

DIRECTIVE 2008-33

March 3, 2008

To: County Boards of Elections Conducting Mid-Day Pickups on Election Day, March 4, 2008, as Authorized by Am S.B. No. 286

Re: Requirements for Midday Collection and Delivery of Voted Ballots to a Board of Elections for Central Count

On February 27, 2008, Governor Strickland signed Am. S. B. No. 286 into law. The new law provided for tabulation of optical scan ballots at a central location (“central count optical scan”) under certain circumstances ¹ The law also authorized Boards that have opted for central count optical scan to “arrange to have voted ballots collected and delivered to the office of the board of elections at any time during midday;” (“midday pickup”).

The new law requires the secretary of state, by directive, to provide requirements for the following regarding midday pickup.

1. Persons to serve as designated agents
2. The manner of handling ballots during collection and delivery;
3. Maintenance of ballot boxes for each precinct;
4. Secure delivery of the voted ballots to the board of elections;
5. Ballot reconciliations with the poll book or poll lists that are transported to and from a polling location

This Directive is issued in satisfaction of that statutory mandate, which is set forth in R.C 3505.25(F), as amended.

Definitions

As used in this Directive, the following definitions apply:

1. “Designated Agents” means teams of two persons who are members of different political parties, including law enforcement or employees or agents of the Board of Elections who have taken an oath that they will directly, promptly, and securely collect voted ballots from polling places and deliver them to the Director and Deputy Director at the Board of Elections.
2. “Midday” means the period beginning at noon and ending at three p.m. on the day of the election.

¹ Am. S.B. No. 286 authorizes central count where a board of elections voted, prior to February 1, 2008, to tabulate the unofficial results of optical scan ballots voted in a precinct polling place at the March 4, 2008, primary election at a central location..

3. “Drivers: means two Designated Agents assigned to drive and secure ballots from the time of loading until the time of unloading Ballot Boxes at the Board of Elections Warehouse.
4. “Ballot Collectors” means Designated Agents assigned to accompany the Drivers and complete the Midday Collection at each assigned Location.
5. “Cargo Van” means a vehicle used to transport ballot boxes from the voting locations to the Board of Elections Warehouse.

Designated Agents

Individuals are competent to serve as designated agents if they are competent to take an oath, and have taken the following oath:

“I, [name] solemnly swear that I will uphold the laws and Constitution of Ohio, and will directly, promptly, and securely collect all voted ballots entrusted to me and deliver them to the board of elections.”

Manner of Handling Ballots During Collection; Maintenance of Ballot Boxes for Each Precinct; Delivery and Secure Delivery of Voted Ballots to the Board of Elections; and Ballot Reconciliations with the Poll Book or Poll Lists that are Transported To and From a Polling Location

1. Whenever voting equipment, supplies and/or ballots change hands or location a chain-of custody form must be completed and signed. The chain-of custody form shall be similar in content to the form attached to this directive as Exhibit A. Execution of the form constitutes acknowledgement that the person signing has examined the equipment, supplies and/or ballot packets to ensure that all seals are in place and that the equipment, supplies and/or ballot packets appear to be intact and in sufficient working order as can be determined by a visual inspection.
2. The Board of Elections shall develop in advance of Election Day a prescribed route for all Designated Drivers to follow in accomplishing midday pickups.
3. Designated Agents shall not possess food or drink in the presence of ballots.
4. Ballots shall not be released by precinct election officials to Designated Agents until official identification issued by the Board of Elections is presented.
5. Designated Agents Drivers will remain in the vehicle used to transport ballots during the entire period from the beginning of the assigned route until the assigned pickup route is completed and ballots are delivered to the central count tabulating location.
6. Designated Agents shall follow only the prescribed route and shall deliver ballots to the Board of Elections central count facility by following that assigned, prescribed route of pickup locations.
7. Upon arrival at each precinct scheduled for midday pickup, the Designated Agent Ballot Collectors will notify judges at the precinct of their arrival and produce proper Board of Elections Identification.
8. Judges will then announce, by proclamation, the midday collection of ballots within the precinct.
9. Ballot Collectors will replace the AM Ballot Box with the PM Ballot Box to enable voting to continue without significant interruption.
10. Ballot Collectors will count the signatures that have been recorded in the alphabetical poll book, and write that number of signatures on a midday ballot collection certification prescribed by the Board of Elections. The midday ballot collection certification chain-of custody form shall be similar in content to the form attached to this directive as Exhibit B.

