



DIRECTIVE 2022-29

March 11, 2022

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

Re: Legislation Regarding Uniformed and Overseas Citizens' Absentee Ballots and Ballot
Transmission Instructions

SUMMARY

On March 10, 2022, the Ohio Senate concurred in House amendments to Substitute Senate Bill 11 ("S.B. 11") to modify procedures for uniformed services and overseas citizens' absentee ("UOCAVA") voting in the 2022 primary election. Governor DeWine signed the bill into law today. The temporary provisions related to the 2022 primary election adjust the state deadline to print and send UOCAVA ballots; extend the time for UOCAVA ballots to be returned; require the Secretary of State to take steps to expedite the delivery and return of UOCAVA ballots; and appropriate \$200,000 to implement the bill's requirements. This Directive provides an overview of the temporary law in S.B. 11 and instructions for issuing UOCAVA ballots.

INSTRUCTIONS

Boards of elections must not print ballots until after the March 17, 2022 protest deadline for the offices of U.S. House, Ohio House, Ohio Senate, and State Central Committee. However, boards may begin to program and proof ballots as soon as candidates are certified to appear on the ballot. The most populous board of elections of a district must immediately notify less populous county boards of elections as soon as a protest is resolved against a candidate.

I. TEMPORARY LAW REGARDING BALLOTS FOR UOCAVA VOTERS

S.B. 11 makes the following changes to the administration of the May 3, 2022 Primary Election:

- Requires UOCAVA ballots to be ready for use **no later than Tuesday, April 5, 2022** (the first day after the close of voter registration before the election), instead of March 18, 2022.¹
- Allows UOCAVA ballots to be counted if returned by mail and received at the office of the board of elections by the 20th day after the election, instead of the 10th day, unless the identification envelope is signed after the close of polls on Election Day.²

¹ S.B. 11, Section 5(A).

² S.B. 11, Section 5(B).

- Extends the amount of time a person may mail a UOCAVA ballot for return to their county board of elections from 12:01 a.m. at the place where the voter completes their ballot³ to any time prior to the close of polls on Election Day.⁴
- Requires the Secretary of State to take steps to expedite the delivery and return of uniformed services and overseas absent voter's ballots.⁵
- Permits the Secretary of State to adjust the deadlines for boards of elections to conduct the canvass of the election returns, to accommodate the delayed ballot return deadline.⁶

As stated above, S.B. 11 requires UOCAVA ballots to be ready for use ***no later than Tuesday, April 5, 2022***. A board of elections should transmit UOCAVA ballots as soon as possible to voters who submitted an absentee ballot application if the following condition applies:

- No protest is filed against any candidate for U.S. House, Ohio House, Ohio Senate, and State Central Committee, or the protests have been resolved.

An upcoming directive for the unofficial and official canvasses for the 2022 primary election will include adjusted deadlines for completion of the canvasses.

II. INSTRUCTIONS FOR EXPEDITED MAILING OF UOCAVA BALLOTS

S.B. 11 requires expedited delivery and return of UOCAVA ballots. If the UOCAVA voter did not indicate a preference for delivery or indicated mail as their preferred delivery method, a board of elections must contact the voter, explain the time constraints for return of the ballot, and offer expedited delivery via email or fax. Boards must use the voter's telephone number, even if it is an international number, and email address, if available, to contact them. A board may accept a voter's change in delivery preference by phone or email, rather than requiring the voter to submit a new Federal Post Card Application ("FPCA") or other form of absentee ballot application. If the UOCAVA voter still prefers to receive their ballot by mail, the board must follow the instructions below to expedite delivery.

For expedited shipping through the United States Postal Service ("USPS"), the board must utilize an existing service (e.g., Pitney Bowes, Neopost, etc.) or create and/or utilize a Click-N-Ship account to create a mailing label with the appropriate postage type for that voter's return ballot. For expedited shipping through a private carrier (e.g., FedEx, DHL, UPS, etc.), a board of elections must create an account on the carrier's website, if an account is not already established. Boards of elections must use the account to create prepaid shipping labels for the expedited return of the ballot from the voter. Boards must select the ***quickest and earliest version of shipping possible for ballot return***. Boards must diligently create, proof, and address mailing and return labels to ensure the ballot is promptly delivered to the voter and returned timely to the board of elections.

