

**SOURCES FOR LAW IN STATE EX REL. MYHAL V. BRUNNER**

CLAIM IN EXPEDITED PETITION	CITE	FULL TEXT OF CITE	ADDITIONAL INFORMATION
<p>“two federal courts have now clarified that [HAVA] requires the Secretary to provide country [sic] boards of elections with such meaningful access to the ‘mismatch’ data.”</p>	<p><i>Ohio Republican Party v. Brunner</i>, _ F.3d _, 2008 WL 4571959 (6th Cir. Oct. 14, 2008) (en banc); _ F. Supp. 2d ^ 2008 WL 4560772 (S.D. Ohio Oct. 9, 2008); <i>see also Brunner v. Ohio Republican Party</i>, □□□ U.S. (2008)</p>		
<p>To prevent registration fraud and vote dilution, HAVA requires each State to establish a statewide voter registration database (SWVRD) listing the names of registered voters and to "match" the information in that database with information in the database of the State Bureau of Motor Vehicles (BMV) "to verify the accuracy of the information provided on applications for voter registration." 42 U.S.C. § 15483.</p>	<p>42 U.S.C. § 15483.</p>	<p>Full text at Appendix A.</p> <p>15483(a)(5)(B) Requirements for state officials.-- (i) &lt;&lt;NOTE: Contracts.&gt;&gt; Sharing information in databases.--The chief State election official and the official responsible for the State motor vehicle authority of a State shall enter into an agreement to match information in the database of the statewide voter registration system with information in the database of the motor vehicle authority to the extent required to enable each such official to verify the accuracy of the information provided on applications for voter registration.</p>	
<p>Ohio passed implementing legislation further specifying that the SWVRD must be "continuously available to each board of elections," and must include a computer program that, among other things, (1) "harmonizes the records</p>	<p>R.C. 3503.15(A), (C)</p>	<p>Full text at Appendix B</p> <p>ORC 3503.15 (A) The secretary of state shall establish and maintain a statewide voter registration database that shall be continuously available to each board of elections and to other</p>	

<p>contained in the database with records maintained by each board of elections," (2) "allows access to the records contained in the database by each board of elections," and (3) includes a search program "capable of verifying registered voters and their registration information by name, driver's license number, birth date, social security number or, current address," R.C. 3503.15(A), (C).</p>		<p>agencies as authorized by law. . . .</p> <p>(C) The statewide voter registration database established under this section shall, at a minimum, include all of the following:</p> <p>(1) An electronic network that connects all board of elections offices with the office of the secretary of state and with the offices of all other boards of elections;</p> <p>(2) A computer program that harmonizes the records contained in the database with records maintained by each board of elections;</p> <p>(3) An interactive computer program that allows access to the records contained in the database by each board of elections and by any persons authorized by the secretary of state to add, delete, modify, or print database records, and to conduct updates of the database;</p> <p>(4) A search program capable of verifying registered voters and their registration information by name, driver's license number, birth date, social security number, or current address;</p> <p>(5) Safeguards and components to ensure that the integrity, security, and</p>	
--	--	---	--

		confidentiality of the voter registration information is maintained.	
Secretary's obligation to provide county boards of electors with meaningful access to the "mismatches" identified by SWVRD has now been made clear by two federal courts, including the U.S. Court of Appeals for the Sixth Circuit sitting <i>en banc</i> . See 2008 WL 4571959 (6th Cir. Oct. 14, 2008) ( <i>en banc</i> ); 2008 WL 4560772 (S.D. Ohio Oct. 9, 2008).	See 2008 WL 4571959 (6th Cir. Oct. 14, 2008) ( <i>en banc</i> ); 2008 WL 4560772 (S.D. Ohio Oct. 9, 2008).		
Indeed, the Secretary's obligations under <i>federal</i> law to provide county boards of elections with meaningful access to "mismatches" identified by the SWVRD are linked directly to the Secretary's obligations under <i>state</i> law to ensure that the SWVRD records are harmonized with the records maintained by each board of election and that voter registration information is verified before votes are counted.	No supporting cite		
Section 303 of the Help America Vote Act ("HAVA") requires that Ohio create a computerized statewide voter registration list that contains the name and registration information of every legally registered voter. 42 U.S.C. § 15483(a).	42 U.S.C. § 15483(a).	See Appendix A for full text.	

