



DIRECTIVE 2022-40

June 30, 2022

To: All County Boards of Elections

Board Members, Directors, and Deputy Directors

Re: Unofficial and Official Canvasses of the August 2, 2022 Primary/Special Election

SUMMARY

This Directive outlines the procedures that boards of elections must follow when conducting both the Unofficial and Official Canvasses of the August 2, 2022 Primary/Special Election.

To assist boards of elections with any problems, questions, or concerns on Election Day, the Secretary of State's Office is staffed on Election Day from 6:00 a.m. until all boards report their unofficial results to our Office. Boards should contact the Secretary of State's Office using the dedicated telephone number that will be emailed prior to August 2, 2022.

All board members, directors, and deputy directors 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 August 2, 2022 (including after the polls close).

PART ONE – UNOFFICIAL CANVASS

The Unofficial Canvass of the August 2, 2022 Primary/Special Election must be conducted on Election Night in accordance with state law¹ and [Chapter 10, Section 10.02](#) of the Election Official Manual. 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.² 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.

The Unofficial Canvass must be conducted in full view of the members of the board of elections and any observer appointed in accordance with [R.C. 3505.21](#).³ The board must continuously count the ballots during the Unofficial Canvass.⁴

I. PROCESSING ABSENTEE BALLOTS

Boards of elections may begin processing (including scanning, but not tabulating) absentee ballots on July 6, 2022, the day after the close of voter registration. Boards must begin this process prior to Election Day to ensure the Unofficial Canvass includes all absentee ballots received by the close of polls on August 2, 2022. Boards are prohibited from tabulating any absentee ballot prior to 7:31 p.m. on

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](#) (absentee ballots not counted); [R.C. 3511.11- 3511.13](#) (uniformed service and overseas voter absentee ballots).

² [R.C. 3505.26](#) and [R.C. 3505.27](#)

³ [R.C. 3505.27](#).

⁴ [R.C. 3505.27](#); [R.C. 3505.29](#); [R.C. 3505.30](#).

August 2, 2022. If a court orders polls to remain open later than 7:30 p.m. on Election Day, boards will receive a directive with alternate instructions.

II. ELECTION NIGHT REPORTING (“ENR”)

State law requires boards of elections to provide election results for certain contests to the Secretary of State’s Office.⁵ Election Night Reporting will consist of races for the following offices:

- State Senator
- State Representative
- Member of State Central Committee

All counties must use the Secretary of State’s County Submission System (“CSS”) to provide summary results on all candidates that appear on the county’s ballot.

Although boards of elections will have access to hand-key the results at the time frames below, the upload tool allows each board to do this more efficiently. This method also helps prevent data entry errors. Boards must use the USB thumb drives provided by the Secretary of State’s Office to ensure the security of the ENR system and election management system (“EMS”). The USB thumb drives must be used only once.

For the Unofficial Canvass, boards must provide summary-level election results, rather than precinct-level results. Boards will upload precinct-level results for the Official Canvass.

A. SCHEDULE FOR REPORTING RESULTS

Each board must log in to the CSS no later than 7:45 p.m. on August 2, 2022. The board must immediately notify the Secretary of State personnel of delays in completing any portion of the results reporting activity.

B. REPORTING ABSENTEE BALLOT RESULTS

Each board must upload vote totals for absentee ballots by 8:00 p.m., unless the voting system is technologically unable to do so. If necessary, partial absentee results may be uploaded by the county. If the board uploads partial absentee results at 8:00 p.m., the board must not double-report the initial upload. Contact the board’s voting system vendor if you need technical assistance. The board must enter zero (0) precincts reporting when it uploads its first absentee results.

C. MAXIMUM TIME BETWEEN ENR REPORTS

ENR begins with the first upload of absentee results by 8:00 p.m. and will continue at the assigned time throughout the night. After the board uploads its first summary election results, it must report on the following time increment assigned to the county:

1. **“Half-Hour” Counties** - *Allen, Ashtabula, Athens, Belmont, Butler, Clark, Clermont, Columbiana, Cuyahoga, Delaware, Erie, Fairfield, Franklin, Geauga, Greene, Hamilton, Hancock, Jefferson, Knox, Lake, Lawrence, Licking, Lorain, Lucas, Mahoning, Marion, Medina, Miami, Montgomery, Muskingum, Portage, Richland, Ross, Sandusky, Scioto, Stark, Summit, Trumbull, Tuscarawas, Union, Warren, Washington, Wayne, and Wood Counties.*

⁵ [R.C. 3505.27\(C\)](#).

