Frank LaRose
Ohio Secretary of State

Via Electronic Mail

November 6, 2026

Lucas County Board of Elections
Attn: Board Members, Director, and Deputy Director

3737 W Sylvania Avenue
Suite 121
Toledo, OH 43623

Re: Level Three Oversight Placement: Lucas County Board of Elections

Dear Board Members, Director, and Deputy Director:

The purpose of this letter is to notify the Lucas County Board of Elections and its personnel of the Secretary of State's decision to place the board under **Level 3 of the oversight process** – **Administrative Oversight**. The decision stems from significant absentee ballot processing and Election Night Reporting difficulties during the November 3, 2026, General Election, as detailed in this letter.

OVERSIGHT PROCESS

The board of elections oversight process is designed to identify the actions that led to these errors and establish a remedial plan to prevent them from recurring. I encourage you to view this as a constructive, collaborative effort to reassure the voters of Lucas County that effective election administration remains essential to our core mission. The assignment of oversight status will remain in effect for an indefinite period of time while we work with you to evaluate and remedy the issues that require correction.

Administrative Oversight, or Level 3, is the highest level of remediation, involving direct administrative action, mandatory compliance steps, and close supervision to address persistent or significant issues. Based on the board's cooperation under Level 3, you could be removed from the oversight program at the completion of the required improvement plan, or you could be moved to another level of remediation.

The team from our office assigned to assist you during the oversight process will evaluate the board's improvement after completion of the intervention plan and recommend to the Secretary of State any appropriate change in status.

BACKGROUND

During the November 3, 2026, General Election, the Lucas County Board of Elections experienced significant difficulties processing absentee ballots, resulting in substantial delays in the tabulation and reporting of election results. The following issues require immediate examination:

1. **Ballot Scanning Failures**

   The board experienced significant difficulties scanning absentee ballots, which delayed the reporting of election night results. Preliminary information indicates that off brand or lower quality ink was used to print ballots, which may have affected the ability of scanners to properly read certain ballots. Affected ballots required additional handling and review by bipartisan teams, contributing to substantial processing delays.

2. **Election Night Readiness**

   While the board was aware of the processing issue with absentee ballots prior to Election Day, it lacked adequate staff, equipment capacity, ballot-processing workflows, and contingency procedures to address the anticipated absentee ballot volume without delaying Election Night Reporting.

   These operational deficiencies were further compounded by the board's inability to establish and communicate an accurate timeline for completing absentee ballot processing and reporting. During a phone call with Director LaVera Scott shortly after 10:00 p.m., the board indicated to the Secretary of State's office that it expected to upload absentee results within approximately one hour. However, subsequent reports to the Secretary of State's office indicated that additional absentee ballots had been identified and still required scanning and adjudication before results could be reported. Board members were asked to obtain and provide an estimated timeline for completing these processes and were initially instructed to report back within 20 minutes. Despite these instructions, board

members were unable to obtain a clear and consistent response from board staff and never provided the Secretary of State's office with an updated reporting timeline. The board ultimately uploaded and verified its absentee results at 1:43 a.m., nearly four hours after the initial conversation. The board's inability to accurately assess its outstanding ballot-processing workload, establish a reliable reporting timeline, and communicate timely updates raises serious concerns regarding its election night preparedness.

3. **Testing and Quality Control**

Proper and thorough logic and accuracy (L&A) testing would have identified the absentee ballot processing issue and allowed boards time to correct the issue prior to the election.

The high failure rate of absentee ballots during scanning was not reported to the Secretary of State's office until election night, despite the issue being evident when the first batch of absentee ballots was processed weeks earlier. Board staff should have immediately notified the Secretary's regional liaison or the Elections Division of the scanning failures and the resulting need for additional ballot review. However, no such notification was made until election evening. Had the issue been promptly reported, the Secretary of State's office could have worked with the board to develop and implement mitigation measures well in advance of Election Day, reducing delays and streamlining Election Night Reporting.

4. **Failure to Understand Established Election Night Reporting Requirements**

During election night, board members and staff indicated that they were unaware of the requirement to report absentee ballot results before proceeding with other Election Night Reporting. This is particularly concerning because the requirement reflects a longstanding election administration process, is specifically reinforced during pre-election mock elections, and was previously addressed in the Secretary of State's December 13, 2024, After Action Review letter to Lucas County. In that letter, the Secretary of State's office identified absentee ballot-processing and canvass deficiencies from the November 5, 2024, General Election. That letter described incorrectly entered late-arriving absentee ballots, ballots received by the 7:30 p.m. Election Day deadline that were omitted from

unofficial results, and remade ballots held until the Official Canvass even though they should have been included in unofficial results. The apparent lack of awareness of these established requirements, despite prior corrective guidance and repeated opportunities for training and testing, raises serious concerns about the effectiveness of the board's internal communications, staff training, management oversight, and implementation of corrective measures.

