

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO**

KENNETH L. SIMON, et al.,	:
	:
<i>Plaintiffs,</i>	: Case No. 4:22-cv-612
	:
v.	: CIRCUIT JUDGE JOAN L. LARSEN
	: JUDGE SOLOMON OLIVER
GOVERNOR MIKE DeWINE, et al.,	: JUDGE JOHN R. ADAMS
	:
<i>Defendants.</i>	:

**DEFENDANTS’ NOTICE OF SUBMISSION OF DECLARATION
OF CHRIS BURNETT**

In its May 16, 2024 Order, the Court directed the parties to supplement the record with information detailing when a certificate of election for the June 11, 2024 special election would issue. Order, ECF No. 45 at PageID #1757. Defendants Governor Mike DeWine, Secretary of State Frank LaRose, Auditor of State Keith Faber, House Speaker Jason Stephens, and Senate President Matt Huffman hereby provide notice of their submission of the declaration of Chris Burnett, Deputy Assistant Secretary of State and Director of Elections for the Ohio Office of Secretary of State. Mr. Burnett’s declaration and the Secretary’s Directives 2024-01 and 2024-07 (attached thereto as Exhibits A and B) set forth the relevant dates for the official canvass and certification of the results of the June 11, 2024 special election.

Notwithstanding Ohio’s election certification process set forth in the declaration and its exhibits, Article I, Section 5 of the U.S. Constitution provides that each House of the U.S. Congress “shall be the Judge of the Elections, Returns and Qualifications of its own Members.” Thus, the U.S. House of Representatives has the constitutional authority to seat the 6th District election winner without waiting for Ohio’s election certification process to conclude. *See, e.g., Terr. ex rel.*

Sulzer v. Canvassing Bd., No. 1593-A, 1917 U.S. Dist. LEXIS 1509, *48-49 (D. Alaska Mar. 20, 1917) (the House is “clothed with plenary power to seat whomever it pleases—certificate or no certificate.”); *McIntyre v. Fallahay*, 766 F.2d 1078, 1086 (7th Cir.1985) (“Whether or not the House conducts its own count, the state's count and the certificate of election are just advice from the state to Congress. The final decision always is that of the House, no matter who counts the ballots and no matter how many times they are tallied.”). Any injunction preventing Secretary LaRose from enforcing the dates set forth below would therefore not enjoin the U.S. House of Representatives from accepting and seating a winner.

Respectfully submitted,

DAVE YOST
Ohio Attorney General

/s/ Julie M. Pfeiffer

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Keith Faber, House Speaker Jason Stephens, and
Senate President Matt Huffman*

CERTIFICATE OF SERVICE

I hereby certify that on May 20, 2024, the foregoing was filed with the Court. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties for whom counsel has entered an appearance. Parties may access this filing through the Court's system.

/s/ Julie M. Pfeiffer

JULIE M. PFEIFFER (0069762)

Assistant Attorney General

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: Case No. 4:22-cv-612
:
: **CIRCUIT JUDGE JOAN L. LARSEN**
: **JUDGE SOLOMON OLIVER**
: **JUDGE JOHN R. ADAMS**
:
:

DECLARATION OF CHRIS BURNETT

I, Chris Burnett, Deputy Assistant Secretary of State and Director of Elections for the Office of the Ohio Secretary of State, have personal knowledge as to the matters outlined herein and I am competent to testify and do hereby declare as follows:

1. I am employed as Deputy Assistant Secretary of State and Director of Elections for the Office of the Ohio Secretary of State. I have been employed in this role since June 5, 2023. In my role as Deputy Assistant Secretary of State and Director of Elections, I have personal knowledge of Ohio election-administration procedures, including the procedures for officially canvassing and certifying election results.
2. In June 2023, I was appointed by Secretary of State Frank LaRose to the position of Deputy Assistant Secretary of State and Director of Elections in the Elections Division of the Ohio Secretary of State's Office, where I am responsible for developing and implementing policies, procedures, and guidelines for the administration of federal, state, and local elections to assist county boards of elections in the fulfillment of their statutory duties, as well as overseeing the canvass and certification process.

