

Minutes
Athens County Board of Elections
Regular Meeting
November 15, 2023, 3:30 pm

The Athens County Board of Elections met on November 15, 2023 at 3:30 pm at the board office. The meeting was called to order by Board Chair Pettey, 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 and Debbie Schmeiding from the League of Women Voters.

Mr. Pettey led the pledge.

Director Quivey provided an update that 49 Absentee ballots were returned after Election Day within the 4-day period that are countable. 2 UOCAVA ballots were also returned after Election Day and within the 4-day period and are countable. Total of 51 Absentee ballots will be added to the Official Count.

Motion 2023:11:03 (Attachment 1)

Mr. Van Meter moved, seconded by Mrs. Carpenter-Colvin to reject and not count the 1 absentee ballot that no 11-S Form was returned as presented by Director Quivey. Motion passed unanimously.

Motion 2023:11:04 (Attachment 1)

Ms. McGuckin moved, seconded by Mr. Van Meter to reject and not count the 4 absentee ballots that were received after Election Day with a postmark on Election Day or after as presented by Director Quivey. Motion passed unanimously.

Motion 2023:11:05 (Attachment 1)

Mr. Van Meter moved, seconded by Mrs. Carpenter-Colvin to reject and not count the 4 absentee ballots that were received without an Identification Envelope as presented by Director Quivey. Motion passed unanimously.

Director Quivey then provided information regarding 2 absentee ballots that were returned to the office undeliverable from the US Postal Service.

Motion 2023:11:06 (Attachment 2)

Mrs. Carpenter-Colvin moved, seconded by Mr. Van Meter to accept and count the 1013 provisional ballots that were received, reviewed and are acceptable for the November 7, 2023 General Election as presented by Director Quivey. Motion passed unanimously.

Motion 2023:11:07 (Attachment 2)

Ms. McGuckin moved, seconded by Mrs. Carpenter-Colvin to reject, not count and refer to the Prosecutors Office for double voting the 1 provisional ballot that the voter requested and returned an absentee ballot from Cuyahoga County and then voted a provisional ballot at the polling location on Election Day in Athens County as presented by Director Quivey. Motion passed unanimously.

Motion 2023:11:08 (Attachment 2)

Mr. Van Meter moved, seconded by Ms. McGuckin to reject, not count and refer to the Prosecutors Office for double voting the 1 provisional ballot that the voter requested and returned an absentee ballot from Montgomery County and then voted a provisional ballot at the polling location on Election Day in Athens County as presented by Director Quivey. Motion passed unanimously.

Motion 2023:11:09 (Attachment 2)

Ms. McGuckin moved, seconded by Mrs. Carpenter-Colvin to reject, not count and refer to the Prosecutors Office for double voting the 1 provisional ballot that the voter voted an absentee ballot in our office on 10/13/2023 and then voted a provisional ballot at the polling location on Election Day in Athens County as presented by Director Quivey. Motion passed unanimously.

Motion 2023:11:10 (Attachment 2)

Mr. Van Meter moved, seconded by Mrs. Carpenter-Colvin to reject and not count the 1 provisional ballot that failed to sign the provisional envelope as presented by Director Quivey. Motion passed unanimously.

Motion 2023:11:11 (Attachment 2)

Mr. Van Meter moved, seconded by Ms. McGuckin to reject and not count the 1 provisional ballot that failed to print full name on the provisional envelope as presented by Director Quivey. Motion passed unanimously.

Motion 2023:11:12 (Attachment 2)

Mrs. Carpenter-Colvin moved, seconded by Ms. McGuckin to reject and not count the 1 provisional ballot that returned their absentee that was requested by mail as presented by Director Quivey. Motion passed unanimously.

Motion 2023:11:13 (Attachment 2)

Mr. Van Meter moved, seconded by Mrs. Carpenter-Colvin to reject and not count the 33 provisional ballot that failed to provide a current valid address as presented by Director Quivey. Motion passed unanimously.

Motion 2023:11:14 (Attachment 2)

Mr. Van Meter moved, seconded by Mrs. Carpenter-Colvin to reject and not count the 1 provisional ballot that failed to sign the provisional envelope as presented by Director Quivey. Motion passed unanimously.

