

DIRECTIVE 2008-57

July 21, 2008

TO: All County Board of Elections
Members, Directors and Deputy Directors

RE: Minimum Security, Access, Inventory Control, Storage and Preservation Requirements
for Ballots and Election Data Media

To ensure the integrity of the election process in Ohio, boards of elections must maintain minimum security best practices to ensure the security and preservation of all Optical Scan Paper Ballots (OSPBs), which include those provided by a vendor or outside printing source, and those provided in house by ballot on demand (BOD) equipment; Voter Verifiable Paper Audit Trails (VVPATs); Memory Cards (PCMCIAs); Personal Electronic Ballot cartridges (PEBs); Mobile Ballot Boxes (MBBs) and eCM tokens; and Election Data Media (CD-R and/or USB flash drives).

Minimum Security, Access, Inventory Control, Storage and Preservation Requirements for Ballots and Election Data Media

All references to ballots and election data media include, but are not limited to the following: Optical Scan Paper Ballots (OSPBs), which include those provided by a vendor or outside printing source, and those provided in house by ballot on demand (BOD) equipment; Voter Verifiable Paper Audit Trails (VVPATs); Memory Cards (PCMCIAs); Personal Electronic Ballot cartridges (PEBs); Mobile Ballot Boxes (MBBs) and eCM tokens; and Election Data Media (CD-R and/or USB flash drives).

Minimum Security Requirements

Ballot and election data media shall be placed in a secure room where access is kept to the least number of privileged personnel possible.

- Protective cases, sleeves, and other containers that are used in maintaining the segregation and security of ballots and election data media shall be labeled as such.
- All ballots and election data media, when not in use on Election Day, shall be stored in a locked room or storage unit that is designated for such purpose.

Minimum Access Control Requirements

Access to the ballot and election data media development, accounting/reconciliation, processing and storage areas shall be restricted to authorized personnel only.

- A Quality Control Team, consisting of one member from each political party, shall be involved in the development, accounting/reconciliation and processing of all ballots and any election data media.
- A progressive or chronological record of ballot development, orientation and layout shall be created and maintained listing dates and brief and relevant descriptions of the following activities or occurrences:
 - o Database creation.
 - o Database submitted to vendor for printing (if applicable) and method of submission (e.g. email, hard copy delivery, etc.).
 - o Date(s) proofs arrived/available for viewing by election personnel (if ballots must have changes or corrections made, date completed and re-submitted for printing, regardless of number of times).
 - o Date(s) proofs are approved for printing.
 - o All arrival date(s) of actual ballots.
 - o Number(s) (by type) of ballots received on any arrival date.

It is imperative that boards of elections adhere to the Ohio Revised Code and secretary of state directives that set forth procedures that must be observed concerning the printing, posting, and providing to the secretary of state's office with the statutorily required copies of their county's official ballots.

Minimum Inventory Control Requirements

Inventory control shall consist of documenting the number, type (including election date for which they are designated), location and condition (i.e. voted, unvoted, spoiled) of the ballots and any corresponding date(s) whenever any of the following occur:

- If Optical Scan ballots are printed by a vendor or outside printing source, a detailed listing of ballot styles and number of ballots of each ballot style delivered shall be maintained and used when inspecting the ballots upon their return. Document any discrepancies from orders and invoices and take the necessary steps to rectify any errors.
- Whenever ballots are released to and returned by any elections official or employee or designated representative of the board of elections, this information shall be documented as noted above.
- When ballots are printed via ballot on demand, this information shall be documented as noted above.

The following information concerning the ballots shall be documented as follows:

- For Optical Scan ballots provided by a vendor or outside printing source, maintain a list of all sequence numbers; the quantity in your facility; the number that will be provided at each precinct on Election Day; and the range of numbers provided for each precinct and for absentee and provisional voting.
- Counties that utilize ballot on demand must maintain an accounting chart that lists all paper stock that has been ordered, how it is distributed, and when it is consumed.
- If ballot on demand is utilized, a board of elections internal request form and register form shall be maintained.
- Chain of Custody Form #400, or if your county has received a waiver from the Secretary of State's office, the form that has been approved, shall be used for delivery to

each precinct receiving printed Optical Scan ballots, whether printed by a vendor or in house via ballot on demand.

