

Minutes
Athens County Board of Elections
Regular Meeting
May 17, 2022, 3:30 pm

The Athens County Board of Elections met on May 17, 2022 at 3:30 pm at the board office. The meeting was called to order by Board Chair McGuckin, Roll Call – Aundrea S. Carpenter-Colvin, Gary Van Meter, Sky Pettey and Kate McGuckin all present. Also present at the meeting: Director Debra Quivey, Deputy Director Tony Brooks, Beth Ferrier and Debbie Perry.

Ms. McGuckin led the pledge.

Motion 2022:05:01

Mr. Pettey moved, seconded by Mrs. Carpenter-Colvin that the minutes for April 4, 2022 be approved by the Board as presented. Motion passed unanimously.

Budget updates were provided and presented by Deputy Director Brooks.

Motion 2022:05:02 (Attachment 1)

Mr. Van Meter moved, seconded by Mr. Pettey that bills from March 17, 2022 to May 17, 2022 be approved as presented by Deputy Director Brooks. Voting: Mrs. Carpenter-Colvin – Abstained, Mr. Van Meter – Yes, Mr. Pettey – Yes and Ms. McGuckin – Yes

Director Quivey and Deputy Director Brooks explained the Expedited Shipping of UOCAVA Ballots per Directives 2022-11 and 2022-29. Board office currently has 3 UOCAVA ballots that were emailed to the oversea civilians. Return shipping labels were sent with each of these emailed ballots for the voter to return. As of 3:00 pm today (May 17, 2022), FedEx tracking system was checked for each of these ballots using the tracking numbers and it appears that none of these ballots have been returned to FedEx for delivery at this time. Our office will follow Directives 2022-11 and 2022-29, if these ballots are returned by the required date, but at this time it looks like that if these ballots are received by the deadline that they would not count because they had to be postmarked by the day prior to election day.

Director Quivey provided lists of valid Absentee and Provisional ballots for the May 3rd, 2022 Primary Election. The Director also provided lists of Absentee and Provisional problems that were received for the May 3rd, 2022 Primary Election along with copies of the Election Official Manual sections regarding those problems.

Motion 2022:05:03 (Attachment 2)

Mrs. Carpenter-Colvin moved, seconded by Mr. Van Meter to reject and not count the 3 absentee ballots that were postmarked on or after election day for the 2022 Primary Election as presented by Director Quivey. Motion passed unanimously.

Motion 2022:05:04 (Attachment 2)

Mr. Van Meter moved, seconded by Mr. Pettey to reject and not count the 3 absentee ballots that were received with no identification envelopes for the 2022 Primary Election as presented by Director Quivey. Motion passed unanimously.

Motion 2022:05:05 (Attachment 3)

Mrs. Carpenter-Colvin moved, seconded by Mr. Pettey to accept and count the 71 valid provisional ballots that were received for the 2022 Primary Election as presented by Director Quivey. Motion passed unanimously.

Motion 2022:05:06 (Attachment 4)

Mr. Pettey moved, seconded by Mr. Van Meter to accept and count the 1 provisional ballot that was received during the 2022 Primary Election and was voted provisionally due to an office error as presented by Director Quivey. Motion passed unanimously.

Motion 2022:05:07 (Attachment 5)

Mrs. Carpenter-Colvin moved, seconded by Mr. Pettey to remake and count the 1 provisional ballot that was received during the 2022 Primary Election and the voter voted in the correct polling location but voted incorrect precinct ballot as presented by Director Quivey. Motion passed unanimously.

Motion 2022:05:08 (Attachment 6)

Mrs. Carpenter-Colvin moved, seconded by Mr. Pettey to reject and not count the 5 provisional ballots that were received during the 2022 Primary Election and the voters were not registered anywhere in the state of Ohio as presented by Director Quivey. Motion passed unanimously.

Motion 2022:05:09 (Attachment 7)

Mr. Pettey moved, seconded by Mr. Van Meter to reject and not count the 1 provisional ballot that was received during the 2022 Primary Election and the voter failed to print their name on the provisional envelope as presented by Director Quivey. Motion passed unanimously.

Discussion was had by the board regarding Carthage Township voting location and a letter to the editor that was published in The Athens News after election day. Director Quivey and Deputy Director Brooks advised the Board that it would be in the board's best interest not to make any decisions regarding moving Carthage Township voting until next year because it could be perceived by people that our office had moved the precinct back to favor a candidate that will be on the ballot in a contested race that lives in that precinct. This polling location has been moved to the new location for 3 years now. Our procedure is to put up signs for 2 elections after the move of the location. Location change cards were mailed to all registered voters when the location was moved. The Board requested Director Quivey and Deputy Director Brooks draft a letter to The Athens News in response to the letter that appeared the paper.

