



DIRECTIVE 2023-06

March 28, 2023

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

Re: May 2, 2023 Primary/Special Election Canvass Instructions and H.B. 458 Clarifications

SUMMARY

This Directive outlines the procedures that boards of elections must follow when conducting both the Unofficial and the Official Canvasses of the May 2, 2023 Primary/Special Election. Note that certain deadlines and procedures have changed as a result of the passage of H.B. 458 (134th General Assembly). Section Five of this Directive contains additional guidance pertaining to H.B. 458 changes, including acceptable military identification, processing voter registrations, and examining provisional ballots.

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 a dedicated telephone number that will be emailed prior to May 2, 2023.

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 May 2, 2023 (including after the polls close).

PART ONE - UNOFFICIAL CANVASS

The Unofficial Canvass of the May 2, 2023 Primary/Special Election must be conducted on election night in accordance with state law¹ and the processes and procedures outlined in [Chapter 10, Section 10.02](#) of the Election Official Manual. Each board must ensure all eligible Election Day and absentee ballots are tabulated and reported in its unofficial canvass. Boards must ensure all memory cards containing tabulated results are properly processed into its election management system. The board must have a document in place to ensure it meets this requirement (i.e., checklist or chart to check off when a memory card is processed).

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

I. SUMMARY AND FINAL REPORTS

Boards of elections must follow the processes and procedures outlined in [Chapter 10, Section 10.02](#) of the Election Official Manual for reporting summary results and submitting final

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](#).

summary reports in odd-numbered year elections. All report and signature forms will be provided via email prior to the election.

The following reporting requirements must be followed by each board conducting an election on May 2, 2023:

1. **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 election management 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.
2. **By 12:00 noon on May 3, 2023** (the day after the election), each board must provide a report showing the number of absentee ballots cast and counted 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.
3. **By 12:00 noon on May 3, 2023** (the day after the election), 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.
4. **By 12:00 noon on May 3, 2023** (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.

PART TWO – POST-ELECTION CURE PERIOD

I. DAYS AND HOURS

Each board of elections conducting an election must be open to the public on each of the four 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 3, 2023 8:00 a.m. – 5:00 p.m.
- Thursday, May 4, 2023 8:00 a.m. – 5:00 p.m.
- Friday, May 5, 2023 8:00 a.m. – 5:00 p.m.
- Saturday, May 6, 2023 8:00 a.m. – 12:00 p.m.

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.

II. AFFIDAVIT OF RELIGIOUS OBJECTION AND CURING PROVISIONAL BALLOTS

A provisional voter who failed to provide photo ID has four days after Election Day to either appear at the board of elections office to show photo ID or complete an affidavit of religious objection ([Form 12-O](#)). To cure a provisional ballot for lack of photo ID, it is not sufficient to provide a copy of the photo ID, the Ohio driver's license number or state ID card number, or the last four digits of the voter's Social Security Number. The voter must show photo ID (and not a copy) by the fourth day after Election Day. If the voter did not have a photo ID because of a religious objection to being photographed and the voter did not complete [Form 12-O](#) at the time they voted a provisional ballot, the voter must appear at the board office and complete the affidavit by the fourth day after Election Day.

No later than 1:00 p.m. on the fourth day after Election Day, a board of elections must transmit the information in the completed affidavits to the Secretary of State's Office, which then must consult the BMV's database to determine whether they issued a currently unexpired photo ID to that voter. The Secretary of State's Office will complete this check no later than the seventh day after Election Day. The affidavit of religious objection is not valid if the BMV has issued a currently unexpired photo ID or if the last four digits of the voter's SSN provided on the affidavit do not match those digits in the Statewide Voter Registration Database.⁴ To compile the information for each voter, each board must supply the necessary data either by export from the voter registration system or completion of a spreadsheet that will be provided with instructions under separate cover.

Board staff, working in bipartisan teams, may begin examining provisional ballot envelopes the day after the election, as long as the board has adopted a provisional ballot policy

³ [R.C. 3505.181\(B\)\(7\)](#); [R.C. 3509.06\(D\)\(3\)](#).

