

**Disclaimer:** This guide is designed for informational purposes only. It is not legal advice and is not intended to create an attorney-client relationship. The Election Protection Coalition does not warrant any information contained in this guide, nor does the Coalition suggest that the information in this guide should be used as a basis to pursue legal advice or decision-making.

**Note:** This FAQ is not exhaustive. Situations or inquiries may arise that are not answered below. In those circumstances, contact your hotline captain or command center for assistance. Please make sure to record all of the voter’s contact information should follow-up be necessary.

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**1. Am I registered to vote?**

You can visit the Ohio Secretary of State’s [MyOhioVote.com](http://MyOhioVote.com) website, which shows the voter’s registration status and precinct/polling place <http://voterlookup.sos.state.oh.us/voterlookup.aspx>.

Or call the voter’s local county board of elections. Phone numbers available at this online directory: <http://www.sos.state.oh.us/SOS/elections/electionofficials/boeDirectory.aspx>.

**2. Where do I vote?**

Ohio provides two methods of voting – voting in person at a designated location on Election Day or by “absent voter’s ballot procedures.”<sup>1</sup> Under absent voter’s procedures, you can vote by two absentee methods – (1) voting remotely by mail and (2) voting early in-person during weekday and weekend hours at local boards of elections or designated locations.<sup>2</sup>

Voters can visit the Ohio Secretary of State’s [MyOhioVote.com](http://MyOhioVote.com) website (<https://www.sos.state.oh.us/elections/voters/toolkit/polling-location/>) or call their local county board of

elections to find out where designated polling places are located. Phone numbers available at this online directory: <http://www.sos.state.oh.us/SOS/elections/electionofficials/boeDirectory.aspx>.

If the voter has recently moved and has not updated their voter registration, please refer to [Question #6](#).

### 3. When do the polls open and close?

**On Election Day**, the polls must be open from 6:30 a.m. to 7:30 p.m. (Eastern Time). If there are voters waiting in line to cast their ballots, the polls must remain open until those in line have voted.<sup>3</sup>

**Early in-person** voting begins October 10.<sup>4</sup> Early-in-person voting will be conducted on the following days:<sup>5</sup>

- October 10 thru October 26 from 8 a.m. to 5 p.m. (Monday – Friday)
- October 27 from 8 AM to 4 PM (Saturday)
- October 29 thru November 2 from 8 a.m. to 7 p.m. (Monday – Friday)
- November 3 from 8 a.m. to 4 p.m. (Saturday)
- November 4 from 1 p.m. to 5 p.m. (Sunday)
- November 5 from 8 a.m. to 2 p.m. (Monday).

**Absentee voting** by mail begins October 10.<sup>6</sup> In order to receive an absentee ballot, you must first fill out an absentee request application Form 11-A available here:

[https://www.sos.state.oh.us/globalassets/elections/forms/11-a\\_english.pdf](https://www.sos.state.oh.us/globalassets/elections/forms/11-a_english.pdf).<sup>7</sup> The deadline to return an absentee request application to the local county board is Friday November 2, 2018 at 6 p.m. if by hand delivery or Saturday November 3, 2018 at noon if returned by mail.<sup>8</sup>

Voted absentee ballots must be postmarked by November 5 Absentee ballots can also be dropped off in person at the Board of Elections Office until 7:30 p.m. on Election Day.<sup>9</sup>

### 4. When is/was the voter registration deadline?

The voter registration deadline is Tuesday, October 9 for the 2018 General Election.<sup>10</sup>

### 5. Can I vote without providing identification?

Yes. However, if you show up to the polls without ID, you must vote on a provisional ballot and provide either: (a) an Ohio driver's license number or state identification number (begins with two letters followed by six numbers), or (b) the last four digits of their Social Security number.<sup>11</sup>

This information will be verified by your county board of elections before your ballot is counted. If you voted a provisional ballot, you should expect to be given information so that you can follow up on the status and confirm whether votes are counted. If you are not given any information, then ask for information to follow up. (see [Question #11](#)).

If you want to vote a regular ballot, then you are required to show some kind of proof of identity when you come to vote at the polls. Acceptable forms of identification are:<sup>12</sup>

- An unexpired Ohio driver's license or state identification card with your present or former address

- A military identification;
- A photo identification that was issued by the United States government or the State of Ohio, that shows your name and current address and is not expired (a U.S. Passport is not valid ID, because it does not have an address listed);
- An original or copy of a current (within the last 12 months) utility bill (includes a cell phone bill; zero balance utility bills from university housing) with the your name and present address;
- An original or copy of a current bank statement with your name and present address;
- An original or copy of a current government check with your name and present address;
- An original or copy of a current paycheck with your name and present address; or
- An original or copy of a current other government document (other than a notice of voter registration mailed by a board of elections) that shows your name and present address.

