



DIRECTIVE 2019-06

April 29, 2019

To: All County Boards of Elections
Directors, Deputy Directors, and Board Members

Re: Notice of Cancellation of Voter Registration – Incompetency for the Purpose of Voting

SUMMARY

Boards of elections are required to send written notice of cancellation to an elector when cancelling an elector's voter registration under certain circumstances. When an elector's registration is cancelled due to death, the county board of elections must send a written notice to the address at which the deceased elector was registered, informing the recipient that the deceased elector's registration has been canceled due to death, and advising the person that, if the cancellation was made in error, the elector may contact the board of elections to correct the error.¹

Similarly, when an elector's registration is cancelled as the result of being convicted of a felony and incarcerated, the board of elections must send written notice informing the elector of the date and reason for the cancellation, and if the cancellation was made in error, the elector may contact the board of elections to correct the error.² Boards of elections also are required to mail written notice to an elector whose voter registration is scheduled to be cancelled pursuant to the general voter records maintenance program. The notice states the reason for the cancellation and provides the voter an opportunity to update his or her information.

It serves to follow that a voter who has been declared incompetent by a probate judge for the purpose of voting also receive written notice prior to the board of elections cancelling the voter's registration. Accordingly, this Directive provides instructions to county boards of elections on mailing written notice of cancellation to an elector whose voter registration may be cancelled as a result of the elector being declared incompetent by a probate judge for the purpose of voting.

INSTRUCTIONS

Ohio law requires each probate judge to file with the county board of elections the names and residence addresses of all persons over 18 years of age who have been adjudicated incompetent for the purpose of voting, as provided in section 5122.301 of the Revised Code. The board must cancel the voter registration of any of its electors who appear on the list.³

¹ R.C. 3503.21(F); [Directive 2017-12, Chapter 3 of the Ohio Election Official Manual](#).

² [Directive 2018-22](#).

³ R.C. 3503.18(B); [Directive 2017-12, Chapter 3 of the Ohio Election Official Manual](#).

Prior to cancelling a voter's registration for this reason, the board of elections must send written notice on a form prescribed by the Secretary of State, by certified mail, return receipt requested, to the voter at the address on file with the board of elections. The notice must advise the voter that his or her name appears on the list provided by the probate judge, and, if the voter appears on that list in error, the voter must contact the probate court to resolve the issue. [Secretary of State Form 255-F](#) has been prescribed for this purpose.

Finally, no voter's registration may be cancelled as a result of the voter's appearance on the list from the probate judge within 30 days prior to any election.

If you have any questions concerning this Directive, please contact the Secretary of State's elections counsel at (614) 728-8789.

Yours in service,



Frank LaRose