

Proposed New Directive No. 2004-_____
October 18, 2004

ALL COUNTY BOARDS OF ELECTIONS

The ability of Ohio voters to cast a provisional ballot existed prior to the enactment of the Help America Vote Act of 2002 (HAVA), as noted in Directive 2004-33. Provisional balloting as mandated by HAVA does not, however alter Ohio's long-standing precinct-based voting system, as defined in R.C. 3503.01. HAVA requires states to provide voters with a provisional ballot if certain conditions are met, as outlined below. The validity of such votes shall be determined in accordance with state law eligibility requirements before any vote is counted.

This Directive provides guidance to County Boards of Elections regarding how provisional ballots must be issued and cast. All poll workers should receive training on the contents of this Directive and be advised to contact your offices if they need additional information or have questions related to provisional voting. This Directive, or a summary thereof, should be included in each poll worker handbook and be available to poll workers as a resource on Election Day.

No voter should be turned away from the polling place without being given an opportunity to cast a vote; however, all efforts should be made to direct the voter to the proper precinct, the board of elections, and any regional centers designated by the board of elections, in order for his or her vote to be counted.

For Voters Whose Names DO NOT Appear in the Official Poll Book:

Pursuant to Section 302 of HAVA, if a person declares he or she is a registered voter qualified to vote at that precinct but his or her name is not on the official list of eligible voters ("Roster"), that person may vote a provisional ballot. Any voter who does not appear on the Roster because he or she has moved or changed names should vote provisionally.

Casting a Provisional Ballot:

Provisional Ballots shall be (a different color/stamped with the word “Provisional” in large letters). Prior to voting the provisional ballot, the elector shall be required to sign an affidavit stating the following:

I do solemnly swear or affirm that my name is _____, that my date of birth is _____, and at the time that I registered I resided at _____ in the City of _____ in _____ County of the State of Ohio and that this is the only ballot that I cast in this election, except that if I have already cast an absentee ballot, such ballot will be voided and this ballot shall count if the county board of elections official verifies my eligibility. I understand that pursuant to Ohio law, if I am voting in a precinct other than my assigned precinct, my vote may not be counted.

Signature of Voter

Current Address

After the provisional ballot has been cast, the individual shall place it in a secrecy envelope. The individual shall place the secrecy envelope in the provisional ballot envelope and shall place his signature on the front of the provisional ballot envelope. The judge of elections shall affix the voter’s completed affidavit to the provisional ballot envelope. All provisional ballots shall remain sealed in their provisional ballot envelopes for return to the county board of elections.