The Board has decided that they will be in session by phone on for the Official on May 24th, 2022

Motion 2022:05:10

Mr. Van Meter moved, seconded by Mr. Pettey to adjourn. Motion passed unanimously.



Director



Chair

Expenses Paid Between March 17, 2022 and May 17, 2022

Ohio University	Parking - Baker Center	\$165.00
Time Warner Cable/Spectrum	Cable	\$103.58
Athens County Commissioners	1 Quarter Parking	\$900.00
Glacier Mountain Bottled Water	Water	\$29.50
First Presbyterian Church	Rental Church	\$175.00
US Postal Service	PO Box Rental	\$160.00
Triad Governmental Systems	Annual Software Fees	\$18,810.00
Time Warner Cable/Spectrum	Cable	\$103.42
Elections Systems and Software	Preventive Maintenance	\$15,582.51
Ohio University	Truck Rental	\$3,828.00
Glacier Mountain Bottled Water	Water	\$36.00
Amazon	Various Supplies	\$115.81
Amazon	Various Supplies	\$80.62
Amazon	Labels & File Folders	\$126.47
Election Systems & Software	E-Pollbook paper	\$1,088.88
Election Systems & Software	E-Pollbook paper	\$544.44
Election Systems & Software	E-Pollbook paper	\$544.44
Quill.com	Various Supplies	\$180.97
Amazon	Toner	\$138.00
Election Systems & Software	DS200 Paper	\$437.50
Amazon	Tape	\$70.49
Amazon	Screen Cleaning Clothes	\$54.56
Quill.com	Toner	\$11.70

Quill.com	Badges	\$2.59
Quill.com	Toner	\$170.82
Quill.com	Toner	\$430.46
Quill.com	Cups	\$2.39
Minuteman Press	Envelopes	\$154.00
Quill.com	Toner	\$944.97
A. Rifkin Co.	Totum Replacement Stands	\$418.90
Amazon	USB Adapters for E-Pollbooks	\$37.42
Amazon	USB 4 GB Sticks for Data Transfer	\$87.24
Quadient	Postage Machine	\$3,288.00
Amazon	USB Adapters for E-Pollbooks	\$37.42
Quill.com	Badges for Temp Workers	\$64.95
Debra Quivey	Parking Cards & Lunch	\$235.25
Tony L. Brooks II	Election and Office Supplies	\$226.15
Triad Governmental Systems	2022 NCOA Notices	\$214.20
Election Systems & Software	Test Ballots	\$333.42
Election Systems & Software	Election Day & Provisional Ballots	\$8,083.00
Triad Governmental Systems	Remote Ballot Marking File Conversion	\$1,208.00
Graphic Village	Postage for Absentee Ballots	\$690.00
Election Systems & Software	Jerry - Site Support Programming	\$5,385.00
Election Systems & Software	Jerry - Site Support L & A Testing	\$1,795.00
Election Systems & Software	Heather - Site Support L & A Testing	\$1,795.00
Mascot Metropolitan, Inc.	Red & Green Bags for Poll Supplies	\$625.00
Uline	Plastic Reclosable Bags for Poll Supplies	\$128.68
Novavision	Cable Seals for DS200's	\$213.42

Mascot Metropolitan Inc.	Red & Green Bags for Poll Supplies	\$625.00
Amazon	Batteries for Service Bell	\$15.98
Triad Governmental Systems, Inc	Emergency Signature List	\$412.20
APG Media	Legal Notice Ads for Issues on Ballot	\$763.25
County Workers	Pollworker Pay	\$32,912.33
Total		\$104,586.93

ABSENTEE PROBLEMS
Primary Election
05/03/2022

Absentee

Postmarked ON/AFTER Election Day too late

- | | |
|-------------------|------------------|
| 1. Adele Purdy | Athens 3-5 |
| 2. David McIntosh | Chauncey Village |
| 3. Ryan Davidson | Lee Township |

No Identification Envelope with Ballot

1. Nelsonville 4
2. Canaan Township
3. Jacksonville Village

must provide reasonable accommodations, as follows:

- Voters with Disabilities – Regardless of whether the voter requested assistance in casting the absentee ballot, if a voter requests assistance to supplement the voter's identification envelope, the board of elections must send board employees, not of the same political party, to the voter to provide assistance.¹⁰⁸
- UOCAVA Voters – A UOCAVA voter's board of elections must provide notice to the voter in the same manner in which the voter requested transmission of the ballot by the board to the voter (i.e., by email, facsimile, or by mail, if application was made by mail or in person).

