

Attachment D - Ohio Secretary of State Husted's directive to preserve digital ballot images in Ohio

(available at: <https://www.sos.state.oh.us/globalassets/elections/directives/2018/dir2018-10.pdf>)

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JON HUSTED
Ohio Secretary of State



180 East Broad Street, 16th Floor
Columbus, OH 43215
(877) 767-6446 | (614) 466-2655
info@OhioSecretaryofState.gov
www.OhioSecretaryofState.gov

DIRECTIVE 2018-10

April 20, 2018

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

Re: Unofficial and Official Canvasses of the May 8, 2018 Primary Election (and Special Congressional Primary Election for the 12th Congressional District)

SUMMARY

In lieu of issuing two Directives, this Directive outlines the procedures that boards of elections must follow when conducting both the Unofficial and the Official Canvasses of the May 8, 2018 Primary Election (and Special Congressional Primary Election for the 12th Congressional District).

To assist boards of elections with any problems, questions, or concerns that may arise on Election Day, the Secretary of State's Office will be staffed on Election Day from 6:30 a.m. until all boards have reported their unofficial results to our office. As in the past, boards can contact the Secretary of State's Office using a dedicated telephone number that will be emailed prior to May 8, 2018 or the main telephone number for the Elections Division of (614) 466-2585.

All Directors, Deputy Directors, and Board Members must ensure that they are able to receive emails and other communications sent from the Secretary of State's Office on Election Day (including after the polls close).

PART ONE – UNOFFICIAL CANVASS

The Unofficial Canvass of the May 8, 2018 Primary Election (and Special Congressional Primary Election for the 12th Congressional District) must be conducted on election night in accordance with state law¹ and the processes and procedures outlined in [Directive 2017-13](#), 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 observer appointed in accordance with R.C. 3505.21.² The counting of ballots for the Unofficial Canvass must be continuous.³

¹ R.C. 3505.27 (counting regular ballots that were cast at precinct polling locations); R.C. 3505.28 (ballots not counted); 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).

² R.C. 3505.27.

³ R.C. 3505.27; R.C. 3505.29; R.C. 3505.30.

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VIII. VOTER HISTORY

All boards must upload voter history for the May 8, 2018 Primary Election to the Statewide Voter Registration Database (SWVRD) no later than May 31, 2018. Counties with more than 100,000 registered voters must contact Robin Fields at rfields@ohiosecretaryofstate.gov to schedule their upload.

For purposes of assigning voter history, each board of elections must follow the instructions outlined in [Chapter 8, Section 1.04, Division E, of the Election Official Manual](#).

For purposes of assigning party affiliation, each board of elections must follow the instructions outlined in [Chapter 3, Section 1.13, Division C, of the Election Official Manual](#).

The election name to submit the history for the election is 2018_MAY_PRIMARY.

IX. RETENTION OF BALLOTS

Boards are reminded that ballots for the May 8, 2018 Primary Election include candidates for nomination for federal offices, and each board of elections is required to retain all ballots prepared for the election – both used and unused – for 22 months following the election.¹⁰ If your board utilizes 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 need to be retained by your board. Accordingly, your board should consult with its legal counsel, the county prosecuting attorney, regarding the retention of those images.

If you have any questions regarding this Directive, please contact the Secretary of State's elections counsel assigned to your county at (614) 466-2585.

Sincerely,


Jon Husted