

*NOVEMBER 4, 2008*  
*General Election*

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REPORT FROM THE  
SECRETARY OF STATE  
TO THE  
GOVERNOR,  
GENERAL ASSEMBLY,  
AND THE  
CITIZENS OF THE  
STATE OF OHIO

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## Overview

Thanks to state and local elections officials working together in preparation, the November 4, 2008, general election was one of the most successful elections in recent history. A record number of Ohioans voted with confidence in a free, fair, open and honest election system, and we look forward to further enhancing that system.

## Preparation

When Secretary of State Jennifer Brunner took office, she committed herself to providing Ohioans with an improved elections system in 2008 that could set the standards nationally. The first step in preparation for that success began with the March 2008 presidential primary election. Many of the best practices that led to an efficient Election Day were tested during the primary.

Efforts to reduce long lines showcase this renewed focus on preparation. In 2004, the presidential election in Ohio was marred by extremely long lines statewide. To remedy this problem, the Secretary of State's office partnered with local boards on a four-pronged strategy – effectively using early voting, providing backup paper ballots, utilizing two lines for large precincts in touch screen voting counties, and applying clear standards for voting machine allocation and poll worker training. As a result of these efforts, the average reported wait time on Election Day was seldom more than one hour statewide.

## Partnership

In meeting the needs of voters, the Secretary of State's office also focused on what local elections officials needed to provide an efficient and orderly elections experience for Ohioans. In developing new best practices for elections, the Secretary of State solicited suggestions and advice from a range of local, state and national elections experts. As a result, many policies were significantly enhanced for 2008.

A prime example of this partnership can be seen in the security plan work group convened in partnership with the Ohio Association of Elections Officials, an organization funded by dues from county boards of elections that represents the local elections officials' interests in the state legislature. The work group, comprised of a combination of Secretary of State staff and a bipartisan group of elections officials, convened in the spring and quickly developed detailed suggestions for elections security from the elections office to the ballot box and back again. Thanks to this collaboration, boards of elections had available to them the most comprehensive security procedures in the history of Ohio elections. Secretary of State directive required the adoption of these best security practices by boards of elections in time for the November 2008 general election.

## Success

For many voters, success was measured as much by what they did not experience as by what they did. Unlike previous presidential year elections, no last minute court orders forced polling locations to remain open past the statutory closing time of 7:30 p.m. There were no reports of extremely long periods of time for voters to wait in line to vote. Representatives of the U.S. Department of Justice monitored the voting process in several polling locations in Cuyahoga County on Election Day and reported no concerns. Unlike the March 4, 2008 primary election, even the weather cooperated in Ohio by providing a warmer and drier day than in many previous general elections.

To further cement voter confidence in the election, Ohio's 88 boards of elections performed post-election audits in all counties. Post-election audits have become a "best practice" used as a tool to ensure accurate results of an election, and this proved true in Ohio.

## Summary of Key Elections Statistics

Thanks to the hard work and cooperation among the Secretary of State's staff and Ohio's 88 county boards of elections, Ohio saw success resulting from the many months of preparation with voting that occurred in an orderly and efficient election system.

*Turnout.* The county boards of elections performed exceedingly well in the November 4, 2008, general election. The voter turnout of over 5,775,000 eligible voters set a record for the number of voters casting a ballot in a presidential general election – surpassing the 2004 presidential general election turnout of over 5,722,000.

*Early Voting.* Over 1,744,700 voters (approximately 30% of the general election's voters) voted by absentee ballot, taking advantage of the recent change in state law that does not require a reason to vote absentee. Many counties provided extended hours and days for voting in person by absentee ballot. Five counties established voting centers at a designated alternate site rather than the board office to provide larger parking areas and larger facilities to accommodate the large number of anticipated absentee voters.

*Early Voting Overlap Period.* Under Ohio law, Ohioans may register to vote and both request and submit an absentee ballot in-person during the overlap between the end of voter registration and the beginning of early voting. Approximately 12,800 Ohioans both registered and completed an absentee ballot during the overlap period. Over 214,000 voters in the state voted in person from September 30 through October 24, 2008. During that same time period over 1,200,000 persons requested ballots by mail.

*Military and overseas absentee voters.* Ohio's boards of elections received 14,262 military and overseas absentee ballot requests. A total of 11,174 returned ballots were received from overseas absentee voters. Using new and more accessible tools such as the easy-to-use website provided by the Overseas Vote Foundation, the Secretary of State made it easier for military and overseas voters to access voter registration and absentee balloting.

