



DIRECTIVE 2020-11

July 6, 2020

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

Re: 2020 Coronavirus Aid, Relief, and Economic Security (“CARES”) Act Funds – Election Administration Preparedness for November 3, 2020 Presidential General Election.

SUMMARY

In March 2020, Congress passed, and President Trump signed into law the CARES Act to deliver an economic relief package of over \$2 trillion to assist the country in coping with the public health and economic impacts of COVID-19. The CARES Act includes \$400 million in Help America Vote Act (“HAVA”) emergency funds, made available to states to prevent, prepare for, and respond to the coronavirus for the 2020 federal election cycle. Ohio’s share of the appropriated funds is \$12,861,311. On June 15, 2020, the Secretary of State’s Office received authority from the State Controlling Board to provide these funds to the boards of elections. Each county board of elections will receive a block grant in an amount based on its number of registered voters, which must be used in connection with the November 3, 2020 General Election. This Directive outlines the Secretary of State’s requirements for use of CARES Act funding.

INSTRUCTIONS

PART ONE – CARES ACT GRANT FUNDING

The Secretary of State’s Office is providing each county board of elections a block grant of an amount determined by the number of registered voters in each county, with no county receiving less than \$25,000. This block grant is referred to in this Directive and future communications as the CARES grant. The CARES grant will be disbursed to each county in a single up-front, lump sum amount. Each county board of elections is required to use this funding to implement the requirements of this Directive.

This CARES grant is required by the U.S. Election Assistance Commission (“EAC”) to be spent exclusively on additional costs associated with the national emergency related to coronavirus and to prevent, prepare for, and respond to COVID-19 for the 2020 federal election cycle. Thus, all costs claimed against this grant must be related to or made necessary by the COVID-19 pandemic.

This funding must be used to supplement, not supplant, county funding for elections. County boards of elections may spend CARES grant funding on routine activities of the board of elections only if the need or cost for such routine activities is expected to increase due to the COVID-19 pandemic. It is the responsibility of each county board of elections to determine what costs are attributable to the COVID-19 pandemic, and county boards of elections must be prepared to share how such costs were calculated upon request.

Each county must enter into the CARES grant agreement with the Secretary of State's Office and deposit the grant payments into an interest-bearing account separate from all other funds of the board. The board of elections may use the same fund that was set up for the HAVA elections security grants in 2019. Each board must submit an expense report (stating the month's expenses and balance of funds) to CARES@OhioSoS.gov on the first business day of each month. Please return the signed grant agreement to CARES@OhioSoS.gov no later than July 13, 2020.

Each board must submit a plan generally outlining how the CARES grant will be spent, including the total amount the board plans to spend and estimated amounts per priority as established in this Directive. Each board is required to submit this plan to CARES@OhioSoS.gov no later than July 27, 2020. Boards may begin purchasing high-priority items before submission of this plan. If a board's total estimated spending is less than the amount allocated under this grant, the Secretary of State's Office may re-allocate the remaining funds to assist counties with excess estimated costs.

Each board must report the balance of all unspent and unencumbered funds to the Secretary of State's Office by December 1, 2020. Boards may continue to make outstanding payments on purchases that were obligated through a purchase order or encumbrance until December 18, 2020. All unspent funds must be returned to the Secretary of State's Office by December 18, 2020. This is necessary for the Secretary of State's Office to fulfill the EAC's requirement that all unspent funds be returned to the federal treasury by December 31, 2020.

Each board must complete and submit a quote template for items or services estimated to cost over \$1,000. A board must obtain three quotes from vendors offering the required item or service and submit those quotes prior to purchasing or entering into a contract for goods or services. If fewer than three vendors offer the required item or service, a board must certify that fact to the Secretary of State's Office.

Due to current stresses on supply chains and frequent changes in availability of certain items, the requirement to obtain three quotes does not apply to purchases of personal protective equipment, cleaning and sanitizing supplies, and equipment that is only available from a single source. However, boards are required to follow county purchasing rules and are encouraged to obtain multiple quotes for these items when possible.

Boards are encouraged to use the state term schedules to identify a vendor offering a competitive price for a required item or service; however, if the board selects to use a vendor on state term schedules, the board must still provide three quotes prior to purchasing or entering into a contract when purchasing items other than those exempted from this requirement. The state term schedule is available here: <https://procure.ohio.gov/proc/contractssts.asp>.