“Half-hour” counties must report at each half-hour (e.g., 8:30 p.m., 9:00 p.m., 9:30 p.m., etc.), beginning at 8:30 p.m., the first half-hour that follows the upload of the board’s absentee summary election results at 8:00 p.m., then on every half hour after and continuing until all precincts report results.

The board must notify the Secretary of State personnel if, as the board approaches full reporting, one or more precincts did not report and it is more than 30 minutes since the last report, to explain the delay. Once 100 percent of the precincts have reported, boards must enter final vote tallies into the ENR system. The board does not have to wait until its designated reporting time (noted above) before reporting the final results.

2. “Hourly” Counties

Adams, Ashland, Auglaize, Brown, Carroll, Champaign, Clinton, Coshocton, Crawford, Darke, Defiance, Fayette, Fulton, Gallia, Guernsey, Hardin, Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, Logan, Madison, Mercer, Meigs, Monroe, Morgan, Morrow, Noble, Ottawa, Paulding, Perry, Pickaway, Pike, Preble, Putnam, Seneca, Shelby, Van Wert, Vinton, Williams, and Wyandot Counties.

“Hourly” counties must report summary election results at the top of every hour, as specified above, and continue until all precincts have reported. If the board reports more frequently, it must still report on the hour.

The board must notify the Secretary of State personnel if, as the board approaches full reporting, one or more precincts did not report and it is more than 60 minutes since the last report, to explain the delay. Once 100 percent of the precincts have reported, boards must enter final vote tallies into the ENR system. The board does not have to wait until its designated reporting time (noted above) before reporting the final results.

D. SUPPLEMENTAL STATISTICS

Boards of elections must provide supplemental statistics upon reporting the county’s last precinct or shortly thereafter. **Boards must promptly report vote totals, even if supplemental statistics are not yet available.** Upload the election results, then submit the statistics when ready.

The required supplemental statistics are as follows:

Counted Ballots

- Total number of regular ballots counted from Election Day precincts (not including absentee ballots).
- Total number of absentee ballots counted (both UOCAVA and Non-UOCAVA).
- Total regular Election Day and absentee ballots counted.

Outstanding Ballots

- Total number of outstanding absentee ballots (issued but not yet counted).
- Total number of provisional ballots (issued at the polls or the board office before or on Election Day).

III. SUMMARY AND FINAL REPORTS

Boards of elections must follow the procedures outlined in [Chapter 10, Section 10.02](#) of the

Election Official Manual for reporting summary results and submitting final summary reports in even-numbered year elections. The required reports and forms (listed below) for the Unofficial Canvass and the instructions and deadline for submission will be provided to boards of elections via email before Election Day:

1. Unofficial Vote Total Summary Report;
2. Group Detail Report;
3. Write-In Report;
4. Most Populous Report(s) (when applicable); and
5. Signature Form.

In addition to the Unofficial Vote Total Summary Report submitted on Election Night, each board must print Current County Results from the CSS, proof to the Unofficial Vote Total Summary Report, and email the Current County Results along with the Report to Results@OhioSoS.gov. Instructions outlining this requirement will be provided separately. All final summary reports, and Group Detail Report must be transmitted to the Elections Division via email to Results@OhioSoS.gov.

On Election Night, once the Secretary of State's Office receives, reviews, and compares the board's Unofficial Vote Total Summary Report, and Group Detail Report, a Secretary of State staff member will contact the Director.

The Director and Deputy Director must not leave the office until the assigned Secretary of State staff member contacts the Director to confirm that its reports have been received and reviewed to ensure the results match. The Director is responsible for releasing the board's staff.

PART TWO – POST-ELECTION CURE PERIOD

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, in order to allow voters to cure a deficiency on an absentee or provisional ballot, as provided for in state law:⁶

- | | |
|-------------------------------------|------------------------|
| • Wednesday, August 3 rd | 8:00 a.m. – 5:00 p.m. |
| • Thursday, August 4 th | 8:00 a.m. – 5:00 p.m. |
| • Friday, August 5 th | 8:00 a.m. – 5:00 p.m. |
| • Saturday, August 6 th | 8:00 a.m. – 12:00 p.m. |
| • Sunday, August 7 th | 1:00 p.m. – 5:00 p.m. |
| • Monday, August 8 th | 8:00 a.m. – 5:00 p.m. |
| • Tuesday, August 9 th | 8:00 a.m. – 5:00 p.m. |

Whenever a board of elections receives an absentee ballot identification envelope that is missing required information or that contains information that does not conform to the voter's registration record,

⁶ [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).

the board must follow the instructions set forth in [Chapter 7, pages 228 to 230](#) of the Election Official Manual.

