



J. KENNETH BLACKWELL
Ohio Secretary of State

180 E. Broad Street, 16th Floor, Columbus OH 43215
614.466.2655 / Toll Free: 877.767.6446 / Fax: 614.644.0649
e-mail: blackwell@sos.state.oh.us
www.sos.state.oh.us

ADVISORY 2006-04

April 21, 2006

To: ALL COUNTY BOARDS OF ELECTIONS
Members, Directors and Deputy Directors

**Election Day Procedures
May 2, 2006 ~ 6:30 a.m. – 7:30 p.m.**

This advisory briefly reviews some of the essential election day procedures which all election officials must follow and enforce.

Pre-Tests

All equipment pre-tests mandated by R.C. 3506.14 must be successfully completed before the polls open. Please refer to Directive 2006-45 for more information about pre-test requirements.

Board of Elections in Session Throughout Election Day

R.C. 3505.30 states: "The board shall remain in session from the time of the opening of the polls, continuously, until the results of the election are received from every precinct in the county and such results are communicated to the secretary of state." A quorum consisting of three board members is required for a board to be in session and vote on official business.

Pollworkers and Poll Hours – R.C. 3501.31, 3501.32

All polling locations must be open and available for voting beginning at 6:30 a.m. Pollworkers must report to their assigned precinct polling locations no later than 6:00 a.m., take the oath of office prescribed in R.C. 3501.31, and immediately notify the board of elections if any pollworker assigned to that precinct is absent. Pollworkers must ensure that their precincts are ready to receive voters at 6:30 a.m.

In accordance with R.C. 3501.32, the polls shall be opened by proclamation by the presiding judge or, in the presiding judge's absence, by a presiding judge chosen by the other precinct judges, at 6:30 a.m. The polls shall be closed by proclamation at 7:30 p.m., unless there are voters waiting in line to cast their ballots, in which case the polls shall be kept open until such waiting voters have voted.

Voting Procedures

▪ **Generally**

While the polls are open, all pollworkers must perform the duties set forth in:

- R.C. 3501.30 and 3501.35 (enforcing the prohibition against loitering, congregating, delaying voters, campaigning, etc. in the "neutral zone" between the polling place and the U.S. flags or, if the line of voters extends beyond the U.S. flags, a distance of 10 feet from the end of the line),

- R.C. 3501.33 (enforcing peace and good order in and around the polling place),
- R.C. 3505.18 (signing in voters, verifying signatures, issuing the appropriate ballot), and
- R.C. 3505.23 (replacing torn, soiled, defaced or erroneously marked ballots, verifying the ballot stub numbers before the voters casts the ballots).

▪ **Be Flexible about the “5-Minute Rule”**

Pollworkers need to be flexible about enforcing the provision of R.C. 3505.23 that limits voters to five minutes in the voting compartment when there is a line of people waiting to vote. Many voters will be using the optical scan or DRE voting systems for the first time on May 2.

Pollworkers must allow voters a reasonable amount of time to mark and check their ballots. If a voter seems to be taking an unusually long amount of time to vacate the voting compartment, two pollworkers of different parties may want to inquire, very politely and professionally, if the voter requires assistance.

▪ **Provisional Voters**

Provisional voting will be conducted in the May 2, 2006 elections using the same procedures used in the 2004 general election. Please review the following:

- Memorandum of March 3, 2006 (Primary posters, instructions, statements and notices)
- Directive 2004-05 (HAVA 302/(b) Voting Information Requirements – Polling Places)
- Directive 2004-42 (Provisional Voting: Home Precinct Balloting Only)
- Memorandum of October 26, 2004 (Provisional Voting) and
- Directive 2004-52 (Judge Katz’ order re: voting provisionally certain voters to whom absentee ballots had been issued)

▪ **Providing Assistance to Disabled Voters (R.C. 3505.24)**

Any disabled voter may be aided at the polling place by any person of the elector’s choice *except* a candidate whose name appears on the ballot; the voter’s employer or an agent of the employer; or an officer or agent of the elector’s union, if any. A disabled voter who requests pollworkers for assistance in marking and/or casting the voter’s ballot shall be aided by two pollworkers of different parties.