PART TWO – CARES ACT FUNDING ELECTION ADMINISTRATION PREPAREDNESS PRIORITIES

Boards of elections must consider and prioritize the following recommendations when determining how to spend their CARES Act funding in the order that they are listed below. These recommendations do not represent an exhaustive list.

A. Ballot Quantities

Providing ballots is one of the most essential duties of a board of elections. It is unacceptable for a board to run out of ballots for an election at any time during the absentee voting period or on Election Day. It is the board of elections', director's, and deputy director's duty and responsibility to determine ballot quantities and machine allocation.

Boards must prioritize the use of the CARES Act funds to ensure that each board of elections has a sufficient amount of ballot stock to account for high voter turnout. Likewise, boards must prioritize the use of the CARES Act funds to ensure that each board of elections has enough absentee ballots and envelopes to account for a significant number of voters utilizing absentee voting.¹ Boards of elections must use the Secretary of State's Office's new design for ID envelopes, return envelopes, outgoing envelopes, and instructions once the board exhausts its current stock and has not yet ordered their absentee ballot envelopes.

1. Optical Scan Counties – Pre-Printed Stock

If a board of elections pre-prints the total stock of ballots to be used at a precinct on Election Day or if the board utilizes ballot marking devices or a hybrid voting systems, the board must provide at least one percent (1%) more ballots or stock for the printing of the ballot than the total number of voters registered in the precinct.² In determining the number of registered voters, a board does not have to include those electors who have failed to respond within 30 days to any confirmation notice.³

¹ Note that Section 32 of House Bill 197 (enacted earlier in 2020) required boards to mail provisional ballots when voters had defects in their absentee ballot applications. This was temporary law in effect only for the 2020 Presidential Primary. That provision automatically expired, reverting to permanent law going forward. [See Election Official Manual Chapter 4, page 18.](#)

² [R.C. 3505.11\(A\).](#)

³ [R.C. 3505.11\(A\).](#)

2. Optical Scan Counties – On Demand Ballots

If a board chooses to provide ballots on demand at a voting location on Election Day to supplement the supply of pre-printed ballots, the board must provide for each precinct at least fifteen percent (15%) more pre-printed ballots than the total number of electors in that precinct who voted in the 2008, 2012, or 2016 general election (regular and provisional voters), whichever is higher.⁴ This allotment is an increase beyond the statutory minimum of five percent (5%).⁵

In calculating the number of ballots cast in a precinct in a past election, the board should be mindful of any changes made to the precinct's boundaries and/or the number of electors assigned to the precinct since the election and adjust the number of additional ballots accordingly.

Whenever a board plans to use ballot-on-demand printers for any voting-related purpose, it must ensure that it has on hand a sufficient inventory of printers, ballot stock, and printer consumables (e.g., toner, fusers, etc.) and that each precinct is provided an adequate supply, keeping in mind the greater expected voter turnout. If precinct election officials request additional ballots, the board must provide those ballots in a timely manner so that all qualified electors who want to vote can do so.⁶

3. Direct Recording Election (“DRE”) Voting Machine Counties

Boards of elections using DRE voting machines as their primary voting system on Election Day must deploy at least one DRE voting machine for every 175 registered voters in a precinct or voting location. The DRE's must be programmed to allow any voter assigned to the location to vote on any machine in the location. There must never be fewer than three DRE machines in any precinct or voting location.⁷ The three DRE machines is a minimum – boards must allocate additional DRE's to a polling location beyond these minimums to accommodate the projected higher turnout, local contests of interest on each precinct's ballot, and recent voter registration activity.

These boards must provide sufficient supplies and equipment (e.g., paper for voter verified paper audit trail printers) so that voting may continue without undue delay resulting from missing or insufficient replacement supplies.