<p>HAVA also requires that Ohio verify a prospective voter's registration information. 42 U.S.C. § 15482(a)(5).</p>	<p>42 U.S.C. § 15482(a)(5). [Wrong cite—quoted language is from 15483(a)(5)]</p>	<p>15483(a)(5) Verification of voter registration information.-- (A) Requiring provision of certain information by applicants.-- (i) In general.--Except as provided in clause (ii), notwithstanding any other provision of law, an application for voter registration for an election for Federal office may not be accepted or processed by a State unless the application includes-- (I) in the case of an applicant who has been issued a current and valid driver's license, the applicant's driver's license number; or (II) in the case of any other applicant (other than an applicant to whom clause (ii) applies), the last 4 digits of the applicant's social security number. (ii) Special rule for applicants without driver's license or social security number.--If an applicant for voter registration for an election for Federal office has not been issued a current and valid driver's license or a social security number, the State shall assign the applicant a number which will serve to identify the applicant for voter registration purposes. To the extent that the State has a computerized list in effect under this subsection and the list assigns unique identifying numbers to registrants, the number assigned under this clause shall be the unique identifying</p>	
---	--	--	--

		<p>number assigned under the list.</p> <p>(iii) Determination of validity of numbers provided.--<u>The State shall determine whether the information provided by an individual is sufficient to meet the requirements of this subparagraph, in accordance with State law.</u> [emphasis added]</p> <p>(B) Requirements for state officials.-</p> <p>-</p> <p>(i) &lt;&lt;NOTE: Contracts.&gt;&gt; Sharing information in databases.--The chief State election official and the official responsible for the vehicle authority of a State shall enter into an agreement to match information in the database of the statewide voter registration system with information in the database of the motor vehicle authority to the extent required to enable each such official to verify the accuracy of the information provided on applications for voter registration.</p> <p>(ii) Agreements with commissioner of social security.--The official responsible for the State motor vehicle authority shall enter into an agreement with the Commissioner of Social Security under section 205(r)(8) of the Social Security Act (as added by subparagraph (C)).</p> <p>(C) Access to federal information.--Section 205(r) of the Social Security Act (42 U.S.C. 405(r)) is amended by adding at the end the following new paragraph: [specific language to add to SS Act follows]</p>	
--	--	--	--

		(D) Special rule for certain states.--In the case of a State which is permitted to use social security numbers, and provides for the use of social security numbers, on applications for voter registration, in accordance with section 7 of the Privacy Act of 1974 (5 U.S.C. 552a note), the provisions of this paragraph shall be optional.	
R.C. 3503.15 makes clear that the SWVRD is not merely a depository for registration information, but is to be used to determine the veracity of registration information.	R.C. 3503.15	Full text in Appendix B.	
This database must be " <i>capable of verifying registered voters and their registration information by name, driver's license number, birth date, social security number or, current address,</i> " and have "safeguards and components to ensure that the integrity, security, and confidentiality of the voter registration information is maintained." R.C. 3503.15(C)(4) and (5).	R.C. 3503.15(C)(4) and (5).	(C) The statewide voter registration database established under this section shall, at a minimum, include all of the following:  ...  (4) A search program capable of verifying registered voters and their registration information by name, driver's license number, birth date, social security number, or current address;  (5) Safeguards and components to ensure that the integrity, security, and confidentiality of the voter registration information is maintained.	

<p>Additionally, R.C. 3503.15(C)(2) provides that the statewide voter registration database must "<i>harmonize[]</i> the records contained in the database <i>with records maintained by each board of elections.</i>"</p>	<p>R.C. 3503.15(C)(2)</p>	<p>(C) The statewide voter registration database established under this section shall, at a minimum, include all of the following: . . .</p> <p>(2) A computer program that harmonizes the records contained in the database with records maintained by each board of elections;</p>	<p>Michale Stinziano, Director, Franklin County Board of Elections Letter to Editor, Columbus Dispatch, 10/18/08: "Each new registration received by the Franklin County Board of elections is processed into our internal registration system if all legally required information is contained. This information includes two affirmations, the voter's date of birth and either an Ohio driver's license number or the last four digits of the individual's Social Security number. In addition, each applicant signs the registration form under penalty of election falsification, a fifth-degree felony. These processed registrations are then sent to the statewide voter-registration database, where the information is verified as to whether the individual is registered in another Ohio county, and a Social Security Administration check or a Bureau of Motor Vehicles check is completed to maintain the integrity of the records."</p>
<p>Similarly, county boards have an affirmative duty to "maintain voter registration records, make reports concerning voter registration as required by the secretary of state, and remove ineligible electors from voter registration lists in accordance with law and directives of the secretary of state." R.C. 3501.11(U).</p>	<p>R.C. 3501.11(U).</p>	<p>Full text of Board duties at Appendix C</p> <p>Key language:</p> <p>Each board of elections shall exercise by a majority vote all powers granted to the board by Title XXXV of the Revised Code, shall perform all the duties imposed by law, and shall do</p>	

