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DIRECTIVE 2012-36

August 17, 2012

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

Re: In Person Absentee Voting Eligibility Verification

SUMMARY

This Directive provides guidance to county boards of elections on the processing of absentee ballots cast at the offices of the board of elections (or alternate location established by the Board) between the opening of in person absentee voting (35th day before the election) and the close of registration (30th day before the election) when the voter, in the same instance, has registered to vote for the first time in that county and requested an absentee ballot. This time period has been previously euphemistically dubbed “golden week.”

INSTRUCTIONS

Individuals presenting themselves in person to both register to vote for the first time in your county *and* apply to cast an absent voter’s ballot at the offices of the board of elections (or alternate location established by the Board) must be permitted to register to vote following the Board’s normal registration procedures. Such voters must be immediately entered into the county voter registration system in order to properly issue an absentee ballot following the Board’s normal absentee ballot application procedures. If the application is complete and valid, the Board must permit such voters to cast an absent voter’s ballot following the board’s normal in person absentee voting procedures.

After the marked ballots have been sealed inside a completed voter identification envelope and placed into the ballot box, the Board must segregate the ballots from all others cast by voters who were previously qualified electors of the county prior to applying for an absent voter’s ballot.¹

¹ If a Board of elections uses DRE voting machines for in person voting, the ballot must be coded such that the ballot can be excluded from a tally when the votes are uploaded from the DRE to the central tabulating system in the event the absentee ballot is not eligible to be counted.

The Board must send voter acknowledgement cards by non-forwardable mail ² to those voters who both registered and voted an absentee ballot. The notice must be sent on the same day on which the voters submitted their voter registration forms and applications for absent voter's ballot. The voter acknowledgement cards must be marked such that the Board may identify it as having been issued to voters who registered to vote and cast in person absent voter's ballots on the same day.

When an acknowledgement card so marked is returned as undeliverable, the board of elections must immediately issue a confirmation card, mailed by forwardable mail, to the voter in question.³ The voter's absentee ballot shall be considered challenged pursuant to R.C. 3509.06(D).

- If the **confirmation card is returned** to the board of elections by the voter confirming the address provided at the time of registration is the voter's residence, then the otherwise complete and valid identification envelope shall be opened and the ballot included in the unofficial canvass (if the confirmation card is received by Election Day), or in the official canvass (if the confirmation card is received by the 10th day following the election).
- If the **confirmation card is not returned** to the board of elections by the 10th day following the election, the board of elections, by majority vote, must determine whether the otherwise complete and valid identification envelope shall be opened and the ballot included in the official canvass.
- If the **acknowledgement card so marked has not been returned** as undeliverable by the 10th day before the election, the otherwise complete and valid identification envelope shall be opened and the ballot included in the unofficial canvass.

If you have any questions concerning this Directive, please contact the Secretary of State's elections attorney assigned to your county at (614) 466-2585.

Sincerely,



Jon Husted

² R.C. 3501.01(V)

³ R.C. 3503.19(C)(1)