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## Absentee Voting

### Directive 2017-02

permanent directive issued on 01/31/2017

**JON HUSTED**  
Ohio Secretary of State



#### **SECTION 1.01 DEFINITION**

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An absentee voter is any qualified voter who votes by mail or in person prior to Election Day.<sup>1</sup>

#### **SECTION 1.02 ELIGIBILITY**

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Any qualified voter whose registration information is current may request and vote an absentee ballot at any election without stating a reason.<sup>2</sup>

#### **SECTION 1.03 APPLICATION**

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A qualified voter who wishes to cast an absentee ballot must submit an application in writing to the board of elections of the county in which the voter resides. While there is no required form for an application for an absentee ballot, the Secretary of State's Office makes available prescribed forms specific to each type of absentee voter.

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<sup>1</sup> [R.C. 3509.02.](#)

<sup>2</sup> [R.C. 3509.02.](#)



## A. Absentee Ballot Applications

County boards of elections are prohibited from mailing unsolicited absentee ballot applications to any voter.<sup>3</sup>

Boards of elections are not prohibited from placing absentee ballot applications on the board's website or in various public places (e.g., libraries, etc.). A request in writing in any form, a verbal request in person or by phone, or the completion of some manner of automated form of application (telephonic or web-based) initiated by an individual voter constitutes a proper request for an absentee ballot application and is not prohibited.

## B. Required Fields

Generally, a voter's request in any form is sufficient if it contains ALL of the following pieces of information:<sup>4</sup>

1. The voter's name;
2. The voter's signature;<sup>5</sup>
3. The address at which the voter is registered to vote;
4. The voter's date of birth;
5. One of the following:
  - a. The voter's driver's license number;
  - b. The last four digits of the voter's Social Security number; or
  - c. A copy of a current and valid photo identification, a military

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<sup>3</sup> [R.C. 3501.05](#).

<sup>4</sup> [R.C. 3509.03](#).

<sup>5</sup> Generally, signing or affixing a signature to an election-related document requires a person's written, cursive-style legal mark written in that person's own hand. However, a voter with a disability may personally affix his or her signature through the use of a reasonable accommodation, including the use of assistive technology or an augmentative device such as a signature stamp. See R.C. [3501.011](#), [3501.382\(F\)](#) and related OAG 2015-012.





identification, or a current (within the last 12 months) utility bill, bank statement, government check, paycheck, or other government document (other than a notice of voter registration mailed by a board of elections) that shows the voter's name and address.

6. A statement identifying the election for which the absentee ballot is requested;
7. A statement that the person requesting the ballot is a qualified elector;<sup>6</sup>
8. If the request is for a primary election ballot, the voter's party affiliation; and
9. If the voter desires a ballot to be mailed to the elector, the address to which that ballot shall be mailed.

Certain types of absentee voters must provide additional information in order to receive an absentee ballot, as discussed below. All absentee ballot applications, except the Federal Post Card Application (FPCA) used by absentee voters who are uniformed services or overseas citizens (UOCAVA), are valid for a single election only.<sup>7</sup> All other voters must reapply for an absentee ballot prior to each election in which the voter wishes to vote by absentee ballot.

## **SECTION 1.04 TYPES OF ABSENTEE VOTING**

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There are different types of absentee voters, each with slightly different requirements. Specific guidelines for each type of absentee voter are set forth below.

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<sup>6</sup> Under [R.C. 3503.01](#), a voter's qualifications to vote are determined as of the date of the election.

<sup>7</sup> [R.C. 3509.02](#); [R.C. 3509.03](#).





## A. Absentee Voting by Mail

To cast an absentee ballot by mail, voters apply using Ohio Secretary of State [Form 11-A](#) or any written application containing all the required information mentioned previously. Voters may submit applications to receive an absentee ballot by mail beginning January 1st of the election year or 90 days before the election, whichever is earlier, and ending 12:00 p.m. noon the Saturday before Election Day.<sup>8</sup>

Boards may begin mailing absentee ballots to those who have requested them on the first day after the close of voter registration before Election Day and may continue mailing absentee ballots as they receive valid applications up until 12:00 p.m. noon the Saturday before Election Day.<sup>9</sup>

A voter who receives an absentee ballot by mail may return it to the office of the board of elections through the mail or by personal delivery:

### 1. Return by Mail

- The absentee ballot must be postmarked no later than the day before Election Day and received at the board of elections office no later than the 10th day after Election Day.
- If the absentee ballot does not have a postmark, it must be received at the board of elections office no later than 7:30 p.m. on Election Day.
- A postmark does not include mail sent using a postage evidencing system, including a postage meter or postage from private companies that dispense postage through the internet (e.g., Stamps.com), known as the PC Postage program.<sup>10</sup>

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<sup>8</sup> [R.C. 3509.03](#).

<sup>9</sup> [R.C. 3509.01](#); [R.C. 3509.03](#).

<sup>10</sup> [R.C. 3509.05\(B\)\(2\)](#). See also, 39 CFR 501.01.





## 2. Return by Personal Delivery

A voter may deliver the absentee ballot personally or may have a family member<sup>11</sup> deliver the absentee ballot by the close of polls on Election Day at the office of the board of elections only. No one may return a voted absentee ballot to a precinct polling location.

## B. Absentee Voting In Person

To apply for an absentee ballot in person, voters complete Secretary of State [Form 11-A](#), or a written application containing all the required information mentioned above. Voters may submit applications in person at the board office or other designated location.

### Uniform Hours Statewide for In-Person Absentee Voting

In-person absentee voting begins on the first day after the close of voter registration before Election Day for all types of absentee voters.<sup>12</sup>

All boards of elections are instructed to adopt the following as their business hours for in-person absentee voting:<sup>13</sup>

### 1. Presidential General Elections

*Weeks One and Two of Voting* (beginning with the day after the close of registration for the election except any holiday established by state law)

- 8:00 a.m. to 5:00 p.m. on each weekday  
(Monday through Friday)

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<sup>11</sup> [R.C. 3509.05\(A\)](#); “Family member” includes spouse, domestic partner, mother, father, step-mother, step-father, mother-in-law, father-in-law, brother, sister, step-brother, step-sister, half brother, half sister, brother-in-law, sister-in-law, grandmother, grandfather, aunt, uncle, child, step-child, son-in-law, daughter-in-law, or other family member living in the same household.

<sup>12</sup> [R.C. 3509.01](#); [R.C. 3511.10](#).

<sup>13</sup> Settlement agreement, *NAACP v. Husted*, (Case No. 2:14-CV-404). See also *Ohio Democratic Party, et. al v. Jon Husted, et. al* (U.S. Supreme Court Case No. 16A223).





*Week Three of Voting*

- 8:00 a.m. to 6:00 p.m. on each weekday (Monday through Friday)
- 8:00 a.m. to 4:00 p.m. on Saturday
- 1:00 p.m. to 5:00 p.m. on Sunday

*Week Four of Voting*

- 8:00 a.m. to 7:00 p.m. on each weekday (Monday through Friday)
- 8:00 a.m. to 4:00 p.m. on the Saturday before Election Day
- 1:00 p.m. to 5:00 p.m. on the Sunday before Election Day

*Week of Election Day*

- 8:00 a.m. to 2:00 p.m. on the Monday before Election Day

**2. Presidential Primary Elections and Gubernatorial General Elections**

*Weeks One and Two of Voting* (beginning with the day after the close of registration for the election, except any holiday established by state law)

- 8:00 a.m. to 5:00 p.m. on each weekday (Monday through Friday)

*Week Three of Voting*

- 8:00 a.m. to 5:00 p.m. on each weekday (Monday through Friday)
- 8:00 a.m. to 4:00 p.m. on Saturday

*Week Four of Voting*

- 8:00 a.m. to 7:00 p.m. on each weekday (Monday through Friday)





- 8:00 a.m. to 4:00 p.m. on the Saturday before Election Day
- 1:00 p.m. to 5:00 p.m. on the Sunday before Election Day

*Week of Election Day*

- 8:00 a.m. to 2:00 p.m. on the Monday before Election Day

**3. Regular Municipal Elections, Primary Elections, and Special Elections**

*Weeks One, Two and Three of Voting* (beginning with the day after the close of registration for the election, except any holiday established by state law)

- 8:00 a.m. to 5:00 p.m. on each weekday  
(Monday through Friday)

*Week Four of Voting*

- 8:00 a.m. to 7:00 p.m. on each weekday  
(Monday through Friday)
- 8:00 a.m. to 4:00 p.m. on the Saturday before Election Day
- 1:00 p.m. to 5:00 p.m. on the Sunday before Election Day

*Week of Election Day*

- 8:00 a.m. to 2:00 p.m. on the Monday before Election Day

If there are any in-person absentee voters waiting in line when voting ends on a particular day during the in-person absentee voting period, the in-person voting location shall be kept open until those voters who were in line when the location closed for the day have cast a ballot.<sup>14</sup>

Boards of elections may accommodate in-person absentee voting at the board office, or may designate another location for that purpose.<sup>15</sup> If the

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<sup>14</sup> [R.C. 3509.01\(B\)\(3\)](#).