*Equal Access to Voting.* The Secretary of State's ADA (Americans with Disabilities Act) staff provided regional seminars throughout the state to provide instructions to boards of elections for conducting meaningful accessibility checks on polling locations for better access by persons with disabilities. Boards also learned about the availability of and took advantage of federal grant money available through the Secretary of State to assist with polling place modifications and the training of poll workers on disability awareness. A total of over \$560,000 was provided to boards for these modifications and training.

*Backup Paper Ballots.* Counties using DREs (Direct Recording Electronic voting machines, also known as touch screen voting machines) as their primary voting machines were required to have backup optical scan paper ballots available for voters desiring to vote using a paper ballot. This was part of a combined effort to help reduce long lines in polling places and boost voter confidence. The counties were reimbursed over \$692,900 for the cost of printing the ballots. Approximately 187,000 backup paper ballots were cast on November 4, 2008.

*Secure Voting Machine Transport.* Instructions were provided for delivery and safeguarding of voting equipment to avoid the equipment being taken to home or work, or being left overnight in vehicles of poll workers. Boards were also reminded of the prohibition on networking, installing or downloading software, and modem access to or on voting equipment.

*Poll Worker Training.* The Secretary of State's office was able to provide counties with uniform and consistent poll worker training instructions in the most comprehensive set of materials ever produced and in an unprecedented effort to ensure consistent and accurate election administration information. A detailed manual for training poll workers was sent to all directors, deputy directors and board members. More than 44,000 Quick Reference Guides (flip charts) were provided to counties to distribute to every poll worker for use in training and in polling locations. In addition, poll workers had an opportunity and were encouraged to take an online training program, which was supplemental to the in-person training sessions conducted by boards of elections. In accordance with R.C. 3501.27, boards of elections were also reimbursed for expenses of training poll workers in the amount of over \$288,170. More than \$21,000 in grant funding was provided to boards for training poll workers on disability awareness.

*Citizens' Response Center.* The Voting Rights Institute, the voter outreach arm of the Secretary of State's office, provided a Citizens Response Center right in the Secretary of State's office. For almost two weeks before Election Day, citizens could call toll-free to inquire about the person's polling locations, current registration status, questions concerning absentee voting and other election related concerns or questions. During the 11 days of operation prior to Election Day, Election Day and the day after Election Day, the Center received over 6,200 calls. This alleviated many calls that would have been fielded by busy boards of elections on Election Day, allowing boards to more quickly and directly serve voters.

*Post-election audits.* Post-election audits performed by all 88 county boards of elections affirmed Ohio's election procedures and clarified and boosted confidence in election results achieved by new equipment mandated by the Help America Vote Act since the previous presidential election. Twelve of the counties detected anomalies when conducting the audit; however, these discrepancies did not result in any change in any declared winning candidate or the outcome of any issue election results.

*"Double bubble" ballots.* For the first time Secretary of State directive required that, in determining voter intent as required by law, boards of elections must process ballots to identify and, where voter intent was clear, remake ballots where voters used multiple marks to indicate their preference for an office or race, known as "double bubble" ballots. A total of 12,207 ballots containing double bubbles were processed by boards of elections.

*Provisional ballots.* During the 2008 general election, boards of elections issued 206,859 provisional ballots, of which 166,870, or nearly 81%, were counted.

## Key Issues in Ohio's November 4, 2008 General Election

### Polling Place Accessibility

Polling places should be accessible to all voters, including voters with disabilities. The statements provided by boards of elections indicated that of the 6,077 polling locations in Ohio, 4,561 or 75% of those polling locations are 100% accessible.

On November 4, 2008, representatives of the U.S. General Accounting Office (GAO) along with Secretary of State's staff visited several polling locations in 8 different counties in Ohio on Election Day to check for compliance with federal law regarding accessibility for disabled voters.

Grant money totaling \$539,059 was provided to 64 county boards of elections to assist with the cost of modifications to polling locations that needed improvements to be completely accessible to voters with disabilities under the ADA. Additional funding was supplied for poll worker training on polling place accessibility.

