

ADVISORY 2008-09

July 18, 2008

To: All County Boards of Elections

Re: For August Special Elections Only – Backup Optical Scan Ballots **Not Mandated** for Voters in DRE Counties for 2008 August Special Elections

This advisory is in reference to the requirement in Directive 2008-01, which requires that a board of elections of a county that uses direct recording electronic (DRE) voting machines as the principle voting system in that county provide an optical scan ballot to any voter making such a request at his or her polling place on Election Day. This requirement is **not mandatory** for any special election held on August 5, 2008. The rationale for this is that a county will not be using all of its DRE voting machines on August 5, 2008, and extra machines are available in each county in the event of machine failure or the need for more machines if there is a higher than expected turnout. A board may, at its option, affirmatively vote to provide optical scan ballots to voters who would prefer that method of voting.

If a board votes to provide optical scan ballots to voters requesting such a ballot, the board must follow the requirements listed in Directive 2008-01 concerning secure ballot containers, voter privacy and tabulation.

If you have any questions concerning this advisory, please contact the election attorney assigned to your county.

Sincerely,

Jennifer Brunner