A completed Form 11-S must be received by the board of elections by the 7th day after an election,¹⁰⁹ or be post-marked by the 7th day after the election and received by the board of elections by the 10th day after the election, in order to cure the voter's defective absentee ballot identification envelope and have the ballot included in the official canvass, which may begin on the 11th day following the election.

Section 1.07 Mandatory Step-by-Step Process for Counting Absentee Ballots

STEP 1: DETERMINE WHETHER THE BALLOT WAS TIMELY SUBMITTED:

An absentee ballot returned in person to the board of elections office must be delivered by 7:30 p.m. on Election Day.¹¹⁰ The ballot also may be returned to the board's designated location for in-person absentee voting at any time during in-person absentee voting.

An absentee ballot returned via mail must be postmarked no later than the day before Election Day and received at the board of elections office no later than the 10th day after Election Day. If the absentee ballot returned via mail does not have a postmark, it must be received at the board of elections office no later than 7:30 p.m. on Election Day.

A postmark does not include mail sent using a postage evidencing system, including a postage meter or postage from private companies that dispense postage through the internet (e.g., Stamps.com), known as the PC Postage program.¹¹¹

Note that a postmark is not required in order for a UOCAVA ballot to be valid. The board must count an otherwise valid UOCAVA ballot regardless of whether it contains a

¹⁰⁸ *Roy v. Franklin County Board of Elections* Case No. 2:08-CV-1086, 2008 WL 4956759 (S.D. Ohio Nov. 17, 2008).

¹⁰⁹ R.C. 3509.05(1)(2)(b).

¹¹⁰ R.C. 3509.05.

¹¹¹ R.C. 3509.05(1)(2). See also 39 CFR 501.01.

timely postmark, a late postmark, or no postmark.¹¹²

- If the absentee ballot was not timely submitted, the board must reject the absentee ballot.¹¹³
- If the absentee ballot was timely submitted, proceed to Step 2.

STEP 2: DETERMINE WHETHER THE VOTER HAS PROVIDED THE MINIMUM REQUIRED INFORMATION:

In order for an identification envelope to be opened and the absentee ballot to be counted, the absentee voter must provide sufficient information on the absentee ballot ID envelope to identify the voter and to determine that the voter was eligible to cast the ballot.¹¹⁴

At a minimum, an absentee voter must provide:¹¹⁵

1. **Name;**¹¹⁶
2. **Signature;**¹¹⁷ and
3. **Proper Identification:**¹¹⁸
 - The voter's driver license number;¹¹⁹
 - The last four digits of the voter's Social Security number;¹²⁰ or
 - A copy of a current and valid photo identification, a military identification, or 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) that shows the voter's name and address.¹²¹
 - It is important to note that the board of elections is required to pre-print the voter's name as it appears in the voter registration record onto the absentee ballot identification envelope. See paragraph E.1. of Section 1.05. above. Occasionally, a voter may strike through and write a name on the identification envelope that is different from the name preprinted by the board using the voter's name as it appears in the voter registration record.

¹¹² R.C. 3511.11(C).

¹¹³ R.C. 3509.07.

¹¹⁴ R.C. 3509.07(C).

¹¹⁵ *NEOCH v. Husted*, 837 F.3d 612 (6th Cir. 2016); R.C. 3509.06(D); R.C. 3509.07(A).

¹¹⁶ *NEOCH v. Husted*, 837 F.3d 612 (6th Cir. 2016); R.C. 3509.06(D)(3)(a)(i).

¹¹⁷ *NEOCH v. Husted*, 837 F.3d 612 (6th Cir. 2016); R.C. 3509.06(D)(3)(a)(ii).

¹¹⁸ *NEOCH v. Husted*, 837 F.3d 612 (6th Cir. 2016); R.C. 3509.06(D)(3)(a)(iii).

¹¹⁹ R.C. 3509.06(D)(3)(a)(iv).

¹²⁰ R.C. 3509.06(D)(3)(a)(v).

¹²¹ R.C. 3509.06(D)(3)(a)(vi).

