



**LEAGUE OF WOMEN VOTERS®
OF OHIO**

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**Comments from the League of Women Voters of Ohio
to the Presidential Commission on Election Administration
September 20, 2013**

Thank you Chairman Bauer, Chairman Ginsberg, and members of the Commission for holding this field hearing, and welcome to the great swing state of Ohio. In many ways, Ohio is a microcosm of the U.S. electorate – we have large urban jurisdictions and small rural jurisdictions, we have communities with great wealth and great poverty, and our electorate is fairly evenly balanced between the two major political parties. It is this diversity that makes Ohio the ultimate battleground state, but it also results in many election administration challenges.

The State of Ohio is continually a battleground state, which means we are under greater scrutiny. Ohio is a politically diverse state, which means we are prone to close elections. Tie votes and near-ties occur frequently, which adds another layer of scrutiny. Both of these factors – being a perennial battleground and being politically diverse – means that those diverse politics frequently play out not only in campaigns but also in push-and-pull over election administration rules that benefit partisan interests. These tensions run especially high in federal election years, most notably U.S. Presidential elections, which frequently target Ohio as one of the key swing states.

The Ohio Experience

The Ohio election experience is well-chronicled. Most notable are the myriad problems that occurred during the 2004 election – incredibly long lines throughout the state (some lasting more than eight hours and into the wee hours of the morning), inadequate and malfunctioning equipment, poorly trained poll workers in several locations, miscommunication, confusing rule changes, delayed election results, and more.

The Election Protection program, made up of dozens of advocacy organizations and volunteers, was able to assist many voters caught up in this confusion. Equally important, it was able to document what problems occurred and where, so they could be addressed and remedied.

Not surprisingly, in the wake of the much maligned 2004 Ohio election, advocates across the political spectrum called for change in the way Ohio administers its elections. And “change” has remained the theme ever since, with an abundance of legislation and litigation over the last decade seeking to change how Ohio conducts its elections.

HB 3 & Voter ID - In 2005, the Ohio legislature considered and passed House Bill 3 (HB 3), a massive 400+ page bill that touched on almost every facet of election law. One of the provisions of HB 3 created a new voter identification requirement; previously Ohio voters only had to sign

the poll book as verification of their identity. Ohio's approach was somewhat different, in that our voter ID law mirrors the forms of ID accepted under the federal Help America Vote Act (HAVA). In addition to an Ohio driver's license or state ID card, also acceptable are other current government documents with the voter's name and address, utility bills, bank statements, pay stubs, or the last four digits of the voter's Social Security number. While there has been some confusion over what documents are acceptable or not, that reflects a need for more poll worker training and public education. The benefit of Ohio's ID scheme is that a wide variety of documentation is acceptable, thereby reducing the likelihood that an otherwise eligible voter could be disenfranchised for want of an ID.

LWVO v. Blackwell Lawsuit - In 2005, the League of Women Voters of Ohio (LWVO) and a number of voters, with the assistance of the Lawyers Committee and several pro bono attorneys, sued the Ohio Secretary of State and Governor, contending that Ohio had operated a dysfunctional election system for 30 years. That lawsuit was settled in 2009, having survived appeals all the way to the U.S. Supreme Court. One of the key provisions of the LWVO Settlement is that all Ohio county Boards of Elections were to adopt an Election Administration Plan (EAP) for each even-year election. The EAP requires each county to have a formal written plan for administering the election, from how it will allocate election machines to recruiting poll workers to Election Day communications to contingency planning. The quality of EAPs has gradually increased, and election officials across the state have – albeit grudgingly at times – embraced the EAPs as tool to plan for their needs, justify their budget requests, and reassure the public.

Absentee & Early Voting - In 2006, Ohio moved to no-fault absentee and early voting. This opened the door to allow any registered voters to cast their ballot at a time and place of their choosing. As previous state law had set absentee voting to begin at 35 days before Election Day, that remained in place when absentee voting was opened up to all Ohio voters. However, in the years since, there has been a great debate over how long a period should be provided for each mail-in absentee voting and in-person early voting.¹

Provisional Ballots - Another area of controversy has been provisional ballots. Ohio law includes a laundry list of circumstances in which a voter may be directed to cast a provisional ballot – ranging from a change of address or name to not having proper ID to not appearing in the poll book. These provisional ballots come under the spotlight year after year, but most especially in the event of a close election when those provisional votes may make the difference in who wins. The *Hunter* case out of Hamilton County is a prime example, as it took two years of litigation to determine the winner in a local race for judge. This is clearly an area where we can do better.

HB 194 – The next wave of controversy came in 2011 and 2012. In 2011, the Ohio House and Ohio Senate each introduced an election reform bill that, like HB 3, was an omnibus election law bill, but went much further in restricting access to the ballot. The two bills were ultimately combined into House Bill 194 (HB 194) and passed along party-line votes despite a great deal of public outcry. Some of the most controversial aspects of the bill included major cuts to the time for absentee and early voting, creating a presumption that any error is the voter's error and not

¹ It should be noted that Ohio does not have true early voting. It has in-person absentee voting, which operates more like traditional mail-in absentee voting in terms of how it is administered.

election officials' or poll workers', among other restrictions. The bill's overreach was so egregious that a referendum petition drive succeeded in getting enough signatures to refer the bill to the voters at the November 2012 election. The message got through to the legislators and they hurriedly repealed HB 194 in the spring of 2012.

Tensions – As the above list illustrates, there is a great deal of tension surrounding Ohio elections. There are tensions between large and small jurisdictions, which often preclude a one-size-fits-all solution. There are tensions between state and county officials.² There are tensions and often heated rhetoric amongst public officials of the two major parties. There is also the growing public outcry over fairness and integrity, terms whose meaning varies depending on one's perspective. This makes for a very challenging climate in which to set aside rhetoric and focus on the practical side of running elections.

Recommendations

Our recommendations for Ohio focus on what works and what doesn't seem to work, and LWVO is actively engaged in discussions with Ohio's election officials and legislators to seek to make these changes.

1. Improved polling place management – make EAPs permanent and mandatory

As discussed above, the most significant provision of the *LWVO v. Blackwell* (later Brunner) lawsuit settlement [see attachment A] was the requirement that all Ohio county Boards of Elections (BOEs) adopt an Election Administration Plan (EAP) for every even-numbered general election and every Presidential Primary election.³ The EAP requires each county to have a formal written plan for administering the election, from how it will allocate election machines to recruiting poll workers to Election Day communications to contingency planning.

Each year, LWVO has collected, reviewed, and analyzed the EAPs. The quality of EAPs has gradually increased, and election officials across the state have – albeit grudgingly at times – embraced the EAPs as tool to plan for their needs, justify their budget requests, and reassure the public.

While such plans may not solve all problems, if fulfilled conscientiously, they will create the circumstances to prevent problems from recurring again and again.

