

DIRECTIVE 2008-86

September 9, 2008

TO: ALL COUNTY BOARDS OF ELECTIONS
MEMBERS, DIRECTORS, AND DEPUTY DIRECTORS

RE: Procedures for Handling Optical Scan Paper Ballots When a Ballot Box is at or Near Capacity Prior to the Close of the Polls

Due to the number of ballot questions and issues that will appear on the November 4, 2008, general election ballot, which may necessitate multiple page optical scan paper ballots, boards of elections are hereby directed to adhere to the following procedures in the event that a ballot box or container used to hold voted optical scan regular, backup and/or provisional ballots is nearing its holding capacity or has become full.

The boards of elections shall provide, at a minimum, one additional "overflow" ballot box or secure overflow ballot container per polling location to be used for the sole purpose of providing a secure receptacle for voted optical scan paper ballots that are to be removed from a ballot box that is nearing its holding capacity or that has become full. If a board of elections separates voted ballots by precinct (i.e., each precinct has a separate ballot box in multi-precinct polling places), the board shall also ensure that there are enough overflow ballot boxes or secure overflow ballot containers to keep ballots separated by precinct as ballots are transferred from a ballot box that is nearing its holding capacity or that has become full. Each additional overflow ballot box or secure overflow ballot container is to be used to store voted paper ballots from each ballot box in the polling location until the normal, required reconciliation is conducted by poll workers after the closing of the polls.

At regular intervals throughout Election Day predetermined by the board of elections, the presiding judge or a precinct election official designated by the presiding judge shall check the ballot boxes placed in operation at the opening of polls and used throughout Election Day. If any ballot box is found to be nearing or to have reached its full capacity, the presiding judge or designated precinct election official shall first announce by proclamation that the ballot box shall be emptied of its contents. A bipartisan team of precinct election officials shall then unseal or unlock the ballot box and transfer the voted ballots from the original ballot box to the overflow ballot box or secure overflow ballot container. The number of ballots so transferred shall be counted and the number recorded by the bipartisan team of precinct election officials on a form provided by the board of elections. The number of ballots transferred using this procedure must be included in the required reconciliation conducted by poll workers after the closing of the polls.

After transfer is complete, the bipartisan team shall seal or lock the ballot box placed in operation at the opening of the polls and shall seal or lock the additional overflow ballot box or secure overflow ballot container. If a board of elections separates voted ballots by precinct (i.e., each precinct has a separate ballot box in multi-precinct polling places), the bipartisan team shall also ensure that the transferred voted ballots are separated by precinct in each overflow ballot box or secure overflow ballot container.

The bipartisan team of precinct election officials shall document the following on a form supplied by the board of elections for each occurrence that requires the transfer of voted ballots:

- The time of the transfer of voted ballots from the original ballot box to the overflow ballot box or secure overflow ballot container.
- The number of ballots transferred from the original ballot box to the overflow ballot box or secure overflow ballot container.
- The number of the lock and/or seal used to secure the original ballot box and number of the lock and/or seal used to secure the overflow ballot box or secure overflow ballot container after the transfer of ballots.
- The names and signatures of each precinct election official in the bipartisan team involved with the transfer of voted ballots.

Precinct election officials shall ensure that the overflow ballot box or secure overflow ballot container is kept with the original ballot box and, along with the original ballot box, is secured throughout the remainder of Election Day. Until the polls close, precinct election officials shall only open the overflow ballot boxes or secure ballot containers to transfer additional voted ballots from an original ballot box as part of their ongoing effort to ensure the original ballot box does not become full. If multiple transfers are made, a new numbered lock and/or seal shall be used each time a ballot box, whether the original or overflow box or container, is used, and the above procedures shall be followed for each transfer.

After the polls have closed, the precinct election officials shall open the overflow ballot box or secure overflow ballot container and add the ballots from the overflow box or container to the ballots in the original ballot box for the same precinct to conduct the reconciliation and complete the certificate of votes cast.

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

Sincerely,

Jennifer Brunner