3. In my role as Deputy Assistant Secretary of State and Director of Elections, I also work closely with Ohio's 88 county boards of elections ("boards"). In that capacity, I advise boards as to the issuance and implementation of directives issued by the Secretary of State, which govern the conduct of elections, answer general questions, and work with the boards to ensure that elections run smoothly, accurately, and in accordance with Ohio law.
4. Ohio is a decentralized, bottom-up election administration system. Ohio's 88 county boards of elections perform the bulk of the day-to-day functions required for election administration, with direction from the Secretary in the form of written directives and advisories.
5. I have further personal knowledge of such procedures specific to the Special 6th District Congressional General Election (the "Special Election") which is to be held on June 11, 2024 ("Election Day").
6. Attached hereto as Exhibit A, and incorporated herein by reference, is a true and accurate copy of Directive 2024-01, issued to State Boards of Elections by the Secretary of State on January 5, 2024. The Special Elections Calendar accompanied that directive.
7. Attached hereto as Exhibit B, and incorporated herein by reference, is a true and accurate copy of Directive 2024-07, issued to State Boards of Elections by the Secretary of State on May 9, 2024. Directive 2024-07 outlines the procedures that Boards of Elections must follow when conducting both the unofficial and official canvasses of the Special Election.

8. Directives 2024-01 and 2024-07 set forth the timeline for the counting and official certification of the results of the Special Election.
9. Boards of Elections may begin the Official Canvass no earlier than June 16, 2024. Ohio Rev. Code § 3513.22(A). The Boards must begin the Official Canvas no later than June 26, 2024. *Id.*
10. Each Board of Elections must complete its Official Canvass and certify the official results no later than July 2, 2024. *Id.*
11. Each Board of Elections must complete and submit to the Secretary of State all of the following reports on the day it completes its official certification, and no later than July 2, 2024:
 - a. Official Vote Total Summary Report;
 - b. Group Detail Report (if not included with Summary Report);
 - c. Signature form;
 - d. Report forms;
 - e. Electronic turnout detail by precinct;
 - f. Statement of Votes Cast (“SOVC”) report; and
 - g. Absentee and provisional ballot report.

Directive 2024-07.


12. The deadline for a candidate or group to request a recount is five days after the certification of official results. Ohio Rev. Code § 3515.02. For the Special Election, the deadline for a candidate or group to request a recount is July 8, 2024. The deadline was moved from Sunday, July 7 to Monday, July 8 for this election pursuant to Ohio Rev. Code § 1.14. A recount must take place no later than ten days after an application for a

recount is filed or an automatic recount is declared. Ohio Rev. Code § 3515.03. If the recount to be conducted is for a multi-county jurisdiction, the Secretary of State's office will issue the notice of recount after receiving notice from the most populous county. *Id.* Multi-county recounts will not be ordered until all counties in the district have certified their official results.

13. The Secretary of State will issue a certificate of election for the Office of Representative to Congress for the 6th District after the time within which applications may be made for recounts of votes has expired, and after recounts of votes which have been applied for are completed. R.C. 3505.38.

14. I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 20th day of May, 2024.



Chris Burnett, Deputy Assistant Secretary of State and Director of Elections

Ohio Secretary of State

Exhibit A



DIRECTIVE 2024-01

January 05, 2024

To: Belmont, Carroll, Columbiana, Harrison, Jefferson, Mahoning, Monroe, Noble, Stark, Tuscarawas, and Washington County Boards of Elections

Board Members, Directors, and Deputy Directors

Re: Special Congressional Elections in Ohio's 6th Congressional District

BACKGROUND

On January 2, 2024, U.S. Representative Johnson announced that he plans to resign his seat in the U.S. House of Representatives on January 21, 2024, leaving a vacancy in Ohio's 6th Congressional District. Pursuant to Ohio law, the vacancy must be filled by a special congressional election, and partisan candidates for that election must be nominated in a special congressional primary.¹ Governor DeWine issued a writ of election on January 4, 2024, to establish the dates of the special congressional primary and special general elections.

The special congressional primary election for Ohio's 6th Congressional District will be conducted on March 19, 2024. The special congressional general election for the remainder of the unexpired term will be held on June 11, 2024. The general election for the subsequent full term beginning January 3, 2025 will be held on November 5, 2024.

The special congressional elections calendars accompany this directive.

PETITIONS

All petitions must be filed with the Mahoning County Board of Elections – the most populous county in the 6th Congressional District. Ohio law requires each candidate filing a Declaration of Candidacy or Nominating Petition for the remainder of an unexpired term to designate the date on which that unexpired term will end.² For the anticipated vacant seat, the last day of the term is January 3, 2025.

