



DIRECTIVE 2021-13

March 23, 2021

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

Re: Unofficial and Official Canvasses of the May 4, 2021 Primary/Special Election; Open Meetings; and Precinct Election Official Training

SUMMARY

This Directive outlines the procedures that boards of elections must follow when conducting both the Unofficial and the Official Canvasses of the May 4, 2021 Primary/Special Election. The Directive also outlines expectations for remote meetings, poll worker recruitment, and training.

In order to assist boards of elections with any problems, questions, or concerns that may arise on Election Day, the Secretary of State's Office will be staffed on Election Day from 6:00 a.m. until all boards have reported their unofficial results to our Office. As in the past, boards can contact the Secretary of State's Office using a dedicated telephone number that will be emailed prior to May 4, 2021, or the main telephone number for the Elections Division at (614) 466-2585.

All Directors, Deputy Directors, and Board Members must ensure that they are able to receive emails via their .gov address and other communications sent from the Secretary of State's Office on Election Day (including after the polls close).

PART ONE - UNOFFICIAL CANVASS

The Unofficial Canvass of the May 4, 2021 Primary/Special Election must be conducted on election night in accordance with state law¹ and the processes and procedures outlined in [Chapter 8, Section 1.02](#) of the Election Official Manual.

The Unofficial Canvass must be conducted in full view of the members of the board of elections and any appointed observers, and the board must continuously count the ballots during the Unofficial Canvass.²

¹ [R.C. 3505.27](#) (counting regular ballots that were cast at precinct polling locations); [R.C. 3505.28](#) (ballots not counted); [R.C. 3509.06](#) (counting absentee ballots); [R.C. 3509.07](#) (rejection or challenge of absentee ballots); [R.C. 3511.11- 3511.13](#) (uniformed service and overseas voter absentee ballots).

² [R.C. 3505.27](#); [R.C. 3505.29](#); [R.C. 3505.30](#).

I. SUMMARY AND FINAL REPORTS

Boards of elections must follow the processes and procedures outlined in [Chapter 8, Section 1.02](#) for reporting summary results and submitting final summary reports in odd-numbered year elections. All report and signature forms will be provided via email prior to the election. Additionally, the following reporting requirements must be followed by each board of elections conducting an election on May 4, 2021:

- On Election Night, after a board has completed its Unofficial Canvass, it must email the Secretary of State's Office and attach a copy of the unofficial vote total report generated by the board's voting system. This report must be clearly labeled "[County]'s Unofficial Canvass," and it must contain only vote totals for that county. The Unofficial Certification of Results Signature Form must also be submitted on Election Night.
- By 10:00 a.m. on May 5, 2021 (the day after the election), each board must provide a report showing the number of ballots cast and counted by absentee voters and the number of regular ballots cast and counted on Election Day. This report should be generated from the board's election management system and may provide summary or precinct-level detail.
- Each board must complete and submit an Unofficial Certification of Results Supplemental Data Form to provide the following statistics:

Counted Ballots:

- Total number of Election Day Ballots (regular ballots cast at polling locations on Election Day);
- Total number of Non-UOCAVA Absentee Ballots Counted (as reported in the board's voter registration ("VR") system); and
- Total number of UOCAVA Absentee Ballots Counted (as reported in the board's VR system).

Outstanding Ballots (ballots issued but not yet counted):

- Total number of Outstanding Non-UOCAVA Absentee Ballots (as reported in the board's VR system as having been issued by the board but not returned or returned but not counted (for which [Form 11-S](#) is provided to the voter));
- Total number of outstanding UOCAVA absentee ballots issued by the board (as reported in the board's VR system as having been issued by the board but not returned or returned but not counted (for which [Form 11-S](#) is provided to the voter));
- Total number of provisional ballots cast on Election Day; and
- Total number of provisional ballots cast before Election Day.

By 10:00 a.m. on May 5, 2021 (the day after the election), the board of the most populous county of any multi-county district must generate a separate summary report showing the combined vote totals for its county and the overlapping county that report to the most populous county for that contest, question, or issue. This report must be clearly labeled "[County]'s Unofficial Canvass – Most Populous County." The board may use its voting system, the relevant Secretary of State Form, or some other form to provide this information.

The reports must be transmitted to the Elections Division via email to Results@OhioSOS.gov. Our Office will provide a signature form, which must be signed by the director, deputy director, and each board member present for the Unofficial Canvass. If the board members participate in the meeting for the unofficial certification remotely, the board members may authorize in writing the use of digital or stamped signatures for these reports.

