



J. KENNETH BLACKWELL
Ohio Secretary of State

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Directive 2005-15
July 15, 2005

TO: County Boards of Elections – 2nd Congressional District
(Adams, Brown, Clermont, Hamilton, Pike, Scioto and Warren)

August 2, 2005 Special Congressional Election

Ballot Format for Special Congressional Election

The format of the August special congressional ballot will be as follows:

“Official Office Type Ballot – Special Congressional Election – August 2, 2005 - For Representative for Congress – (2nd District) – (Vote for not more than One).”

HAVA Posters, Provisional Voting & HAVA Hotline

As you were advised in Directive 2005-11, this election for federal office must comply with the requirements of the *Help America Vote Act of 2002* (HAVA) pertaining to informational and instructional posters, provisional voting, and the HAVA hotline for use by provisional voters who desire to verify whether their ballots were counted.

The following posters are for the August 2nd Special Congressional Election:



Optical Scan
Instructions-poster...



Punch Card
Instructions-poster..



Voting Rights
Information-post...

Also attached are Directive 2004-42 (provisional voting in the voter’s home precinct only), the “Home Precinct Balloting Only” affirmation statement, and the HAVA provisional statement of affirmation, and the statement on the identification envelope. Please use these forms following the practices employed for the 2004 general election.



"Dir 2004-42-
Provisional Voting II.



Form 12-B prov id
env.doc



HAVA Provisional
Voter Stateme...

Please give each provisional voter the attached form containing the hotline telephone number, should the voter want to verify whether his or her ballot was counted in this election.



Deadlines

- August 3 By noon, each board of elections in the 2nd Congressional District must send via U.S. mail the original report forms for the unofficial canvass of the special congressional election to the Secretary of State's office.
- August 13 Each board of elections in the 2nd Congressional District may begin its official canvass of the special congressional election.
- August 17 Each board of elections in the 2nd Congressional District must begin its official canvass of the special congressional election.
- August 24 Not later than this date, each board must meet in public session to certify the results of its official canvass of the special congressional elections.
- August 25 Not later than this date, each board in an overlapping county must certify its official results of the special congressional election to the Hamilton County Board of Elections.
- August 26 Not later than this date, the Hamilton County Board of Elections must certify the official results of the special congressional election to the Secretary of State's office.

Election Night Reporting Procedures

- Please fax results to the Hamilton County Board of Elections at 513-579-0988, providing:
 1. Results from your separate absentee precinct, if your board has one;
 2. Updated results with 50% your precincts reporting; and
 3. Your final results.
- No board may close prior to faxing its final results to the Hamilton County Board of Elections. For your convenience, attached is the form you must use to fax your results.

Unofficial Canvass Form

Attached is the form to report your unofficial results for the special congressional election.

- Before leaving the board office on election night, **fax** this form to Kathy Malott at 614-752-4360.
- By noon on Wednesday, August 3, **mail** the original form to:

Office of the Ohio Secretary of State
Attn: Kathy Malott
PO Box 2828
Columbus OH 43216

Official Certification: Abstract and Forms

Your board must prepare its abstract and report form immediately after completing the official canvass of the special congressional election in your county.

❖ Official Canvass Form

Attached is the form you must use to report the official results for this special congressional election. Your board must complete its official canvass and certify the results no later than August 24.

Your board also must certify its officials results to both the Hamilton County Board of Elections and the Secretary of State's office. Send the original form to the Hamilton Board; send a copy of that

form to the Secretary of State. Please transmit the results, first by fax and then by U.S. Mail, to the Hamilton County Board of Elections and to this office using the following forms:

Following is the information for faxing and mailing your reports:

- **Fax your results to:**
Hamilton County Board of Elections 513-579-0988
Secretary of State's Elections Division (Attn: Kathy Malott) 614-752-4360
- **Promptly mail the completed *original* forms to:**
Hamilton County Board of Elections
824 Broadway
Cincinnati OH 45202
- **Promptly mail a *copy* of the completed original forms to:**
Office of the Ohio Secretary of State
ATTN Kathy Malott
PO Box 2828
Columbus OH 43216

❖ **Instructions for Abstract**

Each county in the 2nd Congressional District must provide an abstract of the final official *precinct* vote totals for **all** candidates (including write-ins) for Representative to Congress. The abstract *must also include* from **each precinct** the total numbers of **registered voters** and **electors voting**.