⁴ [R.C. 3505.11\(B\).](#)

⁵ [R.C. 3505.11\(B\).](#)

⁶ [R.C. 3505.11\(B\)\(3\).](#)

⁷ [Chapter 4 of the Election Official Manual.](#)

A board of elections using DRE's as its primary voting system on Election Day must provide backup paper ballots for this general election. Boards must determine the minimum number of optical scan ballots to provide for each precinct by multiplying the number of ballots cast in the precinct (public count) from the 2008, 2012, or 2016 general election, whichever is higher, by fifteen percent (15%). This is the minimum number of optical scan ballots that must be provided for that precinct. The desire to vote a paper ballot will likely increase as some voters may not want to touch the DRE screen. Boards of elections may print ballots totaling more than the calculated minimum number so long as the increase is uniform across the county. Although the ballots are labeled and look the same, this fifteen percent (15%) is in addition to the quantity the board of elections determines is necessary to accommodate all provisional ballot voters at each precinct.

4. All Counties

The ballot quantity and DRE allocation instructions are minimums – boards must pre-print additional optical scan ballots beyond these minimum quantities or allocate additional DRE's to accommodate the projected higher turnout, local contests of interest on each precinct's ballot, recent voter registration activity, and the evolving health concerns. Additionally, a board must consider its local experience when deciding whether to exceed the baselines established above.

For the 2020 Presidential General Election, the board must provide provisional ballots in the quantity of at least fifteen percent (15%) more than the number of provisional ballots cast in that precinct at the 2008, 2012, or 2016 Presidential General Elections, whichever was higher.⁸ Additionally, each board must provide to each precinct and/or polling location a stock of provisional ballot affirmation envelopes (containing Secretary of State [Form 12-B](#)) that is greater than the number of provisional ballots being provided for this election.

A board of elections of a county that contains a college or university should consider that attendees of the college or university might appear to vote at the precinct and polling location encompassing the college or university. The board should provide additional provisional ballots and supplies to these precincts and consider whether additional Precinct Election Officials ("PEOs") are necessary to process voters as efficiently as possible.

Boards of elections should be mindful that voter registration activity – both new registrations and changes of address – often surges immediately preceding the close of registration before an election. Boards of elections should take into consideration any increase in registration after the close of registration when determining ballot and precinct supplies minimum quantities.

⁸ See [Directive 2019-23](#). This is a minimum requirement for preparedness, not a prediction for the number of provisional ballots expected to be cast this election.

No board of elections can rely solely on printing ballots on demand to produce its stock of optical scan ballots on Election Day. A board of elections that utilizes an on demand printer must ensure that it has on-hand a sufficient supply of blank ballot stock, toner, and any other necessary supplies to print any additional ballots needed on Election Day beyond the requirements of state law and this Directive.

B. Staffing

Boards of elections will see high voter turnout this November. Boards must prioritize CARES Act funds to ensure that each board of elections maintains an adequate amount of staff, including temporary staff, to administer the November 3, 2020 General Election, including the early voting period. Boards must prepare to hire additional staff to account for significant increases in absentee voting, voter turnout, questions from voters, early in-person voting, social distancing and cleaning protocols, and voter registration. Boards must take into consideration the amount of staff the board requires to successfully administer an election under normal circumstances and account for higher voter turnout, higher percentage of absentee ballots, and additional social distancing and cleaning protocols that will require more staffing for compliance. Boards may utilize CARES Act funds to pay existing staff overtime for the completion of duties related to the pandemic that are outside the normal scope of business.

C. Central Count Equipment

Boards must prioritize CARES Act funds to ensure that each board of elections has an adequate number of central count scanning equipment, ensuring adequate redundancy is in place. If the board plans on renting or leasing equipment, boards of elections must ensure that the rental equipment is delivered with adequate time for acceptance and logic and accuracy testing. Boards must plan for a higher absentee voter turnout, and this plan may include the rental or purchase of additional central count equipment for higher than expected absentee turnout.

D. Personal Protective Equipment and Cleaning Supplies

Boards of elections will hold early in-person absentee voting and in-person Election Day voting in the November 3, 2020 General Election. Boards must prioritize CARES Act funds to ensure that each board of elections has enough personal protective equipment for elections officials and cleaning supplies for the board of elections and polling locations. Boards must ensure that they have an adequate amount of personal protective equipment for board staff and precinct election officials. Likewise, boards must ensure that they have an adequate amount of cleaning supplies for the board of elections and each polling location. Boards of elections should follow the [guidance](#) the Centers for Disease Control and Prevention published and consult with their local health departments on how to mitigate the spread of COVID-19 at polling locations and any additional guidance boards will receive from the Secretary of State's Office and the Ohio Department Health.