PART TWO – CURING ABSENTEE AND PROVISIONAL BALLOTS

Each board of elections must be open to the public on each of the seven calendar days immediately following Election Day, and during the hours specified below, to allow voters to cure a deficiency on an absentee or provisional ballot, as provided for in state law:³

- Wednesday, May 5th 8:00 a.m. – 5:00 p.m.
- Thursday, May 6th 8:00 a.m. – 5:00 p.m.
- Friday, May 7th 8:00 a.m. – 5:00 p.m.
- Saturday, May 8th 8:00 a.m. – 12:00 p.m.
- Sunday, May 9th 1:00 p.m. – 5:00 p.m.
- Monday, May 10th 8:00 a.m. – 5:00 p.m.
- Tuesday, May 11th 8:00 a.m. – 5:00 p.m.

Whenever a board of elections receives an absentee ballot ID envelope that is missing required information or that contains information that does not conform to the voter’s registration record, and the board of elections cannot determine the voter’s eligibility without the missing or nonconforming information, the board of elections must contact the absentee voter to give an opportunity to supplement their ID envelope so the voter’s ballot can be counted. The board must meet this requirement by issuing [Form 11-S](#) to the voter, according to the schedule outlined in [Chapter 5, page 36](#) of the Election Official Manual.⁴ When a telephone number or email address is available, boards must use that contact information to quickly notify the voter about the deficiency on their ID envelope. The voter must provide the necessary information in writing on [Form 11-S](#), either by in person delivery or by mail.⁵

PART THREE - OFFICIAL CANVASS

I. TIMELINE FOR OFFICIAL CERTIFICATION

Boards of elections may begin the Official Canvass of the May 4, 2021 Primary/Special Election no earlier than the 11th day after the election (Saturday, May 15, 2021) and must begin no later than the 15th day after the election (Wednesday, May 19, 2021). Each board must complete

³ [R.C. 3505.181\(B\)\(7\)](#); [R.C. 3509.06\(D\)\(3\)](#). See also *Northeast Ohio Coalition for the Homeless v. Husted*, 837 F.3d 612 (6th Cir. 2016) (holding that the seven-day post-election cure period for absentee and provisional ballots established in state law is constitutional).

⁴ See [Election Official Manual Chapter 5](#), pages 30-32 and 35-39.

⁵ [R.C. 3509.06\(D\)\(3\)\(b\)](#).

its Official Canvass and certify the results no later than the 21st day after the election (Tuesday, May 25, 2021).⁶

II. INSTRUCTIONS FOR OFFICIAL CANVASS

Each board of elections must follow the instructions for pre-canvass activity outlined in [Chapter 8, Section 1.03](#) of the Election Official Manual. Boards must also follow the rules and procedures outlined in [Chapter 8, Section 1.04](#) of the Election Official Manual for conducting the Official Canvass. Each board must reconcile results with records from the poll books and voter registration system to ensure that only one ballot per voter is counted.⁷ This includes ensuring that all returned absentee ballots are logged in the voter registration system and reconciling the list of voters whose ballots were returned with the number of physical ballots returned.

III. FORMS FOR OFFICIAL CERTIFICATION

After the Unofficial Canvass, our Office will provide the forms for reporting results. All certifications and reports must be signed by the appropriate board personnel before being submitted to our Office, another board of elections, or another public entity. If the board members participate in the meeting for the official certification remotely, the board members may authorize in writing the use of digital or stamped signatures for these reports.

Each board of elections must submit the signature form to certify the Official Election Results, including the Supplemental Reports for both Absentee Ballots and Provisional Ballots, to the Secretary of State's Office.

A. CERTIFICATION OF OFFICIAL RESULTS⁸

1. After a board completes its official canvass, it must email Results@OhioSOS.gov and attach a copy of the official vote total summary report generated by the board's voting system. This report must be clearly labeled "<County's> Official Canvass," and it must contain only vote totals for that county.
2. Each board must provide a separate write-in tally that records the official canvass of the number of valid votes cast for write-in candidates using a reporting form that will be provided.⁹ The report for the official canvass of valid votes for write-in candidates does not need to be detailed to the precinct-level.
3. The board of elections for the most populous county of any jurisdiction must generate a separate report from its voting system, create a report outside of its voting system, or use a reporting form that will be provided for this purpose. This report must be clearly labeled "<County's> Official Canvass – Most Populous

⁶ [R.C. 3513.22\(A\)](#).

⁷ [R.C. 3505.32\(D\)](#).

⁸ [R.C. 3505.30](#).

