

Directive 2008-87

September 9, 2008

TO: All County Boards of Elections
MEMBERS, DIRECTORS, AND DEPUTY DIRECTORS

RE: Posting Summary Statements of Precinct Election Results at Polling Locations

This directive outlines the procedures for posting summary statements of unofficial election results at precinct polling locations in accordance with R.C. 3505.27 and R.C.3505.30.

Please note that this directive supersedes Advisory 2008-02, which had stated that a board of elections using a direct recording electronic (DRE) voting system or central count optical scan (CCOS) system that accumulated all vote totals at the board's office or its designated tabulation site was not required to post summary statements at the precinct polling places.

Earlier this year, the General Assembly enacted R.C. 3506.21(D)(1), which provides that "[a] board of elections of a county that uses optical scan ballots and automatic tabulating equipment as the primary voting system for the county *shall not tabulate the unofficial results of optical scan ballots voted on election day at a central location.*" (Emphasis supplied.) Consequently, optical scan ballots that are voted at any precinct polling location in accordance with R.C. 3505.18 must be tabulated by the election judges for that precinct after the polls close on Election Day.

In light of the recent legislative enactments favoring precinct tabulation of the unofficial election results, and the fact that DRE and Precinct Count Optical Scan (PCOS) voting machines allow for the tabulation and reporting of unofficial results of ballots cast, the election judges for all precincts, regardless of whether the primary voting system used in that precinct is DRE or PCOS, shall tabulate the ballots voted in the precinct polling locations on Election Day.

After the polls close, the election judges of each precinct shall close out the voting systems used in that precinct, doing so in accordance with the instructions provided by the board of elections. As part of the close out procedure, the precinct election judges shall cause the tabulation device used in their precincts or polling location to produce a minimum number of summary statements of the unofficial results.

The summary statements are to be signed by the appropriate election judges at the polling location. The summary statements shall be posted at an exterior, public entrance to the polling location so that they may be accessed and easily viewed by the public. It is a good idea to post such statements on the back side of a glass wall or window to preserve it for any individuals who wish to view it. The statements shall be posted before the election judges for that precinct leave the polling location. No additional summary statement or report form is required to be posted other than the summary report produced by each voting device or tabulator.

Voting Devices Used by Voters of a SINGLE PRECINCT

• Precinct Count Optical Scan (PCOS) Systems

The election judges serving in a precinct that has one or more precinct count optical scanners dedicated for use only by voters of that precinct shall cause each scanner used in the precinct to produce a minimum of two summary statements of the unofficial results for each scanner. Each election judge for that precinct shall affix his or her signature on each copy of the summary statement.

After the summary statements from each machine are generated and signed, the presiding judge shall cause one copy to be sealed in the envelope containing the election returns, memory cards, and cartridges, and shall cause them to be transmitted to the board of elections by a bipartisan team of election officials, including the presiding judge. The presiding judge shall cause the other copy to be posted at an exterior, public entrance to the polling location so that it may be accessed and viewed easily by the public. It is a good idea to post such statements on the back side of a glass wall or window to preserve it for any individuals who wish to view it. This copy shall be posted before the election judges for that precinct leave the polling location.

• Direct Recording Electronic (DRE) Systems

The election judges serving in a precinct that uses DRE voting devices that are used only by voters of that precinct shall cause each DRE to produce a minimum of three summary statements. Each election judge for that precinct shall affix his or her signature on each copy of the summary statement.

After the summary statements are generated and signed, the presiding judge shall cause the statements to be distributed as follows:

- A copy to be sealed in the envelope containing the election returns, memory cards, and cartridges, and transmitted to the board of elections by a bipartisan team of election officials, including the presiding judge.
- A copy to be posted at an exterior, public entrance to the polling location so that it may be accessed and viewed easily by the public. It is a good idea to post such statements on the back side of a glass wall or window to preserve it for any individuals who wish to view it. This copy shall be posted before the election judges for that precinct leave the polling location.
- A copy to remain attached to the DRE's voter verifiable paper audit trail (VVPAT) and secured in the canister containing the VVPAT in use at the time that DRE was closed out.

Voting Devices Used by Voters of MULTIPLE PRECINCTS

• Precinct Count Optical Scan (PCOS) Systems

Some boards of elections arrange precinct polling locations to host the voters of multiple precincts and provide a single optical scanner to that polling location or multiple optical scanners able to scan any ballot used by any voter casting a regular ballot at that polling location. The presiding judges serving in a multiple precinct polling location hosting two or more precincts that has one or more precinct count optical scanners that is used by all the voters using that precinct polling location shall cause each scanner to produce a minimum of two summary statements of the unofficial results.

The presiding judge and a poll worker of the opposite major political party for each precinct which has results included on a scanner's summary statement shall affix their signatures on each copy of the summary statement.

After the summary statements are generated and signed, the presiding judges shall cause one copy to be sealed in the envelope, zippered bag or other container used to secure the election returns, memory cards, and cartridges, and shall cause them to be transmitted to the board of elections by a bipartisan team of election officials, including the presiding judge. The presiding judges shall cause the other copy to be posted at an exterior, public entrance to the polling location so that it may be accessed and viewed easily by the public. It is a good idea to post such statements on the back side of a glass wall or window to preserve it for any individuals who wish to view it. This copy shall be posted before the election judges for that precinct leave the polling location.

- **Direct Recording Electronic (DRE) Systems**

Some boards of elections arrange precinct polling locations to host the voters of multiple precincts and program the DREs used at those polling locations to be able to produce any ballot used by any voter casting a regular ballot at that polling location.

The presiding judges serving in a precinct polling location hosting two or more precincts that has DREs that may be used by all the voters using that multiple precinct polling location shall cause each DRE to produce a minimum of three summary statements of the unofficial results.

The presiding judges for those precincts and an equal number of poll workers belonging to a different political party than the presiding judges shall affix their signatures on each copy of the summary statement.

After the summary statements are generated and signed, the presiding judges shall cause the statements to be distributed as follows:

- A copy to be sealed in the envelope, zippered bag or other container used to secure the election returns, memory cards, and cartridges, and shall cause them to be transmitted to the board of elections by a bipartisan team of election officials.
- A copy to be posted at an exterior, public entrance to the polling location so that it may be accessed and viewed easily by the public. It is a good idea to post such statements on the back side of a glass wall or window to preserve it for any individuals who wish to view it. This copy shall be posted before the precinct election judges leave the polling location.
- A copy to remain attached to each DRE's voter verifiable paper audit trail (VVPAT) and secured in the canister containing the VVPAT in use at the time that DRE was closed out.

In order to ensure that all polling locations are in compliance with R.C.3505.30 on election night, the board of elections of each county shall instruct the precinct election judges on the proper procedure for creating the summary statement as part of the post-election close out procedures, and thereafter signing and posting the summary statement. Boards also may also provide instructions to precinct election judges on the specific place to post the summary statement in each polling location.

If you have any questions or need additional information regarding this directive, please contact the elections attorney assigned to your board via email or at (614) 466-2585.

Sincerely,

Jennifer Brunner