During the first year the League's settlement went into effect, the first round of EAPs that were submitted were generally weak, dashed off with minimum effort and no detail. But then things changed that hold the promise of real improvement.

² Ohio government has a strong emphasis on local control. Our state constitution includes a “home rule” provision that allows many decisions to be made at the local level – counties or municipalities – rather than by the state. County Boards of Elections (BOE) are in the especially tenuous position of being accountable to both county and state officials. The Ohio Constitution makes the Secretary of State the chief elections official, who sets state policy. However, County BOEs receive their funding and other policy direction from the county government, which in most counties is the County Board of Commissioners. In recent years, there have been several strenuous policy disagreements that pitted the Secretary of State against a county government, with the BOEs and voters caught in the middle.

³ The settlement agreement is in effect until January 2015.

In 2012, the Secretary of State provided a detailed template for county BOEs to use in writing their EAPs. [See Attachment B, Directive 2012-14] This required BOEs to provide detailed descriptions for how they could address all the issues of resource allocation, contingency planning, security, communications, poll worker and public education, etc.

In Cuyahoga County, for example, they went from virtually no plan to a superb EAP that showed what a plan should look like. For each function of the BOE, there is a checklist of every step of the process, the name of the person responsible, and when it is to be done. If outside agencies are involved – who contacts them, who to contact and their phone number, and backup plans.

While initially the BOEs decried the burden of the plan preparation, once they completed them they realized it made their job easier by clarifying how the workload had to be planned. When something did go wrong (those long lines again!), they could go back to their plan and see where they needed to make changes to keep from repeating the problem.

While the League would like to be able to take credit for this idea, in fact it was being urged in the 1980s by what was then the FEC Office of Election Administration. What we contributed was getting a judicial mandate to make it happen in Ohio.

It bears repeating that EAPs are not a silver bullet, but if the right questions are asked and updated after every election, they can address all eleven of the Commission priorities and the issues that arise in the future.

We make the following recommendations with respect to EAPs:

- Make the EAP requirement permanent and mandatory.
- Provide some recommended guidelines or benchmarks for certain criteria (e.g., voting machine allocation, precinct staffing, poll worker training, voting hours and locations, in case of emergency plans, etc). The quality of EAPs improved significantly in 2012, when the Secretary of State issued Directive 2012-14 that laid out specific guidelines for county EAPs.
- It is important to review and update EAPs regularly.
- Allow local flexibility within the required criteria in order to provide the opportunity to innovate and come up with new solutions. For example, in 2012 a couple of counties moved to central check-in at multi-precinct locations to help get voters to the correct precinct station, and another county designated a special table for provisional voters with poll workers who were specially trained in provisional balloting rules and paperwork.

2. Absentee and early voting – don't cut what works

As discussed above, there is a heated debate under way in Ohio over how long voters should have for mail-in absentee voting and in-person early voting. County BOEs worry about staffing, resources, and costs. Political parties worry about protecting their voters. Advocates and policy-makers worry about access for various constituencies, as well as fairness and integrity of the system.

Setting all the rhetoric aside, what we do know is that since no-fault absentee and early in-person went into effect, it has been hugely popular with voters. That compels one to ask: why would we cut something that works? The proposed cuts to early voting fly in the face of its increased popularity. Ohio voters like it. Anything that we can do to increase turnout and get more people to the polls, that should be the goal. So while we can discuss how to reach a formula that works for everyone, we ought to keep in mind what the voters have told us they want.

3. **Voter ID**

Ohio has a broad variety of acceptable forms of voter ID. This works. It ensures every eligible voter can participate by providing a broad range of acceptable documents, with the fall-back of providing the last four digits of the voter's Social Security Number. While the long list is not as straight-forward as accepting only one document, it ensures everyone eligible can participate. Thus, the problem of a long confusing list is one of education – we need to keep doing a better job of providing clear training for poll workers and education for voters.

4. **Voter registration modernization**

LWVO supports Ohio moving to secure online voter registration, permanent and portable registration, and improved implementation of the letter and spirit of NVRA by giving voters opportunity to check/update/register when interacting with a variety of government agencies (which should be easier to do once we have electronic/online voter registration).

One short note about what doesn't work – confusion. In the last couple of years in Ohio, there has been a great deal of confusion over constantly changing election rules, constantly changing dates/hours/locations for early voting, confusion over which government agency if any would send out absentee ballot applications, confusion over the amount of postage to put on absentee ballots (especially if it was a long ballot), confusion over when to use provisional ballots (reduce overuse while still allow fall-back), etc.

While it is inevitable that there is a wide range of beliefs about what is best for our election system, the constant battle is making the practical administration of elections harder and more confusing. One solution may be, as LWVO has suggested, to make the chief elections officer of the state nonpartisan instead of partisan. But we can also look at what works, what the voters tell us they want, and what solutions and best practices are available to us.

To the extent this Commission can help provide guidance and best practices that it has gathered from across the nation, perhaps through a strengthened EAC, that could be beneficial as we grapple with how to modernize elections in a highly polarized environment. Thank you for the opportunity to share our thoughts.

SETTLEMENT AGREEMENT

This Settlement Agreement (“Settlement Agreement” or “Agreement”) is made and entered into as of the 15th day of June 2009 by and between League of Women Voters of Ohio, League of Women Voters Toledo-Lucas County (collectively, the “Leagues”), Darla Stenson, Charlene Dyson, Anthony White, Deborah Thomas, Leonard Jackson, Deborah Barberio, Mildred Casas, Sadie Rubin, Lena Boswell, Chardell Russell, Dorothy Cooley, and Lula Johnson-Ham (“Individual Plaintiffs”) and Jeanne White (“Intervenor”, and together with the Leagues, and the Individual Plaintiffs, the “Plaintiffs”), and the Secretary of State of Ohio, Jennifer Brunner, (“Defendant”, and together with Plaintiffs, “the Parties”).

