount should result in vote totals changing, the board will submit an amended certification and abstract.

If a recount is to be conducted, please send notice of the recount to the attention of Robin Fields via fax at 614-752-4360 or email rfields@sos.state.oh.us

Abstracts

Board to Prepare Abstracts Concurrently with Official Certification

Abstracts of precinct level results are to be prepared concurrently with the Official Canvass. Abstracts and Certification Forms must be prepared immediately after completion of the canvass in your county.

Instructions for Abstracts

All counties must provide an abstract of the final official *precinct* vote totals for **all** candidates (including write-ins) for statewide offices (executive and judicial), U.S. Senator, member of U.S. House of Representatives, State Senator, State Representative, and each of the state issues.

All abstracts *must also include* from **each precinct** the total number of **persons who voted**, total **registered voters**, and total **electors voting**.

You must provide an electronic abstract. The abstract must show the subtotal for wards, cities, and townships, and the grand total of all precincts. The electronic abstract may be sent via email to Karen Lafferty or sent on diskette to the Elections Division. If you have any questions regarding the electronic abstract, please contact Karen Lafferty at 614-466-2585 or klaffert@sos.state.oh.us.

Proofread all figures and double-check addition for subtotals and totals to ensure accuracy. **Double-check that vote totals on the abstract agree with totals on the certification forms.**

If you have any questions regarding this directive, call my Election Division at (614) 466-2585.

Sincerely,

A handwritten signature in black ink, appearing to read "Monty Lobb". The signature is fluid and cursive, with the first name "Monty" and last name "Lobb" clearly distinguishable.

Monty Lobb
Assistant Secretary of State

Attachments