“Current” is defined as within the last 12 months. “Other government document” includes license renewal and other notices, fishing and marine equipment operator’s license, court papers, or grade reports or transcripts. “Government office” includes any local (including county, city, township, school district and village), state or federal (United States) government office, branch, agency, commission, public college or university or public community college, whether or not in Ohio.<sup>13</sup>

**6. I have moved and I didn’t update my voter registration, can I vote?**

If you moved after the voter registration deadline has passed (see [Question #4](#)), but before Election Day, then you may file a change of residence form or vote by provisional ballot at your local board of elections (assuming you are registered to vote at a prior address in Ohio).<sup>14</sup>

If you are already registered at a prior address in Ohio, have moved and not filed a change of address form, then **on Election Day**, you should do the following depending on where you moved:

<b>Moved within the same precinct</b>	<b>Moved to a different precinct but within the same county</b>	<b>Moved to a different county</b>
<p>The voter should:            (a) go to the polling place for their new/current address (which should be the same as the polling place for the old address, if they are in the same precinct);            (b) complete and sign a change of residence form;            (c) show the required ID (see <a href="#">Question #5</a>) with the new/current address; and            (d) vote a regular ballot.<sup>15</sup></p> <p>Multiple precincts may have the same polling place. Make sure both the voter’s addresses are actually in the same <u>precinct</u>.</p>	<p>The voter should: (a) go to either:            (i) the polling place for their new/current address or            (ii) the local board of elections (or a different place if the board of elections has designated such a different place);            (b) complete and sign the written affirmation on the provisional ballot envelope;            (c) vote a provisional ballot; and            (d) complete and sign a statement attesting that the voter moved, voted a provisional ballot at their current address, and will not try to vote at another location.<sup>16</sup></p> <p>Before the voter is offered a provisional ballot the precinct official must make sure the voter is in the correct precinct or</p>	<p>The voter should: (a) go to either:            (i) the polling place for their new/current address or            (ii) the local board of elections (or a different place if the Board of Elections has designated such a different place);            (b) complete and sign the written affirmation on the provisional ballot envelope;            (c) vote a provisional ballot; and            (d) complete and sign a statement attesting that the voter moved, voted a provisional ballot at their current address, and will not try to vote at another location.<sup>18</sup></p>

	<p>polling and is not eligible to cast a regular ballot in a different precinct or polling place. If the voter is in the wrong precinct, the precinct election official must direct the voter to the correct precinct and provide the telephone number of the board of elections in case the individual has additional questions.<sup>17</sup></p>	
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**7. What should I do if there are equipment problems at my precinct?**

The voter should immediately notify the election officers if the voting equipment breaks down while the polls are open. Voters should ask to vote by a backup paper ballot (not a provisional ballot). Polling places are required to provide backup paper ballots in the event of voting machine problems or breakdowns.<sup>19</sup>

If you are a field volunteer at a polling place and the equipment is not working properly, notify your command center. They will contact the county board of election.

**8. I am a registered voter who is not on the rolls at the precinct where I currently am. Can I vote where I am?**

The voter is **entitled to vote on a provisional ballot**.<sup>20</sup> Before you are offered a provisional ballot the precinct official must make sure that you are in the correct precinct or polling location. If you are in the wrong precinct, the precinct election official must direct you to your correct precinct.<sup>21</sup>

As part of the provisional ballot process, the voter has to complete and execute a written affirmation before an election official at the polling place. The affirmation form is printed on the provisional ballot envelope.<sup>22</sup> It is important to fill out the affidavit on the envelope correctly as minor errors may result in the provisional ballot being rejected.<sup>23</sup>

**9. My name isn't popping up on the list of registered voters—could it have been removed?**

A voter can be removed from the list of registered voters if:

- The voter filed a request for cancellation<sup>24</sup>;
- The board of elections receives notice of the voter's death<sup>25</sup>;
- The voter is convicted of a felony under the laws of Ohio, or any other state, or the United States<sup>26</sup>;
- The voter is adjudicated incompetent<sup>27</sup>;
- The voter moved to an address outside of the county of the voter's registration<sup>28</sup>;
- The voter failed, after receiving a confirmation notice from the board of elections, to do either of the following during the four-year period (including two general federal elections):
  - Respond to such notice and vote at least once<sup>29</sup>, or
  - Update the voter's registration and vote at least once.<sup>30</sup>
- If the board of election mails a registration notification to the voter, the notification is returned to the board as undeliverable, and the board cannot verify the correct address, the board will mark

the voter's name in the official list as having the notification returned. If the voter's name is marked in the official voter list as having the notification returned, the voter must vote on a provisional ballot and show ID at the polls. If the ballot is counted, then the voter's registration will be corrected. If it is not counted, the voter's registration will be cancelled.<sup>31</sup>

Call center and field volunteers should take steps to help to determine why a voter's name is not popping up on the list of registered voters:

- Check the voter's registration status using the registration lookup tool to make sure the voter is registered to vote and at the right place. (see [Question #1](#))
- Has the voter moved recently? Could the voter be registered at an old address? Check that address in the registration lookup tool. (see [Question #1](#) and [Question #6](#))
- Has the voter had a name change recently, or could the voter be registered under a different name? Check that name (and any variations of the voter's name, especially for hyphenated names, which sometimes trip up databases) in the registration lookup tool. (see [Question #1](#))
- When/where did the voter register to vote? Was that before the deadline?