		<p>all of the following:</p> <p>(U) Maintain voter registration records, make reports concerning voter registration as required by the secretary of state, and remove ineligible electors from voter registration lists in accordance with law and directives of the secretary of state;</p>	
<p>duty to "investigate irregularities, nonperformance of duties, or violations of Title XXXV of the Revised Code by election officers and other persons" also falls to the county boards of elections. R.C. 3501.11(J).</p>	<p>R.C. 3501.11(J).</p>	<p>Each board of elections shall exercise by a majority vote all powers granted to the board by Title XXXV of the Revised Code, shall perform all the duties imposed by law, and shall do all of the following: . . .</p> <p>(J) Investigate irregularities, nonperformance of duties, or violations of Title XXXV of the Revised Code by election officers and other persons; administer oaths, issue subpoenas, summon witnesses, and compel the production of books, papers, records, and other evidence in connection with any such investigation; and report the facts to the prosecuting attorney or the secretary of state;</p>	
<p>Further, R.C. 3501.11(Q) requires county boards of elections to "[i]nvestigate and determine the residence qualifications of electors", presumably, at least in part, via the SWVRD and the county database they are required to maintain. R.C.</p>	<p>R.C. 3501.11(Q) R.C. 3501.11(T)</p>	<p>Each board of elections shall exercise by a majority vote all powers granted to the board by Title XXXV of the Revised Code, shall perform all the duties imposed by law, and shall do all of the following: . . .</p>	<p>Language in 3501.11 Q and T predates the requirements for a SWVRD</p>

3501.11(T)		(Q) Investigate and determine the residence qualifications of electors; . . .  (T) Establish and maintain a voter registration database of all qualified electors in the county who offer to register;	
"As implemented in Ohio, and consistent with the requirements of HAVA, state and local officials have designated responsibilities. <i>The gatekeeping function falls to local boards of elections.</i> " See <i>Ohio Republican Party, et al. v. Brunner</i> , 2:08-cv-00913 (S.D. Ohio Oct. 8,2008) (Def.'s Opp to Renewed Motion for TRO (Doe. 43), at 9) (Todd Aff., Tab D);	See <i>Ohio Republican Party, et al. v. Brunner</i> , 2:08-cv-00913 (S.D. Ohio Oct. 8,2008) (Def.'s Opp to Renewed Motion for TRO (Doe. 43), at 9) (Todd Aff., Tab D);		
"The Secretary of State uses the official statewide voter registration database to identify duplicate registrations <i>and instructs boards on a regular basis to correct those registrations.</i> " See <i>Ohio Republican Party, et al. v. Brunner</i> , 08-4242 (6 <sup>th</sup> Cir. 2008) (Def's Resp. to Pltf's Motion for an Inj. Pend. Appeal at 8) (Todd Aff., Tab F).	See <i>Ohio Republican Party, et al. v. Brunner</i> , 08-4242 (6 <sup>th</sup> Cir. 2008) (Def's Resp. to Pltf's Motion for an Inj. Pend. Appeal at 8) (Todd Aff., Tab F).		
There is no disagreement between the parties that "[b]oards of elections are the frontlines of elections administration in Ohio" who must "ensure, through prompt and thorough investigations, the integrity of the electoral process" and must "investigate and determine the	Directive 2008-96 (citing R.C. 3501.11(J) and (Q)).	Directive 2008-96 (10/14/08) RE: Mandatory duty of boards of elections to conduct investigations relating to election integrity and to residence qualifications of electors and to report the findings of such investigations to the Secretary of State and to county prosecutors	Advisory 2008-23 Re: Required Information for Accepting and Processing a Completed Voter Registration Application  This advisory informs Ohio boards of elections of the required information