- A post-election audit of supplies and ballots shall be conducted to reconcile poll books, vote totals and ballot counts.
- All Optical Scan absentee ballots and Optical Scan provisional ballots shall be documented using the tracking module system that is provided with your voter registration vendor or other software vendor.

Minimum Storage Requirements

Paper and paper-based materials, including all ballots and election data media, are highly sensitive to humidity and moisture levels. All ballots and election data media must be protected to ensure that the confidentiality and integrity of the ballots and the election data are not violated.

- Lower temperatures and lower relative humidity is the ideal climate for maintaining all ballots and election data media. These items should be stored in such an environment.
- All ballots and election data media shall be stored away from where liquids or fluids stand, pool, or accumulate at any time. This also includes refraining from placing or storing beverages in the vicinity of these items.
- The storage and/or work area(s) where the ballots and election data media are maintained should be equipped with fire protection equipment, such as a fire extinguisher or fire suppression system.
- Election data media should be kept in their original sleeve or case. When documenting information on the disk, use of a permanent marker is recommended. As a best practice, record the information on a hard copy document for each media created (e.g. date, contents, version of the software which created and must be used to read any proprietary-formatted output files, who created the data on the media, reason for creating it, destruction date, and any other relevant data). Store both the media and the record together using an organizational scheme that allows an authorized person to easily identify the media.

Preserving Ballots and Election Data Media

Under R.C. 3505.31, after the closing of the polls and before leaving the polling place, the presiding judge and judges shall place all ballots in containers provided for that purpose and shall seal each container in a manner that it cannot be opened without breaking the seal or the material of which the container is made.

The board shall carefully preserve all ballots prepared and provided by it for use in an election, whether used or unused, for sixty (60) days after the day of the election; except that, if an election includes the nomination or election of candidates for federal offices, the board shall carefully preserve all ballots and election data media prepared and provided by it for use in that election, whether used or unused, for twenty-two (22) months after the day of any federal election, even if state and local races and/or issues were voted on at that same election.

If an election is held within sixty (60) days following an election, the board shall have authority to transfer those ballots to other containers or media to preserve them until, in the case of a state or local election, the sixty-day period has expired.

After that sixty-day period, or in the case of a federal election, after the twenty-two month period, the ballots may be disposed of by the board in a manner that the board orders, or where DRE voting machines have been used, the counters may be turned back to zero. However, the secretary of state or a court of competent jurisdiction, within that sixty-day period, may order the board to preserve the ballots or any part of the ballots for a longer period of time, in which event the board shall preserve those ballots for that longer period of time.

In counties where DRE voting machines are used, if an election is to be held within the sixty days immediately following a primary, general, or special election or within any period of time within which the ballots have been ordered preserved by the secretary of state or a court of competent jurisdiction, the board, after giving notice to all interested parties and affording them an opportunity to have a representative present, shall open the compartments of the machines and, without unlocking the machines, shall recanvass the vote cast in them as if a recount were being held.

As outlined in any directive, advisory, or memo in effect (the most current being Advisory 2005-04 *Memory Card Retention*) after providing public notice of at least two business days of the time and place for transferring data, the board of elections may transfer data from ballots, ballots cast, and records of ballots and ballots cast from DRE memory devices and/or DRE ballot server(s) to other election data media. Any interested party may observe the transfer of data so authorized, subject to security procedures and protocol of the board of elections

A full report by an employee, designated by the board of elections, shall be kept listing any suspected or detected damage to, unauthorized handling of, irregular activity regarding, or tampering with any ballot(s) or election data media. All reports and logs shall be reviewed, dated and initialed on a regular basis by the Director and Deputy Director.

The board of elections shall enforce policies and procedures relating to the security of ballots and election data media.

If you have any questions concerning this directive, please contact an elections administrator at 614-466-2585 or via e-mail.

Sincerely,

Jennifer Brunner