

DIRECTIVE 2008-115

November 17, 2008

To: Cuyahoga County Board of Elections

Re: **Official Canvass – 11th Congressional District – November 18, 2008, Special Congressional Election**

Timeline for Official Certification

In accordance with applicable law and the 2008 Expedited Special Congressional Election Calendar that accompanied Directive 2008-75, the official canvass of the November 18, 2008, special congressional election may begin no earlier than 21 days after the election (Tuesday, December 9, 2008). The official canvass must be completed and the results certified no later than **Friday, December 19, 2008.**

Prior to December 9, 2008, your board may examine poll books, poll lists or signature poll books, and tally sheets, and compare them to the summary statements. Any errors, defects or omissions shall be noted and reconciled. Your board may verify the eligibility of persons casting provisional ballots and the validity of the required provisional voter statements. (See Directive 2008-81).

Instructions for Official Canvass

Before your board may declare and certify official results, all valid ballots cast in the November 18, 2008, special congressional election – including eligible ballots cast at the polls, provisional ballots and all absentee ballots – must be included in the official canvass.

- **Optical scan**

1. **Central Count (absentee and provisional ballots):** In accordance with R.C. 3505.32(C), first 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. (See Directive 2008-69).

Voter intent must be determined by examining the ballot for a consistently made mark that is contrary to voting instructions as provided in R.C. 3506.21(B). Examples of marks that must be counted as valid include those made by a voter who, rather than filling in the oval or box did any of the following: underlined or circled a choice; circled the oval or box beside a choice; made an “X”, checkmark or other recognizable mark beside the choice; or marked the ballot with a writing instrument not recognized by the tabulator.

2. **Precinct Count:** Your board then must rerun the precinct/polling place memory card and verify the count matches the unofficial count. 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 board members and/or staff from each major political party to efficiently inspect the rejected ballots and to determine voter intent.

Instructions for Reporting Official Results

Please transmit the results, first by fax and then by U.S. Postal Service, to the Secretary of State's office using the **Official Special Election Results Report** form provided with this directive. Following is the information for faxing and mailing the results:

- **Fax your results to:**
Secretary of State's Elections Division: 614-752-4360
- **Promptly mail the completed *original* report to:**
Secretary of State's Office - Elections Division
ATTN: Denise Sherrod
PO Box 2828
Columbus OH 43216

If you have any question regarding this directive, please call one of the elections administrators at 614-466-2585.

Sincerely,

Jennifer Brunner