<p>residence qualification of electors." Directive 2008-96 (citing R.C. 3501.11(J) and (Q)).</p>		<p>Boards of elections are the frontlines of elections administration in Ohio. As a result, R.C.3501.11(J) empowers boards of elections to ensure, through prompt and thorough investigations, the integrity of the electoral process. Additionally, R.C. 3501.11(Q) authorizes boards of elections to "[i]nvestigate and determine the residence qualifications of electors." Together, these sections of the Ohio Revised Code impose a special duty on boards of elections that must be carried out in a lawful manner <u>and in regard to specific allegations or evidence of a violation of Title XXXV of the Ohio Revised Code</u>. To reinforce our preparations for a successful election that ensures voter confidence, I hereby direct boards of elections to swiftly and fully investigate all <u>specific allegations or evidence of voter registration fraud, illegal voting, or voter suppression in their respective jurisdictions. [emphasis added]</u></p>	<p>to process a completed and valid voter registration application, the reasons to reject a voter registration application, and steps boards may take if a voter registration application is incomplete or must be rejected. . . .</p> <p>Reasons for rejecting a voter registration application: Boards of elections generally should accept and process voter registration applications that are <u>complete and that appear on the face of the document to be valid</u>. However, boards of elections may not process a voter registration application or register a person to vote in Ohio if the application is incomplete or invalid. The primary reasons for a board of elections to reject a Voter registration application as invalid are:</p> <ol style="list-style-type: none"> <li>1. The person attempting to register to vote did not provide all of the information required by law to register to vote;</li> <li>2. The voter registration form used by the person attempting to register to vote did not contain all of the information required by law; or</li> <li>3. The information provided on the form by the person attempting to register to vote demonstrates that the person is not eligible to register to vote in Ohio. . . .</li> </ol>
--	--	---	---

			<p><b>Duty to investigate suspicious voter Registration applications</b></p> <p>A board of elections may receive a voter registration application that appears valid on the face of the application but <u>other circumstances cause the board to question the validity of the application</u>. For example, the board might receive several voter registration applications that appear to be filled out and signed in the same handwriting (without an attorney in fact being designated by a disabled voter under R.C. 3501.382). Additionally, a board of elections may receive a voter registration application that appears suspicious on the face of the application. In these and similar instances, the board of elections has a <u>duty to investigate irregularities and the qualifications of applicants under R.C. 3501.11 (J) &amp; (Q)</u>. When a board of elections conducts an investigation, it should consult with the county prosecutor and the elections attorney assigned to your county. [emphasis added]</p>
--	--	--	---

			<p><b>3503.24 (Correct registration list or challenge voter)</b></p> <p>(A) Application for the correction of any precinct registration list or a challenge of the right to vote of any registered elector may be made by any qualified elector of the county at the office of the board of elections not later than twenty days prior to the election. The applications or challenges, with the reasons for the application or challenge, shall be filed with the board on a form prescribed by the secretary of state and shall be signed under penalty of election falsification.</p> <p>(B) On receiving an application or challenge filed under this section, the board of elections promptly <u>shall review the board's records. If the board is able to determine that an application or challenge should be granted or denied solely on the basis of the records maintained by the board, the board immediately shall vote to grant or deny that application or challenge.</u></p> <p><u>If the board is not able to determine whether an application or challenge should be granted or denied solely on the basis of the records maintained by the board, the director shall promptly</u></p>
--	--	--	---

			<p><u>set a time and date for a hearing before the board.</u> Except as otherwise provided in division (D) of this section, the hearing shall be held, and the application or challenge shall be decided, no later than ten days after the board receives the application or challenge. The director shall send written notice to any elector whose right to vote is challenged and to any person whose name is alleged to have been omitted from a registration list. The notice shall inform the person of the time and date of the hearing, and of the person's right to appear and testify, call witnesses, and be represented by counsel. The notice shall be sent by first class mail no later than three days before the day of any scheduled hearing. The director shall also provide the person who filed the application or challenge with such written notice of the date and time of the hearing.</p> <p>At the request of either party or any member of the board, the board shall issue subpoenas to witnesses to appear and testify before the board at a hearing held under this section. All witnesses shall testify under oath. The board shall reach a decision on all applications and challenges immediately after hearing.</p> <p>(C) If the board decides that any such person is not entitled to have the</p>
--	--	--	---

		<p>person's name on the registration list, the person's name shall be removed from the list and the person's registration forms canceled. If the board decides that the name of any such person should appear on the registration list, it shall be added to the list, and the person's registration forms placed in the proper registration files. All such corrections and additions shall be made on a copy of the precinct lists, which shall constitute the poll lists, to be furnished to the respective precincts with other election supplies on the day preceding the election, to be used by the election officials in receiving the signatures of voters and in checking against the registration forms.</p> <p>(D)(1) If an application or challenge for which a hearing is required to be conducted under division (B) of this section is filed after the thirtieth day before the day of an election, the board of elections, in its discretion, may postpone that hearing and any notifications of that hearing until after the day of the election. Any hearing postponed under this division shall be conducted not later than ten days after the day of the election.</p> <p>(2) The board of elections shall cause the name of any registered elector whose registration is challenged and</p>
--	--	---

