



Frank LaRose

Ohio Secretary of State

Via Electronic Mail

November 4, 2021

Franklin County Board of Elections
Chairman Douglas Preisze
Board Member Joshua Jaffe
Board Member Michael Sexton
Board Member Kimberly Marinello
Director Antone White
Deputy Director David Payne
1700 Morse Road
Columbus, Ohio 43229

Re: Administrative Oversight of the Franklin County Board of Elections

Dear Chairman Preisze, Board Member Jaffe, Board Member Sexton, Board Member Marinello, Director White and Deputy Director Payne:

Following the November 3, 2020 General Election, my Office sent the Franklin County Board of Elections (“the Board”) a letter that outlined the issues the Board experienced throughout that election and required the Board to specifically address the contents of that letter. Among the issues contained in the January 15, 2021 letter, was an outline of the failure of the Board’s electronic poll books on November 3, 2020. The Board’s electronic poll book vendor is KNOWiNK. On the morning of November 3, 2020, less than one hour before polls opened, the Board called my Office to inform my staff that the Board would utilize its paper poll books instead of its electronic poll books because “they could not guarantee that the poll pads at the polling locations were completely updated”¹ with accurate data. Moreover, the Board noted that “[s]ince each polling location was provided a supplemental list of all early vote/absentee voters since the poll pads were initially loaded, the board was confident that the poll workers could get the paper poll books updated and be ready to process voters by the time polls open.”

Of course, a technological failure is never good, especially on Election Day, but the Board fortunately was able to utilize the contingency plan (paper poll books) I required them to maintain pursuant to [Directive 2020-11](#).

Following the November 3, 2020 General Election, the Board responded to my Office’s January 15, 2021 letter. The Board stated, in writing, that it had further discussions with KNOWiNK regarding the electronic poll books’ failure. During such discussions, the vendor informed the Board that the early vote center check-in data from the poll pads contributed to the slow transfer of data to the Election Day electronic poll books. The Board stated that the large amount of meta data attached to each voter record associated with a voter that voted early in-person at the early

¹ See January 29, 2021 Letter from Director Antone White and Deputy Director Payne to Amanda Grandjean.

vote center was significantly slowing the transfer of data to the Election Day electronic poll books. The Board stated that the delivery schedule requires electronic poll books to be updated with voter data approximately three weeks before Election Day. The electronic poll books are updated before they are delivered to the polling location, however, the electronic poll books must be updated with supplemental data to include the remainder of the records for those who vote early in-person absentee. This data is critical to ensure that no voter is permitted to vote twice—once early and once on Election Day.

Pursuant to the January 15, 2021 letter, my Office required the Board to construct a thorough test plan to ensure that all steps needed to update the electronic poll books are tested at least three weeks before Election Day and test the same number of records that it expects to have in each election when testing functions of the data transfer. In response, the Board stated that the Board was exploring several different options with KNOWiNK to improve the Election Day data transfer process to the electronic poll books. The Board described three potential solutions and noted “the solution that the board decides to use will determine the testing plan that is implemented. The current targeted timeline to decide upon an Election Day poll pad transfer process is March 12, 2021. Once a decision is made, a complete testing plan will be shared with the Ohio Secretary of State for review.” Unfortunately, my Office did not receive the requested testing plan. The solution the Board developed, which was *not* included in the three remediation options the Board submitted to my Office in its January 29, 2021 letter, failed.

On November 2, 2021, my Office received information from a Franklin County voter that they had voted twice—once early and once on Election Day. My Office immediately notified the Board and directed the Board (1) to investigate the information as soon as possible; (2) if true, immediately determine a root cause; and (3) affirm to my Office that, if true, the incident was isolated to this individual voter. For many hours after first notifying the Board, my Office was informed that the Board “was still investigating.” Ultimately, the Board told my Office that this appalling situation did in fact occur and was a result of poll worker error. My Office then immediately required the Board to gather the poll worker’s name for further investigation. In response, the Board told my Office that it was sending the Elections Technology Manager to the polling location. My Office did not hear from the Board regarding this issue following the close of polls.

Late on November 3, 2021, the Board informed my Office that in fact, it was not exclusively poll worker error that permitted a voter who voted early in-person to then appear at the polling location on Election Day and receive a regular ballot. The Board stated that KNOWiNK failed to timely update the Election Day electronic poll books with absentee voter history data from October 26, 2021 through November 1, 2021. The Board and KNOWiNK failed to include the absentee voter history data from approximately 13,604 voters. This failure led to three voters voting twice. The Board must immediately consult with its county prosecutor and vote as a board on whether to refer them to law enforcement for additional investigation and potential prosecution.

Unfortunately, the Board continues to prove that it is incapable of adequately managing its vendors and critically important election administration processes. The Board’s failures in 2020 previously led to significant issues in absentee ballot production and mailing and electronic poll book use and accuracy. Yet, even worse, the Board’s failures in 2021 led to several voters voting more than once in the same election.

As such, effective November 4, 2021, the Franklin County Board of Elections is placed under administrative oversight² for those reasons. The Franklin County Board of Elections must function effectively and perform its statutory duties when elections are held. The Board's duty to ensure the integrity and security of elections is paramount.

Therefore, the Board is hereby required to comply with instructions and directives from the Secretary of State's Office as this Office oversees the operations of the Board office, coordinating with the Board staff to ensure that elections in Franklin County will be conducted in a fair, secure, legal, orderly, and efficient manner. The Board is required to maintain thorough and bipartisan management of any vendor. The Board must also develop a policy, written operating procedure, and checklist regarding the use of electronic poll books. The Board must develop a training plan for precinct election officials regarding the use of both paper poll books and electronic poll books and specifically train precinct election officials on how to check supplemental poll lists for voters who may have voted in the election already and upload/update the Election Day electronic poll books with supplemental data before polls open on Election Day. The Board staff and one Board member of each political party must participate in weekly calls with our Office. We will reach out to you to schedule these calls.

The voters of Franklin County deserve to know that their vote is secure. The Board must prove that it can successfully perform this basic but crucial duty.

Yours in service,

A handwritten signature in blue ink, appearing to read "Frank LaRose".

Frank LaRose
Ohio Secretary of State

² See [R.C. 3501.05\(DD\)](#) and [Chapter 111:3-2 of the Ohio Administrative Code](#).