



# Jon Husted

## Ohio Secretary of State

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### **Directive 2013-10**

May 10, 2013

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

Re: 2013 General Voter Records Maintenance Program (National Change of Address and Supplemental Processes); Grounds for Registration Cancellations

### **SUMMARY**

This Directive provides instructions to boards of election on how to conduct the general voter records maintenance program required under federal law.

### **BACKGROUND**

The voter records maintenance program is a requirement of the National Voter Registration Act of 1993 (NVRA),<sup>1</sup> commonly referred to as the “motor voter law.” The purposes of the NVRA are to increase the number of voter registrations for eligible citizens, to enhance the participation of eligible citizens in the voter process, to protect the integrity of the electoral process, and to ensure accurate and current voter registration rolls are maintained.<sup>2</sup>

There are two parts of the general voter records maintenance program of Ohio’s implementation of the NVRA:

- 1. The National Change of Address Process (NCOA)**, which is triggered when a voter record appears in the United States Postal Service (USPS) NCOA database indicating that the voter associated with that record likely has moved since the records were last compared in 2011, and thus may need to update their voter registration to their current voting residence address. Under state law,<sup>3</sup> the Secretary of State matches voter records in the Statewide Voter Registration Database (SWVRD) against the NCOA database to compile the data for the NCOA process.
- 2. The Supplemental Process**, which is triggered by a voter’s inactivity during a fixed period of time, generally two years (with inactivity determined by the absence of a voter initiated activity such as voting or the filing of a voter registration form). This second component is designated the “supplemental process,” because it seeks to identify electors whose lack of voter initiated activity indicates they may have moved, even though their names did not appear as a part of the NCOA process. Under state law, county boards of elections use data

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<sup>1</sup> 42 USC 1973gg-6

<sup>2</sup> 42 USC 1973gg(b)

<sup>3</sup> R.C. 3503.21

points (e.g., voting history) in their local County Voter Registration Database (CVRD) to compile the data for the supplemental process.

**Federal and State law requires all Ohio boards of elections to mail confirmation notices to certain electors as part of a uniform and nondiscriminatory general voter records maintenance program.** This program has been designed to ensure that accurate and current voter registration rolls are maintained, that voters who likely have moved are proactively given the opportunity to update their vote registration with their proper county board of elections, and to properly identify and cancel the voter registrations of individuals who are no longer qualified electors under the law.

New for this year, as a result of the online change of address system, voters receiving confirmation notices as a result of the NCOA process who would otherwise return the confirmation notice as a means of updating their address may instead use the online change of address tool to do so. This may result in postage savings for boards of elections using business reply mail permits.

## **INSTRUCTIONS**

In 2013, all boards of elections must mail confirmation notices ([SOS Form 10-S](#)) to electors identified through Ohio's general voter records maintenance program before removing the names of ineligible voters from their official list of voters. **In 2013, all confirmation notices (SOS Form 10-S) that are mailed pursuant to the program must be mailed no later than June 30, 2013.** All boards of elections must use the updated SOS Form 10-S and include a postage-paid return envelope with the notification form.

Each Board is reminded that it must record in the county's voter registration system both the date on which a confirmation notice is mailed to an elector and the date on which the board receives a completed confirmation return notice in response to that mailing. This record is critical for establishing the four-year anniversary date for each confirmation notice.

### **A. Compiling the Data for the General Records Maintenance Program**

Boards of elections must complete the NCOA process first and then begin the supplemental process second. An elector to whom a board of elections already mailed a confirmation notice (SOS Form 10-S) due to the NCOA process should not be mailed a second notice as part of the supplemental process.

It is possible that an elector who appears on the 2013 NCOA or supplemental list may have also appeared on the 2011 NCOA list or 2009 NCOA or supplemental lists. Under the NCOA and supplemental processes, do not send a confirmation notice to an elector to whom the Board already has sent such a notice, *unless* the 2013 NCOA data file provides an address for that elector that is *different* than the address to which the previous confirmation notice was sent in 2011 or 2009.

Boards of elections will access their NCOA data file using the steps provided by the Secretary of State's Office sent separately via email. If you have questions, contact the Secretary of State's IT Helpdesk at (614) 466-2585.