For absentee voters, a board of elections must receive a completed [Form 11-S](#) to cure a deficiency by the 7th day after the election, or the Form 11-S must be postmarked by the 7th day after the election and received by the 10th day after the election.

If a board of elections has no voters with a deficiency on their absentee or provisional ballot after Election Day (i.e., there is nothing *possible* to cure for any voter that cast a ballot in the election) or all deficiencies have been cured, the board may return to its normal operating hours for the remainder of the cure period.

PART THREE – OFFICIAL CANVASS

IV. TIMELINE FOR OFFICIAL CERTIFICATION

Boards of elections may begin the Official Canvass of the August 2, 2022 Primary/Special Election no earlier than the 11th day after the election (**Saturday, August 13, 2022**) and must begin no later than the 15th day after the election (**Wednesday, August 17, 2022**). Each board must complete its Official Canvass and certify no later than the 21st day after the election (**Tuesday, August 23, 2022**).⁷

V. PRE-CANVASS AND CANVASS ACTIVITY

Boards of elections must follow the instructions for pre-canvass activity that are outlined in [Chapter 10, Section 10.03](#) of the Election Official Manual. Boards must also follow the rules and procedures outlined in [Chapter 10, Section 10.04](#) of the Election Official Manual for conducting the Official Canvass. Each board must reconcile results with records from the poll books and the voter registration system to ensure that only one ballot per voter is counted.⁸ 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.

Pursuant to [R.C. 3505.32](#), board members and employees are prohibited from disclosing partial or final results of any contest in the election between the completion of the Unofficial Canvass and the certification of official results.

VI. FORMS FOR OFFICIAL CERTIFICATION

After the Unofficial Canvass, our Office will provide the forms for reporting official results. All certifications and reports must be signed by the appropriate board personnel before the board submits them to our Office, another board of elections, or another public entity. The board may not use 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.

E. CERTIFICATION AND REPORTING OF OFFICIAL RESULTS²

After a board completes its Official Canvass, it must email Results@OhioSoS.gov a copy of the official vote total summary report generated by the board's voting system. This report must be clearly

⁷ [R.C. 3505.32\(A\).](#)

⁸ [R.C. 3505.32\(D\).](#)

⁹ [R.C. 3505.30.](#)

labeled “[County]’s Official Canvass,” and it must contain *only* vote totals for that county.

The board of elections for the most populous county of any multi-county jurisdiction or district must generate a separate report from its voting system, create a report outside of its voting system, or use a reporting form which will be provided after the Unofficial Canvass. This report must be clearly labeled “[County’s] Official Canvass – Most Populous County.” The report must include the total number of votes recorded for the office, question, or issue from each county in a multi-county jurisdiction and the sum total for all counties. The board must clearly mark the contest(s) for which a board is the most populous county to clearly identify it as a contest contains vote totals from other counties. The board must email the report(s) to Results@OhioSoS.gov.

F. 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 for the election in each county.¹⁰ Each board of elections must provide this supplemental data for absentee and provisional ballots. Our Office will provide the reporting forms after the Unofficial Canvass.

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

Each board of elections must send a completed copy of [Secretary of State Form No. 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: 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 a 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.
- The Secretary of State.

The board of elections of the most populous county must certify the results of an election on a school district income tax on [Secretary of State 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.
- The Secretary of State.

¹⁰ [R.C. 3501.05\(Y\)](#).

VII. TIMELINE FOR REPORTS

No later than 2:00 p.m. on **Friday, August 26, 2022**, the Secretary of State's Office must receive each of the following:

- Certification report and signature form;
- Write-In Report;
- Report forms;
- Electronic turnout detail by precinct;
- SOVC report; and
- Group Detail Report.

Each board must submit these reports to Results@OhioSoS.gov as soon as the board completes its official certification. Boards must not delay submitting the official certification forms because of a recount for any race or issue. Every board must maintain a copy of each of its completed certification and report forms.

VIII. CERTIFICATES OF ELECTION AND/OR NOMINATION

Each board of elections must follow the instructions for issuing certificates of election and/or nomination that are contained in [Chapter 10, Section 10.04](#), of the Election Official Manual.