E. Mailing Equipment

Boards must prioritize CARES Act funds to ensure that each board of elections has the proper equipment to process the increased number of absentee ballots that are sent and received by mail. This includes, but is not limited to, ballot folders, ballot extraction equipment, postage meters and other postal equipment, electronic letter openers, ballot flatteners, and ID tag scanners. Boards should consider coordinating with other government entities, inside or outside the county, which may have additional mailing equipment for use.

F. Precinct Election Official Recruitment and Training

Boards of elections must ensure that they recruit and train ample numbers of precinct election officials to administer the November 3, 2020 General Election and account for higher voter turnout. Boards must prioritize CARES Act funds to ensure that each board of elections has an adequate number of precinct election officials to fully staff every precinct as well as back-up precinct election officials to account for cancellations and shortages.

Ohio law provides that each county board of elections select, generally, four residents of the county in which the precinct is located to serve as precinct election officials. Counties must consider assigning more than four precinct election officials to a precinct in a high voter turnout election.⁹ Boards must work with outside organizations such as service organizations, student associations, bar associations, chambers of commerce, and civic organizations to recruit precinct election officials. Boards must use social media and local media organizations to recruit precinct election officials. The Secretary of State's Office will provide resources and support to assist boards with these precinct election official recruitment efforts.

Precinct election officials are required to complete a program of instruction as prescribed by the Secretary of State in the rules, procedures, and law relating to elections.¹⁰ New precinct election officials must complete training before participating in their first election as a precinct election officials. Any program of instruction for new precinct election officials must be scheduled within 60 days before the election in which the precinct election official will participate.¹¹ All precinct election official training must be complete by October 15, 2020, except for emergency trainings. As social distancing and sanitizing protocols must be included in training, all precinct election officials must receive training prior to the November 3, 2020 General Election, regardless of years of experience. Boards may offer online or virtual precinct election official training only to those experienced precinct election officials who served as a precinct election official with the current voting system and equipment.

⁹ [R.C. 3501.22](#). Note that in a multi-precinct polling location that uses electronic pollbooks, a board may vote to reduce the number of precinct election officials from four to two per precinct. However, the board should be cautious with reductions for this Presidential General Election.

¹⁰ [Election Official Manual Chapter 2, page 67](#).

¹¹ [Election Official Manual Chapter 2, page 67](#); [R.C. 3501.27\(B\)](#).

Boards must prioritize CARES Act funds to ensure that each board of elections adequately trains all precinct election officials. Boards must implement social distancing protocols when training precinct election officials and should consider offering live online training through teleconferencing platforms such as Zoom or GoToMeeting. Boards may offer self-paced trainings through a learning management platform. If a board chooses to offer a self-paced training option, the board must be able to track the progress of each participant to ensure they complete the entire training. The board should also provide an assessment to each potential precinct election official to ensure the precinct election official understood the information provided during training.

By August 1, 2020, boards of elections must send the template survey provided with this Directive or a survey that is similar to the template survey to every precinct election official who served in the past three years or who indicated to the board their interest in serving on March 17, 2020, in addition to continuing efforts to recruit new precinct election officials. If the board knows at the beginning of October that it has not recruited enough precinct election officials to fully staff its polling locations, it must notify the Secretary of State's Office by October 2, 2020 via email intake@OhioSoS.gov. All boards must report that precinct election official training was completed by the deadline of October 15, 2020.

G. Paper Pollbook Backups

Boards must prioritize CARES Act funds to ensure that each board of elections has a paper pollbook to serve as a backup for each electronic pollbook at each check-in station within a polling location. Boards of elections must also thoroughly test their electronic pollbooks prior to deploying the electronic pollbooks to the polling location. Precinct election officials must receive training to use paper pollbooks when they become necessary.

H. Printed Materials

Boards must prioritize CARES Act funds to ensure that each board of elections has enough printed materials such as signage for the board of elections, early vote center, and precinct polling locations that indicates social distancing protocols, and additional information regarding the election. Boards must also prioritize CARES Act funds to issue public communications to voters regarding changes in voter locations, social distancing protocols for in-person voting, options for voting, and other information material related to conducting the November 3, 2020 General Election.