### Equipment Security

To bring Ohio in line with other states, the Secretary of State's office worked with boards of elections to transition to secure voting machine transport statewide. Rather than storing voting machines for any period of time at a poll worker's home, place of work or automobile, every board of elections provided for the safe storage of and delivery to polling places voting machines prior to or on Election Day. The Secretary of State's office made funds available to compensate for additional costs incurred for the November 4, 2008, election as a result of implementing the directive for the delivery of voting machines to polling places.

The development of "best practices" for security, access, inventory control, storage and preservation of ballots and election data media was implemented before the November election. These best practices were developed in collaboration with local election officials sharing methods and recommendations for overall election system security.

Security and risk mitigation plans were developed as they related to overall election system security. These plans included minimum measures that must be taken to ensure security of boards of elections offices and voting equipment in storage.

## **Consistent Poll Worker Training**

The purpose of poll worker training is to ensure consistent application of election laws and to minimize the probability of Election Day lawsuits contending disparate application of state election laws by the various counties of the state.

In an effort to achieve this goal of consistent poll worker training, the Secretary of State's office offered a standardized online poll worker training program, which was available to all county boards of elections. This program was available to boards of elections for use in the November general election (see: [www.ohioelectiontraining.com](http://www.ohioelectiontraining.com)). Over 700 poll workers from 24 counties used the online training program. This program was developed with grant funding provided through HAVA Partners by the Pew Charitable Trusts.

Each county board of elections also provided poll workers with specific materials produced by the Secretary of State. These materials included the Poll Worker Manual of Instructions and Poll Worker Reminder Sheet. Also, at least one Poll Worker Quick Reference Guide produced by the Secretary of State's office was required to be given to every poll worker in each of the state's 11,107 precincts. At least three Poll Worker Quick Reference Guides were included in each precinct/polling place kit by boards of elections so that they were available to poll workers on Election Day in each precinct polling location.

Grant money totaling \$21,216 was provided to six boards of elections to assist the boards with the cost of conducting poll worker training on polling place accessibility and disability awareness.

## **Quality of Voter Registration Efforts**

Many groups inside and outside Ohio conducted voter registration drives in 2008. The integrity of voter registration forms submitted by one of the groups was questioned not only in Ohio, but in several other states, and created problems for county boards of elections. Multiple registrations from individuals and forms that were not completed properly created additional work for boards in determining the eligibility of the potential voter as well as the validity of the form itself. Some of the boards worked directly with the group in a cooperative effort to encourage the sharing of information at the time of filing the registration forms to facilitate more accurate and efficient processing of voter registration rolls for Election Day and early voting.

Despite partisan-originated and broadly publicized claims of fraud because of faulty registration forms, boards of elections implemented laws and policies for successful voter database checks and detected few cases of voter registration fraud, while

virtually eliminating illegal voting. The Voting Rights Institute worked with several groups engaging in voter registration to provide them with instructions on improving the quality of registrations when conducting voter registration drives.

### **Clarification of Voter ID Requirements**

Advisory 2008-12 provided clarification regarding what constitutes acceptable military identification. Directive 2008-81 provided information on voter identification requirements. The Secretary of State's Web site provided information on needed and acceptable forms of identification for voters to bring to the polls on Election Day.

### **Clarification of Provisional Voter Requirements**

Provisional ballots were intended to serve as a "fail safe" method for voters to cast a ballot. A voter may be required to cast a ballot provisionally for several reasons, including failure to register to vote, a person's failure to timely update his or her voter registration record due to a change of voting residence or change of name; or failure to provide a form of required proof of identity at the polls.

Directive 2008-101 for the first time provided detailed and consistent guidance to county boards of elections in determining the validity of provisional ballots across the state. Over 206,000 provisional ballots were cast and more than 166,800 (nearly 81%) were counted in the November 4, 2008, presidential general election.

### **Clarification of Absentee Voting Requirements**

Directive 2008-82 provided clarification of Ohio's absentee voting laws as applied by the county boards of elections and their staff. A record of more than 1,740,000 absentee ballots were cast and more than 1,717,00 (98%) were counted in the November 4, 2008, presidential general election.

### **Role and Rights of Observers**

Electors appointed to serve as observers witnessed the election process at polling places or at the offices of county board of elections. Ohio election laws provide the process for appointing observers by any of the following entities: political parties; a group of five or more candidates; or a recognized committee advocating or opposing a measure on the ballot.