#### **10. I have a criminal conviction. Can I vote?**

If you are currently incarcerated for a felony, you cannot vote. If you have a felony conviction, but were granted parole, judicial release, final discharge, or you are out of prison on probation, you may vote but must register to vote again. The felony conviction cancels the prior registration.<sup>32</sup>

If you are not in prison for a felony conviction but are awaiting trial in jail or imprisoned for a misdemeanor, you can vote by an absentee ballot as long as you are otherwise eligible to vote (e.g., you are registered).<sup>33</sup> If you are using absentee ballot procedures, make sure that you get your application and voted ballot in by the deadlines (see [Question #3](#)).

#### **11. I have been offered a provisional ballot. What should I do?**

The reasons that a voter may be required to cast a provisional ballot are:

- The voter's name is not in the poll book or on the supplemental voter list.
- The voter does not provide or is unable to provide proper or valid identification.
- The voter has changed his or her name and moved to a different precinct without updating his or her address by the voter registration deadline.
- The voter has moved to a different precinct without updating his or her address by the voter registration deadline.
- The voter has changed his or her name and does not have proof of the legal name change.
- The voter's signature does not match the signature on file with the board of elections.
- The voter has been challenged, and the challenge has not been resolved or has been resolved against the voter.
- The notice of registration or acknowledgement notice has been returned to the board as undeliverable.
- The voter requested an absentee ballot before the election.
- The voter has cast a provisional ballot.<sup>34</sup>

Other than for these reasons, the voter should be able to cast a regular ballot.

A provisional ballot should be a last resort. As part of the provisional ballot process, the voter will be required to complete and execute a written affirmation before an election official at the polling place. The affirmation form is printed on the provisional ballot envelope.<sup>35</sup>

It is important that the voter fill out the affidavit on the envelope correctly as even minor errors may result in their provisional ballot being rejected.<sup>36</sup>

If the voter casts a provisional ballot, **remind them to ask the poll officials what (if any) additional steps they must take to ensure their ballot is counted.** A voter casting a provisional ballot may provide additional information to the election official to assist the board of elections in determining the voter's eligibility to vote in that election, including the date and location at which the individual registered to vote.

However, no follow up is required if a voter who did not provide a proper ID wrote on the provisional ballot envelope either the last four digits of their social security number or their full Ohio driver's license or Ohio ID card number.<sup>37</sup>

### **12. I am a college student. Can I register to vote where I go to school?**

College students attending school in Ohio may register to vote and vote using their Ohio school residence address if both: (1) the student's school residence is fixed and whenever the student is away, the student intends to return, and (2) the student considers school to be his or her permanent residence at the time of voting.<sup>38</sup>

### **13. I am physically disabled and need assistance. Will my polling place be accessible?**

Yes, the Americans with Disabilities Act (ADA) and the Help America Vote Act (HAVA) require all polling sites to be wheelchair accessible. The voter can call the ADA Coordinator at the Secretary of State's Office (614-387-6039) if they are uncertain about the accessibility of the polling site.<sup>39</sup>

Voting locations in Ohio must be made accessible for people with disabilities. Under the ADA, this includes providing (i) accessible parking; (ii) an accessible route to the entrance; (iii) an accessible entrance; (iv) an accessible route to the voting area; (v) voting procedures; and (vi) voting machines. Under Ohio law, voting locations must be free of barriers and have nothing blocking the entrances or exits, ramps, wide doors, and accessible parking.<sup>40</sup> ([see Question #14](#)).

(Note: some polling locations may be exempt from the Ohio requirements if poll workers can't properly fix up the polling area despite a good faith effort. In those cases, disabled voters are still entitled to vote curbside or at the door of the polling place.)<sup>41</sup>

### **14. I am blind, physically disabled, or cannot read English and require assistance in order to vote. Can I get assistance at the polls?**

Yes. The voter can bring along any person of the voter's choice to assist except (i) the voter's employer; (ii) an agent of the voter's employer; (iii) an agent of the voter's union; or (iv) any candidate whose name appears on the ballot.<sup>42</sup> The voter can also ask precinct election officials to assist. If precinct officials are to assist, two officials from different political parties must accompany the voter.<sup>43</sup>

In some locations, the board of elections may appoint interpreters fluent in a non-English language to assist voters.<sup>44</sup>

### **15. I don't know how to use the voting equipment. Can I get help?**

Another individual may not accompany the voter into the voting booth, except as previously provided.<sup>45</sup> But, voters can still speak with election officials outside of the voting booth to clarify non-political questions.<sup>46</sup>

It is illegal in Ohio for a voter to show another person their voted ballot.<sup>47</sup> Many have interpreted this law to mean that so-called "ballot selfies" are technically illegal in Ohio, but the law's application to social media and the practicality of enforcement is unclear.<sup>48</sup>

### **16. Can I vote absentee or vote in-person before Election Day?**

Yes. You can vote early in-person or absentee by mail. Details are below.

#### **In-Person Early voting:**<sup>49</sup>

In-person early voting begins October 10, 2018 for the November general election. Polls are open on the following dates and times:

- October 10 thru October 26 from 8 a.m. to 5 p.m. (Monday – Friday)
- October 27 from 8 AM to 4 PM (Saturday)
- October 29 thru November 2 from 8 a.m. to 7 p.m. (Monday – Friday)
- November 3 from 8 a.m. to 4 p.m. (Saturday)
- November 4 from 1 p.m. to 5 p.m. (Sunday)
- November 5 from 8 a.m. to 2 p.m. (Monday).

