



## CHAPTER 8: PROVISIONAL VOTING<sup>1</sup>

### Section 8.01 Provisional Voting, Introduction

Provisional voting gives voters a chance to vote when there are questions about their identity or whether they are eligible to vote. The board must give provisional ballots to voters for specific reasons, such as missing IDs, wrong precincts, or outdated registrations. After the election, board employees check each provisional ballot using a seven-step process to make sure it meets all legal requirements.

### Section 8.02 The Basics of Provisional Voting: What, Who, When, Where, and How

#### WHAT IS A PROVISIONAL BALLOT?

Provisional voting is a safety net. It lets a voter cast a ballot when their identity or eligibility is in question. The ballot is counted after board employees verify the voter's eligibility. Provisional voting ensures every eligible voter has the opportunity to vote.

The Help America Vote Act (HAVA) of 2002 requires every state to offer provisional voting in federal elections,<sup>2</sup> but Ohio had provisional voting even before that.

#### WHO IS ELIGIBLE TO CAST A PROVISIONAL BALLOT?

Voters must cast a provisional ballot when:

1. Their name isn't in the pollbook or on the supplemental voter list.<sup>3</sup>

**Note:** Before precinct election officials (PEOs) issue a provisional ballot for this reason, they must check that the voter is in the correct precinct. If they're not, PEOs must direct the voter to the correct one.

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<sup>1</sup>[Directive 2026-35](#).

<sup>2</sup>See generally [52 U.S.C. § 21082](#).

<sup>3</sup>[R.C. 3505.181\(A\)\(1\)](#).

2. The voter does not provide proper ID, including when they have a religious objection to being photographed.<sup>4</sup>
3. The voter changed their name and moved to a different precinct without updating their address by the voter registration deadline (30 days before the election).<sup>5</sup>
4. The voter moved to a different precinct without updating their address by the voter registration deadline (30 days before the election).<sup>6</sup>
5. The voter changed their name and doesn't have proof of the legal name change.<sup>7</sup>

**Note:** A voter who changed their name **but remains in the same precinct** may cast a regular ballot if, before or on Election Day, they show election officials proof of their legal name change, including both their former and current names on any of the following documents, and completes [Form 10-L](#):

- court order
  - marriage license or
  - other official document that shows both former and current names.<sup>8</sup>
6. The voter's signature doesn't match the signature on file with the board.<sup>9</sup>
  7. The voter was challenged by a precinct election official for not residing in Ohio for 30 days immediately before the election, not residing in the precinct where the voter appeared to vote, or being less than 18 years old.<sup>10</sup>
  8. The voter was challenged by a precinct election official for presenting a noncitizen photo ID on Election Day, and the voter was unable to provide proof of citizenship.<sup>11</sup>

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<sup>4</sup>[R.C. 3505.181\(A\)\(2\)](#), [\(B\)\(7\)\(a\)-\(b\)](#). See also [R.C. 3505.18\(A\)\(2\)](#).

<sup>5</sup>[R.C. 3503.16\(B\)\(2\)](#); [R.C. 3503.19\(A\)](#); [R.C. 3505.181\(A\)\(6\)](#).

<sup>6</sup>[R.C. 3503.16\(B\)\(2\)](#); [R.C. 3503.19\(A\)](#); [R.C. 3505.181\(A\)\(6\)](#).

<sup>7</sup>[R.C. 3505.181\(A\)\(6\)](#).

<sup>8</sup>[R.C. 3503.16\(B\)\(1\)\(b\)](#).

<sup>9</sup>[R.C. 3505.181\(A\)\(7\)](#).

<sup>10</sup>[R.C. 3505.181\(A\)\(5\)](#); [R.C. 3505.20\(B\)-\(D\)](#); [R.C. 3513.20](#).

<sup>11</sup>[R.C. 3505.18\(A\)\(3\)](#); [R.C. 3505.181\(A\)\(5\)](#); [R.C. 3505.20\(A\)](#); [R.C. 3513.20](#).

9. The notice of registration or acknowledgment notice was returned to the board as undeliverable.<sup>12</sup>
10. The voter received a confirmation notice due to a database mismatch in the voter's registration information, and the voter failed to provide the requested information more than 14 days before the election.<sup>13</sup>
11. The voter is marked in the pollbook as having requested an absentee ballot and shows up at a polling location on Election Day.<sup>14</sup>
12. The voter already cast a ballot in that election.

For reasons 9 and 10, the voter should be flagged in the pollbook as needing to cast a provisional ballot.

## WHEN AND WHERE CAN A PROVISIONAL BALLOT BE CAST?

When and where electors may cast a provisional ballot depends on why they need one.

Certain voters can cast a provisional ballot at the board office or early voting site during the established early voting period, or at their polling place on Election Day, including:

- Voters who moved from one precinct to another within a county and didn't update their address by the voter registration deadline.<sup>15</sup>
- Voters who moved from one precinct to another and changed their name but didn't update their voter registration by the deadline.<sup>16</sup>

**Note:** A voter who changed their name **but remains in the same precinct** may cast a regular ballot if, before or on Election Day, they show election officials proof of their legal name change, including both their former and current names on any of the following documents, and completes [Form 10-L](#):

- court order
- marriage license or
- other official document that shows both former and current names<sup>17</sup>

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<sup>12</sup>[R.C. 3503.19\(C\)](#); [R.C. 3503.201\(A\)\(1\)\(a\)](#); [R.C. 3505.181\(A\)\(4\)](#).