<sup>15</sup> [R.C. 3501.10\(C\)](#).





board chooses to designate an alternate location for in-person absentee voting, in-person absentee voting may occur only at that location, and that designated location must comply with all applicable requirements and prohibitions for polling locations.<sup>16</sup> Boards of elections having designated another location for in-person absentee voting may not issue absentee ballots to voters, other than by mail, from the board office.

Boards of elections operating an alternate site for in-person absentee voting before the election may accept the return of absentee ballots to such alternate site in addition to the board of elections office, but may only allow in-person absentee voting at one location.

A voter who applies for and receives an absentee ballot in person may vote the ballot immediately or may take that ballot home to complete at a later date.

If the absentee voter chooses to take the ballot home, the board must provide the absentee voter a return mailing envelope along with the identification envelope. A voter who receives an absentee ballot in person and takes the ballot home to vote may return it to the office of the board of elections through the mail or by personal delivery:

### **Return by Mail**

- The absentee ballot must be postmarked no later than the day before Election Day and received at the board of elections office no later than the 10th day after Election Day.
- If the absentee ballot does not have a postmark, it must be received at the board of elections office no later than 7:30 p.m. on Election Day.

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<sup>16</sup> [R.C. 3501.11\(Z\)](#).







- A postmark does not include mail sent using a postage evidencing system, including a postage meter or postage from private companies that dispense postage through the internet (e.g., Stamps.com), known as the PC Postage program.<sup>17</sup>

### **Return by Personal Delivery**

A voter may deliver the absentee ballot personally or may have a family member<sup>18</sup> deliver the absentee ballot by the close of polls on Election Day at the office of the board of elections only. No one may return a voted absentee ballot to a precinct polling location.<sup>19</sup>

## **C. Absentee Voting Under Special Circumstances**

Ohio law provides some guidelines for other types of absentee voting under special circumstances.

### **1. Disability or Confinement**

A voter who has a disability or is confined and cannot vote at a polling location on Election Day or in person at the board office due to personal illness, physical disability, infirmity, or confinement may vote by absentee ballot.<sup>20</sup> This includes voters who are confined to a nursing home, jail, or workhouse. An absentee voter who has a disability or is confined applies using Secretary of State [Form 11-F](#) or any written application containing all the required information plus the nature of the voter's illness, physical disability, infirmity, or confinement.

Voters with a disability or who are confined may submit applications to receive an absentee ballot beginning January 1st of the year or 90 days

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<sup>17</sup> [R.C. 3509.05\(B\)\(2\)](#). See also, 39 CFR 501.01.

<sup>18</sup> [R.C. 3509.05\(A\)](#): "Family member" includes spouse, domestic partner, mother, father, step-mother, step-father, mother-in-law, father-in-law, brother, sister, step-brother, step-sister, half brother, half sister, brother-in-law, sister-in-law, grandmother, grandfather, aunt, uncle, child, step-child, son-in-law, daughter-in-law, or other family member living in the same household.

<sup>19</sup> [R.C. 3509.05\(A\)](#).

<sup>20</sup> [R.C. 3509.08\(A\)](#).





before the election, whichever is earlier, and ending 12:00 p.m. noon on the Saturday before Election Day.

A voter who has a disability or is confined may receive and return an absentee ballot by mail or in person through two boards of elections employees:

### **Return by Mail**

- The absentee ballot must be postmarked no later than the day before Election Day and received at the board of elections office no later than the 10th day after Election Day.
- If the absentee ballot does not have a postmark, it must be received at the board of elections office no later than 7:30 p.m. on Election Day.
- A postmark does not include mail sent using a postage evidencing system, including a postage meter or postage from private companies that dispense postage through the internet (e.g., Stamps.com), known as the PC Postage program.<sup>21</sup>

### **Receipt and Return by Two Board of Elections Employees**

- The two boards of elections employees, each belonging to different major political parties, may deliver an absentee ballot to a voter who has a disability or is confined, and return the ballot to the board office.
- The two board employees must be present during delivery, voting, and return of the ballot and must subscribe to that fact on the absentee ballot identification envelope ([Form 12-C](#)).<sup>22</sup>

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<sup>21</sup> [R.C. 3509.05\(B\)\(2\)](#). See also, 39 CFR 501.01.

<sup>22</sup> [R.C. 3509.08\(A\)](#).





An absentee voter who has a disability or is confined and who also is required to vote a provisional ballot due to a change of address or change of name may vote a provisional absentee ballot <sup>23</sup> ([Form 11-I](#)). No other type of absentee voter may vote provisionally by absentee ballot.

## 2. Unforeseeable Hospitalization

An absentee voter who is confined to a hospital or whose minor child is confined to a hospital due to an accident or unforeseeable medical emergency occurring after the absentee voting by mail application deadline of 12:00 p.m. noon on the Saturday before Election Day may vote by absentee ballot.<sup>24</sup> Any such voter applies using Secretary of State [Form 11-B](#) or any written application containing all the required information plus the hospital at which the applicant or the applicant's minor child has been admitted, the date of the applicant's or the applicant's child's admission to the hospital, and the offices for which the applicant is qualified to vote.<sup>25</sup>

Voters with an unforeseeable hospitalization may submit applications beginning after 12:00 p.m. noon on the Saturday before Election Day and ending at 3:00 p.m. on Election Day.

An absentee voter with an unforeseeable hospitalization within the county may receive and return the absentee ballot through a family member, or through two boards of elections employees.<sup>26</sup>

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<sup>23</sup> [R.C. 3503.16\(G\)](#).

<sup>24</sup> [R.C. 3509.08\(B\)\(1\)](#).

<sup>25</sup> [R.C. 3509.08\(B\)\(2\)](#).

<sup>26</sup> [R.C. 3509.08\(B\)\(2\)](#).





If the hospitalization is out of county, the absentee voter may receive and return the absentee ballot through a family member or by mail.<sup>27</sup>

### **Receipt and Return by a Family Member**

- A family member<sup>28</sup> of the voter may deliver the absentee ballot to the voter, and return the voted absentee ballot to the board of elections office by the close of polls on Election Day.<sup>29</sup> A voter's family member may not return a voted absentee ballot to a precinct polling location.

### **Receipt and Return by Two Boards of Elections Employees**

- Two boards of elections employees, each belonging to different major political parties, may deliver a ballot to an absentee voter who is hospitalized or whose minor child is hospitalized within the county.<sup>30</sup> The two board employees must be present during delivery, voting, and return of the ballot, and must subscribe to that fact on the Absentee Ballot Identification Envelope ([Form 12-C](#)).

### **Receipt and Return by Mail**

- If the hospital is located outside the county in which the voter is registered to vote, the board may mail the absentee ballot.<sup>31</sup>
- The absentee ballot must be postmarked no later than the day before Election Day and received at the board of elections office no later than the 10th day after Election Day.

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<sup>27</sup> [R.C. 3509.08\(B\)\(2\)](#).

<sup>28</sup> [R.C. 3509.05\(A\)](#); "Family member" includes spouse, domestic partner, mother, father, step-mother, step-father, mother-in-law, father-in-law, brother, sister, step-brother, step-sister, half brother, half sister, brother-in-law, sister-in-law, grandmother, grandfather, aunt, uncle, child, step-child, son-in-law, daughter-in-law, or other family member living in the same household.

<sup>29</sup> [R.C. 3509.08\(B\)\(2\)](#).