I. Miscellaneous

The Secretary of State's Office understands that each board's election administration needs vary. If a board believes that it met the list of priority uses of the funding as set forth above and has additional needs, please email intake@OhioSoS.gov with a description of the proposal for use of funds that falls outside of this Directive.

PART THREE – POLLING PLACE REQUIREMENTS

The Secretary of State’s Office continues to consult with the Ohio Department of Health (“ODH”) to monitor the spread of the COVID-19 disease and communicate public health orders and guidelines.¹² Before the March 17, 2020 Primary, the Secretary issued [Directive 2020-03](#) to require the relocation of polling locations that were in residential senior citizen facilities. The intent was to mitigate any potential risk to identified vulnerable populations. Boards of elections must continue this policy for any election remaining in calendar year 2020. Boards may use CARES Act funds to cover costs associated with this requirement.

If a board of elections has not done so already, the board must relocate any polling site currently at a residential senior citizen facility or health care facility. Relocation must occur even if voting takes place in a separate building on the same property, such as a community center or activity room. These polling locations may not be used for the remainder of 2020. Each board of elections that is relocating polling locations must do the following:

1. Relocate registrants of each precinct to a polling location facility compliant with the Americans with Disabilities Act;
2. Update the board of elections’ voter registration system with the new polling location and assign affected voters in each precinct to the proper polling location;
3. Notify by U.S. Mail each registrant affected by the change;¹³
4. Provide the updated precinct and polling location packet to the Secretary of State’s Office immediately. Once the packet is sent, email the updated list to SWVRD@OhioSoS.gov;
5. Issue a press release to local media containing information regarding the new polling location(s);
6. Post a notice in a clear and conspicuous place at the previous polling location that redirects voters to the new polling location, which must be posted the day before Election Day and posted through the close of polls on Election Day;
7. Update the polling location on the board of elections website; and
8. Update the board of elections’ election management system.

¹² On March 9, 2020, Governor DeWine signed Executive Order 2020-01D, declaring a state of emergency. The latest information on the State’s response to COVID-19 is available at www.coronavirus.ohio.gov.

¹³ [R.C. 3501.21](#). If the board permanently changed the polling location earlier this year and already notified the affected registrants by U.S. Mail, it is not necessary to provide a second notice.

Additionally, each board must utilize, so far as practicable, rooms in public schools and other public buildings within its county for polling places.¹⁴ Boards must contact public schools that are set to serve as a polling location for the November 3, 2020 General Election and deliver them the template letter provided with this Directive.

PART FOUR – ASSISTING VOTERS IN SENIOR LIVING AND HEALTH CARE FACILITIES

Boards of elections must assist voters that are confined to a senior residential facility or health care facility with voting in the November 3, 2020 General Election.¹⁵ Boards must contact their local health department as soon as possible, but no later than August 31, 2020, to ensure that all voters are afforded the opportunity to vote safely. Depending on the status of the current health crisis, several boards of elections will likely see nursing homes, hospitals, and similar facilities prohibit board of elections employees from entering the facility to help residents vote. While election official, resident, and patient safety is paramount, such facilities must not prevent their residents and patients from voting. At the direction of the Ohio Department of Health and in consultation with Governor DeWine, the Secretary of State's Office offers the following recommendations to help accommodate voters confined in medical facilities and nursing homes:

1. Boards must explain to the facility management that even in the midst of a public health crisis, residents and patients have a constitutional right to vote that cannot be denied. Boards should attempt to proceed under normal operations with the additional precautions of personal protective equipment and other social distancing protocols. Boards must have these conversations by August 31, 2020 to assess what the facility will allow. This will help boards assess staffing and precinct election official training needs and develop a plan well in advance of the November 3, 2020 General Election.
2. If the facility does allow the boards of elections to enter the facility to assist the voters, board staff must consider consolidating trips to these facilities in order to minimize exposure. When there are multiple facilities in the county, boards must use multiple teams of bipartisan election officials to reach these voters. Boards of elections staff members must follow guidance from health care professionals and the facility's PPE and social distancing requirements prior to entering a facility.¹⁶

¹⁴ [R.C. 3501.29](#). All polling places must be within the county.

