



DIRECTIVE 2020-08

April 17, 2020

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

Re: In-Person Absentee Voting on April 28, 2020; Unofficial and Official Canvasses of the March 17, 2020 Primary Election; Annual Report Extension

SUMMARY

This Directive outlines the procedures that all boards of elections must follow when conducting both the Unofficial and Official Canvasses of the March 17, 2020 Primary Election. It also provides guidance for in-person absentee voting on April 28, 2020, sets a schedule for the post-election cure period for absentee and provisional voters, and extends the deadline for the Annual Report of Expenses from April 17, 2020 to June 30, 2020.

To assist boards of elections with any problems, questions, or concerns that may arise on April 28, 2020, the Secretary of State's Office will be staffed from 6:00 a.m. until all boards have reported their unofficial results to our Office. Boards can contact the Secretary of State's Office using a dedicated telephone number that will be emailed to the boards of elections prior to April 28, 2020.

All Directors, Deputy Directors, and Board Members must ensure that they are able to receive emails via their .gov or .us address and other communications sent from the Secretary of State's Office on April 28, 2020 (including after in-person voting concludes).

PART ONE – NOTICE WITH BALLOTS SENT ON AND AFTER APRIL 22, 2020

The Secretary of State designed an insert to be sent with ballots that must be mailed to voters with their absentee ballot that reminds the voter that ballots must be returned to the board of elections by 7:30 p.m. on April 28, 2020, or postmarked by April 27, 2020. Boards must print the insert and, beginning on April 22, 2020 and thereafter, send that notice with the ballot mailed to a voter.

PART TWO – IN-PERSON ABSENTEE VOTING ON APRIL 28, 2020

I. LIMITED IN-PERSON VOTING

As explained in [Directive 2020-07](#), in-person voting on April 28, 2020 is limited to electors who have not already cast a ballot in this election, who were registered to vote as of February 18, 2020, and who are in one of the following two categories:

1. Persons who have a disability, and who wish to cast absent voter's ballots using a DRE voting machine or marking device that is accessible for voters with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters.
2. Persons who are unable to receive mail at the place where the elector resides or at another location.

Boards must be open from 6:30 a.m. until 7:30 p.m. and have adequate staffing in place on April 28, 2020. Additionally, boards must communicate to voters through their websites, social media, and news outlets in advance of April 28, 2020 that in-person voting is limited to these populations. However, boards must not question a voter's assertion or affirmation that they are disabled or unable to receive mail where they reside or at another location.

The Secretary of State's Office provided a template poster with this Directive that gives notice to anyone who appears at the board of elections on April 28, 2020 that in-person voting is limited to only the above mentioned categories of voters. Each board must print and display at least one of these posters in a place that will be conspicuous to individuals before they enter the building to vote.

If a voter chooses to affirmatively state they are not in one of the two categories, the board must provide a provisional ballot. The board must also issue a provisional ballot to any voter who would otherwise be required to vote provisionally, including those voters who requested an absentee ballot for the election.¹

II. PROTECTING THE HEALTH OF VOTERS AND ELECTION OFFICIALS

Secretary LaRose is committed to protecting the health of all election officials and voters. [Advisory 2020-05](#) explained the Stay at Home Order by the Ohio Department of Health Director as it relates to board operations.² On April 28, 2020, boards must follow voting machine vendors' guidelines for maintaining machine hygiene. Additionally, boards should take steps to ensure that voters in line to maintain a distance of at least six feet. Boards of elections should spread voting machines apart as much as possible within the voting area, and boards may limit the number of people in the voting area to ensure everyone can maintain adequate spacing.

As a reminder, Dr. Acton's Order includes requirements of at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands. Additionally, the Order suggests having hand sanitizer and sanitizing products readily available. Boards of elections will continue to be reimbursed for the cost of cleaning supplies, personal protective equipment, and other necessary expenses to safely complete this election. Please continue to coordinate with local health departments and the Secretary of State's Office to ensure these supplies are available. During both in-person voting and the unofficial canvass period, please

¹ See [Chapter 6, Section 1.01 of the Election Official Manual](#).

² Though the [Stay at Home Order](#) was subsequently amended on April 2, 2020, its application to the boards of elections remains the same.

ensure adequate spacing and sanitizing for board members and staff, and any media or observers that may be present, before they arrive.

