

ADVISORY 2008-26

September 29, 2008

To: All County Boards of Elections

Re: Clarification of Utility Bills Used as Voter Identification for Voters Living in Residential Facilities

On February 25, 2008, the Secretary of State's office issued a memorandum¹ explaining that utility bills issued by colleges and universities to students living in residence halls may serve as

¹ Following is the text of this memorandum, and this memorandum is hereby incorporated as a part of this advisory:

Directive 2007-06, issued April 4, 2007, provides an explanation of Ohio's voter identification requirements under R.C. 3505.18. The purpose of Ohio's voter identification law is to verify an elector's identity. One acceptable form of identification under the statute and the directive is an original or a copy of a current utility bill. Directive 2007-06 (on page 4) defines "current" to mean a document that was issued "within one year immediately preceding the election day on which the form of identification was presented to permit the elector to vote." Directive 2007-06 (on page 5) defines "utility bill" as follows:

A "utility bill" includes, but is not limited to, water, sewer, electric, natural gas, heating oil, cable or satellite television, internet, telephone, and cellular-telephone service. A "bill" is a statement of fees owed for such services. The utility bill presented for the purposes of identification must show that it was issued to the voter who has presented it. The utility bill must show the voter's name and current address, which must conform to the voter's name and address in the record of the board of elections, including the poll list or signature poll book and must be a current statement as defined in this Directive.

Colleges and universities in Ohio provide students who reside in their residence halls utility services such as telephone, cable, and internet access, just as public utilities offer these services to their customers. Some colleges and universities may bill students for these utility services on a periodic basis (such as a monthly bill), while others may bill a student for an entire quarter or semester at once. Moreover, some colleges and universities issue students utility bills reflecting a zero balance as a record that the student paid for the utility service.

Regardless of whether the utility bill is periodic or for a different period of time and regardless of the amount due, such a utility bill constitutes sufficient voter identification under R.C. 3505.18(A)(1) and Directive 2007-06 because it verifies that an elector lives at a particular address. Therefore, as long as a college or university-issued utility bill is current (issued within one year prior to election day) and lists the name and address of the elector as it appears in the voter registration records of the board of elections, the utility bill may serve as proof of that elector's identity.

voter identification under R.C. 3505.18 and Directive 2007-06. This office has been asked whether utility bills issued to residents of nursing homes and assisted living facilities who are not at the facility on merely a temporary basis may also serve as voter identification. In response to this question, this advisory reaffirms the February 25, 2008 Memorandum and, for the reasons explained below, applies its reasoning to utility bills issued by nursing homes and other similar residential facilities.

As explained in the February 25, 2008 memorandum, the purpose of Ohio's voter identification law is to verify an elector's identity. An original or a copy of a current utility bill is one acceptable form of identification under the statute (R.C. 3505.18(A)) and the voter identification directive (Directive 2008-80 superseded the voter identification sections of Directive 2007-06).

Directive 2008-80 (on page 3) defines "current" to mean a document that was issued "on a date within one year immediately preceding the date of the election at which the voter seeks to vote." Directive 2008-80 (page 5) defines "utility bill" as follows:

A "utility bill" includes, but is not limited to, water, sewer, electric, natural gas, heating oil, cable or satellite television, internet, telephone or digital telephone, and cellular telephone service. A "bill" is a statement of fees owed for such services. A bill is sufficient even if it shows a zero (0) balance due. The utility bill presented for the purposes of identification must show that it was issued to the voter who has presented it. The utility bill must show the voter's name and current address, which must conform to the voter's name and address in the record of the board of elections, including the poll list or signature poll book and must be a current statement as defined in this directive. The bill may be an original or a copy of an original. Computer generated print-outs of electronically transmitted bills are also valid.

Like colleges and universities, most nursing homes and many assisted living facilities provide their residents with utility services such as heating, water, telephone, cable or Internet access, just as public utilities offer these services to their customers. These residential facilities may bill residents for utility services on a periodic basis (such as a monthly bill), while others may make recurring withdrawals from a resident's internal account. Accordingly, the documentation provided to the residents of these different institutions may more closely resemble invoicing sheets than traditional bills.

Regardless of how the utility bill is formatted, under R.C. 3505.18(A)(1) and Directive 2008-80, a utility bill serves the purpose of verifying that an elector lives at a particular address. Therefore, as long as a residential facility's utility bill is current (issued within one year prior to Election Day), and the name and address of the elector conforms to the voter's name and address appearing in the voter registration records of the board of elections, the utility bill may serve as proof of that elector's identity, enabling the elector to vote a regular ballot.

If you have any questions about this advisory, please contact your assigned elections counsel at 614-466-2585.

Sincerely,

Jennifer Brunner