¹⁵ Boards that will administer an election on August 4, 2020 must follow the same procedures and contact these facilities as soon as possible.

¹⁶ <https://www.cdc.gov/coronavirus/2019-ncov/community/election-polling-locations.html>.

3. If the facility refuses admittance and voters can complete the ballot without assistance, boards of elections may drop off the requested absentee ballots and arrange a time to collect the ballots. Board of elections employees must consult with the facility and health care professionals to be as efficient and safe as possible in returning the ballots to the board of elections.
4. If voters in the facility do need assistance marking the ballot, and board of elections staff are denied entry, then boards must ask the facility's management to identify its employees who are willing to serve as Special Precinct Election Officials to vote the facility's residents. The facility should compile this list of interested persons and return it to the board.
 - a. Boards should review the registration status and party affiliation of the facility's listed employees. Boards should use this information to create the teams and verify with the facility that these individuals are permitted to serve this function during the absentee voting period and on Election Day.
 - b. Once individuals are selected, the board of elections should provide a training for these Special Precinct Election Officials by October 15, 2020. The training may be limited to absentee voting and omit provisions relevant to voting in a polling location on Election Day.
 - c. After the individuals have completed the training, the board of elections must have those individuals swear and sign the oath prescribed by R.C. 3501.31.
 - d. The Special Precinct Election Officials may assist residents of their facility in marking their ballots in the same manner as two election officials from the board. The board must transport absentee ballots to and from the facility. This means the board of elections staff may need to wait on site until the completed ballot is returned.

If a board of elections encounters any facility that is unwilling to accommodate either of these solutions to ensuring that eligible, but confined, voters cast their ballots as prescribed, immediately notify your county prosecutor and notify the Secretary of State's Office Elections Counsel at intake@OhioSoS.gov.

PART FIVE – CURBSIDE VOTING AND HEALTH SCREENINGS

Boards of elections must offer curbside voting to any voter who is physically unable to enter a polling location or concerned about entering a polling location. Boards should consider including signage outside the polling location setting forth the process for curbside voting and how to contact someone inside the polling location. Boards of elections should follow the [guidance](#) the Centers for Disease Control and Prevention published and consult with their local health departments on how to mitigate the spread of COVID-19 at polling locations and any additional guidance boards will receive from the Secretary of State’s Office and the Ohio Department Health.

When precinct election officials are made aware of the name of a voter who is outside of the polling location and is unable to enter the polling location, the following procedures must be followed pursuant to [Page 22 of the Precinct Election Official Manual](#) and [Chapter 7, Page 13 of the Election Official Manual](#).

Boards of elections that plan to provide a health screening to voters must always enable everyone to vote and ensure that they may vote privately, even if outside the board of elections, early vote center, or polling location. Boards that conduct health screenings must follow the following health screening procedures:

1. Consult with their county prosecutors regarding any plan for health screenings.
2. Consult with their relevant county health department to ensure the board is proceeding by best medical practices.
3. Ensure that a bipartisan team of election officials is involved in every step of assisting voters and handling ballots that may be outside of the board of elections, early vote center, or polling location. Boards must consider this additional potential operation in their precinct election official recruitment and staffing numbers.
4. Send a copy of their health screening plan to our Office via intake@OhioSoS.gov.

PART SIX– CURING ABSENTEE BALLOT APPLICATIONS AND BALLOTS

If a board of elections receives an absentee ballot application that does not contain all of the required information, the board must promptly notify the voter of the additional information required to be provided by the voter to complete the application.¹⁷ Boards must utilize telephone numbers and email addresses to complete this process as quickly as possible. However, if electronic contact is not possible, boards must attempt to correct the missing information by mail. Boards should ultimately retain a completed application at the board office.

¹⁷ [See Directive 2020-07.](#)

Boards must utilize telephone numbers and email addresses, in addition to sending [SOS Form 11-S](#), to notify voters that have a deficiency on their ID envelope as quickly as possible. The Secretary of State's Office will issue a Directive regarding the unofficial and official canvass procedures prior to the November 3, 2020 General Election. That Directive will include additional information regarding the cure period for absentee and provisional ballots.

If you have any questions regarding this Directive, please contact the Secretary of State's Office at (614) 728-8789.

Yours in service,



Frank LaRose
Ohio Secretary of State