Motion 2023:11:15 (Attachment 2)

Mrs. Carpenter-Colvin moved, seconded by Ms. McGuckin to reject and not count the 90 provisional ballots that were not registered anywhere in the State of Ohio as presented by Director Quivey. Motion passed unanimously.

Motion 2023:11:16 (Attachment 2)

Mr. Van Meter moved, seconded by Mrs. Carpenter-Colvin to reject and not count the 29 provisional ballot that failed to provide a valid photo ID by the 4th day after Election Day as presented by Director Quivey. Motion passed unanimously.

Motion 2023:11:17 (Attachment 2)

Mrs. Carpenter-Colvin moved, seconded by Ms. McGuckin to accept and remake the 11 provisional ballots that were cast in the wrong precinct but right polling location as presented by Director Quivey. Motion passed unanimously.

Motion 2023:11:18 (Attachment 2)

Ms. McGuckin moved, seconded by Mr. Van Meter to reject and not count the 6 provisional ballots that were cast in the wrong polling location and wrong precinct as presented by Director Quivey. Motion passed unanimously.

Deputy Director Quivey provided information regarding a provisional ballot that would have been countable that was run through the DS200 on Election Day in Error.

Motion 2023:11:19

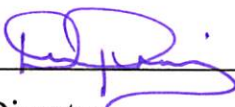
Mrs. Carpenter-Colvin moved, seconded by Mr. Van Meter to allow the office staff to have 5 paid vacation days to use between today and December 31, 2023 at the discretion of the Director and Deputy Director and the office would remain open for the Holiday season. Motion passed unanimously.

Deputy Director Brooks provided a reminder that we will pick precincts for the Audit at the Official Count meeting and that December 20th, 2023 is the filing deadline for the 2024 Primary Election.

Deputy Director Brooks also gave an update on the 2024 budget hearing that was reviewed with the commissioners.

Motion 2023:11:20

Mr. Van Meter moved, seconded by Mrs. Carpenter-Colvin to adjourn. Motion passed unanimously.



Director



Chair

**Absentee Approval & Disputed
November 7, 2023 General Election**

Countable Absentees

- 49 Absentee received after Election and Countable
- 2 UOCAVA received after Election and Countable

No 11-S Form Returned

- Shirley Fulk – Circle Hill

Received too Late, Postmarked on or After Election Day

- Annette Marie Mitera- Canaan Township
- Mark Mitera – Canaan Township
- Emma La Cour Dabelko – Athens 2-4
- Max Wilson Carney – Rome Township

No ID Envelopes Returned

- William Kern – Albany Village
- Linda Kern – Albany Village
- John Williams – Lodi Township
- Patricia Williams – Lodi Township

Returned Undeliverable

- Michael R Miltner - Albany Village
- Shelby Christine Carlson – Alexander East

Apart from those presenting valid identification and voting in-person immediately, Ohio law requires all absentee voters to place their ballot in the ID envelope and seal the envelope. The board of elections must clearly indicate that the ballot must be sealed within the ID envelope in order to count. If the board receives an absentee ballot that is not sealed in its identification envelope, the board must seal the envelope. If the ballot is not inside the identification envelope, avoid looking at the markings on the ballot, and place the ballot in the identification envelope and seal it.

At the close of early in-person absentee voting each day, a bipartisan team of board of elections' employees must secure all pollbooks, voting equipment, voted ballots, and ballot boxes. The pollbooks, voting equipment, voted ballots, and ballot boxes must be stored in a manner that prevents unauthorized access. Prior to the start of early in-person absentee voting each day, a bipartisan team of board of elections' employees must inspect all voting equipment and ballot boxes to ensure that all tamper-evident seals are intact. The board must program its voting equipment to utilize all available security features, such as the use of a password to open or close the equipment. As a reminder, each board must ensure that when any voting machine is powered-down after the close of early in-person absentee voting each day, the machine does not tabulate any votes cast on it.

