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**Via Electronic Mail**

December 22, 2017

Mark E. Munroe, Chairman  
David J. Betras, Member  
Robert J. Wasko, Member  
Tracey S. Monroe-Winbush, Member  
Mahoning County Board of Elections  
345 Oak Hill Avenue  
Renaissance Building – Entrance A, Suite 101  
Youngstown, Ohio 44502

Re: Formal Internal Review of the November 7, 2017 General Election

Dear Chairman Munroe, and Board Members Betras, Wasko, and Monroe-Winbush:

I have reviewed the draft report the board submitted in response to my letter dated November 15, 2017 about the irregularities in the scanning and reporting of election results during the unofficial canvass of the November 7, 2017 General Election.<sup>1</sup> The report details shortcomings in two important areas of election administration—the handling and scanning of ballots upon the close of polls and communication among staff, board members, and the public. In light of these shortcomings, this letter highlights areas of concern and directs actions the board must take to improve the administration of its elections. The board must adopt policies that will ensure a corrective action plan and submit a final report, adopted in an open meeting of the board, to my office no later than January 31, 2018.

**Processing Ballots on Election Night**

The board’s explanation focuses on its scanning of approximately 18 “curbside” ballots cast by voters who were physically unable to enter the polling location. According to the report, Deputy Director McCabe scanned the 18 ballots cast on Election Day on a scanner which he believed to have been “zeroed out,” meaning that the tabulated results of previously scanned ballots had been removed from the scanner and the scanner reset to zero. However, the scanner had not been cleared and still contained 6,179 tabulated ballots. That mistake led to double-counting thousands of ballots.

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<sup>1</sup> <http://www.vindy.com/news/2017/nov/12/vote-count-blunder-infers-mahoning-coun/?mobile> and <http://www.vindy.com/news/2017/nov/08/error-leads-incorrect-mahoning-county-election-res>.

In order to ensure that this mistake does not happen in the future, the board must adopt a detailed policy that outlines a clear procedure for scanning and tabulating ballots. At a minimum, the policy must incorporate:

1. The names of the designated bipartisan staff persons who are responsible for scanning ballots and processing/tabulating election results and the names of the individuals authorized to be in the room(s) where ballots are scanned, processed, or tabulated. All such staff must be familiar with the policy and be properly trained to perform the tasks involved with scanning ballots and tabulating results.
2. The method by which ballots are separated and tabulated by type within separate reporting groups (e.g., ballots cast at the polls, absentee ballots, provisional ballots, etc.) to help ensure ballots cast at the polls are not reported as absentee results.
3. A scheduled time, to occur prior to the next upcoming election, at which the vendor of the election management system provides on-site training for the proper method of tabulating results (it may be best for this occur in association with the logic and accuracy testing to occur prior to the next upcoming election). All staff involved in the tabulation process should be present at the training and should outline from that meeting any additional instructions that may be incorporated into the plan for scanning and tabulating ballots.
4. A checklist that provides the detailed steps to properly and accurately process, scan, and tabulate ballots and report results. The checklist should specify which scanner or central count tabulator is used for the processing of each ballot type (e.g., a specific scanner for the processing of ballots cast but not scanned on Election Day, a scanner used only for the reporting of absentee results, etc.), how the media containing the election results will be processed in the tabulation system, and what steps are taken to analyze the unofficial results prior to release.

### **Communication among Staff, Board Members, Media, and the Public**

The board's report identifies a breakdown in communication on several fronts. First, it appears as though board staff never communicated the accidental double-upload of tabulated ballots to the board members, whose Election Day open meeting was still in session.<sup>2</sup> The board of elections is responsible for certifying accurate election results and staff must continually update board members on the progress of the unofficial canvass. As soon as staff became aware of the upload error, they should have notified the board members of the problem and the steps taken to correct the error.

There was also a clear breakdown in the communication of the upload error and how it affected the unofficial results to the media and members of the public. The board's report details as many as five different methods by which it provides election result updates to the media and the public during the unofficial canvass on election night: paper copies distributed to those waiting outside

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<sup>2</sup> R.C. 3505.30 "...The board shall remain in session from the time of the opening of the polls, continuously, until the results of the election are received from every precinct in the county and such results are communicated to the secretary of state."

the tabulation room, a large screen in the hallway of the board office, the board's website, the board's mobile application, and the uploading of results to the Secretary of State's County Submission System for Election Night Reporting. If the board intends to manage these different methods of communication, it must ensure that updates are being presented accurately through each method.

The board must adopt an election night communication policy. The policy must designate a staff person(s) responsible for communicating necessary updates to board members and a staff person responsible for updating each of the boards chosen outlets of communication. In developing this policy, the board might consider streamlining the number of methods it manages for reporting election results to reduce the potential for error or neglect.

The board must discuss and adopt these policies in an open meeting and afterwards provide my office with a final report that includes details of the policies **no later than January 31, 2018**. If you have any questions, please contact Carrie Kuruc, Senior Elections Counsel at (614) 466-2585.

Sincerely,

  
Jon Husted