



## **DIRECTIVE 2020-23**

October 16, 2020

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

Re: Expedited Canvass and Certification of the November 3, 2020 General Election

### **SUMMARY**

This Directive outlines the procedures that all boards of elections must follow when conducting both the Unofficial and Official Canvasses of the November 3, 2020 General Election. It also establishes an expedited timeline that all boards of elections must follow for the official canvass. An expedited timeline is necessary to allow for timely completion of any recount of a statewide election (in the event one is required).

To assist boards of elections with any problems, questions, or concerns that may arise on November 3, 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 November 3, 2020.

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 November 3, 2020 (including after in-person voting concludes).

### **PART ONE – UNOFFICIAL CANVASS**

The Unofficial Canvass of the November 3, 2020 General Election must be conducted on November 3, 2020 in accordance with state law.<sup>1</sup> The board must follow the procedures outlined in [Chapter 8, Section 1.02](#) of the Election Official Manual. Each board must reconcile results with records from the poll books and voter registration system to ensure that only one ballot per voter is counted.<sup>2</sup> This includes ensuring that all returned absentee ballots are logged in the voter registration system and reconciling the list of voters whose ballots were returned with the number of physical ballots returned.

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<sup>1</sup> [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).

<sup>2</sup> [R.C. 3505.26](#) and [R.C. 3505.27](#).

The Unofficial Canvass must be conducted in full view<sup>3</sup> of the members of the board of elections and any appointed observers, and the board must continuously count the ballots during the Unofficial Canvass.<sup>4</sup>

## **I. ELECTION NIGHT REPORTING**

State law requires that all boards of elections provide election results for certain contests to the Secretary of State's Office.<sup>5</sup> 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. The Secretary of State personnel assigned to each county board of elections and their contact information will be provided prior to November 3, 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. This method also helps prevent data entry errors. Boards must use the USB thumb drives provided by the Secretary of State's Office to ensure the security of the election night reporting and election management system. The USB thumb drives must only be used once.

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. SCHEDULE FOR REPORTING RESULTS**

Each board must log in to the CSS no later than 7:45 p.m. The board must immediately notify the Secretary of State assigned personnel of delays in completing any portion of the results reporting activity. Boards will receive an email with contact information for the Secretary of State personnel assigned to each county.

#### **Reporting Absentee Ballot Results**

Boards of elections may begin processing (including scanning, but not tabulating) absentee ballots not earlier than the day after the close of voter registration (October 6, 2020).<sup>6</sup> The board must begin this process prior to Election Day to ensure the Unofficial Canvass includes all absentee ballots received by the close of polls on November 3, 2020. Do not tabulate any absentee ballot prior to 7:31 p.m. on November 3, 2020. 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.

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 (e.g., for GEMS users who were unable to scan all absentee ballots prior to starting the central tabulation of precinct cards). If the board uploads partial absentee results at 8:00 p.m., the board must not double-report the initial upload. Contact the board's voting system vendor if

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<sup>3</sup> See "**PART FOUR — OPEN MEETINGS AND OBSERVERS DURING THE CANVASS**" for information about remote access and virtual meetings.

<sup>4</sup> [R.C. 3505.21](#); [R.C. 3505.27](#); [R.C. 3505.29](#); [R.C. 3505.30](#).

<sup>5</sup> [R.C. 3505.27\(C\)](#).

<sup>6</sup> [R.C. 3509.06](#).

you need technical assistance. The board must enter zero (0) precincts reporting when it uploads its first absentee results.

### **Maximum Time Between Reports**

**Election Night reporting begins with the first upload of absentee results by 8:00 p.m. and will continue at the assigned time throughout the night.** After the board has uploaded its first summary election results, it must report on the following time increment assigned to the county:

#### **1. “Quarter-Hour” Counties**

*Butler, Clark, Clermont, Cuyahoga, Delaware, Fairfield, Franklin, Greene, Hamilton, Lake, Licking, Lorain, Lucas, Mahoning, Medina, Montgomery, Portage, Stark, Summit, Trumbull, Warren, and Wood Counties.*

“Quarter-hour” counties must report at each quarter hour (e.g., 8:00 p.m., 8:15 p.m., 8:30 p.m., 8:45 p.m., etc.), beginning with the quarter hour that follows the board’s first upload of summary election results and continuing until all precincts have reported.