~~INCOMPLETE OR NON-CONFORMING IDENTIFICATION ENVELOPE~~¹¹⁴

Whenever a board of elections receives an absentee ballot identification envelope that is missing required information or that contains information that does not conform to the voter's registration record, and the board of elections cannot determine the voter's eligibility without the missing or nonconforming information (see Section 1.07 below), the board of elections must promptly contact the absentee voter to give the voter an opportunity to supplement the voter's identification envelope so the voter's ballot can be tabulated. The board must meet this requirement by issuing Secretary of State Form 11-S to the voter.¹¹⁵ Boards must include a courtesy reply envelope (pre-addressed return envelope) with every Secretary of State Form 11-S issued. When a telephone number or email address is available, boards must use that contact information to quickly notify the voter about the deficiency on their ID envelope. The voter must provide the necessary information in writing on Form 11-S, either by in person delivery or by mail.¹¹⁶

¹¹⁴ Please note that pursuant to a court order, if the nature of the non-matching information is such that an absentee voter provided the number above their picture and not the driver license number (two alphabet letters followed by six numbers), the Board must notify the voter of such error by telephone or in writing, within 2 business days of receiving the application or voted ballot. The voter so notified must be permitted to appear in person at the office of the Board to provide the correct information. In the case of a returned absent voter's ballot, the voter shall have until the 10th day after the election to provide this information to enable their ballot to be counted. See Directive 2008-80.

¹¹⁵ See Election Official Manual Chapter 5, pages 30-32 and 35-37

¹¹⁶ R.C. 3509.06(D)(3)(b)

Secretary of State Form 11-S provides spaces for a board of elections to print the voter's name and registration address, and to identify for the voter the specific information that is missing or in error (the "nature of the defect") on the voter's absentee ballot identification envelope. The voter need only provide the information that cures the defect when returning a completed Form 11-S and does not need to sign and date Form 11-S, unless the voter's signature on the voter's absentee ballot identification envelope was omitted or did not reasonably match the voter's signature on file with the board of elections.

In the event that the board issues Form 11-S because the voter's driver license number or last four digits of the voter's Social Security number provided on the identification envelope does not match the information as recorded in the statewide voter registration database, and the voter completes and returns Form 11-S with the same information provided on the identification envelope, the board must review its voter registration records – including original paper records if necessary – prior to the 10th day before the election to determine whether the mismatch is a result of data entry error.

Whenever a voter has requested the voter's absentee ballot to be mailed by the board of elections to an address other than the address at which the voter is registered to vote, and the voter's absentee ballot identification envelope is "defective," the board must issue Form 11-S to both the address at which the voter is registered to vote and the address to which the voter had requested the voter's absentee ballot be mailed by the board.¹¹⁷

Boards of elections must adhere to the following schedule when reviewing completed absentee ballot identification envelopes and issuing Form 11-S to absentee voters:

- Form 11-S must be issued not later than two business days after a "defective" absentee ballot identification envelope is received by the board from the start of absentee voting through the third Saturday prior to an election;
- Form 11-S must be issued not later than one calendar day after a "defective" absentee ballot identification envelope is received by the board of elections between the third Monday and last Friday prior to an election; and
- Form 11-S must be issued on the same day that a "defective" absentee ballot identification envelope is received by the board of elections between the Saturday prior to an election and through the 6th day following an election.

For purposes of this section, "issued" means that Form 11-S has been presented by the board of elections to the USPS, with accurate first-class postage affixed by the board of elections necessary for first-class delivery.

¹¹⁷ 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 two employees, not of the same political party, to the voter to provide assistance. *Ray v. Franklin County Board of Elections* Case No. 2:08-CV-1085, 2008 WL 4966759 (S.D. Ohio Nov. 17, 2008).

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

¹²⁰ R.C. 3509.06(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)(ii).

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

¹³⁰ R.C. 3509.06(D)(3)(a)(v)(i).

¹³¹ R.C. 3509.06(D)(3)(a)(v)(ii).

¹³² R.C. 3509.06(D)(3)(a)(v)(iii).