Since this was the first election in which alternate locations other than boards of elections offices were used for in-person absentee voting, the law did not clearly

provide for the presence of observers during this time of voting. The Supreme Court of Ohio issued a decision that observers must be permitted to be present in all active polling places and at all in-person absentee locations. Directive 2008-97 was issued pursuant to the court decision to provide instructions to the boards concerning the court order.

## **Paper Ballots**

The Secretary of State issued Directive 2008-59 instructing all counties using direct recording electronic (DRE) voting systems to have available optical scan paper ballots as a backup-in case of long lines, machine failure or voter preference.

In eight DRE counties on Election Day the optical scan paper ballots were used as emergency backup ballots to allow voters to cast ballots when DRE machines were not operational at the beginning of Election Day, or when printer problems, power outages, or encoding errors prevented voters from casting ballots on the DRE machines.

These backup paper ballots also ensured that voters who preferred to vote on paper had that option. Boards of elections were instructed to place four posters that informed voters they had a choice of voting on paper ballots in polling locations. Boards developed plans to provide two voting lines in polling places where DREs were in use. One line was for the voters wishing to vote on the DRE machines, and the other one was for voters wishing to vote using a paper ballot. All regular paper ballots cast at polling places on Election Day were tabulated and included in the unofficial count issued election night.

Approximately 187,000 voters in counties using DREs chose to cast paper ballots at polling locations on general election day, November 4, 2008.

## **Post-Election Audits**

After 12 counties successfully conducted voluntary post-elections audits for the March 4, 2008, primary election, Directive 2008-113 was issued to expand post-election audits as a statewide practice for the Presidential vote. To help assure voters of the accuracy of vote counts, post-election audits are described as a best practice in elections administration.

## **Registered Voter Database Accuracy**

Under the Help America Vote Act, every state must create and maintain a central database for all voters (called a statewide voter registration database, or SWVRD)

and make voter information from it available online for voters to verify their voter registration status and learn of their precinct and polling location.

The integrity of the Ohio statewide voter registration database (SWVRD) was challenged in court approximately a month before the November elections due to so-called data “mismatches” or discrepancies between the Secretary of State’s SWVRD information for a particular voter, and that voter’s data contained in the database(s) of the Ohio Department of Public Safety’s Bureau of Motor Vehicles’ database and/or the database of the Social Security Administration. A potential “mismatch” or discrepancy between data in the SWVRD and the Bureau of Motor Vehicles and/or the Social Security Administration can occur when the information a person provides on his or her voter registration form is not identical to the information the person listed on his or her driver’s license application. For example, if a person registered as John A. Smith, but his driver’s license was issued with the name John Arthur Smith, a mismatch would occur.

## **Voter Registration Fraud and Illegal Voting**

There were many allegations of voter registration fraud and potential illegal voting prior to the November 4, 2008 general election. Secretary of State Directive 2008-96 directed all boards of elections to swiftly and fully investigate all specific allegations or evidence of voter registration fraud, illegal voting, or voter suppression in their respective jurisdiction. Secretary of State Advisory 2008-25 also clarified the effect of home foreclosure actions on a voter’s eligibility to prevent targeting of voters for disenfranchisement using this criteria. Boards of elections were further directed to promptly vote to forward to the Secretary of State the findings of any investigations of voter fraud of any type. As of this date, there have been no reports from boards of elections to the Secretary of State’s office of anyone being convicted of voter registration fraud or of voter fraud in connection with the 2008 general election.

The Secretary of State took innovative steps to avoid the serious problems in 2004 with voter challenges and possible “voter caging,” where a list of voters is crafted to challenge eligibility on or before Election Day. To this end, the Secretary of State issued Advisory 2008-25, which protected voters facing foreclosure, and Directive 2008-79, which protected voters from being disenfranchised based solely on a returned 60-day notice of election.

## **New Process for Directives**

Am. Sub. H.B. 350, which became effective September 12, 2008, added a new section of law governing the issuance of directives by the Secretary of State. Directives

are now classified as “permanent directives” or “temporary directives.” The new law does not diminish the authority of the Secretary of State, but only establishes procedural requirements prior to issuance of permanent directives. This change in the law was supported by the Secretary of State to create more predictability and consistency in the directive process for smoother elections. In response to the new law, proposed permanent directives are posted before being issued to boards of elections to allow reasonable notice and a reasonable amount of time for public review and public comment before the proposed permanent directives, which carry the force of law for boards of elections, becomes effective.