¹ [R.C. 3521.03](#); [3513.32](#).

² [R.C. 3513.08](#); [3513.28](#).

Persons seeking the nomination of a political party for Representative to Congress for Ohio's 6th Congressional District (unexpired term ending January 3, 2025)³ must file [Form 2-E](#) (Declaration of Candidacy - Party Primary Election for District Office - Representative to Congress). Persons seeking to run as an independent candidate must file [Form 3-F](#) (Nominating Petition and Statement of Candidacy – Representative to Congress). Persons seeking to run as a write-in candidate must file [Form 13-C](#) (Declaration of Intent to be a Write-in Candidate for Office of United States Senator or United States Representative).⁴

If a prospective candidate has additional questions regarding signature and petition requirements, you may refer them to the [2024 Candidate Requirement Guide](#), which is available on the Secretary of State's website.

BALLOT LAYOUT & CANVASSES OF ELECTION

The Secretary of State's office will provide additional information, including ballot layout, unofficial and official canvass instructions, and reimbursement for costs associated with these special elections in separate directives. Thank you for your work in preparing for and conducting these elections. If you have questions, please contact my office's Elections Counsel at 614-728-8789.

Yours in service,



Frank LaRose
Ohio Secretary of State

³ U.S. Const. Amend. XX, Sec. 1, provides that "[t]he terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3rd day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin."

⁴ Please note that the filing deadlines for persons seeking to become a candidate under any of these methods may differ from the deadlines stated on the referenced forms. The filing deadlines stated in this directive and accompanying calendars supersede any filing deadlines listed on any forms or within the 2024 Candidate Requirement Guide for the special congressional election.

Exhibit B



DIRECTIVE 2024-07

May 9, 2024

To: Belmont, Carroll, Columbiana, Harrison, Jefferson, Mahoning, Monroe, Noble, Stark, Tuscarawas, and Washington County Boards of Elections

Board Members, Directors, and Deputy Directors

Re: June 11, 2024 Special 6th District Congressional General Election Canvass Instructions

SUMMARY

This Directive outlines the procedures that boards of elections must follow when conducting both the unofficial and the official canvasses of the June 11, 2024 Special 6th District Congressional General Election.

To assist boards of elections with any problems, questions, or concerns on Election Day, the Secretary of State's office is staffed on Election Day from 6:00 a.m. until all boards report their unofficial results to our office. Boards should contact the Secretary of State's office using a dedicated telephone number that will be emailed before June 11, 2024.

All directors, deputy directors, and board members must ensure that they are able to receive emails via their .gov address and other communications sent from the Secretary of State's office on June 11, 2024 (including after the polls close).

PART ONE - UNOFFICIAL CANVASS

The Unofficial Canvass of the June 11, 2024 Special 6th District Congressional General Election must be conducted on Election Night in accordance with state law¹ and the processes and procedures outlined in [Chapter 10, Section 10.02](#) of the Election Official Manual. Each board must ensure all eligible Election Day and absentee ballots are tabulated and reported in its Unofficial Canvass. Boards must ensure all memory cards containing tabulated results are properly processed into its election management system. The board must have a document in place to ensure it meets this requirement (i.e., checklist or chart to check off when a memory card is processed).

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](#) (rejection or challenge of absentee ballots); and [R.C. 3511.11- 3511.13](#) (uniformed service and overseas voter absentee ballots).

The Unofficial Canvass must be conducted in full view of the members of the board of elections and any appointed observers, and the board must continuously count the ballots during the Unofficial Canvass.²

I. PROCESSING ABSENTEE BALLOTS

Boards of elections may begin processing (including scanning, but not tabulating) absentee ballots on May 14, 2024, the day after the close of voter registration. Boards must begin this process prior to Election Day to ensure the Unofficial Canvass includes all absentee ballots received by the close of polls on June 11, 2024. Ohio law prohibits boards from tabulating any absentee ballot prior to 7:31 p.m. on Election Day.³ If a court orders polls to remain open later than 7:30 p.m. on Election Day, boards will receive a directive with alternate instructions.

II. EARLY IN-PERSON ABSENTEE VOTING

Weeks One, Two and Three of Voting

Voting begins the day after the close of registration for the election. Boards must **not** be open for early in-person absentee voting on any holiday established by state or federal law.