⁴ [R.C. 3505.181](#), [3505.182](#), and [3505.183](#), and [3505.19](#).

allowing its staff to do so. The bipartisan teams may categorize provisional ballots into groups of like ballots (e.g., ballots that have been verified and eligible to be counted, provisional affirmations that are missing the voter's signature, etc.) for the board to consider. However, the board must not examine the provisional ballot affirmation of any provisional ballot cast by an individual who must provide photo ID, complete an affidavit of religious objection, or provide additional information to determine the individual's eligibility until the individual does so or until the eighth day after Election Day, whichever is earlier.⁵

III. CURING ABSENTEE BALLOT DEFECTS

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, the board of elections must contact the absentee voter to provide an opportunity to supplement their identification 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 following schedule:

- [Form 11-S](#) must be issued not later than two business days after a “defective” absentee ballot identification envelope is received by the board from the start of absentee voting through the third Saturday prior to the election;
- [Form 11-S](#) must be issued not later than one calendar day after a “defective” absentee ballot identification envelope is received by the board between the third Monday and last Friday prior to the election; and
- [Form 11-S](#) must be issued on the same day that a “defective” absentee ballot identification envelope is received by the board of elections between the Saturday prior to the election and through the third day following Election Day.

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 identification envelope. The absentee voter must provide the necessary information in writing on [Form 11-S](#), either by in-person delivery or by mail by the fourth day after the election (**Saturday, May 6, 2023**).⁶

PART THREE - OFFICIAL CANVASS

I. TIMELINE FOR COUNTING AND OFFICIAL CERTIFICATION

Boards of elections must begin counting cured absentee ballots and absentee ballots that arrive after Election Day no later than the fifth day after Election Day (**Sunday, May 7, 2023**). Additionally, boards must begin counting cured provisional ballots by the eighth day after Election Day (**Wednesday, May 10, 2023**).⁷ However, for the official canvass, a board must begin the official canvass not earlier than the 11th day after the election (**Saturday, May 13, 2023**) nor later than the 15th day after the election (**Wednesday, May 17, 2023**). Each board must complete its Official Canvass and certify no later than the 21st day after the election (**Tuesday, May 23, 2023**).⁸

It is important to remember that only the board members themselves can determine the validity of each provisional ballot. The board must, by a majority vote, determine whether to accept

⁵ [R.C. 3505.183\(G\)](#).

⁶ [R.C. 3509.06\(D\)\(3\)\(b\)](#).

⁷ [R.C. 3505.183\(G\)\(2\)](#), [3509.05](#), [3509.06](#), [3511.05](#), [3511.09](#), and [3511.11](#).

⁸ [R.C. 3513.22\(A\)](#).

and count the provisional ballots in a properly-noticed, public meeting. No provisional ballot envelope may be opened, and no provisional ballot counted, until the board has voted on the eligibility of every provisional ballot cast in the election.⁹ Board members must meet on the eighth day after Election Day (**Wednesday, May 10, 2023**) for that purpose so that board employees may proceed to open and count the provisional ballots. The board may also vote in the same meeting to remake any absentee ballots that arrived after Election Day where the voter marked the entire ballot contrary to the instructions.¹⁰

II. INSTRUCTIONS FOR OFFICIAL CANVASS

Each board of elections must follow the instructions for pre-canvass activity 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 pollbooks and voter registration system to ensure that only one ballot per voter is counted.¹¹ This includes ensuring that all returned absentee ballots are entered in the voter registration system and reconciling the list of voters whose ballots were returned with the number of physical ballots returned.

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.¹²

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 the board submits them to our Office, another board of elections, or another public entity.

Each board of elections must submit the signature form to certify the Official Election Results to the Secretary of State's Office.

A. CERTIFICATION OF OFFICIAL RESULTS¹³

1. As soon as the board completes its official certification, 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. 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.
2. 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.¹⁴ Each board of elections must provide this data for absentee and provisional ballots. Our Office will provide the reporting forms after the Unofficial Canvass.

⁹ [R.C. 3505.183](#).

¹⁰ [R.C. 3506.21](#)

¹¹ [R.C. 3505.32\(D\)](#).

¹² [R.C. 3505.183\(F\)](#) and [R.C. 3505.32](#)

¹³ [R.C. 3505.30](#).

¹⁴ [R.C. 3501.05\(Y\)](#).

3. 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.¹⁵ The report for the official canvass of valid votes for write-in candidates does not need to be detailed to the precinct-level.
4. 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 that will be provided after the Unofficial Canvass for this purpose. 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, questions, or issues 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 containing vote totals from other counties.

The board must email all of the reports above to Results@OhioSoS.gov.

B. 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: localoption@com.ohio.gov or by mailing to the following address:

Division of Liquor Control
6606 Tussing Road
Reynoldsburg, OH 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; and
- 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 [Form 125-A](#) to the following offices and agencies:

- The board of education that placed the issue on the ballot;

¹⁵ 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 [Chapter 10, Section 10.02](#).

- The Tax Commissioner of the State of Ohio via email at DTE@tax.state.oh.us; and
- The Secretary of State.