Attachment 3 - Motion 2022:05:05

For ATHENS COUNTY OHIO
Election: 05/03/22 - PRIMARY

For Status: Accepted

	Application #	Voted Precinct
3	22	ATHENS 1-1
4	23	ATHENS 1-1
5	15	ATHENS 1-2
6	24	ATHENS 1-2
7	16	ATHENS 1-4
8	13	ATHENS 2-4
9	12	ATHENS 3-1
10	25	ATHENS 3-1
11	26	ATHENS 3-2
12	10	ATHENS 3-2
13	28	ATHENS 3-4
14	17	ATHENS 3-4
15	8	ATHENS 3-4
16	20	ATHENS 3-5
17	29	ATHENS 3-5
18	14	ATHENS 3-5
19	21	ATHENS 3-5
20	18	ATHENS 3-5
21	30	ATHENS 3-6
22	31	ATHENS 3-6
23	33	ATHENS 3-6
24	32	ATHENS 3-6
25	34	ATHENS 3-6
26	3	ATHENS 4-2
27	35	ATHENS 4-3
28	38	ATHENS 4-3
29	36	ATHENS 4-3
30	37	ATHENS 4-3
31	39	ATHENS 4-4
32	4	ATHENS 4-5
33	9	NELSONVILLE 1
34	41	NELSONVILLE 2
35	42	NELSONVILLE 3
36	43	NELSONVILLE 4
37	44	NELSONVILLE 4
38	45	NELSONVILLE 4
39	46	ALEXANDER WEST
40	47	AMESVILLE VLG
41	49	ATHENS BAKER
42	50	ATHENS BAKER
43	51	ATHENS EAST

For ATHENS COUNTY OHIO
Election: 05/03/22 - PRIMARY

For Status: Accepted

	Application #	Voted Precinct	
	44	52	ATHENS SOUTH
	45	6	ATHENS SOUTH
	46	19	PLAINS 1
	47	53	PLAINS 1
	48	55	PLAINS 2
	49	11	PLAINS 2
	50	54	PLAINS 2
	51	7	BERN TOWNSHIP
	52	1	CANAAN TOWNSHIP
	53	57	CARTHAGE TOWNSHIP
	54	58	CARTHAGE TOWNSHIP
	55	59	CHAUNCEY VLG
	56	60	CHAUNCEY VLG
	57	61	CIRCLE HILL
	58	62	MILLFIELD
	59	63	MILLFIELD
	60	64	ALBANY VILLAGE
	61	65	ALBANY VILLAGE
	62	66	LEE TOWNSHIP
	63	68	LODI TOWNSHIP
	64	67	LODI TOWNSHIP
	65	69	LODI TOWNSHIP
	66	71	ROME TOWNSHIP
	67	72	ROME TOWNSHIP
	68	70	ROME TOWNSHIP
	69	73	GLOUSTER VILLAGE
	70	77	TROY EAST
	71	75	NEW MARSHFIELD
	72	76	YORK TOWNSHIP
	73	5	YORK TOWNSHIP
Total For Status: Accepted			71

Step 4: Determine whether the voter is a registered voter anywhere in the State of Ohio at least 30 days before the election.

- If the voter was registered to vote anywhere in the State of Ohio at least 30 days before the election, proceed to Step 5.
- If the voter was not registered to vote anywhere in the State of Ohio at least 30 days before the election, then the board must reject the provisional ballot.⁴⁵

Step 5: Determine whether the voter is a resident of the county and precinct in which the voter offers to vote.⁴⁶

- If the voter is a resident of the county and precinct in which the provisional ballot was cast, proceed to Step 6.
- If the voter moved and provided a new address within the precinct on the affirmation statement, then the voter is considered a resident of the new precinct and the board must proceed to Step 6.
- If the voter cast the provisional ballot in the wrong precinct, but in the correct polling location, including the board of elections office, and a precinct election official did not complete and attach Form 12-D to the provisional ballot envelope, the board must remake and count the provisional ballot for only those contests for which the voter was otherwise eligible to vote.⁴⁷
- If the voter cast the provisional ballot in the wrong precinct, but in the correct polling location, including the board of elections office, and a precinct election official did complete and attach Form 12-D, but the board verified that the precinct to which the precinct election official directed the voter was the incorrect precinct, the board must remake and count the provisional ballot for only those contests for which the voter was otherwise eligible to vote.
- If the voter cast the provisional ballot in the wrong precinct, but correct polling location, including the board of elections office, and 1) a precinct election official completed Form 12-D and 2) the board verified that the precinct to which the precinct election official directed the voter was the correct precinct, the board must reject the provisional ballot.⁴⁸
- If the voter cast the provisional ballot in the wrong precinct and wrong polling location the board must reject the provisional ballot.⁴⁹

⁴⁵ Ohio Constitution Article V, Section 1; R.C. 3505.183(B)(4)(a)(i).