<sup>30</sup> [R.C. 3509.08\(B\)\(2\)](#).

<sup>31</sup> [R.C. 3509.08\(B\)\(2\)](#).





- If the absentee ballot does not have a postmark, it must be received at the board of elections office no later than 7:30 p.m. on Election Day.
- A postmark does not include mail sent using a postage evidencing system, including a postage meter or postage from private companies that dispense postage through the internet (e.g., Stamps.com), known as the PC Postage program.<sup>32</sup>

### 3. UOCAVA Voters

Both federal and state laws govern absentee voting by uniformed services and overseas United States citizens. The *Uniformed and Overseas Citizens Absentee Voting Act* (UOCAVA)<sup>33</sup> and the *Military and Overseas Voter Empowerment (MOVE) Act*<sup>34</sup> are federal laws enacted to protect the rights of United States citizens to vote in federal elections while they are serving in the uniformed services or residing overseas. The Ohio General Assembly has incorporated those federal protections into the Ohio Revised Code and has extended them to state and local elections.<sup>35</sup>

The following voters are UOCAVA Voters:<sup>36</sup>

#### **A uniformed services voter:**

- A member of the active or reserve components of the U.S. Army, Navy, Air Force, Marine Corps, or Coast Guard;
- A member of the National Guard and the organized militia who is

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<sup>32</sup> [R.C. 3509.05\(B\)\(2\)](#). See also, 39 CFR 501.01.

<sup>33</sup> 52 U.S.C.A. § 20301

<sup>34</sup> Subtitle H ("Military Voting") of Title V of the National Defense Authorization Act for Fiscal Year 2010, Public Law 111-84 (2010).

<sup>35</sup> Amended Substitute House Bill 48 (2010) and Amended Substitute House Bill 224 (2011).

<sup>36</sup> [R.C. 3511.01](#).





on activated status;<sup>37</sup>

- A member of the merchant marine, the commissioned corps of the Public Health Service or the National Oceanic and Atmospheric Administration; or
- A spouse or dependent of any of the above.

**An overseas voter:**

- A person who is considered by Ohio law to be a resident of the state, but currently is living outside the U.S. Before leaving the U.S., the voter was last eligible to vote in Ohio or would have been eligible to vote in Ohio had the voter been 18 years of age or older; or
- A person who was born outside the U.S., but who has a parent or guardian who last resided and was last eligible to vote in Ohio before leaving the U.S.

UOCAVA voters apply for absentee ballots using the Federal Post Card Application (FPCA) or by filing a written request with the board of elections containing all the following required information:

- a. The voter's name;
- b. Signature;
- c. Address at which registered to vote in Ohio;
- d. Date of birth;
- e. Acceptable form of identification;
- f. The election(s) for which the voter is requesting ballots;
- g. Statements that the voter is a qualified elector, an absent UOCAVA

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<sup>37</sup> The Ohio organized militia consists of Ohio citizens who are members of the Ohio National Guard, the Ohio naval militia, and the Ohio military reserve. [R.C. 5923.01](#).





voter, and that the voter or the voter's parent or guardian, if applicable, resided in Ohio for at least 30 days prior to commencing service or leaving the U.S.;

- h. The voter's party affiliation (primary elections only);
- i. The method by which the voter wishes to receive a ballot (mail, e-mail, or fax); and
- j. The mailing address, e-mail address, or fax number at which the voter wishes to receive the ballot. <sup>38</sup>

Only UOCAVA voters may submit absentee ballot applications by mail, e-mail, fax, or in person.<sup>39</sup> Applications by mail, e-mail, or fax must be received by the board by 12:00 p.m. noon on the Saturday before the election.<sup>40</sup> An application delivered in person to the office of the board of elections must be received by the close of polls on Election Day.<sup>41</sup>

In addition, relatives of UOCAVA voters may apply for absentee ballots on the UOCAVA voter's behalf if the UOCAVA voter is already registered to vote by using Secretary of State [Form 11-E](#) or the FPCA.<sup>42</sup> A relative must submit the form on behalf of the registered UOCAVA voter in person or by mail to the county board of elections office.

The FPCA serves both as a voter registration form if the voter is not already registered or needs to update his or her registration and a

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<sup>38</sup> [R.C. 3511.02\(A\)](#).

<sup>39</sup> [R.C. 3503.191\(B\)](#); [R.C. 3511.021\(A\)\(2\)](#).

<sup>40</sup> [R.C. 3511.04\(B\)](#).

<sup>41</sup> [R.C. 3511.10](#). In instances where UOCAVA applications are received on or close to Election Day pursuant to this section, the board of elections must make best efforts to transmit the ballot to the voter in order for the voter to complete and return it such that it may be counted.

<sup>42</sup> [R.C. 3511.02\(C\)](#): Relatives include "spouse, father, mother, father-in-law, mother-in-law, grandfather, grandmother, brother or sister of the whole blood or half blood, son, daughter, adopting parent, adopted child, stepparent, stepchild, daughter-in-law, son-in-law, uncle, aunt, nephew, or niece."





request for absentee ballots. An FPCA used to register or update the registration of a qualified UOCAVA voter must reach election officials no later than 30 days before the election in order to be valid.<sup>43</sup> If a voter applies for an absentee ballot using an FPCA, that request is a request for absentee ballots for every election in that year, unless the voter specifically notes that he or she is requesting a ballot only for a single election in the year.<sup>44</sup> If the board receives an absentee ballot application that is not an FPCA, and it is clear that the applicant is a UOCAVA voter under Ohio law, the board must provide the voter the same accommodations as if the voter had applied using an FPCA.<sup>45</sup>

If the UOCAVA voter is using the FPCA to register to vote or to update his or her registration, an e-mailed or faxed copy of a signed form is acceptable under the law to register an eligible voter.

In regard to UOCAVA voters, each county must complete the following tasks:

a. *Prepare Two Notices of Elections for Voters Using the Federal Write-In Absentee Ballot*

Each board of elections must prepare two election notices for each precinct for use with the Federal Write-In Absentee Ballot.<sup>46</sup> A uniformed services or overseas voter may request a copy of this notice to be sent via mail, fax, or e-mail. If the board of elections maintains an internet website, the board must post the initial notice and the updated notice on its website.

Please refer to Secretary of State [Form 120](#) for an election notice template.

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<sup>43</sup> 52 U.S.C.A. § 20302.

<sup>44</sup> [R.C. 3511.02](#).

<sup>45</sup> [R.C. 3509.10](#).

<sup>46</sup> [R.C. 3511.16](#).







i. Initial Notice

The board must make available an *initial notice* at least 100 days before each regularly scheduled election and as soon as possible before an election that is not regularly scheduled. This initial notice must contain the following:

- A list of all federal, state, and local offices the board expects to be on the ballot;
- A list of all questions and issues the board expects to be on the ballot; and
- Specific instructions on how a uniformed services or overseas voter must indicate his or her choice on the Federal Write-In Absentee Ballot.

ii. Updated Notice

After the date on which the ballot form is certified, and no later than 45 days before each election, the board of elections must make available an updated notice with the following information:

- A list of certified candidates for each office on the ballot;
- A list of all certified questions and issues on the ballot; and
- Specific instructions on how a uniformed services or overseas voter must indicate his or her choice on the Federal Write-In Absentee Ballot.

b. *Transmit UOCAVA Ballots on the 45th Day Before Each Election*

On the 45th day before each election—even if the 45th day falls on a day the board is not regularly open for business—each board must transmit an absentee ballot to every UOCAVA voter who has filed a valid application with the board as of January 1st of that





year or 90 days before the election, whichever is earlier, to receive an absentee ballot by mail, e-mail, or fax. UOCAVA ballots must be transmitted on the 45th day. **This is a mandatory deadline.** Boards must have the necessary personnel on site to accept UOCAVA applications, review them for validity, and issue ballots on the 45th day prior to the election.