If, as the board approaches full reporting, one or more precincts have not reported, and it has been more than 30 minutes since the last report, it must notify the Secretary of State personnel assigned to the board to explain the delay. Once 100 percent of the precincts have reported, do not delay entering final vote tallies into the Election Night Reporting System (“ENR”). The board does not have to wait until its designated reporting time (noted above) before reporting the final results.

#### **2. “Half-Hour” Counties**

*Allen, Ashtabula, Athens, Belmont, Columbiana, Erie, Geauga, Hancock, Jefferson, Knox, Lawrence, Marion, Miami, Muskingum, Richland, Ross, Sandusky, Scioto, Tuscarawas, Union, Washington, and Wayne Counties.*

“Half-hour” counties must report at each half-hour (e.g., 8:30 p.m., 9:00 p.m., 9:30 p.m., etc.), beginning at 8:30 p.m., the first half-hour that follows the upload of the board’s absentee summary election results at 8:00 p.m., then on every half hour after and continuing until all precincts have reported.

If, as the board approaches full reporting, one or more precincts have not reported, and it has been more than 30 minutes since the last report, it must notify the Secretary of State personnel assigned to the board to explain the delay. Once 100 percent of the precincts have reported, do not delay entering final vote tallies into the ENR. The board does not have to wait until its designated reporting time (noted above) before reporting the final results.

#### **3. “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.

If, as the board approaches full reporting, one or more precincts have not reported, and it has been more than 60 minutes since the last report, it must notify the Secretary of State personnel assigned to the board to explain the delay. Once 100 percent precincts have reported, do not delay entering final vote tallies into the ENR. The board does not have to wait until its designated reporting time (noted above) before reporting the final results.

## **B. SUPPLEMENTAL STATISTICS**

The board must provide supplemental statistics when it reports the county’s last precinct 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 regular ballots counted from Election Day precincts (do not include absentee ballots; they are reported separately below).
  - Total number of non-UOCAVA absentee ballots counted.
  - Total number of UOCAVA absentee ballots counted.
  - Total number of absentee ballots counted.
  - Total regular Election Day and 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 on Election Day.
  - Total number of provisional ballots issued before Election Day, but after close of registration at the board office or early vote center.
  - Total number of provisional ballots issued at the polls or the board office.

## **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 Election Day:

1. Unofficial Vote Total Summary Report;
2. Write-In Report;
3. Most Populous Report(s) (when applicable); and
4. Signature Form.

In addition to the Unofficial Vote Total Summary Report submitted on Election Night, 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](mailto: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](mailto:Results@OhioSoS.gov).

On Election Night, 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, a Secretary of State staff member will contact the Director.

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.

### **PART TWO – POST-ELECTION CURE PERIOD**

Each board of elections must be open to the public on each of the seven calendar days immediately following Election Day, 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:<sup>7</sup>

- Wednesday, November 4<sup>th</sup> 8:00 a.m. – 5:00 p.m.
- Thursday, November 5<sup>th</sup> 8:00 a.m. – 5:00 p.m.
- Friday, November 6<sup>th</sup> 8:00 a.m. – 5:00 p.m.
- Saturday, November 7<sup>th</sup> 8:00 a.m. – 12:00 p.m.
- Sunday, November 8<sup>th</sup> 1:00 p.m. – 5:00 p.m.
- Monday, November 9<sup>th</sup> 8:00 a.m. – 5:00 p.m.
- Tuesday, November 10<sup>th</sup> 8:00 a.m. – 5:00 p.m.

Whenever a board of elections receives an absentee ballot ID envelope that is missing required information or that contains information that does not conform to the voter's registration

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<sup>7</sup> [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).

record, and the board of elections cannot determine the voter's eligibility without the missing or nonconforming information, the board of elections must contact the absentee voter to give an opportunity to supplement their ID envelope so the voter's ballot can be counted. The board must meet this requirement by issuing ([Secretary of State Form 11-S](#)) to the voter.<sup>8</sup> When a telephone number or email address is available, boards must use that contact information to quickly notify the voter about the deficiency on their ID envelope. The voter must provide the necessary information in writing on ([Form 11-S](#)), either by in person delivery or by mail.<sup>9</sup>

## **PART THREE – OFFICIAL CANVASS**

### **I. GENERAL 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. Each board must reconcile results with records from the poll books and voter registration system to ensure that only one ballot per voter is counted.<sup>10</sup> This includes ensuring that all returned absentee ballots are logged in the voter registration system and reconciling the list of voters whose ballots were returned with the number of physical ballots returned.