- 8:00 a.m. to 5:00 p.m. on each weekday (Monday through Friday)

Week Four of Voting

Voting begins the day after the close of registration for the election. Boards must **not** be open for early in-person absentee voting on any holiday established by state or federal law.

- 7:30 a.m. to 7:30 p.m. on Monday
- 7:30 a.m. to 8:30 p.m. on Tuesday
- 7:30 a.m. to 7:30 p.m. on Wednesday through Friday
- 8:00 a.m. to 4:00 p.m. on the Saturday before Election Day
- 1:00 p.m. to 5:00 p.m. on the Sunday before Election Day

III. ELECTION NIGHT REPORTING (“ENR”)

State law requires boards of elections to provide election results for certain contests to the Secretary of State’s office.⁴ Election Night Reporting for the June 11, 2024 Special 6th District Congressional General Election will consist of results for following races:

² [R.C. 3505.27](#), [R.C. 3505.29](#), and [R.C. 3505.30](#).

³ [R.C. 3509.06\(F\)](#).

⁴ [R.C. 3505.27\(C\)](#).

- United States Representative to Congress (unexpired term ending 01/03/2025)

All counties must use the Secretary of State's County Submission System (CSS) to provide summary results on all candidates that appear on the county's ballot. The Secretary of State personnel assigned to each county board of elections and their contact information will be provided prior to June 11, 2024.

Although boards of elections will have access to manually hand-key the results at the time frames below, the upload tool allows each board to do this more efficiently and accurately by mitigating data entry errors. Boards must use the USB drives provided by the Secretary of State's office to ensure the security of the ENR system and election management system (EMS). The USB drives must be used only once and clearly marked for Election Night use.

For the Unofficial Canvass, boards must provide summary-level election results, rather than precinct-level results. Boards will upload precinct-level results for the Official Canvass.

a. INITIAL REPORTING

Each board must log in to the CSS no later than 7:45 p.m. on June 11, 2024. A board must immediately notify the Secretary of State's personnel of delays in completing any portion of the results reporting activity.

Each board must upload vote totals for absentee ballots by 8:00 p.m., unless the voting system is technologically unable to do so. If necessary, partial absentee results may be uploaded by the county. If a board uploads partial absentee results at 8:00 p.m., it must not double-report the initial upload. Contact the board's voting system vendor if you need technical assistance. The board must enter zero (0) precincts reporting when it uploads its absentee results.

b. REPORTING SCHEDULE

ENR begins with the first upload of absentee results by 8:00 p.m. and will continue uploading results at the assigned time throughout the night. After the board uploads its first summary election results, it must report on the following time increment assigned to the county:

1. "Half-Hour" Counties

Belmont, Columbiana, Jefferson, Mahoning, Stark, Tuscarawas, and Washington.

"Half-hour" counties must report at thirty-minute intervals beginning at **8:15 p.m.** and every thirty minutes after (e.g., 8:45 p.m., 9:15 p.m., 9:45 p.m., etc.), and must continue reporting until all precincts report results.

A board must notify the Secretary of State's personnel if it will be delayed

in reporting results. Once one hundred percent (100%) of the precincts have reported, boards must enter final vote tallies into its CSS. The board does not have to wait until its designated reporting time before reporting the final results.

2. "Hourly" Counties

Carroll, Harrison, Monroe, and Noble.

"Hourly" counties must report summary election results beginning at 8:30 p.m. and every hour afterwards (e.g., 9:30 p.m., 10:30 p.m., etc.), as specified above, and continue until all precincts have reported. If the board reports more frequently, it must still report on the hour.

A board must notify the Secretary of State personnel if it will be delayed in reporting results. Once one hundred percent (100%) of the precincts have reported, boards must enter final vote tallies into its CSS. The board does not have to wait until its designated reporting time before reporting the final results.

IV. SUPPLEMENTAL STATISTICS

Boards of elections must provide supplemental statistics upon reporting the county's last precinct or shortly thereafter. **Boards must promptly report vote totals, even if supplemental statistics are not yet available.** On Election Night, upload the election results, then submit the statistics when ready. The required supplemental statistics are as follows:

Counted Ballots

- Total Regular Election Day ballots cast and counted from Election Day precincts (do not include absentee).
- Total absentee ballots, including early in-person and by mail, counted.
- Total Regular Election Day ballots cast and absentee ballots cast and counted as part of the Unofficial Canvass.