11. Ballot collectors shall take the AM Ballot Box to an empty table before proceeding.
12. Before opening the AM ballot box the Ballot Collectors shall record the original seal number of the AM ballot box on the prescribed midday ballot collection certification form.
13. From the time of opening of the AM ballot box, until the time the ballots are sealed back in the AM ballot box, no judge shall leave ballots for the precinct unattended nor leave the polling location.
14. The Ballot Collectors will open the AM ballot box and place all the provisional ballot envelopes in the PM Ballot Box.
15. The Ballot Collectors will count the number of voted ballots, and record that number on the prescribed midday ballot collection certification form.
16. If the number of ballots exceeds the number of signatures in the poll book, the Ballot Collectors or the Presiding Judge must explain the discrepancy on the bottom of the prescribed midday ballot collection certification form.
17. After recording the required information Ballot Collectors will
 - a. Sign the prescribed midday ballot collection certification form;
 - b. Return voted ballots (except provisional ballots) from the time of the proclamation to the AM ballot box;
 - c. Re-seal the AM ballot box with tamper tape and record the seal number on the midday ballot collection certification form.
18. Designated Agent Ballot Collectors will transport the sealed ballot box along with appropriate documentation to the Cargo Van and turn custody over to the Designated Agent Drivers.
19. Designated Agent Drivers will record the ballot box seal number on the prescribed midday ballot collection certification form.
20. Designated Agents shall proceed to the next location and repeat the process until complete.
21. Designated Agent Drivers shall immediately transport all voted ballots to the central count location upon completion of their assigned route and turn custody of the collected ballots to the Director & Deputy Director.
22. In case of road closure or other emergency, one designated agent shall call the Board of Elections for direction as to an alternate route to be followed or other directions.

Sincerely,

Jennifer Brunner



Form No. 400 (02-08)

**BOARD OF ELECTIONS
VOTING MACHINE EQUIPMENT, SUPPLIES AND/OR BALLOTS CUSTODY
FORM**

The purpose of this form is to track the custody and location of voting equipment, including electronic poll books, supplies and/or ballots from the time the voting equipment, supplies and/or ballots leave the board of elections office until returned to the board of elections offices. A signature is required whenever the equipment, supplies and/or ballots change hands or location. By signing the Chain of Custody Log, the signer is certifying that he or she took custody of the voting equipment, supplies and/or ballots or delivered it to a particular location. Whenever custody of the voting equipment, supplies and/or ballots changes, the individual transferring custody or receiving custody must examine the voting equipment, supplies and/or ballot packets to ensure that all seals are in place and that it appears to be intact and in sufficient working order as can be determined by a visual inspection.

County Name: _____

DESCRIPTION OF EQUIPMENT, SUPPLIES AND/OR BALLOTS

Voting Machine or Equipment Identifier, if any: _____

Serial Number: _____

Other Supplies and/or Ballots (describe by type and number): _____

Designated for Precinct Name/Number: _____

Description of condition of the Voting Equipment, Supplies and/or Ballots:

(The description must include the name of the voting equipment and whether a memory card or cartridge is already installed (e.g., AccuVote-TSX with memory card installed or ES&S M100 without memory card installed)).

CHAIN OF CUSTODY LOG

This Chain of Custody Log must be reproduced on a single paper, front and back to prevent separation of papers. This Chain of Custody Log must be maintained by the board of elections and the presiding judge of a voting precinct depending on voting equipment location. Whenever the voting equipment, supplies and/or ballots change hands or location the person taking custody must sign the Chain of Custody Log. This Chain of Custody Log must be in the possession of either the board of elections or the presiding judge of the voting precinct to which the subject voting equipment, supplies and/or ballots has been assigned.

