



Directive 2020-07: Frequently Asked Questions

The following answers are based on the current state of the law under the Revised Code, Section 32 of H.B. 197, and Directive 2020-07. Though there is ongoing litigation in federal court challenging certain provisions of H.B. 197, all boards must continue to comply with H.B. 197, Directive 2020-07, and all other directives in effect at this time.¹

Absentee Applications and Ballots

1. **Question:** When may a board begin to send absentee ballots?

Response: Now, if it has not already begun. The law requires a board to begin sending absentee ballots *promptly* to voters who have submitted valid applications.

2. **Question:** Should boards continue to separate ballots issued prior to March 17, 2020, from those issued on or after March 27? Similarly, should applications received before March 17 be kept separate from later applications?

Response: No, it is no longer necessary to separate out the ballots and applications. As a result of H.B. 197, it is no longer necessary to distinguish the original ballots from those issued on or after March 17, 2020.

3. **Question:** If an absentee application is incomplete, can we take the missing information over the phone or email or does the voter need to complete a new absentee application?

Response: According to H.B. 197, the board must promptly contact the voter to inform them of any deficiency in the application.² The board may take the required information via phone or email (with the exception of a missing signature) and document the answers, and it must send a ballot as soon as it has the required information. However, the board must still ask the voter to submit a completed application for its records. If the board does not receive the necessary information from the voter but they have indicated the type of requested ballot, the board should send a provisional ballot.

¹ See [Advisory 2020-06](#).

² H.B. 197, Section 32(C)(5)(a).

4. **Question:** The board received absentee applications that it could not process and the voter never provided a complete application. On some of the applications, it appeared that the voter changed their address or name. Should we issue a provisional ballot or wait for the voter to respond with a complete application?

Response: As stated under Question 3, if an application was incomplete, the board must promptly notify the applicant of the additional required information.³ The voter should be contacted via phone or email if that contact information is available. Boards should develop a timeline to allow a voter to correct an application, except in cases when the voter provided a different address or name on the absentee application. If the voter has moved but did not submit a change of address by February 18, the voter should be provided with a provisional ballot. Boards must ultimately provide a provisional ballot to a voter who never provides a complete application if the voter has at least indicated the type of ballot they wish to receive.⁴

5. **Question:** If a voter changed their name, can the voter vote a regular ballot?

Response: Yes, if the voter provides [Form 10-L](#) and a proof of the legal name change, a regular absentee ballot may be provided. Otherwise, the voter must receive a provisional ballot.

6. **Question:** How can a voter request an absentee ballot application?

Response: A voter can request an absentee ballot application by email, phone, or mail. However, the application must be either mailed or dropped off to the board of elections.

7. **Question:** The board received absentee requests that it could not process for the March 17, 2020 Primary Election because the application was considered "late." May the board now process the request?

Response: If the voter has not cast a ballot and the application is otherwise valid, the application must be processed.

³ H.B. 197, Section 32(C)(5)(a).

⁴ H.B. 197, Section 32(C)(7).

Provisional Ballots

8. **Question:** Can provisional ballots be mailed?

Response: Yes, for this election. Refer to [Directive 2020-07](#) for instructions.

9. **Question:** A voter provided an application with a different address other than the address at which they are registered to vote. The voter's new address is in the same precinct. Can the voter receive a regular ballot?

Response: A voter who moves within the precinct should be provided a ballot and instructions to complete a voter registration form. The voter may receive a regular absentee ballot.⁵

10. **Question:** If a voter has moved after March 17, 2020, will they be required to cast a provisional ballot?

Response: If the voter was not properly registered at the address at which they are requesting a ballot and the address is in a different precinct, the voter should receive a provisional ballot.⁶ If the voter remains in the same precinct, they may receive a regular ballot and instructions to complete a voter registration form.

11. **Question:** What about voters not registered in our county...should we check Voter Query before we send a provisional ballot?

Response: If the voter is not registered in your county, send a provisional ballot. The board, upon receipt of the provisional ballot, will determine if the provisional ballot is eligible to be counted.⁷

⁵ [R.C. 3503.16\(B\)\(1\)\(a\).](#)

⁶ [R.C. 3503.16.](#)

⁷ [R.C. 3503.16.](#)

Absentee Return Envelopes

12. Question: Can we use our current absentee envelopes, or must they be redesigned?

Response: Absentee ballot return envelopes do not need to be redesigned if the board uses a postage meter or applies stamps to the return envelopes. If the board decides to use a business reply mail permit, the return envelope will need to contain the necessary artwork from the USPS.

Form 11-S

13. Question: Do we continue to send a Form 11-S to voters who provided an absentee identification envelope with non-conforming or incomplete information received after Monday, March 16, 2020?

Response: Yes. The board should continue to follow the instructions provided in [Chapter 5, page 30 of the EOM](#).

In-Person Voting

14. Question: How is a qualifying disability determined for in-person voting?

Response: To be eligible to vote in-person, the person must be an elector who has not already cast a ballot in this election, who was registered to vote as of February 18, 2020, and who is in one of the following two categories:⁸

- A person who has a disability, and who wishes to cast absent voter's ballots using a direct recording electronic voting machine or marking device that is accessible for voters with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters.
- An elector who is unable to receive mail at the place where the elector resides or at another location.

The board must communicate to voters that in-person voting is limited in this way, but it must not question a voter's assertion that they are disabled or unable to receive mail.

⁸ H.B. 197, Section 32(D)(1).

15. Question: Do voters who vote at the board offices on April 28th cast their ballot through a scanner or by inserting the ballot into an absentee ID envelope?

Response: If a board uses a hybrid or optical-scan voting system, paper ballots cast in-person on April 28, 2020 may be scanned and do not need to be placed in an identification envelope.

