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DIRECTIVE 2016-35

September 26, 2016

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

Re: Ballot Quantities and Important Reminders for the November 8, 2016 Presidential
General Election

SUMMARY

Ohio is a perennial presidential battleground state; the November 8, 2016 Presidential General Election is no different and is set to draw national attention to our state once again. Ohio's local election officials must be prepared 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 ballots and supplies for the November 8, 2016 Presidential General Election, 2) remind Direct Recording Electronic (DRE) voting system counties to ensure the proper functioning of Voter Verified Paper Audit Trails (VVPATs), and 3) 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

1. Pre-Printed Election Day Ballots

If a board of elections pre-prints the total stock of ballots to be used at a precinct on Election Day, the board must provide at least one percent (1%) more ballots than the total number of voters registered in the precinct¹ based on the final registration numbers published on October 25, 2016. In determining the number of registered voters, a board does not have to include those electors who have failed to respond within 30 days to any confirmation notice². Be mindful of the proper allocation of this quantity across precinct splits.

¹ R.C. 3505.11(A).

² R.C. 3505.11(A).

2. On Demand Election Day Ballots

If a board has chosen to provide ballots on demand at a voting **location on Election Day**, the board must provide for each precinct at least five percent (5%) more ballots than the total number of electors in that precinct who voted in the 2008 or 2012 General Election (regular and provisional voters), whichever is higher.³ Be mindful of the proper allocation of this quantity across precinct splits and take into account any increase in registration since the benchmark election. If precinct election officials request additional ballots, the board must provide those ballots in a timely manner so that all qualified electors who want to vote can do so.⁴

Whenever a board plans to use ballot-on-demand printers for any voting-related purpose, it must ensure that it has on hand a sufficient inventory of ballot stock and printer consumables (e.g., toner, fusers, etc.).

B. DRE Counties

1. Number of Machines

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.⁵ The 3 DRE machines is a minimum – boards must allocate additional DREs to a polling location beyond these minimums to accommodate the board's projected turnout, local contests of interest on each precinct's ballot, and recent voter registration activity.

2. VVPATs and Supplies

Boards of elections using DRE voting machines as their primary voting system must inspect each VVPAT attached to a DRE to ensure that it is functioning properly. Specifically, a board must ensure that the paper is recording each vote and advancing with each vote cast. Boards must make sure that the VVPAT paper roll is advancing and not printing a new vote over an existing vote.

Additionally, boards must provide sufficient supplies and equipment (e.g., paper rolls for the VVPATs), so voting can continue without undue delay resulting from missing or insufficient replacement supplies.

³ R.C. 3505.11(B).

⁴ R.C. 3505.11(B)(3).

⁵ [Directive 2016-22, Chapter 4 of the Election Official Manual.](#)

3. Backup Paper Ballots

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 general election.⁶ Boards must determine the minimum number of optical scan ballots to provide for each precinct by multiplying the number of ballots cast in the precinct (public count) from the 2008 or 2012 Presidential General Election, whichever is higher, by 20 percent. This is the minimum number of optical scan ballots that must be provided for that precinct. Boards must carefully consider any local circumstances that would merit printing more backup paper ballots than the minimum. Any such increase must be uniform across the county. Although the ballots are labeled and look the same, the 20 percent backup paper ballots are in addition to the quantity the board of elections determines is necessary to accommodate all provisional voters at each precinct.

C. All Counties

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

A board of elections of a county that contains a college or university needs to 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 needs to provide additional provisional ballots and supplies to these precincts and consider whether additional Precinct Election Officials (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 stock of optical scan ballots for voting. A board of elections that utilizes a BOD printer for any voting-related activity must ensure that it has on-hand a sufficient supply of blank ballot stock and printer consumables (e.g., toner and fusers, etc.) to print any additional ballots needed on Election Day beyond the requirements of state law and this Directive. Boards of elections using BOD printers for in person absentee voting should consider pre-printing a baseline stock of ballots to ensure efficient processing of voters.

D. Board Duty

The board of elections must vote in public session on the number of DRE's and precinct count optical scanners to allocate and distribute to each precinct and/or polling location for use on Election Day.⁷ The board must hold a second vote in public session, no earlier than 30 days prior to the general election, to allow for an opportunity to reconsider the initial allocation made prior to the 90th day and determine if any reallocation is necessary.⁸

⁶ [Directive 2016-22, Chapter 4 of the Election Official Manual.](#)

⁷ R.C. 3501.11(I)

⁸ [Directive 2015-37, Chapter 15 of the Election Official Manual.](#)

II. PROVISIONAL BALLOTS AND SUPPLIES

The board must provide ballots and envelopes in the quantity of at least 10 percent more than the number of provisional ballots cast in that precinct at the 2008 or 2012 Presidential General Election, whichever is higher.⁹ 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. Be mindful of the proper allocation of ballot and envelope quantities across precinct splits.

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.¹⁰

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.

Finally, no board of elections is permitted to implement electronic pollbooks countywide during the November 8, 2016 Presidential General Election unless it used the pollbooks countywide during the March 15, 2016 Presidential Primary Election.¹¹

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

⁹ This is a minimum requirement for preparedness, not a prediction for the number of provisional ballots expected to be cast this election.

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

¹¹ [Directive 2016-04.](#)