⁹ If the voter has written in part of an eligible write-in candidate's name, the board of elections must count a vote in which a voter has written in only the first or last name of the candidate, if there is only one eligible write-in candidate with that first or last name. In either case, or if there are two or more write-in candidates with the same first or last name, the voter must provide sufficient information for election officials to determine the voter's intent in order for the vote to be counted. See [Election Official Manual Chapter 8](#), page 13.

County.” The report must include the total number of votes recorded for the office, question, or issues from each county in a multi-county jurisdiction and the total number of votes for all counties. The contest(s) for which a board is the most populous county must be marked to clearly identify it as a contest containing vote totals from other counties.

B. ABSENTEE AND PROVISIONAL BALLOT SUPPLEMENTAL REPORT

State law requires the Secretary of State to publish a report on the number of absentee and provisional ballots cast and counted.¹⁰ Each board of elections must provide this supplemental data for absentee and provisional ballots. Note that boards will be required to provide the total count of provisional ballots counted using the APRI Exception.¹¹ The reporting forms will be sent separately.

C. CERTIFICATE OF OFFICIAL SUMMARY RESULTS FOR LOCAL LIQUOR OPTION QUESTIONS AND LOCAL QUESTIONS AND ISSUES

Each board of elections must send a copy of Secretary of State’s [Form 126-B](#) to the Secretary of State’s Office via email to Results@OhioSOS.gov and a copy of the completed form to the Ohio Division of Liquor Control via email to: LiquorLicensingMailUnit@com.state.oh.us or by mailing to the following address:

Division of Liquor Control
6606 Tussing Road
Reynoldsburg, Ohio 43068-9005

The board of elections (most populous county only if it is multi-county issue) must certify the results of an election on tax levies and bond issues to the following offices and agencies:

- The county auditor of each county in which the election was held;
- The fiscal officer of the subdivision in which the election was held;
- The Tax Commissioner of the State of Ohio via email at DTE@tax.state.oh.us; and
- The Secretary of State (via email to Results@OhioSOS.gov).

The board of elections of the most populous county must certify the results of an election on a school district income tax on [Form 125-A](#) to the following offices and agencies:

- The board of education that placed the issue on the ballot;
- The Tax Commissioner of the State of Ohio via email at DTE@tax.state.oh.us; and
- The Secretary of State (via email to Results@OhioSOS.gov).

¹⁰ [R.C. 3501.05\(Y\)](#)

¹¹ See [Chapter 6, Section 1.06](#) of the Election Official Manual for an explanation of the APRI Exception.

IV. TIMELINE FOR REPORTS

Our Office must receive the certification and report forms no later than the board's close of business on Tuesday, May 25, 2021. Each board should submit these reports as soon as the board has completed its official certification. Do not delay in submitting the official certification forms because of a recount for any race or issue. All completed reports must be submitted via email to Results@OhioSOS.gov.

Every board of elections must maintain at its office a copy of each of its completed certification and report forms.

V. CERTIFICATES OF NOMINATION

Each board of elections must follow the instructions for issuing certificates of nomination that are contained in [Chapter 8, Section 1.04](#) of the Election Official Manual, pages 26 to 28.

VI. RECOUNTS

Before scheduling and conducting a recount, please review the procedures set forth in state law and the instructions and procedures outlined in [Chapter 9, Section 1.02](#) of the Election Official Manual. The deadline for a candidate or group to request a recount is five days after the certification of official results. A recount must take place no later than ten days after an application for a recount is filed or an automatic recount is declared.¹²

Boards will be provided with a survey link to notify the Secretary of State of a recount. The survey will be provided via email along with the Official Canvass report forms. All boards must complete the survey, regardless of whether there is a recount in their county. If the board must conduct a recount, they must provide the information regarding the recount in a format provided by the Secretary of State's Office in the email along with the Official Canvass Report forms. If the recount to be conducted is for a multi-county jurisdiction, the Secretary of State's Office will issue the notice of recount after receiving notice from the most populous county. If a recount changes vote totals, the board of elections must submit a properly completed and signed amended certification and abstract to Results@OhioSOS.gov.

VII. POST-ELECTION AUDITS

Ohio law does not require boards of elections to perform a post-election audit after the May 4, 2021 Primary/Special Election. However, boards should consider making post-election audits a routine practice after each regular election. If a board chooses to conduct an audit, the board must follow the procedures outlined in [Chapter 9](#) of the Election Official Manual.

VIII. VOTER HISTORY

All boards must upload voter history for the May 4, 2021 Primary/Special Election to the Statewide Voter Registration Database on the day of the board's official certification. Counties with more than 100,000 registered voters must email SWVRD@OhioSoS.gov to schedule their

¹² [R.C. 3515.02](#) and [R.C. 3515.03](#).

upload in advance. Once voter history is transmitted, Secretary of State staff will compare the total ballots cast to the total number of voters participating in the election.