<sup>13</sup>[R.C. 3503.151\(E\)](#); [R.C. 3503.201\(A\)\(1\)\(b\)](#), (D)(1).

<sup>14</sup>[R.C. 3505.181\(A\)\(3\)](#).

<sup>15</sup>[R.C. 3503.16\(B\)\(2\)](#).

<sup>16</sup>[R.C. 3503.16\(B\)\(2\)](#).

<sup>17</sup>[R.C. 3503.16\(B\)\(1\)\(b\)](#).

- Voters who have moved outside of their county (but still in Ohio) and didn't update their address by the deadline.<sup>18</sup>

Provisional voting ends at 5:00 p.m. on the Sunday before an election. It may resume on Election Day at the board of election or their correct polling location. On Election Day, registered voters can vote at their assigned polling place for their precinct, the board office, or, if the board has established another voting location in the county in lieu of its office, voters can use that location.

## **PROVISIONAL VOTING FOR VOTERS WITH ILLNESS, DISABILITY, OR INFIRMITY**

Voters who moved to another precinct and did not update their address, or who changed their name without updating their registration, and who can't come to the board office due to illness, disability, or infirmity, can request and cast a provisional ballot like an absentee voter. They can do this from the 27th day before an election through the close of business on the seventh day before that election.<sup>19</sup> [Form 11-I](#) is the ballot application used for this purpose.

For details on this type of voter, see [Chapter 7, Absentee Voting](#) in this manual and the information below.

On Election Day, if a voter must cast a provisional ballot for any reason other than those listed in this subsection, they must do it at their precinct.<sup>20</sup>

## **DELIVERING A PROVISIONAL BALLOT TO VOTERS WITH ILLNESS, DISABILITY, OR INFIRMITY**

The board may either mail a provisional ballot or have two board staff members — one democrat, one republican — deliver a provisional ballot to a person who meets all of these conditions:

- Voter needs to vote provisionally because they changed their name or address, or their voter registration information was the subject of a BMV/SSA mismatch, and they didn't update their info before the deadline.<sup>21</sup>

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<sup>18</sup>[R.C. 3503.16\(C\)](#); [R.C. 3505.181\(A\)\(6\)](#).

<sup>19</sup>[R.C. 3503.16\(G\)](#); [R.C. 3509.02\(B\)](#).

<sup>20</sup>See [R.C. 3503.16\(B\)\(1\)\(a\)-\(b\)](#).

<sup>21</sup>[R.C. 3503.16\(B\)\(2\), \(C\), \(G\)](#); [R.C. 3503.201\(A\)](#).

- Voter tells board employees they have a personal illness, physical disability, or infirmity.<sup>22</sup>
- Voter tells board employees they cannot vote in person during early in-person voting or on Election Day.<sup>23</sup>
- Completes [Form 11-I](#) and asks for ballot delivery by mail or by two board staff members.<sup>24</sup>

The individual must submit the request to the board by the close of business seven days before the election.<sup>25</sup> The board must provide [Form 11-I](#) to each person who submits a request.

If the person completes [Form 11-I](#), submits it to the board, and meets all these conditions, either mail a provisional ballot or send the two staff members to deliver a provisional ballot to the voter, based on their choice.

Once the provisional ballot is issued, the voter may complete and return the Provisional Ballot Affirmation, [Form 12-B](#), either:

- By mail, as long as it is received by the board of elections no later than the time polls close on Election Day, or
- In person, delivered by two bipartisan board staff members.

## PROCESS TO CAST A PROVISIONAL BALLOT

### What Each Precinct Needs

The board must give each precinct enough of these items for provisional voters:

- [Form 12-B](#) Provisional Ballot Affirmation (most recent version)
- [Form 12-H](#) Provisional Ballot Notice (most recent version)
- [Form 12-D](#) Provisional Voter Precinct Verification Form (to be used only when a voter insists on voting in the wrong precinct after being told the correct precinct in the polling location)<sup>26</sup>

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<sup>22</sup>[R.C. 3503.16\(G\)\(2\).](#)

<sup>23</sup>[R.C. 3503.16\(G\)\(2\).](#)

<sup>24</sup>[R.C. 3503.16\(G\)\(1\); R.C. 3509.08\(A\).](#)

<sup>25</sup>[R.C. 3503.16\(G\)\(1\).](#)

<sup>26</sup>[R.C. 3505.181\(C\)\(2\).](#)

- [Form 10-L](#) Notice of Change of Name
- [Form 12-O](#) For Religious Objections
- [Form 10-U](#) For Affidavit – Oath – Examination of Person Challenged
- An optical scan ballot for each ballot style within the polling place

## What Each Provisional Voter Needs

After finding that a voter must cast a provisional ballot, give them these three items:

- ☐ [Form 12-B](#) Provisional Ballot Affirmation (most recent version)
- ☐ [Form 12-H](#) Provisional Ballot Notice (required by state and federal law)<sup>27</sup>

**Note:** This form provides information on provisional voting and deadlines and gives a toll-free number the voter may call to learn the status of their ballot.

- ☐ The correct optical scan ballot.

## What Each Provisional Voter Must Do

The voter must complete and sign the Provisional Ballot Affirmation ([Form 12-B](#)).<sup>28</sup>

The voter must provide five items for the ballot to be eligible to be counted:

- printed name
- valid signature
- date of birth
- current address<sup>29</sup>
- an acceptable form of ID (or a completed affidavit of religious objection)<sup>30</sup>

A provisional voter must print and sign their name on the Provisional Ballot Affirmation; without these, the ballots can't be counted.<sup>31</sup> Ohio law does not allow a voter to come to the board office after the election to print and/or sign their name.