I. RECITALS

A. WHEREAS, Plaintiffs brought suit against the Secretary of State and the Governor in the United States District Court for the Northern District of Ohio (the “Litigation”) alleging, *inter alia*, that Ohio’s voting system arbitrarily denies its citizens the right to vote or burdens the exercise of that right based on where they live; and is so unfair as to deny or severely burden Ohioans’ fundamental right to vote; and

B. WHEREAS, the Plaintiffs’ claims include the following allegations, which the League asserts illustrate constitutional violations of the Equal Protection and Due Process Clauses of the United States Constitution:

- Voters in the 2004 presidential election were forced to wait from two to twelve hours to vote because of inadequate allocation of voting machines;

- Voting machines in the 2004 presidential election were not allocated proportionately to the voting population, causing more severe wait times in some counties than in others;
- Long wait times in the 2004 presidential election caused some voters to leave their polling places without voting in order to attend school, work, or to family responsibilities or because a physical disability prevented them from standing in line.
- Inadequate provision of voting machines in the 2004 presidential election caused 10,000 Columbus voters not to vote;
- Poll workers received prior to the 2004 presidential election inadequate training, causing them to provide incorrect instructions and leading to the discounting of votes.
- In some counties in the 2004 presidential election poll workers misdirected voters to the wrong polling place, forcing them to attempt to vote multiple times and delaying them by up to six hours.
- Provisional balloting was not utilized properly in the 2004 presidential election, causing 22% of provisional ballots cast to be discounted, with the percentage of ballots discounted reaching 39.5% in one county.
- In the 2004 presidential election voters with disabilities who required assistance were turned away.
- In the 2004 presidential election, registered voters were denied the right to vote because their names were missing from the rolls;

- In the 2004 presidential election, voters encountered non-functioning and malfunctioning voting equipment and

C. WHEREAS, the Plaintiffs have alleged that the Secretary had failed prior to the 2004 presidential election to promulgate and maintain uniform rules, standards, procedures, and training of election personnel throughout Ohio contributing to these circumstances; and

D. WHEREAS, the United States Court of Appeals for the Sixth Circuit held in *League of Women Voters of Ohio v. Brunner*, 548 F.3d 463, 478 (6th Cir. 2008) that the League's allegations that Ohio utilizes "non-uniform rules, standards, and procedures" that result in "massive disenfranchisement and unreasonable dilution of the vote" state a constitutional claim of violations of the Equal Protection and Due Process Clauses of the United States Constitution, and

E. WHEREAS, the Plaintiffs seek declaratory and injunctive relief to require Defendants to correct these alleged Constitutional violations, and

F. WHEREAS, the Plaintiffs and Defendant met in mediation on February 23, 2009, and again on March 2, 2009 before mediator Judge David A. Katz; and

G. WHEREAS, the Parties have resolved their differences in the manner set forth in this Settlement Agreement;

NOW, THEREFORE, in consideration of the foregoing and the mutual promises and representations set forth below, and of other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties having resolved their differences in the manner set forth in this agreement in order to eliminate any potential unequal application of election administration and to promulgate uniform rules,

standards, procedures and training of election officials throughout the state, the Parties agree as follows:

II. AGREED UNDERTAKINGS OF THE SECRETARY OF STATE

A. The Secretary of State agrees to administer elections in the State of Ohio in a constitutional manner. Nothing in this agreement, however, serves as an acknowledgement that any action of the State of Ohio in the conduct of any election has been unconstitutional.

B. The Secretary of State agrees to perform the “Agreed Undertakings” set forth in Exhibit B during the term of this Settlement Agreement, which shall expire on January 11, 2015 (the “Term”). During the Term, the Secretary may seek to modify any obligation described in the Agreed Undertakings only upon first demonstrating to the court good cause for the proposed modification.

C. Plaintiffs stipulate and agree that errors made by pollworkers shall not be deemed to constitute a breach of the Agreed Undertakings. The Plaintiffs further stipulate and agree that, so long as the Secretary of State performs the “Agreed Undertakings,” she is acting within the bounds of Ohio and federal law in the conduct of elections with respect to the areas of election administration addressed by the “Agreed Undertakings” and that, during the Term, the Plaintiffs shall not bring any claim against the Secretary of State alleging that such election administration is unconstitutional.

D. It is expressly agreed, and it is a material term to this Settlement Agreement, that this Settlement Agreement is entered into by the Secretary of State in her official capacity and is binding during the Term upon her successors.

III. ORDER ENFORCING SETTLEMENT AGREEMENT

A. Within two business days of execution of this Settlement Agreement, Plaintiffs shall file with the Court an Order Enforcing Settlement Agreement (the “Order”) in the form annexed as Exhibit A to this Settlement Agreement. All capitalized terms defined in the Order are to be given the same definitions in this Settlement Agreement.

B. With the exception of the Database Claims, this case is dismissed with prejudice upon the expiration of the Term. The Database Claims shall be dismissed with prejudice upon the expiration of the Term unless, as of the expiration of the Term, Plaintiffs have recommenced prosecution of the Database claims and those claims remain unresolved.

C. Nothing in this Settlement Agreement is or shall be deemed to be a waiver of any rights with respect to Plaintiffs’ Database Claims, as that term is defined in the Order. Similarly, nothing in this Settlement Agreement is or shall be deemed to be a waiver of any rights or defenses against the Plaintiffs’ Database Claims including lack of venue, lack of subject matter jurisdiction, or lack of standing of Plaintiffs to bring database claims.

IV. PAYMENT OF FEES

A. Within thirty calendar days of execution of this Settlement Agreement, Defendant shall pay Plaintiffs four-hundred and fifty thousand U.S. dollars (\$450,000) in complete settlement of Plaintiffs’ claims for legal fees, costs, and expenses with respect to the Settled Claims. Payment of the \$450,000 shall be made in a manner to be directed by Plaintiffs’ counsel.

V. GOVERNING LAW, JURISDICTION, ACTIONS TO ENFORCE THE SETTLEMENT AGREEMENT

A. This Settlement Agreement, the rights and duties of the Parties hereunder, and any dispute arising out of or relating to this Agreement, will be governed by and construed, enforced and performed in accordance with the laws of the State of Ohio, without giving effect to principles of conflicts of laws that would require the application of laws of another jurisdiction.

B. The Parties acknowledge and agree that the Hon. James G. Carr, Chief United States District Judge of the Northern District of Ohio, has and shall maintain continuing jurisdiction over this Settlement Agreement and that any claims arising out of or relating in any manner to this Settlement Agreement shall be properly brought only before Judge Carr in the United States District Court for the Northern District of Ohio. In the event that Judge Carr is unable, abstains from, or is otherwise unwilling to hear a claim, the parties consent to reassignment of this case to another judge sitting in the Western Division of the Northern District of Ohio.

VI. REPRESENTATIONS AND WARRANTIES

The Plaintiffs and Defendant each separately represent and warrant that:

A. they have been represented by counsel throughout the negotiation of this Settlement Agreement, that they have discussed the terms and conditions of this Settlement Agreement with their counsel, and that they understand the terms and conditions of this Settlement Agreement; and

B. no promise or inducement has been offered for this Settlement Agreement other than as expressly set forth in this Agreement; and

C. its signatory to this Settlement Agreement is legally competent to execute this Settlement Agreement, and has the legal authority to execute this Settlement Agreement.

D. Upon execution of this agreement, the Plaintiffs will dismiss the Governor from this litigation with prejudice.

VII. OTHER PROVISIONS

A. This Settlement Agreement, which includes its Exhibits, embodies Plaintiffs' and Defendant's complete and entire agreement with respect to the subject matter hereof. No statements or agreements, oral or written, made before the signing of this Settlement Agreement shall vary or modify the written terms hereof in any way whatsoever. No supplement, amendments, or modification of this Settlement Agreement shall be binding unless executed in writing by both parties hereto.