You must provide your abstract in an electronic format. The abstract must show the subtotal for wards, cities, and townships, and the grand total of all precincts. You may send your abstract via e-mail to cgorup@sos.state.oh.us or on diskette mailed to the Elections Division. (As these are small files, e-mail is preferred.) If you have any questions regarding the abstract, please contact Carolyn Gorup at 614-466-0952 or cgorup@sos.state.oh.us.

Proofread all figures and double-check addition for subtotals and totals to ensure accuracy. Check that vote totals on the abstract agree with totals on the certification forms.



Finally, please be sure to employ all reasonable measures of training to assure that all board staff and pollworkers adhere to these instructions. If you have any questions regarding this Directive, please contact my Elections Division, (614) 466-2585.

Sincerely,



J. Kenneth Blackwell

Attachments (3)

Special Election Tuesday, August 2, 2005

Polling Hours: 6:30 a.m. to 7:30 p.m. EST

HOW TO VOTE USING AN OPTIC SCAN BALLOT

VOTING A REGULAR BALLOT AND CASTING YOUR VOTE:

Before marking your ballot, make sure that there are not any marks already on it.

Read the directions on the ballot carefully

If the ballot allows you to cast **one** vote for an office or issue, you may fill in only **one** oval or arrow on your ballot.

If the ballot allows you to cast **multiple** votes for the same office, you may fill in the maximum amount of ovals or arrows allowed by the directions.

Use only the special quick-drying marking pen to vote on the optical scan ballot.

Completely fill in the oval or arrow to the left of the candidate or issue position (“YES” or “NO,” or “FOR” or “AGAINST”) you want to vote for.

To cast a vote for an eligible write-in candidate:

- Find the blank line provided on the ballot under the list of candidates.
- Fill in the oval or arrow to the left of that blank line.
- Clearly write the name of the write-in candidate on the blank line.

When you have completed voting, thoroughly check your ballot. If you have questions or make a mistake, ask the election officials for assistance.

Errors

If you make an error while marking your ballot, take your ballot to election officials; do **not** put the mismarked ballot in the ballot box. The election officials will void that ballot and give you a new one. You may request new ballots up to three times.

INSTRUCTIONS FOR MAIL-IN REGISTRANTS WHO ARE FIRST-TIME VOTERS

If you registered to vote in Ohio by mail after January 1, 2003, did not submit acceptable documentary proof of your identity with your voter registration application, and have not previously voted in an election for federal office in Ohio, you must, before voting, provide acceptable documentary proof of your identity, which includes:

- A current and valid photo identification, or
- A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows your name and address.

If you are voting in person:

You must present to the election officials at the appropriate county board of elections office, or to the pollworkers at the appropriate precinct polling location, acceptable documentary proof of your identity.

If you do not present acceptable documentary proof of your identity to election officials when you appear to vote, you may cast a provisional ballot under section 302(a) of *Help America Vote Act of 2002*.

If you are voting by mail:

You must submit with your ballot acceptable documentary proof of your identity.

If you do not submit the acceptable documentary proof of identity with your ballot, your ballot will be treated as a provisional ballot under section 302(a) of the *Help America Vote Act of 2002*.

VOTING A PROVISIONAL BALLOT

Procedure

Eligible voters may vote a provisional ballot as provided by state or federal law. If, in accordance with federal law, you declare that you are a qualified elector of the precinct who is eligible to vote in the election, but your name does not appear on the poll list in an election for federal office, you will be allowed to cast a provisional ballot at the polling place after completing, in the presence of an election official at the polling place, a **written affirmation** that you are a qualified elector of the precinct in which you desire to vote, and eligible to vote in the election.

If you are an Ohio voter who moved from one Ohio precinct to another Ohio precinct and did not update your voter registration, you may vote a provisional ballot as provided by state law.

Election officials at the polling place will provide you with a ballot and a provisional ballot envelope.

After voting your provisional ballot, you will place the marked ballot in the envelope and seal the envelope; if you are a provisional voter under state law, you also will complete and sign the voter information section of the envelope.

Election officials will transmit the sealed envelope containing your provisional ballot to the county board of elections for verification. If the county board of elections determines that you are eligible to vote that ballot, your provisional ballot will be counted in the official canvass of the election.

Confirmation

As a person voting by provisional ballot in an election for federal office, you are entitled to written information describing how you may learn, through a free access system, whether your provisional ballot was counted by election officials, and if it was not counted, why not.



J. Kenneth Blackwell, Ohio Secretary of State

Special Election Tuesday, August 2, 2005

Polling Hours: 6:30 a.m. to 7:30 p.m. EST

HOW TO VOTE USING A PUNCH CARD BALLOT

THE BALLOT

Each ballot will have a stub at the top. The voter must **not** remove that stub.

