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DIRECTIVE 2014-18

July 2, 2014

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

Re: Absentee Voting

SUMMARY

The Ohio General Assembly has made several changes to the laws governing the casting and counting of absentee ballots. This Directive provides instructions specific to absentee ballots consistent with [Advisory 2014-04](#) and replaces 2011-26, 2012-26, 2012-36, 2012-48, and 2012-48-2.

OVERVIEW

Any qualified voter whose registration information is current may request and vote an absentee ballot at any election without stating a reason.¹

A qualified voter who wishes to cast an absentee ballot must submit an application in writing to the board of elections of the county in which the voter resides. While there is no required form for an application for an absentee ballot, the Secretary of State's Office makes available prescribed forms specific to each type of absentee voter. Generally, a voter's request in any form is sufficient if it contains ALL of the following pieces of information:²

1. The voter's name;
2. The voter's signature;
3. The address at which the voter is registered to vote;
4. The voter's date of birth;
5. One of the following:
 - a) The voter's driver's license number;
 - b) The last four digits of the voter's social security number; or

¹ R.C. 3509.02.

² R.C. 3509.03.

- c) A copy of a current and valid photo identification, a military identification, or a current 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 shows the voter's name and address.
6. A statement identifying the election for which the absentee ballot is requested;
7. A statement that the person requesting the ballot is a qualified elector;³
8. If the request is for a primary election ballot, the voter's party affiliation; and
9. If the voter desires a ballot to be mailed to the elector, the address to which that ballot shall be mailed.

Certain classifications of absentee voters must provide additional information in order to receive an absentee ballot, as discussed below. All absentee ballot applications, except the [Federal Post Card Application \(FPCA\)](#) used by absentee voters who are uniformed services or overseas citizens (UOCAVA)⁴, are valid for a single election only.⁵ Non-UOCAVA voters must reapply for an absentee ballot prior to each election in which the voter desires to vote by absentee ballot.

County boards of elections are prohibited from mailing unsolicited absentee ballot applications to any voter.⁶

Boards of elections are not prohibited from placing absentee ballot applications on the Board's website or in various public places (e.g., libraries, etc.). An application in writing in any form, a verbal request in person or by phone, or the completion of some manner of automated form of application (telephonic or web-based) initiated by an individual voter constitutes a proper request for an absentee ballot application and is not prohibited.

INSTRUCTIONS

I. TYPES OF ABSENTEE VOTING

There are different types of absentee voters, each with slightly different requirements. Specific guidelines for each type of absentee voter are set forth below:

A. Absentee Voting By Mail and In Person

Except for voters with special circumstances (see below), an absentee voter is any qualified voter who prefers to vote by mail or in person prior to Election Day⁷ and who applies using [SOS Form 11-A](#) or any written application containing all the required information mentioned above.

³ Under R.C. 3503.01, a voter's qualifications to vote are determined as of the date of the election.

⁴ For more information on absentee voting for voters covered by the Uniformed and Overseas Citizens Absentee Voting Act, please see [Directive 2014-19](#).

⁵ R.C. 3509.02; 3509.03.

⁶ R.C. 3501.05.

⁷ R.C. 3509.02.

1. By Mail

Voters may submit applications to receive an absentee ballot by mail beginning January 1st of the election year or 90 days before the election, whichever is earlier, and ending 12:00 p.m. the Saturday before Election Day.⁸

Boards may begin mailing absentee ballots on the first day after the close of voter registration before Election Day and may continue mailing absentee ballots as they receive valid applications up until 12:00 p.m. the Saturday before Election Day.⁹

A voter who receives an absentee ballot by mail may return it to the office of the board of elections through the mail or by personal delivery.

- Returned by mail—
 - The absentee ballot 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 OR
 - If the absentee ballot 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.
 - A postmark does not include mail sent using a postage evidencing system, including a postage meter.¹⁰ Postage labels from USPS Automated Postal Centers and online providers (e.g., Stamps.com) are postage evidencing systems; the date on which such postage was purchased, even when printed on the envelope or label, is not a postmark.
- Returned by personal delivery—a voter may deliver the absentee ballot personally or may have a family member¹¹ deliver the absentee ballot by the close of polls on Election Day at the office of the board of elections only. No one may return a voted absentee ballot to a precinct polling location.