B. All representations, warranties, agreements, covenants and obligations herein are material, shall be deemed to have been relied upon by other Parties, and shall survive the date of the execution of this Agreement

C. Any notice to be provided in connection with this agreement shall be delivered in writing to:

for Plaintiffs the Leagues:

Jon Greenbaum
Lawyers' Committee for Civil Rights Under Law
1401 New York Avenue, Suite 400
Washington, DC 20005

for Plaintiff-Intervenor Jeanne White:

Matt Zimmerman
Electronic Frontier Foundation
454 Shotwell St.
San Francisco, CA 94110

for Defendants:

Attorney General Richard Cordray
c/o Assistant Attorney General Richard N. Coglianesse
30 East Broad Street, 16th Floor
Columbus, Ohio 43215

- D. This Settlement Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original and all of which taken together shall be deemed to be one and the same instrument.
- E. With the exception of documents that concern any claim about the Statewide Voter Registration Database, any litigation held by the Court, the Secretary of State and county boards of elections may have placed on records as a result of this litigation is withdrawn and the Secretary and Boards of Elections are free to handle those records pursuant to their relevant records retention schedules and Chapter 149 of the Ohio Revised Code.

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EXHIBIT A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

League of Women Voters of Ohio, et al.,)	
)	
Plaintiffs,)	Case No. 3:05-CV-7309
)	
and)	Hon. James G. Carr
)	
Jeanne White,)	
Plaintiff-Intervenor)	
)	
v.)	
)	
Jennifer Brunner, Secretary of State of Ohio)	
and Ted Strickland, Governor of Ohio,)	
Defendants)	
)	

ORDER ENFORCING SETTLEMENT AGREEMENT

On July 28, 2005, Plaintiffs League of Women Voters of Ohio, League of Women Voters of Toledo-Lucas County, and several individuals commenced this action pursuant to 42 U.S.C. § 1983 alleging that the administration and conduct of elections and voting in Ohio violates rights to Equal Protection and Substantive and Procedural Due Process under the 14th Amendment to the U.S. Constitution (“Constitutional Claims”). Plaintiffs’ Constitutional Claims concern, in part, the voter registration databases used in Ohio (“Database Claims”). Plaintiffs further separately alleged a violation of the Help America Vote Act (“HAVA”) due to the alleged lack of a HAVA-compliant statewide voter registration database (“HAVA Claims”). Plaintiffs sought injunctive and declaratory relief against the Defendants in their official capacities as, respectively, the Secretary of State and Governor of Ohio. Defendants denied Plaintiffs’ allegations. On November 7, 2005, the District Court granted Plaintiff-Intervenor Jeanne White’s motion to intervene to bring the same Constitutional and HAVA Claims, and

further alleging in support of these claims alleged problems relating to voting machines and other voting technology. (All references hereafter to Plaintiffs includes Plaintiff-Intervenor White.)

The Court previously dismissed Plaintiffs' HAVA Claims. The Sixth Circuit Court of Appeals subsequently dismissed the Procedural Due Process claims. The District Court denied Defendants' motions to dismiss Plaintiffs' Equal Protection and Substantive Due Process claims and the Sixth Circuit affirmed that denial.

Plaintiffs and Defendants (the "Parties") have entered into a Settlement Agreement resolving the Constitutional Claims other than the Database Claims (the "Settled Claims"). A copy of the Settlement Agreement is annexed as Exhibit A to this Order.

Pursuant to the Settlement Agreement, the Parties agree to entry of this Order and agree that it may be entered without the Court making Findings of Fact and Conclusions of Law.

IT IS ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

1. This Court has jurisdiction over the Parties and causes of action in this consent decree, provided however that, to the extent that the Database Claims are litigated, the Defendants reserve the right to contest jurisdiction with respect to those claims and the Plaintiffs reserve the right to oppose any jurisdictional arguments raised by Defendants.

2. This Order pertains solely to claims pending in *League of Women Voters of Ohio, et al. v. Brunner, et al.*, 3:05-CV-7309 (N.D. Ohio) (the "Litigation") and to the enforcement of the Settlement Agreement. Other than as set forth below with respect to the Litigation and the Settlement Agreement, the Plaintiffs waive their right to bring any claims that they could have brought against these Defendants in this case that have arisen before the execution of this agreement except as has been specifically preserved in the settlement agreement. The

Defendants, however, do not waive any defense they did or can raise in this Court against any surviving claim including lack of subject matter jurisdiction, improper venue, or lack of standing.

3. This Court shall have continuing jurisdiction to enforce this Order and the Settlement Agreement. Except with respect to the Database Claims to the extent that they are recommenced as set forth below, this Court's jurisdiction over this case, however, ends on January 11, 2015 at 12:01 a.m.

4. Except with respect to the Database Claims, the Settlement Agreement resolves the Constitutional Claims made by Plaintiffs in the Litigation. Nothing in this Order or in the Settlement Agreement shall be deemed in any way to constitute a waiver or compromise of Plaintiffs' Database Claims, which are preserved in full. Furthermore, nothing in this agreement shall in any way interfere with the Defendant's ability to claim this Court does not have jurisdiction to hear those claims or that the Plaintiffs lack standing to bring those claims.

5. Plaintiffs' Database Claims are hereby stayed and held in abeyance pending service and filing by the Defendant Secretary of the first status report. The Database Claims shall continue to be stayed and held in abeyance thereafter through the earlier of August 31, 2010 or the filing no earlier than January 15, 2010 with the Court of written notice from Plaintiffs that they wish to recommence proceedings on the Database Claims; absent an earlier written notice, Plaintiffs shall serve and file a report on August 31, 2010 concerning the status of and intentions concerning further prosecution of the Database Claims. Defendant Secretary is obligated to continue to preserve any and all relevant documents and information within her possession concerning Plaintiffs' Database Claims during the pendency of the stay. If the Plaintiffs determine they wish to prosecute any claim concerning the voter registration database, the Defendant Secretary has the right to immediately move to dismiss those claims. Plaintiffs agree

that they will not initiate any discovery on any issue concerning the voter registration database, until this Court resolves the Defendant's motion to dismiss.

6. The parties acknowledge that the Defendant Secretary's office is involved in a continuing effort, in cooperation with the Ohio Bureau of Motor Vehicles, to reexamine and refine the processes by which voter information contained in the statewide voter registration database is compared with information contained in the BMV driver's license database and the Social Security Administration database. To facilitate Plaintiffs' further assessment of the Database Claims and potential resolution of those claims, the Defendant Secretary's office shall serve and file status reports stating what steps, if any, the Defendant Secretary or others are taking to improve or change voter registration databases in Ohio. The first such status report shall be served and filed on or before December 31, 2009, with a subsequent report to be served and filed on June 30, 2010. The Plaintiffs agree that they will not present a claim for attorneys' fees for professional time accrued during the pendency of the stay of the Database Claims, provided, however, that Plaintiffs do not waive the right to seek fees for professional time that accrues during the pendency of the stay if (a) Plaintiffs exercise the option to recommence litigation on the Database Claims and (b) Plaintiffs are ultimately deemed entitled to recover attorneys' fees in connection with the Database Claims. Other than as provided under the Settlement Agreement, each Party shall bear its own costs, fees, and expenses with respect to the Settled Claims.