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<sup>27</sup>[R.C. 3505.181\(B\)\(5\)\(a\); 52 U.S.C. § 21082\(a\)\(5\)\(A\).](#)

<sup>28</sup>[R.C. 3505.182.](#)

<sup>29</sup>[R.C. 3505.183\(B\)\(1\)\(a\).](#)

<sup>30</sup>[R.C. 3505.183\(B\)\(3\)\(d\).](#)

<sup>31</sup>[R.C. 3505.183\(B\)\(1\)\(a\).](#)

A provisional voter must provide their date of birth and current address on the Provisional Ballot Affirmation ([Form 12-B](#)).<sup>32</sup> Ohio law does not allow a voter to come to the board office after the election to provide their date of birth or current address on the form.

The month and day of the voter's birth date on the Provisional Ballot Affirmation must match what's in the board's voter registration database, unless:

- The birth date in the database is 1/1/1800.
- The board, by a vote of at least three members, decides that the voter has met all other requirements listed in [R.C. 3505.183\(B\)\(3\)](#).<sup>33</sup>

**Note:** The requirements of [division \(B\)\(3\) of R.C. 3505.183](#) are:

- The provisional voter is registered to vote.<sup>34</sup>
- The provisional voter is eligible to cast a ballot in this precinct and election.<sup>35</sup>
- The provisional voter provided all required information on their written affirmation ([Form 12-B](#)) (printed name, signature, birth date, current address, and provided ID on Election Day or within four days after).<sup>36</sup>

If the provisional voter gave an Ohio driver license or state ID card, that number must match what's in the Statewide Voter Registration Database.<sup>37</sup>

- The provisional voter provided their current address.<sup>38</sup>
- If the provisional voter was challenged by a precinct election official for not residing in Ohio for 30 days immediately before the election, not residing in the precinct where the voter appeared to vote, or being less than 18 years old, they provided information to fix the challenge within four days after the election.<sup>39</sup>

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<sup>32</sup>[R.C. 3505.183\(B\)\(1\)\(a\)](#).

<sup>33</sup>[R.C. 3505.183\(B\)\(3\)\(e\)](#).

<sup>34</sup>[R.C. 3505.183\(B\)\(3\)\(a\)](#).

<sup>35</sup>[R.C. 3505.183\(B\)\(3\)\(b\)](#).

<sup>36</sup>[R.C. 3505.183\(B\)\(1\), \(3\)\(c\), \(d\)\(1\)](#).

<sup>37</sup>[R.C. 3505.183\(B\)\(3\)\(d\)\(i\)](#).

<sup>38</sup>[R.C. 3505.183\(B\)\(3\)\(f\)](#).

<sup>39</sup>[R.C. 3505.181\(B\)\(8\)](#); [R.C. 3505.183\(B\)\(3\)\(g\)](#); [R.C. 3505.20\(B\)-\(D\)](#).

- If the provisional voter presented a noncitizen photo ID and did not provide proof of citizenship when appearing to vote, they provided proof of citizenship on a provisional ballot affirmation or within four days after the election.<sup>40</sup>
- If the provisional voter's registration information was the subject of a database mismatch and the voter did not provide the requested information more than 14 days before the election, they provided the requested information on a provisional ballot affirmation or within four days after the election.<sup>41</sup> A provisional voter must provide an acceptable form of photo ID either on Election Day or within four days after.<sup>42</sup> Acceptable photo ID to cast a provisional ballot includes:
  - Ohio driver license, state ID card, or interim ID form issued by the registrar of motor vehicles or a deputy registrar.<sup>43</sup>

**Note:** If these identification types are used, the voter must also write their full driver license or state ID card number on [Form 12-B](#), Section 5, in addition to showing photo ID.<sup>44</sup>

- An unexpired Ohio driver license or state ID card or interim documentation with an old address **IS an ACCEPTABLE** form of ID when the provisional voter's current address is in the pollbook.
- A U.S. passport or passport card;<sup>45</sup> or
- A U.S. military ID card, Ohio National Guard ID card, U.S. Department of Veterans Affairs ID card, or military dependent ID card.<sup>46</sup> As a general rule, voters must present their photo ID in physical form. However, since September 2022, the U.S. Department of Veterans Affairs has issued only digital Veteran ID cards (VIC), which election officials must accept.

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<sup>40</sup>[R.C. 3505.183\(B\)\(3\)\(i\)](#); [R.C. 3503.20\(A\)](#); [R.C. 3505.18\(A\)\(3\)](#).

<sup>41</sup>[R.C. 3505.183\(B\)\(3\)\(h\)](#); [R.C. 3503.201\(D\)\(2\)](#).

<sup>42</sup>[R.C. 3505.183\(B\)\(3\)\(d\)\(i\)](#).

<sup>43</sup>[R.C. 3501.01\(AA\)\(1\)\(a\)](#).

<sup>44</sup>[R.C. 3505.181\(B\)\(6\)](#).

<sup>45</sup>[R.C. 3501.01\(AA\)\(1\)\(b\)](#).

<sup>46</sup>[R.C. 3501.01\(AA\)\(1\)\(c\)](#).

For more on acceptable identification for voting purposes, see the chart at the end of [Chapter 10, Canvassing the Vote](#). For additional info on Election Day challenges, including challenges of noncitizens, see [Chapter 9, Section 9.10](#).