2. In Person

Voters may submit applications in person at the Board office or other designated location.

In-person absentee voting begins on the first day after the close of voter registration before Election Day for all types of absentee voters.¹²

⁸ R.C. 3509.03.

⁹ R.C. 3509.01; 3509.03.

¹⁰ R.C. 3509.05(B)(2).

¹¹ R.C. 3509.05(A): spouse, 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.

¹² R.C. 3509.01; 3511.10.

If there are any in person absentee voters waiting in line when voting ends on a particular day during the in-person absentee voting period, the in person voting location shall be kept open until those voters who were in line when the location closed for the day have cast a ballot.¹³

Boards of elections may accommodate in-person absentee voting at the Board office, or may designate another location for that purpose.¹⁴ If the Board chooses to designate an alternate location for in-person absentee voting, in-person absentee voting may occur only at that location, and that designated location must comply with all applicable requirements and prohibitions for polling locations.¹⁵ Boards of elections having designated another location for in-person absentee voting may not issue absentee ballots to voters, other than by mail, from the Board office.

Boards of elections operating an alternate site for in-person absentee voting before the election may accept the return of absentee ballots to such alternate site in addition to the board of elections office, but may only allow in-person absentee voting at one location.

A voter who applies for and receives an absentee ballot in person may vote the ballot immediately in compartments (or on DREs) provided by the Board for this purpose or may take that ballot home to complete at a later date. If the absentee voter chooses to take the ballot home, the Board must provide the absentee voter a return mailing envelope along with the identification envelope. A voter who receives an absentee ballot in person and takes the ballot home to vote may return it to the office of the board of elections through the mail or by personal delivery.

- Returned by mail—
 - The absentee ballot 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 OR
 - If the absentee ballot 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.
 - A postmark does not include mail sent using a postage evidencing system, including a postage meter.¹⁶ Postage labels from USPS Automated Postal Centers and online providers (e.g., Stamps.com) are postage evidencing systems; the date on which such postage was purchased, even when printed on the envelope or label, is not a postmark.

¹³ R.C. 3509.01(B)(3).

¹⁴ R.C. 3501.10(C).

¹⁵ R.C. 3501.11(Z).

¹⁶ R.C. 3509.05(B)(2).

- Returned by personal delivery—a voter may deliver the absentee ballot personally or may have a family member¹⁷ deliver the absentee ballot by the close of polls on Election Day at the office of the board of elections only. No one may return a voted absentee ballot to a precinct polling location.¹⁸

B. Special Circumstances¹⁹

1. Disability or Confinement

A voter who has a disability or is confined and cannot vote at a polling location on Election Day or in person at the Board office due to personal illness, physical disability, infirmity, or confinement may vote by absentee ballot.²⁰ This includes voters who are confined to a nursing home, jail, or workhouse. An absentee voter who has a disability or is confined applies using [SOS Form 11-F](#) or any written application containing all the required information plus the nature of the voter's illness, physical disability, infirmity, or confinement.

Voters with a disability or who are confined may submit applications to receive an absentee ballot beginning January 1st of the year or 90 days before the election, whichever is earlier, and ending 12:00 p.m. the Saturday before Election Day.

A voter who has a disability or is confined may receive and return an absentee ballot by mail or in person through two boards of elections employees.

- Returned by mail—
 - The absentee ballot 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 OR
 - If the absentee ballot 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.
 - A postmark does not include mail sent using a postage evidencing system, including a postage meter.²¹ Postage labels from USPS Automated Postal Centers and online providers (e.g., Stamps.com) are postage evidencing systems; the date on which such postage was

¹⁷ R.C. 3509.05(A): spouse, 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.

¹⁸ R.C. 3509.05(A).