UOCAVA voters may receive absentee ballots by mail, e-mail, or fax. Each UOCAVA voter should designate on the application form the manner in which the voter prefers to receive the ballot. If the UOCAVA voter does not express a preference on the application, the board of elections must deliver the absentee ballot via standard mail.<sup>47</sup>

**All uniformed services and overseas voters may vote a complete ballot—all federal, state, and local candidate and issue contests—of the Ohio precinct in which the voter resided immediately before leaving Ohio for military service or to reside overseas.** A person who moves from Ohio to a location outside the United States without becoming a resident of another state does not lose Ohio residency, and is therefore eligible to vote on all candidate and issue contests.<sup>48</sup>

When the board transmits a ballot to a UOCAVA voter, it must provide the following items:

- Ballot;
- Secretary of State [Form 12-A](#)  
(Identification Envelope with Statement of Voter);

<sup>47</sup> [R.C. 3511.021\(A\)\(2\)](#).

<sup>48</sup> [R.C. 3503.02\(G\)](#) amended in Amended Substitute House Bill 224 (2011). Note: A non-UOCAVA voter who moves from Ohio to another state within the U.S and resides there for four years or more still is deemed to have lost his or her residence in Ohio; [R.C. 3503.32\(F\)](#). In the Classification portion of the FPCA, there are separate checkboxes. Under Ohio law, all UOCAVA voters are treated similarly and are issued a complete ballot, regardless of which box they check.





- Secretary of State [Form 12-K](#)  
(Instructions to Uniformed Services or Overseas Voters); and
- Secretary of State [Form 12-J](#)  
(Ballot Tracking for Military and Overseas Voters-Notification of PIN).

When sending a ballot to a UOCAVA voter via email, it is sufficient to attach the ballot to the email in .pdf form generated from the EMS system. The actual ballot issued to the UOCAVA voter will be the one used when remaking the ballot upon return. It will have a stub.

If the board receives more than one absentee ballot request from a UOCAVA voter and has already issued that voter a ballot, the board may not transmit another ballot to the same voter unless the voter's subsequent request states the voter submitted an initial request more than 30 days before the election, but has not received a ballot as of the 15th day before the election. The board must also ensure that it has not received a voted ballot from that voter.<sup>49</sup>

c. *Federal Write-In Absentee Ballot (FWAB)*

The Federal Write-In Absentee Ballot (FWAB) may be used by a UOCAVA voter to vote for all federal, state, and local offices, questions, and issues in every election.<sup>50</sup>

The voter will download the FWAB from the Federal Voting Assistance Program website at [www.fvap.gov](http://www.fvap.gov) and complete the ballot with the information the board provides in the election notices explained above.

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<sup>49</sup> [R.C. 3511.08](#).

<sup>50</sup> [R.C. 3511.14](#).





If, after mailing the FWAB to the board of elections, the voter receives the requested absentee ballot, the voter may vote the ballot and return it to the board of elections. If the board receives the voter's valid absentee ballot by the 10th day after the election, it must count the absentee ballot and not the FWAB.

The declaration accompanying a FWAB may be used simultaneously to register the person to vote for the next election if it is received no later than 30 days before the election. If the UOCAVA voter who submits a FWAB to the board of elections after that point and is not already a registered Ohio voter, the ballot cannot count. However, the declaration will serve to register an otherwise eligible voter to vote in future elections.<sup>51</sup>

d. *Enter UOCAVA Voter Data into the Centralized Ballot Tracking System (CBTS)*

The Centralized Ballot Tracking System (CBTS) allows UOCAVA voters to track the status of their absentee ballots.<sup>52</sup> When the board receives a valid FPCA or Secretary of State [Form 11-E](#), it must enter the voter into the CBTS to create a voter record. The CBTS will automatically generate a unique, personal identification number (PIN) for the voter. The board must provide the voter notification of the assigned PIN, which the voter will use to log in and view ballot status. Secretary of State [Form 12-J](#) may be used to notify a voter of his or her assigned PIN and to inform the voter how to access the CBTS website and track the ballot.

Once the board creates a voter record, it is required to update and maintain the accuracy of that record. Each absentee ballot record must be updated with the following information:

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<sup>51</sup> [R.C. 3511.14\(B\)](#).

<sup>52</sup> [R.C. 3511.021\(B\)](#).





- Date the board received the FPCA or Secretary of State [Form 11-E](#);
- Date the board transmitted the blank absentee ballot to the voter;
- Date the board received the voted absentee ballot;
- What errors, if any, the board detected on the absentee ballot ID envelope; and
- Whether the absentee ballot was counted.

**All CBTS records must be updated completely before the official canvass is completed.**

If you do not have a copy of the CBTS manual, please contact the Secretary of State's Elections Division.

## **SECTION 1.05 PROCESSING ABSENTEE BALLOT APPLICATIONS**

### **A. Pre-Printing ONLY Name and Address on Absentee Ballot Application**

In the required fields of any type of absentee ballot application, the board may pre-print only a voter's name and address before mailing to a voter who requests it. None of the other required pieces of information on any type of absentee ballot application shall be completed by election officials on a voter's behalf, unless the voter requests assistance and is a voter with a disability or with literacy challenges.<sup>53</sup>

### **B. Prohibition on Pre-paying Postage on Absentee Ballot Return**

No board is permitted to pre-pay return postage for any type of absentee ballot application.<sup>54</sup>

<sup>53</sup> [R.C. 3505.24](#); [R.C. 3509.03](#); [R.C. 3511.02\(F\)](#); [R.C. 3511.10](#).

<sup>54</sup> [R.C. 3509.03](#); [R.C. 3511.02\(E\)](#). This prohibition does not affect UOCAVA voters' use of the USPS Official Absentee Balloting Materials postage-paid envelope if they choose to return their FPCAs through the USPS.





### C. Submission by Fax or E-mail

Only UOCAVA voters may submit absentee ballot applications by mail, e-mail, or fax.<sup>55</sup>

Non-UOCAVA absentee ballot applications must be mailed or delivered to the board of elections in person. A board may not accept or process a non-UOCAVA absentee ballot application received by fax or e-mail.

### D. Incomplete Applications

If the board receives an application for an absentee ballot that does not contain all the required information listed above, it promptly must notify the voter of the missing information and ask the voter to resubmit a complete application containing all required information.<sup>56</sup>

In the event that an absentee ballot application from a UOCAVA voter is missing some of the required information or that the board of elections is unable to open the file in which the voter transmitted the FPCA, the board must contact the voter immediately, using the quickest and most effective available means of communication. Boards must attempt to contact the voter using all the contact information provided on the form and must ask the voter to resubmit a complete application containing all required information.

The board may not return an incomplete application of any type to the voter, as once an application is received at the board office, it is a public record. In addition, election officials may not complete an application's missing information on behalf of the voter. The voter must personally complete any missing information on the application, unless the voter has paperwork on file with the board of elections to receive assistance from a designated attorney-in-fact.<sup>57</sup>

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<sup>55</sup> [R.C. 3503.191\(B\); R.C. 3511.021\(A\)\(2\).](#)

<sup>56</sup> [R.C. 3509.04\(A\).](#)

<sup>57</sup> [R.C. 3501.382; R.C. 3509.03; R.C. 3511.02.](#)





## E. Issuing Ballots

**Absentee voting begins 45 days before each election for UOCAVA voters only and on the day after the close of registration before each election for all other types of absentee voters.**<sup>58</sup> Due to the earlier start date for UOCAVA voting, boards must have ballots proofed and ready to mail prior to the 45th day before each election.

Once the board receives an application that meets the requirements explained above, it must provide the voter with the correct ballot for the voter's precinct, based on the voter's residence address.

Boards of elections may not outsource the mailing of absentee ballots to vendors or any other third party unless the board has received prior written authorization from the Director of Elections, conditioned upon submission of appropriate quality assurance procedures.

### 1. Identification Envelope and Pre-Printing ONLY Name and Address

Ohio law requires boards of elections to provide an identification envelope with the absentee ballot ([Forms 12-A](#) and [12-C](#)).<sup>59</sup> State law permits boards of elections to pre-print the voter's name and address (at which the voter is registered to vote) on the identification envelope. None of the other required pieces of information on any type of absentee ballot application shall be completed by election officials on a voter's behalf, unless the voter requests assistance and is a voter with a disability or literacy challenges.<sup>60</sup>

Boards of elections are instructed to pre-print the voter's name and address (at which the voter is registered to vote) on the voter's identification envelope prior to providing it to the voter. Boards of elections may fulfill this requirement by pre-printing the voter's name and

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<sup>58</sup> [R.C. 3509.01\(B\)](#).