## **Election Night Reporting System**

All county boards of elections were required to electronically transmit their unofficial election results periodically on election night. For the first time, boards of elections were able to transmit their official results electronically to the Secretary of State’s office using the same transmission system. This provided a quicker, more efficient means for the Secretary of State’s office to receive the boards’ official results, publicize them and prepare for the official canvass of the results for statewide candidates, state issues, and Representatives to Congress.

On election night the Secretary of State’s Election Night Reporting Website received over 49 million “hits” or inquiries from 118 countries.

## **Cuyahoga County**

Cuyahoga County, the largest county in the state, conducted a successful general election after converting from a central count optical scan paper ballot system to precinct count optical scan paper ballot system between the primary and general elections in 2008, with an entirely reconstituted board of elections, and director and deputy director, in less than two years. Despite the successful use of the central county optical scan paper ballot system, the Ohio legislature changed state law after the March 2008 primary election to prohibit the use of the central count optical scan paper ballot systems as the primary voting system in a county. This law change also affected Mercer and Van Wert counties, who also conducted successful general elections after also being forced to convert from a central count optical scan paper ballot system to a precinct count optical scan paper ballot system. Currently thirty-five counties use the precinct count optical scan paper ballot system as their primary voting system.

## Litigation Related to the 2008 Presidential Election

On August 15, 2008, Ohio Secretary of State Jennifer Brunner and Ohio Attorney General Nancy Rogers convened the first ever legal forum in Ohio aimed at avoiding unnecessary and disruptive litigation prior to the presidential election. Representatives of presidential candidates, political parties and the Ohio General Assembly as well as election law practitioners attended the forum. The forum provided attendees with information regarding the Secretary's preparations for the election, including a master list of directives and advisories in effect, and information to enable and encourage efficient and preventive communication prior to the filing of any litigation.

Nevertheless, as in prior presidential election years, with Ohio being designated as a "battleground" state, litigation was filed regarding the interpretation and implementation of Ohio and federal election law. However, most of the litigation that was filed before Election Day was resolved prior to Election Day, resulting in an election that was free of last-minute court orders changing the manner in which the election was administered by state and local elections officials. The cases were:

1. *State ex rel. Colvin v. Brunner*, 120 Ohio St.3d 110, 2008-Ohio-5041. This action challenged the ability of Ohio electors to register to vote and to vote by absentee ballot simultaneously during the five-day overlap period between the beginning of absentee voting and the voter registration deadline under Ohio law. The Supreme Court of Ohio agreed with the Secretary's interpretation of election law in Directives 2008-63 and 2008-91 that any elector who has been registered to vote for thirty days as of Election Day may request and vote an absentee ballot.<sup>1</sup>
2. *State ex rel. Myles v. Brunner*, 120 Ohio St.3d 328, 2008-Ohio-5097. This case concerned whether a check box regarding a person's status as an elector on an absentee ballot application printed by a campaign that was sent to some Ohio electors must be marked before an absentee ballot could be issued. The court concluded that the statute did not require that the check box be marked and indicated that election laws should be read to "avoid unduly technical interpretations that impede the public policy favoring free, competitive elections."<sup>2</sup>

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<sup>1</sup> *Project Vote v. Madison Cty. Bd. of Elections*, U.S. Dist. Court N.D. of Ohio Case No. 08-CV-2266, complaint was filed September 24, 2008, by nonprofit groups seeking to require the Madison County Board of Elections to comply with Directives 2008-63 and 2008-91 to allow registration and absentee voting during the overlap period. On September 29, 2008, the court issued a TRO requiring the board to follow the Secretary's directives.

<sup>2</sup> *State ex rel. Doucher v. Brunner*, Ohio Supreme Court Case No. 2008-1872, was filed on September 22, 2008, raising identical issues as in the *Myles* case, but the court dismissed the case on October 1, 2008, because relators' counsel failed to file a merit brief and evidence within the time frame set by the court.

