

Mandatory Step-by-Step Process for Examining Provisional Ballots

Due to recent changes in law governing provisional ballots, boards must follow the step-by-step instructions below for examining provisional ballots to determine the eligibility of a provisional ballot to be counted. These instructions are an addendum to Directive 2023-13 for the August 8, 2023 Special Election Canvass.

Step 1: Determine whether the affirmation statement on the provisional ballot envelope contains each of the following five items:

1. Voter's printed name;
 2. Voter's valid signature;
 3. Voter's date of birth;*
 4. Voter's current address; and
 5. Voter's statement that they have shown photo identification to the election official.*
- If the affirmation statement contains all five of the required items, proceed to Step 2.
 - With two exceptions below, if the affirmation statement does not contain all five of the required items, the board must reject the provisional ballot.

*** Exception 1:** If the affirmation statement contains the voter's date of birth but the month and day are different from the month and day in the Statewide Voter Registration Database, the board must reject the provisional ballot unless: 1) the voter's date of birth in the database is 1/1/1800; or 2) the board of elections finds by a vote of at least three of its members that the voter has met all of the other requirements of RC 3505.183(B)(3). If the ballot falls into this exception, proceed to Step 2.

***Exception 2:** If the voter did not provide photo identification as marked in Section 5 of the Provisional Ballot Affirmation but completed an affidavit of religious objection ([Form 12-O](#)), proceed to Step 3.

Step 2: Determine whether the provisional voter provided at least one of the following types of unexpired photo identification:

1. Driver's license, state ID card, or interim ID form issued by the Ohio Bureau of Motor Vehicles. *(Please note that the voter must also write in the full driver's license or state ID card number on the Provisional Ballot Affirmation, Section 5, in addition to showing the photo identification, if any of these identification types are used);*
2. Passport or passport card; or
3. U.S. military ID card; Ohio National Guard ID card; or U.S. Department of Veterans Affairs ID card.

Mandatory Step-by-Step Process for Examining Provisional Ballots

- If the voter indicated on the affirmation statement that they showed the precinct election official one of the acceptable forms of photo identification, and documents that fact on the *Provisional Ballot Affirmation*, proceed to Step 4.
- If the voter provided a driver's license or state ID card number, and the combination of letters and numbers provided is identical to the number that is contained in the Statewide Voter Registration Database, proceed to Step 4.
- If the voter provided a driver's license or state ID card number, and the combination of letters and numbers) provided is different from what is contained in the Statewide Voter Registration Database, the board must reject the provisional ballot.
- If the voter did not provide photo identification per the *Provisional Ballot Affirmation, Section 5*, but completed the *Registration Update*, the board shall update the voter's registration, but shall reject the provisional ballot.

****Exception for Disabled/Confined Provisional Voter:*** If a disabled/confined voter with an unreported change of address or name casts a provisional ballot pursuant to R.C. 3503.16(G), they are subject to the same ID requirements as a voter who casts an absentee ballot by mail. Therefore, if the voter provides a form of ID under either Section 5 or 6 of the Provisional Ballot Affirmation, the ballot may be eligible for counting. Proceed to Step 4.

- If the voter did not provide valid photo identification per the *Provisional Ballot Affirmation, Section 5*, but returned to the board of elections within four days after the election and provided valid photo identification, proceed to Step 4.
- If the voter did not provide photo identification per the *Provisional Ballot Affirmation, Section 5*, and did not return to the board within the four days after the election to remedy the missing item, the board must reject the provisional ballot.

Step 3: Religious Objection Exception to Photo Identification Requirement

- If a voter does not have photo identification because of a religious objection to being photographed, the precinct election official or board staff must provide the voter an affidavit of religious objection ([Form 12-O](#)). This can occur either when the voter casts the provisional ballot or at the office of the board, no later than the fourth day after Election Day. Election officials must attach this affidavit to the provisional ballot affirmation.
- If the last four digits of the voter's social security number, as provided on the affidavit, do not match those digits in the Statewide Voter Registration Database, the affidavit of religious objection is invalid and the board must reject the provisional ballot.
- If the voter has not been issued a social security number, the voter must indicate "none" on the line for last four digits of the social security number. If the voter does not have a social security number, none will appear in the statewide voter registration system, and the affidavit is still valid.