III. CONDUCTING PUBLIC MEETINGS DURING COVID-19 PANDEMIC

Consistent with R.C. 3505.30, board members should open session at 6:30 a.m. on April 28, 2020, just as in-person voting begins. In preparation for this and other public meetings, the boards of elections are encouraged to consult with their prosecuting attorney regarding H.B. 197, Section 12, which authorizes a public body, during the state of emergency declared by Executive Order 2020-01D to hold and attend meetings and hearings by means of teleconference, video conference, or any other similar electronic technology. If a board conducts any meeting remotely, the board must ensure public notice and access in the manner provided by the Act. The board's prosecuting attorney can assess whether this is an option.

Boards should work with their technical points of contact (i.e., IT professionals) to determine whether livestreaming meetings is an option, including whether there is enough bandwidth to allow for public viewing. Boards should also consult with their prosecuting attorneys regarding Attorney General Yost's March 13, 2020 letter regarding compliance with the Open Meetings Law during the pandemic. To the maximum extent possible, any livestream of board meetings should 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. If board members need to remake ballots, members should coordinate with their staff to review the ballots in person prior to the public meeting. The board members, particularly those that are at the greatest risk, should maintain social distancing and use personal protective equipment while in the board's office and interacting with staff.

H.B. 197 did not suspend or move deadlines for observer appointments in the 2020 Presidential Primary Election. Therefore, both the deadlines for appointing and amending observer appointments remain in effect and have passed.³ If any board receives a notice of appointment or amendment of observers after the applicable deadline, the board must notify the Secretary of State's Office by emailing intake@ohiosos.gov.

A board must allow the presence of observers on April 28, 2020 who present a Certificate of Appointment of Observer at an In-Person Absentee Voting Location ([Form 214-B](#)).⁴ However, a board should consider offering remote access to recognized observers via livestream, video conference, or similar technology in lieu of observers being physically present. Boards must also consider observers in their plans for social distancing and sanitizing protocols, should observers insist on attending in person. Observers should have their own personal protective equipment and wear it while present at the office of a board of elections. Boards may provide such equipment to an observer who is unable to secure it. Boards may also include the expense for this equipment when seeking reimbursement.

³ [R.C. 3505.21\(C\)](#).

⁴ [R.C. 3505.21](#).

IV. CHECKING THE SECURE RECEPTACLE

Boards must have a bipartisan team check their secure receptacle at 7:30 p.m. on April 28, 2020 to ensure that all valid ballots are timely received and included in the Unofficial Canvass.⁵ The board should also check and remove the contents of the receptacle periodically throughout the day and process absentee ballots accordingly.

PART THREE – UNOFFICIAL CANVASS

The Unofficial Canvass of the March 17, 2020 Primary Election must be conducted on April 28, 2020 in accordance with state law.⁶ The board must follow the procedures outlined in [Chapter 8, Section 1.02](#) of the Election Official Manual.

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.⁷

I. REPORTING REQUIREMENTS FOR APRIL 28, 2020

State law requires that all boards of elections provide election results for certain contests to the Secretary of State's Office.⁸ All counties must use the Secretary of State's County Submission System ("CSS") to provide summary results on all candidates for contests that appear on the county's ballot except candidates for the office of member of county central committee. The Secretary of State personnel assigned to each county board of elections and their contact information will be provided prior to April 28, 2020.

Although boards of elections will have access to hand-key the results at the time frames below, the upload tool allows each board to do this more efficiently and without data entry errors. Boards must use the USB thumb drives provided by the Secretary of State's Office to ensure the security of the boards' computer network and of the central tabulating system.

Unofficial election results provided to the Secretary of State's Office will be summary only, rather than precinct-level. Boards will upload precinct-level results for the Official Canvass.

A. Reporting Results

Each board must log in to the CSS by 7:45 p.m. and upload one file containing all the vote totals for the county as soon as possible but by no later than 10:00 p.m. The board must notify the Secretary of State personnel assigned of a delay in completing any portion of the results reporting activity. Contact information for the Secretary of State personnel assigned to each county will be provided by email.

⁵ Boards must also ensure they check the secure receptacle at the absentee ballot application deadlines as well. *See* [R.C. 3509.03](#); [R.C. 3509.08](#).

⁶ H.B. 197, Section 32(G); [R.C. 3505.27](#) (counting regular ballots that were cast at precinct polling locations); [R.C. 3505.28](#) (ballots not counted); [R.C. 3505.30](#) (deadline for reporting unofficial results); [R.C. 3509.06](#) (counting absentee ballots); [R.C. 3509.07](#) (absentee ballots not counted); [R.C. 3511.11- 3511.13](#) (uniformed service and overseas voter absentee ballots).