Attachment 2 - Motion 2023:11:06 through 2023:11:18

**For ATHENS COUNTY OHIO
Election: 11/07/23 - GENERAL**

For Status: Pending Review

	Application #	Voted Precinct	
1	1088	ATHENS 1-3	
2	514	ATHENS 1-4	ATHENS 1-5
3	541	ATHENS 1-4	
Total For Status: Pending Review			3

**For ATHENS COUNTY OHIO
Election: 11/07/23 - GENERAL**

For Status: Rejected - Failed To Sign Envelope

	Application #	Voted Precinct
1	478	ATHENS 1-4
Total For Status: Rejected - Failed To Sign Envelope		1

**For ATHENS COUNTY OHIO
Election: 11/07/23 - GENERAL**

For Status: Rejected - Failed To Print Full Name On

	Application #	Voted Precinct	
1	365	ATHENS 1-1	
Total For Status: Rejected - Failed To Print Full Name On			1

**For ATHENS COUNTY OHIO
Election: 11/07/23 - GENERAL**

For Status: Rejected - Voter Already Voted

	Application #	Voted Precinct	
	1 984	ATHENS 4-1	
Total For Status: Rejected - Voter Already Voted			1

**For ATHENS COUNTY OHIO
Election: 11/07/23 - GENERAL**

For Status: Rejected - Failed To Provide The Current

	Application #	Voted Precinct	
1	461	ATHENS 1-4	MISC WORKER
2	611	ATHENS 2-1	MISC WORKER
3	1163	ATHENS 2-5	MISC WORKER
4	648	ATHENS 2-5	MISC WORKER
5	656	ATHENS 2-5	MISC WORKER
6	1164	ATHENS 2-5	MISC WORKER
7	1165	ATHENS 2-5	MISC WORKER
8	1167	ATHENS 2-5	
9	1169	ATHENS 2-5	
10	1171	ATHENS 2-5	MISC WORKER
11	1174	ATHENS 2-5	
12	1177	ATHENS 2-5	
13	1178	ATHENS 2-5	
14	1180	ATHENS 2-5	
15	1181	ATHENS 2-5	
16	1183	ATHENS 2-5	
17	1184	ATHENS 2-5	
18	1185	ATHENS 2-5	
19	796	ATHENS 3-1	MISC WORKER
20	1166	ATHENS 3-3	MISC WORKER
21	1168	ATHENS 4-4	MISC WORKER
22	1170	ATHENS 4-4	MISC WORKER
23	1173	ATHENS 4-4	MISC WORKER
24	845	ATHENS 4-4	MISC WORKER
25	1175	ATHENS 4-4	MISC WORKER
26	1172	ATHENS 4-4	MISC WORKER
27	1176	ATHENS 4-4	MISC WORKER
28	875	ATHENS 4-5	MISC WORKER
29	1073	NELSONVILLE 4	MISC WORKER
30	436	CARTHAGE TOWNSHIP	MISC WORKER
31	1155	GLOUSTER VILLAGE	
32	1154	GLOUSTER VILLAGE	
33	423	COOLVILLE VLG	MISC WORKER
Total For Status: Rejected - Failed To Provide The Current		33	

For ATHENS COUNTY OHIO
Election: 11/07/23 - GENERAL

For Status: Rejected - Not Registered In State

	Application #	Voted Precinct
1	377	ATHENS 1-1
2	358	ATHENS 1-1
3	362	ATHENS 1-1
4	381	ATHENS 1-1
5	1106	ATHENS 1-3
6	1113	ATHENS 1-3
7	1123	ATHENS 1-3
8	476	ATHENS 1-4
9	466	ATHENS 1-4
10	503	ATHENS 1-4
11	507	ATHENS 1-4
12	483	ATHENS 1-4
13	537	ATHENS 1-4
14	488	ATHENS 1-4
15	528	ATHENS 1-4
16	542	ATHENS 1-4
17	570	ATHENS 2-1
18	573	ATHENS 2-1
19	588	ATHENS 2-1
20	594	ATHENS 2-1
21	602	ATHENS 2-1
22	599	ATHENS 2-1
23	603	ATHENS 2-1
24	586	ATHENS 2-1
25	595	ATHENS 2-1
26	647	ATHENS 2-1
27	651	ATHENS 2-1
28	617	ATHENS 2-1
29	658	ATHENS 2-1
30	664	ATHENS 2-1
31	1006	ATHENS 2-4
32	666	ATHENS 2-5
33	669	ATHENS 2-5
34	679	ATHENS 2-5
35	688	ATHENS 2-5
36	711	ATHENS 2-5
37	729	ATHENS 2-5
38	735	ATHENS 2-5
39	767	ATHENS 2-5
40	798	ATHENS 2-5
41	790	ATHENS 3-2

