



Jon Husted
Ohio Secretary of State

180 East Broad Street, 16th Floor
Columbus, Ohio 43215
Tel: (877) 767-6446 Fax: (614) 644-0649
www.OhioSecretaryofState.gov

DIRECTIVE 2013-01

January 16, 2013

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

Re: Allegations of Voter Suppression or Voter Fraud

BACKGROUND

In the weeks leading up to the 2012 general election, and since, there have been accusations of voter suppression and/or voter fraud. It is not in the best interest of the public or efforts to improve the administration of elections to have unsubstantiated allegations linger without giving an appropriate venue to provide legally-sustainable documentation that may result in a proper legal remedy. Furthermore, boards of elections have a statutory duty to “investigate irregularities, nonperformance of duties, or violations of Title XXXV of the Revised Code ... and report the facts to the prosecuting attorney or the secretary of state.”¹ In carrying out this public duty, boards of elections must comply with the directives, advisories, and memoranda issued by the Ohio Secretary of State and with the laws of Ohio and of the United States. This Directive replaces Directive 2010-102, which is rescinded.

INSTRUCTIONS

Whenever a complaint supported by factual evidence alleging circumstances of voter fraud and/or suppression is filed in a particular county, that county’s board of elections must hold a public hearing at which qualified electors of the State of Ohio may provide sworn testimony or affidavits in support of the alleged act(s) of voter suppression and/or voter fraud. Any testimony provided to the board of elections must be given under oath with a transcript made by a certified court reporter. All sworn statements, whether in writing or in person before the Board, must be limited to first-hand knowledge of the allegation, as hearsay testimony is inadmissible.

At the conclusion of any meeting to investigate allegations of voter suppression, voter fraud, and/or election falsification, the Board must vote whether or not to forward each allegation to the county’s prosecuting attorney for review and possible legal action, or resolve to further investigate the allegation at the board-level. Any action referred to the county’s prosecuting attorney must also be forwarded to the Secretary of State’s elections counsel assigned to your county.

¹ R.C. 3501.11(J)

Boards of elections must continue to demonstrate our shared commitment to fully and fairly investigate specific allegations or evidence of election law violations. The Secretary of State's Office, through its regional liaisons and elections attorneys, will continue to support Boards in their efforts to protect voter's rights and prevent election fraud.

If you have any questions regarding this Directive, 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. The first letter "J" is large and loops around the "o". The "H" is also large and loops around the "u". The "s" is a simple cursive flourish. The "t" is a simple vertical stroke with a small hook. The signature is positioned above the printed name "Jon Husted".

Jon Husted