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DIRECTIVE NO. 2007-06

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To: All County Boards of Elections Members, Directors and Deputy Directors

**Re: Voter Identification Requirements; Absentee Voting Requirements;
Provisional Voting Requirements; and Verification of Parking at Polling
Places for Persons with Disabilities (Handicapped Parking)**

As previously advised in Adv. 2006-05, Amended Substitute House Bill No. 3 ("H.B. 3") was signed by the Governor and filed with the Secretary of State on January 31, 2006. The act made numerous changes to Ohio Election Law (Title XXXV) and to other election-related statutes throughout the Revised Code. These changes modified and/or created provisions that govern election administration and procedures, and many of these changes resulted in significant confusion and litigation during the primary and general election cycles of 2006.

In November 2006 federal district court Judge Algenon Marbley issued several court orders in litigation about the new voter identification requirements that were used in the 2006 general election. Judge Marbley's orders, by their own terms, applied only to the 2006 general election. That court matter is still pending, and our office has attempted to wait for a final outcome in that litigation before issuing this directive. However, in light of the required mailing of absentee ballots this week, we are providing this directive for guidance in conducting the 2007 primary and special elections to be held on May 8, 2007. This directive shall remain in effect beyond the May 8, 2007 election unless and until modified by further court order, legislation or a subsequent directive issued by the Secretary of State.

While our office realizes that as the court matter progresses, some of the requirements and instructions in this Directive may be subject to change, we will work to prevent any such changes until after the 2007 primary election cycle to promote consistency in the instruction of election and polling place officials and uniformity of procedures affecting voting rights throughout the state for the May 2007 primary election.

This directive addresses the most pressing aspects of four (4) main issues:

- 1) Voter Identification Requirements;
- 2) Absentee Voting Requirements;
- 3) Provisional Voting Requirements; and
- 4) Verification of Parking at Polling Places for Persons with Disabilities (Handicapped Parking).

All boards of elections shall immediately implement the instructions provided in this Directive. Further, all boards of elections shall incorporate the contents of this directive as part of their poll worker training materials and sessions for future elections. For future elections, all boards of elections shall provide a copy of this Directive to each Presiding Judge with instructions to:

- 1) Implement this directive; and
- 2) Educate the poll workers working in that judge's precinct as to its contents and application.

Please note that this directive does not address every issue relating to the main topics mentioned above. This directive is not intended to be exhaustive. If you need assistance in interpreting or applying this directive, please contact your assigned Elections Counsel in the Secretary of State's office at 614-466-2585.

D) VOTER IDENTIFICATION REQUIREMENTS

A. Identification required for voting regular ballots at polling places on election day

Anyone who has the qualifications to vote in Ohio, is eligible to vote in the election, and is currently registered to vote in the county in which he or she seeks to vote may vote a regular ballot on election day at the voter's designated precinct polling location. R.C. Chapter 3503.

R.C. 3505.18 now requires each elector, upon appearing at the polling place to vote, to announce his or her full name and current address and *provide proof of the elector's identity*. The forms of identification that may be used by a voter who appears at a polling place to vote on election day include:

1. his or her current and valid Ohio driver's license; or
2. his or her photo identification card issued by the State of Ohio or the United States government; or
3. his or her military identification showing the voter's name and current address (note, most military IDs do not include an address; or
4. an original or copy of a utility bill; or
5. an original or copy of a bank statement; or
6. an original or copy of a paycheck; or
7. an original or copy of a government check; or
8. an original or copy of another government document.

Please see the definitions section of this Directive on page 3 for more information about each type of identification.

Special Note: During the 2006 General Election cycle many boards of election used a flow chart of unknown origin to apply the identification requirements of H.B. 3. That flow chart is out of date, and inaccurate, and all boards of election are hereby instructed to refrain from using that flow chart effective immediately. This office is currently developing a new Voter Identification Quick Reference Guide for use in future elections. The new guide will be available shortly.

If an elector appearing on election day to vote in person does not have or fails or refuses to provide any of the acceptable forms of proof of identity outlined above, that elector may cast a provisional ballot under R.C. 3505.181. A discussion of instructions for provisional voting appears on page 9 of this Directive.

B. Identification required for absentee and early voting

Any qualified Ohio elector whose current voting residence is at the address appearing in the records of the board of elections may request an absent voter's ballot without stating a reason. A voter may return a voted absent voter's ballot either by mailing it to his or her local board of elections, or by delivering it to the board of elections in person either during the absentee voting period before election day (commonly referred to as early voting) or on election day.

Note, for absentee voting, the legislature has required that ID be provided for *both* the application for the absent voter's ballot and with the return of the absent voter's ballot. **A voter is not required to provide the same type of required ID for both, as long as the ID required for both is one of the acceptable forms of identification.** The forms of identification that may be used by an absentee voter, *in addition to the required information for an absent voter's ballot*, include:

1. **his or her Ohio driver's license number or number from his or her photo identification issued by the State of Ohio; or**
2. **the last four digits of his or her social security number; or**
3. **a copy of his or her current and valid Ohio driver's license; or**
4. **a copy of his or her photo identification card issued by the State of Ohio or the United States government; or**
5. **a copy of his or her a military identification showing the voter's name and current address (note, most military IDs do not include an address); or**
6. **an original or copy of a utility bill; or**
7. **an original or copy of a bank statement; or**
8. **an original or copy of a paycheck; or**
9. **an original or copy of a government check; or**
10. **an original or copy of another government document.**

When an elector or voter who desires to vote absentee (or by early voting) provides the information contained in numbers 1 or 2 above, they are not required to provide any of the documentation described in numbers 3 through 10 above.

Please see the definitions section of this Directive below for more information about each type of identification.

