

Minutes
Athens County Board of Elections
Regular Meeting
November 18, 2022, 4:00 pm

The Athens County Board of Elections met on November 18, 2022 at 4:00 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, Zach West Athens County Assistant Prosecutor, Helen King from the League of Women Voters, Beth Ferrier and Jonathan Robe.

Ms. McGuckin led the pledge.

Motion 2022:11:03

Mr. Pettey moved, seconded by Mr. Van Meter that the minutes for October 19, 2022 be approved by the Board as presented. Motion passed unanimously.

Motion 2022:11:04

Mrs. Carpenter-Colvin moved, seconded by Mr. Van Meter that the minutes for November 8, 2022 be approved by the Board as presented. Motion passed unanimously.

Motion 2022:11:05

Mr. Pettey moved, seconded by Mrs. Carpenter-Colvin that the board go into recess at 4:04 pm. Motion passed unanimously.

Board came back into order at 4:16 pm.

Motion 2022:11:06 (Attachment 1)

Mr. Pettey moved, seconded by Mrs. Carpenter-Colvin that bills from October 20, 2022 to November 21, 2022 be approved as presented by Deputy Director Brooks. Voting: Mrs. Carpenter-Colvin – Yes, Mr. Van Meter – Yes, Mr. Pettey – Yes and Ms. McGuckin – Yes

Motion 2022:11:07 (Attachment 2)

Mrs. Carpenter-Colvin moved, seconded by Mr. Pettey to reject and not count the 4 absentee ballots that were received with no signature on identification envelopes and did not return the 11-S Form for the 2022 General Election as presented by Director Quivey. Motion passed unanimously.

Motion 2022:11:08 (Attachment 2)

Mr. Van Meter moved, seconded by Mr. Pettey to accept, remake and count the 5 UOCAVA ballots where the voter returned the 1st Ballot mailed but did not return the 2nd Ballot mailed for the 2022 General Election as presented by Director Quivey.

Motion 2022:11:09 (Attachment 2)

Mrs. Carpenter-Colvin moved, seconded by Mr. Pettey to reject and not count the 7 absentee ballots that were received with no identification envelopes for the 2022 General Election as presented by Director Quivey. Motion passed unanimously

Motion 2022:11:10 (Attachment 2)

Mrs. Carpenter-Colvin moved, seconded by Mr. Van Meter to reject and not count the 9 absentee ballots that were postmarked on or after election day for the 2022 General Election as presented by Director Quivey. Motion passed unanimously.

Director Quivey reported 958 Valid Provisional Ballot to be counted out of 1067 Provisional ballot received for the 2022 General Election.

Motion 2022:11:11 (Attachment 3)

Mr. Pettey moved, seconded by Mr. Van Meter to accept and count the 958 valid provisional ballots that were received for the 2022 General Election as presented by Director Quivey. Motion passed unanimously.

Director Quivey provided information to the board on one individual that double voted in the state. The voter requested an absentee from Cuyahoga County and voted and returned that ballot. The voter then went to a precinct in Athens County on election day and voted a provisional ballot.

Motion 2022:11:12

Mr. Pettey moved, seconded by Mrs. Carpenter- Colvin to refer this issue of double voting in the 2022 General Election to the Athens County Prosecutor's office for investigation. Motion passed unanimously.

Motion 2022:11:13 (Attachment 3)

Mrs. Carpenter-Colvin moved, seconded by Mr. Van Meter to reject and not count the 4 provisional ballots that were received during the 2022 General Election and the voter failed to sign their name on the provisional envelope as presented by Director Quivey. Motion passed unanimously.

Motion 2022:11:14 (Attachment 3)

Mr. Pettey moved, seconded by Mrs. Carpenter-Colvin to reject and not count the 2 provisional ballots that were received during the 2022 General Election and the voter failed to provide their date of birth on the provisional envelope as presented by Director Quivey. Motion passed unanimously.

Motion 2022:11:15 (Attachment 3)

Mr. Van Meter moved, seconded by Mrs. Carpenter-Colvin to reject and not count the 15 provisional ballots that were received during the 2022 General Election and the voter failed to provide valid address on the provisional envelope as presented by Director Quivey. Motion passed unanimously.

Motion 2022:11:16 (Attachment 3)

Mr. Pettey moved, seconded by Mrs. Carpenter-Colvin to reject and not count the 4 provisional ballot that were received during the 2022 General Election and the voter failed to provide their identification or provided invalid identification on the provisional envelope as presented by Director Quivey. Motion passed unanimously.