**For ATHENS COUNTY OHIO
Election: 11/07/23 - GENERAL**

For Status: Rejected - Not Registered In State

	Application #	Voted Precinct	
42	797	ATHENS 3-2	
43	1042	ATHENS 3-4	
44	123	ATHENS 3-5	
45	3	ATHENS 4-2	
46	746	ATHENS 4-4	
47	766	ATHENS 4-4	
48	869	ATHENS 4-5	
49	900	ATHENS 4-5	
50	858	ATHENS 4-5	
51	871	ATHENS 4-5	
52	874	ATHENS 4-5	
53	906	ATHENS 4-5	
54	908	ATHENS 4-5	
55	913	ATHENS 4-5	
56	929	ATHENS 4-5	
57	944	ATHENS 4-5	
58	942	ATHENS 4-5	
59	1025	NELSONVILLE 1	
60	1053	NELSONVILLE 2	
61	1041	NELSONVILLE 3	
62	1031	NELSONVILLE 3	
63	1052	NELSONVILLE 4	MISC WORKER
64	1060	NELSONVILLE 4	
65	1062	NELSONVILLE 4	
66	1071	NELSONVILLE 4	
67	1065	NELSONVILLE 4	
68	1100	NELSONVILLE 4	
69	1081	AMES TOWNSHIP	BERN TOWNSHIP
70	1099	ATHENS BAKER	ATHENS SOUTH
71	1111	ATHENS SOUTH	
72	441	BERN TOWNSHIP	
73	426	CHAUNCEY VLG	
74	413	CIRCLE HILL	
75	416	MILLFIELD	
76	991	SUGAR CREEK	
77	1133	LEE TOWNSHIP	
78	1120	LEE TOWNSHIP	
79	1130	LODI TOWNSHIP	
80	1132	LODI TOWNSHIP	
81	1138	LODI TOWNSHIP	
82	1151	GLOUSTER VILLAGE	

**For ATHENS COUNTY OHIO
Election: 11/07/23 - GENERAL**

For Status: Rejected - Not Registered In State

	Application #	Voted Precinct
83	440	TRIMBLE TOWNSHIP
84	438	TRIMBLE TOWNSHIP
85	420	COOLVILLE VLG
86	403	NEW MARSHFIELD
87	402	NEW MARSHFIELD
88	6	WATERLOO
89	397	BUCHTEL VLG
90	393	YORK TOWNSHIP
Total For Status: Rejected - Not Registered In State		90

For ATHENS COUNTY OHIO
Election: 11/07/23 - GENERAL

For Status: Rejected - Failed To Provide Id

	Application #	Voted Precinct
1	382	ATHENS 1-1
2	383	ATHENS 1-2
3	1159	ATHENS 1-4
4	523	ATHENS 1-4
5	1160	ATHENS 1-4
6	548	ATHENS 1-4
7	945	ATHENS 2-2
8	1161	ATHENS 2-5
9	84	ATHENS 2-5
10	1162	ATHENS 2-5
11	1179	ATHENS 3-4
12	975	ATHENS 3-6
13	722	ATHENS 4-4
14	1182	ATHENS 4-4
15	776	ATHENS 4-4
16	1186	ATHENS 4-4
17	1187	ATHENS 4-4
18	1029	NELSONVILLE 1
19	1028	NELSONVILLE 3
20	1044	NELSONVILLE 3
21	1045	NELSONVILLE 4
22	1043	NELSONVILLE 4
23	451	PLAINS 1
24	429	CARTHAGE TOWNSHIP
25	437	CHAUNCEY VLG
26	1188	CHAUNCEY VLG
27	12	LEE TOWNSHIP
28	1124	LODI TOWNSHIP
29	435	COOLVILLE VLG
Total For Status: Rejected - Failed To Provide Id		29