C. **Definitions for Terms relating to Voter Identification**

1. **“Current”**

“Current” means the document was issued on a date within one year immediately preceding the election day on which the form of identification was presented to permit the elector to vote, or has on it an expiration date which has not passed as of the date of the election in which the voter seeks to vote. In the case of an absent voter’s ballot, “current” means the document was issued within one year immediately preceding the date on which the elector mailed or presented in person his or her request for an absent voter’s ballot, or has on it an expiration date which has not passed as of the date the elector mailed or presented in person his or her request for an absent voter’s ballot.

2. **“Conform”**

- a) For the purposes of verifying the identity of the voter by **name**, “conform” means that the document shall contain the same last name and the same first name or derivative of the first name as the first name appearing in the poll list or signature poll book. When a middle name or initial can be matched, the election official or poll worker should also verify these.
- b) For the purposes of verifying the identity of the voter by **address**, “conform” does not mean an exact match, but rather, the form of the address can reasonably be determined to match the address appearing in the poll list or signature poll book.

3. **“Photo identification”**

R.C. 3501.01(AA) defines “photo identification” and requires ALL of the following:

- a) The photo identification has been issued by either the government of the **United States or the State of Ohio**. (Drivers’ licenses and photo ID cards from other states or countries are not acceptable forms of identification.)
- b) The photo identification shows a **photograph** of the individual to whom it was issued, and the photograph appears to be the person who has presented the photo ID.
- c) The photo identification includes an **expiration date that has not passed**.
- d) The photo identification shows the **name of the individual** to whom it was issued, which shall conform to the name in the poll list or signature poll book for the person presenting the photo ID.
- e) The photo identification shows the **current address** of the individual to whom it was issued, which shall conform to the

address in the poll list or signature poll book. **There is one exception, however. No voter shall be denied a regular ballot solely because his or her Ohio driver's license or ID card does not provide his or her current address or the address on his or her Ohio driver's license or ID card does not match that in the poll list or signature poll book.** (Note, in this case, the poll worker accepts the photo ID to allow the individual to vote but must record the last 4 digits of the driver's license or state ID number.)

Please note that there are two numbers on an Ohio driver's license. The **required** number is the number located on the **left hand side** of the ID under the phrase "LICENSE NO." This is the number for which the last 4 digits must be recorded if the address on the photo ID is not current.

If an absentee voter provides the number above his or her picture and not the driver's license number, the voter must be contacted, within two business days of receiving the application or voted ballot, by the board by telephone or in writing of such error and permitted to appear in person at the office of the board to provide the correct information. In the case of a returned absent voter's ballot, the voter shall have until the tenth day after the election to provide this information to enable his or her ballot to be counted.

4. **Military ID**

If a voter can provide a **military photo ID** showing both his or her name and current address, the ID shall be accepted. However, this office understands that **few, if any, military photo IDs contain the ID holder's address.** Absent clarification from the General Assembly, military photo IDs lacking an address cannot be accepted. All boards of election are requested to encourage voters attempting to vote using military photo IDs without the holder's address to use one of the other acceptable forms of ID instead, such as an Ohio driver's license or state issued photo ID, a bank statement, utility bill, government check, paycheck, or other government document.

5. **Utility Bill**

A "utility bill" includes, but is not limited to, water, sewer, electric, natural gas, heating oil, cable or satellite television, internet, telephone, and cellular-telephone service. A "bill" is a statement of fees owed for such services. The utility bill presented for the purposes of identification must show that it was issued to the voter who has presented it. The utility bill must show the voter's name and current address, which must conform to the voter's name and address in the record of the board of elections, including the poll list or signature poll book and must be a current statement as defined in this Directive.

6. Bank Statement

A “bank statement” includes, but is not limited to, a statement from any financial or brokerage institution that bears the name and current address of the voter presenting it for identification. The name and address of the voter that appears on the bank statement must conform to the voter’s name and address in the record of the board of elections, including the poll list or signature poll book and must be a current statement as defined in this Directive.

7. Paycheck

A “paycheck” includes but is not limited to, a paycheck, check stub or receipt provided for direct deposit of wages or earnings from any public or private employer and that bears the name and current address of the voter presenting it for identification. The name and address of the voter that appears on the paycheck must conform to the voter’s name and address in the record of the board of elections, including the poll list or signature poll book and must be current as defined in this Directive.

8. Government Check

A “government check” includes but is not limited to, a paycheck, check stub or receipt provided for direct deposit of funds issued by any political subdivision of this state, including the State of Ohio, or any political subdivision of or by another state or by the United States government that bears the name and current address of the voter presenting it for identification. The name and address of the voter that appears on the government check must conform to the voter’s name and address in the record of the board of elections, including the poll list or signature poll book and must be current as defined in this Directive.

9. Other Government Document

“Other government document” includes but is not limited, to a document that is issued by a government office and that bears the name and current address of the voter presenting it for identification. The name and address of the voter that appears on the government document must conform to the voter’s name and address in the record of the board of elections, including the poll list or signature poll book and must be current as defined in this Directive. “Government office” includes any local (including county, city, township, and village governments), state, or federal (United States) government office, branch, agency, department, division, or other similar component, including a board, commission, public college or university or public community college, whether or not in Ohio. By way of example this may include but is not limited to, letters; bills for taxes and other similar obligations; hunting, fishing, and marine equipment operator’s licenses; license renewal

notices and other notices; filing receipts; court papers; grade reports; transcripts; etc.

However, please note that R.C. 3505.18(A) does explicitly provide that an elector *cannot* use as proof of identity a notice that a board of elections mailed to that voter under R.C. 3501.19 or 3503.19.