Note: the same ID requirements apply to early in-person voting as Election Day voting.

Check with the voter's county board of elections for more information about where to vote early:  
<http://www.sos.state.oh.us/sos/elections/electionofficials/boeDirectory.aspx>.

#### **Military and overseas voting:**

Military and overseas voting begins September 22. For more information on military and overseas voting see <https://www.sos.state.oh.us/secretary-husted-office/office-initiatives/military-and-overseas-voters/#gref>.

#### **Absentee voting by mail:**

Absentee voting by mail begins October 10 for the 2018 general election.<sup>50</sup> Absentee voting by mail (domestic) begins October 10, and the postmark deadline for voted ballots is November 5. Absentee ballots can be delivered in person to the board of elections until 7:30 p.m. on Election Day.

Here are the steps for requesting an absentee ballot, voting an absentee ballot, and returning the ballot in time for it to be counted:

- Fill out an absentee request application Form 11-A.<sup>51</sup>  
[https://www.sos.state.oh.us/globalassets/elections/forms/11-a\\_english.pdf](https://www.sos.state.oh.us/globalassets/elections/forms/11-a_english.pdf).  
[https://www.sos.state.oh.us/globalassets/elections/forms/11-a\\_spanish.pdf](https://www.sos.state.oh.us/globalassets/elections/forms/11-a_spanish.pdf)).
- As part of the application, provide one of the proper forms of ID: (a) Ohio driver’s license number; (b) the last four digits of their SSN; OR (c) one of the following documents, showing the name and address of the voter:
  - a copy of the voter’s current and valid photo identification,
  - a copy of a military identification, or
  - a copy of a current (within the last 12 months) utility bill, bank statement, government check, paycheck, or other government document, other than a notice of voter registration mailed by a board of elections.<sup>52</sup>
- Return the absentee request application to your local county board **by Friday November 2, 2018 at 6 p.m. if returning in person** or **Saturday November 3, 2018 at noon if returned by mail.**<sup>53</sup>  
 Note: you cannot return your absentee application online – has to be in person or by mail.
- The county will mail you your absentee ballot to the address you provided
- When you fill out your absentee ballot, remember to do the following to have your ballot counted:
  - Enclose the ballot in a *sealed* “Identification Envelope,” which should be provided for that purpose by the election board along with the absentee ballot,<sup>54</sup> but may also be downloaded at <https://www.sos.state.oh.us/globalassets/elections/forms/12-A.pdf>.
  - Complete and sign the “Statement of Voter” form printed on the outside of the Identification Envelope, and must again provide proper identification<sup>55</sup> (detailed see above).
  - Make sure you sign in all the designated signature boxes. If you forget to sign even in one space, your ballot will not be counted.
- You can return your absentee ballot in person or by mail:
  - If you are returning it in person, then make sure to get it to your board of elections by **7:30 p.m. on Election Day**.
  - If you are returning it by mail, then make sure that your ballot is **postmarked by November 5 (the day before Election Day)**. To be counted, your ballot must be received by Friday November 16 (10 days after Election Day).
    - It takes 2-5 days for a ballot to be delivered by mail.
    - A postage label purchased at a USPS customer service window or vending machine should have the date on the label, which is the postmark.
    - **Postage stamps do not have a postmark on them; be sure to ask the post office to postmark the ballot if you use postage stamps to mail the envelope.**<sup>56</sup>

The voter can track their ballot at the Voter’s Toolkit on the Secretary of State’s web page.  
<https://www.sos.state.oh.us/elections/voters/toolkit/ballot-tracking/>

### **17. What if I requested an absentee ballot but I want to vote in person on Election Day?**

If you requested an absentee ballot, but want to vote by early voting or to vote on Election Day, you can cast a provisional ballot.<sup>57</sup>

### **18. Does my state have same-day registration? If so, what is the process?**

No, Ohio no longer has same-day registration.<sup>58</sup>



## **19. What rules apply to people campaigning or “hanging around” my polling place? Can people approach me?**

Under Ohio law it is illegal:<sup>59</sup>

- to intimidate or interfere the voter when they are registering to vote or voting,
- to loiter or congregate in the space between the polling place and the flags placed outside of it, or within 10 feet of voters in line,
- to obstruct the access of the voter to the polls,
- engage in violence against observers, or to otherwise cause violence or disorder,
- for a precinct official to admit someone to the polling room who is not qualified by law to be there, or
- for a precinct official or police officer to display any campaign badges or signs at a polling place, express preference for any candidate, or attempt to influence any voter in casting their ballot.

Precinct officials (poll workers) must prevent intimidation of or disturbance to voters.<sup>60</sup> And, police can arrest people violating the election code.<sup>61</sup>

If a voter faces harassment at the polls, they can bring a civil case against the harasser.<sup>62</sup>

### **Rules for observers:**

Candidates, political parties, and ballot initiative groups can appoint one observer for each precinct and at the county board of elections. Observers must have a certificate of their appointment and swear an oath not to “delay” voters or disclose how they voted. They are permitted to go in and out of the polling place and watch the precinct officials and the counting of votes.<sup>63</sup> They can use audio/visual recording devices but not in a way that interferes with the voter or the secrecy of their ballot, and they cannot take photos or videos in the polling place. Their devices should be silenced and they can send text messages. They can use a phone to discuss the election or problems with the election administration, but only outside the polling place.