## Section 8.03 Provisional Ballots Cast in the Wrong Precinct

### THE IMPORTANCE OF THE CORRECT PRECINCT

When people register to vote in Ohio, they are assigned to a precinct based on their address and are eligible to vote in all elections held in that precinct.<sup>47</sup> Voters must be residents of the precinct where they vote.<sup>48</sup> Because Ohio law requires voters to reside in the precinct where they vote, a provisional ballot cast in the wrong precinct cannot be counted unless it falls under the exception below.

### PROVISIONAL BALLOT CAST IN WRONG PRECINCT OF MULTI-PRECINCT POLLING LOCATION

Under Ohio law, a provisional ballot cast in the wrong precinct of a multi-precinct polling location may be eligible to be counted if the PEO didn't tell the voter they were in the wrong precinct.<sup>49</sup> A PEO must notify and direct a voter to the correct precinct.<sup>50</sup>

If a voter refuses to cast a ballot in the correct precinct, they must be permitted to cast a provisional ballot and told that a ballot cast in the wrong precinct cannot be counted.<sup>51</sup> To document that the voter was directed to the correct precinct but chose to cast a provisional ballot in the wrong one, a PEO must complete [Form 12-D](#) and attach it to the provisional voter's provisional ballot envelope [Form 12-B](#).<sup>52</sup>

If a PEO doesn't complete and attach [Form 12-D](#) to the provisional ballot envelope [Form 12-B](#), the board must remake and count the provisional ballot for any contest the voter would be eligible to vote on if they were in the correct precinct.

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<sup>47</sup>[R.C. 3503.01\(A\)](#).

<sup>48</sup>[R.C. 3503.01\(A\)](#).

<sup>49</sup>[R.C. 3505.181\(C\)\(1\)](#).

<sup>50</sup>[R.C. 3505.181\(C\)\(1\)](#).

<sup>51</sup>[R.C. 3505.181\(C\)\(1\), \(2\)](#).

<sup>52</sup>[R.C. 3505.181\(C\)\(2\)](#).

## Section 8.04 Processing Provisional Ballots

### EXAMINING PROVISIONAL AFFIRMATIONS BEFORE THE OFFICIAL CANVASS

Board staff, working in bipartisan teams, may start checking the Provisional Ballot Affirmation ([Form 12-B](#)) and additional information before the Official Canvass if the board has adopted a provisional ballot policy that allows staff to do so. For ballots where the voter must provide photo ID, fill out a religious objection form ([Form 12-O](#)), or provide other additional information, staff may not begin examining the provisional ballot affirmations until the voter provides the information or until the fifth<sup>53</sup> day after the election, whichever is earlier.<sup>54</sup> The bipartisan teams may sort provisional ballots into groups of like ballots (such as ballots that have been verified and eligible to be counted, provisional affirmations that are missing the voter's signature, etc.) for the board to consider.

### SUPPLEMENTAL INFORMATION DURING THE FOUR-DAY PERIOD

A provisional voter who didn't provide ID on Election Day, or a provisional voter who was successfully challenged under [R.C. 3505.20](#), may come to the board office to cure their ballot during the four days after the election.<sup>55</sup>

Each board holding an election must be open to the public for four calendar days immediately following Election Day to allow voters to correct deficiencies on their provisional ballots. The specific days and times that boards must be open are:

- Wednesday, 8:00 a.m. to 5:00 p.m.
- Thursday, 8:00 a.m. to 5:00 p.m.
- Friday, 8:00 a.m. to 5:00 p.m.
- Saturday, 8:00 a.m. to 5:00 p.m.

<sup>53</sup> See 134th General Assembly, HB 458 as enrolled for the correct version of [R.C. 3505.183\(G\)\(2\)](#).

<sup>54</sup> [R.C. 3505.183\(G\)\(2\)](#).

<sup>55</sup> [R.C. 3505.181\(A\)\(2\), \(5\), \(B\)\(7\)\(b\), \(8\)](#).

If the board has no voters with outstanding problems on their absentee or provisional ballots after Election Day (there is nothing possible to cure) or if all deficiencies have been cured, it may return to normal operating hours for the rest of the cure period.

## **BOARD MEMBERS VOTE ON ELIGIBILITY**

Remember that only board members can decide if each provisional ballot is valid. The board must, by a majority vote, determine whether to accept or reject each provisional ballot at a public meeting that is announced properly ahead of time.<sup>56</sup>

## **OPENED AND COUNTED IN OFFICIAL CANVASS**

No provisional ballot envelope may be opened, and no provisional ballot may be counted, in a particular county until the board has voted on the eligibility of all provisional ballots cast in the election in that county.<sup>57</sup>

The opening of provisional ballot envelopes and the counting of provisional ballots cannot start until the Official Canvass begins, which may begin no earlier than the fifth day after the election.<sup>58</sup>

The board must finish counting provisional ballots and complete the Official Canvass by the 21st day after the election.<sup>59</sup>

## **Section 8.05 Mandatory Step-by-Step Process for Determining Eligibility**

The board must follow the steps in the chart below to determine if a provisional ballot can be counted.

