

DIRECTIVE 2008-21

February 4, 2008

To: All County Boards of Elections

Re: Optical scan ballots – central count

To help ensure that all counties meet Help America Vote Act (HAVA) requirements when providing a voter with an optical scan ballot that will be centrally counted at a board of elections office, each board shall provide a notice prescribed by the Secretary of State's office or the information contained in such notice to each voter who is issued an optical scan ballot to be centrally counted. This notice should be included with all regular, provisional and absent voter ballots that are to be centrally counted.

Specifically, this directive applies to the following:

- 1) All absentee ballots that are optical scan ballots,
- 2) All provisional ballots,
- 3) All optical scan ballots voted at the polling place on election day in counties whose primary voting system is DRE.

Title 3, Section 301 (B) of HAVA provides the following:

- (B) A State or jurisdiction that uses a paper ballot voting system, a punch card voting system, or a central count voting system (including mail-in absentee ballots and mail-in ballots), may meet the requirements of subparagraph (A)(iii) by--
- (i) establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple votes for an office; and
 - (ii) providing the voter with instructions on how to correct the ballot before it is cast and counted (including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error).

Instructions required by HAVA have been included with this Directive for your convenience. You must use this or similar language in a notice that must be provided to voters at the time they receive an optical scan ballot that is to be centrally counted. The notice provides the following information in compliance with HAVA:

- Reminds the voter to read the instructions on the ballot.
- Informs the voter the consequence of marking his or her ballot for more choices for a particular race or issue than permitted.
- Informs the voter that, if he or she makes a mistake, the voter may obtain a new ballot from the precinct elections officials, and a voter may obtain a second replacement ballot if an error is made on the first replacement ballot.

Please remember this notice or the information contained in the notice must be included with all regular, provisional and absent voter ballots that are to be centrally counted. Additional posters, brochures, and other voter educational materials may be provided by a board of elections, but the notice or the information contained in the notice must be given to each voter being issued an optical scan ballot to be centrally counted.

If you have any questions concerning this notice, please contact Pat Wolfe, Elections Administrator or Jacqueline Rothschuh, Assistant Elections Administrator.

Sincerely,

Jennifer Brunner