

DIRECTIVE 2010-88 (Reissue of SOS Directive 2010-65)

December 29, 2010

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

Re: Bilingual Voter Registration Forms

Revised Code Section 3503.14(A) requires the Secretary of State to prescribe the form and content of the voter registration form used in Ohio. The statute requires that the form include spaces for certain categories of information. As explained in Advisory 2008-23, Ohio residents who are eligible to register to vote in Ohio may register to vote using the voter registration form adopted by the Secretary of State, the National Mail Voter Registration Form adopted by the U.S. Election Assistance Commission, or, for uniformed service members and U.S. citizens living outside the country, the Federal Post Card Application.¹

A settlement agreement reached this month between the Cuyahoga County Board of Elections and the U.S. Department of Justice filed in federal court has highlighted the effect of Section 4(e) of the federal Voting Rights Act of 1965. That provision, codified at 42 U.S.C. §1973b(e), provides that the right to vote of persons educated in American-flag schools in which the predominant classroom language is other than English (such as American citizens of Puerto Rican descent) may not be conditioned on the ability to read, write, understand, or interpret any matter in English. As a part of my office's commitment to ensuring compliance with the law and ensuring that all eligible citizens are afforded the opportunity to register to vote and exercise their right to vote, the voter registration form prescribed by the office has been translated into a bilingual (English and Spanish) version. The bilingual voter registration form is formatted as an 8.5x14-inch document and is also formatted for return via mail without an envelope. The actual form, itself, on which a voter enters required information, is the same size as a non-bilingual form that is in standard use as prescribed by the Secretary of State. A copy of the bilingual voter registration form is attached to this Directive.

I hereby direct all Ohio boards of elections to accept for filing and voter registration the bilingual voter registration form as it does the English-language only voter registration form prescribed by my office. A copy of the bilingual form is included with this directive. If a board of elections receives a bilingual voter registration form that is complete and appears on its face to be valid, and if the individual is eligible to register to vote, the board must accept and process the bilingual voter registration form as it would an English-language only voter registration form. If a board of elections receives a bilingual voter registration form that is incomplete or invalid, or the individual named on the form is ineligible to register to vote, the board shall take the appropriate measures pursuant to law and board policy, as described in Advisory 2008-23.

¹ Advisory 2008-23 also acknowledges that individuals and organizations conducting voter registration activities in Ohio may be using other voter registration forms. As provided in the Advisory, Ohio boards of elections **must accept** any voter registration form that meets the requirements of Ohio and federal law, and that contains the required information for a person to register to vote in Ohio.

If you have any questions concerning this directive, please contact the elections attorney assigned to your county.

Sincerely,

Jennifer Brunner

Enclosure: Bilingual voter registration form prescribed by Secretary of State