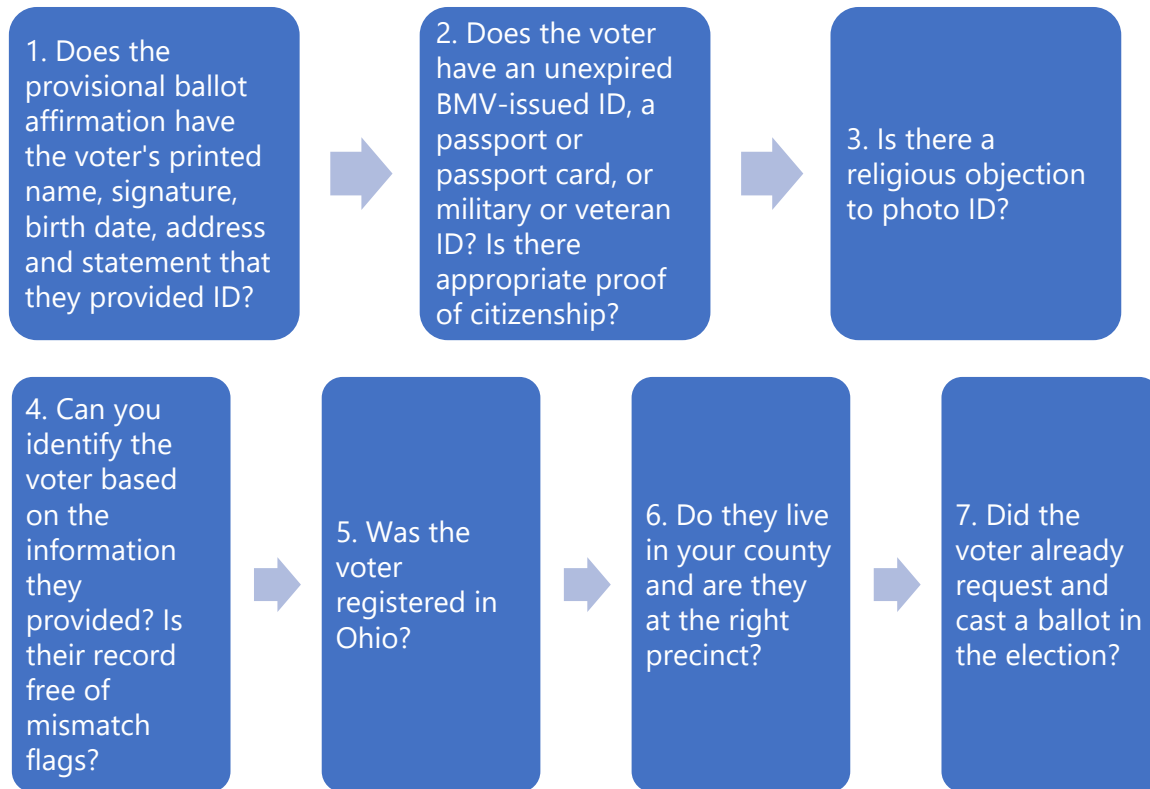
<sup>56</sup>[R.C. 121.22\(B\)\(1\)\(a\), \(C\), \(F\); R.C. 3501.11; R.C. 3505.32\(A\), \(C\); R.C. 3505.183\(B\)\(3\).](#)

<sup>57</sup>[R.C. 3505.183\(F\).](#)

<sup>58</sup>[R.C. 3505.32\(A\), \(C\).](#)

<sup>59</sup>[R.C. 3505.32\(A\).](#)

## DETERMINING PROVISIONAL BALLOT ELIGIBILITY



### Step 1: Check whether the Provisional Ballot Affirmation on the provisional ballot envelope has all five of these items

Go to Step 2 if the following five items appear on the Provisional Ballot Affirmation:

- voter's printed name
- voter's valid signature
- voter's birth date<sup>60</sup>
- voter's current address<sup>60</sup>
- voter's statement that they provided proper photo ID to the election official<sup>61</sup>

**\*Reject the Provisional Ballot Affirmation** if it doesn't include all five items, unless one of the two following exceptions applies.<sup>62</sup>

<sup>60</sup>[R.C. 3505.183\(B\)\(1\)\(a\).](#)

<sup>61</sup>[R.C. 3505.183\(B\)\(3\)\(d\).](#)

<sup>62</sup>[R.C. 3505.183\(B\)\(4\)\(a\)\(iii\).](#)

**Exception 1:** If the affirmation has the voter's date of birth but the month and day are different from what's in the Statewide Voter Registration Database, the board must reject the provisional ballot unless:

- The voter's date of birth in the database is 1/1/1800.<sup>63</sup>
- The board votes (at least three members) that the voter has met all other requirements of [R.C. 3505.183\(B\)\(3\)](#).<sup>64</sup>

If the ballot fits this exception, proceed to Step 2.

**Exception 2:** If the voter didn't provide photo ID as marked in Section 5 of the Provisional Ballot Affirmation ([Form 12-B](#)) but completed an affidavit of religious objection ([Form 12-O](#)),<sup>65</sup> proceed to Step 3.

## Step 2: Determine whether the provisional voter has provided an acceptable unexpired photo ID

Proceed to Step 4 if the voter stated on the form that they showed the PEO one of the following acceptable forms of photo ID and filled out Section 5 of [Form 12-B](#):

- Ohio driver license, Ohio state ID card, or interim ID form issued by the Ohio Bureau of Motor Vehicles (BMV)

**Note:** For the above, the voter must write their full driver license or state ID card number on [Form 12-B](#), Section 5, and show photo ID to an election official. This number must also be identical to the number listed in the Statewide Voter Registration Database.

- Passport or passport card
- U.S. military ID card; Ohio National Guard ID card; U.S. military dependent ID card; or U.S. Department of Veterans Affairs ID card<sup>66</sup>

Proceed to Step 4 if the voter provided a driver license or state ID card number that is an identical match to the number in the Statewide Voter Registration Database. **Reject the provisional ballot** if the voter provided an Ohio driver license or state ID card

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<sup>63</sup>[R.C. 3505.183\(B\)\(3\)\(e\)\(i\)](#).