Between the completion of the unofficial canvass and the certification of official results, board members and employees of the board of elections are prohibited from disclosing partial or final results of any contest in the election pursuant to [R.C. 3505.32](#).

### **II. EXPEDITED SCHEDULE FOR OFFICIAL CANVASS**

To account for the possibility of statewide recounts prior to the meeting of the Electoral College, all boards of elections must follow an expedited schedule for the Official Canvass of the November 3, 2020 General Election. The official canvass must begin no earlier than the 11<sup>th</sup> day after the election, Saturday, November 14, 2020.

**Each board of elections must complete its official canvass, certify its results, and submit all reports to the Secretary of State no later than 2:00 p.m. on Wednesday, November 18, 2020.** This includes uploading, via the SOS County Submission System, an electronic precinct-level results file of votes cast for all candidates that appeared on the county's ballot (except write-in candidates). If the board completes its official canvass early, it can upload on Tuesday, November 17, 2020. A survey for boards to select a time to upload its results, as well as instructions for the upload, will be sent under separate cover.

### **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.

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<sup>8</sup> See [Election Official Manual Chapter 5](#), pages 30-32 and 35-37.

<sup>9</sup> [R.C. 3509.06\(D\)\(3\)\(b\)](#).

<sup>10</sup> [R.C. 3505.32\(D\)](#).

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.

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.

**A. Certification of Official Results**

1. After a board completes its official canvass, it must email [Results@OhioSoS.gov](mailto: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.<sup>11</sup> 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. 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

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<sup>11</sup> If the voter has written in part of an eligible write-in candidate’s name, the board of elections must count a vote in which a voter has written in only the first or last name of the candidate, if there is only one eligible write-in candidate with that first or last name. In either case, or if there are two or more write-in candidates with the same first or last name, the voter must provide sufficient information for election officials to determine the voter’s intent in order for the vote to be counted. See [Election Official Manual Chapter 8](#), page 13.

provisional ballots counted using the APRI Exception.<sup>12</sup> The reporting forms will be sent separately.

**C. 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](mailto:Results@OhioSoS.gov)) and a copy of the completed form to the Ohio Division of Liquor Control via email ([LiquorLicensingMailUnit@com.state.oh.us](mailto: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;
- The Tax Commissioner of the State of Ohio via email at: [DTE@tax.state.oh.us](mailto:DTE@tax.state.oh.us); and
- The Secretary of State.

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](mailto:DTE@tax.state.oh.us); and
- The Secretary of State.

**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 on Wednesday, November 18, 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](mailto:Results@OhioSoS.gov), a separate report from the county’s central tabulating system detailing turnout by precinct. Boards must also submit a Statement of Votes Cast (“SOVC”) or similar report detailing the turnout by precinct with their turnout report. This report will vary by vendor and will be used to proof the turnout by precinct. Details outlining the content and generation of these reports will also be sent separately.

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<sup>12</sup> See [Chapter 6, Section 1.06](#) of the Election Official Manual for an explanation of the APRI Exception.

#### **IV. TIMELINE FOR REPORTS**

As soon as possible after the board certifies its official canvass but no later than 2:00 p.m. on Wednesday, November 18, 2020, the Secretary of State's Office must receive each of the following:

- Certification report and signature form;
- Report forms;
- 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](mailto: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**

Each board of elections must follow the instructions for issuing certificates of election that are contained in [Chapter 8, Section 1.04](#) of the Election Official Manual. Certificates of election must not be issued before the expiration of the time by which applications for recounts may be made. Boards of elections may not issue a certificate of election in a contest for which a recount is requested, or conducted automatically, until after the recount is complete. The Secretary of State will issue certificates of election for statewide offices, offices of representatives to congress, and offices of state board of education members.<sup>13</sup>

#### **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. Any recount of votes for the election of presidential electors must be completed not later than December 8, 2020 (six days before the meeting of the Electoral College).<sup>14</sup>

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, even if there is no 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](mailto:Results@OhioSoS.gov).

