

Issue	Response of the Office of the Ohio Secretary of State
Who makes the initial determination whether to accept a provisional ballot?	Board members should make decision. Staff members may segregate affirmation statements by problem, and then board can address segregated stacks. BUT, every ballot should be submitted to the board for a decision. (49:18-51:7.)
Do they match DOB with existing records?	Boards can check DOB against voter records to verify that person is eligible to vote. Done on case-by-case basis. (27:2-28:4.) Same thing for SSN and driver's license no. (28:5-16.)
Count ballot if no DOB?	Yes. Boards cannot reject based on absence of DOB. (27:2-9.)
Count ballot if voter gives park bench as address?	Addresses —If confirmation of registration notice is return undeliverable, poll books are marked so that staff members knows to verify current address. Voter would vote provisional ballot. Staff member verifies that address provided by voter is same as that on returned notice. BUT board could also drive out to see if there's a building there. Case-by-case basis depending on other information provided by voter. (41:24-45:4) Homeless voters can use bridge or park bench etc. as their address for voting. Voter will be flagged, though because confirmation notice will be returned undeliverable. They should count the ballot even if there's no building at the address given. (45:5-47:7.)
Count ballot if SSN but no ID after 10 days?	Not addressed.

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<p>Count ballot if poll worker forgets to sign form or doesn't write down information?</p>	<p>Not addressed.</p>
<p>What standard for checking signature matches?</p>	<p>In response to question, Wolfe says boards can use "whatever means necessary." Permitted procedures are in SoS's directives. (28:17-29:13.) Signature can be used to determine if person is qualified and to have the ballot counted. (30:12-31:5.)</p>

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Feasible to retrain poll workers if necessary?	<p>Won't need to train poll workers because poll workers can't count provisional ballots, and provisional ballots aren't counted on election day anyway. (57:11-18.)</p> <p>SoS has email system for communicating to boards, and SoS has used it successfully in the past to communicate court orders. (57:19-58:7.)</p>
Do poll workers play a role in deciding to accept or reject provisional ballots?	<p>No. Poll workers do not make the decision. (57:8-10.)</p>
Are there any circumstances under which they contact voter for clarification?	<p>Not addressed.</p>
Is there a county-created policy or process?	<p>Boards encouraged to adopt policies and have procedure in place "so that every ballot in their county is treated equally." (35:17-22.)</p> <p>Can't say whether boards' policies are same or different from each other. No knowledge as to whether it's possible. (36:23-37:20.)</p> <p>Process is up to the boards. This is SoS's position. (39:16-40:12.) SoS has not suggested sample or suggested policy to boards. (40:14-25.)</p>

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In RC 3505.183, apply the five-factor test, seven-factor test or both?	Boards must follow both (B)(3) and (B)(4)(a). (18:10-17.)
What is difference between "qualified" and "eligible" in 3505.183?	<p>Qualified = “person meets all of the qualifications to be a registered voter in Ohio.”—U.S. citizen, registered 30 days prior to election, 18 years old, not a felon. (20:16-21:6.) No further investigation after registration card complete and voter signs affirmation that they’re a U.S. citizen. (21:7-22:10.)</p> <p>If voter is properly registered, then he is qualified. (22:12-17.)</p> <p>Eligible = being able to vote a particular ballot based on where the voter resides (right precinct), BUT it also means that the voter is properly registered. (22:18-24:1.)</p>
What is the ultimate source of guidance? (SOS? Board discretion?)	<p>Re Cuyahoga “street exceptions” policy: “That’s the board’s determination to set up how they accept those registrations.” (47:8-20.)</p> <p>If board’s policy violates SoS directive, then SoS follows up to determine why they adopted policy against the directive. (47:22-48:6.)</p>
Other (anything else interesting)	<p>Wolfe has no role with the substance of directives on election law; she basically just sends them out. (5:15-6:15.)</p> <p>Wolfe states that she does not have sufficient knowledge to testify about voter fraud on behalf of the SoS. (8:19-9:8.)</p> <p>Wolfe states that she does not have sufficient knowledge to testify about burden faced by homeless voters on behalf of the SoS. (9:12-10:14.)</p> <p>There was a SoS directive from a former administration on homeless voters. (48:8-49:3.)</p>

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	<p>SoS has no estimate for provisional ballots for Nov. 2008 election. (52:4-12.)</p> <p>SoS considers guidance issued by EAC. (54:2-9.)</p>
<p>Standards in sec. 3505.183</p>	<p>“registered elector in the precinct in which they are casting their ballot” and completed affirmation statement are the “three main” requirements that Wolfe knows. (12:13-13:24.)</p> <p>Then she states: (1) name and signature, (2) affirmation that voter is registered “in that particular precinct,” and (3) eligible to cast a ballot. (15:2-8.)</p> <p>Then, properly registered (which = qualified), correct precinct (eligible), completed affirmation statement, and have not cast a ballot. (24:2-25:3.)</p> <p>Then, board needs to determine that voter is same person who registered to vote, but this is part of determining that they are properly registered. (25:4-26:2.) Board uses BMV match system to verify identity. (26:3-27:1.)</p> <p>Permissible means for determining whether to count ballots: (1) signature comparison, DOB, current or former address, driver’s license no., last 4 of SSN. Each board determines policy for which procedures to implement. (31:15-32:20.) They don’t have to examine all of above to determine if voter is registered and eligible. SoS’s directive sets forth this policy. Actual means used can vary by voter based on what info. the voter provides. (33:19-35:15.)</p> <p>(B)(3)—States that subsection does not provide additional requirements, “just laid out in different format with additional wording.” “[I]t still comes down to” (1) proper registration, (2) right precinct, and (3) affirmation statement. (15:24-17:3.)</p> <p>(B)(4)(a)—Wolfe identifies whether voter has already cast a ballot as an additional factor for rejection. (17:20-18:8.)</p> <p>(B)(4)(b)—Circumstances where boards cannot determine registration or qualified: (1) affirmation statement does not include sufficient info, (2) voter does not provide ID, or (3) voter records don’t indicate whether person should vote in given precinct. If they cannot determine, then ballot rejected. (19:12-20:12.)</p>