IX. RECOUNTS

Before scheduling and conducting a recount, please review the procedures set forth in state law and [Chapter 11, Section 11.02](#) 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.¹¹

The Secretary of State's Office will provide the boards a spreadsheet along with the Official Canvass report forms. Boards must complete the spreadsheet to notify the Secretary of State of a recount. All boards must complete the survey, regardless of whether there is a recount in their county. If the board must conduct a recount, the board must provide the information regarding the recount in the spreadsheet provided by the Secretary of State's Office when the board emails the completed 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.

X. POST-ELECTION AUDITS

Ohio law requires every board of elections to conduct a post-election audit¹² The law generally requires boards to audit not less than three contested races, questions, or issues, as directed by the Secretary of State. If fewer than three contested races, questions, or issues appear on the ballot at the election, then the board must audit every contested race, question, and issue. Before scheduling and

¹¹ [R.C. 3515.02](#) and [R.C. 3515.03](#).

¹² [R.C. 3505.331](#).

conducting the post-election audit, please review the procedures set forth in state law and [Chapter 11, Section 11.03](#) of the Election Official Manual. The timeline for post-election audits depends on whether there is a recount, as explained below:

1. **If there is no recount:** The audit may start six days after the official results are declared and must be completed by the 21st day after that declaration. The board has five days after completion to certify those audit results to the Secretary. A form will be offered for certifying audit results.
2. **If there is a recount:** The audit must begin immediately after the board certifies the results of the recount and be complete within 14 days. The board has five days after completion to certify those audit results to the Secretary.

After Election Day, the Secretary of State's Office will provide more instructions for the post-election audit.

XI. VOTER HISTORY

All boards must upload voter history for the August 2, 2022 Primary/Special Election to the Statewide Voter Registration Database no later than 14 days after the board's official certification. Counties with more than 100,000 registered voters must email SWVRD@OhioSoS.gov to schedule their upload in advance. The election name to submit the history for the election is **2022_AUG_PRIM**.

For purposes of assigning voter history, a voter record should be marked as having voted in an election, only if any of the following are true:¹³

- The voter signed the signature poll book on Election Day.
- The voter was issued an absentee ballot in-person during the period for in-person absentee voting.
- The voter timely returned the voter's identification envelope (including UOCAVA and Federal Write-In Absentee Ballot (FWAB)), regardless of whether the ballot was eligible to be counted.
- The voter is an eligible elector of the State of Ohio and cast a provisional ballot, regardless of whether the ballot was eligible to be counted. **If a provisional ballot affirmation is used to register an individual to vote, the newly registered voter should be assigned voter history for casting a provisional ballot.**

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](#).

XII. RETENTION OF BALLOTS

Boards must retain all ballots prepared for an election for at least 60 days following the election.¹⁴ If the board uses a voting system and software that captures images of ballots as they are scanned by a high-speed scanner, those images may be subject to disclosure pursuant to a public records request and must be retained.¹⁵ Accordingly, consult with the county prosecuting attorney regarding their retention.

¹³ [Election Official Manual Chapter 10](#), page 316.

¹⁴ [R.C. 3505.31](#).

¹⁵ See [Election Official Manual Chapter 10](#), pages 321 to 323.

PART FOUR – OPEN MEETINGS DURING THE CANVASS

Consistent with [R.C. 3505.30](#), board members must remain in session from the time of the opening of the polls on Election Day until the results of the election are received from every precinct in the county and such results are communicated to the Secretary of State. Board members must also meet to adjudicate the validity of provisional ballots, certify the official results of the election, and certify the results of any recount or post-election audit.

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.

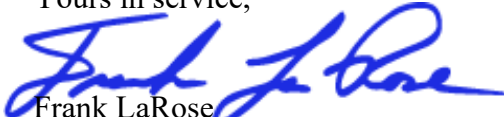
PART FIVE –SECURE RECEPTACLES

For the August 2, 2022 Primary/Special Election, boards of elections must follow the same rules and procedures set forth in [Directive 2021-10](#) for the use of secure receptacle(s) outside the county board of elections. A bipartisan team must retrieve the contents of the secure receptacle upon all of the following deadlines:

- (1) Voter registration deadline: **Tuesday, July 5, 2022** at 9:00 p.m.
- (2) Absentee ballot application deadline: **Saturday, July 30, 2022** at 12:00 noon; and
- (3) Personal delivery absentee ballot deadline: **Tuesday, August 2, 2022** at 7:30 p.m.

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