Motion 2022:11:17 (Attachment 3)

Mr. Van Meter moved, seconded by Mr. Pettey to reject and not count the 62 provisional ballots that were received during the 2022 General Election and the voters were not registered anywhere in the state of Ohio as presented by Director Quivey. Motion passed unanimously.

Motion 2022:11:18 (Attachment 3)

Mrs. Carpenter-Colvin moved, seconded by Mr. Pettey to accept, remake and count the 20 provisional that was received during the 2022 General Election and the voter voted in the correct polling location but voted incorrect precinct ballot as presented by Director Quivey. Motion passed unanimously.

Motion 2022:11:19 (Attachment 3)

Mrs. Carpenter-Colvin moved, seconded by Mr. Van Meter to reject and not count the 1 provisional ballot that was received during the 2022 General Election and the voter voted in the wrong polling location and voted wrong precinct ballot as presented by Director Quivey. Motion passed unanimously.

Motion 2022:11:20 (Attachment 3)

Mr. Pettey moved, seconded by Mr. Van Meter to reject and not count the 1 provisional ballot that was received during the 2022 General Election and the voter did not provide an address on the provisional envelope as presented by Director Quivey. Motion passed unanimously.

Motion 2022:11:21

Mr. Pettey moved, seconded by Mr. Van Meter to schedule the Audit for the 2022 General Election the same day as our next regular board meeting on December 7th, 2022 at 11:00 am. Motion passed unanimously.

Motion 2022:11:22

Mr. Pettey moved, seconded by Mrs. Carpenter-Colvin to approve the Incident Response Plan as presented by Deputy Director Brooks. Motion passed unanimously.

Motion 2022:11:23

Mr. Pettey moved, seconded by Mrs. Carpenter-Colvin to approve the Software Management Policy as presented by Deputy Director Brooks. Motion passed unanimously.

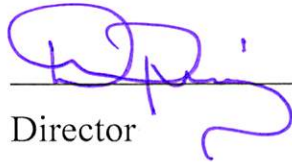
Motion 2022:11:24

Mr. Pettey moved, seconded by Mrs. Carpenter-Colvin to close the board office and allow the employees to have time off on December 27th, 28th, 29th, and 30th, 2022 without taking their time. Motion passed unanimously.

Next Board Meetings will be November 29th, 2022 at 9:00 am to Certify the Official Canvass and December 7th, 2022 at 11:00 am Audit and Regular Board Meeting.

Motion 2022:11:25

Mr. Carpenter-Colvin moved, seconded by Mr. Pettey to adjourn. Motion passed unanimously.



Director



Chair

Expenses Paid Between October 20, 2022 and November 21, 2022

Debra Quivey	Supply Cans	\$1,013.29
Albany Village	Storage Lease	\$4,800.00
Glacier Mountain Bottled Water	Water	\$38.00
Shade Community Center	Location Rental	\$100.00
Waterloo Community Senior Center	Location Rental	\$100.00
The Dairy Barn	Location Rental	\$300.00
Elections Systems and Software	L & A Testing Site Support	\$3,590.00
HVB Cardmember Services	Security Charges	\$64.47
Tony Brooks II	Mold Remediation	\$200.00
Servpro of Athens & Gallia Counties	Mold Remediation	\$2,663.91
Graphic Village	Printing & Postage for Absentees	\$4,970.52
First Presbyterian Church	Location Rental	\$175.00
OAEO	Additional Dues	\$1,003.00
Time Warner Cable/Spectrum	Cable	\$103.42
Amazon	Name Badge Refills	\$49.86
Amazon	Batteries	\$49.87
Quill.com	Badges	\$15.38
Amazon	Markers & Name Badge Clips	\$96.88
Amazon	Labels	\$67.59
Amazon	Minute Books & USB Covers for Pollbooks	\$346.75
Amazon	Sharpie Markers	\$43.18
Amazon	Pollworker Name Badges	\$26.98
Amazon	USB Port Covers for Pollbooks	\$26.96
Election Systems & Software	ADA Headphones	\$27.50