<sup>59</sup> [R.C. 3509.04](#); [R.C. 3511.05](#).

<sup>60</sup> [R.C. 3505.24](#); [R.C. 3509.04](#); [R.C. 3511.05\(E\)](#); [R.C. 3511.10](#).





address directly onto the identification envelope, by pre-printing the voter's name and address onto a sticker or label and then affixing the sticker or label to the identification envelope, or by some other method which accomplishes this purpose.

When a voter's name is placed anywhere on the identification envelope by a board of elections (i.e., other than in the blanks identified for this purpose on [Forms 12-A](#) or [12-C](#)), the name portion of the statutory requirement for the identification envelope to contain the voter's name<sup>61</sup> is satisfied.

The statutory prohibition against pre-printing information other than the voter's name and address does not limit a board from printing other information helpful to the board in administering its duties (e.g., voter identification number, ballot style, precinct, party-affiliation, municipality or other jurisdictions, bar codes, etc.).

## 2. Prohibition on Paying Return Postage on an Absentee Ballot

No board is permitted to pre-pay return postage for any absentee ballot.<sup>62</sup>

## 3. Mailing Considerations and Instructions

These instructions implement several administrative practices that are intended to increase the operational likelihood that ballots received after Election Day, if otherwise valid, can be included in the official canvass of the election. The instructions are based on close collaboration between state and local election officials in Ohio and the U.S. Postal Service.

USPS-expected level of service for point-to-point delivery of First-Class Mail is 2 to 5 days, and under ordinary circumstances, First-Class Mail

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<sup>61</sup> *NEOCH v. Husted*, Case Nos. 16-3603/3691 (6th Circuit 2016); [R.C. 3509.06\(D\)](#).

<sup>62</sup> [R.C. 3509.04](#); [R.C. 3511.04](#). This prohibition does not affect UOCAVA voters' use of the USPS Official Absentee Balloting Materials postage-paid envelope to return their ballots through the USPS.







in machineable letter-size envelopes is postmarked in an automated process versus flat-size envelopes, which generally receive a lower percentage of postmarks.

While no single operational or administrative action provides a complete remedy to the situation, the implementation of several administrative practices may increase the operational likelihood that ballots received after Election Day, if otherwise valid, can be included in the official canvass of the election. Therefore, boards of elections must implement the following:

- a. Include with every absentee ballot (except those issued and cast in person) the notice prescribed by the Secretary of State's Office, [\*Form 12-1\*](#). A board of elections may print the SOS-prescribed notice on other instructional material that the board already inserts into its absentee ballot packets (e.g., on the back of Secretary of State [\*Form 12\*](#), "Instructions to Absentee Voters").
- b. Prior to the November 8, 2016 Presidential General Election, all boards of elections must redesign their courtesy reply envelopes to contain both the official USPS Election Mail logo and the unique Intelligent Mail barcode (IMb) associated with the delivery point where the board receives its mail. (Note that the delivery point IMb for your board office will be different from your mailing address if you use a post office box or caller box). Use of the IMb is recommended by USPS to increase the electronic visibility of the absentee ballot in the mail stream to assist in the proper processing and timely delivery of voted absentee ballots.

To facilitate the proper placement of these elements on the envelope and to ensure their accuracy, each board of elections must obtain from a USPS business mail design analyst the proper camera-ready art for the board to provide to its envelope vendor. This task was required to be completed no later than July 1, 2016.





- c. USPS highly recommends that all county boards of elections use letter-size courtesy reply envelopes.<sup>63</sup> As noted above, use of this envelope size will increase the operational likelihood that the ballot receives a postmark. However, even letter-size envelopes could be treated as flats depending on the weight of the absentee ballot return envelope, which includes the ballot sheets enclosed in an identification envelope. We cannot know how many sheets will be necessary to accommodate ballot length from one election to the next. The use of letter-size envelopes (depending on ballot length) will increase the likelihood of postmarking in most counties for most elections. Boards of elections not already using letter-size courtesy reply envelopes must carefully consider whether continuation of this practice for the presidential general election is in the best interest of its county's voters given the recommendation from USPS.
- d. USPS recommends that boards of elections contact and leverage available Postal resources that support election mail coordination, mailpiece design, mailing preparation and entry activities and coordinating mailpiece delivery and pickup.

For assistance with mailpiece design, contact a Mailpiece Design Analyst (MDA) by calling the MDA Support Center at (855) 593-6093 (hours of operation are Monday – Friday, 7 am - 5 pm CT) or by sending your request by e-mail to [mda@usps.gov](mailto:mda@usps.gov). Please contact and develop a relationship with your local Election Mail Coordinator.

- e. USPS recommends that all trays and sacks with mailings of ballot materials affix Tag 191, Domestic and International Ballots. This bright green tag provides a high degree of visibility on ballot mail as it enters Postal processing centers. These tags are available by contacting an USPS Election Mail Coordinator (see above).

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<sup>63</sup> This recommendation does not contemplate the use of #10 business envelopes. In fact, USPS regulations allow a letter size envelope to be up to 6 $\frac{1}{8}$  inches in height, 11 $\frac{1}{2}$  inches wide, and  $\frac{1}{4}$  inch thick. This maximum size is substantially larger than a #10 business envelope.





- f. Boards of elections must use First-Class Mail postage rather than standard or non-profit postage rates when paying for the delivery of outbound absentee ballots. Use of USPS-approved practices to maximize postage discounts for First-Class Mail (e.g., presort First-Class Mail) are encouraged.

Remember, USPS requires that the balloting materials for all types of absentee ballots, whether disseminated in hardcopy or electronically, must indicate in a prominent location the proper amount of First-Class Mail postage that must be paid. This information must be included in the balloting materials (i.e., on the ballot instructions, mailing instructions, or the envelope) with the marking “First-Class Mail postage must be applied.”

Alternatively, the marking “Apply First-Class Mail postage here” may be printed in the upper-right corner of the address side of the envelope used by the voter to return the ballot to election officials. USPS will also accept approved variations of the above markings. Additionally, balloting materials must indicate, in a prominent location, the specific amount of First-Class Mail postage required for the return of the ballot to election officials. The marking requirements will not apply to balloting materials that are qualified under the special exemptions specified by USPS.<sup>64</sup>

- g. Postage Evidencing – The term “postage evidencing system,” as used in [R.C. 3509.05\(B\)\(2\)](#), refers to postage meters or private companies that dispense postage through the internet (e.g., Stamps.com), known as the PC Postage program.<sup>65</sup> As such, absentee ballots bearing postage affixed by a postage meter or through a PC Postage company cannot be accepted after Election Day, even if postmarked by the day before Election Day.

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<sup>64</sup> USPS Domestic Mail Manual 703.8.1.2.  
See also, <http://about.usps.com/election-mail/election-mail-resources.htm>.

<sup>65</sup> See 39 CFR 501.01.





All other forms of postage are acceptable for post-election receipt by the board of elections, including postage labels obtained at a USPS customer service window or from a USPS Self-Service Kiosk.

Furthermore, please note that postage labels (i.e., Postage Validation Imprint, or “PVI”) obtained at a USPS customer service window or through a Self-Service Kiosk meet the USPS definition of a “postmark,” meaning no other forms of postmarking are necessary. Receiving a postmark through the retail window PVI or the Self-Service Kiosk postage label are the USPS-preferred methods for ensuring that postmarking occurs on ballots being mailed within a week of Election Day.

- h. Often when USPS processes mail, an ID Tag, in the form of a fluorescent bar code, is printed by USPS on the back of the envelope or flat. While the data contained in the ID Tag bar code is largely informational for USPS operations, it contains a date/timestamp. The ID Tag is not considered a postmark by USPS.<sup>66</sup> However, it is common sense to use whatever date/time information is provided by USPS on the physical envelope to qualify for counting any otherwise valid absentee ballot.

Therefore, for purposes of [R.C. 3509.05\(B\)](#) only, whenever an official USPS postmark is not present or is not legible, but a readable ID Tag is printed on the envelope, the board of elections must obtain a bar code reader to decode the ID Tag on the envelope. In these instances, if the date/timestamp contained in the ID Tag is no later than the day before Election Day (and the exceptions of [R.C. 3509.05\(B\)\(2\)](#) regarding postage evidencing systems are not present), the board shall proceed with determining whether or not the absentee ballot is otherwise eligible using the ID Tag as a proxy for a postmark.