Using both hands, insert the bottom of the ballot card all the way into the votomatic machine. The stub must be at the top and the ballot numbers must be visible.

Make sure the red tabs at the top of the votomatic machine are aligned with the corresponding holes of the punch card ballot.

To cast a vote

Use the stylus or other tool provided by election officials to punch straight down through number on the ballot card next to the candidate or issue of your choice. Use only the tool provided by election officials to punch the ballot.

To cast a write-in vote

Clearly write the name of the candidate on a blank line on the left-hand side of (or other space designated on) the secrecy envelope. Some counties provide a space for write-in candidates at the top of the ballot card.

If the ballot states that you may vote for only one candidate for an office, you may punch out only one number on your ballot for that office, or write the name of one eligible write-in candidate for that office in the place provided.

If the ballot states that you may vote for more than one candidate for an office (for example: "Vote for not more than two"), you may cast the maximum number votes indicated by punching out candidate numbers on your ballot and/or writing the names of eligible write-in candidates where designated on the ballot or secrecy envelope.

When you have completed punching your ballot, check the back of your ballot and remove any excess paper or "chad" that still may be attached to your ballot.

Errors

If you make an error while punching your ballot, take your ballot to election officials; do **not** put the mismarked ballot in the ballot box. The election officials will void that ballot and give you a new one. You may request new ballots up to three times.

If you have questions or make a mistake, ask the election officials for assistance.

INSTRUCTIONS FOR MAIL-IN REGISTRANTS

WHO ARE FIRST-TIME VOTERS

If you registered to vote in Ohio by mail after January 1, 2003, did not submit acceptable documentary proof of your identity with your voter registration application, and have not previously voted in an election for federal office in Ohio, you must, before voting, provide acceptable documentary proof of your identity, which includes:

- A current and valid photo identification, or
- A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows your name and address.

If you are voting in person:

You must present to the election officials at the appropriate county board of elections office, or to the pollworkers at the appropriate precinct polling location, acceptable documentary proof of your identity.

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If you are an Ohio voter who moved from one Ohio precinct to another Ohio precinct and did not update your voter registration, you may vote a provisional ballot as provided by state law.

Election officials at the polling place will provide you with a punch card ballot and a provisional ballot envelope. After voting your provisional ballot, you will place the marked ballot in the envelope and seal the envelope; if you are a provisional voter under state law, you also will complete and sign the voter information section of the envelope.

Election officials will transmit the sealed envelope containing your provisional ballot to the county board of elections for verification. If the county board of elections determines that you are eligible to vote that ballot, your provisional ballot will be counted in the official canvass of the election.

Confirmation

As a person voting by provisional ballot in an election for federal office, you are entitled to written information describing how you may learn, through a free access system, whether your provisional ballot was counted by election officials, and if it was not counted, why not.