II. ABSENTEE VOTING REQUIREMENTS

Any qualified Ohio elector whose current voting residence is at the address appearing in the records of the board of elections may request an absent voter's ballot **without stating a reason**. An absent voter's ballot may be voted by a ballot mailed to the elector or by a ballot cast in person at the board of elections (also referred to as "early voting") before election day.

A. STEP 1: Applying for Absent voter's ballot

An elector desiring to vote an absent voter's ballot either by mail or in person at a board of elections must request an absent voter's ballot by completing an application as described in R.C. 3509.03. This statute requires that a voter must complete the application and submit it to the board of elections for the county in which he or she resides, either in person or by mail. There is no required form for an absent voter's ballot application; a voter's request is sufficient if contains ALL of the following:

1. The elector's name;
2. The elector's signature;
3. The address at which the elector is registered to vote;
4. The elector's date of birth;
5. One of the following:
 - a) The elector's driver's license number; *or*
 - b) The last four digits of the elector's social security number; *or*
 - c) A copy of any other acceptable form of identification as described in section I B of this Directive.
6. A statement identifying the election for which absent voter's ballots are requested;
7. A statement that the person requesting the ballots is a qualified elector;
8. If the request is for primary election ballots, the elector's party affiliation; and
9. If the elector desires ballots to be mailed to the elector, the address to which those ballots shall be mailed.

Note that section II A 5 of this Directive provides that to apply for an absent voter's ballot *no elector is required to provide a photo ID or any other form of ID that may be required of a voter at the polls on election day to vote a regular ballot*. However, a voter may choose to

use any of the identifying information provided in section II A 5 of this Directive.

B. STEP 2: Voting an Absent Voter's Ballot

Once an elector has requested an absent voter's ballot by application, whether in person or by mail, the sufficiency of that application must be determined at the board of elections.

If the application is legally insufficient, the board of elections must, pursuant to established board policy, notify the elector and inform the elector what information must be provided in order to complete the application.

Once an application is complete, the director must provide the voter, either in person, or by special delivery mail, air mail, or regular mail, postage prepaid, a proper absent voter's ballot. All voters must then properly complete the identification envelope and ballot and return them to the board of elections by the relevant deadline. For most voters the deadline is the close of the polls on the day of an election.

Please note that if your board of elections provides absentee in person early voting using direct recording electronic (DRE) equipment, the voter may choose to either vote on the DRE at the time of requesting the absent voter's ballot or by paper ballot delivered to the voter in person and returned no later than election day.

This means that a voter who completes an absent voter's ballot application in person at a board of election **may either** vote that ballot at the board immediately, **or** may take that ballot with him or her to complete at a later date. It is the voter's responsibility to return an appropriately completed ballot by the appropriate deadline. An election official shall notify the voter of the relevant deadline.

In order to properly complete the identification envelope to return a voted absent voter's ballot, a voter must provide at least:

1. his or her name;
2. his or her address;
3. his or her date of birth;
4. his or her signature;
5. one of the following:
 - a) The last four digits of the voter's social security number;
 - b) The voter's driver's license number; or
 - c) A copy of any other acceptable form of identification as described in section I B of this Directive; and
6. his or her party affiliation if the election is a partisan primary.

C. **STEP 3: Accepting and Counting Absent Voter's Ballots**

Any absent voter's ballot that is legally sufficient must be counted pursuant to R.C. 3509.06.

R.C. 3509.07 provides the reasons and procedures for a board of elections to reject a voter's absent voter's ballot. Those reasons are:

1. The statement accompanying an absent voter's ballot or absent voter's presidential ballot is insufficient.
2. The signature of the voter does not correspond with the person's registration signature.
3. The applicant is not a qualified elector in the precinct.
4. The ballot envelope contains more than one ballot of any one kind, or any voted ballot that the elector is not entitled to vote.
5. Stub A is detached from the absent voter's ballot or absent voter's presidential ballot.
6. The elector has not included with the elector's ballot any identification required under section 3509.05 or 3511.09 of the Revised Code.

Any absent voter's ballot envelope or ballot that is legally insufficient shall not be opened or counted, must be endorsed on the back of the envelope or ballot "Not Counted" with the reasons the ballot was not counted, and shall be retained by the board of elections pursuant to established retention schedules.

III. **PROVISIONAL VOTING REQUIREMENTS**

A. **Prohibition against using DREs for Provisional Voting for elections occurring on or after May 9, 2007**

Effective May 9, 2007, no provisional voting may take place on a direct recording electronic voting machine. The difficulty of recounts as evidenced in the procedures that were set forth in prior Directive 2006-05 and the risks to the secrecy of the ballot created by those procedures in combination with the VVPAT technology (resulting in failure to randomize first voted ballots), make it more prudent to eliminate the use of DREs for provisional voting. **For all elections held on or after May 9, 2007, provisional voting shall be by paper ballot, regardless of the type of voting machine or method used for regular ballots.**

B. **Time frame for provisional balloting**

For any election other than a presidential primary election, provisional balloting may begin on the twenty-eighth (28th) day before an election. R.C. 3503.16(B), (C). A voter may vote a provisional ballot by appearing "at anytime during regular business hours on or after the twenty-eighth day prior to the election in which that registered elector wishes to vote . . . through noon of the Saturday

prior to the election at the office of the board of elections,” or “at any time during regular business hours on the Monday prior to the election at the office of the board of elections, or . . . **on the day of the election at either:**

1. The polling place in the precinct in which that registered elector resides; **or**
2. The office of the board of elections or, if pursuant to division (C) of section 3501.10 of the Revised Code, the board has designated another location in the county at which registered electors may vote, at that other location instead of the office of the board of elections.

