



JENNIFER BRUNNER
OHIO SECRETARY OF STATE

180 East Broad Street, 15th floor
Columbus, Ohio 43215-3726 USA
Tel.: 1-614-466-2655
Fax: 1-614-644-0649
www.sos.state.oh.us

DIRECTIVE 2007-21

November 2, 2007

TO: BOARDS OF ELECTIONS
Members, Directors & Deputy Directors

RE: Procedures For Processing Absent Voter's Ballots Prior to Election Day

In the wake of recent changes to the laws governing absentee voting, more Ohio voters are taking advantage of voting by mail or early voting in a board of elections office. As a result, several boards of elections have expressed the concern that for elections with an expected heavy turnout of voters, such as the presidential elections next year, boards may not meet the statutory reporting deadline for the unofficial count if they are required to wait until election day to begin processing and scanning absent voter's ballots. In my role as the state's chief election officer, I am investigating alternative policy and/or legislative avenues to ensure boards of elections have the necessary options to timely and properly complete their statutory duties. In the interim, however, I am issuing this Directive outlining the requirements for early processing of absent voter's ballots for purposes of the November 6, 2007 General Election only.

Procedures for Early Processing of Absent Voter Ballots for the November 6, 2007 General Election

Boards of elections may begin **processing** absent voter's ballots at noon on Saturday, November 3, 2007. For purposes of this Directive, "processing" means the handling and examining of absent voter ballots, but excludes tabulation of them. "Processing" includes any of the following:

- Examining the sufficiency of absent voter's ballot identification envelopes and, if applicable, opening the absent voter's ballot envelope;
- Determining the validity of the ballot (*e.g.*, whether the stub is removed);
- Preparing the absent voter's ballot for scanning; and
- Scanning of the absent voter's ballot ***but only if the voting system used by your board of elections allows you to feed the absent voter's ballot through the automatic tabulating device without tabulating or counting the ballot.***

"Processing" of absent voter's ballots does not include "counting" or "tabulating" the votes. At this time, boards of election shall only begin counting or tabulating votes, including absent voters' votes, on November 6, 2007, the day of the General Election.

Of the three voting systems approved for use in Ohio, this office has determined that the Premier Elections Solutions GEMS Central Count system is not currently capable of allowing scanning of absent voters' ballots without also counting or tabulating the votes. Therefore, counties using the Premier Elections Solutions GEMS Central Count system shall not scan absent voter's ballots prior to 12:01 A.M. on Election Day, November 6, 2007; however, they may begin other processing of the ballots as described above.

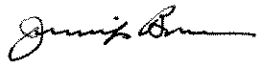
Observers

Observers, as that term is defined in R.C. 3505.21, may witness the examination and opening of identification envelopes for absent voter's ballots. If your board of elections decides to begin processing absent voter's ballots prior to November 6, 2007, you must notify all appointed observers of the time and place at which the board will process absent voter's ballots prior to election day.

Finally, please remember that, pursuant to R.C. 3509.06(E), no person (including election officials and observers) shall disclose the count or any portion of the count of absent voter's ballots prior to the time of the closing of the polling places on election day, and no person shall recklessly disclose the count or any portion of the count of absent voter's ballots in such a manner as to jeopardize the secrecy of any individual ballot.

If you have any questions concerning the handling of absent voter's ballots prior to election day or the procedures set forth in this Directive, please contact the elections attorney assigned to your county at (614) 466-2585. Thank you for your efforts.

Sincerely,



Jennifer Brunner