Outstanding Ballots

- Total number of outstanding absentee ballots (issued but not yet counted).
- Total number of provisional ballots (issued at the polls or the board office before or on Election Day).

V. SUMMARY AND FINAL REPORTS

Boards of elections must follow the procedures outlined in [Chapter 10, Section 10.02](#) of the Election Official Manual for reporting summary results and submitting final summary reports in even-numbered year elections. The required reports and forms (listed

below) for the Unofficial Canvass as well as the instructions and deadline for submission will be provided to boards of elections via email before Election Day:

1. Unofficial Vote Total Summary Report;
2. Group Detail Report (if not included with Summary Report);
3. Write-In Report;
4. Most Populous Report(s) (when applicable); and
5. Signature Form.

In addition to the Unofficial Vote Total Summary Report submitted on Election Night, each board must print off the county results from the CSS via the "Current County Results" page and proof this report. The Unofficial Vote Total Summary Report, Group Detail Report, **and** the Signature Form must be sent to Results@OhioSoS.gov. Instructions outlining this requirement will be provided separately. All final summary reports, and Group Detail Report must be transmitted to the Elections Division via email to Results@OhioSoS.gov.

On Election Night, once the Secretary of State's office receives, reviews, and compares the board's Unofficial Vote Total Summary Report and Group Detail Report, a Secretary of State staff member will contact the Director.

The Director and Deputy Director must not leave the office until the Secretary of State staff contacts the Director to confirm that the board's reports have been received and reviewed to ensure the results match. The Director is responsible for releasing the board's staff.

PART TWO - POST-ELECTION CURE PERIOD

I. DAYS AND HOURS

Each board of elections conducting an election must be open to the public on each of the four calendar days immediately following Election Day, and during the hours specified below, to allow voters to cure a deficiency on an absentee or provisional ballot, as provided for in state law:⁵

- | | |
|----------------------------|-----------------------|
| • Wednesday, June 12, 2024 | 8:00 a.m. – 5:00 p.m. |
| • Thursday, June 13, 2024 | 8:00 a.m. – 5:00 p.m. |
| • Friday, June 14, 2024 | 8:00 a.m. – 5:00 p.m. |
| • Saturday, June 15, 2024 | 8:00 a.m. – 5:00 p.m. |

⁵ [R.C. 3505.181\(B\)\(7\)](#) and [R.C. 3509.06\(D\)\(3\)](#).

If a board of elections has no voters with a deficiency on their absentee or provisional ballot after Election Day (i.e., there is nothing *possible* to cure for any voter that cast a ballot in the election) or all deficiencies have been cured, the board may return to its normal operating hours for the remainder of the cure period.

II. AFFIDAVITS OF RELIGIOUS OBJECTION⁶

A provisional voter who failed to provide photo ID has four days after Election Day to either appear at the board of elections office to show photo ID or complete an affidavit of religious objection ([Form 12-O](#)). To cure a provisional ballot for lack of photo ID, it is not sufficient to provide a copy of the photo ID, the Ohio driver's license number or state ID card number, or the last four digits of the voter's Social Security Number (SSN). The voter must show photo ID (and not a copy) by the fourth day after Election Day. If the voter did not have a photo ID because of a religious objection to being photographed and the voter did not complete [Form 12-O](#) at the time they voted a provisional ballot, the voter must appear at the board office and complete the affidavit by the fourth day after Election Day (**Saturday, June 15, 2024**).

No later than 6:00 p.m. on Saturday, June 15, 2024, a board of elections must transmit the information in the completed affidavits to the Secretary of State's office, which then must consult the Bureau of Motor Vehicles' (BMV) database to determine whether they issued a currently unexpired photo ID to that voter. The Secretary of State's office will complete this check no later than the seventh day after Election Day. The affidavit of religious objection is not valid if the BMV has issued a currently unexpired photo ID or if the last four digits of the voter's SSN provided on the affidavit do not match those digits in the Statewide Voter Registration Database (SWVRD). To compile the information for each voter, each board must supply the necessary data either by export from the voter registration system or completion of a spreadsheet that will be provided with instructions under separate cover.