			<p>whose challenge hearing is postponed under division (D)(1) of this section to be marked in the official registration list and in the poll list or signature pollbook for that elector's precinct to indicate that the elector's registration is subject to challenge.</p> <p>(3) Any elector who is the subject of an application or challenge hearing that is postponed under division (D)(1) of this section shall be permitted to vote a provisional ballot under section 3505.181 of the Revised Code. The validity of a provisional ballot cast pursuant to this section shall be determined in accordance with section 3505.183 of the Revised Code, except that no such provisional ballot shall be counted unless the hearing conducted under division (B) of this section after the day of the election results in the elector's inclusion in the official registration list. [emphasis added]</p>
			<p><b>3505.19 Challenge of elector.</b></p> <p>Any person registered as an elector may be challenged by any qualified elector as to the registered elector's right to vote prior to the nineteenth day before the day of an election. Such qualified elector may, either by appearing in person at the office of</p>

			<p>the board of elections, or by letter addressed to the board, challenge the right of such registered elector to vote. Any such challenge must state the ground upon which the challenge is made, and must be signed by the challenger giving the challenger's address and voting precinct. If the board is satisfied, in accordance with division (B) of section 3503.24 of the Revised Code, that the challenge is well taken, the director shall so indicate on the registration cards and shall so notify in writing the judges of the precinct. <u>If such challenged person offers to vote at such election, the challenged person shall be examined as in the case of an original challenge. If such person establishes, to the satisfaction of the judges, that the person's disabilities have been removed and that the person has a right to vote, the person shall be permitted to vote.</u> [emphasis added]</p>
			<p><b>3505.20 Challenge of elector at polling place.</b></p> <p>Any person offering to vote may be challenged at the polling place by any judge of elections. If the board of elections has ruled on the question presented by a challenge prior to election day, its finding and decision shall be final, and the presiding judge</p>

		<p>shall be notified in writing. If the board has not ruled, the question shall be determined as set forth in this section. If any person is so challenged as unqualified to vote, the presiding judge shall tender the person the following oath: "You do swear or affirm under penalty of election falsification that you will fully and truly answer all of the following questions put to you concerning your qualifications as an elector at this election."</p> <p>(A) If the person is challenged as unqualified on the ground that the person is not a citizen, the judges shall put the following questions:</p> <p>(1) Are you a citizen of the United States?</p> <p>(2) Are you a native or naturalized citizen?</p> <p>(3) Where were you born?</p> <p>(4) What official documentation do you possess to prove your citizenship? Please provide that documentation.</p> <p>If the person offering to vote claims to be a naturalized citizen of the United States, the person shall, before the vote is received, produce for</p>
--	--	--

		<p>inspection of the judges a certificate of naturalization and declare under oath that the person is the identical person named in the certificate. If the person states under oath that, by reason of the naturalization of the person's parents or one of them, the person has become a citizen of the United States, and when or where the person's parents were naturalized, the certificate of naturalization need not be produced. If the person is unable to provide a certificate of naturalization on the day of the election, the judges shall provide to the person, and the person may vote, a provisional ballot under section 3505.181 of the Revised Code. The provisional ballot shall not be counted unless it is properly completed and the board of elections determines that the voter is properly registered and eligible to vote in the election.</p> <p>(B) If the person is challenged as unqualified on the ground that the person has not resided in this state for thirty days immediately preceding the election, the judges shall put the following questions:</p> <p>(1) Have you resided in this state for thirty days immediately preceding this election? If so, where have you</p>
--	--	---

			<p>resided?</p> <p>(2) Did you properly register to vote?</p> <p>(3) Can you provide some form of identification containing your current mailing address in this precinct? Please provide that identification.</p> <p>(4) Have you voted or attempted to vote at any other location in this or in any other state at this election?</p> <p>(5) Have you applied for an absent voter's ballot in any state for this election?</p> <p>If the judges are unable to verify the person's eligibility to cast a ballot in the election, the judges shall provide to the person, and the person may vote, a provisional ballot under section 3505.181 of the Revised Code. The provisional ballot shall not be counted unless it is properly completed and the board of elections determines that the voter is properly registered and eligible to vote in the election.</p> <p>(C) If the person is challenged as unqualified on the ground that the person is not a resident of the precinct where the person offers to vote, the judges shall put the following</p>
--	--	--	---