⁷ [R.C. 3505.21](#); [R.C. 3505.27](#); [R.C. 3505.29](#); [R.C. 3505.30](#).

⁸ [R.C. 3505.27\(C\)](#).

Boards of elections must not report any results, including the results of local races, on their website or via any other means until after the final, complete unofficial canvass results are uploaded to the Secretary of State's Office.

The board must enter the total number precincts in the county as the number of precincts reporting since the results must contain all valid votes received by the board of elections as of 7:30 p.m. on April 28, 2020.⁹ Contact the board's voting system vendor if you need technical assistance.

The board may begin processing (including scanning) absentee ballots not earlier than the day after the close of voter registration (February 19, 2020). Do not tabulate any absentee ballot prior to 7:31 p.m. on April 28, 2020.¹⁰

B. Supplemental Statistics

The board must provide supplemental statistics when it reports the county's vote totals or shortly thereafter. **Do not delay reporting vote totals only because the supplemental statistics are not yet available.** Upload the election results, then submit the statistics when ready.

The required supplemental statistics are as follows:

- Counted Ballots
 - Total number of non-UOCAVA absentee ballots counted (including those ballots cast in person at the board office on April 28, 2020).
 - Total number of UOCAVA absentee ballots counted.
 - Total number of absentee ballots counted.
- Outstanding Ballots (ballots issued but not yet counted)
 - Total number of outstanding non-UOCAVA absentee ballots issued by the board, but not returned.
 - Total number of outstanding UOCAVA absentee ballots issued by the board, but not returned.
 - Combined total number of outstanding absentee ballots (issued by BOE but not returned by close of polls).
 - Total number of provisional ballots issued.

II. SUMMARY AND FINAL REPORTS

Boards of elections must follow the procedures outlined in [Chapter 8, Section 1.02](#) of the Election Official Manual for reporting summary results and submitting final summary reports in even-numbered year elections. The required reports and forms (listed below) for the Unofficial Canvass and the instructions and deadline for submission will be provided to boards of elections via email before April 28, 2020:

1. Unofficial Vote Total Summary Report;
2. Write-In Report;

⁹ [R.C. 3505.27](#), [3505.28](#), [3509.06](#), [3509.07](#), [3511.11](#), [3511.12](#), and [3511.13](#).

¹⁰ See [Chapter 5, Section 1.06, of the Election Official Manual](#) and the [Directive 2020-07 FAQ](#) for additional guidance on processing absentee ballots prior to April 28, 2020.

3. Most Populous Report(s) (when applicable); and
4. Signature Form.

In addition to the Unofficial Vote Total Summary Report submitted on April 28, 2020, each board must print Current County Results from the CSS, proof to the Unofficial Vote Total Summary Report, and email the Current County Results along with the Report to Results@OhioSoS.gov. Instructions outlining this requirement will be provided separately.

All final summary reports must be transmitted to the Elections Division via email to Results@OhioSoS.gov.

On April 28, 2020, once the Secretary of State’s Office receives, reviews, and compares the board’s Unofficial Vote Total Summary Report and the Current County Results printed from the CSS, the Director will be contacted by its assigned Secretary of State staff member.

The Director must not leave the office until the assigned Secretary of State staff member contacts the Director to confirm that its reports have been received and reviewed to ensure the results match. The Director is responsible for releasing the board’s staff.

III. VOTE TOTALS FOR PRESIDENTIAL DELEGATES

Voters elect Republican candidates for president through both delegates at-large and congressional district delegates. Voters elect Democratic candidates for president through only delegates at-large. Therefore, only the results for the Democratic delegates-at large will be reported through the Election Night Reporting system. However, the Ohio Democratic Party’s delegate selection rules allocate convention delegates according to each presidential candidate’s results in each congressional district. Thus, the Ohio Democratic Party requests that vote totals for delegates pledged to Democratic candidates for president be centrally reported to the Secretary of State’s Office.

For both the unofficial and official canvass, every board of elections must report the delegate vote total for each presidential candidate to the most populous county of each congressional district. The most populous county board of elections must report these vote totals to the Secretary of State’s Office via the same procedures as for any other multi-county office by Wednesday, April 29, 2020.

