



Jon Husted
Ohio Secretary of State

180 East Broad Street, 16th Floor
Columbus, Ohio 43215
Tel: (877) 767-6446 Fax: (614) 644-0649
www.OhioSecretaryofState.gov

DIRECTIVE 2012-43

September 10, 2012

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

Re: Eligibility of Former Ohio Residents to Vote in a Presidential Election in Ohio

SUMMARY

This Directive explains the circumstances under which a former Ohio resident may vote in Ohio for the offices of President and Vice-President pursuant to R.C. 3504. Directive 2008-78 is rescinded.

OVERVIEW

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:¹

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 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.

INSTRUCTIONS

¹ RC 3504.01

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 (Secretary of State prescribed form [107-A](#))² 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.³

B. Notice to Secretary of State

A board of elections that receives a valid and timely-filed Certificate of 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.⁴

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 noon 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 place 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"

² RC 3504.02

³ RC 3504.02

⁴ RC 3504.05

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.⁵

A former Ohio resident must sign his or her name in the poll book.⁶ 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 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 ballot⁷ 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.

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

⁵ RC 3504.04

⁶ RC 3504.01, R.C. 3504.04

⁷ See [Directive 2012-22](#)

CERTIFICATE OF INTENT TO VOTE IN A PRESIDENTIAL ELECTION

For a former Ohio resident who resided in Ohio within 90 days of the presidential election

(R.C. 3504.01 *et seq*)

Two copies of this Certificate of Intent must be completed no later than 30 days before the presidential election. When you sign this Certificate of Intent you are certifying that you completed it at least 30 days before the date of the presidential election.

QUALIFICATIONS to vote in Ohio as a former resident who resided in Ohio within 90 days of the presidential election:

- Must be a U.S. citizen,
- Must be eighteen years of age or over by the date of the presidential election,
- Must have lived in Ohio for at least 30 days before moving residence from Ohio,
- Must have moved residence from Ohio not more than 90 days before the day of the presidential election,
- Must not have registered to vote or voted in a state to which you have moved residence, and
- Must not, because of removal of residence from this state, be entitled to vote for the offices of president and vice-president or for presidential and vice-presidential electors in the state where you will or do reside at the time of the presidential election.

If you meet all of the above qualifications, you must complete two copies of this form no later than 30 days before the presidential election and submit it to the board of elections in the county where you last resided in Ohio to vote in a presidential general election. This Certificate of Intent authorizes you to vote in Ohio ONLY for presidential and vice-presidential electors as a former Ohio resident who resided in Ohio within 90 days of the presidential election, but not for any other candidates or issues. Please complete the information below:

1. Year of presidential election for which I am submitting this Certificate of Intent: _____
(Year)
2. Name: _____
3. Date of Birth: ____/____/____
month day year
4. Last residence in Ohio: _____, _____, _____, _____.
(Street Address) (City) (County) (Zip Code)
5. On the date of above presidential election, I will be a resident of the state of _____,
residing at _____, _____, _____.
(Street Address) (City) (Zip Code)

I declare under penalty of election falsification that the statements herein contained are true to the best of my knowledge and belief; that I am legally qualified to vote; that I am not registered to vote in any other state; and that I have not voted in an election in any other state since removing myself from the state of Ohio.

(Signature of Applicant)

(Date)

WILLFULLY MAKING A FALSE STATEMENT OR AFFIDAVIT UNDER R.C. 3504.01 *et seq* IS A FELONY OF THE FOURTH DEGREE.

*ONE of the following forms of identification is required to vote <u>in person</u>: Your Ohio driver’s license or state issued ID card, OR Last four digits of your social security number, OR Current (within 12 months) utility bill, bank statement, government check, paycheck OR other government document that shows your name and former qualifying residence address in Ohio.	*ONE of the following forms of identification is required to vote an <u>absentee ballot</u>: Your Ohio driver’s license number, OR Last four digits of your social security number, OR A COPY of one of the following: a current and valid photo identification, a military identification, or a current (within 12 months) utility bill, bank statement, government check, paycheck or other government document that shows your name and former qualifying residence address in Ohio.
--	--