June __, 2009

Honorable James G. Carr
United States District Court, Chief Judge

EXHIBIT B

Exhibit B

AGREED UNDERTAKINGS

These Agreed Undertakings are made pursuant to the Settlement Agreement entered into by the Secretary of State of Ohio (“Secretary”) in connection with claims asserted against the Secretary in *League of Women Voters of Ohio, et al. v. Jennifer Brunner, et al.*, 3:05-CV-7309 (N.D. Ohio). In accordance with that Settlement Agreement, these Agreed Undertakings are binding on the Secretary of State until they expire. Under the terms of this agreement and settlement, these Agreed Undertakings expire at 12:01 a.m. on January 11, 2015. During the term of this agreement the Secretary may seek to modify any obligation described in the Agreed Undertakings only upon first demonstrating to the court good cause for the proposed modification.

I. Election Planning

A. Paper Ballots

1. In order to ensure that Ohio voters are not denied equal protection of the law nor substantive due process by virtue of having to wait an unreasonably long period of time in order to exercise the franchise on election day, in statewide general elections in November of even-numbered years and in presidential primary elections, the Ohio Secretary of State then-currently in office (“Secretary”) shall issue instructions to all county Boards of Elections (“BOEs”) for the distribution of paper ballots in the event of long lines.
2. The Secretary will consider whether a statewide maximum wait time for voters can be established and will issue a public report on the issue no later than August 30, 2009. Any determination about a maximum wait time, however, cannot be used as the basis for any claim that the lines at a precinct are unconstitutionally long or that a polling location must be kept open past its legal closing time.

B. Pre-Election Election Administration Plans

1. In order to promote efficient administration of elections on election day, thereby furthering the goal of ensuring that Ohio voters are not denied equal protection of the law nor substantive due process, for each statewide general election in November of even-numbered years the Secretary will require county BOEs to issue Election Administration Plans (“EAPs”) 120 days before the election. In addition, for each statewide presidential primary election the Secretary will require county BOEs to issue EAPs 60 days before the statewide presidential primary election. EAPs shall contain at a minimum the components addressing the following issues:
 - a. Resource Allocation
 - b. Security

- c. Election Day Communication
 - d. Materials
 - e. Election Day Contingencies
2. The Election Day communications component should address the specifics of how the BOE will communicate with the Secretary of State, the media, the public, and pollworkers, and how each of these entities will communicate with the BOE. For pollworkers, the plan should include multiple alternative contact numbers at which pollworkers may contact BOE staff and procedures for communicating alerts and updates to pollworkers.
 3. The Election Day contingencies component should address, at least, the contingencies of:
 - a. Significant shortages or failures of election equipment and
 - b. The absence or early departure of pollworkers
 4. To the extent that prior Directives/Memoranda address these planning issues, the Secretary may rely on them in setting the requirements for the contents of the plans. Examples of prior Directives/Memoranda with relevant planning requirements include:
 - a. Directive 2008-01: requiring BOEs using direct recording electronic voting machines (“DRE”) to determine the minimum number of optical scan ballots to be available in each precinct as back-up or alternative ballots and to provide secure ballot containers for voters to place their marked optical scan ballot.
 - b. Directive 2008-02: Requiring BOEs to provide information concerning estimated operating expenses and the type and quantity of equipment that the BOE plans to use in the election.
 - c. Directive 2008-25: Providing instructions to ensure security of polling places, voting equipment, supplies and/or ballots.
 - d. Directive 2008-44: Requiring verification and reporting concerning parking for disabled individuals.
 - e. Directive 2008-56: Requiring minimum security measures for BOE offices, including maintenance and storage of voting system equipment
 - f. Directive 2008-57: Providing minimum security, access, inventory control, storage and preservation requirements for ballots and election data media.
 - g. Directive 2008-64: Recommendations and guidelines regarding the acquisition and allocation of voting machinery.
 - h. Directive 2008-68: Providing requirements to ensure security of voting equipment, memory cards and/or ballots used on Election Day and to provide secure transport guidelines.
 - i. Directive 2008-65: Requiring separate lines and tables for DRE and optical scan balloting at precincts.

- j. Directive 2008-73: Providing minimum security requirements of vote tabulation servers
 - k. Directive 2008-74: Requiring boards of elections to submit security and risk mitigation plans.
 - l. Memorandum of August 8, 2008: Requesting information concerning BOE in-person absentee voting sites.
 - m. Memorandum of October 7, 2008: Requesting information regarding voter registration, absentee balloting, and in-person absentee voting.
5. The Secretary's office shall review the EAPs to determine whether the BOEs are complying with SOS election planning requirements and are adequately planning for upcoming elections.
 6. The Secretary will keep in place a means for BOEs to address questions to the Secretary and receive answers to those questions, such as the listserve currently in place. The Secretary has sole discretion in determining what method is most effective to communicate with boards of elections.

C. Post-Election Reporting

1. In order to effectively monitor the administration of elections thereby furthering the goal of ensuring that Ohio voters are not denied equal protection of the law nor substantive due process, the Secretary will issue directives to the the BOEs from Cuyahoga, Franklin, Hamilton, Montgomery, Lucas, Stark, Mahoning, and Summit Counties instructing them to submit precinct-level data after every general election and every presidential primary election consistent with the reporting requirements of the federally-funded November 2008 Election Data Collection Grant Program.
2. The Secretary will issue directives to the county BOEs instructing them to monitor and assess pollworker performance to determine whether individual pollworkers should be retrained or removed from duty on election day or, post-election day, whether the pollworker should be removed, retrained or reappointed. Such monitoring and assessment shall be based on, at a minimum, the following criteria:
 - a. Did the pollworkers self-report problems that the BOE knows occurred?
 - b. Did the pollworkers appropriately handle and process provisional ballots, including correctly providing provisional ballots?
 - c. Did pollworkers correctly complete the polling place reconciliation sheet and did the numbers reconcile?
 - d. Did the polls open and close on time?
3. The Secretary will use best efforts to monitor the adequacy of each BOE's election planning and preparedness and enforce the requirements of this agreement, Ohio law, and the Secretary's directives and memoranda through administrative oversight and/or administrative support mechanisms.

