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ELECTION COUNTDOWN

Jon Husted
Ohio Secretary of State



Absentee Reminders
and
Mandatory Step-by-Step
Process for Counting Absentee
Ballots

Carrie Kuruc, Senior Elections Counsel

ABSENTEE REMINDERS

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ABSENTEE VOTING IN PROGRESS

Both in-person absentee voting and absentee voting by mail are in progress. The same requirements apply to all absentee voters, regardless of chosen method.

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PRE-PRINTING NAME AND ADDRESS

Boards must pre-print

- the voter's name, and
- the address at which the voter is registered to vote

on each voter's identification envelope and any 11-S prior to issuance.

PROCESSING ABSENTEE BALLOTS

Boards may begin processing—but not tabulating—ballots 19 days prior to Election Day.

PROCESSING ABSENTEE BALLOTS

Refer to EOM Chapter 5 for a list of what constitutes “processing.” Under no circumstances may a board initiate the human-readable reporting of election results from any absentee ballots until 7:30 p.m. on Election Night.

SOS PRESCRIBED FORM 11-S

A new form 11-S was issued several weeks ago.

Boards are required to use the updated form (9-16) for missing or non-conforming ***required*** information—**name, identification, and signature.**

SOS PRESCRIBED FORM 11-S

Form No. 11-S Prescribed by the Secretary of State (09-16)

Absent Voter's Ballot Identification Envelope Supplement

print clearly

Voter's Name and
Address Where
Registered to Vote

Date Issued: [Date]

[Name]

[Street Address]

[City, State ZIP]

The identification envelope that you returned when you cast your absentee ballot has been reviewed by your county board of elections. One or more of the required pieces of information was determined to be defective for the reason identified below. In order to fix the error, write the information required next to the stated reason your absentee ballot cannot be counted at this time.

Your absentee ballot will not be counted unless you complete this form, and:

- It is received by your board of elections by the 7th day after the election, or
- It is postmarked by the 7th day after the election and received by your board of election by the 10th day after the election.

Reason for
Deficiency

All that apply are
checked

Required

Please provide missing
information.

Proof of identity was missing or did not match your voter registration record.

Do at least one of the following:

begins with two letters followed by six numbers

Your Ohio driver's license number

Last four digits of your Social Security number

Attach a copy of a current and valid photo identification, 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 contains your name and current address.

Signature was not supplied or did not match your voter registration record.

Your signature X

or mark if unable to sign

Name given was missing or did not match your voter registration record.

Print your name:

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SOS PRESCRIBED FORM 11-S

Pre-print the voter's name and registration address, and

Identify the specific required information that is missing or in error (the "nature of the defect") on the voter's absentee ballot identification envelope.

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SOS PRESCRIBED FORM 11-S

The voter only has to provide the required information that cures the defect, 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 the missing or non-conforming information.

SOS PRESCRIBED FORM 11-S

Review county voter registration records if the 11-S confirms the same information that was provided on the identification envelope.

SOS PRESCRIBED FORM 11-S

When issuing an 11-S to a voter with a disability or to a UOCAVA voter, a county board of elections must provide the voter the same accommodation the voter requested to receive the ballot.

SOS PRESCRIBED FORM 11-S

The 11-S must be issued to the address at which the voter is registered to vote AND to any mailing address the voter provided for receipt of the ballot.

SOS PRESCRIBED FORM 11-S

A voter may return the 11-S 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 an absentee ballot.

SOS PRESCRIBED FORM 11-S

The 11-S must be:

- received by the board by the 7th day after the election, or
- postmarked by the 7th day after the election and received by the 10th day after the election.

MANDATORY

STEP-BY-STEP

PROCESS FOR

COUNTING ABSENTEE

BALLOTS

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Directive 2016-36

EOM Chapter 5

Absentee Voting

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MANDATORY STEP-BY-STEP PROCESS

Step 1: Determine whether the ballot was timely submitted.

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

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

Step 4: Open eligible absentee ballots and confirm contents.

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Step 1:

Determine whether the ballot was timely submitted.

STEP 1

An absentee ballot returned in person to the board of elections office must be delivered by 7:30 p.m. on Election Day.

STEP 1

An absentee ballot returned by 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.

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STEP 1

- If the absentee ballot was not timely submitted, the board must reject the absentee ballot.
- If the absentee ballot was timely submitted, proceed to Step 2.

Step 2:

Determine whether the voter has provided the minimum required information.

STEP 2

Minimum required information:

1. **Name**
2. **Signature**
3. **Proper Identification**

STEP 2

- 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, **STOP** and proceed to Step 4.

STEP 2

- 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, 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.

STEP 3

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.

STEP 3

Residence Address—

Failure to complete the address field on an absentee identification envelope **is not a reason to reject** an absentee ballot.

NEOCH v. Husted, Case Nos. 16-3603/3691 (6th Circuit 2016)

STEP 3

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.

STEP 3

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).

STEP 3

<u>Street No. & Name</u>	<u>City / ZIP</u>	<u>Political Subdiv.</u>	<u>In County?</u>	<u>Valid?</u>
2598 Ruhl Ave.	Cols, 43209	Bexley	Yes	Yes
2598 Ruhl Ave.	Bexley, 43209	Bexley	Yes	Yes
63 Pinebrooke	Westerville, 43082	Westerville	No	No

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STEP 3

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.

STEP 3

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.

STEP 3

Technical mistakes in providing one's address may not be cited as reasons to reject an absentee ballot.

STEP 3

Date of Birth—

Failure to complete the date of birth field on an absentee identification envelope **is not a reason to reject** an absentee ballot. A board of elections may never reject an absentee ballot for the sole reason that the date of birth is missing, insufficient, or incomplete.

NEOCH v. Husted, Case Nos. 16-3603/3691 (6th Circuit 2016)

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STEP 3

Technical mistakes in providing one's date of birth may not be cited as reasons to reject an absentee ballot.

STEP 3

- 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.

STEP 3

- 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.

STEP 4

- 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 must reject the absentee ballot.

STEP 4

- If Stub A is detached from the eligible absentee ballot, the board must reject the absentee ballot.

STEP 4

- If the correct ballot is enclosed in the absentee identification envelope along with Stub A, the board must count the ballot.

COUNTING VALID ABSENTEE BALLOTS

- Unofficial canvass = All valid absentee ballots returned by the close of polls on Election Day.
- Official 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.

COUNTING VALID ABSENTEE BALLOTS

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, and retain the rejected ballot pursuant to established retention schedules.

SUMMARY

Three fields required:

- NAME
- SIGNATURE
- IDENTIFICATION

If those three fields are present and the board can confirm the voter's eligibility, the board must count the ballot.

QUESTIONS