**For ATHENS COUNTY OHIO
Election: 11/07/23 - GENERAL**

For Status: Accept Partial Ballot – Correct Poll/wro

	Application #	Voted Precinct	
1	591	ATHENS 2-1	ATHENS 4-4
2	754	ATHENS 2-5	ATHENS 2-1
3	759	ATHENS 2-5	ATHENS 2-1
4	793	ATHENS 2-5	ATHENS 4-5
5	801	ATHENS 2-5	ATHENS 2-1
6	734	ATHENS 4-4	ATHENS 4-5
7	737	ATHENS 4-4	ATHENS 4-5
8	760	ATHENS 4-4	ATHENS 4-5
9	873	ATHENS 4-5	ATHENS 1-4
10	1022	NELSONVILLE 2	
11	1085	AMES TOWNSHIP	AMESVILLE VLG
Total For Status: Accept Partial Ballot – Correct Poll/wro		11	

**For ATHENS COUNTY OHIO
Election: 11/07/23 - GENERAL**

For Status: Rejected - Wrong Precinct And Wrong Poll

	Application #	Voted Precinct	
1	672	ATHENS 2-1	ATHENS 3-2
2	832	ATHENS 3-3	ATHENS 4-4
3	1026	ATHENS 3-4	ATHENS 3-6
4	1037	NELSONVILLE 3	NELSONVILLE 1
5	1093	NELSONVILLE 4	YORK TOWNSHIP
6	391	YORK TOWNSHIP	NELSONVILLE 4
Total For Status: Rejected - Wrong Precinct And Wrong Poll		6	

Mandatory Step-by-Step Process for Examining Provisional Ballots

Due to recent changes in law governing provisional ballots, boards must follow the step-by-step instructions below for examining provisional ballots to determine the eligibility of a provisional ballot to be counted. These instructions are an addendum to Directive 2023-19 for the November 7, 2023 General Election Canvass.

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 statement that they have shown photo identification to the election official.~~

- If the affirmation statement contains all five of the required items, proceed to Step 2.
- With two exceptions below, if the affirmation statement does not contain all five of the required items, the board must reject the provisional ballot.

***Exception 1:** 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 RC 3505.183(B)(3). If the ballot falls into this exception, proceed to Step 2.

***Exception 2:** If the voter did not provide photo identification as marked in Section 5 of the Provisional Ballot Affirmation but completed an affidavit of religious objection (Form 12-O), proceed to Step 3.

Step 2: Determine whether the provisional voter provided at least one of the following types of unexpired photo identification:

1. Driver's license, state ID card, or interim ID form issued by the Ohio Bureau of Motor Vehicles. (Please note that the voter must also write in the full driver's license or state ID card number on the Provisional Ballot Affirmation, Section 5, in addition to showing the photo identification, if any of these identification types are used);
2. Passport or passport card; or
3. U.S. military ID card; Ohio National Guard ID card; or U.S. Department of Veterans Affairs ID card.

Replaces Section 8.04 of the Election Official Manual (starting on page 246).

Mandatory Step-by-Step Process for Examining Provisional Ballots

- If the voter indicated on the affirmation statement that they showed the precinct election official one of the acceptable forms of photo identification, and documents that fact on the *Provisional Ballot Affirmation*, proceed to Step 4.
- If the voter provided a driver's license or state ID card number, and the combination of letters and numbers provided is identical to the number that is contained in the Statewide Voter Registration Database, proceed to Step 4.
- If the voter provided a driver's license or state ID card number, and the combination of letters and numbers) provided is different from what is contained in the Statewide Voter Registration Database, the board must reject the provisional ballot.
- If the voter did not provide photo identification per the *Provisional Ballot Affirmation, Section 5*, but completed the *Registration Update*, the board shall update the voter's registration, but shall reject the provisional ballot.