4. After every general election and every Presidential primary election, the Secretary will issue directives to the BOEs instructing them to provide post-election data regarding, at least, voter registration, ballots cast, ballots counted, provisional ballots, absentee ballots, military and overseas ballots, and voting equipment problems and malfunctions.
5. After every general election and every presidential primary election, the Secretary will issue directives to the county BOEs instructing them to certify information regarding the number of absentee, overseas and provisional ballots requested, cast, and counted, such as is set forth in Directive 2007-29.
6. The Secretary will issue directives to the county BOEs instructing them to report on annual election expenses incurred, such as is set forth in Directive 2008-23, in order to provide important information for the Secretary to use in preparing the Secretary's annual report for the Governor, and to fully understand the financial implications for prospective election administration and policy considerations.

D. Multi-Precinct Polling Locations and Oversize Precincts

In order to promote the goal of ensuring that Ohio voters are provided more uniform and efficient voting experiences throughout the state, thereby furthering the goal of ensuring that Ohio voters are not denied equal protection of the law nor substantive due process the Secretary will provide recommended Best Practices to the BOEs on a continuing basis addressing:

1. the layout and operation of multi-precinct voting locations
2. corrective actions for precincts that are in breach of the statutory precinct maximum ("oversized precincts"), including annually monitoring and sending notices to counties with oversized precincts.

E. Website & Voter Education

1. The Secretary shall use best efforts to maintain a free, public, electronically-accessible means for voters to obtain basic information about voting in Ohio consistent with the information and functionality provided to voters for the November 2008 election.
2. The Secretary will use best efforts to continue to retain a full time "Program and Outreach Coordinator" (or equivalent) whose duties include developing voter education materials.

II. Pollworkers

A. Training

1. In order to promote efficient administration of elections on election day, thereby furthering the goal of ensuring that Ohio voters are not denied equal protection of

- the law nor substantive due process, the Secretary will maintain and regularly update existing pollworker materials, manuals and online training materials. Such training and materials will substantially conform in design to the pollworker training materials and manuals provided by the Secretary to BOEs to be used for the November 2008 election.
2. The Secretary will keep in place the requirement set forth in Directive 2008-77 that each BOE must use the pollworker training materials and instructions issued by the Secretary as part of pollworker training conducted by the BOEs, but shall clarify that county pollworker training materials shall not contain information inconsistent with the Secretary's instructions and materials.
 3. The Secretary will use best efforts to promote mandatory annual pollworker training, either in person or online, with testing, before each general election, by 2010.
 4. The Secretary's required pollworker training materials as described above in paragraph II(A)(2) shall continue to include express training on:
 - a. the difference between, and proper processing of, provisional and regular paper ballots, including advising voters on whether they are in the correct precinct and
 - b. voter identification requirements under Ohio and federal law.

B. Recruitment

1. In order to promote efficient administration of elections on election day, thereby furthering the goal of ensuring that Ohio voters are not denied equal protection of the law nor substantive due process, the Secretary will use best efforts to support and encourage pollworker recruitment, including:
 - a. continuing the program, developed in cooperation with the Department of Education and Governor's Office, for outreach to graduating high school seniors, which includes voter registration information, absentee ballot information, and encouragement to become a pollworker;
 - b. promoting partnerships with businesses to permit employees to work the polls;
 - c. developing a recruitment plan targeted to colleges and universities;
 - d. developing a pollworker recruitment web page on the Secretary's website including a description of the program, sample outreach materials and other information on how to participate.
2. The Secretary shall continue to require comprehensive training of all BOE Members, Directors and Deputy Directors by the Secretary's personnel no later

than six months after their appointment, with periodic retraining following the initial training.

3. The Secretary shall continue to develop a “train the trainer” program whereby county officials are trained in how to effectively train pollworkers.

III. Provisional Ballots

In order to effectively monitor the administration of elections thereby furthering the goal of ensuring that Ohio voters are not denied equal protection of the law nor substantive due process the Secretary shall study, evaluate, and publicly report on the primary reasons why provisional ballots were not counted in the 2008 general election. The Secretary shall use best efforts to implement further measures to reduce the number of provisional ballots not counted. In conducting the study and evaluation, the Secretary shall consider data provided at the county level and, to the extent such information is available, at the precinct level.

IV. Absentee Ballots

A. In order to effectively monitor the administration of elections thereby furthering the goal of ensuring that Ohio voters are not denied equal protection of the law nor substantive due process the Secretary shall issue a directive implementing for every general election and presidential primary the procedures set forth in the Secretary’s Election Memorandum of October 7, 2008 requiring BOEs to report on absentee ballot absentee processing and the Secretary shall require that such reports be provided by the BOEs periodically in the period leading up to an election.

B. The Secretary shall study, evaluate, and publicly report on the differences (or “drop off”) between the number of absentee applications submitted and the number of absentee ballots returned. The study and evaluation shall focus on counties with drop-off rates in excess of 15%.

V. Voter Registration

In order to effectively monitor the administration of elections thereby furthering the goal of ensuring that Ohio voters are not denied equal protection of the law nor substantive due process the Secretary shall continue to direct field staff from the Secretary’s office to, on at least an annual basis, personally observe at each BOE the processing of registration applications to confirm that applications are being processed in a timely, reliable, accurate, efficient, and professional manner in accordance with all applicable laws, including Directives issued by the Secretary.

VI. Disability Access

The Secretary will continue:

1. The requirement that each BOE provide a signed certification prior to each election that each polling location comply with ORC § 3501.29(B)(1)(a), (b), (c) & (d);
2. To have a staff member whose duties include working with the BOEs to evaluate ADA compliance and working to increase handicap accessibility;
3. To have an advisory committee for voters with disabilities that will include persons with different disabilities and advocates;
4. To rigorously scrutinize requests for exemption from the requirements for §3501.29(B)(1);
5. To require that part of the job requirements for any “Field Representative” or equivalent is to provide assistance to BOEs in identifying non-compliant polling locations and assisting BOEs with ADA compliance efforts.

VII. Election Technology

In order to effectively monitor the administration of elections, thereby furthering the goal of ensuring that Ohio voters are not denied equal protection of the law nor substantive due process, the Secretary will continue:

1. To develop and adopt procedures requiring public post-election audits of all ballots cast in all general elections in even years and presidential primaries, such as those set forth in Directive 2008-39 and Directive 2008-113;
2. To develop and adopt procedures requiring that, in all general elections in even years and presidential primaries, counties utilizing DREs must offer paper ballots to voters in the event of machine problems or breakdowns, such as those set forth in Directive 2008-59 and 2008-107;
3. To develop and adopt statewide standards for Logic and Accuracy (“L&A”) testing of tabulating machines, such as those set forth in Directive 2008-89 and Directive 2008-90;
4. To develop and adopt statewide standards regarding quality of paper and method of handling for the Voter Verified Paper Audit Trail (VVPAT), such as those primarily set forth in Directive 2008-57, as well as in Directives 2008-55, 2008-56, 2008-67, 2008-85, and 2008-87;
5. To develop and adopt statewide security procedures based on specified levels of risk for components of voting systems, such as those set forth in Directives 2008-25, 2008-56, 2008-57, and 2008-73;

6. To develop and adopt statewide standards regarding the physical security of voting equipment and components and requiring BOEs to keep an accounting of all voting machines and other permanent equipment distributed to voting precincts within the county and whether any voting equipment is missing or nonfunctioning and needs replacement, such as those set forth in Directives 2008-02, 2008-25, 2008-56, 2008-57, 2008-68, 2008-72, 2008-73, 2008-74, and in Advisory 2008-20.



