



**JENNIFER BRUNNER**  
**OHIO SECRETARY OF STATE**

180 East Broad Street, 15<sup>th</sup> floor  
Columbus, Ohio 43215-3726 USA  
Tel.: 1-614-466-2655  
Fax: 1-614-644-0649  
[www.sos.state.oh.us](http://www.sos.state.oh.us)

**ADVISORY NO. 2007-06**

June 15, 2007

To: All County Boards of Elections

Re: Waiver requests for continued use of DREs for provisional ballots

The Secretary of State's office has received several waiver requests from various counties in response to Section III.A. of Directive 2007-06, which requires the use of paper ballots for provisional voting in all future elections in Ohio. The waiver requests ask the Secretary of State to exempt several individual counties from this requirement, and to allow those counties to continue using direct recording electronic voting machines ("DRE") for provisional voting, for all electors, indefinitely.

I have fully considered the waiver requests my office has received, but continue to believe that the risks to the secrecy of the ballot, as well as the other underlying reasons for the requirement in question are paramount. Thus, the requirement will remain in effect, and the Secretary of State's office will not grant general waivers to allow counties to use DREs for all provisional electors, rather than paper ballots.

However, Advisory 2007-05 does not, and was not intended to, affect the rights of electors with disabilities. As such, DRE counties may continue to offer persons with disabilities the opportunity to cast ballots on ADA compliant DRE voting machines, even if those persons are voting provisionally. This should not prevent a person with a disability from using a paper ballot to vote provisionally should he or she desire to do so.

If you have additional questions or concerns please feel free to direct them to your assigned Elections Counsel at (614) 466-2585, or by e-mail to any of them.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Brunner".

Jennifer Brunner  
Ohio Secretary of State