

DIRECTIVE 2010-63

September 21, 2010

To: ALL COUNTY BOARDS OF ELECTIONS

Re: Notifying UOCAVA Voters of Errors or Omissions on Absentee Ballot Identification Envelopes and Absentee Ballot Statement of Voter Forms (SOS Form nos. 12-A, 12-A-OS and 12-A-SV)

Overview

Beginning with the November 2010 General Election, any individual eligible to vote in accordance with UOCAVA and the MOVE Act is permitted to request, receive, and return either by mail or electronic means (fax or email) an absent voter's ballot application, and to request and receive either by mail or electronic means the appropriate uniformed services absent voter's ballot or overseas absent voter's ballot. R.C. 3511.021(A). Additionally, a UOCAVA voter will be able to use the Centralized Ballot Tracking System (CBTS) developed by the secretary of state and supplied with data (as to its UOCAVA voters) by a county board of elections to track a UOCAVA voter's absent voter's ballot, to be notified of errors during the processing of the application and ballot, and to correct certain errors on his or her Statement of Voter form (SOS Form nos. 12-A, 12-A-OS or 12-A-SV).

A UOCAVA voter must be able to determine the following information by using the CBTS:

1. **ABSENTEE REQUEST RECEIVED:** Whether the voter's application for an absent voter's ballot was received and processed;
2. **BALLOT ISSUED:** Whether the ballot was issued and, if so, when;
3. **VOTED BALLOT RECEIVED:** Whether a county board of elections received the voted ballot;
4. **BALLOT RECEIVED BUT MORE INFORMATION NEEDED:** Whether there was an error or omission on the Statement of Voter form as contained on the absentee ballot Identification Envelope (Form no. 12-A or 12-A-OS) or as a separate Statement of Voter (Form no. 12-A-SV), and, if so, how the voter may correct the error or omission; and
5. **COUNTING OF BALLOT:** Whether the ballot was counted.

The purpose of this directive is to establish a uniform and predictable process for voters by which a county board of elections:

1. advises a UOCAVA voter of an error or omission on the Statement of Voter form (Form nos. 12-A, 12-A-OS or 12-A-SV) that accompanied his or her absent voter's ballot, and
2. instructs the voter on how to correct that error or omission.

Notifying a UOCAVA Voter that More Information is Needed because of an Error or Omission on an Identification Envelope and/or Statement of Voter Form Accompanying His or Her Absent Voter's Ballot

Many UOCAVA voters have limited access to internet, email, fax and telephone communication. Consequently, a UOCAVA voter must be notified of an error or omission on his or her statement of voter form (SOS Form nos. 12-A, 12-A-OS or 12-A-SV) as quickly as possible in order for that voter to have an opportunity to provide additional information or correct an error.

A board of elections must regularly and promptly update and maintain information about UOCAVA ballots for voters in their counties to ensure that a UOCAVA voter may determine in a timely manner whether his or her Identification Envelope and/or Statement of Voter form contains an error or omission that would prevent his or her ballot from being counted. As UOCAVA voters will be logging into the CBTS at any time and not necessarily regularly or repeatedly, information must be up-to-date at all times. A UOCAVA voter must be able to see, when logging into the CBTS: whether there was an error or omission; how he or she may correct that error or omission; and the date by which that error or omission must be corrected in order for the voter's ballot to be processed.

In addition to updating and maintaining information in the CBTS about UOCAVA ballots for voters in their counties, a board of elections must be proactive in contacting that voter, using the quickest and most effective available means of communication (e.g., telephone, facsimile, or email), and notifying that voter of the error or omission, how to correct it, and the date by which it must be corrected.

Correcting an Error or Omission on a Statement of Voter Form Accompanying an Absent Voter's Ballot

It is acceptable for a UOCAVA voter to appear in person at a board of elections office to correct an error or omission on a statement of voter form (SOS Form nos. 12-A, 12-A-OS or 12-A-SV) through the tenth day after the date of the election for which the UOCAVA voter voted by absent voter's ballot. However, because most UOCAVA voters are physically outside of the United States during election season, it may be impossible for a UOCAVA voter to appear in person to correct an error or omission on an Identification Envelope and/or Statement of Voter form. Therefore, a UOCAVA voter may, but does not need to, appear in person at a board of elections office to correct an error or omission.

A board of elections must allow a UOCAVA voter to correct an error or omission on his or her Identification Envelope and/or Statement of Voter form in the following ways:

- 1. The voter may correct an error or omission involving the voter's name and proof of identification using the CBTS.**

The voter may log into the system by using his or her unique personal identification number (PIN) and by entering his or her last name. Depending on the omission, an appropriate box will appear to allow the voter to enter either his or her name or proof of identification (i.e., driver's license number or the last four digits of his or her social security number) into the CBTS. The CBTS automatically will generate an email to the board of elections that contains the information entered by the voter.

- 2. The voter may correct an error or omission involving the voter's name and proof of identification with an elections' official in person or via the telephone, facsimile, or email.**

TELEPHONE CORRECTIONS: UOCAVA voters may make needed corrections by communicating with the board of elections by telephone (including cellular communication) or internet telephone such as “Skype.” An elections official must determine that he or she is speaking with the voter by verifying the identity of the voter prior to making any changes to the Identification Envelope and/or Statement of Voter form. For example, it is advisable for an elections official to ask the voter to confirm his or her date of birth or other identifying information on file with the board of elections.

FACSIMILE (FAX) CORRECTIONS: UOCAVA voters may make needed corrections by communicating with the board of elections by fax. The voter does not need to fully complete and fax a new Identification Envelope/Statement of Voter form; however, the fax must include enough information for an elections’ official to match the information contained in the fax to the Identification Envelope and/or Statement of Voter form that contained an error or omission.

EMAIL CORRECTIONS: UOCAVA voters may make needed corrections by communicating with the board of elections by email. The voter does not need to fully complete and email a new Identification Envelope/Statement of Voter form; however, the email must include enough information for an elections official to match the information contained in the fax to the Identification Envelope and/or Statement of Voter form that contained an error or omission.

- 3. The voter may submit a new Identification Envelope/Statement of Voter form to the board of elections in person or via facsimile (fax), email, or ordinary mail.** If a UOCAVA voter submits a new Identification Envelope and/or Statement of Voter form, he or she need only provide on that form the information necessary to correct the error or omission on the on the original, similar form (Form nos. 12A, 12-A-OS or 12-A-SV) and does not need to fully complete a new Identification Envelope/Statement of Voter form.

Please note that for an error or omission involving the voter’s signature or multiple errors or omissions: A voter must appear in person at the board of elections *or* sign and submit a new Statement of Voter form (Form nos. 12A, 12-A-OS or 12-A-SV) via facsimile (fax), email, or ordinary mail (received within 10 days after Election Day) to provide a signature.

Some UOCAVA voters may not have frequent and reliable access to the internet, email, or telephone communication, and it may be impossible for a board of elections to successfully obtain correct information from such a voter in a short timeframe or before the expiration of the tenth day after Election Day. If a board of elections is unable to obtain the information it is required to have from a UOCAVA voter or does not receive any communication from the voter via CBTS after having promptly advised the voter of an error or omission, the board of elections may correct the error or omission on the Identification Envelope and/or Statement of Voter by using information provided by that voter on his or her absent voter’s ballot application. This option may be used only as a last resort and only after the board of elections has exhausted every available means of obtaining the corrective information from the UOCAVA voter.

If you have any questions about this directive, please contact the elections attorney assigned to your county. Thank you for your cooperation in this matter.

Sincerely,

Jennifer Brunner