			<p>questions:</p> <p>(1) Do you reside in this precinct?</p> <p>(2) When did you move into this precinct?</p> <p>(3) When you came into this precinct, did you come for a temporary purpose merely or for the purpose of making it your home?</p> <p>(4) What is your current mailing address?</p> <p>(5) Do you have some official identification containing your current address in this precinct? Please provide that identification.</p> <p>(6) Have you voted or attempted to vote at any other location in this or in any other state at this election?</p> <p>(7) Have you applied for any absent voter's ballot in any state for this election?</p> <p>The judges shall direct an individual who is not in the appropriate polling place to the appropriate polling place. If the individual refuses to go to the appropriate polling place, or if the judges are unable to verify the person's eligibility to cast a ballot in</p>
--	--	--	---

			<p>the election, the judges shall provide to the person, and the person may vote, a provisional ballot under section 3505.181 of the Revised Code. The provisional ballot shall not be counted unless it is properly completed and the board of elections determines that the voter is properly registered and eligible to vote in the election.</p> <p>(D) If the person is challenged as unqualified on the ground that the person is not of legal voting age, the judges shall put the following questions:</p> <p>(1) Are you eighteen years of age or more ?</p> <p>(2) What is your date of birth?</p> <p>(3) Do you have some official identification verifying your age? Please provide that identification.</p> <p>If the judges are unable to verify the person's age and eligibility to cast a ballot in the election, the judges shall provide to the person, and the person may vote, a provisional ballot under section 3505.181 of the Revised Code. The provisional ballot shall not be counted unless it is properly completed and the board of elections determines that the voter is properly</p>
--	--	--	--

			<p>registered and eligible to vote in the election.</p> <p>The presiding judge shall put such other questions to the person challenged as are necessary to determine the person's qualifications as an elector at the election. If a person challenged refuses to answer fully any question put to the person, is unable to answer the questions as they were answered on the registration form by the person under whose name the person offers to vote, or refuses to sign the person's name or make the person's mark, or if for any other reason a majority of the judges believes the person is not entitled to vote, the judges shall provide to the person, and the person may vote, a provisional ballot under section 3505.181 of the Revised Code. The provisional ballot shall not be counted unless it is properly completed and the board of elections determines that the voter is properly registered and eligible to vote in the election.</p> <p>A qualified citizen who has certified the citizen's intention to vote for president and vice-president as provided by Chapter 3504. of the Revised Code shall be eligible to receive only the ballot containing presidential and vice-presidential</p>
--	--	--	--

			<p>candidates.</p> <p>However, prior to the nineteenth day before the day of an election and in accordance with section 3503.24 of the Revised Code, any person qualified to vote may challenge the right of any other person to be registered as a voter, or the right to cast an absent voter's ballot, or to make application for such ballot. Such challenge shall be made in accordance with section 3503.24 of the Revised Code, and the board of elections of the county in which the voting residence of the challenged voter is situated shall make a final determination relative to the legality of such registration or application.</p>
			<p><b>3509.06 Counting absent voters' ballots.</b></p> <p>(A) The board of elections shall determine whether absent voter's ballots shall be counted in each precinct, at the office of the board, or at some other location designated by the board, and shall proceed accordingly under division (B) or (C) of this section.</p> <p>(B) When the board of elections determines that absent voter's ballots shall be counted in each precinct, the</p>

		<p>director shall deliver to the presiding judge of each precinct on election day identification envelopes purporting to contain absent voter's ballots of electors whose voting residence appears from the statement of voter on the outside of each of those envelopes, to be located in such presiding judge's precinct, and which were received by the director not later than the close of the polls on election day. The director shall deliver to such presiding judge a list containing the name and voting residence of each person whose voting residence is in such precinct to whom absent voter's ballots were mailed.</p> <p>(C) When the board of elections determines that absent voter's ballots shall be counted at the office of the board of elections or at another location designated by the board, special election judges shall be appointed by the board for that purpose having the same authority as is exercised by precinct judges. The votes so cast shall be added to the vote totals by the board, and the absent voter's ballots shall be preserved separately by the board, in the same manner and for the same length of time as provided by section 3505.31 of the Revised Code.</p> <p>(D) Each of the identification envelopes purporting to contain</p>
--	--	---