C. The following procedures are necessary for a voter to vote a provisional ballot:

1. Election officials must ask a provisional voter for the **last four digits of his or her social security number**.
2. If a voter **cannot or will not** provide the last four digits of his or her social security number, the election officials must ask the voter **whether or not the voter has a social security number**.
3. A voter who **has** a social security number, whether or not provided to the election officials, may vote a **provisional** ballot **AND** must complete an **affirmation statement as discussed at section III E of this Directive**.
4. A voter who **does not have a social security** number may cast a **provisional** ballot after completing an **affirmation statement** stating that he or she does not have a social security number (Form 10-T).
5. If the voter **declines** to complete the affirmation statements noted in 3 and 4 above, the **election officials must comply with 6 below**.
6. Even **if a voter refuses to complete the affirmations** noted in 3 and 4 above, he or she may cast a **provisional** ballot, and the election officials must record that voter's name and shall include that information with the ballot when transmitting it to the local board of elections. The election officials should inform the voter that the ballot will not be counted unless the voter appears at the board of elections within 10 days of the election and provides the required identification (see section I A of this Directive).

For every provisional voter, the election officials must record, in the section of the provisional ballot ID envelope or form designated for election official use, all of the following that apply:

- The **type of ID** provided, if any;
- The **last four digits of that voter's social security number**, if provided;
- The fact that the **affirmation** noted in 4 above was **executed**, if applicable; or
- That the voter **refused** to execute the affirmation.

The above information must be included with the voter's ballot if a provisional ballot is voted, or with the voter or address record information when transmitting ballots and materials to the local board of elections.

Reminder: Election officials must provide to every provisional voter a copy of the Provisional Voter Hotline Notice at the time the voter casts his or her provisional ballot. A copy of that notice is attached to this Directive for your reference.

D. Situations when Provisional Ballots are Used (with noted exceptions)

1. Changes of address - voters who have moved

A voter who has moved:

- from one precinct to another within a county, or
- from one county to another within the state, and
- who has moved on or before the date of an election, and
- who did not update his or her voter registration record at least thirty (30) days prior to the date of the election in which that voter wishes to vote,

must complete a change of residence form on or before the date of the election at either his or her designated polling location or at the local board of election, and must vote a **provisional** ballot.

However, a voter who has moved *within a precinct* on or before the date of an election may vote a **regular** ballot, even if that voter did not update his or her voter registration record. Note, however, that such voters must still provide their new current address to elections officials at their designated polling location or at the local board of elections to update their voter registration record.

2. Changes of name

A voter who has changed his or her name on or before the date of an election in which that voter seeks to vote, and who has not updated his or her voter registration record at least thirty (30) days prior to the date of that election, must complete a change of name form on or before the date of that election either at his or her designated polling location or at the local board of elections, and must vote a **provisional** ballot.

3. Voter's name does not appear in poll list

A voter whose name does not appear in the poll list or signature poll book must vote a provisional ballot. HOWEVER, before an election official issues such a voter a provisional ballot, the election official must verify that the voter is in the correct polling location and precinct. If the

voter is not in the correct polling location and precinct, the election official shall first notify the voter:

- that the voter is in an incorrect precinct; and
- the location of that voter's correct polling location and precinct and/or the local board of elections.

If the voter makes clear to the election official that the voter still desires to vote in that precinct, the election official shall notify the voter of both of the following:

- The voter has the right to cast a **provisional** ballot at that precinct; **AND**
- That, according to law, all provisional ballots cast at an incorrect precinct **shall not** be counted.

4. **Voter lacks required identification to vote a regular ballot**

All voters appearing to vote **at a polling place on the date of an election** must provide one of the acceptable forms of ID as discussed in section I A of this Directive in order to vote a regular ballot. A voter who is unable or unwilling to provide any of these forms of ID may still, under the law, vote a **provisional** ballot.

5. **Returned Notices from Board of Elections**

a) **Returned Acknowledgement Notice**

If a board of elections has sent a newly registered voter an acknowledgement notice by nonforwarding mail as is required by law, and if that notification has been returned to the board of elections as undeliverable, the board of elections is obligated to investigate and send a confirmation notice to the voter's correct address.

If that confirmation notice is also returned to the board of elections as undeliverable, then at the first election thereafter, at which the voter named in the acknowledgement notice and confirmation notice seeks to vote, that voter must provide election officials with one form of the required identification (see I A of this directive) and must vote a **provisional** ballot.

b) **Returned Notice of Election**

Not later than sixty (60) days before the date of the 2008 Primary and 2008 General Elections, every board of elections is required by law to send every registered voter in the county a Notice of Election by nonforwarding mail. The requirements of that notice are set forth in R.C. 3501.19(A).

If a voter's Notice of Election is returned to the board of elections as undeliverable, that voter's name shall be so marked in the poll list or signature poll book. At the first election thereafter, at which the voter named in the returned Notice of Election seeks to vote, that voter must provide election officials with one form of the required identification (see section I A of this Directive), but **in this limited circumstance**, any such form of identification (even an Ohio driver's license or state ID card) must contain the **current address that matches the address shown for the voter in the poll list or signature poll book** for the voter to be permitted to cast a **regular** ballot. Otherwise, the voter must vote a **provisional** ballot. See R.C. 3501.19(C)(4).

6. **Voter Requested an Absent voter's ballot but Appears on Election Day or Before to Vote In Person**

If a voter has requested an absent voter's ballot, his or her name must be marked to that effect in the poll list or signature poll book to prevent a voter from both voting absentee and appearing in person to vote. Any voter whose name is so marked and who appears and attempts to vote at a polling location, including at the board of elections, whether on or before the date of an election, must vote a **provisional** ballot.

