



**ADVISORY 2018-02**

July 9, 2018

To: All County Boards of Elections  
Directors, Deputy Directors & Board Members

Re: Online Voter Information Regarding Confirmation Status

On June 11, 2018, the United States Supreme Court decided *Husted, Ohio Secretary of State v. A. Philip Randolph Institute, et al.* in favor of the Secretary of State and upheld the State of Ohio's longstanding use of the supplemental process to identify electors whose lack of voter activity indicates that they might have moved and need to update their voter registration address.<sup>1</sup> The Court held that Ohio's Supplemental Process:

\* \* \* does not violate the Failure-to-Vote Clause or any other part of the NVRA\*  
\* \* Ohio's removal process follows subsection (d) to the letter: It does not remove a registrant on change-of-residence grounds unless the registrant is sent and fails to mail back a return card and then fails to vote for an additional four years.<sup>2</sup>

The status of a voter who has not responded to the "card" – the confirmation notice<sup>3</sup> – displays in the Statewide Voter Registration system as "active-confirmation," or "I" for "inactive."

On June 27, 2018, Rich Exner, the data analysis editor for [cleveland.com](http://cleveland.com), posted a look-up tool<sup>4</sup> so that readers could search the voter file to determine if they had not responded to a confirmation notice.

In elections administration, we should – and in Ohio, we do – strive for continuous improvement; not only in our internal processes, but also as it relates to voter information and experience. A good idea is a good idea, no matter where it comes from.

Beginning July 16, 2018, when a voter searches for his or her voter registration information (e.g., polling place) using the 'check my voter registration' button on [www.myohiovote.com](http://www.myohiovote.com), they will receive the following notice only if their board of elections has placed them in "active-confirmation" or "inactive" status:

<sup>1</sup> [https://www.supremecourt.gov/opinions/17pdf/16-980\\_f2q3.pdf](https://www.supremecourt.gov/opinions/17pdf/16-980_f2q3.pdf).

<sup>2</sup> *Husted v. A. Philip Randolph Institute, et al.*, Slip Opinion, p. 2.

<sup>3</sup> <https://www.sos.state.oh.us/globalassets/elections/forms/10-s-1.pdf>.

<sup>4</sup> [https://www.cleveland.com/datacentral/index.ssf/2018/06/find\\_out\\_of\\_you\\_are\\_in\\_danger.html](https://www.cleveland.com/datacentral/index.ssf/2018/06/find_out_of_you_are_in_danger.html).

Your voter registration is in confirmation status. It means that your county board of elections has mailed you a confirmation notice, but you have not yet responded to that notice to confirm or update your information.

Voters who have received a confirmation notice and fail to respond to that notice or participate in any voter activity (such as voting or updating their voter registration information) after a period of four years are subject to cancellation.

You may confirm or update your voter registration information by visiting [myohiovote.com/moved](http://myohiovote.com/moved), or [by completing a paper voter registration form](#) and mailing it to your county board of elections. For more information, please [contact your county board of elections](#).

Providing voters in “active-confirmation” status with this information – and the links to the online and paper resources that they can use to change update or confirm their registration address – will likely result in fewer registered voters in an “inactive” status, fewer voters cancelled under Ohio’s list maintenance processes, and mean more regular ballots counted on Election Day.

If you have any questions regarding this Advisory, please contact 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. Below the signature, the name "Jon Husted" is printed in a simple, black, sans-serif font.

Jon Husted