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<sup>66</sup> [https://about.usps.com/handbooks/po408/ch1\\_003.htm](https://about.usps.com/handbooks/po408/ch1_003.htm).





The Secretary of State's Office purchased scanners to support boards of elections on a scheduled basis. Please contact your assigned regional liaison to schedule the use of a scanner before your official canvass.

#### **F. Poll list to identify electors requesting absent voter's ballot.**

The board must mark the name of each registered elector in the precinct who requested an absentee ballot for that election. If a voter who is marked in the pollbook as having requested an absentee ballot appears at a precinct polling location to vote on election day, the voter will be required to cast a provisional ballot.<sup>67</sup>

#### **G. Absentee Ballot Status Lookup**

Through each board of elections website, absentee voters in the county must be permitted to identify the status of his or her absentee ballot from the date of application to the date the ballot was accepted for counting. Specifically, each board website must provide the voter with the following information:

- The date the voter's absentee application was approved;
- The date the voter's approved absentee application was processed by the board of elections (i.e., the date the board of elections mailed the ballot or otherwise issued it);
- The date the voter's voted absentee ballot was received by the board of elections; and
- The date the voter's voted absentee ballot was accepted for counting (or, if not accepted for counting, the reason it was determined to be ineligible for counting and the deadline by which the voter may correct any deficiency).

This search functionality must be available to voters beginning at least the 45th day before an election through the 35th day after that same election.

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<sup>67</sup> [R.C. 3509.09](#).





*For more information on voter access to information, please refer to Chapter 15 Miscellaneous Duties, Section 1.07.*

## **SECTION 1.06 PROCESSING ABSENTEE BALLOTS**

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All absentee ballots must be returned by mail or in person to the office of the board of elections. No ballot may be returned by fax or e-mail. **Ohio law prohibits the electronic return of an absentee ballot and the processing or counting of any ballot returned electronically.**<sup>68</sup>

The board must examine each returned absentee ballot envelope for eligibility before the board may remove the ballot from the envelope.

Boards of elections may begin processing, but not tabulating, absentee ballots not earlier than 19 days prior to Election Day.<sup>69</sup> “Processing” includes:

- Determining whether a UOCAVA voter signed the ballot and submitted it for mailing not later than 12:01 a.m. on Election Day.<sup>70</sup> If the board receives the ballot within the timeframe discussed in the next section, it shall be deemed to have been submitted for mailing by 12:01 a.m. on Election Day;
- Confirming that the board received the ballot by the close of polls on Election Day at the office of the board of elections if delivered in person, or by the 10th day after Election Day if delivered by mail. **Please note that a postmark is not required in order for a UOCAVA ballot to be valid.** The board must count an otherwise valid UOCAVA ballot regardless of whether it contains a timely postmark, a late postmark, or no postmark;<sup>71</sup>
- Opening absent voter’s ballot envelopes that have been examined and accepted as valid. If a ballot is not sealed in the identification envelope,

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<sup>68</sup> [R.C. 3511.021\(A\)\(4\).](#)

<sup>69</sup> [R.C. 3505.27.](#)

<sup>70</sup> [R.C. 3511.11\(C\).](#)

<sup>71</sup> [R.C. 3511.11\(C\).](#)





avoid looking at the markings on the ballot, place the ballot in the identification envelope, and seal it.<sup>72</sup>

- Determining whether the stub is still attached;
- Preparing the absent voter's ballot for scanning; and
- Scanning of the absent voter's ballot using automatic tabulating equipment at a central counting station;<sup>73</sup> and identifying absent voter's ballots that cannot be "read" or are "rejected" by the ballot scanning device to determine whether the ballot needs to be remade so that it can be read by the scanner. This includes remaking of UOCAVA ballots transmitted by e-mail or fax.

Ohio law requires all absentee voters to place their ballot in the ID envelope and seal the envelope. The board of elections must clearly indicate that the ballot must be sealed within the ID envelope in order to count. If the board receives an absentee ballot that is not sealed in its identification envelope, the board must seal the envelope. If the ballot is not inside the identification envelope, avoid looking at the markings on the ballot, and place the ballot in the identification envelope and seal it.

### **A. Incomplete or Non-Conforming Identification Envelope<sup>74</sup>**

Whenever a board of elections receives an absentee ballot identification envelope that is missing required information or that contains information that does not conform to the voter's registration record, and the board

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<sup>72</sup> [R.C. 3511.11\(A\)](#).

<sup>73</sup> In no circumstance may any board initiate the human-readable reporting of election results from absentee ballots processed prior to 7:30 p.m. on Election Day. [R.C. 3505.26](#).

<sup>74</sup> Please note that pursuant to a court order, if the nature of the non-matching information is such that an absentee voter provided the number above his or her picture and not the driver's license number (two alphabet letters followed by six numbers), the Board must notify the voter of such error by telephone or in writing, within two business days of receiving the application or voted ballot. The voter so notified must be permitted to appear in person at the office of the Board to provide the correct information. In the case of a returned absent voter's ballot, the voter shall have until the 10th day after the election to provide this information to enable his or her ballot to be counted. See Directive 2008-80.





of elections cannot determine the voter's eligibility without the missing or nonconforming information (see Section 1.07 below), the board of elections must contact the absentee voter to give the voter an opportunity to supplement the voter's identification envelope so the voter's ballot can be tabulated. The board must meet this requirement by issuing Secretary of State [Form 11-S](#) to the voter. Boards must include a courtesy reply envelope (pre-addressed return envelope) with every Secretary of State [Form 11-S](#) issued.

Secretary of State [Form 11-S](#) provides spaces for a board of elections to print the voter's name and registration address, and to identify for the voter the specific information that is missing or in error (the "nature of the defect") on the voter's absentee ballot identification envelope. The voter need only provide the information that cures the defect when returning a completed [Form 11-S](#) and does not need to sign and date [Form 11-S](#), unless the voter's signature on the voter's absentee ballot identification envelope was omitted or did not reasonably match the voter's signature on file with the board of elections.

In the event that the board issues [Form 11-S](#) because the voter's driver's license number or last four digits of the voter's Social Security number provided on the identification envelope does not match the information as recorded in the statewide voter registration database, and the voter completes and returns [Form 11-S](#) with the same information provided on the identification envelope, the board must review its voter registration records – including original paper records if necessary – prior to the 10th day before the election to determine whether the mismatch is a result of data entry error.

Whenever a voter has requested the voter's absentee ballot to be mailed by the board of elections to an address other than the address at which the voter is registered to vote, and the voter's absentee ballot identification envelope is "defective," the board must issue [Form 11-S](#) to both the address at which the voter is registered to vote and the address to which the voter







had requested the voter's absentee ballot be mailed by the board.<sup>75</sup>

Boards of elections must adhere to the following schedule when reviewing completed absentee ballot identification envelopes and issuing Form 11-S to absentee voters:

- Form 11-S must be issued not later than two business days after a “defective” absentee ballot identification envelope is received by the board from the start of absentee voting through the third Saturday prior to an election;
- Form 11-S must be issued not later than one calendar day after a “defective” absentee ballot identification envelope is received by the board of elections between the third Monday and last Friday prior to an election; and
- Form 11-S must be issued on the same day that a “defective” absentee ballot identification envelope is received by the board of elections between the Saturday prior to an election and through the 6th day following an election.

For purposes of this section, “issued” means that Form 11-S has been presented by the board of elections to the USPS, with accurate first-class postage affixed by the board of elections necessary for first-class delivery.

It is not necessary for a board to provide Form 11-S to an absentee voter whose ballot was received by the board of elections after 7:30 p.m. on Election Day and is postmarked later than the day prior to the election.