Boards of elections must generate the list of voters to receive a confirmation notice under the supplemental process using the following criteria: the voter: (a) did not vote in an election during the period beginning May 4, 2011, and ending not later than May 6, 2013, and (b) did not engage in any other voter-initiated activity (e.g., filing a voter registration form) during that same time period.

## **B. Mailing the Confirmation Notice for the General Records Maintenance Program**

All electors identified as a part of the NCOA process or the supplemental process must be sent a confirmation notice (SOS Form 10-S). The confirmation notice must be sent by forwardable mail.<sup>4</sup> Boards of elections must make appropriate arrangements for the return of the completed confirmation notice by the elector to be postage pre-paid by the Board.<sup>5</sup> The notice must be sent to the elector's current address as reported on the NCOA list (for the NCOA process) or the current address as recorded on the board of elections voter registration records (for the supplemental process).

## **C. Responses to the Mailed NCOA or Supplemental Confirmation Notice**

Electors can complete and return the "Confirmation Return Notice" portion of the confirmation notice (SOS Form 10-S) in order to update the elector's voter registration information (e.g., residential address) or initiate a qualifying voter activity under the supplemental process. Using the updated SOS Form 10-S, voters receiving the confirmation notice as a result of NCOA may use the online change of address system to update their address instead of completing and returning the confirmation notice.

### **1. Responding to the Confirmation Notice Using the Online Change of Address System**

- a. Change of Address Within the County:** If the elector uses the online change of address system and provides a new residential address within the county, the elector's registration record shall be updated by the board of elections with the new address and the date provided by the online change of address system as the date of response to the confirmation notice. The Board shall send the elector an acknowledgement notice ([SOS Form 10-J](#)) informing the elector of the registration update and the location of his or her new polling place. This voter should be listed as "active" in the county's voter registration database.
- b. Change of Address to Another Ohio County.** If the elector uses the online change of address system and provides a new residential address in another Ohio county, the board of elections in the voter's new county shall accept the voter into that county's voter registration system using the date provided by the online change of address system as the voter's registration date in that county. The Board shall send the elector an acknowledgement notice (SOS Form 10-J) informing the elector of the registration update and the location of his or her new polling place. This voter should be listed as "active" in the new county's voter registration database. A duplicate record will be created in the statewide voter registration database between

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<sup>4</sup> 42 USC 1973gg-6(d)

<sup>5</sup> 42 USC 1973gg-6(d) and R.C. 3503.21(D)

the voter's new and former counties that must be promptly resolved following the normal business procedures established by the Secretary of State and the local boards of elections.

## **2. Responding to the Confirmation Notice Using the Postage-Paid Confirmation Return**

- a. Change of Address within the County:** If the elector returns the confirmation return notice and provides a new residential address within the county, the elector's registration record shall be updated by the board of elections with the new address and the date the confirmation return notice was received by the Board. The Board shall send the elector an acknowledgement notice (SOS Form 10-J) informing the elector of the registration update and the location of his or her new polling place. This voter should be listed as "active" in the county's voter registration database.
- b. Change of Address to Another Ohio County:** If the elector returns the confirmation return notice and provides a new residential address in a different Ohio county, the board of elections that mailed the confirmation notice to the elector shall cancel the elector's registration in that county and make a notation on the elector's registration record of the date the confirmation return notice was received by the board and the date of cancellation.

The issuing board shall keep a copy of the completed confirmation return notice from the elector who has a new address in a different Ohio county and mail the original to the voter's new county so that the new county can enter the elector into the new county's voter registration database as an active voter. Completed confirmation return notices returned under this section must be forwarded to the appropriate county board of elections at least every week.

When the issuing county cancels the record in its county voter registration database and after the new county has entered the record into its county voter registration database, a duplicate record will be created in the statewide voter registration database that should be promptly resolved following the normal business procedures established by the Secretary of State and the local boards of elections.

- c. Confirmation of Current Address:** If the elector returns the confirmation return notice confirming that the elector still resides at the same address on file with the board of elections, the Board shall indicate on the elector's registration record the date the confirmation return notice was received by the Board and note that the address on file with the board of elections is correct. This voter should be listed as "active" in the county's voter registration database.
- d. Change of Address Outside the State of Ohio.** If the elector returns the confirmation return notice and provides a new permanent residential address outside the State of Ohio, the board of elections that mailed the confirmation notice to the elector shall cancel the elector's registration and make a notation on the elector's registration record of the date the confirmation return notice was received by the board and the date of cancellation.