16. Question: Are we allowing any provisional voting in the office?

Response: See the answer to Question 14 above. Provisional ballots may be sent by mail to absentee voters. If a voter who is qualified to vote in-person on April 28 requires a provisional ballot, the board may issue a provisional ballot as it would on Election Day.

17. Question: Will the state be providing personal protective equipment (“PPE”) to the boards of elections for the in-person voting portion of the election other than the hand sanitizer and gloves the board currently has available?

Response: The state’s current priority is to provide PPE supplies to medical professionals. Please discuss your PPE supply needs with your local health department or emergency management agency. The reimbursement program providing funding to counties to help offset the cost of purchasing disinfectant and other supplies useful in stopping the spread of contagious diseases has been extended to cover eligible items purchased between February 26, 2020 through July 3, 2020. Eligible items for reimbursement include, but are not limited to, sanitizer, disinfectants, disinfecting or antibacterial wipes, disposable gloves, rubbing alcohol or isopropyl, or any other sanitizing materials. Please submit receipts to SGeib@OhioSOS.gov by July 31, 2020.

Ballot Scanning and Eventual Tabulation

18. Question: When can we begin to scan the ballots?

Response: The board may begin to scan properly cast absentee ballots at any time. Boards are prohibited from tabulating any results until 7:30 p.m. on April 28, 2020.

19. Question: Regarding reporting vote tabulation results on April 28, 2020, will this timeline be delayed on a board by board basis until all voters have left the BOE, which may be after 7:30 p.m.?

Response: More information is forthcoming regarding the ENR reporting timelines for April 28, 2020.

- 20. Question:** If a voter requests an absentee ballot now but already requested one earlier, and we did not receive a ballot back before March 17, do we need to send them a Provisional or would they need to contact us saying they didn't receive the old ballot? You mentioned they may vote if they didn't "cast" a ballot.

Response: The voter may cast the original ballot. They do not need to request a new one. If the voter completes a new absentee ballot request form, the board should contact the voter. If the voter still has their old ballot, they can vote that original ballot or return it to the board as soiled. If the voter does not have the original ballot, the board must treat the original ballot as soiled and issue a new ballot.

Postmarks on Ballots

- 21. Question:** Will there still be a postmark on those pieces of mail that are pre-paid meter with no date?

Response: Yes, metered mail will be postmarked and if the voter is at all concerned, the voter should take the ballot to the post office and have them apply the postmark.

Drop Boxes

- 22. Question:** Is 24/7 video surveillance sufficient to monitor a ballot drop box?

Response: Yes, video surveillance is sufficient.

- 23. Question:** Does a drop box have to be accessible from the outside of the board office? Our office is within the courthouse.

Response: H.B. 197 states, "The board shall place a secure receptacle outside the office of the board for the return of ballots under this section." Boards should place the drop box outside the board's office in a location that is ADA-accessible. If the board has questions specific to its situation, it should consult with its county prosecutor to interpret the requirements of H.B. 197 appropriately.⁹

⁹ H.B. 197, Section 32(E)(1).

Election Day Ballots

24. Question: The board is going to use its Election Day ballots to mail out to voters. What are some suggestions?

Response: The board should ensure that the stub remains attached to the ballot. Many boards print "Do Not Remove Stub" on the ballot stub when printing its absentee ballots. However, the Election Day ballots may not have this notice printed on the stub. The board should ensure the instructions to the voter are clear to prevent the stub from being removed by the voter.

Although the Election Day ballots do not have printed on the ballot "Absent Voter's Ballot" per [R.C. 3509.01\(B\)](#), since nearly all ballots will be provided via mail, it is not necessary to print "Absent Voter's Ballot" on these ballots. However, a board is permitted to do so, provided it does so in a consistent and uniform method.

A board may find that using Election Day ballots is not feasible because of its automated process in place for providing ballots by mail. Therefore, if the board has the ability to produce and provide ballots without using Election Day ballots, this is acceptable.

Daily Reporting of Absentee Applications

25. Question: HB197 requires boards to submit the daily absentee report every day. Does that include weekends?

Response: A board of elections must submit the daily absentee report on any day absentee requests are received and processed.

26. Question: When should Boards report the absentee applications – several thousands in our case – received from 3-18 through today (or the start of this reporting)?

Response: Instructions were sent via email on April 1, 2020. Please work with your vendors to complete this task.

Processing Returned Absentee Ballots

27. Question: Can ballots that were not postmarked by March 16, 2020 and received by March 27, 2020, or ballots received after March 27, 2020, be processed for counting?

Response: Yes. As long as a Non-UOCAVA absentee ballot is received by 7:30 pm on April 28, 2020 at the board of elections or postmarked by April 27, 2020 and received by May 8, 2020, the ballot should be processed according to the instructions in [Chapter 5, Section 1.06 of the EOM](#).

UOCAVA absentee ballots do not need a postmark as long as the ballot is submitted for mailing not later than 12:01 a.m. at the place where the voter completes the ballot, on April 28, 2020. It must arrive at the board of elections office on or before May 8, 2020.¹⁰

28. Question: We closed our absentee scanners at 2:00 p.m. on Monday, March 16. How do we go about opening them back up for ADA/no mailing address voters?

Response: Please contact your voting system vendor for assistance.

Post-Election Audits

29. Question: Has the SOS considered waiving the Post-Election Audit? If not, what are the dates for 'may begin' and 'must complete'?

- **Response:** The post-election audit is required by statute. It must begin no earlier than six days after the official results are declared and completed by the 21st day after they are declared.¹¹ More information will be provided in the forthcoming unofficial and official canvass directive.

¹⁰ H.B. 197, Section 32(E).

¹¹ [R.C. 3505.331](#); See [Advisory 2020-01](#).