Once an absentee voter has completed Form 11-S, the voter may return it to the board of elections in person, by mail or other private delivery service (e.g., UPS, FedEx, etc.), or by any person authorized by state law to return the

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<sup>75</sup> Regardless of whether the voter requested assistance in casting the absentee ballot, if a voter requests assistance to supplement the voter's identification envelope the board of elections must send two employees, not of the same political party, to the voter to provide assistance. *Ray v. Franklin County Board of Elections* Case No. 2:08-CV-1086, 2008 WL 4966759 (S.D. Ohio Nov. 17, 2008).





voter's absentee ballot.<sup>76</sup>

In the case of voters with disabilities or UOCAVA voters, all county boards of elections must provide reasonable accommodations, as follows:

- Voters with Disabilities – Regardless of whether the voter requested assistance in casting the absentee ballot, if a voter requests assistance to supplement the voter's identification envelope, the board of elections must send board employees, not of the same political party, to the voter to provide assistance.<sup>77</sup>
- UOCAVA Voters – A UOCAVA voter's board of elections must provide notice to the voter in the same manner in which the voter requested transmission of the ballot by the board to the voter (i.e., by e-mail, facsimile, or by mail, if application was made by mail or in person).

A completed [Form 11-S](#) must be received by the board of elections by the 7th day after an election,<sup>78</sup> or be post-marked by the 7th day after the election and received by the board of elections by the 10th day after the election, in order to cure the voter's defective absentee ballot identification envelope and have the ballot included in the official canvass, which may begin on the 11th day following the election.

## **SECTION 1.07 MANDATORY STEP-BY-STEP PROCESS FOR COUNTING ABSENTEE BALLOTS**

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### **Step 1: Determine whether the ballot was timely submitted:**

An absentee ballot returned in person to the board of elections office must be delivered by 7:30 p.m. on Election Day.<sup>79</sup> The ballot also may be returned to the

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<sup>76</sup> [R.C. 3509.05\(A\)](#).

<sup>77</sup> *Ray v. Franklin County Board of Elections* Case No. 2:08-CV-1086, 2008 WL 4966759 (S.D. Ohio Nov. 17, 2008).

<sup>78</sup> [R.C. 3509.06\(D\)\(3\)\(b\)](#).

<sup>79</sup> [R.C. 3509.05](#).





board's designated location for in-person absentee voting at any time during in-person absentee voting.

An absentee ballot returned via mail must be postmarked no later than the day before Election Day and received at the board of elections office no later than the 10th day after Election Day. If the absentee ballot returned via mail does not have a postmark, it must be received at the board of elections office no later than 7:30 p.m. on Election Day.

A postmark does not include mail sent using a postage evidencing system, including a postage meter or postage from private companies that dispense postage through the internet (e.g., Stamps.com), known as the PC Postage program.<sup>80</sup>

Note that a postmark is not required in order for a UOCAVA ballot to be valid. The board must count an otherwise valid UOCAVA ballot regardless of whether it contains a timely postmark, a late postmark, or no postmark.<sup>81</sup>

- If the absentee ballot was not timely submitted, the board must reject the absentee ballot.<sup>82</sup>
- If the absentee ballot was timely submitted, proceed to Step 2.

**Step 2: Determine whether the voter has provided the minimum required information:**

In order for an identification envelope to be opened and the absentee ballot to be counted, the absentee voter must provide sufficient information on the absentee ballot ID envelope to identify the voter and to determine that the voter was eligible to cast the ballot.<sup>83</sup>

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<sup>80</sup> [R.C. 3509.05\(B\)\(2\)](#). See also 39 CFR 501.01.

<sup>81</sup> [R.C. 3511.11\(C\)](#).

<sup>82</sup> [R.C. 3509.07](#).

<sup>83</sup> [R.C. 3509.07\(C\)](#).





At a minimum, an absentee voter must provide:<sup>84</sup>

1. **Name;**<sup>85</sup>
  2. **Signature;**<sup>86</sup> and
  3. **Proper Identification:**<sup>87</sup>
    - a. The voter's driver's license number;<sup>88</sup>
    - b. The last four digits of the voter's Social Security number;<sup>89</sup> or
    - c. A copy of a current and valid photo identification, a military identification, or a current (within the last 12 months) utility bill, bank statement, government check, paycheck, or other government document (other than a notice of voter registration mailed by a board of elections) that shows the voter's name and address.<sup>90</sup>
- It is important to note that the board of elections is required to pre-print the voter's name as it appears in the voter registration record onto the absentee ballot identification envelope. See, paragraph E.1. of Section 1.05, above. Occasionally, a voter may strike through and write a name on the identification envelope that is different from the name preprinted by the board using the voter's name as it appears in the voter registration record. Ohio law does not permit an absentee ballot identification envelope to be used as a voter registration update form (change of name form). If the absentee voter's name on the absentee identification envelope or Secretary of State *Form 11-S* does not match the name in the voter's registration record, the board must reject the

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<sup>84</sup> *NEOCH v. Husted*, Case Nos. 16-3603/3691 (6th Circuit 2016); [R.C. 3509.06\(D\)](#), [R.C. 3509.07\(A\)](#).

<sup>85</sup> *NEOCH v. Husted*, Case Nos. 16-3603/3691 (6th Circuit 2016); [R.C. 3509.06\(D\)\(3\)\(a\)\(i\)](#).

<sup>86</sup> *NEOCH v. Husted*, Case Nos. 16-3603/3691 (6th Circuit 2016); [R.C. 3509.06\(D\)\(3\)\(a\)\(iv\)](#).

<sup>87</sup> *NEOCH v. Husted*, Case Nos. 16-3603/3691 (6th Circuit 2016); [R.C. 3509.06\(D\)\(3\)\(a\)\(v\)](#).

<sup>88</sup> [R.C. 3509.06\(D\)\(3\)\(a\)\(v\)\(I\)](#).

<sup>89</sup> [R.C. 3509.06\(D\)\(3\)\(a\)\(v\)\(III\)](#).

<sup>90</sup> [R.C. 3509.06\(D\)\(3\)\(a\)\(v\)\(III\)](#).





absentee ballot.<sup>91</sup>

- The absentee voter's signature must correspond with the signature that appears in the voter's registration file. If the absentee voter's signature on the absentee identification envelope or Secretary of State [Form 11-S](#) does not correspond with the signature in the voter's registration record, the board must reject the absentee ballot.
- The absentee voter must provide a form of proper identification.

**Note:** The absentee voter is not required to provide the same form of identification he or she provided when registering to vote. If an identification data field in the county voter registration system (CVRS) or statewide voter registration database (SWVRD) is blank, the information contained on an absentee identification envelope, provided under penalty of falsification, may be entered into the CVRS to complete the voter's registration record both in the CVRS and SWVRD. 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 result of the deficiency before it ever rejects any ballot.

If the absentee voter has not provided a form of proper identification on the absentee identification envelope or Secretary of State [Form 11-S](#), the board must reject the absentee ballot.<sup>92</sup>

- If the absentee voter has provided his or her name, signature, and a form of proper identification on the absentee identification envelope or Secretary of State [Form 11-S](#), and the board can confirm the absentee voter's eligibility,<sup>93</sup> proceed to Step 4.
- If the absentee voter has provided his or her name, signature, and a form of proper identification on the absentee identification envelope

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<sup>91</sup> [R.C. 3509.07\(B\)](#).

<sup>92</sup> [R.C. 3509.07\(F\)](#).

<sup>93</sup> [R.C. 3509.07\(A\) and \(C\)](#).





or Secretary of State [Form 11-S](#), but the board cannot determine the absentee voter's eligibility, proceed to Step 3.

**Step 3: Determine whether voluntary information provided on the absentee identification envelope confirms the voter's eligibility.**

Only if the board of elections cannot confirm that the absentee voter was eligible to cast the ballot based on the required information the absentee voter provided, may it look at the voluntary information provided on the absentee ballot identification envelope.

1. **Residence Address**<sup>94</sup>—Pursuant to *NEOCH v. Husted*, Case Nos. 16-3603/3691 (6th Circuit 2016), failure to complete the address field on an absentee identification envelope is not a reason to reject an absentee ballot.<sup>95</sup> If sufficient information is present for the board of elections to confirm that the voter is eligible to vote the ballot that was cast, the ballot must be counted.

It is important to note that the board of elections is required to pre-print the voter's address as it appears in the voter registration record onto the absentee ballot identification envelope. See, paragraph E.1. of Section 1.05, above. Occasionally, a voter may strike-through and write an address on the identification envelope that is different from the address preprinted by the board using the voter's registration record. Ohio law does not permit an absentee ballot identification envelope to be used as a voter registration update form (change of address form). If the absentee ballot identification envelope indicates that the voter's registration information is out-of-date and that the voter is required to vote a provisional ballot (i.e., the address written by the voter is outside of the precinct in which the voter is registered), the absentee ballot cannot be counted;<sup>96</sup>

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<sup>94</sup> *NEOCH v. Husted*, Case Nos. 16-3603/3691 (6th Circuit 2016); [R.C. 3509.06\(D\)\(3\)\(a\)\(ii\)](#).