7. **Challenged Voters**

- a) If election officials cannot determine a voter's eligibility to vote, or if a voter does not appear to be eligible to vote and that voter insists on voting, that voter must cast a **provisional** ballot. R.C. 3505.20
- b) If an application for the correction of a precinct registration list is filed or if a challenge to a voter's right to vote is filed, after the thirtieth (30th) day before the day of an election, the law provides that the board may postpone the hearing on the filing until after the election.

The Secretary of State advises that postponing a challenge hearing is not advised, as voters who believe they have been disenfranchised are more likely to sue the board of elections, resulting in a court challenge that may create difficulty and will be time consuming for the board and the county prosecutor at what will already be a busy election time. It is advisable to determine **all** such challenges **at one or more hearings held prior to the election**. In the event the board chooses not to hold a hearing and/or not to hold such hearing before the election, this Directive may serve as evidence against a board in such litigation. In the event the board chooses not to hold a hearing and/or not to hold such hearing before the election, the voter who is the subject of the

application or who has been challenged must cast a **provisional** ballot. R.C. 3503.24

- c) A voter who refuses to make a statement of party affiliation at a primary election and who a majority of precinct officials find either lacks the qualifications to vote or is not affiliated with the party whose ballot the voter desires to vote must cast a **provisional** ballot.

8. Non-Matching Signature

If the election officials determine that the signature of an individual who appears and attempts to vote does not match the signature on file for that voter, that voter must cast a **provisional** ballot.

However, if the voter has a form of identification as set forth in section I A of this Directive that contains his or her name and current address appearing in the poll list or signature poll book, election officials are discouraged from determining that the voter must vote a provisional ballot. H.B. 3 recognizes that a voter's signature may change over time and permits a voter to update his or her signature in the records of the board of elections.

Nevertheless, in the case where there may be two individuals in the same household with the same name (e.g. "senior" and "junior"), election officials may with justification determine that a provisional ballot must be cast by that voter.

E. Provisional Ballot Affirmation Statements

Every voter who votes a provisional ballot must seal his or her provisional ballot in an envelope provided by the election officials administering the election. The envelope, as required by statute, must contain an **affirmation that must be executed by the voter for the vote to count**. The voter must sign the affirmation, which **must include the following statements**:

1. **The voter is a registered voter in the jurisdiction in which the individual desires to vote; and**
2. **The voter is eligible to vote in that election.**

Please note that other spaces may be provided on the envelope for information such as the voter's date of birth, the voter's current and former addresses, the voter's driver's license or state ID card number, or the last four digits of the voter's social security number. **Election officials should encourage the voter to complete this additional information on the provisional ballot envelope to ensure his or her vote will be counted. This information, while not specifically required by the statute to be provided by the voter in this situation, may often be needed to verify the voter's identity before the vote may be counted.** If the voter does not provide this additional information either at the polling place or at the board of elections within ten (10) days after the election (see below), and the voter's

identity cannot be verified using the information provided by the voter, the vote is not permitted by law to be counted.

F. Providing Proof of Identity Within 10 Days After the Election

Before a provisional ballot can be included in the official count of an election, the board of elections must confirm the voter's eligibility to cast the ballot, as well as the validity of the ballot that was cast. In some cases, a provisional voter can establish his or her eligibility to vote by appearing in person at the board of elections office within 10 days immediately *after* election day and doing the following:

1. If the voter cast a provisional ballot because he or she **had – but could not provide to election officials at the time of voting – a required form of identification or the last four digits of his or her social security number**, the voter must provide to the board of the elections **one** of the following:
 - a) **Required identification described in section I A of this Directive; or**
 - b) **The last four digits of the voter's social security number.**
2. If the voter cast a provisional ballot because, at the time he or she voted, he or she **had – but declined to provide – a required form of identification or the last four digits of his or her social security number, AND** the voter **declined** to execute the written **affirmation statement**, the voter must provide to the board of the elections **one** of the following:
 - a) **Required identification described in section I A of this Directive; or**
 - b) **The last four digits of the voter's social security number.**
3. If the voter cast a provisional ballot because, at the time of voting, he or she **did not have any required form of identification or a social security number, AND** the elector **declined** to execute the written **affirmation statement**, the elector must do **one** of the following:
 - a) **Required identification described in I A of this Directive; or**
 - b) **The last four digits of the voter's social security number; or**
 - c) **Complete the affirmation statement.**
4. If the elector cast a provisional ballot because the elector's right to vote was **challenged** at the polling place under **R.C. 3505.20**, and the election officials either determined that the elector was ineligible to vote, or they were unable to determine the elector's eligibility, the elector must

provide identification or other documentation required to resolve the challenge, relevant to the nature of the challenge.

III. VERIFICATION OF PARKING AT POLLING PLACES FOR PERSONS WITH DISABILITIES (HANDICAPPED PARKING)

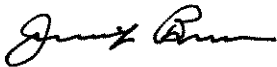
As previously noted in Directive 2006-77, Substitute House Bill No. 312, which became effective August 22, 2006, requires the director of a board of elections to sign a statement prior to each election day verifying that every polling place to be used in the county at an election meets the requirements of R.C. 3501.29 (B)(1)(b) which requires that:

the minimum number of special parking locations, also known as handicapped parking spaces or disability parking spaces for handicapped persons, are designated at each polling place in accordance with 28 C.F.R. Part 36, Appendix A, and in compliance with division (E) of section 4511.69 of the Revised Code.

The Director must file the signed statement with Secretary of State by certified mail no later than the day before *each* election, including the date(s) on which special elections and primary elections are held. Attached, for your convenience, is the prescribed form. Please execute the form and file it in accordance with this directive.

If you have questions about this Directive, please contact the Elections Division or your assigned Elections Counsel at 614-466-2585.

