

DRAFT

Directive No. 2006-____
October ____, 2006

To: ALL COUNTY BOARDS OF ELECTIONS
Members, Directors & Deputy Directors

In House Bill 3, the Ohio General Assembly modified the language of R.C. §3505.20 as it relates to election day challenges of a person offering to vote. Under the new provisions of this statute, only election judges will be permitted to make challenges to a voter's qualifications.

One of the statutorily permitted bases for challenges is whether the voter is a citizen of the United States. See R.C. §3505.20(A). [*Secretary of State to insert details of case and Court's decision here.*]

In light of the Court's decision declaring certain provisions of §3505.20(A) unconstitutional and enjoining enforcement of those provisions, for purposes of the general election on November 7, 2006, and in the absence of legislative action to remedy the Court's decision, you are hereby instructed to instruct all judges of elections as follows:

If a person offering to vote is challenged by a judge of elections on the basis of citizenship pursuant to §3505.20, and after the presiding judge has tendered the required oath to the challenged voter, the judge shall put to that person the following questions:

- (1) Are you a citizen of the United States?
- (2) Are you a native or naturalized citizen?

If the person offering to vote answers the first question in the affirmative, and answers the second question by stating either "native" or "naturalized," the person shall be entitled to vote a regular ballot.

If you have any questions regarding this Directive, please contact the Elections Division at 614-466-xxxx.