<sup>64</sup>[R.C. 3505.183\(B\)\(3\)\(e\)\(ii\)](#).

<sup>65</sup>[R.C. 3505.183\(B\)\(3\)\(d\)\(ii\)](#); [R.C. 3505.19\(A\)](#).

<sup>66</sup>[R.C. 3505.183\(B\)\(3\)\(d\)\(i\)](#); [R.C. 3501.01\(AA\)\(1\)](#).

number with letters and numbers different from what's in the Statewide Voter Registration Database.<sup>67</sup>

**Reject the provisional ballot** if the voter didn't provide photo ID per [Form 12-B](#), Section 5,<sup>68</sup> but completed the Registration Update. Use the information to update their registration, even though the provisional ballot is rejected.

**Provisional Voting Due to Noncitizen Photo ID:** A precinct election official must challenge the voter's registration if they provide a noncitizen photo ID when voting on Election Day.<sup>69</sup> The voter must cast a provisional ballot if they don't produce acceptable proof of citizenship (other than their driver license or state ID card number) and declare under oath that they are a citizen.<sup>70</sup>

**Reject the provisional ballot** if the voter did not provide acceptable proof of citizenship on the [Form 12-B](#) provisional ballot affirmation or within four days after Election Day.<sup>71</sup>

**Exception for Disabled/Confined Provisional Voters:** Proceed to Step 4 if a disabled or confined voter with an unreported change of address or name casts a provisional ballot under [R.C. 3503.16\(G\)](#). Under Ohio law, these voters must follow the same ID rules as a voter who casts an absentee ballot by mail.<sup>72</sup> Therefore, if they provide an ID under Section 5 of [Form 11-I](#), the ballot may be eligible for counting.

Proceed to Step 4 if the voter didn't provide valid photo ID per Section 5 of [Form 11-I](#), but came to the board office within four days after the election and provided valid photo ID.<sup>73</sup>

**Reject the provisional ballot** if the voter didn't provide photo ID per Section 5 of [Form 11-I](#), and didn't return to the board within the four days after the election to fix the missing item.<sup>74</sup>

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<sup>67</sup>[R.C. 3505.183\(B\)\(4\)\(a\)\(viii\)](#).

<sup>68</sup>[R.C. 3505.183\(B\)\(4\)\(a\)\(vi\)](#).

<sup>69</sup>[R.C. 3505.18\(A\)\(3\)](#); [R.C. 3505.20\(A\)](#).

<sup>70</sup>[R.C. 3505.181\(B\)\(8\)](#); [R.C. 3505.20\(A\)](#).

<sup>71</sup>[R.C. 3505.183\(B\)\(4\)\(xiii\)](#).

<sup>72</sup>[R.C. 3503.16\(G\)\(1\)](#); [R.C. 3509.03\(B\)\(5\)](#).

<sup>73</sup>[R.C. 3505.183\(B\)\(3\)\(d\)\(i\)](#).

<sup>74</sup>[R.C. 3505.183\(B\)\(4\)\(a\)\(vi\)](#).

### Step 3: Religious Objection to Photo Identification Requirement

If a voter doesn't have a photo ID because of a religious objection to being photographed, the PEO or board staff must give the voter an affidavit of religious objection ([Form 12-O](#)). This can occur either when the voter casts the provisional ballot or at the board office, but no later than the fourth day after Election Day. Election officials must attach this affidavit to the provisional ballot affirmation.<sup>75</sup>

**Reject the provisional ballot** if the last four digits of the voter's Social Security number on the affidavit don't match the numbers in the Statewide Voter Registration Database.<sup>76</sup>

If the voter has not been issued a Social Security number, they must write "none" on the line for the last four digits of the Social Security number. If the voter doesn't have a Social Security number, none will appear in the database, and the affidavit is still valid.

Send information from the completed Affidavit of Religious Objection to the Secretary's office by the close of business on the fourth day after Election Day.<sup>77</sup>

The Secretary's office will compare voters who provided a religious objection ([Form 12-O](#)) to BMV records and determine whether the BMV issued an unexpired photo ID to that voter.<sup>78</sup>

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

Proceed to Step 4 if, based on information provided by the Secretary of State, board employees determine the BMV has not issued an unexpired photo ID and, therefore, the affidavit of religious objection is valid.

**Reject the provisional ballot** if, based on information provided by the Secretary of State, the board finds that the BMV issued an unexpired photo ID to the voter and, therefore, the affidavit of religious objection is invalid.<sup>79</sup>

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<sup>75</sup>[R.C. 3505.181\(B\)\(7\)\(a\)](#); [R.C. 3505.183\(B\)\(3\)\(d\)\(ii\)](#); [R.C. 3505.19\(A\)](#).

<sup>76</sup>[R.C. 3505.19\(D\)\(1\)](#).

<sup>77</sup>[R.C. 3505.19\(C\)](#).

<sup>78</sup>[R.C. 3505.19\(C\)](#).

<sup>79</sup>[R.C. 3505.19\(D\)\(2\)](#).

#### **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 cure period**

Proceed to Step 5 if board employees can verify the voter's identity based on the information provided on the Provisional Ballot Affirmation ([Form 12-B](#)) and/or provided by the voter within four days of the election.

Otherwise, **reject the provisional ballot.**<sup>80</sup>

**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.
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.
4. Once board employees have successfully identified a voter with one of the searches above, they can move on to Step 5.