Net Data	Headphones for Office Phones	\$870.00
Election Systems & Software	Toner for Balotars	\$160.00
Amazon	Door Alarm	\$19.99
Debra Quivey	Parking Cards	\$400.00
HVB Cardmember Services	Food for Pollworkers	\$73.89
Triad Governmental Systems	Backup Signature Lists	\$437.04
APG Media	Legal Notices	\$2,181.38
Election Systems & Software	Election Day & Provisional Ballots	\$14,411.63
Election Systems & Software	Test Ballots	\$102.66
Graphic Village	Printing & Postage for Absentees	\$1,537.61
NetData	Security	\$1,610.00
Triad Governmental Systems	Other	\$200.00
County Workers	Pollworker Pay	\$34,694.95
Pollworker	Pollworker Pay	\$32,372.50
	Total	\$108,944.21

Absentee Problems
General Election
November 8, 2022

Did Not Sign ID Envelope & Did Not Return 11-S Form

Baker, Sandra - Athens 4-2
Casto, Brenda - Albany Village
Howe, Nancy - Nelsonville 4
Richards Jr, Charles L.- Glouster Village

UOCAVA 1st Ballot Returned but No 2nd Ballot Returned

Arbuthnot, Skylar-Athens 3-6
Chertock, Theodore - Athens 3-1
Gelfand, Benjamin - Athens 4-5
Hare, Mark - Amesville Village
Klinebriel, Esther - York Township

Absentee Problems
General Election
November 8, 2022

No Ballot Returned

Mowrey, Steve -Athens 4-2

No ID Envelope Returned

Burgess, L. S. - Nelsonville 1

Bail, Penny - Athens South

Green, Joseph - Alexander East

Matheny, Donna - Rome Township

Perry, Nora - Chauncey Village

Satabe, C.E. - Troy East

Young, Alisa - Lodi Township

Postmarked on or after Election Day

Abdella, Sarah - Athens 4-3

Adams, Charlotte - Athens Baker

Casey, Jaclyn-Athens South

Chambers, Grace - Ames Township

Fronko, Shanna - Troy East

Horsley, Alessi - Plains 2

Kramer, Davis -Athens 3-4

Peck. Amber - Athens Baker

Stewart, Roger – Waterloo

Counting of
1st or 2nd Ballot

Quivey, Debbie

From: Hobday, Jeffrey
Sent: Tuesday, November 1, 2022 6:01 PM
To: Quivey, Debbie; Brooks, Tony
Cc: Pearce, Caleb; Tlachac, Matthew; Fedak, Greg
Subject: UOCAVA Ballots in HD 94

Debbie and Tony,

I'm writing to follow up on the counting of UOCAVA ballots in House District 94. In the August election, several counties were in a similar situation where candidates were added to the ballot after UOCAVA Friday pursuant to court order. For those counties, we issued Directives 2022-37 and 2022-39. In both of those directives, we included the following guidance:

- As part of the Official Canvass remake process, if a UOCAVA voter returned a supplemental ballot, the voter's supplemental ballot should be used in place of the original ballot. If the voter did not return a supplemental ballot, the board of elections must ensure that the original ballot the voter returned counts if otherwise valid.

If the original UOCAVA ballot is the only ballot returned, the voter's choices in all contests on the ballot should be counted (presuming no over-votes). Boards of elections in House District 94 should not exclude votes cast in the HD 94 race if the ballot is otherwise eligible for counting. Please let me know if you have any questions about this guidance.

~Jeff Hobday



Jeff Hobday | Senior Elections Counsel and Deputy Elections Director
Office of the Ohio Secretary of State
O: 614.728.2978
OhioSoS.gov

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It is not necessary for a board to provide Form 11-S to an absentee voter whose ballot was received by the board of elections after 7:30 p.m. on Election Day and is postmarked later than the day prior to the election.

Once an absentee voter has completed Form 11-S, the voter may return it to the board of elections in person, by mail or other private delivery service (e.g., UPS, FedEx, etc.), or by any person authorized by state law to return the voter's absentee ballot.¹¹⁸

In the case of voters with disabilities or UOCAVA voters, all county boards of elections 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.¹¹⁹
- 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,¹²⁰ 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 7.07 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.¹²¹ The ballot also may be returned to the board's designated location for early in-person absentee voting at any time during early 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

¹¹⁸ R.C. 3509.05(A).

¹¹⁹ *Ray v. Franklin County Board of Elections* Case No. 2:08-CV-1086, 2008 WL 4966759 (S.D. Ohio Nov. 17, 2008).

¹²⁰ R.C. 3509.05(D)(2)(b).

¹²¹ R.C. 3509.05.