PART FOUR– POST-ELECTION CURE PERIOD

Each board of elections must be open to the public on each of the seven calendar days immediately following the last day of voting, and during the hours specified below, in order to allow voters to cure a deficiency on an absentee or provisional ballot, as provided for in state law.¹¹ To protect everyone’s health during this period, boards should follow the relevant health and safety protocols outlined in Part Two, Section II of this Directive.

- Wednesday, April 29th 8:00 a.m. – 5:00 p.m.
- Thursday, April 30th 8:00 a.m. – 5:00 p.m.
- Friday, May 1st 8:00 a.m. – 5:00 p.m.

¹¹ [R.C. 3505.181\(B\)\(7\)](#); [R.C. 3509.06\(D\)\(3\)](#). See also *Northeast Ohio Coalition for the Homeless v. Husted*, 837 F.3d 612 (6th Cir. 2016) (holding that the seven-day post-election cure period for absentee and provisional ballots established in state law is constitutional).

- Saturday, May 2nd 8:00 a.m. – 12:00 p.m.
- Sunday, May 3rd 1:00 p.m. – 5:00 p.m.
- Monday, May 4th 8:00 a.m. – 5:00 p.m.
- Tuesday, May 5th 8:00 a.m. – 5:00 p.m.

PART FIVE – OFFICIAL CANVASS

I. TIMELINE FOR OFFICIAL CERTIFICATION

Boards of elections may begin the Official Canvass of the March 17, 2020 Primary Election no earlier than the 11th day after April 28, 2020 (Saturday, May 9, 2020) and must begin no later than the 15th day after April 28, 2020 (Wednesday, May 13, 2020). Boards must not begin tabulating ballots received after 7:30 p.m. on April 28, 2020, until the official canvass begins. Each board must complete its official canvass and certify no later than the 21st day after April 28, 2020 (Tuesday, May 19, 2020). As a result of H.B. 197, each deadline is 42 days after the original deadlines for the official canvass.¹²

II. INSTRUCTIONS FOR OFFICIAL CANVASS

Each board of elections must follow the instructions for pre-canvass activity outlined in [Chapter 8, Section 1.03](#) of the Election Official Manual. Boards must also follow the rules and procedures outlined in [Chapter 8, Section 1.04](#) of the Election Official Manual for conducting the Official Canvass.

III. FORMS FOR OFFICIAL CERTIFICATION

Templates for reporting results to the Secretary of State’s Office, and, in some instances, to other boards of elections or public agencies will be sent to the boards separately.

All certifications and reports must be signed by the appropriate board personnel before being submitted to any of the following:

- The Secretary of State’s Office;
- Another board of elections; or
- Another public entity.

For this election, to align with the temporary modification of public meetings law enacted by the General Assembly during a public health emergency, a board may use digital or stamped signatures for these reports.

Each board of elections must submit the signature form, which will be sent separately, for the purpose of certifying the Official Election Results. This submission must include the Supplemental Reports for Absentee Ballots and Provisional Ballots to the Secretary of State’s Office.

¹² H.B. 197, Section 32(G) and [R.C. 3513.22\(A\)](#).

A. Certification of Official Results to the Secretary of State

1. After a board completes its official canvass, 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.
2. 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. Reporting to the Secretary of State the official canvass of valid votes for write-in candidates does not need to be detailed to the precinct-level.
3. The board of elections for the most populous county of any jurisdiction 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 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, question, or issues from each county in a multi-county jurisdiction and the total number of votes for all counties. The contest(s) for which a board is the most populous county must be marked to clearly identify it as a contest containing vote totals from other counties.

B. Absentee and Provisional Ballot Supplemental Report

State law requires the Secretary of State to publish a report on the number of absentee and provisional ballots cast and counted.¹³ Each board of elections must provide this supplemental data for absentee and provisional ballots. Note that boards will be required to provide the total count of provisional ballots counted using the APRI Exception.¹⁴ The reporting forms will be sent separately.

C. Certificate of Official Summary Results for Local Liquor Options and Questions and Issues

Each board of elections must send a completed copy of [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 (LiquorLicensingMailUnit@com.state.oh.us) or mail to the following address:

Division of Liquor Control
6606 Tussing Road
Reynoldsburg, Ohio 43068-9005

The board of elections (most populous county 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;

¹³ [R.C. 3501.05\(Y\)](#).

¹⁴ See [Chapter 6, Section 1.06](#) of the Election Official Manual for an explanation of the APRI Exception.