Enforce prohibitions against certain conduct

State law safeguards the integrity of the ballot by imposing criminal sanctions for certain misconduct on the part of anyone assisting a disabled voter. R.C. 3599.20 states that no one assisting a voter in the voting booth may attempt to interfere with the voter when marking the voter’s ballot. R.C. 3599.20 prohibits anyone who provides assistance in marking another voter’s ballot from disclosing how the voter chose to mark the ballot. R.C. 3599.21 makes it a crime to possess the absentee ballot of another person except as the law expressly permits. R.C. 3599.26 prohibits any form of ballot tampering:

“No one shall ... fraudulently or deceitfully change a ballot of an elector, by which such elector is prevented from voting for such candidates or on an issue as the voter intends to do; or mark a ballot of an elector except as authorized by [R.C. 3505.24]; or hand a marked ballot to an elector to vote, with intent to ascertain how the elector voted; or furnish a ballot to an elector who cannot read, knowingly informing the elector that it contains a name different from the one that is printed or written thereon, to induce the elector to vote contrary to the elector’s intentions; to induce the elector to vote contrary to the elector’s intentions; ***.”

Pollworkers must intervene if they observe anyone violating any of these provisions and must submit a thorough report of such violations to the board for review and possible further action.

- **Information about Write-in Candidates**

The presiding judge of each precinct must have a list of all eligible write-in candidates for that precinct. The list of write-in candidates shall not be posted in plain view anywhere in the polling place nor shared automatically with every voter in the precinct. However, if any voter asks if there are any write-in candidates in the precinct or asks to see the list of such candidates, the pollworkers shall promptly make the list available for the voter to review.

Pollworkers shall not volunteer to any voter that there are write-in candidates, as that could be construed as campaigning for the write-in candidates inside the polling place or attempting to influence the voter, both of which are violations of the election laws.

- **Challenges**

Any person who appears to vote may, for good cause, be challenged as to the right to vote the requested ballot on May 2. The challenge may be based on the voter's:

- Citizenship (not a U.S. citizen, even if a resident of the county for many years),
- Age (a 17-year old cannot vote on central committee candidates or any questions or issues),
- Residency (does not have a qualifying voting residence in the precinct or precinct split)
- Registration (is not registered to vote in Ohio, or not registered in time for this election),
- Political party affiliation. Have any voter who wishes to change party affiliation by voting the primary ballot of a different political party complete and sign the statement on whichever challenge form – Form 10-W (for individual challenges) or 10-X (for challenges of more than one person) – that is provided in the precinct kit, affirming that change.

Any challenge must be conducted in a professional and informational manner, never in an intimidating or accusatory fashion.

- **Casting Ballots**

The voter is responsible for casting his or her ballot. No pollworker shall cast the ballot, paper or electronic, of any voter who has failed to cast that ballot before leaving the polling place.

- **Stubs**

Before a voter casts his or her marked optical scan ballot, pollworkers must confirm the number on the stub and, if the stub number is correct, remove the stub from the ballot before the voter casts it.

- **Posting the 11 and 4 Lists**

In accordance with R.C. 3503.23, precinct election officials shall do both of the following:

- (1) By the time the polls open, conspicuously post and display at the polling place one copy of the registration list of voters in that precinct;
- (2) At 11 a.m. and 4 p.m. place a mark, on the official registration list posted at the polling place, before the name of those registered voters who have voted.

Procedures when the Polls Close (R.C. 3501.26, 3505.26)

- **Reconciliation**

Regardless of the voting system used, the pollworkers must reconcile their records before returning the ballots and materials to the board.

- **Memory Cards & VVPATs**

Pollworkers must secure all memory cards and, if appropriate, VVPATs as directed by the board.

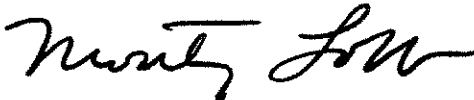
Required Reports For The May 2 Primary Election

In accordance with R.C. 3505.30, every board must send its unofficial canvass reports to this office via certified mail by **noon** on the day after the election, i.e., May 3, 2006.

QUESTIONS?

If you have any question regarding these instructions, please contact the Elections Division at (614) 466-2585.

Sincerely,

A handwritten signature in black ink, appearing to read "Monty Lobb". The signature is fluid and cursive, with the first name "Monty" and the last name "Lobb" clearly distinguishable.

Monty Lobb
Assistant Secretary of State