- e. **Confirmation Return Notice NOT Returned:** If the elector fails to return the confirmation return notice and otherwise fails to either 1) update his or her registration *or* 2) vote or engage in other voter activity, the voter shall continue to be listed as “inactive” in the county’s voter registration database. Unless and until the elector’s registration is cancelled as described in Section E below or as otherwise may be permitted by law, the elector shall maintain all of the rights of an otherwise qualified elector (including the ability to cast a regular ballot at any election).

#### **D. Handling “No Forwarding Address” Returns**

Confirmation notices must be sent by forwardable mail. However, the USPS sometimes will return to the Board a confirmation notice that is non-deliverable because the USPS does not have a forwarding address for the addressee (the elector). The Board should record that fact (e.g., in the comments section of that elector’s record) and keep the undeliverable confirmation notice for four years.

If the elector fails to either 1) update his or her registration *or* 2) vote or engage in other voter activity for a period of four years from the date of mailing the confirmation notice (this period shall include regular federal general elections, i.e., elections occurring in November for even-numbered years), then the board of elections that mailed the confirmation notice to the elector shall cancel the elector’s registration and make a notation of the date of cancellation. Unless and until the elector’s registration is cancelled as described above, the elector shall maintain all of the rights of an otherwise qualified elector (including the ability to cast a regular ballot at any election) and should be listed as “inactive” in the county’s voter registration database.

#### **E. General Voter Records Maintenance Program is Prospective in Nature**

Both the NCOA and supplemental processes are prospective in nature. This means the registration of electors receiving a confirmation notice in 2013 will be canceled in 2017 (which is four years after the postmark on the 2013 confirmation notice), unless the elector performs at least one of the following affirmative acts during the four years after the confirmation notice is mailed:

- Returns the confirmation return notice card confirming a valid voting address in the county;
- Properly updates his or her voter registration and submits it to the board of elections (including using the Secretary of State’s online change of address system); or
- Votes or engages in another voter initiated activity before that four-year period ends.

If the elector fails to both a) respond to the 2013 confirmation notice and b) update his or her voter registration or vote or engage in voter activity by the appropriate anniversary date in 2017, the registration of the elector *shall be cancelled* by one of the following dates, whichever is later:

- Not later than one hundred twenty (120) days after the date of the second federal general election in which the elector fails to vote; *or*
- Not later than one hundred twenty (120) days after the expiration of the four-year period that begins on the date the confirmation notice is mailed pursuant to this Directive.

#### **F. Deadline for Completing General Voter Records Maintenance Program in 2013**

As was stated at the beginning of this Directive, the deadline for completing the general records maintenance program and the NCOA and supplemental components is June 30, 2013.

#### **G. Boards to Send Receipt to Secretary of State when General Voter Records Maintenance Program is Completed**

Each Board must provide written notice to the Secretary of State's Office that the general records maintenance program has been completed. The Program Completion Receipt Form, which will be sent under separate cover, must be completed by the Director or Deputy Director and returned to the SOS Elections Division by July 10, 2013.

**Return via email:** *dsherrod@ohiosecretaryofstate.gov*

#### **H. Grounds for Cancellation of a Registration in 2013 under the General Voter Records Maintenance Program**

As mentioned previously in this Directive, a board of elections may cancel an elector's registration only if, during the four years after a confirmation notice is mailed, that elector failed to vote and failed either to respond to the confirmation mailing, or to engage in any voter activity.

Thus, the registration of an elector who failed to both 1) respond to a confirmation notice that was sent in 2009; and 2) update his or her voter registration, or vote, or engage in voter activity (2009 through 2013) shall be cancelled not later than one hundred twenty (120) days after the four-year anniversary date in 2013 of the mailing of the 2009 confirmation notice.

Please remember to make a notation of the date of cancellation on the registration as well.