3. *State ex rel. Stokes v. Brunner*, 120 Ohio St.3d 250, 2008-Ohio-5392. This case concerned whether observers could be appointed during in person absentee voting. The Secretary issued Advisory 2008-24 explaining that although the Ohio General Assembly had enacted R.C. 3505.21 specifically providing for observers for various stages of the election, the statute did not address observers during the period of in-person absentee voting. A sharply divided Ohio Supreme Court ruled (4-3) that the boards of elections must allow observers during in-person absentee voting. However, the dissent noted that the General Assembly had not provided for observers during in person absentee voting and that the majority was rejecting longstanding legal principles in reaching its decision.<sup>3</sup>
4. *Brunner v. Ohio Republican Party*, \_\_ U.S. \_\_, 129 S.Ct. 5 (2008). The main issue in this case concerned whether the Secretary of State was complying with the requirements of the Help America Vote Act (“HAVA”) regarding the administration of the statewide voter registration database and properly matching voter registration records with the records of the Bureau of Motor Vehicles and the Social Security Administration. The U.S. District Court for the Southern District of Ohio issued a temporary restraining order (“TRO”) requiring the Secretary to verify new and updated registrations with these databases and to notify boards of elections of any mismatches, and the U.S. Court of Appeals for the Sixth Circuit denied the Secretary’s motion to vacate the TRO. However, the U.S. Supreme Court unanimously vacated the TRO finding that the plaintiffs were unlikely to prevail on the merits of the case since HAVA did not create the right of a private litigant to enforce HAVA provisions through a court action. The ruling of the U.S. Supreme Court on October 17, 2008, prevented similar lawsuits from being pursued in other states prior to the presidential election.
5. *Northeast Ohio Coalition for the Homeless v. Brunner*, U.S. Dist. Court S.D. Ohio Case No. 2:06-cv-896 (“NEOCH”). This case is still pending from the 2006 election. The plaintiffs filed an amended complaint again challenging the validity of Ohio’s voter identification and provisional voting laws. As part of settlement negotiations, the Secretary of State issued Directives 2008-101 and 2008-103 providing instructions to the Ohio boards of elections for processing provisional ballots. The case was later consolidated with the *Skaggs* case in federal court, but the U.S. Court of Appeals for the Sixth Circuit remanded *Skaggs* to the Ohio Supreme Court on November 25, 2008, leaving this case pending in federal court.

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<sup>3</sup> *State ex rel. Mahal [Myhal] v. Brunner*, Ohio Supreme Court Case No. 2008-2027, was filed October 17, 2008, raising similar issues as in the *Stokes* (observers) and *Republican Party* (database mismatches) cases, but the relators voluntarily dismissed the case on October 21, 2008.

6. *Ray v. Franklin Cty. Bd. of Elections*, U.S. Dist. Court S.D. Ohio Case No. 2:08-cv-01086, filed November 15, 2008. This case was brought to require boards of elections to send staff to the homes of homebound persons with disabilities who had voted by absentee ballot and who were informed by the board that their absentee ballot identification envelope was deficient as required by Directive 2008-109. The court issued a TRO requiring the board to grant reasonable accommodations to persons who are homebound to provide them with the opportunity to correct any deficiencies with their absentee ballot identification envelopes.
7. *State ex rel. Skaggs v. Brunner*, 2008-Ohio-6333. This case concerned the processing of provisional ballots in Franklin County under Directives 2008-101 and 2008-103 and whether provisional ballots with certain deficiencies could be counted and whether certain deficiencies could be attributed to poll worker error. The case was filed in the Ohio Supreme Court, removed to the U.S. District Court for the Southern District of Ohio, consolidated with the *NEOCH* case, appealed to the U.S. Court of Appeals for the Sixth Circuit, and remanded to the Ohio Supreme Court. The Ohio Supreme Court disagreed with the Federal District Court's interpretation of Ohio law regarding provisional ballots and the effect of poll worker error and interpreted the Ohio statutes for counting provisional ballots.
8. *Greenberg v. Brunner*, Wood County C.P. Case No. 08CV1024, filed October 24, 2008; *Neal v. Brunner*, Warren County C.P. Case No. 08CV72726, filed October 24, 2008; and *Spuck v. Secretary of State*, Erie County C.P. Case No. 2008CV1116, filed December 12, 2008, all involved *pro se* plaintiffs challenging the qualifications of Democratic presidential nominee Barack Obama to be president of the U.S. and were similar to cases filed in other states and in federal court. All three cases were dismissed.
9. *Hamilton v. Ashland County Board of Elections*, U.S. Dist. Court N.D. of Ohio Case No. 08-cv-2546, complaint was filed on October 27, 2008, seeking to restore the voter registrations of eighteen juveniles who were being incarcerated at the Mohican Juvenile Correctional Facility and whose voter registrations had been cancelled by the Ashland County Board of Elections. The federal district court denied a TRO, and the U.S. Court of Appeals for the Sixth Circuit denied an emergency appeal and declined to hear the state law claim concerning the interpretation of R.C. 3503.04 on November 3, 2008.