			<p>absent voter's ballots delivered to the presiding judge of the precinct or the special judge appointed by the board of elections shall be handled as follows: The election officials shall compare the signature of the elector on the outside of the identification envelope with the signature of that elector on the elector's registration form and verify that the absent voter's ballot is eligible to be counted under section 3509.07 of the Revised Code. <u>Any of the precinct officials may challenge the right of the elector named on the identification envelope to vote the absent voter's ballots upon the ground that the signature on the envelope is not the same as the signature on the registration form, or upon any other of the grounds upon which the right of persons to vote may be lawfully challenged.</u> If no such challenge is made, or if such a challenge is made and not sustained, the presiding judge shall open the envelope without defacing the statement of voter and without mutilating the ballots in it, and shall remove the ballots contained in it and proceed to count them.</p> <p>The name of each person voting who is entitled to vote only an absent voter's presidential ballot shall be entered in a pollbook or poll list or signature pollbook followed by the words "Absentee Presidential Ballot."</p>
--	--	--	---

			<p>The name of each person voting an absent voter's ballot, other than such persons entitled to vote only a presidential ballot, shall be entered in the pollbook or poll list or signature pollbook and the person's registration card marked to indicate that the person has voted.</p> <p>The date of such election shall also be entered on the elector's registration form. <u>If any such challenge is made and sustained, the identification envelope of such elector shall not be opened, shall be endorsed "Not Counted" with the reasons the ballots were not counted, and shall be delivered to the board.</u></p> <p>(E) Special election judges, employees or members of the board of elections, or observers shall not disclose the count or any portion of the count of absent voter's ballots prior to the time of the closing of the polling places. No person shall recklessly disclose the count or any portion of the count of absent voter's ballots in such a manner as to jeopardize the secrecy of any individual ballot.</p> <p>(F) Observers may be appointed under section 3505.21 of the Revised Code to witness the examination and opening of identification envelopes</p>
--	--	--	--

			<p>and the counting of absent voters' ballots under this section. [emphasis added]</p>
			<p><b>3509.07 Rejection and challenge of absent voter ballots.</b></p> <p>If election officials find that the statement accompanying an absent voter's ballot or absent voter's presidential ballot is insufficient, that the signatures do not correspond with the person's registration signature, <u>that the applicant is not a qualified elector in the precinct</u>, that the ballot envelope contains more than one ballot of any one kind, or any voted ballot that the elector is not entitled to vote, that Stub A is detached from the absent voter's ballot or absent voter's presidential ballot, or that the elector has not included with the elector's ballot any identification required under section 3509.05 or 3511.09 of the Revised Code, <u>the vote shall not be accepted or counted. The vote of any absent voter may be challenged for cause in the same manner as other votes are challenged, and the election officials shall determine the legality of that ballot.</u> [3503.24?] Every ballot not counted shall be endorsed on its back "Not Counted" with the reasons the ballot was not counted, and shall be enclosed and returned to or</p>

			retained by the board of elections along with the contested ballots. [emphasis added]

## Appendix A

SEC. 303. <<NOTE: 42 USC 15483.>> COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS AND REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.

### (a) Computerized Statewide Voter Registration List Requirements.--

#### (1) Implementation.--

(A) In general.--Except as provided in subparagraph (B), each State, acting through the chief State election official, shall implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level that contains the name and registration information of every legally registered voter in the State and assigns a unique identifier to each legally registered voter in the State (in this subsection referred to as the ``computerized list"), and includes the following:

- (i) The computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the State.
- (ii) The computerized list contains the name and registration information of every legally registered voter in the State.
- (iii) Under the computerized list, a unique identifier is assigned to each legally registered voter in the State.
- (iv) The computerized list shall be coordinated with other agency databases within the State.

(v) Any election official in the State, including any local election official, may obtain immediate electronic access to the information contained in the computerized list.

(vi) All voter registration information obtained by any local election official in the State shall be electronically entered into the computerized list on an expedited basis at the time the information is provided to the local official.

(vii) The chief State election official shall provide such support as may be required so that local election officials are able to enter information as described in clause (vi).

(viii) The computerized list shall serve as the official voter registration list for the conduct of all elections for Federal office in the State.

(B) Exception.--The requirement under subparagraph A) shall not apply to a State in which, under a State law in effect continuously on and after the date of the enactment of this Act, there is no voter registration requirement for individuals in the State with respect to elections for Federal office.

