

## **ADVISORY 2010-03**

June 3, 2010

To: ALL COUNTY BOARDS OF ELECTIONS

Re: NVRA Data - Tracking and Submission of Data Concerning Voter Registration Applications Received from County Department of Job and Family Services Offices

The Ohio Secretary of State entered into a settlement agreement with the plaintiffs in the lawsuit *Harkless, et al. v. Brunner, et al.*, Case No. 1:06-CV-02284, U. S. District Court, Northern District of Ohio. As part of that agreement, the Secretary, as the state's chief elections officer, agreed to obtain from Ohio's Boards of Elections on a regular, ongoing basis, certain data concerning voter registration forms received from the county offices of Ohio Department of Job and Family Services (ODJFS) in addition to data that the boards already report to the Secretary pursuant to law.

The purpose of this advisory is to distribute clear and consistent instructions for county boards of elections to follow in accordance with the settlement agreement.

### **Background**

On September 21, 2006, Carrie Harkless and other plaintiffs filed a lawsuit against the former Director of the Ohio Department of Job and Family Services (ODJFS) and the former Secretary of State of Ohio alleging that county Job and Family Services offices had violated the *National Voter Registration Act of 1993* (NVRA), resulting in certain individuals not having been offered the opportunity to register to vote. A settlement agreement on substantive issue was signed by the parties on November 25, 2009. The terms of the settlement agreement are binding on the Secretary of State's Office and ODJFS through June 30, 2013.

### **Specific Responsibilities**

Currently, Ohio's boards of elections accept voter registration forms transmitted by county offices of Job and Family Services ("JFS") in accordance with the NVRA and section 3503.10 of the Revised Code of Ohio. Each board of elections also tracks the number of voter registration forms received from county JFS offices, other public offices or agencies having voter registration responsibilities, and other sources within the county. Thereafter, each board periodically reports to the Ohio Secretary of State's office the numbers of such voter registrations received from the various sources. That data is included in a biennial report that the Secretary of State's office submits to the U.S. Elections Assistance Commission in March of each odd-numbered year.

Under the *Harkless* settlement agreement, the boards of elections will continue to receive and process voter registration forms from the county JFS offices. However, the settlement agreement requires the Secretary of State's office to collect *on a quarterly basis* the number of all voter registration forms – be they new, duplicate or invalid forms – that each board of elections received from its county JFS offices during a designated three-month period. To accomplish this, it will be necessary for all boards of elections to submit the data described in

this advisory to the Ohio Secretary of State's office at more frequent intervals than in the past. Collecting this additional information will enable the Secretary of State's office to evaluate voter registration statistics for each county as we move forward with respect to satisfying the provisions of the *Harkless* settlement agreement.

Therefore, all boards of elections are hereby instructed to begin reporting the statistical data described in this advisory on a quarterly basis to the Secretary of State's Office on or before the reporting period deadlines outlined in this advisory. The statistical data provided on a quarterly basis shall be the number of all voter registration forms – be they new, duplicate or invalid forms – that each board of elections received from its county JFS offices during a designated three-month period.

### **Report Form**

Attached to this advisory is the report form the boards of elections shall use to submit the data to the Secretary of State's office. The form must be completed and signed by an authorized representative of the board of elections. Completed forms may be transmitted to the Secretary of State's office in person or via US Mail, electronic mail, or facsimile. If a board opts to transmit the report form via electronic mail and such transmission does not allow for the affixing of the board representative's signature, the board representative shall use the electronic signature described on the report form. Completed forms must be submitted to the Secretary of State's office by the reporting deadline for the respective quarter, as set forth in "Reporting Periods: 10/2009 – 06/2013," below. The report form also is available on the BOE Extranet.

### **Reporting Periods: 10/2009 – 06/2013**

**First Report:** The first reporting period under the agreement should contain statistical data for the last quarter of calendar year 2009 (i.e., October, November and December of 2009). The second reporting period should contain statistical data for the first quarter of calendar year 2010 (January, February and March of 2010). The first report form must be submitted to the Secretary of State's office no later than the close of business on **Tuesday, June 15, 2010**.

**Subsequent Reports:** Boards of elections shall submit quarterly statistical information from their respective county Job and Family Services offices, for the duration of this settlement agreement ending June 30<sup>th</sup>, 2013, on the following schedule:

JFS Statistics from January to March:	Report due <b>June 30</b> immediately thereafter
JFS Statistics from April to June:	Report due <b>July 15</b> immediately thereafter
JFS Statistics from July to September:	Report due <b>October 15</b> immediately thereafter
JFS Statistics from October to December:	Report due <b>January 15</b> immediately thereafter

Quarterly reports must be submitted no later than the deadlines indicated above. All completed reporting forms and any questions should be directed to Pia Brady, NVRA Coordinator, via electronic submission at: [pbrady@sos.state.oh.us](mailto:pbrady@sos.state.oh.us), or fax at (614) 485-7617.

If you have any questions concerning this advisory, please contact the Ohio Secretary of State's NVRA Coordinator, Pia Brady or your assigned elections counsel.

Sincerely,

Michael Rankin  
Assistant Secretary of State

Attachment (Report Form)