## Innovative Outreach in the Historic 2008 General Election

*Grads Vote.* First piloted in five Ohio counties in 2007, Grads Vote went statewide in 2008, reaching approximately 155,000 graduating seniors. All seniors attending public and private schools in Ohio received vital information from Ohio's governor, superintendent of public instruction, and Ohio Secretary of State Jennifer Brunner about voting, including a voter registration form and information on a specially developed Web site that was designed to assist graduating seniors in navigating the elections process. Thanks to this project, 3,000 registered to vote using the Grads Vote project.

*Pew/USPS "Make Voting Work" Project.* In collaboration with the Pew Charitable Trusts/JEHT Foundation, Imagitas, United States Postal Service (USPS), and project researchers Thad Hall, Ph.D. and Michael Alvarez, Ph. D., Secretary of State Jennifer Brunner helped pioneer the Making Voting Work Project in Ohio. The "Make Voting Work" project targeted sixty one counties covering three USPS Regions (Ohio, Kentucky, and Indiana). By ensuring that every individual who moves from or into one of the counties in the postal districts receives a voter registration form in their "welcome kit," this project seamlessly allows citizens to register or re-register to vote, without ever leaving their new residence. To date, approximately 30,000 voter registration forms have been received.

*Vote In Honor of a Veteran.* Expanding this highly respected program has been a goal for the Secretary of State's Voting Rights Institute. Vote In Honor of a Veteran continues to be a highly respected program of the Secretary of State's office. Over 1,500 testimonials and pin requests were received in 2008. A separate project with the Overseas Voting Foundation led to 1,367 newly registered military personnel and citizens overseas through the OVF-specific site.

*Avoid the Line.* This Web-based application was designed to offer registered voters a one-stop-shop to avoid long lines on Election Day. Voters could access this Web site to complete an application for an absent voter's ballot and access information specific to their respective county Board of Elections. Related tools also allowed voters to verify their registration information and locate their polling place and for organizations to duplicate and use the tool on their own Web sites to increase access to registration and voting.

*Regional Liaisons.* Fourteen regional liaisons and two IT regional liaisons provided ongoing support to county boards of elections. They regularly attended boards of elections meetings, observed poll working training and voter registration data entry in almost every county to ensure that proper procedures were followed. In addition, along with specific legal staff assigned by region to boards of elections, they assisted boards with the interpretation and implementation of state and federal laws

and Secretary of State directives. The liaisons provided information and guidance in conducting voter registration outreach, as well as guidance to boards on conducting polling location assessment for ADA compliance. On Election Day, regional liaisons conducted spot checks for ADA compliance at various polling locations in addition to those conducted by the Government Accounting Office.

## **Future Elections Issues**

On Tuesday, December 2, 2008, the Secretary of State's office hosted the Ohio Elections Summit in conjunction with the Brennan Center for Justice of the New York University Law School. Over 200 election officials, elections experts, voting advocates, and interested citizens attended the summit. The Elections Summit was conducted to discuss improvements to the election process for the voters of Ohio and to provide a public analysis of the November general election.

The Ohio Elections Summit provided panel discussions on several topics which included the following:

- Election Administration
- Voter ID and Provisional Ballots
- In-Person Early Voting/Absentee Voting
- Technology/ Security

The panelists for the various sessions included Secretary of State's staff, representatives of the Ohio Association of Elections Officials (OAE), legislators, election advocates, election law experts and the media. The format also provided for public testimony.

An expanded Ohio Elections Conference has been planned for March 11-12, 2009. This conference will build on the Ohio Elections Summit identification of problems in an effort to provide to the Governor and the Ohio General Assembly with a bipartisan roadmap to further enhance voter confidence in the smooth operation of Ohio's elections system.

In reflecting on the Ohio Elections Summit and preparing for the Ohio Elections Conference, the Secretary of State's office expects to pay special attention to the following issue areas:

### **Vote by Mail**

Given the success of early and absentee voting in 2008, it is clear that Ohio voters want expanded voting choices in 2009 and beyond. The Secretary of State will continue to explore vote-by-mail opportunities, including proposals that would allow

the voters of a county to vote for the option to conduct all elections by mail as the primary voting system of the county. For some counties, the approval of this method of voting would decrease the cost of conducting elections. It would eliminate the time-consuming work of obtaining sufficient poll workers for an election, the cost of training the poll workers and the cost of compensating the poll workers.

