



Ohio Revised Code

Section 3505.331 Audit of election results.

Effective: January 24, 2020

Legislation: Senate Bill 52 - 133rd General Assembly

(A) After declaring the official results of a general election or of a primary election held in an even-numbered year, as described in section 3505.33 of the Revised Code, the board of elections shall audit those results in accordance with this section. Except as otherwise provided in this division, the board shall begin the audit not earlier than six days after it declares the official results and shall complete the audit not later than the twenty-first day after it declares the official results. If the board conducts a recount, the board shall begin the audit immediately after the board certifies the results of the recount and shall complete the audit not later than the fourteenth day after it certifies the results of the recount.

(B) The board shall conduct the audit in accordance with procedures prescribed by the secretary of state, which shall include all of the following:

(1)(a) Except as otherwise provided in division (B)(1)(b) of this section, a requirement that the board audit not less than three contested races, questions, or issues, as directed by the secretary of state. If fewer than three contested races, questions, or issues appear on the ballot at the election, then the board shall audit every contested race, question, and issue. In any election, every contested race, question, or issue shall be eligible to be audited.

(b) If the board ordered a countywide recount of the results of a race, question, or issue under section 3515.011 of the Revised Code, the recount shall be considered an audit for purposes of meeting the requirement that the board audit not less than three contested races, questions, or issues.

(2) A requirement that every ballot that was included in the canvass of the election returns be eligible to be audited, including regular ballots cast on the day of the election, absent voter's ballots, and provisional ballots.

(3) Either a provision allowing the board to choose one of the following protocols to use in conducting the audit or a provision requiring the board to use a protocol selected by the secretary of



state from the following protocols in conducting the audit:

(a) A risk-limiting audit protocol, which shall use statistical methods to limit to acceptable levels the risk of certifying an incorrect outcome for a particular race, question, or issue. The protocol shall require bipartisan teams of election officials to physically examine and hand count randomly sampled ballots and to continue the hand counting until the results of the hand count provide sufficiently strong evidence that a hand count of all of the ballots would confirm the election result declared under section 3505.33 of the Revised Code or until all of the ballots have been hand counted, whichever occurs first.

(b)(i) A percentage-based audit protocol, which shall require bipartisan teams of election officials to physically examine and hand count a number of randomly sampled ballots equal to a given percentage of the total number of ballots cast in the county at that election, as prescribed by the secretary of state. After the election officials complete the initial audit, the board shall calculate, as a percentage, the accuracy rate of each audited race, question, or issue by dividing the sum of any discrepancies for the race, question, or issue discovered during the audit by the total number of ballots audited for the race, question, or issue and subtracting the resulting number from one.

(ii) If the accuracy rate for an audited race, question, or issue is less than the acceptable accuracy rate prescribed by the secretary of state, the board shall escalate the audit of that race, question, or issue by requiring bipartisan teams of election officials to physically examine and hand count a second set of randomly sampled ballots equal to a given percentage of the total number of ballots cast in the county at that election, as prescribed by the secretary of state. The second set of ballots shall not include any ballots that were included in the first set of audited ballots. After the election officials have counted the second set of ballots, the board shall calculate the combined accuracy rate for both audited sets of ballots for that race, question, or issue.

(c) Another audit protocol approved by the secretary of state.

(C) The board shall give public notice of the times and places for preparing for and conducting the audit in accordance with section 121.22 of the Revised Code. At all times while the board prepares for and conducts the audit, the board shall permit observers appointed under section 3505.21 of the Revised Code.



No person other than a member of the board or a designated employee of the board shall be permitted to handle a ballot.

(D)(1) Not later than five days after completing the audit, the board shall certify the results of the audit to the secretary of state in the form and by the method prescribed by the secretary of state. The secretary of state shall make the results of the audit available to the public on the secretary of state's official web site.

(2) If the board conducted a percentage-based audit and was required to escalate the audit of a race, question, or issue under division (B)(3)(b)(ii) of this section, and the combined accuracy rate for that race, question, or issue is less than the acceptable combined accuracy rate prescribed by the secretary of state, the secretary of state may require the board to order bipartisan teams of election officials to physically examine and hand count all ballots cast for that race, question, or issue. The requirements of division (C) of this section apply to any full hand count conducted under this division.

(3) If the results of the completed audit or the results of any full hand count ordered under division (D)(2) of this section indicate that the canvass or the previously declared official election results must be amended, the board promptly shall amend the canvass or issue an amended declaration of the official results, as applicable.

(E) The secretary of state shall, in accordance with directives issued by the secretary of state, reimburse boards of elections for costs incurred to conduct an audit under this section.

(F) As used in this section:

(1) "Ballot" means either a paper ballot or the relevant entry on a voter verified paper audit trail.

(2) "Voter verified paper audit trail" has the same meaning as in section 3506.01 of the Revised Code.