J. Kenneth Blackwell, Ohio Secretary of State

VOTING RIGHTS INFORMATION

VOTERS' RIGHTS

1. Voters whose names do not appear on the poll list in an election for federal office, or who are unable to comply with identification requirements for mail-in registrants, are entitled to vote by provisional ballot if they declare they are registered to vote in the jurisdiction and eligible to vote in the election. [42 U.S.C. 15482(a), 15483(b)]
2. Voters in an election for federal office who vote by provisional ballot are entitled to written information describing how they may learn, through a free access system, whether their provisional ballots were counted by election officials, and if they were not counted, why not. [42 U.S.C. 15482(a)]
3. Voters who vote in an election for federal office after the established time for polls to close due to a court order or other order requiring the polls to remain open extended hours will have to vote by provisional ballot (unless those voters were in line at the time polls closed). [42 U.S.C. 15482(c)]
4. Voters may have to show identification the first time they vote in an election for federal office after January 1, 2004 if they registered to vote for the first time in a state or jurisdiction by mail after January 1, 2003, and have not provided identification or identifying information to the registrar prior to Election Day, unless they are entitled to vote absentee under federal law. [42 U.S.C. 15483(b)]
5. Voters who are registered to vote in Ohio and who have moved within the State before an election for federal office are entitled to vote in that election under failsafe procedures, even if they did not previously advise election officials of the move. [42 U.S.C. 1973gg-6(f); R.C. 3503.16]
6. Voters who have submitted to appropriate officials (or mailed and postmarked) their completed and valid registration application by the 30th day before an election for federal office, and whom the county board of elections has determined are eligible, are entitled to be registered and to vote in that election. [42 U.S.C. 1973gg-6(a)(1)]
7. Voters are entitled to notice of the disposition of their voter registration application. [42 U.S.C. 1973gg-6(a)(2); R.C. 3503.19]
8. Voters otherwise qualified to vote in an election for President and Vice-President may not be denied the right to vote for those offices due solely to a failure to satisfy a durational residency requirement; however, voters must satisfy Ohio's 30-day registration requirement. [42 U.S.C. 1973aa-1; Ohio Constitution Art. V, §1; R.C. 3503.01]
9. Voters who are otherwise qualified to register and vote may be entitled to register and vote absentee in an election for federal office if they are in the military or are residing overseas. [42 U.S.C. 1973ff-1; R.C. 3509.03, R.C. 3511.02]
10. Voters who require assistance in voting due to blindness, disability or inability to read or write may receive assistance from a person of the voter's choice other than the voter's employer (or agent thereof) or an officer of the voter's union (or agent thereof) or a candidate whose name appears on the ballot. [42 U.S.C. 1973aa-6; R.C. 3505.24]
11. Jurisdictions must not apply standards or practices which deny or abridge the right to vote on account of race, must not deny any individual the right to vote on account of errors or omissions in registration applications which are not material to determining whether such individual is qualified to vote, and must not apply different standards and procedures to voters in determining whether they are qualified to vote. [42 U.S.C. 1971(a); 1973]
12. Jurisdictions must take steps to make the registration and voting process accessible to the elderly and to individuals with disabilities. [42 U.S.C. 1973ee-1, 1973ee-2, 1973ee-3; R.C. 3501.29]
13. Persons must not intimate, threaten or coerce any other person: for registering or voting; for urging or aiding persons in registering or voting; for purposes of interfering or influencing how a person chooses to vote or not vote; or for purposes of preventing a person from voting. [42 U.S.C. 1971(b), 1973i(b), 1973gg-10(1); 18 U.S.C. 241, 242, 245, 594; R.C. 3599.01, .02, .06, .18, .19, .24, .25, .38]

14. Election officials must not fail or refuse to permit a person to vote who is entitled to vote and must not refuse to tabulate, count and report such person's vote. [42 U.S.C. 1973i(a); 18 U.S.C. 241, 242, 608(a), R.C. 3599.19]

15. Election officials must not deny persons of any right secured by the 26th Amendment to the U.S. Constitution (regarding not denying the right to vote to citizens 18 years of age and older on account of age). [42 U.S.C. 1973bb; R.C. 3599.18, .19]

16. Election officials must retain and preserve for 22 months after any election that includes a federal candidate all records and papers relating to registration and voting in that election. [42 U.S.C. 1974; R.C. 505.31]

PROHIBITED ACTS OF FRAUD AND MISREPRESENTATION

1. Persons must not make any false statement or claim that they are citizens of the United States in order to register or vote in any federal, state, or local election. [42 U.S.C. 15544(b); 18 U.S.C. 611, 911, 1015(f); R.C. 3599.11]
2. Persons must not vote more than once in any election that includes a federal candidate (note: this does not include voting a replacement ballot after a spoiled ballot was invalidated). [42 U.S.C. 1973i(e); R.C. 59912]
3. Persons must not procure or submit materially false, fraudulent or fictitious voter registration applications in any election that includes a federal candidate. [42 U.S.C. 1973gg-10(2)(A); R.C. 3599.11]
4. Persons must not submit false information as to name, address or period of residence in a voting district for the purpose of establishing eligibility to register or vote in any election that includes a federal candidate. [42 U.S.C. 1973i(c), 15544(a); 18 U.S.C. 608(b); R.C. 3599.11]
5. Persons must not procure, cast or tabulate materially false, fraudulent or fictitious ballots in any election that includes a federal candidate. [42 U.S.C. 1973i(c),(e), 1973gg-10(2)(B); 18 U.S.C. 242; R.C. 3599.12, .19, .21, .22, .23, .26, .27]
6. Persons must not pay, offer to pay or accept payment for voting, registering to vote, withholding their vote, or voting for or against any candidate in any election that includes a federal candidate. [42 U.S.C. 1973i(c), 18 U.S.C. 597, 608(b); R.C. 3599.11, .25]

WHAT TO DO IF YOU BELIEVE ANY VOTING LAWS HAVE BEEN VIOLATED

If you have witnessed efforts to commit any kind of fraud or corruption in the voting process, you may report this to:



or

Ohio Secretary of State - Division of Elections

180 E. Broad St., 15th Floor
Columbus, OH 43215
Tel. 614-466-2585

or

Your local United States Attorney's Office or the nearest office of the Federal Bureau of Investigation.