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DIRECTIVE 2012-14

April 20, 2012

To: ALL COUNTY BOARDS OF ELECTIONS

Re: Election Administration Plans

Summary

This Directive provides an Election Administration Plan (EAP) template for use by county boards of elections. To promote consistency in plan content and format among all eighty-eight county boards of elections, each board **MUST** use this template when drafting its plan. Additional information beyond the categories in the template is acceptable, so long as the information is provided as an addendum and not comingled with the response to the template categories.

According to the terms of the settlement agreement, **an EAP for the 2012 general election is due on July 9, 2012**. While the formal submission of an EAP satisfies the terms of the settlement agreement; the underlying exercise is one that every board of elections should already be conducting in order to properly plan for the efficient and accurate administration of any election. To this end, additional items have been added to the EAP template compared to the template provided in Directive 2011-41 in order to assist with your preparation for the November 6, 2012 general election.

Instruction

In compliance with the settlement agreement entered into in *League of Women Voters, et al. v. Brunner*, the Secretary of State's office must require each county board of elections to create an Election Administration Plan (EAP). Boards must submit their plans to the Secretary of State's office sixty days before each statewide presidential primary election and one hundred twenty days before each statewide general election in even-numbered years.

Attached to this Directive is a template each board of elections **MUST** use when drafting its EAP. Adhering to the substance and format of this template will ensure the requirements of the settlement agreement are met and counties are well prepared to execute their elections administration duties.

The 2012 presidential election EAP contains nine sections, organized as follows:

1. Precinct Election Official Recruitment, Training, and Accountability
2. Resource Allocation
3. Election Day Communication

4. Materials
5. Election Day Contingencies
6. Security
7. Voter Registration
8. Absentee Ballots
9. Master Calendar

Each board must submit this completed template as its EAP. A submission may include additional content, but must, at a minimum, include the items designated in the template. The response “not applicable” is unacceptable for any portion of the template. The EAP must be signed by the board members, director, and deputy director and submitted to the Secretary of State’s office no later than **July 9, 2012**.

In order to assist this office with the processing of public records requests, each county must submit its EAP electronically, as one file in an unrestricted .pdf format. Additionally, each county shall identify the portions of the EAP that it considers to be exempt from mandatory disclosure under Ohio’s Public Records Act, with a citation to relevant authority. Please contact your county prosecutor for further guidance on the public records issue.

Each county must send its EAP by e-mail to Keith Cunningham at KCunningham@ohiosecretaryofstate.gov.

If you have any questions concerning this directive, please contact Keith Cunningham or the Secretary of State’s elections counsel assigned to your county at 614-466-2585.

Sincerely,

A handwritten signature in black ink that reads "Jon Husted". The signature is written in a cursive, flowing style with a large initial "J".

Jon Husted

Directive 2012-14**Election Administration Plan for the *(name)* County Board of Elections
*(date submitted)*****1. Precinct Election Official Recruitment, Training, and Accountability**

1.1 Detail your plans to generate public awareness for recruitment.

Local Content.

1.2 Detail your partnerships with local organizations and public agencies for recruitment.

Local Content.

1.3 Timeframe for recruitment of precinct election officials (in addition to R.C. 3501.27).

Local Content.

1.4 Detail your contingency plan(s) in the event of an insufficient number of workers.

Local Content.

1.5 Detail your timeframe for producing materials and holding training classes (in addition to R.C. 3501.22).

Local Content.

1.5.1 Detail your approach to training (class content and materials) for the proper administration of the voter identification requirement, specifically, former address on Ohio driver licenses and state identification cards.

Local Content.

1.5.2 Detail your approach to training (class content and materials) for the proper administration of the “right precinct” voting requirement, specifically, the use of the voting location guide and providing the voter with directions to the correct precinct (see Directive 2011-33).

Local Content

1.5.3 Detail your approach to training (class content and materials) for the difference between, and the proper processing by precinct elections officials of, provisional and regular ballots (paper or DRE).

Local Content

1.6 Post-election accountability and assessment of precinct election officials.

Local Content must include, at a minimum, evaluation of performance using a) self-reporting of problems, b) correct administration of identification rules, specifically the validity of former address on Ohio driver licenses and state identification cards, c) proper appropriate handling/processing of provisional ballots, d) accurate completion of reconciliation sheets, and e) the proper opening and closing of polls.

2. Resource Allocation

2.1 Voting device (DRE and/or PCOS) allocation for voters with disability.

Local content must include, at a minimum, that the board will provide at least one voting or marking device per voting location to accommodate the needs of voters with disability pursuant to state law.

2.2 Public Meeting for consideration and adoption of voting device allocation.

Local content must include, at a minimum, that not later than 90 days prior to the 2012 general election, the board will hold a public meeting and, in noticed, public session, adopt a plan for the allocation and distribution of voting machines, marking devices, and automatic tabulating equipment for each precinct in the county.

2.2.1 Anticipated date of meeting.

Local Content.

2.2.2 Draft plan.

Local Content.

2.3 Public Meeting for consideration and adoption of paper ballot allocation.

Local content must include, at a minimum, that not later than 90 days prior to the 2012 general election, the board will hold a public meeting and, in noticed, public session, adopt a plan for the allocation, printing, and distribution of Election Day paper ballots for each precinct in the county. This requirement applies to precinct count optical scan counties as well as DRE counties subject to the backup paper ballot requirements of the League of Women Voters, et al. v Brunner settlement agreement.

2.3.1 Anticipated date of meeting.

Local Content.

2.3.2 Draft plan.

Local Content.

3. Election Day Communication (identify a “Plan A” and a “Plan B” for each)

3.1 Methods and procedures for communicating with precinct election officials.

Local Content.

3.2 Methods and procedures for communicating with the owners of buildings used for voting locations.

Local Content.

3.3 Methods and procedures for communicating with other public entities.

3.3.1 Sheriff and other local law enforcement agencies (including fire departments).

Local Content.

3.3.2 County engineer and other public service agencies of political subdivisions within the county.

Local Content.

3.3.3 Public utility agencies and/or companies.

Local Content.

3.3.4 Emergency management authority.

Local Content.

3.4 Methods and procedures for communicating with the media.

Local Content.

3.5 Methods and procedures for communicating with the Secretary of State's office.

Local Content.

3.6 Methods and procedures for communicating with the public.

Local Content.