¹⁹ In 2012, a federal district court found a violation of the Americans with Disabilities Act (42 U.S.C. 12132) and the Rehabilitation Act of 1973 (29 U.S.C. 794(a)) and ordered specific relief to an individual absentee voter who was hospitalized outside of the voter's county of residence. In the event a voter who is hospitalized out of county requests reasonable accommodation to facilitate absentee voting, Boards of Elections are advised to consult with their Prosecuting Attorney. See, *Mooneyhan v. Husted*, 3:12-CV-379, 2012 WL 5834232 (S.D. Ohio Nov. 16, 2012).

²⁰ R.C. 3509.08(A).

²¹ R.C. 3509.05(B)(2).

purchased, even when printed on the envelope or label, is not a postmark.

- Received and returned by two board of elections employees—
 - The two boards of elections employees, each belonging to different major political parties, may deliver an absentee ballot to a voter who has a disability or is confined, and return the ballot to the Board office.
 - The two board employees must be present during delivery, voting, and return of the ballot and must subscribe to that fact on the absentee ballot identification envelope (see [SOS Form 12-C](#)).²²

An absentee voter who has a disability or is confined and who also is required to vote a provisional ballot due to a change of address or change of name may vote a provisional absentee ballot²³ (see [SOS Form 11-I](#)). No other type of absentee voter may vote provisionally by absentee ballot.

2. Unforeseeable Hospitalization

An absentee voter who is confined to a hospital or whose minor child is confined to a hospital due to an accident or unforeseeable medical emergency occurring after the absentee voting by mail application deadline of 12:00 p.m. on the Saturday before Election Day may vote by absentee ballot.²⁴ Any such voter applies using [SOS Form 11-B](#) or any written application containing all the required information plus the hospital at which the applicant or the applicant's minor child has been admitted, the date of the applicant's or the applicant's child's admission to the hospital, and the offices for which the applicant is qualified to vote.²⁵

Voters with an unforeseeable hospitalization may submit applications beginning after 12:00 p.m. the Saturday before Election Day and ending at 3:00 p.m. on Election Day.

An absentee voter with an unforeseeable hospitalization within the county may receive and return the absentee ballot through a family member, or through two boards of elections employees.²⁶ If the hospitalization is out of county, the absentee voter may receive and return the absentee ballot through a family member or by mail.²⁷

²² R.C. 3509.08(A).

²³ R.C. 3503.16(G).

²⁴ R.C. 3509.08(B)(1).

²⁵ R.C. 3509.08(B)(2).

²⁶ R.C. 3509.08(B)(2).

²⁷ R.C. 3509.08(B)(2).

- Received and returned by a family member—a family member²⁸ of the voter may deliver the absentee ballot to the voter, and return the voted absentee ballot to the board of elections office by the close of polls on Election Day.²⁹ A voter's family member may not return a voted absentee ballot to a precinct polling location.
- Received and returned by two boards of elections employees—two boards 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.³⁰ The two board employees must be present during delivery, voting, and return of the ballot, and must subscribe to that fact on the absentee ballot identification envelope (see [SOS Form 12-C](#)).
- Received and returned by mail—if the hospital is located outside the county in which the voter is registered to vote, the Board may mail the absentee ballot.³¹
 - The absentee ballot 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 OR
 - If the absentee ballot 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.
 - A postmark does not include mail sent using a postage evidencing system, including a postage meter.³² Postage labels from USPS Automated Postal Centers and online providers (e.g., Stamps.com) are postage evidencing systems; the date on which such postage was purchased, even when printed on the envelope or label, is not a postmark.

3. Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

A UOCAVA absentee voter is any active or reserve duty uniformed services voter or overseas voter.³³ UOCAVA voters apply using the [Federal Post Card Application \(FPCA\)](#). The FPCA may be submitted by mail, email, or fax. Relatives of UOCAVA voters³⁴ may submit an absentee ballot application on behalf of the voter using [SOS Form 11-E](#), which may not be submitted by email

²⁸ R.C. 3509.05(A): spouse, 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.

²⁹ R.C. 3509.08(B)(2).

³⁰ R.C. 3509.08(B)(2).