### **Improved Conditions for Early Voting**

In addition to potential vote-by-mail solutions, the Secretary of State will continue to explore increased flexibility for early voting. Specific issues that may be addressed include more locations for early voting with a goal to provide greater early access to voting, easier processes to take part in both in-person and vote by mail early voting, and best practices from other states, like early vote centers for a two- to three-week period.

### **Corrections for Early Vote and Absentee Ballots**

Because current law makes early voting envelopes very technical and confusing, boards of elections will continue to face issues such as the need for a “second chance” for voters whose identification envelopes contain errors or where insufficient identification has been provided so that all valid ballots are counted.

### **Statewide Voter Registration Database Updates**

The Secretary of State is committed to improving the accuracy and functionality of the Statewide Voter Registration Database (SWVRD). In cooperation with the state Bureau of Motor Vehicles, improvements are currently being reviewed and enhancements for matching voter information are being studied to achieve the best method to improve the accuracy of the SWVRD.

### **Poll Worker Training**

The training of poll workers is a vital process in conducting elections in a free, fair, open and honest manner. Studies have shown that greater poll worker competency contributes directly to greater voter confidence. Although the Secretary of State’s office has provided many tools to boards of elections to assist with and improve training, the office will continue to examine additional ways to assure that consistent training is conducted statewide.

## **Provide and Improve Voter Services Pages on Web site**

As public review and comment continues on the usability of the Secretary of State's Website, the Secretary of State will strive to update and improve the ease of finding state and federal information on the Web as it relates to Ohio elections.

## **Voter Registration Requirements**

The Secretary of State's Voting Rights Institute is currently developing a voter registration training manual to provide instruction for groups which are conducting voter registration drives. Subjects of the manual include the proper procedures for completing and returning completed voter registration forms. Other efforts are being examined to improve the quality and accuracy of voter registration forms in conjunction with voter registration drives held in Ohio.

## **Polling Place Accessibility**

Progress has been made in improving polling place accessibility. However, since not all polling locations are completely accessible, federal law requires that additional improvements be made to reach the goal of 100% accessibility for all polling locations.

## **Provisional Voter Requirements**

Because Ohio leads the nation in the number of provisional ballots cast – and is in the top three for provisional ballots counted – a review of the entire provisional balloting process is in order to 1) alleviate unnecessary voter anxiety, and 2) to alleviate unnecessary administrative procedures that prevent ballots from being counted election night. This must include a review of the extreme complexity of Ohio's provisional voting laws, as well as potential reforms to simplify the voter identification statutes, that often results in unnecessarily relegating voters to vote provisionally.

## **Emergency Plans for Boards of Elections**

Elections security plans proved to be both popular and useful in the 2008 election. To further enhance this planning process, it may be useful to review emergency plans for future elections. The emergency plans would address such potential problems as power outages at board offices or flooded roads that prohibit voters from reaching their polling location(s). The plans also optimally includes emergency contact information to be used by poll workers in case of problems at the polling locations; backup voting or tabulating equipment; and how to address incidences such as a bomb threat.

## **Conclusion**

The successful November 4, 2008 general election was the culmination of the hard work and dedication of election officials throughout the state. These included not only the boards of elections and the Secretary of State's office, but poll workers, rovers, temporary staff hired by boards for registering and processing voter registrations, additional staff for processing absentee ballot requests, staffing of early vote centers, poll worker trainers and staff who packed the polling place supply bags. In short, the dire predictions for numerous problems that could occur on the 2008 presidential Election Day in Ohio did not come to fruition.

Although the election process went smoothly on Election Day, improvements can be made to make the process and procedures even more clear and consistent. The Secretary of State's office is committed to listening to suggestions for, reviewing and determining ways to make Ohio's election system the best in the nation.

## GENERAL REPORT APPENDICES LIST

To download or view the Appendices for this Report, visit  
<http://www.sos.state.oh.us/SOS/elections/electResultsMain/2008ElectionResults.aspx>

**APPENDIX I: VOTING SYSTEMS**

**APPENDIX II: OFFICIAL RESULTS**

**APPENDIX III: DIRECTIVES**

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