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.¹²²

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 timely postmark, a late postmark, or no postmark.¹²³

- If the absentee ballot was not timely submitted, the board must reject the absentee ballot.¹²⁴
- 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.¹²⁵

At a minimum, an absentee voter must provide:¹²⁶

1. **Name;**¹²⁷
2. **Signature;**¹²⁸ and
3. **Proper Identification:**¹²⁹
 - The voter's driver license number;¹³⁰
 - The last four digits of the voter's Social Security number,¹³¹ 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.¹³²

¹²² R.C. 3509.05(B)(2). See also 39 CFR 501.01.

¹²³ R.C. 3511.11(C).

¹²⁴ R.C. 3509.07.

¹²⁵ R.C. 3509.07(C).

¹²⁶ *NEOCH v. Husted*, 837 F.3d 612 (6th Cir. 2016); R.C. 3509.06(D); R.C. 3509.07(A).

¹²⁷ *NEOCH v. Husted*, 837 F.3d 612 (6th Cir. 2016); R.C. 3509.06(D)(3)(a)(i).

¹²⁸ *NEOCH v. Husted*, 837 F.3d 612 (6th Cir. 2016); R.C. 3509.06(D)(3)(a)(iv).

¹²⁹ *NEOCH v. Husted*, 837 F.3d 612 (6th Cir. 2016); R.C. 3509.06(D)(3)(a)(v).

¹³⁰ R.C. 3509.06(D)(3)(a)(ii).

¹³¹ R.C. 3509.06(D)(3)(a)(iii).

¹³² R.C. 3509.06(D)(3)(a)(iv).

Attachment 3 – Motion 2022:11:11, Motion 2022:11:12, Motion 2022:11:13,
Motion 2022:11:14, Motion 2022:11:15, Motion 2022:11:16, Motion 2022:11:17,
Motion 2022:11:18, Motion 2022:11:19, Motion 2022:11:20

**For ATHENS COUNTY OHIO
Election: 11/08/22 - GENERAL**

For Status: Rejected: No Signature

	Application #	Voted Precinct	
1	344	ATHENS 1-3	
2	608	ATHENS 1-5	
3	896	ATHENS 4-5	
4	431	GLOUSTER VILLAGE	TRIMBLE TOWNSHIP
Total For Status: Rejected: No Signature		4	

**For ATHENS COUNTY OHIO
Election: 11/08/22 - GENERAL**

For Status: Rejected: No Date of Birth

	Application #	Voted Precinct
1	386	ATHENS 1-4
2	707	ATHENS 2-1
Total For Status: Rejected: No Date of Birth		2

**For ATHENS COUNTY OHIO
Election: 11/08/22 - GENERAL**

For Status: Rejected: Invalid Address

	Application #	Voted Precinct	
1	336	ATHENS 1-3	MISC WORKER
2	592	ATHENS 1-4	MISC WORKER
3	701	ATHENS 2-1	MISC WORKER
4	1032	ATHENS 2-5	MISC WORKER
5	1054	ATHENS 2-5	MISC WORKER
6	1019	ATHENS 2-5	MISC WORKER
7	472	ATHENS 3-2	MISC WORKER
8	917	ATHENS 4-4	MISC WORKER
9	914	ATHENS 4-4	MISC WORKER
10	899	ATHENS 4-5	MISC WORKER
11	1051	ATHENS 4-5	MISC WORKER
12	898	ATHENS 4-5	MISC WORKER
13	1035	ATHENS 4-5	MISC WORKER
14	560	MILLFIELD	MISC WORKER
15	287	YORK TOWNSHIP	MISC WORKER
Total For Status: Rejected: Invalid Address		15	

**For ATHENS COUNTY OHIO
Election: 11/08/22 - GENERAL**

For Status: Rejected: No ID/NOT in Alloted Time

	Application #	Voted Precinct
1	900	ATHENS 4-5

Total For Status: Rejected: No ID/NOT in Alloted Time 1

**For ATHENS COUNTY OHIO
Election: 11/08/22 - GENERAL**

For Status: Rejected: Invalid ID

	Application #	Voted Precinct
1	1058	ATHENS 2-5
2	199	ATHENS 3-5
3	229	ATHENS 4-4
Total For Status: Rejected: Invalid ID		3