A. DELIVERY OF THE UOCAVA BALLOT

Boards must use the UOCAVA absentee ballot instructions ([Form 12-K, updated March 11, 2022](#)) and print the instructions on standard letter-sized paper if mailing the absentee ballot to the

³ [R.C. 3511.09](#).

⁴ S.B. 11, Section 5(B).

⁵ S.B. 11, Section 5(C).

⁶ S.B. 11, Section 5(D).

UOCAVA voter. Boards must also use the delivery and return envelopes specifically for UOCAVA voters. Our Office recommends printing the instructions in color to allow the contents to stand out. To reflect the temporary changes in law, the following forms have been updated:

- UOCAVA Absentee Ballot Instructions ([Form 12-K](#));
- Return Envelope for UOCAVA Ballot ([Form 285](#)); and
- Envelope for Delivery of UOCAVA Ballot ([Form 286](#)).

Boards must follow the instructions set forth below when mailing UOCAVA absentee ballots:

- For **uniformed services voters, eligible spouses, and dependents**:
 - For **any APO/FPO/DPO address**, use the United States Postal Service (“USPS”) Priority Mail service to deliver the ballot. For help with addressing APO/FPO/DPO mail, please visit this [USPS article](#).
 - For a **domestic mailing address**, use the United States Postal Service (“USPS”) Priority Express Mail service to deliver the ballot.
 - For a **mailing address outside of the United States**, use the USPS Priority Mail International service to deliver the ballot. Ensure that the voter’s address is correct.
- For **non-military overseas voters**, use a private carrier (*e.g.*, FedEx, UPS, or DHL) or USPS Priority Mail Express International service, whichever provides for the fastest delivery to that overseas voters’ specific location.

B. RETURN OF THE UOCAVA BALLOT

Each board of elections that transmits a UOCAVA ballot to a voter must take the following steps to enable an expedited return of the ballot:

- For **uniformed services voters, eligible spouses, and dependents**:
 - For any voter with an **APO/FPO/DPO address**, prepare and provide a USPS label to the voter. If the voter requests to receive their ballot by email, a .pdf of the label must be one of the attachments to the email. The .pdf can be created and downloaded on the USPS “Click-N-Ship” site. When selecting a method for mailing, utilize the quickest, earliest time for Priority Mail. Boards must include “United States of America” when inserting the board’s address into the label.
 - For a **domestic mailing address**, prepare and provide a USPS label to the voter. If the voter requests to receive their ballot by email, a .pdf of the label must be one of the attachments to the email. The .pdf can be created and downloaded on the USPS “Click-N-Ship” site. When selecting a method for mailing, utilize the quickest, earliest time for Priority Mail Express.
 - For a **mailing address outside of the United States**, prepare and provide a USPS label to the voter. If the voter requests to receive their ballot by email, a .pdf of the label must be one of the attachments to the email. The .pdf can be created and downloaded on the USPS “Click-N-Ship” site. When selecting a method for mailing, utilize the quickest, earliest time for Priority Mail Express International. Boards must include “United States of America” when inserting the board’s address into the label.

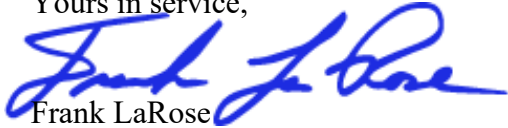
- For **non-military overseas voters**, setup and use an account with a private carrier to prepare a label containing the board's account number. This prepared label must be provided electronically or by mail, if the ballot is delivered by mail. Boards should use information available on websites or contact the delivery service directly to determine the best and fastest shipping service for the delivery of the ballot to the board of elections. Boards must include "United States of America" when inserting the board's address into the label.

C. STATE FUNDING FOR EXPEDITED MAILING OF UOCAVA BALLOTS

Boards of elections may use their grant allocation from S.B. 9 and the new appropriation of funds in S.B. 11 to pay the costs for expedited delivery and return of UOCAVA ballots. Our Office will soon issue additional guidance regarding the S.B. 11 funds.

More information regarding the logistics of expedited mailing for UOCAVA ballots will be provided as soon as possible. If you have any questions concerning this Directive, please contact the Secretary of State's elections counsel at (614) 728-8789.

Yours in service,



Frank LaRose
Ohio Secretary of State