The observer cannot be a candidate, uniformed officer, member of an organized militia, or carry firearms. They cannot engage in any sort of electioneering. They are not enforcers of the law and cannot be advocates for voters. They may be removed for disruptive behavior.<sup>64</sup> There is no legal authorization for a partisan observer to formally challenge a voter.<sup>65</sup>

## **20. Someone is formally challenging my right to vote. What do I do?**

### **I’m being challenged before Election Day:**

Someone can challenge your registration or your right to vote or submit an application to have the registration list corrected but these types of challenges must be made 20 days before Election Day. The challenger must state the reasons for the challenge in writing under penalty of perjury.<sup>66</sup>

After receiving the challenge, the board must immediately consider it, and may immediately grant or deny the challenge solely on the basis of the records they maintain. If the board cannot immediately determine if the challenge should be granted or denied, the board must schedule a hearing not later than 10 days after the challenge is filed, except as described below. The board director must send written notice to the

voter who is being challenged, or to the person whose name is alleged to be missing from the registration list. The person offering the challenge will also get notice, except as described below. The notice must inform the person of the time and date of the hearing, and of their right to appear and testify, call witnesses, and be represented by counsel. The notice must be sent by no later than three days before the day of any scheduled hearing.<sup>67</sup>

At the request of either the challenger or person being challenged, or any member of the board, the board can issue subpoenas to witnesses to appear and testify. All witnesses must testify under oath. The board must reach a decision immediately after the hearing.<sup>68</sup>

If the board decides that the challenged voter is not entitled to be on the registration list, their name will be removed from the list and their registration will be canceled. If the board decides that the name of any person should appear on the registration list, it shall be added. Any changes or corrections the board decides on must appear on the poll books used in the precincts.<sup>69</sup>

The board may choose to postpone a hearing on a challenge offered within 30 days of the election, until after the election (no more than 10 days after). However, a note will be made on the poll book that that voter has been challenged. Such a voter is entitled to cast a provisional ballot, and the hearing on the challenge will determine if the provisional ballot is counted.<sup>70</sup>

If the voter has a confidential voter registration record, meaning that their personal information is concealed from the public record (typically because they are a victim of domestic violence or sexual assault), all of the following apply: The challenger will not be notified of the date and time of the hearing, will not be allowed to attend, and will not be given notice of the outcome. If the application is to correct the registration record, and is made by someone other than the elector themselves, the applicant will not get notice of the hearing. Such challenge or application hearings are not open to the public, and the records they produce are not subject to public records request.<sup>71</sup>

### **I'm being challenged at my polling place:**

Only precinct election officials (PEO) may challenge a voter's right to vote at the polling place; private citizens may **NOT** do so. If this happens, the PEO will require the voter to swear the following oath: "You do swear or affirm under penalty of election falsification that you will fully and truly answer all of the following questions put to you concerning your qualifications as an elector at this election." PEOs may not challenge something that has already been resolved by the board of elections prior to Election Day.<sup>72</sup>

If the person is challenged on the grounds that the person has not resided in Ohio for thirty days immediately preceding the election, the PEOs will ask:

- Have you resided in this state for thirty days immediately preceding this election? If so, where have you resided?
- Did you properly register to vote?
- Can you provide some form of identification containing your current mailing address in this precinct? Please provide that identification.

- Have you voted or attempted to vote at any other location in this or in any other state at this election?
- Have you applied for an absent voter's ballot in any state for this election?<sup>73</sup>

If the person is challenged as unqualified on the ground that the person is not a resident of the precinct, the PEOs will ask:

- Do you reside in this precinct?
- When did you move into this precinct?
- When you came into this precinct, did you come for a temporary purpose merely or for the purpose of making it your home?
- What is your current mailing address?
- Do you have some official identification containing your current address in this precinct? Please provide that identification.
- Have you voted or attempted to vote at any other location in this or in any other state at this election?
- Have you applied for any absent voter's ballot in any state for this election?

If the PEOs determine the person is not at the right polling place, they must direct them to the right place. If the voter refuses to go, the PEOs must offer the voter a provisional ballot.<sup>74</sup>

If the person is challenged as unqualified on the ground that the person is not of legal voting age, the PEOs will ask:

- Are you eighteen years of age or more?
- What is your date of birth?
- Do you have some official identification verifying your age? Please provide that identification.<sup>75</sup>

The PEO may ask voters additional questions to determine eligibility. If the voter refuses to answer any question, they will be offered a provisional ballot.<sup>76</sup>

The voter will be directed to give their responses to these questions in writing on Form 10-U (<https://www.sos.state.oh.us/globalassets/elections/forms/10-U.pdf>).<sup>77</sup>

In any of the above cases, if the PEOs cannot determine the voter's eligibility, they must offer the voter a provisional ballot. The board of elections will decide if they will count the ballot consistent with the rules described above.<sup>78</sup>

If the PEOs believe that the voter's signature does not match the one on file, they must offer a provisional ballot.<sup>79</sup>

Ohio law, as written, allows PEOs to request proof of naturalization if they challenge a voter's citizenship. However, that provision was struck down by a federal court, and may not be enforced. The voter may NOT be instructed to provide proof of citizenship.<sup>80</sup> The voter may still be asked if they are a citizen, but if they answer in the affirmative, they MUST be given a regular ballot.<sup>81</sup>

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<sup>1</sup> Ohio Rev. Code Ann. § 3509.01.