The board's election night reporting process further demonstrated deficiencies in operational readiness, data verification, and quality control. At approximately 2:35 a.m., the board uploaded its precinct results and confirmed to the Secretary of State's office that the submission represented its final election night data. However, the board subsequently discovered that three media drives had been omitted from the upload, resulting in incomplete election results. This oversight required intervention by the Secretary of State's office to override the previously submitted data and allow the board to upload corrected results at approximately 2:50 a.m. The board's failure to identify the missing media drives before confirming its upload as final raises concerns regarding its election night reconciliation procedures, internal controls, and ability to ensure accurate and complete election results reporting.

The board must identify the steps it will take to ensure that all board members and personnel are adequately trained and prepared to fulfill their election night responsibilities. The current review must determine whether the board implemented and maintained the corrective measures requested in 2024 and identify what additional corrective actions are needed.

5. Accountability and Leadership Response

Equally concerning is the response to these failures, which has reflected a defensive posture rather than a commitment to accountability and continuous improvement. Rather than acknowledging operational shortcomings, public statements from board personnel have characterized the board's performance as exemplary, attributed delays to external circumstances, and shifted blame elsewhere. While the board faced legitimate challenges on Election Day, those circumstances do not excuse failures in planning, communication or adherence to established procedures. The board needs to identify deficiencies and ensure

meaningful corrective action. That process requires board leadership to acknowledge shortcomings rather than defend them.

CORRECTIVE ACTION

At a minimum, to prevent the identified issues from recurring, the board must immediately take the following steps:

1. Review Chapter 10 of the Election Official Manual and develop a set of standard operating procedures (SOP) for processing absentee ballots and ensuring timely reporting of absentee results in accordance with the guidance and directives of the Secretary of State.
2. Timeline and Underlying Cause of Issue: Submit a detailed timeline identifying when scanning issues were discovered and how they were reported, actions taken to address them, decisions made by board leadership, and when the decision was made to notify the Secretary of State's office. The board must explain how it selected the ink, whether the ink met applicable specifications, and whether the procurement method contributed to this deficiency.
3. Operational Readiness: Evaluate and provide an assessment of bipartisan staffing levels and assignments, equipment capacity, L&A testing, absentee ballot processing, ballot adjudication and remake procedures, and contingency plans to ensure the board has adequate bipartisan personnel and resources to manage anticipated election volumes without unnecessary delays and to ensure timely reporting of election night results. The board must document whether L&A test ballots produced using the same ink, paper, and production methods were tested on the tabulation equipment, what the tests showed, and why any problems were not detected or corrected before Election Day. The board must also explain why these issues were not promptly reported to the Secretary of State's office, including when the board first became aware of the problems.
4. Corrective-Action Plan: Submit a comprehensive written corrective-action plan addressing identified deficiencies, including specific preventive measures, responsible personnel, implementation timelines, required Election Administration Plan updates, and staff training.

ADMINISTRATIVE OVERSIGHT

The Administrative Oversight process allows us to establish a remedial plan that ensures optimal performance in all aspects of election administration. Working together, I am confident we can place the Lucas County Board of Elections on a path to becoming one of the top-performing boards in Ohio, boosting voter confidence and serving as an example for other boards to follow. The board must engage in the following activities during the Administrative Oversight process:

1. Prior to the Official Canvass, our Elections Division staff will hold an introductory oversight meeting with the Lucas County Board of Elections. The goal of this meeting will be to explain the administrative oversight process, gather initial information from the board, and establish a weekly recurring meeting schedule.

2. During the weekly meetings, attendance is required by the director and deputy director, both of whom are expected to participate in the calls, along with two board members, one from each of the two major political parties. The board members must rotate their participation so that each member can attend the meetings without forming a quorum of the board. Other board staff shall attend the meeting as needed.

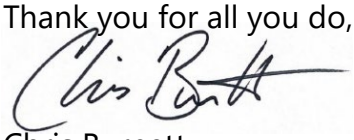
3. In addition to these weekly meetings, two Secretary of State election administrators and the regional liaison will organize an on-site visit to the county, followed by visits at least every six months for as long as the county remains under oversight.

4. Elections Division staff will assist in creating written policies and procedures to govern the board's operations as they pertain to absentee ballot creation, testing, and processing.

5. Finally, the board must, in a bipartisan manner, perform written performance evaluations of the director and deputy director. The evaluations must be objective and signed by at least three board members. The director and deputy director must conduct written performance evaluations for all full-time employees of the board and provide a report to board members detailing those evaluations. The first set of evaluation reports are due to the Secretary of State's office by December 11, 2026.

I am grateful for your service, and I know you share a desire to uphold only the highest standard of election administration. To that end, we will partner together during the Administrative Oversight process to evaluate the performance of the Lucas County Board of Elections, establish a substantive plan for operational and administrative improvement, and restore performance to the level of excellence Ohioans expect and deserve. Thank you in advance for your cooperation.

Thank you for all you do,



Chris Burnett
Director of Elections
Office of the Ohio Secretary of State