**For ATHENS COUNTY OHIO
Election: 11/08/22 - GENERAL**

For Status: Rejected: Voter Not Registered

	Application #	Voted Precinct	
1	539	ATHENS 1-4	
2	462	ATHENS 1-4	
3	580	ATHENS 1-4	
4	588	ATHENS 1-4	
5	474	ATHENS 1-4	
6	452	ATHENS 1-4	
7	398	ATHENS 1-4	
8	584	ATHENS 1-4	
9	400	ATHENS 1-4	
10	458	ATHENS 1-4	
11	449	ATHENS 1-4	
12	420	ATHENS 1-4	
13	429	ATHENS 1-4	
14	432	ATHENS 1-4	
15	582	ATHENS 1-4	
16	384	ATHENS 1-4	
17	439	ATHENS 1-4	
18	482	ATHENS 1-4	MISC WORKER
19	523	ATHENS 1-4	
20	700	ATHENS 2-1	
21	814	ATHENS 2-1	
22	693	ATHENS 2-1	
23	683	ATHENS 2-1	
24	711	ATHENS 2-1	
25	859	ATHENS 2-1	
26	660	ATHENS 2-1	
27	220	ATHENS 2-2	
28	661	ATHENS 2-3	ATHENS 3-5
29	1049	ATHENS 2-5	
30	993	ATHENS 2-5	
31	159	ATHENS 2-5	
32	11	ATHENS 2-5	
33	1067	ATHENS 2-5	
34	387	ATHENS 3-1	
35	297	ATHENS 3-1	
36	244	ATHENS 3-2	
37	481	ATHENS 3-3	
38	718	ATHENS 3-5	
39	24	ATHENS 4-2	
40	25	ATHENS 4-2	
41	819	ATHENS 4-3	

**For ATHENS COUNTY OHIO
Election: 11/08/22 - GENERAL**

For Status: Rejected: Voter Not Registered

	Application #	Voted Precinct
42	29	ATHENS 4-3
43	869	ATHENS 4-4
44	865	ATHENS 4-4
45	906	ATHENS 4-4
46	879	ATHENS 4-4
47	1053	ATHENS 4-5
48	902	ATHENS 4-5
49	108	ATHENS 4-5
50	988	ATHENS 4-5
51	913	ATHENS 4-5
52	995	ATHENS 4-5
53	1013	ATHENS 4-5
54	904	ATHENS 4-5
55	956	ATHENS 4-5
56	905	ATHENS 4-5
57	825	NELSONVILLE 2
58	762	AMES TOWNSHIP
59	751	AMES TOWNSHIP
60	105	MILLFIELD
61	370	TROY EAST
62	349	TROY WEST

Total For Status: Rejected: Voter Not Registered

62

**For ATHENS COUNTY OHIO
Election: 11/08/22 - GENERAL**

For Status: Rejected: Wrong Precinct/Right Poll

	Application #	Voted Precinct	
1	264	ATHENS 1-1	ATHENS 1-2
2	571	ATHENS 1-4	ATHENS 2-5
3	845	ATHENS 2-1	ATHENS 1-4
4	987	ATHENS 2-5	ATHENS 1-4
5	363	ATHENS 3-1	ATHENS 3-3
6	385	ATHENS 3-1	ATHENS 3-2
7	499	ATHENS 3-3	ATHENS 3-1
8	688	ATHENS 3-4	ATHENS 3-5
9	1009	ATHENS 4-5	ATHENS 4-4
10	1023	ATHENS 4-5	ATHENS 2-5
11	1044	ATHENS 4-5	ATHENS 2-1
12	1031	ATHENS 4-5	ATHENS 2-5
13	1006	ATHENS 4-5	ATHENS 2-1
14	954	ATHENS 4-5	ATHENS 4-4
15	1020	ATHENS 4-5	ATHENS 1-4
16	615	CANAAN TOWNSHIP	ATHENS 4-1
17	464	ROME TOWNSHIP	CARTHAGE TOWNSHIP
18	328	NEW MARSHFIELD	WATERLOO
19	319	NEW MARSHFIELD	WATERLOO
20	322	WATERLOO	NEW MARSHFIELD
Total For Status: Rejected: Wrong Precinct/Right Poll		20	

For ATHENS COUNTY OHIO
Election: 11/08/22 - GENERAL

For Status: Rejected: Wrong Precinct/Wrong Poll

	Application #	Voted Precinct	
1	1042	ATHENS 2-5	ATHENS 3-2
Total For Status: Rejected: Wrong Precinct/Wrong Poll		1	



SUPPLEMENTAL INFORMATION DURING SEVEN-DAY PERIOD

A provisional voter who failed to provide identification on Election Day may appear at the board of elections and provide identification during the seven days following the election.³¹

A provisional voter who has been challenged and needs to provide information to resolve the challenge also may appear at the board of elections and provide information during the seven days following the election.³²

BOARD MEMBERS VOTE ON ELIGIBILITY

It is important to remember that only the board members themselves can determine the validity of each provisional ballot. The board must, by a majority vote, determine whether to accept and count – or whether to reject and not count – each and every provisional ballot in a properly-noticed, public meeting.