³¹ R.C. 3509.08(B)(2).

³² R.C. 3509.05(B)(2).

³³ R.C. Chapter 3511. See also [Directive 2014-19](#).

³⁴ R.C. 3511.02(C) defines family member as a spouse, father, mother, father-in-law, mother-in-law, grandfather, grandmother, brother or sister of the whole blood or half blood, son, daughter, adopting parent, adopted child, stepparent, stepchild, daughter-in-law, son-in-law, uncle, aunt, nephew, or niece of the UOCAVA voter.

or fax. A UOCAVA voter's relative may only submit [SOS Form 11-E](#) by mail or by personally delivering it to the boards of election office.

UOCAVA voters may submit applications beginning January 1st of the election year or 90 days before the election, whichever is earlier, and ending 12:00 p.m. the Saturday before Election Day. UOCAVA voters may receive absentee ballots by mail, email, or fax. To receive and vote an absentee ballot in person, UOCAVA voters must submit an application at the office of the board of election by the close of polls on Election Day.

A UOCAVA voter who receives an absentee ballot by mail, email, or fax may return it to the office of the board of elections through the mail or by personal delivery.

- Returned by mail—the UOCAVA absentee ballot must be submitted for mailing no later than 12:01 a.m. on Election Day and received at the board of elections office no later than the 10th day after Election Day. If the Board receives the ballot by the 10th day after Election Day, it shall be deemed to have been submitted for mailing by 12:01 a.m. on Election Day. A postmark is not required in order for a UOCAVA ballot to be valid.
- Returned by personal delivery—a voter may deliver the absentee ballot personally or may have a family member deliver the absentee ballot personally by the close of polls on Election Day at the office of the board of elections only. No one may return a voted absentee ballot to a precinct polling location.

Refer to [Directive 2014-19](#) for a more complete discussion of UOCAVA voting.

II. PROCESSING ABSENTEE BALLOT APPLICATIONS

In the required fields of an absentee ballot application, the Board may pre-print only a voter's name and address before mailing to a voter who requests it. None of the other required pieces of information on an absentee ballot application shall be completed by election officials on a voter's behalf.³⁵

No Board is permitted to pre-pay return postage for any absentee ballot application.³⁶

A Board may not accept or process a non-UOCAVA absentee ballot application received by fax or email.

If the Board receives an application for an absentee ballot that does not contain all the required information listed above, it promptly must notify the voter of the missing

³⁵ R.C. 3509.03; 3511.02.

³⁶ R.C. 3509.03; 3511.02.

information and ask the voter to supply the missing information.³⁷ The Board may not return an incomplete application to the voter, as once an application is received at the Board office, it is a public record. Election officials may not complete an application's missing information on behalf of the voter. The voter must personally complete any missing information on the application, unless the voter has paperwork on file with the board of elections to receive assistance from a designated attorney-in-fact.³⁸

Absentee voting by mail begins 45 days before each election for UOCAVA voters only and on the day after the close of registration before each election for all other types of absentee voters.³⁹ Due to the earlier start date for UOCAVA voting, Boards must have ballots proofed and ready to mail prior to the 45th day before each election.

Once the Board receives an application that meets the requirements explained above, it must provide the voter with the correct ballot for the voter's precinct, based on the voter's residence address. Boards of elections may not outsource the mailing of absentee ballots to vendors or any other third party unless the Board has received prior written authorization from the Director of Elections, conditioned upon submission of appropriate quality assurance procedures, including the onsite presence of board personnel during every phase of the vendor or third party's possession of ballots, supplies, and/or data.

Ohio law requires boards of elections to provide an identification envelope with the absentee ballot (see [SOS Forms 12-A](#) and [12-C](#)).⁴⁰ In the five required information fields on an absentee ballot identification envelope, a Board may pre-print only a voter's name and address before mailing the absentee ballot to the voter who requested it. None of the other required pieces of information on the absentee identification envelope shall be completed by the Board on behalf of a voter.⁴¹

No Board is permitted to pre-pay return postage for any absentee ballot.⁴²

III. PROCESSING AND COUNTING ABSENTEE BALLOTS

Boards of elections may begin processing, but not tabulating, absentee ballots not earlier than ten days prior to Election Day. "Processing" includes:

- Opening absent voter's ballot envelopes having been examined and accepted as valid;
- Determining whether the stub is still attached;
- Preparing the absent voter's ballot for scanning; and

³⁷ R.C. 3509.04(A).