For purposes of assigning voter history, each board of elections must follow the instructions outlined in [Chapter 8, Section 1.04](#), of the Election Official Manual. The election name to submit the history for the election is **2021_MAY_PRIM**.

Following each primary election, a board of elections must program its county voter registration system to reflect a voter's party affiliation in accordance with [R.C. 3513.05](#), as outlined in [Chapter 3, Section 1.14](#), of the Election Official Manual.

PART FOUR – OPEN MEETINGS AND OBSERVERS DURING THE CANVASS

I. VIRTUAL MEETING

Consistent with [R.C. 3505.30](#), board members must open session at 6:30 a.m. on May 4, 2021, just as in-person voting begins. In preparation for this and other public meetings, the boards of elections are encouraged to consult with their prosecuting attorney regarding H.B. 404 of the 133rd General Assembly, which authorizes a public body, during the state of emergency to hold meetings and hearings by means of teleconference, video conference, or any other similar electronic technology. If a board conducts any meeting remotely, the board must ensure public notice and access in the manner provided by the Act. The board's prosecuting attorney can assess whether this is possible.

Boards should work with their technical points of contact (i.e., IT professionals) to determine whether livestreaming meetings is an option, including whether there is enough bandwidth to allow for public viewing. To the maximum extent possible, any livestream of board meetings should be advertised on social media and include video of the staff undertaking duties that would normally be observable by members of the public if they were physically present at the meeting. If board members need to remake ballots, members should coordinate with their staff to review the ballots in person prior to the public meeting. The board members, particularly those who are at the greatest risk, should maintain social distancing and use personal protective equipment while in the board's office and interacting with staff.

II. OBSERVERS

A board must allow the presence of observers who present a valid certificate of appointment for the unofficial and official canvass and any recount.¹³ However, a board should consider offering remote access to recognized observers via livestream, video conference, or similar technology. Boards must also consider observers in their plans for social distancing and sanitizing protocols, should observers attend in person. Observers should have their own personal protective equipment and face coverings and wear them at the office of a board of elections. Boards may provide such equipment to an observer who is unable to secure it.

¹³ [R.C. 3505.21](#).

An observer who refuses to wear a face covering at the board of elections, early vote center, or a polling location may be removed for obstructing voting. Voting location managers, directors, and deputy directors have the authority to administratively remove observers from their posts if necessary.

PART FIVE – PRECINCT ELECTION OFFICIAL TRAINING

Boards of elections must ensure that they recruit and train ample numbers of precinct election officials to administer the May 4, 2021 Primary/Special Election. To ensure that the board of elections has an adequate number of precinct election officials to fully staff every precinct as well as back-up precinct election officials to account for cancellations and shortages, the Secretary of State's Office recommends a recruiting goal of at least twenty-five percent more precinct election officials than the minimum number needed to staff the polling locations.

Ohio law provides that each county board of elections select, generally, four residents of the county in which the precinct is located to serve as precinct election officials. Counties must consider assigning more than four precinct election officials to a precinct if high voter turnout is expected.¹⁴ Boards must work with outside organizations such as service organizations, student associations, bar associations, chambers of commerce, and civic organizations to recruit precinct election officials. Boards must use social media and local media organizations to recruit precinct election officials. Our Office will provide resources and support to assist boards with these precinct election official recruitment efforts.

Precinct election officials are required to complete a program of instruction as prescribed by the Secretary of State in the rules, procedures, and law relating to elections.¹⁵ New precinct election officials and those unfamiliar with the board's current voting system must complete training. As social distancing and sanitizing protocols must be included in training,¹⁶ precinct election officials who have not served since 2019 must receive training prior to the May 4, 2021 Primary/Special Election. Boards may offer online or virtual precinct election official training only to those experienced precinct election officials who served as a precinct election official with the current voting system and equipment. Boards are encouraged to complete all precinct election official training by **April 27, 2021**, except for emergency trainings.

If you have any questions regarding this Directive, please contact the Secretary of State's Elections Counsel at (614) 728-8789.

Yours in service,



Frank LaRose
Ohio Secretary of State

¹⁴ [R.C. 3501.22](#). Note that in a multi-precinct polling location that uses electronic pollbooks, a board may vote to reduce the number of precinct election officials from four to two per precinct.

¹⁵ [Chapter 2](#), pages 67-68, of the Election Official Manual.

¹⁶ [See 2021 Health Guidance](#).