Sincerely,



Jennifer Brunner
Secretary of State

Attachments

**OHIO SECRETARY OF STATE
VERIFICATION OF HANDICAPPED ACCESSIBLE PARKING**

R.C. 3501.29(B) and (E), and 4511.69 (E)
This form must be completed prior to each election day.

_____ County Board of Elections

I verify that each polling location within _____ County that will be used for the:

Primary Election to be held on _____

General Election to be held on _____

Special Election to be held on _____

meets the minimum number of special parking locations, also known as handicapped parking spaces or disability parking spaces, for handicapped persons.

Director's Signature

Telephone Number

*Please return your signed verification statement by **certified mail** to:*

Joy West, ADA Specialist
Office of the Secretary of State – Elections Division
180 E. Broad St., 15th Floor
Columbus, OH 43216

THIS NOTICE MUST BE PROVIDED TO EACH PROVISIONAL VOTER

NOTICE OF AVAILABILITY OF PROVISIONAL VOTER HOTLINE

To learn if your provisional ballot was counted in the May 8th election, please call the PROVISIONAL VOTER HOTLINE AT 866-OHIO-VOTE from May 21 to June 30.

You may also inquire whether you need to provide further proof of identity for your vote to count

at the _____ County Board of Elections.

You may provide additional proof of identity until Friday, May 18, 2007 to your county board of elections.

Hours to call your board of elections:

from _____ a.m. to _____ p.m. Monday through Friday at _____ (phone number)

PROVIDING PROOF OF IDENTITY WITHIN 10 DAYS AFTER THE ELECTION

If you cast a provisional ballot because: 1) you were unable or declined to provide proof of identity, or 2) your right to vote was challenged at the polling place, you may provide required proof of identity within 10 days after the election.

A provisional ballot needs additional verification before it can be counted. A board of elections makes that determination within 10 days after an election. Many times, a voter who has voted a provisional ballot may appear in person at the board of elections during the 10-day period after the election and complete certain steps that will allow his or her ballot to be counted. Here are different situations and what you can do:

1. **You have ID but didn't have it with you at the polls and couldn't supply the last 4 digits of your social security number. The board of elections needs ONE of these items below showing your name and address within 10 days after the election for your vote to count:**
 - a. Current and valid Ohio driver's license (address need not be current on this form of ID),
 - b. Photo identification card issued by the State of Ohio (address need not be current on this form of ID) or the United States government,
 - c. Military ID showing your name and current address,
 - d. Utility bill issued and dated within one year of the election,
 - e. Bank statement issued and dated within one year of the election,
 - f. Paycheck issued and dated within one year of the election,
 - g. Government check issued and dated within one year of the election,
 - h. Another government document dated within one year of the election (e.g. letters; bills for taxes; hunting, fishing and marine equipment operator's licenses; license renewal notices and other notices; court papers; grade reports; transcripts, etc.) "Government office" includes any local (including county, city, township and village governments), state or federal (United States) government office, branch, agency, commission, public college or university or public community college, whether or not in Ohio. The law specifically provides that you cannot use as a "government document" a notice mailed by a board of elections.

If you do not have or wish to provide any of the above forms of ID, you may supply the board of elections with the last four digits of your social security number.
2. **You had ID but didn't want to provide it and didn't want to provide the last 4 digits of your social security number AND you didn't want to execute an affirmation statement. The board of elections needs ONE of the items listed in 1. above showing your name and address. This item must be supplied in person to the board of elections within 10 days after the election for your vote to count.**
3. **You did not have any required form of ID and do not have a social security number AND didn't want to execute an affirmation statement. The board of elections needs ONE of the items listed in 1. above showing your name and address. This item must be supplied in person to the board of elections within 10 days after the election for your vote to count OR you will need to appear at the board of elections and execute the written affirmation statement.**
4. **You were challenged at the polling place by someone who claimed you were not eligible to vote. The board of elections will tell you what identification or other documentation you need to resolve the challenge. (See Revised Code section 3505.20.) You may call the board and supply the needed information in person within 10 days after the election.**

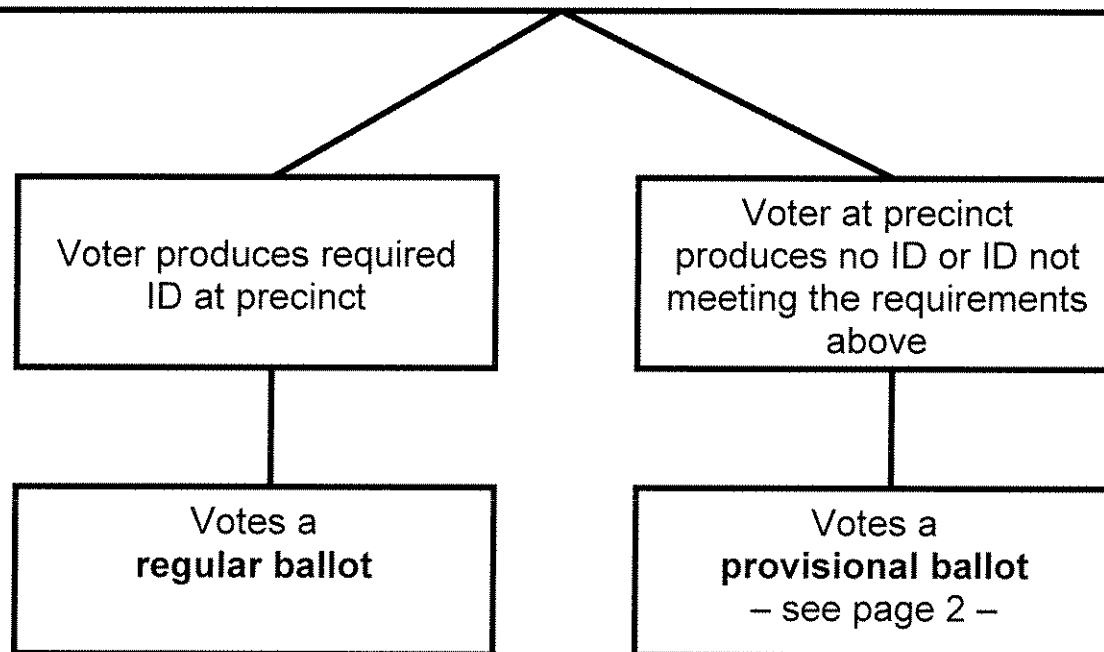
VOTER IDENTIFICATION REQUIREMENT GENERALLY