#### **I. Boards of Elections to Archive and Make Available for Public Inspection or Copying under Ohio's Public Records Laws those Voter Registration Records Cancelled in 2013 under the General Voter Records Maintenance Program**

County boards of elections must make the appropriate arrangements to archive the list (in electronic form) of voter registration records cancelled in 2013 under the general voter records maintenance program. Boards of elections must make the list (in electronic form) available to individuals requesting the data under Ohio's public records laws and maintain the data for at least two full calendar years (through the end of 2015).

## J. Postal Information

As a possible method to reduce mailing costs and save taxpayer funds, boards of elections are encouraged to consult with their local Postmaster or regional business mail analyst regarding the use of nonprofit permit postage rates for the mailing of outbound confirmation notices and business reply mail permits for the return of completed confirmation notices from voters. Because both have an application and permitting process, Boards are encouraged to evaluate these options as quickly as possible.

For more information on qualifying for nonprofit mail rates, go to <http://pe.usps.com/text/qsg300/Q703.htm>. You are strongly encouraged to contact your local Postmaster or the Business Mail Unit assigned to your region.

**Note:** USPS “Official Election Mail” logo: information about the official election mail logo is available online at [www.usps.com/electionmail](http://www.usps.com/electionmail).

Please direct questions about the NCOA data file or the download instructions to the Secretary of State IT Help Desk at (614) 466-2585 or [HELP@sos.state.oh.us](mailto:HELP@sos.state.oh.us).

If you have any questions concerning this Directive, contact the Secretary of State’s elections attorney assigned to your county at (614) 466-2585.

Sincerely,



Jon Husted

## IMPORTANT INFORMATION ABOUT YOUR OHIO VOTER REGISTRATION Confirmation Notice

Ohio Revised Code 3501.01(W)

This confirmation notice has been issued pursuant to federal and state law. You are receiving this notice because you have either filed a new address with the United States Postal Service and did not update your address with your Ohio county board of elections, or according to our records, you have been inactive over the last two years, not having cast a ballot, signed a petition, etc.

- If you have permanently moved (either within an Ohio county or from one Ohio county to another), you can update your residential address online at [www.MyOhioVote.com/moved.htm](http://www.MyOhioVote.com/moved.htm). To do so, your date of birth, Ohio driver’s license number and last four digits of your Social Security number must all be on file with your county board of elections. You may also update your address by completing, signing, and returning the confirmation form below. Your board of elections will mail an acknowledgement card to you with your new voting location.
- If the address at which you received this notice is the same address printed on the delivery envelope, and is where you reside, then you should complete, sign, and return the confirmation form below to confirm your status as a registered voter in Ohio.
- If you have permanently moved to another state, you should complete, sign, and return the confirmation form below to cancel your voter registration in Ohio.

If you do not take immediate action as described above, you may be required to cast a provisional ballot when you next present yourself on Election Day at your correct voting location. If you do not take immediate action as described above and do not vote in Ohio by the second regular general election for federal office that occurs after the issue date on this notice, your voter registration in Ohio may be cancelled pursuant to federal and state law.

**To update your Ohio residential address online, go to [www.MyOhioVote.com/moved.htm](http://www.MyOhioVote.com/moved.htm).**

**Or, complete and sign the confirmation form below and return it in the postage-paid return envelope.**

**CONFIRMATION FORM** (please print)

**VOTER ID BARCODE**

① FULL LEGAL NAME    Last \_\_\_\_\_ First \_\_\_\_\_ Middle \_\_\_\_\_ Suffix \_\_\_\_\_

② DATE OF BIRTH    Month   Day   Year        *Do not print today’s date here.*

③ RESIDENTIAL ADDRESS \_\_\_\_\_

CITY, STATE & ZIP \_\_\_\_\_

④ FORM OF IDENTIFICATION *You must provide at least one form of identification.*

Ohio Driver’s License Number            Last four digits of your Social Security Number

*If you cannot provide one of the above numbers, you must provide a copy of one of the following forms of identification: Current and valid photo identification, a military identification, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document (except notification from boards of elections) that shows your name and address.*

**I hereby declare, under penalty of election falsification, that the statements above are complete and true to the best of my knowledge and belief.**

⑤ SIGNATURE \_\_\_\_\_ ⑥ TODAY’S DATE \_\_\_\_\_