



**JENNIFER BRUNNER**  
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**ADVISORY NO. 2007-10**

September 19, 2007

To: All County Boards of Elections

Re: Clarification of "voter activity" in Directives 2007-11, 2005-12, and 2003-05

This Advisory is in response to questions from boards of elections regarding what "voter activity" the boards may consider prior to cancellation of the voter registration of an elector under the supplemental process of the general voter records maintenance program.

Directive 2007-11 (issued July 23, 2007), Directive 2005-12 (issued May 18, 2005), and Directive 2003-05 (issued June 16, 2003) all provide that the voter registration of an elector may not be cancelled by a board of elections under the supplemental process unless, in the four years after being mailed a confirmation notice, the elector (1) failed to vote **and** (2) either did not communicate with the board **or** engage in any voter activity.

The term "voter activity" in these Directives means activity engaged in by an elector in the context of the electoral process *other than* voting in an election or communicating directly with the board of elections (such as through responding to a confirmation notice or filing a change of address form). Therefore, "voter activity" may include participating in the electoral process through any other legally available means, such as signing or circulating a petition for a candidate or issue. Consequently, I conclude that a board of elections may choose to expand its general voter records maintenance program to exclude the purging of the voter registration of an elector who engages in "voter activity" such as signing or circulating a petition. However, when using such "voter activity" to prevent a voter registration from being purged, the board must do so in a uniform and nondiscriminatory manner.

Federal and state law require that a general voter records maintenance program be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965. If a board of elections incorporates a check of petition signatures as "voter activity" in its general voter records maintenance program, then it must include a check of all signatures on all petitions filed with or reviewed by the board. Additionally, if the board chooses to expand the supplemental process of its general voter records maintenance program in this or a similar way to include any "voter activity," then it should develop a written policy describing how such a program will be implemented.

If you have any questions or need additional information regarding this Advisory or Directive 2007-09, then please contact the Elections Division legal staff assigned to your board at 614-466-2585 or by e-mail.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Brunner". The signature is written in a cursive style with a large initial "J".

Jennifer Brunner