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<sup>13</sup> [R.C. 3505.38](#).

<sup>14</sup> [R.C. 3515.041](#).

## **VII. POST-ELECTION AUDITS**

Every board of elections must review [Advisory 2020-01](#) regarding post-election audits. The General Assembly appropriated \$75,000 to defray counties' costs of audits for the November 3, 2020 General Election. The timeline for post-election audits depends on whether there is a recount, as explained below:<sup>15</sup>

- 1. If there is no recount:** The audit may start six days after the official results are declared and must be completed by the 21st day after that declaration. The board has five days after completion to certify those audit results to the Secretary. A form will be offered for certifying audit results.
- 2. If there is a recount:** The audit must begin immediately after the board certifies the results of the recount and be complete within 14 days. The board has five days after completion to certify those audit results to the Secretary. If the board ordered a recount of a county-wide race, question or issue, the recount shall be considered an audit for purposes of meeting the requirement that the board audit not less than three contested races, questions, or issues.

After Election Day, the Secretary of State's Office will provide more guidance for complying with the statutory requirements and receiving reimbursement for audits.

## **VIII. VOTER HISTORY**

All boards must upload voter history for the November 3, 2020 General Election to the Statewide Voter Registration Database no later than 14 days after the board's official certification. Counties with more than 100,000 registered voters must contact Robin Fields to schedule their upload in advance. Use the election name 2020\_NOV\_GEN to submit the history for the election.

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. Boards of elections must finish uploading voter history for the November 3, 2020 General Election before conducting any list maintenance pursuant to the Supplemental and NCOA Processes.

## **IX. RETENTION OF BALLOTS**

Because ballots for the November 3, 2020 General Election include candidates for election to federal offices, each board of elections is required by state and federal law to retain all ballots prepared for the election – both used and unused – for 22 months following the election.<sup>16</sup> 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 their retention.

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<sup>15</sup> [R.C. 3501.331](#).

<sup>16</sup> [R.C. 3505.31; 52 U.S.C.S. 20701](#).

## **PART FOUR – OPEN MEETINGS AND OBSERVERS DURING THE CANVASS**

### **I. VIRTUAL MEETINGS**

Consistent with [R.C. 3505.30](#), board members must open session at 6:30 a.m. on November 3, 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 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 possible.

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. To the maximum extent possible, any livestream of board meetings should be advertised on social media and 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 who are at the greatest risk, should maintain social distancing and use personal protective equipment while in the board’s office and interacting with staff.

The provision in H.B. 197 authorizing virtual meetings expires on December 1, 2020.<sup>17</sup> Presuming the legislature does not extend the provision, boards will need to meet in person for meetings after that date. Boards must consider appropriate social distancing for themselves, their staff, and any observers or media that may be present in meetings after December 1, 2020.

### **II. OBSERVERS**

A board must allow the presence of observers who present a valid certificate of appointment for the unofficial and official canvass, recount, or post-election audit.<sup>18</sup> However, a board should consider offering remote access to recognized observers via livestream, video conference, or similar technology. Boards must also consider observers in their plans for social distancing and sanitizing protocols, should observers attend in person. Observers should have their own personal protective equipment and face coverings and wear them at the office of a board of elections. Boards may provide such equipment to an observer who is unable to secure it.

An observer who refuses to wear a face covering at the board of elections, early vote center, or a polling location may be removed for obstructing voting. Voting location managers, directors, and deputy directors have the authority to administratively remove observers from their posts if necessary.

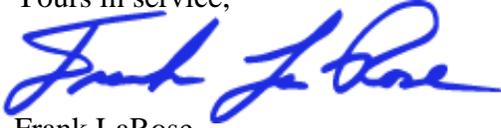
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<sup>17</sup> “During the period of the emergency declared by Executive Order 2020-01D, issued on March 9, 2020, but **not beyond December 1, 2020**, if the period of the emergency continues beyond that date, members of a public body may hold and attend meetings and may conduct and attend hearings by means of teleconference, video conference, or any other similar electronic technology...” Section 12(B) of H.B. 197 (133rd General Assembly) (emphasis added).

<sup>18</sup> [R.C. 3505.21](#).

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 that reads "Frank LaRose". The signature is written in a cursive, flowing style.

Frank LaRose  
Ohio Secretary of State