For example, before the equipment, supplies and/or ballots leave the board of elections office, the board of elections employee transferring custody of the equipment, supplies and/or ballots to another individual must sign under the "RECEIVED FROM or TAKEN CUSTODY FROM LOCATION" column. The person receiving custody must sign in the presence of the board employee the

"RECEIVED BY or DELIVERED TO LOCATION" column next to the board employee's signature. Whenever the voting equipment, supplies and/or ballots change custody again, the persons transferring custody and receiving custody must sign under the appropriate columns. This will document the custody and location of the voting equipment, supplies and/or ballots at all times while it is outside of the board of elections.

If equipment, ballots and/or supplies are being delivered to a location without human supervision (e.g., a polling place before an election), the deliverer must sign his or her name under the "RECEIVED FROM" column and enter "NONE" and sign his or her name under the "RECEIVED BY" COLUMN. In all instances, the person who signs in the "RECEIVED BY" column must complete the column, "DATE/TIME/PLACE" at the time of the transfer of the equipment

In the case where custody of the equipment, supplies and/or ballots is released to an unsupervised polling location before Election Day and not to an individual, the presiding judge on Election Day must enter "NONE" sign and under the "RECEIVED FROM" column when he or she arrives at the polling place location and is responsible for custody of the voting equipment, supplies and/or ballots before the polls open on Election Day. In such case, this Chain of Custody form for each voting machine, along with any corresponding supplies and/or ballots in the precinct must be in the presiding judge's supply bag along with the accompanying Directive 2008-24.

WHENEVER VOTING EQUIPMENT, SUPPLIES AND/OR BALLOTS CHANGE HANDS OR LOCATION THIS FORM MUST BE SIGNED. BY SIGNING THIS FORM, YOU ARE STATING THAT YOU HAVE EXAMINED THE EQUIPMENT, SUPPLIES AND/OR BALLOT PACKETS TO ENSURE THAT ALL SEALS ARE IN PLACE AND THAT THE EQUIPMENT, SUPPLIES AND/OR BALLOT PACKETS APPEAR TO BE INTACT AND IN SUFFICIENT WORKING ORDER AS CAN BE DETERMINED BY A VISUAL INSPECTION. IF YOU FIND A PROBLEM, PLEASE IMMEDIATELY NOTIFY THE BOARD OF ELECTIONS AND SEEK FURTHER INSTRUCTION.

RECEIVED FROM or TAKEN CUSTODY FROM LOCATION:	RECEIVED BY or DELIVERED TO LOCATION:	DATE/TIME/PLACE:

VOTING LOCATION
CITY WARD PRECINCT

Cuyahoga County Board of Elections
Midday Ballot Collection Certification Form

Rev. 2/15/2008

BAR CODE
Midday Form

Section 1. is completed by Designated Agent Collectors. Section 2. is completed by the Designated Agent Ballot Drivers. When this form is completed, the **White Copy** is returned to the Director & Deputy Director at the Board of Elections. The **Yellow copy** is inserted into the AM Ballot Box before the two seals are affixed to the slot. The **Pink Copy** is inserted into the inside front cover of the Alphabetical Poll Book (A-M book) at the precinct table. Write the Ballot Box Seal Number in the area provided below. Deliver the sealed ballot box to the Cargo Van.

1. Designated Agent (Ballot Collectors):

Count the number of voter signatures in the Alphabetical Poll Book and record here -->		
Count the number of voted ballots in the ballot box and record here ----->		
Republican Ballot Collector Signature	-->	Original Seal Number -->
Democrat Ballot Collector Signature	-->	New Seal Number -->
		Slit Seal Number 1 -->
		Slit Seal Number 2 -->

Poll Worker: If line 2 exceeds line 1 Please explain why:

Signature Democrat Poll Worker
Signature Republican Poll Worker

2. DESIGNATED AGENT (DRIVERS)

Designated Agent Driver Republican Signature	-->	Ballot Box Seal Number -->
Designated Agent Driver Democrat Signature:	-->	