- The Tax Commissioner of the State of Ohio via email at: DTE@tax.state.oh.us; and
- The Secretary of State (via email to Results@OhioSoS.gov).

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;
- The Tax Commissioner of the State of Ohio via email at DTE@tax.state.oh.us; and
- The Secretary of State (via email to Results@OhioSoS.gov).

D. Electronic Precinct-Level Official Results File of Votes

Each board of elections must upload an electronic precinct-level results file of votes that includes all candidates that appeared on the county’s ballots (except for County Central Committee) on Wednesday, May 20, 2020 via the CSS. Instructions regarding the upload process as well as the time to complete the upload will be sent separately.

Additionally, boards of elections are required to provide, via email to Results@OhioSoS.gov, a separate report from the county’s central tabulating system detailing turnout by party and precinct. Boards must also submit a Statement of Votes Cast (“SOVC”) report with their turnout report. Details outlining the content and generation of these reports will also be sent separately.

IV. TIMELINE FOR REPORTS

No later than **Tuesday, May 19, 2020**, the Secretary of State’s Office must receive each of the following:

- Certification report and signature form;
- Report forms;¹⁵
- Electronic turnout detail by precinct; and
- SOVC report.

Each board should 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 ELECTION AND/OR NOMINATION

Each board of elections must follow the instructions for issuing certificates of election and/or nomination that are contained in [Chapter 8, Section 1.04](#) of the Election Official Manual.

¹⁵ Most populous county reports must include delegate vote totals per congressional district. Please review Part Three, Section III (“VOTE TOTALS FOR PRESIDENTIAL DELEGATES”) on page 5 of this Directive.

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 9, Section 1.02](#) 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

Boards will be provided with a survey link to notify the Secretary of State of a recount. The survey will be provided via email along with the Official Canvass report forms. All boards must complete the survey, regardless of whether there is a recount in their county. 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.

VII. POST-ELECTION AUDITS

Every board of elections must review [Advisory 2020-01](#) regarding the recent changes in law governing post-election audits. The timeline for an audit depends on a county's circumstances, such as whether a partial recount occurs. Moreover, a board that performs a recount for a countywide race, question, or issue is not required to perform an audit.¹⁷

S.B. 52 allocated \$75,000 to reimburse counties for post-election audit costs for the 2020 Primary Election. The Secretary of State's Office will divide this amount equally among all counties and make up to \$852.27 available to all counties for reimbursement of expenses incurred in conducting the audit. Based on prior elections, it is expected that some counties will need to spend less than \$852.27 on the audit, and some will need to spend more. If any funding remains available as a result of counties spending less than their initial allocation, it will be used to help counties with excess costs. No later than June 1, 2020, boards must submit to Primary2020@OhioSOS.gov the spreadsheet accompanying this Directive to list all the board's costs associated with the post-election audit.

VIII. VOTER HISTORY

All boards must upload voter history for the March 17, 2020 Primary Election to the Statewide Voter Registration Database no later than 14 days after the board's official certification (no later than June 2, 2020, but earlier if the board certifies official results before May 19, 2020). Counties with more than 100,000 registered voters must contact Robin Fields to schedule their upload in advance. Use the election name **2020_MAR_PRIM** to submit the history for the election.

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

¹⁷ [R.C. 3505.331\(B\)\(1\)\(b\)](#).

For purposes of assigning voter history, each board of elections must follow the instructions in [Chapter 8, Section 1.04](#) of the Election Official Manual. For assigning party affiliation, instructions are available in [Chapter 3, Section 1.14](#) of the Election Official Manual.

IX. RETENTION OF BALLOTS

Because ballots for the March 17, 2020 Primary Election include candidates for election to federal offices, each board of elections is required by law to retain all ballots prepared for the election – both used and unused – for 22 months following the election.¹⁸ If the board uses a voting system and software that captures images of ballots as they are scanned by a high-speed scanner, those images may be subject to disclosure pursuant to a public records request and must be retained. Accordingly, consult with the county prosecuting attorney regarding the retention of those images.

PART SIX – ANNUAL REPORT

In light of the current circumstances concerning the 2020 Primary Election, the deadline to submit the [2019 Annual Report of Expenses of the Board](#) is extended to June 30, 2020. Thank you to those boards who have already submitted the report.¹⁹

If the board has 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

¹⁸ [R.C. 3505.31; 52 U.S.C.S. 20701.](#)

¹⁹ This Directive amends the deadline contained in [Directive 2020-02.](#)