**Important:** A voter must vote provisionally if a mismatch in their voter registration information occurs between the Statewide Voter Registration Database (SWVRD) and the databases of the Bureau of Motor Vehicles (BMV) and/or Social Security Administration (SSA), and the voter doesn't provide the information requested from them in a [Form 10-C](#) Voter Information Confirmation Notice by the next time they appear to vote.<sup>81</sup> Refer to [Chapter 4, Section 4.09](#) of this manual for additional information on the BMV/SSA matching process.

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<sup>80</sup>[R.C. 3505.183\(B\)\(3\)](#).

<sup>81</sup>[R.C. 3503.151\(E\)](#); [R.C. 3503.201\(A\)\(1\)\(b\)](#), [\(B\)\(2\)](#), [\(D\)\(1\)-\(2\)](#).

**Reject the provisional ballot and cancel the voter's registration** if they appear to vote and don't provide the requested information on the Provisional Ballot Affirmation ([Form 12-B](#)) or at the Board office by the fourth day after Election Day.<sup>82</sup> Follow the procedure in [Chapter 4, Section 4.06](#) of this manual for canceling the voter's registration.

**Step 5: Determine whether the voter was registered anywhere in Ohio at least 30 days before the election**

Go to Step 6 if the voter was registered to vote anywhere in Ohio at least 30 days before the election.

Otherwise, **reject the provisional ballot**.<sup>83</sup>

**Step 6: Determine whether the voter is a resident of the county and if they are in the correct precinct**

Go to Step 7 if:

- The voter is a resident of the county and the precinct in which the provisional ballot was cast.<sup>84</sup>
- The voter moved and provided a new address within the precinct on their Provisional Ballot Affirmation ([Form 12-B](#)).<sup>85</sup>

Remake the ballot and count eligible contests if:

If a voter in BMV/SSA mismatch provides the relevant information on Form 12-B Provisional Affirmation and shows a valid photo ID at the polls or during early voting hours, the ballot must be counted, and the record must not be canceled under R.C. 3503.201(D)(4) (see **Chapter 4** for more information on canceling mismatched provisional voters' voter registration). This voter record must be updated to ACTIVE status and the Provisional flag removed. Should the information provided on the provisional affirmation match the current information in the voter record, the board should note that the voter confirmed the current information, and that record should not be placed in Confirmation status or flagged to vote provisionally due to BMV/SSA mismatch. The board must inform the voter that their information could be incorrect at the source agency.

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<sup>82</sup>[R.C. 3503.201\(D\)\(2\), \(4\).](#)

<sup>83</sup>[R.C. 3505.183\(B\)\(4\)\(a\)\(i\).](#)

<sup>84</sup>[R.C. 3503.01\(A\).](#)

<sup>85</sup>[R.C. 3505.183\(B\)\(3\)\(b\).](#)

- The voter cast the provisional ballot in the wrong precinct, but in the correct polling location (including the board office), and a PEO didn't complete and attach [Form 12-D](#) to the provisional ballot envelope.<sup>86</sup>
- The voter cast the provisional ballot in the wrong precinct, but in the correct polling location (including the board office), and a PEO did complete and attach [Form 12-D](#), but the board verified that the PEO sent the voter to the wrong precinct.<sup>87</sup>

**Reject the provisional ballot** if the voter cast the provisional ballot in the wrong precinct but in the correct polling location (including the board office), AND a PEO completed [Form 12-D](#), AND the board verified the PEO sent the voter to the correct precinct.<sup>88</sup>

The voter cast the provisional ballot in the wrong precinct and polling location.<sup>89</sup>

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

Count the provisional ballot if the voter has not cast another ballot.

**Reject the provisional ballot** if the voter requested and cast an absentee ballot,<sup>90</sup> and neither of the following exceptions applies:

- **Exception 1:** Count the provisional ballot instead of the absentee ballot if the board determines the absentee ballot is invalid because the voter's signature on the absentee voter's ID envelope doesn't match the signature on file.<sup>91</sup>
- **Exception 2:** Count the provisional ballot instead of the absentee ballot if the board does not receive the voter's absentee ballot by the close of polls on Election Day.<sup>92</sup>

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<sup>86</sup> [R.C. 3505.183\(D\)\(1\)-\(2\)](#).

<sup>87</sup> [R.C. 3505.183\(D\)\(1\)-\(2\)](#).

<sup>88</sup> [R.C. 3505.183\(D\)\(1\)](#); [R.C. 3505.183\(B\)\(4\)\(a\)\(ii\)](#).

<sup>89</sup> [R.C. 3505.183\(D\)\(3\)](#).

<sup>90</sup> [R.C. 3505.183\(B\)\(4\)\(a\)\(iv\)](#).

<sup>91</sup> [R.C. 3509.09\(C\)\(2\)](#).

<sup>92</sup> [R.C. 3501.32\(A\)](#); [R.C. 3509.09\(C\)\(3\)](#); [R.C. 3509.05\(D\)](#).

## Section 8.06 Registering to Vote/Updating Address from Affirmation

The board cannot count a provisional ballot if the voter was not registered to vote in Ohio by the voter registration deadline.<sup>93</sup> However, a completed Provisional Ballot Affirmation ([Form 12-B](#)) also serves as a voter registration form, a change of address, and/or a change of name form. Even if the provisional ballot envelope is not opened and the ballot is not counted, the board must use the information on the application to register the person as a new voter or to update the voter's address and/or name.<sup>94</sup>

If, after reviewing the Provisional Ballot Affirmation, board employees need more information to register a person to vote, they must contact the individual to request that information.