A registered voter, whose name appears in the poll book, must prove his or her identity upon appearing at his or her correct polling location and precinct on Election Day to vote a regular ballot. With the exception of Ohio drivers' licenses and State of Ohio ID Cards, all forms of ID must contain the voter's name* and current address as shown in the poll book. The required forms of ID include any one of the following:

- Current** Ohio driver's license or state ID or other valid photo ID
- Other photo ID issued by Ohio or the federal government
- Original or copy of current:

Utility bill**
Paycheck**
Military ID**

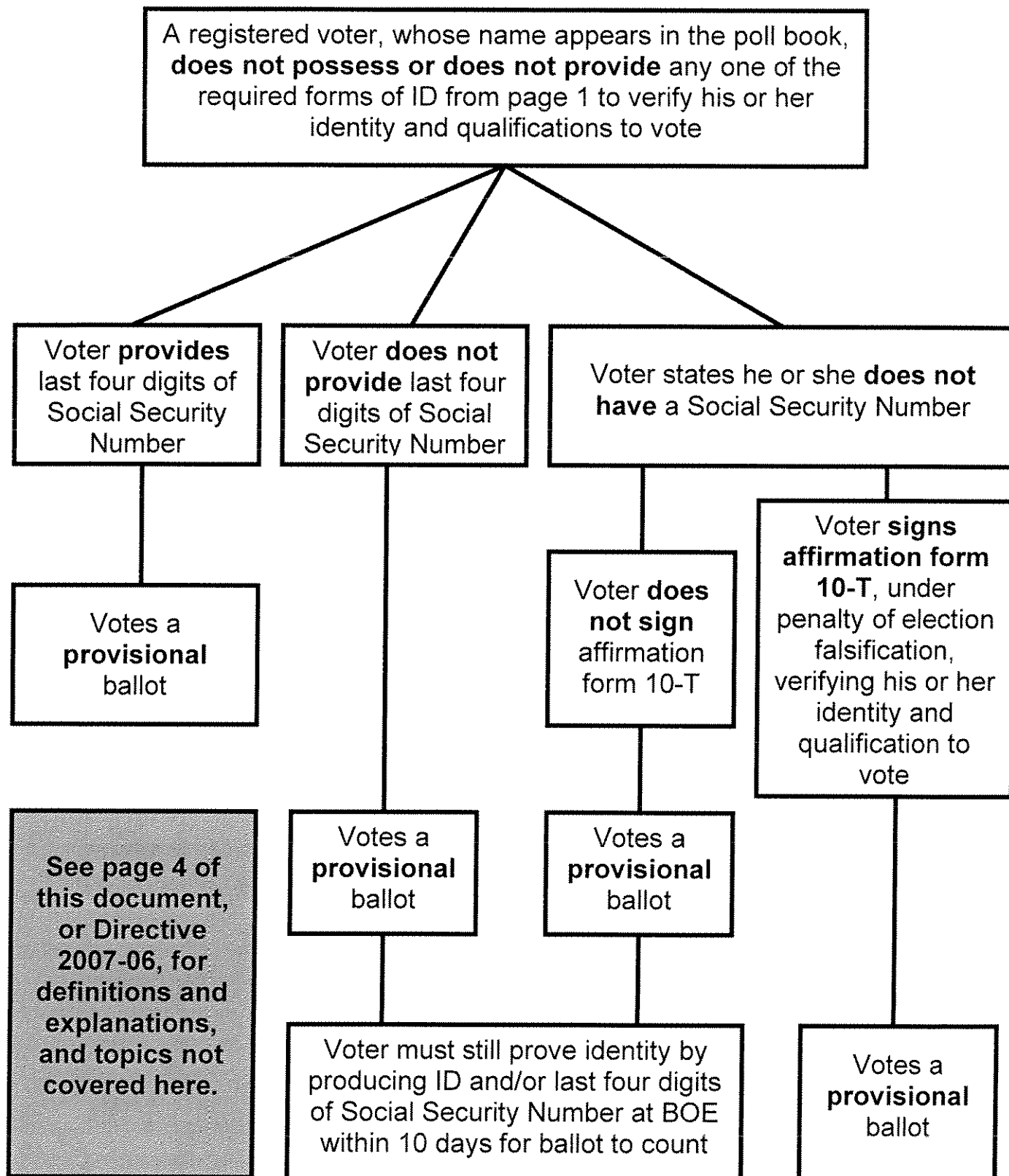
Bank statement**
Government check**
Other government document**