Mandatory Step-by-Step Process for Examining Provisional Ballots

- The board must transmit information from the completed affidavit of religious objection to the Secretary's Office no later than the close of business on the fourth day after Election Day.
- The Secretary's Office reviews records from the Bureau of Motor Vehicles' ("BMV's") database to determine whether the BMV issued an unexpired photo ID to that voter.

The Secretary of State will notify the board of the results no later than the seventh day after Election Day.

- If the Secretary of State determines that the BMV has issued an unexpired photo ID to the voter, the affidavit of religious objection is invalid, and the board must reject the provisional ballot.
- If the Secretary of State determines that the BMV has not issued an unexpired photo ID, the affidavit of religious objection is valid and the board must proceed to Step 4.

Step 4: Determine whether the board can verify the identity of the voter based on the information provided on the provisional ballot affirmation or provided by the voter within the four-day period.

If the board can verify the identity of the voter based upon the information provided on the provisional ballot affirmation and/or provided by the voter within four days of the election, proceed to Step 5. Otherwise, the board must reject the provisional ballot.

Important: To verify identity, the board must: 1) conduct at least one "wildcard" search of voter query, by placing the % sign after a partial name (i.e., "Jeff%" to return "Jeffrey"); 2) conduct a voter query of the Statewide Voter Registration Database using 'Search by Driver License Number'; and 3) conduct at least one voter query of the Statewide Voter Registration Database by entering as much or as little information as is available using 'Search by Name.' Once a board has successfully identified a voter with one search, it is not necessary to conduct additional queries.

Step 5: Determine whether the voter is a registered voter anywhere in the State of Ohio at least 30 days before the election.

If the voter was registered to vote anywhere in the State of Ohio at least 30 days before the election, proceed to Step 6. Otherwise, the board must reject the provisional ballot.

Important: As noted in Chapter 8, Section 8.06 of the Election Official Manual, the "APRI Exception" for unregistered voters was in effect only through December 31, 2022. The APRI Exception no longer applies to provisional voters whose registration was cancelled pursuant to the Supplemental Process.

Mandatory Step-by-Step Process for Examining Provisional Ballots

Step 6: Determine whether the voter is a resident of the county and precinct in which the voter offers to vote.

- If the voter is a resident of the county and precinct in which the provisional ballot was cast, proceed to Step 7.
- If the voter moved and provided a new address within the precinct on the affirmation statement, then the voter is considered a resident of the new precinct and the board must proceed to Step 7.
- If the voter cast the provisional ballot in the wrong precinct, but in the correct polling location, including the board of elections office, and a precinct election official did not complete and attach Form 12-D to the provisional ballot envelope, the board must remake and count the provisional ballot for only those contests for which the voter was otherwise eligible to vote.
- If the voter cast the provisional ballot in the wrong precinct, but in the correct polling location, including the board of elections office, and a precinct election official did complete and attach Form 12-D, but the board verified that the precinct to which the precinct election official directed the voter was the incorrect precinct, the board must remake and count the provisional ballot for only those contests for which the voter was otherwise eligible to vote.
- If the voter cast the provisional ballot in the wrong precinct, but in the correct polling location, including the board of elections office, and 1) a precinct election official completed Form 12-D and 2) the board verified that the precinct to which the precinct election official directed the voter was the correct precinct, the board must reject the provisional ballot.
- If the voter cast the provisional ballot in the wrong precinct and wrong polling location, the board must reject the provisional ballot.

Step 7: Determine whether the voter already requested and cast a ballot in the election.

- If the voter has not cast another ballot, count the provisional ballot.
- If the voter has requested and cast an absentee ballot, and neither of the following exceptions apply, the board must reject the provisional ballot.

Exception 1: The board of elections shall count the provisional ballot instead of the absentee ballot if the board determines that the absentee ballot is invalid because the elector's signature on the absentee voter's identification envelope does not match the signature on file with the board of elections.

Exception 2: The board of elections shall count the provisional ballot instead of the absentee ballot if the board does not receive the voter's absentee ballot by the fourth day following the election.