**DIRECTIVE 2016-38**
October 14, 2016

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

Re:     Review of Voter-Identifying Fields on Absentee Ballot Identification Statements and
        Provisional Ballot Affirmations

## BACKGROUND

All boards of elections must apply these practices when reviewing voter-identifying fields on
absentee identification envelopes and provisional ballot affirmations. Boards of elections must
read this Directive as a companion to the instructions for administering absentee and provisional
voting found in Chapters 5 and 6 of the Ohio Election Official Manual, respectively.

## INSTRUCTIONS

### A.  Date of Birth[1]

As long as a board can still identify the voter, technical mistakes in providing one's date of
birth (such as accidental transposition of month and year numerals, mistakenly writing the
current date, or inverting digits) are not valid reasons to reject a ballot.

Prior to rejecting any provisional ballot because the date of birth on the envelope does not
match the date of birth in the voter file,[2] the board must take a public vote at a meeting
noticed for that purpose. (For administrative economy, a board of elections may instruct its
staff to group "like" ballots together and vote on each group rather than each individual
ballot). If three board members agree that the provisional ballot is in all other respects valid
and sufficient (i.e., cast by an otherwise qualified elector who provided name, address,
signature, and a valid form of identification), the ballot shall be counted.

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[1]  Instructions for administering absentee and provisional voting found in Chapters 5 and 6 of the Ohio Election
     Official Manual, respectively.
[2]  R.C. 3505.183(B)(3)(e)(ii). State law permits a board of elections to count a provisional ballot when the any of the
     exceptions exist: a.) the month of birth and day of birth on the provisional envelope match the voter file, but the
     year of birth is different (e.g., the voter wrote the current year "2016" instead of voter's year of birth as recorded
     in the voter file) or b.) the voter's date of birth in the voter file is "1/1/1800;" or c.) the board of elections has
     found, by a vote of at least of its members, the voter has met all of the other statutory requirements for counting a
     provisional ballot.

When a provisional ballot is otherwise valid and the sole deficiency is that a voter has provided something that purports to be a date of birth that does not match the voter's date of birth in the voter file, the board must count the ballot. As explained in R.C. 3505.183(B), if the space provided for the voter to write the voter's date of birth is blank, the ballot cannot be counted.

In any instance of deficiency, the board must carefully review its voter registration records to determine if an error on the part of the board of elections is the cause of the deficiency before rejecting the ballot.

## B. Address[3]

As long as a board can still identify a voter, technical mistakes in providing one's address are not valid reasons to reject a ballot.

1.  When reviewing addresses, remember that the U.S. Postal Service may assign a delivery address (e.g., Columbus) that is not the same as the political subdivision (i.e., City, Village, or Township) in which the voter resides (e.g., the City of Bexley). The political subdivision, ZIP Code, and/or city (as assigned by the USPS) are generally not relevant to this determination.

    The voter's address is sufficient when the number and street is in the county (e.g., 2598 Ruhl Avenue) regardless of the City and ZIP code (except when the same address exists in two different precincts within the same county).

    The following examples assume the ballots were cast in a polling place in Franklin County:

    | Street No. & Name | City / ZIP | Political Subdiv. | In County? | Valid? |
    |---|---|---|---|---|
    | 2598 Ruhl Ave. | Columbus, 43209 | Bexley | Yes | Yes |
    | 2598 Ruhl Ave. | Bexley, 43209 | Bexley | Yes | Yes |
    | 63 Pinebrooke | Westerville, 43082 | Westerville | No | No |

2.  **Under no circumstances shall a board of elections use any database other than the county's voter registration system (CVRS) or the statewide voter registration database (SWVRD) when determining whether or not the address on an absentee ballot identification envelope or provisional ballot affirmation is valid.** Specifically, boards of elections may not use the property records of a County Auditor or County Treasurer or any maps of a County Engineer to determine whether or not an absentee ballot identification envelope is valid.

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[3] Instructions for administering absentee and provisional voting found in Chapters 5 and 6 of the Ohio Election Official Manual, respectively.

## C. Identification

A voter is not required to provide the same form of identification on an absentee ballot
identification envelope or provisional ballot affirmation that he or she provided when
registering to vote.

Under no circumstance shall a board of elections use any database other than the CVRS or
SWVRD when determining whether or not identification provided on an absentee ballot
identification envelope or provisional ballot affirmation is valid. Specifically, boards of
elections may not use any online search tool on the website for the Ohio Bureau of Motor
Vehicles when determining whether or not an absentee ballot or provisional ballot is valid.

In all other matters relative to voter identification, boards of elections are reminded to follow
the requirements of Directive 2008-80.

## D. Data Fields with Null Values

If a data field in the CVRS or SWVRD is "null" (i.e., no data is present, or the field has a
placeholder value, such as "1/1/1800" for date of birth), the voter has satisfied the
requirement when the voter provides the relevant information on the provisional ballot
affirmation. Information contained on an absentee ballot application, absentee ballot
identification envelope or provisional ballot affirmation, provided under penalty of
falsification, may be entered into the CVRS to complete the voter's record both in the CVRS
and SWVRD.

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,

Jon Husted