If you have witnessed actual or attempted acts of discrimination or intimidation in the voting process, you may report this to the Civil Rights Division of the United States Department of Justice at 1-800-253-3931.



Ohio Secretary of State J. Kenneth Blackwell
Elections Division - 180 E. Broad St., 15th Floor, Columbus, OH 43215
Tel. (614) 466-2585 Fax (614) 752-4360 e-mail: election@sos.state.oh.us

Directive 2004-42
October 25, 2004

ALL COUNTY BOARDS OF ELECTIONS

TO: Members, Directors & Deputy Directors

Provisional Voting: Home Precinct Balloting Only

Issuing and Processing Provisional Ballots

This Directive replaces Directive 2004-33, which has been declared in violation of federal law. Directive 2004-33 is therefore no longer in effect.

All boards of elections must instruct their poll workers on the provisional voting procedures authorized by state and federal law. In the event that any provision of Ohio law or any previous procedures or practices differ from these instructions, poll workers are instructed to follow the procedures set forth in this Directive.

All poll workers shall receive training on the contents of this Directive and be advised to contact your offices if they need additional information or have questions related to provisional voting. A copy of this Directive should be included in each poll worker handbook and be available to poll workers as a resource on Election Day.

New Provisional Balloting Procedures

The *Help America Vote Act of 2002* (HAVA) set out new instructions for provisional balloting. Poll workers must follow its instructions, which follow:

If an individual's name does not appear on the **official list of eligible voters for the polling place or an election official asserts that the individual is not eligible to vote**, poll workers shall notify that individual that he or she has a right to cast a provisional ballot if he or she so desires.

No person will be denied the opportunity to cast a provisional ballot because he or she does not reside in the precinct in which he or she wishes to vote.

Before permitting an individual to cast a provisional ballot, the poll worker must:

- 1) **Determine the address of the individual.**
- 2) **Determine if the address of the individual is located within the precinct.**

If the address is not located within the precinct, the poll worker shall tell the voter both: (A) The precinct in which the voter's residence is located; and (B) The location of the polling place for that precinct. If necessary, the poll worker shall contact the board of elections to determine this information.

- 3) **Advise the voter that, if he or she does not vote at the correct precinct, the voter's ballot will not be counted for any issue or office.**

- 4) If the individual still desires to cast a provisional ballot, the poll worker shall require the individual to execute a written affirmation before an election official at the polling place stating as follows:

I affirm that my name is _____, that my date of birth is _____, and at this time my voting residence is _____ in the City/Village of _____ in _____ County of the State of Ohio and that this is the only ballot that I am casting in this election.
If I am voting elsewhere than the precinct where I reside, I understand that my entire ballot will not be counted.

Signature of Voter

Once an individual has cast a provisional ballot, an election official shall affix the voter's completed affidavit to the provisional ballot envelope. A poll worker or election official shall then transmit sealed envelopes and affirmations to the county board of elections for prompt verification.

If the county board of elections determines that the individual is eligible under Ohio law to vote, the individual's provisional ballot shall be counted in accordance with Ohio law.

An individual's provisional ballot will only be counted if he or she has voted in the proper precinct.

Sincerely,



J. Kenneth Blackwell

**HAVA Provisional Voter Statement
of Affirmation (HAVA §302)**

I, _____
(Printed Name of Voter)

affirm that I:

- (1) am a qualified elector of Precinct _____ of _____ in _____ County, Ohio, for the (*circle one*: City, Village, or Township) of _____
- (2) am eligible to vote in this election, having been registered to vote in Ohio at least 30 days prior to the date of this election, and
- (3) will not vote or attempt to vote at any other location for the election held on this day.

If the election is a primary election, by requesting a ballot for the _____ Party, I hereby state that I desire to be affiliated with and support that party.

Voter's voting address (please print clearly):

(Street Address)

(City and Zip)

(County)

Birthdate _____ Ohio Drivers License # or
(Mo/Day/Yr) Last 4 digits of Social Security #

I understand that my statements above are made under the penalty of election falsification.

X _____
Signature of Voter Date

X _____
Signature of Witnessing Election Official

**WHOEVER COMMITS ELECTIONS
FALSIFICATION IS GUILTY OF A FELONY
OF THE FIFTH DEGREE.**

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