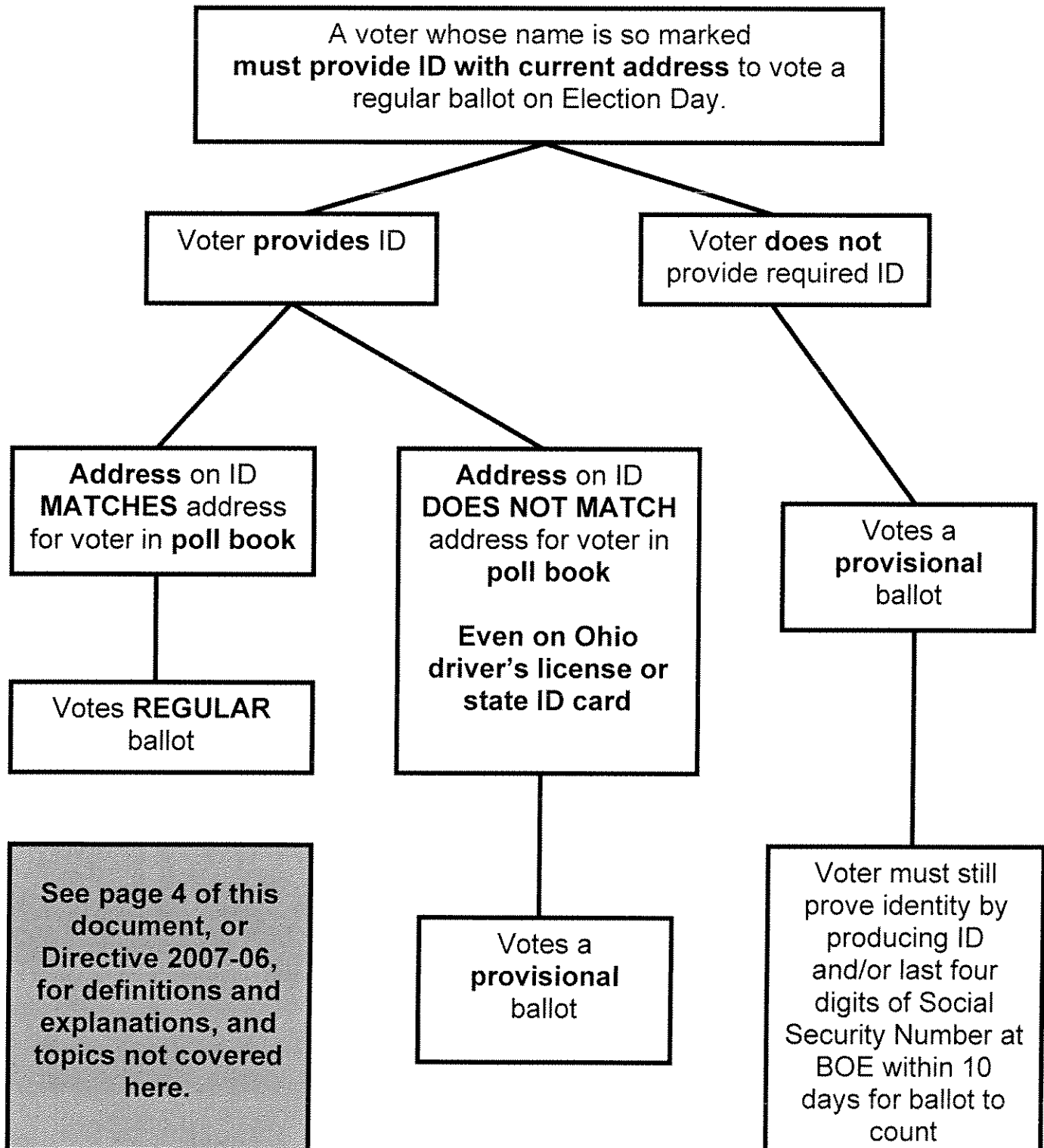
***See Directive 2007-06, at Section I.C.2.a.**

****See page 4 of this document, or Directive 2007-06, for definitions and explanations, and topics not covered here.**

VOTER IDENTIFICATION REQUIREMENT IF VOTER DOES NOT PROVIDE REQUIRED IDENTIFICATION



**VOTER IDENTIFICATION REQUIREMENT IF BOARD OF ELECTIONS
HAS MADE A NOTATION BY A VOTER'S NAME IN THE POLL BOOK
BECAUSE OF A RETURNED NOTICE OF ELECTION (R.C. 3501.19)**



Voting procedure; ID Allowed; Definitions

- **Every** elector, upon appearing at a polling place to vote and before being allowed to vote a regular ballot, must:
 - announce his or her full name and current address;
 - provide proof of the elector's identity; and
 - sign the poll book on the appropriate line.
- The forms of identification that an elector may use to prove his or her identity include:
 - **a voter's current and valid photo identification**
 - an Ohio driver's license or State ID card with current **or** former address (unless voter's name is marked in poll book as discussed on p. 3 of this addendum); or
 - another Ohio or federally issued ID card with a current address;
 - **a military identification showing the voter's name and current address**
 - **current original or copy of one of the following with name and current address:**
 - **utility bill** (including, but not limited to water, sewer, electric, natural gas, heating oil, cable or satellite television, internet, telephone, and cellular-telephone service);
 - **bank statement;**
 - **paycheck** (from private or public employer);
 - **government check;** or
 - **other government document showing the voter's name and current address**
 - any document issued by an appropriate governmental entity*
 - any local, state (whether Ohio or another state), or federal government branch, agency, department, division, or other similar component
 - including but not limited to: letters; bills for taxes and other similar obligations; hunting, fishing, and marine equipment operator's licenses; license renewal notices and other notices; court papers; public college and university grade reports & transcripts; etc.
- The law *does not* allow an elector to use a notice that a board of elections mailed to that voter as proof of identity (R.C. 3505.18(A)(1), 3501.19(E)).
- If an elector does not have, or fails or refuses to provide, any of the required forms of proof of identity discussed above, that elector may cast a provisional ballot (See R.C. 3505.18 -.182). In some circumstances, (see pp.2-3), a provisional voter may have to provide proof of identity within 10 days of the election for the vote to count.

See Directive 2007-06 for definitions and explanations, and topics not covered here.