³⁸ R.C. 3501.382; 3509.03; 3511.02.

³⁹ R.C. 3509.01(B).

⁴⁰ R.C. 3509.04; 3511.05.

⁴¹ R.C. 3509.04; 3511.05.

⁴² R.C. 3509.04; 3511.04.

- Scanning of the absent voter's ballot using automatic tabulating equipment at a central counting station⁴³; and identifying absent voter's ballots that cannot be "read" or are "rejected" by the ballot scanning device to determine whether the ballot needs to be remade so that it can be read by the scanner. This includes remaking of UOCAVA ballots transmitted by email or fax.

The Board must examine each returned absentee ballot envelope for eligibility **before** the Board may remove the ballot from the envelope.

In order for an identification envelope to be opened and the absentee ballot to be counted, the absentee voter must provide the following information on the absentee ballot ID envelope⁴⁴:

1. **Name**⁴⁵;
2. **Residence Address**, which must match the address at which the voter is registered.⁴⁶ Ohio law does not permit an absentee ballot identification envelope to be used as a voter registration form, change of name form, or change of address form. If the address on the absentee ballot identification envelope indicates that the voter's registration information is out of date and that the voter would be required to vote a provisional ballot, the absentee ballot cannot be counted;
3. **Date of Birth**—The birthdate is considered complete if the month and day match the month and day as reflected in the statewide voter registration database, the birthdate in the statewide voter registration database is January 1, 1800, *or* the board of elections has found by the vote of at least three members that the voter has completed satisfactorily all of the other required information (name, residence address, signature, and identification).⁴⁷;
4. **Signature**⁴⁸; and
5. **Proper Identification**⁴⁹
 - The voter's driver's license number;⁵⁰
 - The last four digits of the voter's Social Security number;⁵¹ or
 - A copy of a current and valid photo identification, a 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 shows the voter's name and address.⁵²

⁴³ In no circumstance may any Board initiate the human-readable reporting of election results from absentee ballots processed prior to 7:30 p.m. on Election Day. R.C. 3505.26.

⁴⁴ R.C. 3509.06(D).

⁴⁵ R.C. 3509.06(D)(3)(a)(i)

⁴⁶ R.C. 3509.06(D)(3)(a)(ii).

⁴⁷ R.C. 3509.06(D)(3)(a)(iii).

⁴⁸ R.C. 3509.06(D)(3)(a)(iv).

⁴⁹ R.C. 3509.06(D)(3)(a)(v).

⁵⁰ R.C. 3509.06(D)(3)(a)(v)(I).

⁵¹ R.C. 3509.06(D)(3)(a)(v)(II).

⁵² R.C. 3509.06(D)(3)(a)(v)(III).

A. Contacting Voters

All county boards of elections must contact any absentee voter who provided insufficient information on the 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. The Board must notify the voter **in writing** at the voter's registration address, or at the address to which the voter had requested the absentee ballot to be mailed when the Board determines that⁵³:

- An absentee voter provided incomplete information on the identification envelope; or
- The information supplied by the absentee voter on the identification envelope does not match information contained in the statewide voter registration database.

The notice must include a copy of [SOS Form 11-S](#) and must inform the voter that in order for the voter's absentee ballot to be valid and tabulated, the voter must:

- Complete [SOS Form 11-S](#) and return it by mail or in person such that the board of elections receives it on or before the 7th day after Election Day⁵⁴;

With the exception of reasonable accommodations for voters with disabilities and UOCAVA voters, no county board of elections may accept supplemental information via email, or facsimile.