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 23, 2023**. Each board must 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 10, Section 10.04](#) of the Election Official Manual. The candidate's name on the certificate of nomination should match the name as it appears on the ballot. Certificates of nomination should not be issued before the expiration of the time by which applications for recounts may be made. Boards of elections may not issue a certificate of nomination in a contest for which a recount is requested, or conducted automatically, until after the recount is complete.

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 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.¹⁶

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.

VI. POST-ELECTION AUDITS

Boards of elections should perform a post-election audit after the May 2, 2023 Primary/Special Election. When a board conducts an audit, the board must follow the procedures outlined in [Chapter 11, Section 11.03](#) of the Election Official Manual.

VII. VOTER HISTORY

All boards must upload voter history for the May 2, 2023 Primary/Special Election to the Statewide Voter Registration Database no later than 14 days after the board's official certification.

¹⁶ [R.C. 3515.02](#) and [R.C. 3515.03](#).

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 10, Section 10.04](#) of the Election Official Manual. The election name to submit the history for the election is **2023_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 4, Section 4.14](#) of the Election Official Manual.

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 in person to adjudicate the validity of provisional ballots, authorize the remake of any absentee ballots on which the voter marked the entire ballot contrary to the instruction and identify voter intent therein, 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, in addition to allowing members of the public to attend in person, livestreaming meetings for public viewing could be offered, including determining whether there is enough bandwidth to allow for such a 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.

A board must allow the presence of observers who present a valid certificate of appointment for the unofficial and official canvass and any recount.¹⁷

PART FIVE – ADDITIONAL GUIDANCE ON H.B. 458 CHANGES

I. CLARIFICATION REGARDING MILITARY IDENTIFICATION

As explained in [Directive 2023-03](#), one of the acceptable forms of photo ID for voting is military identification. Military identification is specifically defined as one of the following:¹⁸

- U.S. military ID card;
- Ohio National Guard ID card; or
- U.S. Department of Veterans Affairs ID card

The U.S. military ID card and Ohio National Guard ID card are more commonly known as the Common Access Card (“CAC”). Military ID’s are issued to military personnel, dependents of military personnel, and veterans. The U.S. Department of Veterans Affairs issues Veteran ID Cards (“VIC”) and Veteran Health Identification Cards (“VHIC”), both of which include a name and photograph. Veteran ID cards issued by county recorders do not qualify as valid photo ID for voting purposes.

¹⁷ [R.C. 3505.21](#).

¹⁸ [R.C. 3501.01\(AA\)](#).

As a general rule, an in-person voter must present photo ID in physical form. However, beginning in September of 2022, the U.S. Department of Veterans Affairs discontinued issuing physical VIC and now issues only digital VIC. As H.B. 458 clearly allows voters to use an ID card issued by the U.S. Department of Veterans Affairs, election officials must accept the digital VIC if the voter presents it.¹⁹

II. PROCESSING VOTER REGISTRATIONS

If a board receives a voter registration application or update on a prior version of the Secretary of State's voter registration form ([SEC 4010](#)), the board must examine the information provided and determine whether the information provided therein complies with current registration requirements. A board must not reject a voter registration application or update solely because it appears on a prior version of the Secretary of State's voter registration form. As a reminder, Section I of [Directive 2023-03](#) explains the necessary identification for voter registration under the new law.

III. DETERMINING ELIGIBILITY OF PROVISIONAL BALLOTS

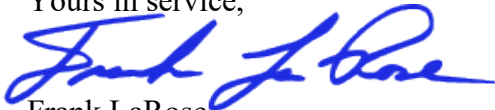
[Section 8.04 of Chapter 8](#) of the Election Official Manual outlines a step-by-step process for determining the eligibility of provisional ballots. Due to changes in the law governing provisional ballots, deriving from H.B. 458, an instructional document will be provided prior to the Official Canvass that contains updated steps for provisional ballot examination. This will replace and supersede the process currently outlined in the Election Official Manual. The Election Official Manual will be updated in the future to reflect the forthcoming changes.

PART SIX – PRECINCT ELECTION OFFICIAL TRAINING

Each board conducting an election on May 2, 2023 must instruct all precinct election officials on the changes to election administration from H.B. 458. At a minimum, instruction must include the photo identification requirements, the Affidavit of Religious Objection ([Form 12-O](#)), and the changes to the provisional voting process, including the changes to the Provisional Ballot Affirmation ([Form 12-B](#)).

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

¹⁹ For more information on veteran ID cards, see <https://www.va.gov/records/get-veteran-id-cards/>.