<sup>2</sup> Ohio Rev. Code Ann. § 3509.01.

<sup>3</sup> Ohio Rev. Code Ann. § 3501.32(A).

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- <sup>4</sup> Ohio Secretary of State, Voting Schedule for the 2018 Elections, <https://www.sos.state.oh.us/elections/voters/voting-schedule/#gref>.
- <sup>5</sup> Ohio Secretary of State, Voting Schedule for the 2018 Elections, <https://www.sos.state.oh.us/elections/voters/voting-schedule/#gref>.
- <sup>6</sup> Ohio Secretary of State, Voting Schedule for the 2018 Elections <https://www.sos.state.oh.us/elections/voters/voting-schedule/#gref>.
- <sup>7</sup> Ohio Rev. Code Ann. § 3509.04(B); Ohio Secretary of State, Absentee Ballot Application Form 11-A, [https://www.sos.state.oh.us/globalassets/elections/forms/11-a\\_english.pdf](https://www.sos.state.oh.us/globalassets/elections/forms/11-a_english.pdf).
- <sup>8</sup> Ohio Rev. Code Ann. § 3509.04(B).
- <sup>9</sup> Ohio Rev. Code Ann. § 3509.05(B)(1).
- <sup>10</sup> Ohio Secretary of State, Voting Schedule for the 2018 Elections, <https://www.sos.state.oh.us/elections/voters/voting-schedule/#gref>.
- <sup>11</sup> Ohio Rev. Code Ann. § 3505.181(B)(6); Ohio Secretary of State, Voter Identification, <http://www.sos.state.oh.us/sos/elections/voters/FAQ/ID.aspx>.
- <sup>12</sup> Ohio Rev. Code Ann. § 3505.18(A)(1); Ohio Secretary of State, Identification Requirements, <https://www.sos.state.oh.us/elections/voters/id-requirements/>.
- <sup>13</sup> Ohio Secretary of State, Identification Requirements, <https://www.sos.state.oh.us/elections/voters/id-requirements/>.
- <sup>14</sup> Ohio Rev. Code Ann. § 3503.16(A).
- <sup>15</sup> Ohio Rev. Code Ann. § 3503.16(B)(1)(a).
- <sup>16</sup> Ohio Rev. Code Ann. § 3503.16(B)(2).
- <sup>17</sup> Ohio Rev. Code Ann. §§ 3505.181(C)(1).
- <sup>18</sup> Ohio Rev. Code Ann. § 3503.16(C).
- <sup>19</sup> Ohio Secretary of State, Directive 2016-22, [https://www.sos.state.oh.us/globalassets/elections/directives/2016/dir2016-22\\_eom-ch\\_04.pdf](https://www.sos.state.oh.us/globalassets/elections/directives/2016/dir2016-22_eom-ch_04.pdf) [hereinafter *Directive 2016-22*].
- <sup>20</sup> Ohio Rev. Code Ann. §§ 3505.181(A)(1)-(7).
- <sup>21</sup> Ohio Rev. Code Ann. §§ 3505.181(C)(1)
- <sup>22</sup> Ohio Rev. Code Ann. §§ 3505.181(A)(1), (B)(1)-(6); 3505.182.
- <sup>23</sup> Ohio Rev. Code Ann. §§ 3505.181(C)(1). See also, Ohio Secretary of State, Directive 2015-28, Provisional Voting, [https://www.sos.state.oh.us/globalassets/elections/directives/2015/dir2015-28\\_eom-ch\\_06a.pdf](https://www.sos.state.oh.us/globalassets/elections/directives/2015/dir2015-28_eom-ch_06a.pdf).
- <sup>24</sup> Ohio Rev. Code Ann. § 3503.21(A)(1).
- <sup>25</sup> Ohio Rev. Code Ann. § 3503.21(A)(2)-(3).
- <sup>26</sup> Ohio Rev. Code Ann. § 3503.21(A)(4).
- <sup>27</sup> Ohio Rev. Code Ann. § 3503.21(A)(5).
- <sup>28</sup> Ohio Rev. Code Ann. § 3503.21(A)(6).
- <sup>29</sup> Ohio Rev. Code Ann. § 3503.21(A)(7)(a).
- <sup>30</sup> Ohio Rev. Code Ann. § 3503.21(A)(7)(b).
- <sup>31</sup> Ohio Rev. Code Ann. § 3503.19.(C)(1)-(2)
- <sup>32</sup> Ohio Rev. Code Ann. § 2961.01, § 3503.21(A)(4); See also Ohio Secretary of State, Voter Eligibility and Residency Requirements: May I Vote If I Have Been Convicted of a Crime?, <https://www.sos.state.oh.us/elections/voters/voter-eligibility-residency-reqs/#convicted>.
- <sup>33</sup> Ohio Rev. Code Ann. § 3509.08(A).
- <sup>34</sup> Ohio Secretary of State, Directive 2015-28, [https://www.sos.state.oh.us/globalassets/elections/directives/2015/dir2015-28\\_eom-ch\\_06a.pdf](https://www.sos.state.oh.us/globalassets/elections/directives/2015/dir2015-28_eom-ch_06a.pdf).
- <sup>35</sup> Ohio Rev. Code Ann. §§ 3505.181(A)(1), (B)(1)-(6); 3505.182.
- <sup>36</sup> Ohio Rev. Code Ann. §§ 3505.181(C)(1)
- <sup>37</sup> Ohio Rev. Code Ann. §§ 3505.181(B)(7)
- <sup>38</sup> Ohio Secretary of State, Voter Eligibility, <https://www.sos.state.oh.us/elections/voters/voter-eligibility-residency-reqs/> and (<https://www.sos.state.oh.us/secretary-husted-office/office-initiatives/grads-vote-ohio/college-voters/>).
- <sup>39</sup> Ohio Secretary of State, Contact the Secretary of State's Office, <https://www.sos.state.oh.us/secretary-husted-office/contact-our-office/>.
- <sup>40</sup> Ohio Rev. Code Ann. § 3501.29(B).
- <sup>41</sup> Ohio Rev. Code Ann. § 3501.29(C).
- <sup>42</sup> Ohio Rev. Code Ann. § 3505.24.
- <sup>43</sup> Ohio Rev. Code Ann. § 3505.24.