⁴⁶ R.C. 3503.01(A).

⁴⁷ R.C. 3505.183(D)(1).

⁴⁸ R.C. 3505.183(D)(1).

⁴⁹ R.C. 3505.183(D)(3).

Attachment 4 - Motion 2022:05:06

For ATHENS COUNTY OHIO
Election: 05/03/22 - PRIMARY

For Status: Pending Review

	Application #
1	80

Voted Precinct
LEE TOWNSHIP

Total For Status: Pending Review

1

Step 4: Determine whether the voter is a registered voter anywhere in the State of Ohio at least 30 days before the election.

- If the voter was registered to vote anywhere in the State of Ohio at least 30 days before the election, proceed to Step 5.
- If the voter was not registered to vote anywhere in the State of Ohio at least 30 days before the election, then the board must reject the provisional ballot.⁴⁵

Step 5: Determine whether the voter is a resident of the county and precinct in which the voter offers to vote.⁴⁶

- If the voter is a resident of the county and precinct in which the provisional ballot was cast, proceed to Step 6.
- If the voter moved and provided a new address within the precinct on the affirmation statement, then the voter is considered a resident of the new precinct and the board must proceed to Step 6.
- If the voter cast the provisional ballot in the wrong precinct, but in the correct polling location, including the board of elections office, and a precinct election official did not complete and attach Form 12-D to the provisional ballot envelope, the board must remake and count the provisional ballot for only those contests for which the voter was otherwise eligible to vote.⁴⁷
- If the voter cast the provisional ballot in the wrong precinct, but in the correct polling location, including the board of elections office, and a precinct election official did complete and attach Form 12-D, but the board verified that the precinct to which the precinct election official directed the voter was the incorrect precinct, the board must remake and count the provisional ballot for only those contests for which the voter was otherwise eligible to vote.
- If the voter cast the provisional ballot in the wrong precinct, but correct polling location, including the board of elections office, and 1) a precinct election official completed Form 12-D and 2) the board verified that the precinct to which the precinct election official directed the voter was the correct precinct, the board must reject the provisional ballot.⁴⁸
- If the voter cast the provisional ballot in the wrong precinct and wrong polling location the board must reject the provisional ballot.⁴⁹

⁴⁵ Ohio Constitution Article V, Section 1; R.C. 3505.183(B)(4)(a)(i).

⁴⁶ R.C. 3503.01(A).

⁴⁷ R.C. 3505.183(D)(1).

⁴⁸ R.C. 3505.183(D)(1).

⁴⁹ R.C. 3505.183(D)(3).

Attachment 5 - Motion 2022:05:07

For ATHENS COUNTY OHIO
Election: 05/03/22 - PRIMARY

For Status: Rejected: Wrong Precinct/Right Poll

	Application #	Voted Precinct	
79	74	TRIMBLE TOWNSHIP	GLOUSTER VILLAGE
Total For Status: Rejected: Wrong Precinct/Right Poll		1	

Step 4: Determine whether the voter is a registered voter anywhere in the State of Ohio at least 30 days before the election.

- If the voter was registered to vote anywhere in the State of Ohio at least 30 days before the election, proceed to Step 5.
- If the voter was not registered to vote anywhere in the State of Ohio at least 30 days before the election, then the board must reject the provisional ballot.⁴⁵

Step 5: Determine whether the voter is a resident of the county and precinct in which the voter offers to vote.⁴⁶

- If the voter is a resident of the county and precinct in which the provisional ballot was cast, proceed to Step 6.
- If the voter moved and provided a new address within the precinct on the affirmation statement, then the voter is considered a resident of the new precinct and the board must proceed to Step 6.
- If the voter cast the provisional ballot in the wrong precinct, but in the correct polling location, including the board of elections office, and a precinct election official did not complete and attach Form 12-D to the provisional ballot envelope, the board must remake and count the provisional ballot for only those contests for which the voter was otherwise eligible to vote.⁴⁷
- If the voter cast the provisional ballot in the wrong precinct, but in the correct polling location, including the board of elections office, and a precinct election official did complete and attach Form 12-D, but the board verified that the precinct to which the precinct election official directed the voter was the incorrect precinct, the board must remake and count the provisional ballot for only those contests for which the voter was otherwise eligible to vote.
- If the voter cast the provisional ballot in the wrong precinct, but correct polling location, including the board of elections office, and 1) a precinct election official completed Form 12-D and 2) the board verified that the precinct to which the precinct election official directed the voter was the correct precinct, the board must reject the provisional ballot.⁴⁸
- If the voter cast the provisional ballot in the wrong precinct and wrong polling location the board must reject the provisional ballot.⁴⁹

