



DIRECTIVE 2023-13

July 7, 2023

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

Re: August 8, 2023 Special Election Canvass Instructions

SUMMARY

This Directive outlines the procedures that boards of elections must follow when conducting both the Unofficial and the Official Canvasses of the August 8, 2023 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 a dedicated telephone number that will be emailed prior to August 8, 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 August 8, 2023 (including after the polls close).

PART ONE - UNOFFICIAL CANVASS

The Unofficial Canvass of the August 8, 2023 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. PROCESSING ABSENTEE BALLOTS

Boards of elections may begin processing (including scanning, but not tabulating) absentee ballots on July 11, 2023, 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 8, 2023. Ohio law prohibits boards from tabulating any absentee ballot

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](#).

prior to 7:31 p.m. on Election Day.³ 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.⁴ Election Night Reporting for the August 8, 2023 Special Election will require regular reporting of results for State Issue 1.

All counties must use the Secretary of State’s County Submission System (“CSS”) to provide summary results for State Issue 1.

Although boards of elections will have access to manually hand key the results at the time frames below, the upload tool allows each board to do this more efficiently and accurately by mitigating data entry errors. Boards must use the USB drives provided by the Secretary of State’s Office to ensure the security of the ENR system and election management system (“EMS”). The USB 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. INITIAL REPORTING

Each board must log in to the CSS no later than 7:45 p.m. on August 8, 2023. A board must immediately notify the Secretary of State personnel of delays in completing any portion of the results reporting activity.

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 a board uploads partial absentee results at 8:00 p.m., it 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 absentee results.

B. REPORTING SCHEDULE

ENR begins with the first upload of absentee results by 8:00 p.m. and will continue uploading results 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.

“Half-hour” counties must report at each half hour beginning at **8:15 p.m.** and every half hour after (e.g., 8:45 p.m., 9:15 p.m., 9:45 p.m., etc.), and must continue reporting until all precincts report results.

³ [R.C. 3509.06\(F\)](#).

⁴ [R.C. 3505.27\(C\)](#).

A board must notify the Secretary of State personnel if it will be delayed in reporting results. 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 before reporting the final results.

2. “Hourly” Counties

“Top-of-the-hour” counties (e.g., 8:00 p.m., 9:00 p.m., etc.): *Ashland, Auglaize, Brown, Champaign, Clinton, Crawford, Darke, Defiance, Fulton, Guernsey, Highland, Huron, Logan, Madison, Mercer, Morrow, Ottawa, Pickaway, Preble, Seneca, Shelby, and Williams Counties.*

“Bottom-of-the-hour” counties (e.g., 8:30 p.m., 9:30 p.m., etc.): *Adams, Carroll, Coshocton, Fayette, Gallia, Hardin, Harrison, Henry, Hocking, Holmes, Jackson, Meigs, Monroe, Morgan, Noble, Paulding, Perry, Pike, Putnam, Van Wert, Vinton, and Wyandot Counties.*

Note: “Bottom-of-the-hour” counties will report once at the “Top-of-the-hour” at 8:00 p.m. and then at the bottom hour as noted above.

“Hourly” counties must report summary election results at the top *or* bottom 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.

A board must notify the Secretary of State personnel if it will be delayed in reporting results. 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 before reporting the final results.

III. SUMMARY AND FINAL REPORTS

The Secretary of State’s Elections Division will report all report and signature forms via email prior to the election. The following reporting requirements must be followed by each board conducting an election on August 8, 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.” The Unofficial Certification of Results Signature Form must also be submitted on Election Night.
2. **By 12:00 noon on August 9, 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 August 9, 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.

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:⁵

- Wednesday, August 9, 2023 8:00 a.m. – 5:00 p.m.
- Thursday, August 10, 2023 8:00 a.m. – 5:00 p.m.
- Friday, August 11, 2023 8:00 a.m. – 5:00 p.m.
- Saturday, August 12, 2023 8:00 a.m. – 5:00 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. AFFIDAVITS OF RELIGIOUS OBJECTION⁶

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

⁵ [R.C. 3505.181\(B\)\(7\); R.C. 3509.06\(D\)\(3\).](#)

⁶ [R.C. 3505.181, 3505.182, and 3505.183, and 3505.19.](#)

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 6:00 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 Bureau of Motor Vehicles' ("BMV") 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 ("SWVRD"). 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.

III. EXAMINING AND COUNTING PROVISIONAL BALLOTS

Boards must follow the "Step-by Step Process for Examining Provisional Ballots" accompanying this Directive. 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 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.⁷

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 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.⁸

IV. 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;

⁷ [R.C. 3505.183\(G\)](#).

⁸ [R.C. 3505.183](#).

- [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 on file with the board of elections, 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, August 12, 2023**).⁹

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, August 13, 2023**). 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.¹⁰

A board must begin the official canvass no earlier than the 11th day after the election (**Saturday, August 19, 2023**) nor later than the 15th day after the election (**Wednesday, August 23, 2023**). Each board must complete its Official Canvass and certify no later than the 21st day after the election (**Tuesday, August 29, 2023**).¹¹

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.¹² 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.

III. 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. Each board of elections must submit the signature form to certify the Official Election Results, including the absentee and provisional ballot reports, to the Secretary of State’s Office.

⁹ [R.C. 3509.06\(D\)\(3\)\(b\)](#).

¹⁰ [R.C. 3505.183\(F\)](#) and [R.C. 3505.32](#)

¹¹ [R.C. 3513.22\(A\)](#).

¹² [R.C. 3505.32\(D\)](#).

A. CERTIFICATION AND REPORTING OF OFFICIAL RESULTS¹³

Each board of elections must complete and provide all of the following the day it completes its official certification and no later than **Tuesday, August 29, 2023**:

1. Official Vote Total Summary Report;
2. Group Detail Report (if not included with Summary Report);
3. Signature form;
4. Report forms;
5. Electronic turnout detail by precinct;
6. Statement of Votes Cast (“SOVC”) report; and
7. Absentee and provisional ballot report.

Each board must submit these reports to Results@OhioSoS.gov as soon as the board completes its official certification. The Official Vote Total Summary 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 potential recount. Every board must maintain a copy of each of its completed certification and report forms.

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.

B. CERTIFICATE OF OFFICIAL RESULTS TO SENATE PRESIDENT

Each board of elections must send to the President of the Senate a copy of the board’s official election results for State Issue 1.¹⁵ The results must be sent to the following address:

President of the Ohio Senate
Ohio Statehouse, 1 Capitol Square, 2nd Floor
Columbus, Ohio 43215

IV. POST-ELECTION AUDITS

Boards of elections must perform a post-election audit after the August 8, 2023 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. Additional instructions will be provided after the Unofficial Canvass.

V. VOTER HISTORY

All boards must upload voter history for the August 8, 2023 Special Election to the SWVRD no later than 14 days after the board’s official certification. Once voter history is

¹³ [R.C. 3505.30.](#)

¹⁴ [R.C. 3501.05\(Y\).](#)

¹⁵ [R.C. 3505.33.](#)

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_AUG_SP**.

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

Yours in service,

A handwritten signature in blue ink, appearing to read "Frank LaRose", is positioned above the printed name.

Frank LaRose
Ohio Secretary of State