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## **DIRECTIVE 2014-14**

May 21, 2014

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

Re: 2014 General Voter Records Maintenance Program

### **SUMMARY**

This Directive provides instructions to boards of election on how to conduct the general voter records maintenance program every year as required by state law.

### **BACKGROUND**

The voter records maintenance program, generally, 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 that accurate and current voter registration rolls are maintained.<sup>2</sup>

A recent change in state law requires local election officials to conduct the state’s general voter records maintenance program every year.<sup>3</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 2013, and thus may need to update their voter registration to their current voting residence address. Under state law, 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.<sup>4</sup>
- 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

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

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

<sup>3</sup> [Amended Substitute Senate Bill No. 200](#) (130<sup>th</sup> General Assembly), effective March 20, 2014

<sup>4</sup> R.C. 3503.21

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

This uniform and nondiscriminatory program has been designed to help ensure that accurate and current voter registration rolls are maintained, that voters who likely have moved are proactively contacted and 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.

As a result of the online change of address system implemented in 2012, electors receiving confirmation notices from the 2014 general records maintenance process who would otherwise return the confirmation notice by mail 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 and electors.

## **INSTRUCTIONS**

In 2014, all boards of elections must mail confirmation notices ([SOS Form 10-S](#)) to electors identified through Ohio's general voter records maintenance program. **All confirmation notices ([SOS Form 10-S](#)) that are mailed pursuant to the 2014 general records maintenance program must be mailed between June 18, 2014 and June 20, 2014.** All boards of elections must use [SOS Form 10-S](#) and include a postage-paid return envelope with the notification form.<sup>5</sup>

Each Board must record in its 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 2014 General Records Maintenance Program**

In order to provide boards of elections with the most up-to-date NCOA data, **all county boards of elections must complete their local data entry of all voter registration applications received through May 30, 2014 – including any information from provisional ballot envelopes cast at the May 6, 2014 primary election – no later than 5 p.m. on Friday, May 30, 2014.** All voter records must be updated to the Statewide Voter Registration Database by Friday, May 30, 2014.

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.

Boards of elections will access their 2014 NCOA data file during the week of June 9, 2014 using the steps provided by the Secretary of State's Office sent separately via email. If you have any questions, contact the Secretary of State's IT Helpdesk at (614) 466-2585.

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<sup>5</sup> R.C. 3503.21(D)

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 with the 2012 presidential primary election and with the 2014 primary election, 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 2014 General Records Maintenance Program**

All electors identified as a part of the 2014 program must be sent a confirmation notice ([SOS Form 10-S](#)) between June 18, 2014 and June 20, 2014. The confirmation notice must be sent by forwardable mail.<sup>6</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>7</sup> The notice must be sent to the elector's current address as reported on the 2014 NCOA list (for the NCOA process) or the current address as recorded on the board of elections voter registration records (for the supplemental process).

It is possible that an elector who appears on the 2014 NCOA list may have also appeared on the 2013 or 2011 NCOA list or supplemental lists. Under the 2014 NCOA program, do not send a confirmation notice to an elector to whom the Board already has sent such a notice, *unless* the 2014 NCOA list provides an address for that elector that is *different* than the address to which the previous confirmation notice was sent in 2013 or 2011.

## **C. Responses to the Mailed 2014 General Records Maintenance Program**

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). Using the updated [SOS Form 10-S](#), an elector receiving the confirmation notice as a result of NCOA may use the online change of address system to update his or her address instead of completing and returning the confirmation notice by mail.

### **1. Responding to the 2014 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. The Board should list this elector as "active" in its 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

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

<sup>7</sup> 42 USC 1973gg-6(d) and R.C. 3503.21(D)

county, the board of elections in the elector's new county shall accept the elector into its voter registration system using the date provided by the online change of address system as the elector's registration date in that county. The Board of the new county 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 and list this elector as "active" in its voter registration database. A duplicate record will be created in the statewide voter registration database between the elector'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 2014 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 and list this elector as "active" in its 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 and mail the original to the board of elections for the elector's new county, so that the new Board can enter the elector into its voter registration database as an active voter. Completed confirmation return notices returned under this section must be forwarded to the appropriate board of elections at least every week.

When the issuing board of elections cancels the record in its voter registration database, and after the board of elections for 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 must 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. The Board should list this elector as "active" in its 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 elector 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 the rights of an otherwise qualified elector, including the ability to cast a regular ballot at any election.

### 3. 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 shall record that fact (e.g., in the comments section of that elector's record) and keep the undeliverable confirmation notice for four years.

## D. 2014 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 2014 will not be cancelled pursuant to the general voter records maintenance program until the applicable anniversary date in 2018 (which is four years after the postmark on the 2014 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 1) responds to the 2014 confirmation notice, or 2) updates his or her voter registration, or 3) votes or engages in voter activity, the elector's voter status shall be changed from 'active-confirmation' to 'active-active' and the elector shall not be cancelled pursuant to this general voter records maintenance program. All other electors contacted pursuant to this general voter records maintenance program shall be cancelled during 2018, 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;<sup>8</sup> **but**
- **No voter registration shall be cancelled as a result of the general voter records maintenance program during the 90 days immediately preceding any federal primary or general election.**<sup>9</sup>

#### **E. No Cancellation of a Registration in 2014 under the General Voter Records Maintenance Program**

As mentioned previously in this Directive, a board of elections may cancel an elector's registration under this program only if, during the four years after a confirmation notice is mailed, that elector failed either to respond to the confirmation mailing, or to vote or to engage in any other voter activity. Because state law did not require boards of elections to conduct a general voter records maintenance program in 2010, no cancellations will take place in 2014 under the general voter records maintenance program.

#### **F. Deadline for Completing the 2014 General Voter Records Maintenance Program**

As was stated at the beginning of this Directive, the deadline for completing the 2014 general records maintenance program is June 20, 2014.

#### **G. Boards to Send Receipt to Secretary of State when 2014 General Voter Records Maintenance Program Is Complete**

Each Board must provide written notice to the Secretary of State's Office that the 2014 general records maintenance program is complete. The 2014 Program Completion Form, which will be sent under separate cover, must be completed by the director and deputy director and returned via email to the SOS Elections Division by June 23, 2014.

#### **H. 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 electors. 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 <https://www.usps.com/gov-services/election-mail.htm> and <http://pe.usps.com/text/dmm300/703.htm#1114977>.

You are strongly encouraged to contact your local Postmaster or the Business Mail Unit assigned to your region.

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<sup>8</sup> R.C. 3503.21

<sup>9</sup> 42 USC 1973gg-6(c)(2)(A)

Please direct any questions concerning this Directive to the Secretary of State's elections counsel assigned to your county at (614) 466-2585. Please direct questions about the 2014 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).

Sincerely,

A handwritten signature in black ink that reads "Jon Husted". The signature is written in a cursive style with a large initial "J".

Jon Husted