⁴⁵ Ohio Constitution Article V, Section 1; R.C. 3505.183(B)(4)(a)(i).

⁴⁶ R.C. 3503.01(A).

⁴⁷ R.C. 3505.183(D)(1).

⁴⁸ R.C. 3505.183(D)(1).

⁴⁹ R.C. 3505.183(D)(2).

Attachment 6 - Motion 2022:05:08

For ATHENS COUNTY OHIO
Election: 05/03/22 - PRIMARY

For Status: Rejected: Voter Not Registered

	Application #	Voted Precinct
74	27	ATHENS 3-4
75	40	NELSONVILLE 2
76	48	AMES TOWNSHIP
77	56	PLAINS 2
78	2	CARTHAGE TOWNSHIP

Total For Status: Rejected: Voter Not Registered 5

A board must complete the counting of provisional ballots and the official canvass no later than the 21st day after the election.³⁵

MANDATORY STEP-BY-STEP PROCESS FOR DETERMINING ELIGIBILITY

Each board is required to follow the step-by-step instructions outlined below to determine the eligibility of a provisional ballot to be counted.

Section 1.04 Step-by-Step Process for Determining Eligibility

STEP 1: DETERMINE WHETHER THE AFFIRMATION STATEMENT ON THE PROVISIONAL BALLOT ENVELOPE CONTAINS EACH OF THE FOLLOWING FIVE ITEMS:

1. Voter's printed name;
 2. Voter's valid signature;
 3. Voter's date of birth;
 4. Voter's current address; and
 5. Voter's identification.
- If the affirmation statement contains all five of the required items, proceed to Step 2.
 - If the affirmation statement does not contain both the voter's printed name and valid signature, then the board must reject the provisional ballot.³⁶
 - If the affirmation statement does not contain the voter's date of birth or it does not fall into the exception below, then the board must reject the provisional ballot.³⁷

Exception: If the affirmation statement contains the voter's date of birth but the month and day are different from the month and day in the Statewide Voter Registration Database, the board must reject the provisional ballot unless 1) the voter's date of birth in the database is 1/1/1800; or 2) the board of elections finds by a vote of at least three of its members that the voter has

³⁵ B.C. 3505.32(a).

³⁶ B.C. 3505.16(2)(a)(i)(ii).

³⁷ B.C. 3505.16(2)(a)(i)(ii).

Attachment 7 - Motion 2022:05:09

For ATHENS COUNTY OHIO
Election: 05/03/22 - PRIMARY

For Status: Rejected: No Printed Name

	Application #	Voted Precinct
2	78	TROY EAST

Total For Status: Rejected: No Printed Name 1

A board must complete the counting of provisional ballots and the official canvass no later than the 21st day after the election.³⁵

MANDATORY STEP-BY-STEP PROCESS FOR DETERMINING ELIGIBILITY

Each board is required to follow the step-by-step instructions outlined below to determine the eligibility of a provisional ballot to be counted.

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1. Voter's printed name;
 2. Voter's valid signature;
 3. Voter's date of birth;
 4. Voter's current address; and
 5. Voter's identification.
- If the affirmation statement contains all five of the required items, proceed to Step 2.
 - If the affirmation statement does not contain both the voter's printed name and valid signature, then the board must reject the provisional ballot.³⁶
 - If the affirmation statement does not contain the voter's date of birth or it does not fall into the exception below, then the board must reject the provisional ballot.³⁷

Exception: If the affirmation statement contains the voter's date of birth but the month and day are different from the month and day in the Statewide Voter Registration Database, the board must reject the provisional ballot unless 1) the voter's date of birth in the database is 1/1/1800; or 2) the board of elections finds by a vote of at least three of its members that the voter has

³⁵ R.C. 3505.32(A).

³⁶ R.C. 3505.163(n)(4)(a)(iii).

³⁷ R.C. 3505.163(n)(4)(a)(iv).