OPENED AND COUNTED IN OFFICIAL CANVASS

No provisional ballot envelope may be opened and no provisional ballot may be counted until the board has voted on the eligibility of each and every provisional ballot cast in the election.³³

The opening of provisional ballot envelopes and the counting of provisional ballots cannot begin until the start of the official canvass, which may begin no earlier than the 11th day following the election.³⁴

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

Section 8.04 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.

Step 1: Determine whether the affirmation statement on the provisional ballot envelope contains each of the following five items:

1. Voter's printed name;

³¹ R.C. 3505.181(B)(7).

³² R.C. 3505.181(B)(7).

³³ R.C. 3505.183(F).

³⁴ R.C. 3505.32(A).

³⁵ R.C. 3505.32(A).

- 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 met all of the other requirements of division (B)(3) of R.C. 3505.183.³⁸ If the ballot falls into this exception, proceed to Step 2.

Step 2: Determine whether the provisional voter indicated on the affirmation statement showed an acceptable form of identification to the precinct election official or whether the provisional voter provided at least one of the following on the affirmation statement: The last four digits of the voter's Social Security number, the voter's driver license number, or state identification card number.

- If the voter indicated on the affirmation statement that they showed the precinct election official one of the acceptable forms of identification, proceed to Step 3.³⁹
- If the voter provided identification on the affirmation statement, and the number (or, if a driver license or state identification card number, the combination of letters and numbers) provided is not different from the number that is contained in the Statewide Voter Registration Database, proceed to Step 3.⁴⁰
- If the voter provided identification on the affirmation statement but that identification is different from what is contained in the Statewide Voter Registration Database (i.e., the number or, if a driver license or state identification

³⁶ R.C. 3505.183(B)(1)(a)(ii).
³⁷ R.C. 3505.183(B)(1)(a)(i).
³⁸ R.C. 3505.183(B)(1)(a)(ii).
³⁹ R.C. 3505.181(B)(3).
⁴⁰ R.C. 3505.183(B)(3)(d).

card number, the combination of letters and numbers, provided is different), the board must reject the provisional ballot.⁴¹

- If the voter did not provide identification on the affirmation statement or did not indicate that they showed an acceptable form of identification to the precinct election official but returned to board of elections within seven days after the election and provided one of the acceptable forms of voter identification, proceed to Step 3.⁴²
- If the voter did not provide identification on the provisional ballot affirmation, did not indicate on the affirmation statement that they showed the precinct election official an acceptable form of identification, and did not return to the board within the seven days after the election to remedy the missing item, the board must reject the provisional ballot.⁴³

Step 3: Determine whether the board can verify the identity of the voter based on the information provided on the provisional ballot affirmation or provided by the voter within the seven-day period.

- If the board can verify the identity of the voter based upon the information provided on the provisional ballot affirmation and/or provided by the voter within seven days of the election, proceed to Step 4.
- If the board cannot verify the identity of the voter based upon the information provided on the provisional ballot affirmation and/or the information provided by the voter within seven days of the election, the board must reject the provisional ballot.⁴⁴

Note: To verify identity, the board must 1) conduct at least one "wildcard" search of the county's local voter registration database, if available, 2) conduct a voter query of the Statewide Voter Registration Database using 'Search by Driver License Number' and 3) conduct at least one voter query of the Statewide Voter Registration Database by entering as much or as little information as is available using 'Search by Name.' Once a board has successfully identified a voter with one search, it is not necessary to conduct the additional queries.

⁴¹ R.C. 3505.183(B)(4)(a)(vii).

⁴² R.C. 3505.183(B)(3)(c).

⁴³ R.C. 3505.183(B)(4)(a)(vii).

⁴⁴ R.C. 3505.183(B)(4)(b)(i); *State ex rel. Skaggs v. Brunner* (2008), 120 Ohio St. 3d 506.

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)(B).