III. EXAMINING AND COUNTING PROVISIONAL BALLOTS

Boards must follow the "Step-by Step Process for Examining Provisional Ballots" accompanying this directive. Board staff, working in bipartisan teams, may begin examining provisional ballot envelopes the day after the election, as long as the board has adopted a provisional ballot policy allowing its staff to do so. The bipartisan teams may categorize provisional ballots into groups of like ballots (e.g., ballots that have been verified and eligible to be counted, provisional affirmations that are missing the voter's signature, etc.) for the board to consider. However, the board must not examine the provisional ballot affirmation of any provisional ballot cast by an individual who must provide photo ID, complete an affidavit of religious objection, or provide additional

⁶ [R.C. 3505.181](#), [R.C. 3505.182](#), [R.C. 3505.183](#), and [R.C. 3505.19](#).

information to determine the individual's eligibility until the individual does so or until the eighth day after Election Day, whichever is earlier.⁷

It is important to remember that only the board members themselves can determine the validity of each provisional ballot. The board must, by a majority vote, determine whether to accept and count the provisional ballots in a properly-noticed, public meeting. No provisional ballot envelope may be opened, and no provisional ballot counted, until the board has voted on the eligibility of every provisional ballot cast in the election.⁸

IV. CURING ABSENTEE BALLOT DEFECTS

Whenever a board of elections receives an absentee ballot identification envelope that is missing required information or that contains information that does not conform to the voter's registration record, the board of elections must contact the absentee voter to provide an opportunity to supplement their identification envelope so the voter's ballot can be counted. The board must meet this requirement by issuing [Form 11-S](#) to the voter, according to the following schedule:

- [Form 11-S](#) must be issued not later than two business days after a "defective" absentee ballot identification envelope is received by the board from the start of absentee voting through the third Saturday prior to the election;
- [Form 11-S](#) must be issued not later than one calendar day after a "defective" absentee ballot identification envelope is received by the board between the third Monday and last Friday prior to the election; and
- [Form 11-S](#) must be issued on the same day that a "defective" absentee ballot identification envelope is received by the board of elections between the Saturday prior to the election and through the third day following Election Day.

When a telephone number or email address is on file with the board of elections, boards must use that contact information to quickly notify the voter about the deficiency on their identification envelope. The absentee voter must provide the necessary information in writing on [Form 11-S](#), either by in-person delivery or by mail by the fourth day after the election (**Saturday, June 15, 2024**).⁹

⁷ [R.C. 3505.183\(G\)](#).

⁸ [R.C. 3505.183](#).

⁹ [R.C. 3509.06\(D\)\(3\)\(b\)](#).

PART THREE - OFFICIAL CANVASS

I. TIMELINE FOR COUNTING AND OFFICIAL CERTIFICATION

Due to recent changes made by the state legislature, boards of elections must begin counting cured absentee ballots and absentee ballots that arrive after Election Day no later than the fifth day after Election Day (**Sunday, June 16, 2024**). Board members and employees are prohibited from disclosing partial or final results of any contest in the election between the completion of the Unofficial Canvass and the certification of official results.¹⁰

A board must begin the Official Canvass no earlier than the fifth day after the election (**Sunday, June 16, 2024**) nor later than the fifteenth day after the election (**Wednesday, June 26, 2024**). Each board must complete its Official Canvass and certify no later than the twenty-first day after the election (**Tuesday, July 2, 2024**).¹¹

II. INSTRUCTIONS FOR OFFICIAL CANVASS

Each board of elections must follow the instructions for pre-canvass activity outlined in [Chapter 10, Section 10.03](#) of the Election Official Manual. Boards must also follow the rules and procedures outlined in [Chapter 10, Section 10.04](#) of the Election Official Manual for conducting the Official Canvass. Each board must reconcile results with records from the pollbooks and voter registration system to ensure that only one ballot per voter is counted.¹² This includes ensuring that all returned absentee ballots are entered in the voter registration system and reconciling the list of voters whose ballots were returned with the number of physical ballots returned.

III. FORMS FOR OFFICIAL CERTIFICATION

After the Unofficial Canvass, our office will provide the forms for reporting official results. All certifications and reports must be signed by the appropriate board personnel before the board submits them to our office, another board of elections, or another public entity.

Each board of elections must submit the signature form to certify the Official Election Results, including the absentee and provisional ballot reports, to the Secretary of State's office.

a. CERTIFICATION AND REPORTING OF OFFICIAL RESULTS¹³

Each board of elections must complete and provide all of the following the day it

¹⁰ [R.C. 3505.183\(F\)](#) and [R.C. 3505.32](#).

