



DIRECTIVE 2020-05

March 15, 2020

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

Re: Unforeseeably Confined or Hospitalized Voters, Curbside Voting, and Best Practices for the March 17, 2020 Election in Response to Coronavirus/COVID-19

SUMMARY

The Secretary of State's Office in coordination with the Ohio Department of Health ("ODH") and the Centers for Disease Control and Prevention ("CDC") is closely monitoring the Coronavirus/COVID-19 disease, first identified in Wuhan, Hubei Province, China.¹

To ensure that boards of elections are able to effectively and efficiently administer the 2020 Presidential Primary Election on March 17, 2020 while mitigating any potential risk to voters who are unforeseeably confined due to concerns regarding Coronavirus/COVID-19 or are hospitalized, boards of elections must accept absentee ballot requests from these voters until 3:00 p.m. on Election Day. This Directive sets forth additional instructions regarding unforeseeably confined or hospitalized absentee ballot application requests, curbside voting on Election Day, and best practices for in-person voting on Election Day.

INSTRUCTIONS

PART I – UNFORSEEABLY CONFINED OR HOSPITALIZED VOTERS

Boards of elections must accept and process applications for an absentee ballot from voters that are unforeseeably confined or hospitalized and submit their application for an absentee ballot to the board of elections where they are registered to vote by 3:00 p.m. on Election Day. In the context of the current public health emergency, "confined" includes voters who are either told by a health care professional to stay home or are otherwise following the advice of a healthcare professional to isolate themselves. The voter or their family member² must return the absentee ballot to the board of elections office by the close of polls on Election Day.³

¹ On March 9, 2020, Governor DeWine signed Executive Order 2020-01D, declaring a state of emergency.

² [R.C. 3509.05\(A\)](#) defines "family member" as "spouse of the elector, the father, mother, father-in-law, mother-in-law, grandfather, grandmother, brother, or sister of the whole or half blood, or the son, daughter, adopting parent, adopted child, stepparent, stepchild, uncle, aunt, nephew, or niece of the elector."

³ [R.C. 3509.08\(B\)\(2\)](#).

Boards of elections are directed to utilize Forms [11-B](#) and [11-B-2](#) for the absentee ballot application for voters that are unforeseeably confined in self-quarantine. Boards of elections must instruct voters or the voter’s family members to check the relevant box in section four even if their place of confinement or self-quarantine is their home. Boards of elections must instruct voters or the voter’s family member to place their home address or location of confinement in section six. Boards of elections must not reject a confined or hospitalized voter’s absentee ballot application request because a voter submitted the incorrect absentee ballot application request form.

An absentee voter with an unforeseeable hospitalization within the county may receive and return the absentee ballot through a family member, or through two board of elections employees.⁴ If the hospitalization is out of county, the absentee voter may receive and return the absentee ballot through a family member or by mail.⁵

Two board 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.⁶ The two board of elections employees must be present during delivery, voting, and return of the ballot, and must subscribe to the fact on the Absentee Ballot Identification Envelope.⁷

Any non-UOCAVA absentee ballot that is returned by mail must be postmarked no later than the day before Election Day and received at the board of elections office prior to the eleventh day after the election (March 27, 2020).

PART II – CURBSIDE VOTING

Boards of elections are required to offer curbside voting to any voter that is concerned about coming inside a polling location and sends another person into the polling location to inform precinct election officials of their desire to vote.

When precinct election officials are made aware of the name of a voter who is outside of the polling location and is unable to enter the polling location, the following must be done:

(1) One of the election officials checks the signature poll book for the name of the voter using the check-in procedures listed in the “Processing Voters,” on page 17 of the Precinct Election Official Manual.

(2) If the voter is a qualified elector and resides in a precinct within the polling location, the election official places the voter’s name and address on a blank sheet of paper or a form provided for this purpose by the board of elections.

(3) Two election officials of different political parties take the sheet containing the voter’s name and address outside the polling location to the voter.

⁴ [R.C. 3509.08\(B\)\(2\)](#).

⁵ [R.C. 3509.08\(B\)\(2\)](#).

⁶ [R.C. 3509.08\(B\)\(2\)](#).

⁷ Please see [Advisory 2020-03](#) and Memorandum 2020-02 for more instruction.

(4) The voter confirms the name and address are correct.

(5) The voter provides appropriate identification for voting purposes.

(6) The voter's identification is examined.

(7) The voter signs the sheet containing their name and address.

(8) The two election officials return the sheet containing the voter's signature to the polling location and attempt to verify the voter's signature in the signature poll book.

(9) The two election officials record next to the voter's name in the signature poll book "curbside voter."

(10) The two election officials obtain the paper ballot and the appropriate ballot envelope or secrecy sleeve (an envelope provided in the precinct election supply kit which is labeled: "Curbside Ballot Envelope or secrecy sleeve" for voted regular curbside ballots or "Provisional Curbside Ballot Envelope" for voted provisional curbside ballots).

(11) The two election officials take the appropriate ballot (regular or provisional) and corresponding envelope or secrecy sleeve to the voter located outside the polling location.

(12) The two election officials provide instructions to the voter on how to mark the ballot.

(13) The voter marks the ballot and places it in the appropriate envelope or secrecy sleeve (if a provisional ballot, the voter must complete the Identification Envelope – Provisional Affirmation (Form 12-B) and be given a copy of the Provisional Ballot Notice (Form 12-H).

(14) The two election officials take the appropriate envelope or secrecy sleeve containing the corresponding voted ballot back into the polling location and place it in the appropriate ballot container.

(15) If a voter who wishes to utilize the curbside voting process is unable to sign their name: the two election officials witness the voter's mark on the sheet containing the voter's name and address that was taken outside the polling location and return the sheet containing the voter's mark to the polling location and denote in the signature poll book "Curbside Voter – Unable to Sign.

(16) The board of elections official must follow procedures for a voter who wishes to cast a ballot (regular or provisional) if a voter who wishes to utilized the curbside voting process is unable to mark their ballot.⁸

Any voter who is in line to utilize curbside voting by 7:30 p.m. on Election Day must be permitted to vote.

⁸ [See page 19 of the Precinct Election Official Manual.](#)

PART III – BEST PRACTICES FOR IN-PERSON VOTING ON ELECTION DAY

ODH has consistently stated that, by utilizing best practices for hand washing and following voting machine vendors' guidelines for maintaining machine hygiene, polling locations are safe for otherwise healthy Ohioans and do not constitute a mass gathering. Additionally, ODH recommends a separation between voters in line of at least four feet. ODH also recommends that boards of elections spread voting machines apart as much as possible within the polling location.

If the board has any questions regarding this Directive, please contact the Secretary of State's elections counsel at (614) 728-8789.

Yours in service,



Frank LaRose
Ohio Secretary of State