4. Materials and Supplies

4.1 List all necessary election related materials and supplies (including, but not limited to, those materials required, or necessitated, by R.C. 3501.30, 3503.16, 3503.23, 3505.09, 3505.11, 3505.12, 3505.16, 3505.18, 3505.181, 3505.20, 3505.21, 3505.23, 3505.24, 3505.26, and 3505.30).

Local Content.

4.2 Timeline for producing elections related materials and supplies prior to election day.

Local Content.

4.3 Method and procedures for ensuring the necessary and proper distribution of election related materials and supplies.

Local Content.

4.4 Method and procedures for providing additional quantities of elections related materials and supplies on Election Day.

Local Content.

5. Election Day Contingencies

5.1 Shortages or failures of election equipment.

Local Content.

5.2 Absence or unauthorized early departure of precinct elections officials.

Local Content.

6. Security

Local Content (while some security information may be redacted when responding to a public records request, citing a security exception to Ohio's public records laws, you must provide this information to the Secretary of State's office for review).

7. Voter Registration

7.1 Detail your processes for entering voter registration data into your county voter registration database and verifying accuracy of the data entry.

Local Content.

7.2 Detail your process for notifying individuals of incomplete voter registration forms.

Local Content.

7.3 Detail your plan for ensuring that all valid registrations are entered into the county voter registration database within 20 days, if received more than 30 days before an election, including the mailing of the voter acknowledgement notice. RC 3503.19(C).

Local Content.

7.3.1 Detail your plan for ensuring that all valid registrations received by the close of registration, including registration activity in the week before the close of registration (assuming that in the week before the close of registration you will receive voter registration cards equal to 10% of the total number of registration cards your county received during calendar year 2008), are entered into the county voter registration database and the official list of registered voters is generated by October 23, 2012. RC 3503.23.

Local Content.

7.4 Detail your plan for resolving all duplicate registrations within your county voter registration database and duplicate registrations flagged by the statewide voter registration database for your county by the 14th day before the November 6, 2012 general election.

Local Content.

8. Absentee Ballots

8.1 Study and understand your county's internal efficiencies for processing by mail absentee ballots, assuming you will have to mail absentee ballots in 2012 equal to 50% of the total 2008 general election turnout in your county, then detail your plans for processing by mail absentee ballot assuming this volume. For this section, the objective is for you to understand, through a careful review of your operations and a time study if needed, how long and what resources (people, space, tools, etc) are needed to perform the task and then the process by which the task will be completed.

- 8.1.1 Detail the amount of time it will take you and the resources you will need to process incoming by mail absentee ballot requests (obtaining and securing mail from USPS, extracting application from an envelope, entering/verifying data in your VR system, producing an identification envelope, pulling the ballot, and addressing/stuffing the carrier envelope).
Local Content.
- 8.1.2 Applying the efficiencies described in 8.1.1, detail your plan for processing incoming by mail absentee ballot requests (obtaining and securing mail from USPS, extracting application from an envelope, entering/verifying data in your VR system, producing an identification envelope, pulling the ballot, and addressing/stuffing the carrier envelope).
Local Content.
- 8.1.3 Detail the amount of time it will take you and the resources you will need to process returned, voted by mail absentee ballots (obtaining and securing mail from USPS, extracting identification envelope, entering/verifying data in your VR system, extracting ballot, detaching stub from ballot, preparing ballots for scanning).
Local Content.
- 8.1.4 Applying the efficiencies described in 8.1.3 above, detail your plan for processing returned, voted by mail absentee ballots (obtaining and securing mail from USPS, extracting identification envelope, entering/verifying data in your VR system, extracting ballot, detaching stub from ballot, preparing ballots for scanning).
Local Content.
- 8.1.5 Detail the amount of time it will take you and the resources you will need to scan all valid, voted absentee ballots received by 7:30 p.m. on November 6, 2012 (scanning must be completed by 7:30 p.m. on Election Day and cannot begin earlier than October 27, 2012).
Local Content.
- 8.1.6 Applying the efficiencies described in 8.1.5 above, detail your plan for scanning all valid, voted absentee ballots received on November 6, 2012 (scanning cannot begin earlier than October 27, 2012).
Local Content.
- 8.2 What is the estimated cost to mail outbound absentee ballots, assuming that you will have to mail absentee ballots in 2012 equal to 50% of the total 2008 general election turnout in your county and that the number of ballot pages (on average) is equal to the number of ballot pages used in 2008.
Local Content.

8.3 Detail your plan for notifying voters of incomplete by mail absentee ballot applications (R.C. 3509.04 and 3511.04).

Local Content.

8.4 Detail your plan for conducting in person absentee voting, including the location, days, and hours of operation.

Local Content

8.5 Detail your plan for producing, receiving, and storing printed absentee ballots, assuming that you will have by mail absentee ballots in 2012 equal to 50% of the total 2008 general election turnout in your county.

8.5.1 Determining the quantity, selecting a vendor, determining the date of delivery, and placing an order for printed absentee ballots.

Local Content.

8.5.2 Determining the quantity, selecting a vendor, determining the date of delivery, and placing an order for absentee ballots supplies (carrier envelopes, identification envelopes, reply carrier envelopes, instruction sheets, etc).

Local Content.

8.5.3 Determining the quantity, selecting a vendor, determining the date of delivery, and placing an order for ballot on demand supplies, if applicable (ballot stock, sequential numbering process, toner cartridges, fuser kits, etc).

Local Content.

8.6 Detail your plan for creating two election notices for each precinct for use with the Federal Write-In Absentee Ballot (FWAB) (R.C. 3511.16).

8.6.1 Initial Notice 100 days before November 6, 2012 general election (a list of all federal, state, and local offices the board expects to be on the ballot, a list of all questions and issues the board expects to be on the ballot, and specific instructions on how a UOCAVA voter must indicate his or her choice on the FWAB).

Local Content

8.6.2 Updated Notice 45 days before November 6, 2012 general election (a list of candidates certified to each office on the ballot, and a list of all certified questions and issues on the ballot).

Local Content

8.7 Detail your plan for meeting the federal mandate of 45-day issuance (by USPS, e-mail, or facsimile as requested by voter) of UOCAVA ballots.

Local Content.

8.8 Detail your plan for the orderly and secure storage of voted (and voted but invalid and unopened) absentee ballots assuming that you will have by mail absentee ballots in 2012 equal to 50% of the total 2008 general election turnout in your county and that the number of ballot pages (on average) is equal to the number of ballot pages used in 2008.
Local Content.

9. Master Calendar

Attach a local “elections calendar” that begins on July 29, 2012 (100th day before the election) and ends with the completion of post-election activities (official canvass, recounts, and audit) of the November 6, 2012 general election. The timeline must detail every local task that must be accomplished between these dates, and the start and end date of each task. It is not acceptable to simply attach a copy of the state’s published elections calendar.