¹¹ [R.C. 3513.22\(A\)](#).

¹² [R.C. 3505.32\(D\)](#).

¹³ [R.C. 3505.30](#).

completes its official certification and no later than **Tuesday, July 2, 2024**:

1. Official Vote Total Summary Report;
2. Group Detail Report (if not included with Summary Report);
3. Signature form;
4. Report forms;
5. Electronic turnout detail by precinct;
6. Statement of Votes Cast ("SOVC") report; and
7. Absentee and provisional ballot report.

Each board must submit these reports to Results@OhioSoS.gov as soon as the board completes its official certification. The Official Vote Total Summary Report must be clearly labeled "[County]'s Official Canvass," and it must contain *only* vote totals for that county. Boards must not delay submitting the official certification forms because of a potential recount. Every board must maintain a copy of each of its completed certification and report forms.

The board of elections for the most populous county of any multi-county jurisdiction or district must generate a separate report from its voting system, create a report outside of its voting system, or use a reporting form which will be provided after the Unofficial Canvass. This report must be clearly labeled "[County's] Official Canvass – Most Populous County." The report must include the total number of votes recorded for the office, question, or issue from each county in a multi-county jurisdiction and the sum total for all counties. The board must clearly mark the contest(s) for which a board is the most populous county to clearly identify it as a contest containing vote totals from other counties. The board must email the report(s) to Results@OhioSoS.gov.

State law requires the Secretary of State to publish a report on the number of absentee and provisional ballots cast and counted for the election in each county.¹⁴ Each board of elections must provide this data for absentee and provisional ballots. Our office will provide the reporting forms after the Unofficial Canvass.

PART FOUR - POST-CERTIFICATION REQUIREMENTS

I. CERTIFICATE OF ELECTION

The Secretary of State will issue a certificate of election for the office of Representative to Congress for the 6th District.¹⁵

II. RECOUNTS

¹⁴ [R.C. 3501.05\(Y\)](#).

¹⁵ [R.C. 3505.38](#)

Before scheduling and conducting a recount, please review the procedures set forth in state law and [Chapter 11, Section 11.02](#) of the Election Official Manual. The deadline for a candidate or group to request a recount is five days after the certification of official results. A recount must take place no later than ten days after an application for a recount is filed or an automatic recount is declared.

The Secretary of State's office will provide the boards a spreadsheet along with the Official Canvass report forms to notify the Secretary of State of a recount.

If the recount to be conducted is for a multi-county jurisdiction, the Secretary of State's office will issue the notice of recount after receiving notice from the most populous county. Multi-county recounts will not be ordered until all counties in the district have certified their official results. If a recount changes vote totals, the board of elections must submit a properly completed and signed amended certification and abstract to Results@OhioSoS.gov.

III. POST-ELECTION AUDITS

Boards of elections must perform a post-election audit after the June 11, 2024 Special 6th District Congressional General Election. When a board conducts an audit, the board must follow the procedures outlined in [Chapter 11, Section 11.03](#) of the Election Official Manual. Additional instructions will be provided after the Unofficial Canvass.

IV. VOTER HISTORY

All boards must upload voter history for the June 11, 2024 Special 6th District Congressional General Election to the SWVRD no later than seven days after the board's official certification. All voter history must be upload by Tuesday, July 9, 2024 in order to comply with the timelines associated with [Directive 2024- 06 Data Collection, Notice, and Cancellation Procedures](#). Once voter history is transmitted, Secretary of State staff will compare the total ballots cast to the total number of voters participating in the election.

For purposes of assigning voter history, each board of elections must follow the instructions outlined in [Chapter 10, Section 10.04](#) of the Election Official Manual. The election name to submit the history for the election is **2024_JUN_GEN**.

V. RETENTION OF BALLOTS

Because ballots for the June 11, 2024 Special 6th District Congressional General Election include candidates for election to federal offices, each board of elections is required by law to retain all ballots prepared for the election – both used and unused – for 22 months following the election.¹⁶ If the board uses 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 must be

¹⁶ [R.C. 3505.31](#) and [52 U.S.C.S. 20701](#).

retained. Accordingly, consult with 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 at (614) 728-8789.

Yours in service,



Frank LaRose
Ohio Secretary of State