<sup>95</sup> *NEOCH v. Husted*, Case Nos. 16-3603/3691 (6th Circuit 2016).

<sup>96</sup> [R.C. 3509.07\(C\)](#).





When reviewing addresses, remember that the U.S. Postal Service assigns a mailing 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 location 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

**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 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.

If a board of elections must use address to confirm a voter’s eligibility, it must not require technical precision in a voter’s completion of the address field. Boards should consider technical mistakes (such as inverting digits)<sup>97</sup> and be aware that technical mistakes in providing one’s address may not be cited as reasons to reject an absentee ballot.

<sup>97</sup> *NEOCH v. Husted*, Case Nos. 16-3603/3691 (6th Circuit 2016).





2. **Date of Birth**—Pursuant to *NEOCH v. Husted*, Case Nos. 16-3603/3691 (6th Circuit 2016), failure to complete the date of birth field on an absentee identification envelope is not a reason to reject an absentee ballot.<sup>98</sup> If sufficient information is present for the board of elections to confirm that the absentee voter is eligible to vote the ballot that was cast, the ballot must be counted. **A board of elections may never reject an absentee ballot for the sole reason that the date of birth is missing, insufficient, or incomplete.**

If a board of elections must use date of birth to confirm a voter's eligibility, it must not require technical precision in a voter's completion of the date of birth field. 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) may not be cited as reasons to reject an absentee ballot.<sup>99</sup>

- If the board could not determine the absentee voter's eligibility from the properly provided required information, and the voluntary information on the absentee identification envelope **does not allow** the board to confirm the absentee voter's eligibility, the board must reject the absentee ballot.<sup>100</sup>
- If the board could not determine the absentee voter's eligibility from the properly provided required information, but the voluntary information on the absentee identification envelope **allows** the board to confirm the absentee voter's eligibility, proceed to Step 4.

**Step 4: Open eligible absentee ballots and confirm contents.**

- If the eligible absentee ballot contains more than one ballot of any kind, or any voted ballot that the voter was not entitled to vote, the board

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<sup>98</sup> *NEOCH v. Husted*, Case Nos. 16-3603/3691 (6th Circuit 2016).

<sup>99</sup> *NEOCH v. Husted*, Case Nos. 16-3603/3691 (6th Circuit 2016).

<sup>100</sup> *NEOCH v. Husted*, Case Nos. 16-3603/3691 (6th Circuit 2016); [R.C. 3509.07\(A\)](#).







must reject the absentee ballot.<sup>101</sup>

- If Stub A is detached from the eligible absentee ballot, the board must reject the absentee ballot.<sup>102</sup>
- If the correct ballot is enclosed in the absentee identification envelope along with Stub A, the board must count the ballot.

The board must endorse the back of the identification envelope of any absentee ballot that was not eligible with the words “Not Counted,” along with the reason the ballot was not counted,<sup>103</sup> and retain the rejected ballot pursuant to established retention schedules.

**All valid absentee ballots returned by the close of polls on Election Day, whether returned in person or by mail, must be included in the unofficial canvass.**

Valid absentee ballots received after the close of polls on Election Day through the 10th day after the election, including ballots whose identification envelopes were insufficient but were cured by the 7th day following the election, must be included in the official canvass.

## **SECTION 1.08 ELIGIBILITY OF FORMER OHIO RESIDENTS TO VOTE BY ABSENTEE BALLOT IN OHIO IN A PRESIDENTIAL ELECTION**

In order to cast a ballot for President and Vice-President from the Ohio precinct in which the voter resided prior to moving to another state, a former Ohio resident must:<sup>104</sup>

1. Be qualified to vote in Ohio, with the exception of residence and registration. The former resident must be a United States citizen who will be at least 18 years old as of the day of the Presidential Election; have resided in Ohio for at

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<sup>101</sup> [R.C. 3509.07\(D\)](#).

<sup>102</sup> [R.C. 3509.07\(E\)](#).

<sup>103</sup> [R.C. 3509.07](#).

<sup>104</sup> [R.C. 3504.01](#).





least 30 consecutive days immediately before moving from Ohio; and have been otherwise eligible to vote in Ohio before moving from Ohio. Therefore, the voter may not be currently incarcerated for a felony conviction, have been adjudicated incompetent to vote by a court, or have been twice convicted of violations of Ohio's election laws;

2. Have moved to another state from his or her Ohio residence not more than 90 days before the day of the Presidential Election;
3. Not be registered to vote in the new state of residence; and
4. Complete a Certificate of Intent to vote in a Presidential Election, under penalty of elections falsification.

A former Ohio resident who satisfies the requirements listed above may vote in Ohio for President and Vice-President, but not for any other offices or issues. The voter may cast an absentee ballot by mail, an absentee ballot in person at the board office or other designated location during the in-person absentee voting period, or a ballot in person on Election Day at the Ohio precinct polling location where the voting residence was located at the time the voter moved from Ohio to another state.

### **A. Certificate of Intent to Vote in a Presidential Election**

An eligible former resident must complete two copies of the Certificate of Intent to Vote in a Presidential Election ([Form 107-A](#))<sup>105</sup> and file them in person or by mail with the board of elections of the county where the individual was last a qualifying former resident of Ohio.

The Certificates of Intent must be filed no later than the 30th day before the general election at which the President and Vice-President are elected.<sup>106</sup>

### **B. Notice to Secretary of State**

A board of elections that receives a valid and timely-filed Certificate of

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<sup>105</sup> [R.C. 3504.02](#).

<sup>106</sup> [R.C. 3504.02](#).





Intent to Vote in a Presidential Election from any former Ohio resident must send one of the copies of that form to the Ohio Secretary of State's Elections Division no later than the 25th day before the day of the presidential election.<sup>107</sup>

### **C. Absentee Ballot for Former Ohio Resident**

An eligible former Ohio resident may request and receive an absentee ballot by mail or in person if the former Ohio resident timely files the Certificates of Intent and timely submits an absentee ballot application. An application for an absentee ballot by mail must be received by the appropriate board of elections by 12:00 p.m. noon on the Saturday before the election. The voter may request the ballot to be mailed to the voter's new residence. The residential address of the voter on the application must be the voter's voting residence at the time the voter moved from Ohio to another state. All other identification requirements for both the application and the identification envelope apply.

### **D. Election Day Voting for Former Ohio Resident**

On Election Day, former Ohio residents must vote at the precinct and polling location where their voting residence was located at the time the voter moved from Ohio to another state. The signature poll book or poll list must be marked "Former Resident's Presidential Ballot" to indicate any former Ohio residents at that precinct and/or polling location who have filed a Certificate of Intent to Vote in a Presidential Election.<sup>108</sup>

A former Ohio resident must sign his or her name in the poll book.<sup>109</sup> All other Election Day voter identification requirements apply.

### **E. Type of Ballot for Former Ohio Resident**

To provide "President and Vice-President Only" ballots to former Ohio

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<sup>107</sup> [R.C. 3504.05](#).

<sup>108</sup> [R.C. 3504.04](#).

<sup>109</sup> [R.C. 3504.01](#); [R.C. 3504.04](#).





residents who have timely filed a Certificate of Intent to Vote in a Presidential Election, boards of elections must issue a centrally counted, optical scan, paper ballot from the correct precinct's ballot of the voter's former Ohio voting residence.

After the former Ohio resident has marked the ballot, the ballot must be placed in an envelope (identification envelope for absentee ballots or an envelope created specifically for Election Day former Ohio resident voters) and the envelope must be clearly labeled "Former Ohio Resident's Presidential Ballot."

Prior to the official canvass, the board must remake the ballot<sup>110</sup> for only the contest for President and Vice-President of the United States, as former Ohio residents are not eligible to cast a vote for any other contest. Once remade, the former Ohio resident's presidential ballot may be tabulated.

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<sup>110</sup> See [Chapter 8](#) Canvassing the Votes for more information.

