



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 2012-48

October 4, 2012

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

Re: Contacting Absentee Voters for the November 6, 2012 General Election

SUMMARY

All county boards of elections must contact any absentee voter who provided insufficient information on their absentee ballot identification envelope to give the voter an opportunity to supplement the voter's identification envelope so the voter's ballot can be tabulated. This Directive applies to all absentee ballots regardless of whether UOCAVA or non-UOCAVA, in-person or by mail.

This Directive expands the instructions provided in [Directive 2012-26](#), which remains in effect.

INSTRUCTIONS

A. Determining Validity of Absent Voter's Ballots

When a county board of elections receives a voted absentee ballot, the Board must review the identification envelope to determine whether or not the absentee ballot can be counted.¹ If either of the following situations exists, the board of elections must contact the voter:

1. Information for required fields on the identification envelope were omitted by the voter (i.e., name, identification, signature); or
2. Information for required fields on the identification envelope do not match information contained in the voter's registration records on file with the board of elections or contained in the Statewide Voter Registration.

B. Notice to Voters with Invalid Absentee Ballots

When a county board of elections has determined that an absentee ballot is invalid (see Paragraph A above), the board of elections must notify the voter in writing by mailing a

¹ R.C. 3509.06, 3509.07

notice to the voter at the voter's registration address, or the address to which the voter had requested the absentee ballot to be mailed.

Except as provided in Paragraph D below, notification may not be made via telephone, email, facsimile, or by any means other than in writing by first class mail. The voter must complete the supplemental form; neither the voter nor an elections official may write on a voter's original identification envelope once it has been cast by the voter, except as provided by law.²

The notice must inform the voter that in order for the voter's absentee ballot to be valid and tabulated, the voter must appear in person at the main office of the board of elections during the uniform days and hours for in-person absentee voting (see [Directive 2012-35](#)), between 6:30 a.m. and 7:30 p.m. on Election Day, or during the Board's normal weekday business hours from November 7, 2012 through November 16, 2012, except as provided in Paragraph D below.

C. Supplementing the Identification Envelope – SOS Form 11-S

All county boards of elections must use [SOS Form 11-S](#) when allowing a voter to provide supplementary information to the voter's identification envelope so that the absentee ballot can be counted.

Except as provided in Paragraph D below, no county board of elections may accept supplemental information via telephone, email, facsimile, or by any means other than in writing, in person at the board of elections.

All county boards of elections must attach (e.g., staple) the completed Form 11-S to the voter's identification envelope so that it is kept with the voter's identification envelope for the entirety of the statutory retention period.

D. Reasonable Accommodations

All county boards of elections must provide reasonable accommodations, as follows:

1. 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.³
2. UOCAVA Voters – A voter whose ballot was requested⁴ pursuant to UOCAVA may supplement his or her identification envelope by completing SOS Form 11-S and sending it by email, facsimile, or mail to the board of elections. It must be received by the close of business on November 16, 2012. The voter's board of elections must

² R.C. 3509.07, 3509.08(A), 3509.09(D)

³ *Ray v. Franklin County Board of Elections* Case No. 2:08-CV-1086, 2008 WL 4966759 (S.D. Ohio Nov. 17, 2008)

⁴ RC 3511.02, 3509.10

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 email, facsimile, or by mail, if application was made by mail or in person).

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

Sincerely,

A handwritten signature in dark ink, reading "Jon Husted". The signature is written in a cursive, flowing style. The first name "Jon" is written with a large, looped "J" and a small "on". The last name "Husted" is written with a large "H" and a trailing flourish.

Jon Husted