In the case of voters with disabilities or UOCAVA voters, all county boards of elections must provide reasonable accommodations, as follows:

- 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.⁵⁵
- UOCAVA Voters – A voter whose ballot was requested⁵⁶ 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

⁵³ R.C. 3509.06(D)(3)(b).

⁵⁴ Pursuant to a court order, if an absentee voter provides the number above his or her picture and not the driver's license number (two alphabet letters followed by six numbers), the Board must notify the voter of such error by telephone or in writing, within two business days of receiving the application or voted ballot. The voter so notified must be permitted to appear in person at the office of the Board to provide the correct information. In the case of a returned absent voter's ballot, the voter shall have until the 10th day after the election to provide this information to enable his or her ballot to be counted. *NEOCH v. Brunner*, Case No. 2:06-cv-00896 (S.D. Ohio) April 19, 2010 Consent Decree; *See also*, Directive 2008-80.

⁵⁵ *Ray v. Franklin County Board of Elections* Case No. 2:08-CV-1086, 2008 WL 4966759 (S.D. Ohio Nov. 17, 2008).

⁵⁶ R.C. 3511.02; 3509.10.

received by the close of business on the 7th day after the election. The voter's board of elections must 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).

All county boards of elections must attach (e.g., staple) the completed [SOS 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.

Ohio law requires all absentee voters to place their ballot in the ID envelope and seal the envelope. The board of elections must clearly indicate that the ballot must be sealed within the ID envelope in order to count. If the Board receives an absentee ballot that is not sealed in its identification envelope, the Board must seal the envelope. If the ballot is not inside the identification envelope, avoid looking at the markings on the ballot, and place the ballot in the identification envelope and seal it.

B. Counting Absentee Ballots

All absentee ballots returned by the close of polls on Election Day, whether returned in person or by mail, must be included in the unofficial results if the ballots meet all other requirements of law.

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, must be included in the official canvass.

Boards may not count an absentee ballot in the following situations:⁵⁷

- The required information provided on the absentee ballot identification envelope is incomplete (it is incomplete if it does not include the voter's name, the voter's residence address, the voter's date of birth, the voter's signature, and a qualifying form of identification) or insufficient;⁵⁸
- The signature of the voter does not correspond with the voter's registration signature;⁵⁹
- The voter is not a qualified elector in the precinct as of Election Day;⁶⁰
- The ballot envelope contains more than one ballot of any one kind, or any voted ballot that the elector is not entitled to vote;⁶¹

⁵⁷ R.C. 3509.07; 3503.16.

⁵⁸ R.C. 3509.07(A).

⁵⁹ R.C. 3509.07(B).

⁶⁰ R.C. 3509.07(C).

⁶¹ R.C. 3509.07(D).

- Stub A is detached from the absentee ballot⁶²;
- The voter has not included any identification with the ballot;⁶³
- The voter provides a different address than the address at which the voter is registered⁶⁴. Ohio law does not permit an absentee ballot identification envelope to be used as a voter registration form, change of name form, or change of address form. If the address on the absentee ballot identification envelope indicates that the voter's registration information is out of date and that the voter would be required to vote a provisional ballot, the absentee ballot cannot be counted; or
- A **Non-UOCAVA** ballot contains no postmark and is received after 7:30 p.m. on Election Day or is postmarked later than the day before Election Day. Please note that a postmark is not required in order for a UOCAVA ballot to be valid. The Board must count an otherwise valid UOCAVA ballot regardless of whether it contains a timely postmark, a late postmark, or no postmark.⁶⁵

If an absentee ballot envelope does not meet the requirements to be counted the Board must not count the ballot. The Board must endorse the back of the envelope "Not Counted," write on the envelope the reason the ballot was not counted,⁶⁶ and retain the rejected ballot pursuant to established retention schedules.

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

Sincerely,



Jon Husted

⁶² R.C. 3509.07(E).

⁶³ R.C. 3509.08(F).

⁶⁴ R.C. 3509.06(D)(3)(a)(ii).

⁶⁵ R.C. 3511.11(C).

⁶⁶ R.C. 3509.07.