**Exception for Disabled/Confined Provisional Voter:* If a disabled/confined voter with an unreported change of address or name casts a provisional ballot pursuant to R.C. 3503.16(G), they are subject to the same ID requirements as a voter who casts an absentee ballot by mail. Therefore, if the voter provides a form of ID under either Section 5 or 6 of the Provisional Ballot Affirmation, the ballot may be eligible for counting. Proceed to Step 4.
- If the voter did not provide valid photo identification per the *Provisional Ballot Affirmation, Section 5*, but returned to the board of elections within four days after the election and provided valid photo identification, proceed to Step 4.
- If the voter did not provide photo identification per the *Provisional Ballot Affirmation, Section 5*, and did not return to the board within the four days after the election to remedy the missing item, the board must reject the provisional ballot.

Step 3: Religious Objection Exception to Photo Identification Requirement

- If a voter does not have photo identification because of a religious objection to being photographed, the precinct election official or board staff must provide the voter an affidavit of religious objection (Form 12-O). This can occur either when the voter casts the provisional ballot or at the office of the board, no later than the fourth day after Election Day (Monday, November 13, 2023). Election officials must attach this affidavit to the provisional ballot affirmation.
- If the last four digits of the voter's social security number, as provided on the affidavit, do not match those digits in the Statewide Voter Registration Database, the affidavit of religious objection is invalid and the board must reject the provisional ballot.
- If the voter has not been issued a social security number, the voter must indicate "none" on the line for last four digits of the social security number. If the voter does not have a social security number, none will appear in the statewide voter registration system, and the affidavit is still valid.

Replaces Section 8.04 of the Election Official Manual (starting on page 246)

Mandatory Step-by-Step Process for Examining Provisional Ballots

- The board must transmit information from the completed affidavit of religious objection to the Secretary's Office no later than the close of business on the fourth day after Election Day (Monday, November 13, 2023).
- The Secretary's Office reviews records from the Bureau of Motor Vehicles' ("BMV's") database to determine whether the BMV issued an unexpired photo ID to that voter.

The Secretary of State will notify the board of the results no later than the seventh day after Election Day.

- If the Secretary of State determines that the BMV has issued an unexpired photo ID to the voter, the affidavit of religious objection is invalid, and the board must reject the provisional ballot.
- If the Secretary of State determines that the BMV has not issued an unexpired photo ID, the affidavit of religious objection is valid and the board must proceed to Step 4.

Step 4: 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 four-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 four days of the election, proceed to Step 5. Otherwise, the board must reject the provisional ballot.

Important: To verify identity, the board must: 1) conduct at least one "wildcard" search of voter query, by placing the % sign after a partial name (i.e., "Jeff%" to return "Jeffrey"); 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 additional queries.

Step 5: 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 6. Otherwise, the board must reject the provisional ballot.

Important: As noted in Chapter 8, Section 8.06 of the Election Official Manual, the "APRI Exception" for unregistered voters was in effect only through December 31, 2022. The APRI Exception no longer applies to provisional voters whose registration was cancelled pursuant to the Supplemental Process.

Replaces Section 8.04 of the Election Official Manual (starting on page 246)

Mandatory Step-by-Step Process for Examining Provisional Ballots

Step 6: Determine whether the voter is a resident of the county and precinct in which the voter offers to vote.

- If the voter is a resident of the county and precinct in which the provisional ballot was cast, proceed to Step 7.
- 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 7.
- 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.
- 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 in the 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.
- If the voter cast the provisional ballot in the wrong precinct and wrong polling location, the board must reject the provisional ballot.

Step 7: Determine whether the voter already requested and cast a ballot in the election.

- If the voter has not cast another ballot, count the provisional ballot.
- If the voter has requested and cast an absentee ballot, and neither of the following exceptions apply, the board must reject the provisional ballot.

Exception 1: The board of elections shall count the provisional ballot instead of the absentee ballot if the board determines that the absentee ballot is invalid because the elector's signature on the absentee voter's identification envelope does not match the signature on file with the board of elections.

Exception 2: The board of elections shall count the provisional ballot instead of the absentee ballot if the board does not receive the voter's absentee ballot by the fourth day following the election (Monday, November 13, 2023).

Replaces Section 8.04 of the Election Official Manual (starting on page 246)