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- <sup>44</sup> Ohio Rev. Code Ann. § 3501.221(A).
- <sup>45</sup> Ohio Rev. Code Ann. § 3505.24.
- <sup>46</sup> See e.g., JON HUSTED, OHIO SECRETARY OF STATE, PRECINCT ELECTION OFFICIAL MANUAL FOR NOVEMBER 6, 2018 (Sept. 12, 2018), .
- <sup>47</sup> Ohio Rev. Code Ann. § 3599.20.
- <sup>48</sup> See e.g., Rachel Dissell, *Sharing Photos of Your Ballot Illegal in Ohio, But Officials Not Likely to Prosecute Over Selfies*, CLEVELAND.COM (Oct. 19, 2016), [http://www.cleveland.com/metro/index.ssf/2016/10/sharing\\_photos\\_of\\_your\\_ballot\\_illegal\\_in\\_ohio\\_but\\_officials\\_not\\_likely\\_to\\_prosecute\\_over\\_selfies.html](http://www.cleveland.com/metro/index.ssf/2016/10/sharing_photos_of_your_ballot_illegal_in_ohio_but_officials_not_likely_to_prosecute_over_selfies.html); Michael Hudson, *Ohio Voters Better Off Keeping 'Ballot Selfies' at Arm's Length, Officials Say*, THE LANTERN (Nov. 7, 2016), <https://www.thelantern.com/2016/11/ohio-voters-better-off-keeping-ballot-selfies-at-arms-length-officials-say/>; Jessie Balmert, *Are Election Selfies Legal? And More Ballot Box Quandaries*, CINCINNATI.COM: THE ENQUIRER (Nov. 7, 2016, 11:34 PM), <https://www.cincinnati.com/story/news/politics/elections/2016/11/06/election-selfies-legal-and-more-ballot-box-quandaries/92892506/>; Justin Boggs, *Are Ballot Selfies Allowed in Ohio, Kentucky and Indiana?*, WCPO: CINCINNATI (Oct. 24, 2016, 12:02 PM), <https://www.wcpo.com/news/government/elections-national/are-ballot-selfies-allowed-in-ohio-kentucky-and-indiana/>; Zachary Crockett, *Your Ballot Selfie Could Get You Arrested in These States. Here's Where It's Legal and Illegal*, VOX (Nov. 8, 2016, 9:40 AM), <https://www.vox.com/policy-and-politics/2016/10/25/13389980/ballot-selfie-legal-illegal>.
- <sup>49</sup> Ohio Secretary of State, Voting Schedule for the 2018 Elections, <https://www.sos.state.oh.us/elections/voters/voting-schedule/#gref>.
- <sup>50</sup> Ohio Secretary of State, Voting Schedule for the 2018 Elections <https://www.sos.state.oh.us/elections/voters/voting-schedule/#gref>.
- <sup>51</sup> Ohio Rev. Code Ann. § 3509.04(B); Ohio Secretary of State, Absentee Ballot Application Form 11-A, [https://www.sos.state.oh.us/globalassets/elections/forms/11-a\\_english.pdf](https://www.sos.state.oh.us/globalassets/elections/forms/11-a_english.pdf).
- <sup>52</sup> Ohio Rev. Code Ann. § 3509.03(A)(5)(a)-(c)
- <sup>53</sup> Ohio Rev. Code Ann. § 3509.04(B).
- <sup>54</sup> Ohio Rev. Code Ann §3511.09, 3509.05(A).
- <sup>55</sup> Ohio Rev. Code Ann §3511.09, 3509.05(A).
- <sup>56</sup> See Ohio Secretary of State, Election Official Manual (Aug. 1, 2018), [https://www.sos.state.oh.us/globalassets/elections/directives/2017/dir2017-10\\_eom.pdf](https://www.sos.state.oh.us/globalassets/elections/directives/2017/dir2017-10_eom.pdf).
- <sup>57</sup> Ohio Rev. Code Ann. § 3505.181(A)(3).
- <sup>58</sup> See *Register to Vote and Update Your Registration*, OHIO SECRETARY OF STATE, (last visited Oct. 5, 2018); *Same Day Voter Registration*, NATIONAL CONFERENCE OF STATE LEGISLATURES (Mar. 27, 2018), ; Zachary Roth, *Court Upholds Ohio's Cuts to Early Voting, Same-Day Registration*, NBC NEWS (Aug. 3, 2016, 3:17 PM).
- <sup>59</sup> Ohio Rev. Code Ann § 3501.35.
- <sup>60</sup> Ohio Rev. Code Ann § 3501.33.
- <sup>61</sup> Ohio Rev. Code Ann § 3501.34.
- <sup>62</sup> Ohio Rev. Code Ann § 3501.90.
- <sup>63</sup> Ohio Rev. Code Ann. § 3505.21.
- <sup>64</sup> Ohio Rev. Code Ann. § 3501.33, 3505.21; Ohio Secretary of State, Election Official Manual, 7-23 to 7-35 (Aug. 1, 2018), [https://www.sos.state.oh.us/globalassets/elections/directives/2017/dir2017-10\\_eom.pdf](https://www.sos.state.oh.us/globalassets/elections/directives/2017/dir2017-10_eom.pdf); Ohio Secretary of State, Directive 2016-23, at 7-26, 7-27, 7-28, [https://www.sos.state.oh.us/globalassets/elections/directives/2016/dir2016-23\\_eom-ch\\_07.pdf](https://www.sos.state.oh.us/globalassets/elections/directives/2016/dir2016-23_eom-ch_07.pdf).
- <sup>65</sup> See Ohio Secretary of State, Election Official Manual, 7-23 to 7-35 (Aug. 1, 2018), [https://www.sos.state.oh.us/globalassets/elections/directives/2017/dir2017-10\\_eom.pdf](https://www.sos.state.oh.us/globalassets/elections/directives/2017/dir2017-10_eom.pdf).
- <sup>66</sup> Ohio Rev. Code Ann. § 3503.24(A).
- <sup>67</sup> Ohio Rev. Code Ann. § 3503.24(B).
- <sup>68</sup> Ohio Rev. Code Ann. § 3503.24(B).
- <sup>69</sup> Ohio Rev. Code Ann. § 3503.24(C).
- <sup>70</sup> Ohio Rev. Code Ann. § 3503.24(D)(1)-(3).
- <sup>71</sup> Ohio Rev. Code Ann. § 3503.24(E)(1)-(4).
- <sup>72</sup> Ohio Rev. Code Ann. § 3505.20; see also Nicolas Riley, Brennan Center for Justice, VOTER CHALLENGES, at 17, [http://www.brennancenter.org/sites/default/files/legacy/publications/Voter\\_Challengers.pdf](http://www.brennancenter.org/sites/default/files/legacy/publications/Voter_Challengers.pdf).
- <sup>73</sup> Ohio Rev. Code Ann. § 3505.20(B)(1)-(5).
- <sup>74</sup> Ohio Rev. Code Ann. § 3505.20(C)(1)-(7).
- <sup>75</sup> Ohio Rev. Code Ann. § 3505.20(D)(1)-(3).