## Section 8.07 Free Access System

Both Ohio and federal law require the state to establish a free access system, in the form of a toll-free number for voters to call and learn whether their provisional ballot was counted.<sup>95</sup> If the provisional ballot was not counted, the person can learn why, get information on how to register to vote, or resolve issues with their voter registration.<sup>96</sup>

Each provisional voter must be given [Form 12-H](#), which has the toll-free number for the free access system and the deadline for providing ID at the board office.

Only the provisional voter can access information about their provisional ballot.<sup>97</sup> The board is prohibited from releasing information on a provisional ballot through the free access system to anyone other than the provisional voter.<sup>98</sup>

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<sup>93</sup> [R.C. 3505.183\(B\)\(4\)\(a\)\(i\)](#).

<sup>94</sup> [R.C. 3505.182\(F\)](#).

<sup>95</sup> [52 U.S.C. § 21082\(a\)\(5\)\(B\)](#); [R.C. 3505.181\(B\)\(5\)\(b\)](#).

<sup>96</sup> [R.C. 3505.181\(B\)\(5\)\(b\)](#).

<sup>97</sup> See [R.C. 3505.181\(B\)\(5\)\(b\)](#).

<sup>98</sup> [2011 Ohio Op. Att'y Gen. No. 2011-012](#), at 2-110.

## Section 8.08 Public Records

### WHEN PROVISIONAL BALLOT AFFIRMATIONS CAN BE DISCLOSED

Provisional ballot affirmations are public records. However, they are not subject to disclosure or inspection under a public records request until after the time period for any recount or election contest has passed.<sup>99</sup> A Safe at Home participant's confidential voter record is not a public record and is not subject to disclosure even after that time.<sup>100</sup> As with all public records requests, boards must consult with their county prosecutor before fulfilling requests for provisional ballot affirmations.

The Secretary of State's retention schedule establishes the length of time boards must keep provisional ballot affirmations. The [retention schedule](#) is available on the Secretary of State website and in [Appendix A, Resources](#) of this manual.

### PROVISIONAL BALLOT AFFIRMATION AS VOTER REGISTRATION FORMS

If a Provisional Ballot Affirmation ([Form 12-B](#)) is used to register an individual to vote, it must be kept permanently per the retention schedule, because it serves as the individual's voter registration application.

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<sup>99</sup>[2011 Ohio Op. Att'y Gen. No. 2011-012, at 2-105.](#)

<sup>100</sup>[R.C. 149.43\(A\)\(1\)\(ee\).](#)

## Chapter 8 Checklist: Provisional Voting

### Before the Election

- ❑ Supply each precinct with enough provisional materials:
  - [Form 12-B](#) (Provisional Ballot Affirmation)
  - [Form 12-H](#) (Provisional Ballot Notice)
  - [Form 12-D](#) (For voters who insist on voting in the wrong precinct)
  - [Form 10-L](#) (For name changes)
  - [Form 12-O](#) (For religious objections)
  - [Form 10-U](#) (For challenged voters)
  - Ballots for each ballot style
- ❑ Train PEOs on how to handle provisional voters:
  - Check if voters are in the right precinct.
  - Provide proper forms.
  - Direct voters to right precincts when needed.
  - Fill out [Form 12-D](#) when needed.
- ❑ Create a policy if staff will check provisional ballots before the Official Canvass.

### During Early Voting Period

- ❑ Process provisional ballots for voters who:
  - Moved within the county without updating their address.
  - Changed name and moved within the county or to a new precinct without updating their information.
  - Moved outside the county but within Ohio without updating their information.
- ❑ Set up teams with members from each major party to deliver provisional ballots to ill/disabled/infirm voters who:

- Changed name/address without updating registration.
- Cannot vote in person due to illness/disability/infirmity.
- Fill out [Form 11-I](#) asking for ballot delivery.
- Submit requests no later than seven days before election.

### After Election Day (Four Day Cure Period)

- ❑ Stay open from 8 a.m. to 5 p.m. Wednesday through Saturday after Election Day.
- ❑ Allow provisional voters to:
  - Provide missing ID.
  - Provide information to fix challenges.
- ❑ Send religious objection form information to the Secretary of State by the close of business on the fourth day.

### Processing Provisional Ballots

- ❑ Have teams with both parties check provisional ballot forms.
- ❑ Group ballots into categories (for example - okay to count, missing signature).
- ❑ For religious objections, get verification from Secretary of State (by seventh day) on BMV photo ID status.
- ❑ Hold a public board meeting to vote on eligibility of each provisional ballot.
- ❑ Follow the 7-step check process for each ballot:
  1. Check the five required items on form.
  2. Verify photo ID was provided.
  3. Process religious objections (if any).
  4. Verify voter identity.
  5. Confirm voter registration in Ohio.
  6. Verify county and precinct residence.
  7. Check if voter already cast another ballot.

- ❑ Do not open provisional envelopes until after voting on eligibility of all provisional ballots.
- ❑ Begin Official Canvass no earlier than fifth day after election.
- ❑ Finish counting provisional ballots and Official Canvass by the 21st day after election.
- ❑ Process Provisional Ballot forms as voter registration updates even when ballots aren't counted.
- ❑ Keep provisional ballot materials according to Secretary of State retention schedule.

## Public Records and Communication

- ❑ Provide toll-free access system for voters to check provisional ballot status ([Form 12-H](#)).
- ❑ Release provisional ballot information only to the provisional voter.
- ❑ Hold provisional ballot forms from public record requests until after the time for recounts or election contests has passed.
- ❑ Protect private voter records of Safe at Home participants from disclosure.