



Ohio Secretary of State J. Kenneth Blackwell
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Directive 2004-48
October 29, 2004

ALL COUNTY BOARDS OF ELECTIONS

TO: Members, Directors & Deputy Directors

Absentee/Provisional counting and ballot security

For all ballots, boards of elections should have procedures in place to secure ballots. All ballots – voted, spoiled, and unused – should be stored in a secure area, such as a vault, storage room, or double-lock file. Only the director or director's designee should have one of the keys or combination, and only the deputy director or deputy's designee should have the other key or combination. No one else should have copies of the keys or combination. This procedure assures that no one person can gain access to the ballots. Teams of one Democrat and one Republican must be present with ballots at all times of processing.

Absentee ballots are to be counted on election night. Counties may begin to open absentee ballot envelopes the day before the election, November 1, 2004, if the volume of absentee ballots is so large that the board could not process all the ballots in order to be counted on Election Day. If a challenger has been appointed to be at the board, the board must give notice of the date, time and place of opening the envelopes to the challenger. The board must have teams of one Democrat and one Republican to open the envelopes. Proper security procedures for ballots must be observed at all times. The counting of the absentee ballots may not begin until Election Day.

R.C. 3509.07 contains the reasons for boards to reject an absentee ballot. It states "If election officials find that the statement accompanying an absentee voter's ballot or absent voter's presidential ballot is insufficient, that the signatures do not correspond with the person's registration signature, that the applicant is not a qualified elector in the precinct, that the ballot envelope contains more than one ballot of any kind, or any voted ballot that the elector is not entitled to vote, or that Stub A is detached from the absent voter's ballot or absent voter's presidential ballot, the vote shall not be accepted or counted. The vote of any absent voter may be challenged for cause in the same manner as other votes are challenged, and the election officials shall determine the legality of that ballot. Every ballot not counted shall be indorsed on its back "Not Counted" with the reasons the ballot was not counted, and shall be enclosed and returned to or retained by the board of elections along with the contested ballot."

Before a provisional ballot may be counted in the official canvass, the board of elections must confirm that the voter:

1. was registered to vote somewhere in Ohio during the 30 days before the election,
2. did not vote from a former address or by absentee ballot,
3. voted in the correct precinct,
4. completed and signed all required affirmation statements, and
5. in the case of a voter who did not provide HAVA required identification information when registering, has provided an acceptable proof of the applicant's identity by the close of polls on election day at either the polling location or the board of elections.

The board of elections shall begin verifying the above information immediately following the election and must complete the process by the conclusion of the official canvass. If this information is verified, the provisional ballot is to be included in the official canvass. If any of this information cannot be verified, the ballot cannot be counted. The minutes of the board's meeting to certify the results of the election must identify each ballot that was not counted and why each was not counted.

If you have any questions regarding this directive, please do not hesitate to contact the Elections Division at (614) 466-2585.

Sincerely,

A handwritten signature in cursive script that reads "J. Kenneth Blackwell". The signature is written in black ink and is positioned above the printed name.

J. Kenneth Blackwell