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<sup>76</sup> Ohio Rev. Code Ann. § 3505.20(D).

<sup>77</sup> Ohio Secretary of State Directive 2016-23, at 7-22,

[https://www.sos.state.oh.us/globalassets/elections/directives/2016/dir2016-23\\_eom-ch\\_07.pdf](https://www.sos.state.oh.us/globalassets/elections/directives/2016/dir2016-23_eom-ch_07.pdf).

<sup>78</sup> Ohio Rev. Code Ann. § 3505.20.

<sup>79</sup> Ohio Rev. Code Ann. § 3505.181(A)(7).

<sup>80</sup> Ohio Rev. Code Ann. § 3505.20(A); *Boustani v. Blackwell* (N.D. Ohio, 2006) , permanently enjoining §3505.20(A), [https://www.gpo.gov/fdsys/pkg/USCOURTS-ohnd-1\\_06-cv-02065/pdf/USCOURTS-ohnd-1\\_06-cv-02065-1.pdf](https://www.gpo.gov/fdsys/pkg/USCOURTS-ohnd-1_06-cv-02065/pdf/USCOURTS-ohnd-1_06-cv-02065-1.pdf); *see also* [https://www.gpo.gov/fdsys/granule/USCOURTS-ohnd-1\\_06-cv-02065/USCOURTS-ohnd-1\\_06-cv-02065-1/content-detail.html](https://www.gpo.gov/fdsys/granule/USCOURTS-ohnd-1_06-cv-02065/USCOURTS-ohnd-1_06-cv-02065-1/content-detail.html).

<sup>81</sup> Ohio Secretary of State, Form 10-U, <https://www.sos.state.oh.us/globalassets/elections/forms/10-U.pdf>.