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DIRECTIVE 2016-05

February 22, 2016

To: All County Boards of Elections
Directors, Deputy Directors, and Members

Re: Ballot Quantities and Important Reminders for the March 15, 2016 Primary Election

SUMMARY

The battle for the presidential nomination has been fiercely competitive for both major political parties, leading to heavy media coverage and an engaged electorate. The March 2016 Primary Election in Ohio may produce heavy voter turnout and draw national attention to our state. Ohio's local election officials need to be prepared for this potentially large turnout and work to ensure that any national attention reflects their hard work and many hours of preparation.

The purpose of this Directive is to 1) remind each board of elections of its statutory duty to provide a sufficient number of primary election ballots – for each political party and precinct – and supplies for the March 15, 2016 Primary Election and 2) provide a baseline for the quantity of ballots and supplies that each board of elections must supply to each precinct.

INSTRUCTIONS

I. Ballot Quantities

A. Optical Scan Counties

In addition to the statutory minimum,¹ each board of elections must provide to each precinct a stock of optical scan ballots *at least* 20% more than the number of ballots cast in the precinct in the:

- 2000, 2004, 2008 or 2012 primary election (whichever election had the greatest number) for the Democratic and Republican Parties; and
- 2008 or 2012 primary election for the Green Party.²

¹ R.C. 3505.11.

² If no Green Party primary ballots were cast in a precinct in 2008 or 2012, the board must determine a sufficient number of Green Party primary ballots to provide to the precinct, which shall not be less than 25.

The ballot quantity instructions are minimums – boards must pre-print additional optical scan ballots beyond these minimum quantities to accommodate the projected turnout, local contests of interest on each precinct's ballot, and recent voter registration activity.

B. DRE Counties

Boards of elections using direct recording electronic (DRE) voting machines as their primary voting system on Election Day must deploy at least one DRE voting machine for every 175 registered voters in a precinct or voting location. The DREs must be programmed to allow any voter assigned to the location to vote on any machine in the location. There must never be fewer than 3 DRE machines in any precinct or voting location.³ The 3 DRE machines is a minimum – boards must allocate additional DREs to a polling location beyond these minimums to accommodate the projected turnout, local contests of interest on each precinct's ballot, and recent voter registration activity.

These boards must provide sufficient supplies and equipment (e.g., paper for voter verified paper audit trail printers) so that voting may continue without undue delay resulting from missing or insufficient replacement supplies.

As a reminder, a board of elections using DREs as its primary voting system on Election Day must provide backup paper ballots for a presidential primary election.⁴ Boards must determine the minimum number of optical scan ballots to provide for each precinct by multiplying the number of ballots cast by party in the precinct (public count) from the 2008 or 2012 presidential primary election, whichever is higher, by 20 percent. This is the minimum number of optical scan ballots that must be provided for that precinct. Boards of elections may print ballots totaling more than the calculated minimum number so long as the increase is uniform across the county. Although the ballots are labeled and look the same, this 20 percent is in addition to the quantity the board of elections determines is necessary to accommodate all provisional ballot voters at each precinct.

C. All Counties

Boards of elections should keep in mind that electors may switch parties in the upcoming primary election and might want to consider exceeding the baselines established above.⁵

A board of elections of a county that contains a college or university should consider that attendees of the college or university might appear to vote at the precinct and polling location encompassing the college or university. The board should provide additional provisional ballots and supplies to these precincts and consider whether additional PEOs are necessary to process these individuals and avoid unnecessary wait times.

No board of elections can rely solely on a Ballot on Demand (BOD) printer to produce its

³ [Directive 2015-26, Chapter 4 of the Election Official Manual.](#)

⁴ *Id.*

⁵ [Please see Section 1.10 of Directive 2015-29, Chapter 7 of the Election Official Manual for instructions on handling changes to political party affiliation at a primary election.](#)

stock of optical scan ballots on Election Day. A board of elections that utilizes a BOD printer must ensure that it has on-hand a sufficient supply of blank ballot stock and toner to print any additional ballots needed on Election Day beyond the requirements of state law and this Directive.

II. Provisional Ballots and Supplies

The board must provide ballots and envelopes in the quantity of at least 20 percent more than the number of provisional ballots cast by party in that precinct at the 2008 or 2012 presidential primary election, whichever is higher.⁶ Additionally, each board must provide to each precinct and/or polling location a stock of provisional ballot affirmation envelopes (containing Secretary of State [Form 12-B](#)) that is greater than the number of provisional ballots being provided for this election.

Additionally, any multi-precinct polling location must have a sufficient supply of Secretary of State [Form 12-D](#).

III. Electronic Pollbook Reminders

As a reminder, any board of elections that utilizes electronic pollbooks must provide at least one paper copy of the precinct poll list (i.e., a list of each elector assigned to vote in the precinct, the elector's voter registration address, and a space for the elector's signature) or signature pollbook to each precinct that uses e-pollbooks in an election. The paper copy of the poll list or signature pollbook ensures that voting can continue in the event that an e-pollbook fails to operate as intended.⁷

Precinct Election Officials must be instructed to use the poll list to look up any voter who does not appear in the electronic pollbook or to process electors if wait times at a polling location exceed the board's established minimum wait time.

If you have any questions regarding this Directive, please contact the Secretary of State's elections counsel assigned to your county at (614) 466-2585.

Sincerely,



Jon Husted

⁶ This is a minimum requirement for preparedness, not a prediction for the number of provisional ballots expected to be cast this election.

⁷ [Directive 2015-32, Chapter 10 of the Election Official Manual.](#)