#### (2) Computerized list maintenance.--

(A) In general.--The appropriate State or local election official shall perform list maintenance with respect to the computerized list on a regular basis as follows:

(i) If an individual is to be removed from the computerized list, such individual shall be removed in accordance with the provisions of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), including subsections (a)(4), (c)(2), (d), and (e) of section 8 of such Act (42 U.S.C. 1973gg-6).

(ii) For purposes of removing names of ineligible voters from the official list of eligible voters--

(I) under section 8(a)(3)(B) of such Act (42 U.S.C. 1973gg-6(a)(3)(B)), the State shall coordinate the computerized list with State agency records on felony status; and

(II) by reason of the death of the registrant under section 8(a)(4)(A) of such Act (42 U.S.C. 1973gg-6(a)(4)(A)), the State shall coordinate the computerized list with State agency records on death.

(iii) Notwithstanding the preceding provisions of this subparagraph, if a State is described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-2(b)), that State shall remove the names of ineligible voters from the computerized list in accordance with State law.

- (B) Conduct.--The list maintenance performed under subparagraph (A) shall be conducted in a manner that ensures that--
  - (i) the name of each registered voter appears in the computerized list;
  - (ii) only voters who are not registered or who are not eligible to vote are removed from the computerized list; and
  - (iii) duplicate names are eliminated from the computerized list.

(3) Technological security of computerized list.--The appropriate State or local official shall provide adequate technological security measures to prevent the unauthorized access to the computerized list established under this section.

(4) Minimum standard for accuracy of state voter registration records.--The State election system shall include provisions to ensure that voter registration records in the State are accurate and are updated regularly, including the following:

(A) A system of file maintenance that makes a reasonable effort to remove registrants who are ineligible to vote from the official list of eligible voters. Under such system, consistent with the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), registrants who have not responded to a notice and who have not voted in 2 consecutive general elections for Federal office shall be removed from the official list of eligible voters, except that no registrant may be removed solely by reason of a failure to vote.

(B) Safeguards to ensure that eligible voters are not removed in error from the official list of eligible voters.

(5) Verification of voter registration information.--

(A) Requiring provision of certain information by applicants.--

(i) In general.--Except as provided in clause (ii), notwithstanding any other provision of law, an application for voter registration for an election for Federal office may not be accepted or processed by a State unless the application includes—

(I) in the case of an applicant who has been issued a current and valid driver's license, the applicant's driver's license number; or

(II) in the case of any other applicant (other than an applicant to whom clause (ii) applies), the last 4 digits of the applicant's social security number.

(ii) Special rule for applicants without driver's license or social security number.--If an applicant for voter registration for an election for Federal office has not been issued a current and valid driver's license or a social security number, the State shall assign the applicant a number which will serve to identify the applicant for voter registration purposes. To the extent that the State has a computerized list in effect under this subsection and the list assigns unique identifying numbers to registrants, the number assigned under this clause shall be the unique identifying number assigned under the list.

(iii) Determination of validity of numbers provided.--The State shall determine whether the information provided by an individual is sufficient to meet the requirements of this subparagraph, in accordance with State law.

(B) Requirements for state officials.--

(i) <<NOTE: Contracts.>> Sharing information in databases.--The chief State election official and the official responsible for the State motor vehicle authority of a State shall enter into an agreement to match information in the database of the statewide voter registration system with information in the database of the motor vehicle authority to the extent required to enable each such official to verify the accuracy of the information provided on applications for voter registration.

(ii) Agreements with commissioner of social security.--The official responsible for the State motor vehicle authority shall enter into an agreement with the Commissioner of Social Security under section 205(r)(8) of the Social Security Act (as added by subparagraph (C)).

(C) Access to federal information.--Section 205(r) of the Social Security Act (42 U.S.C. 405(r)) is amended by adding at the end the following new paragraph:

“(8)(A) The Commissioner of Social Security shall, upon the request of the official responsible for a State driver's license agency pursuant to the Help America Vote Act of 2002--“(i) <<NOTE: Contracts.>> enter into an agreement with such official for the purpose of verifying applicable information, so long as the requirements of subparagraphs (A) and (B) of paragraph (3) are met; and“(ii) <<NOTE: Confidentiality.>> include in such agreement safeguards to

assure the maintenance of the confidentiality of any applicable information disclosed and procedures to permit such agency to use the applicable information for the purpose of maintaining its records.

((B) Information provided pursuant to an agreement under this paragraph shall be provided at such time, in such place, and in such manner as the Commissioner determines appropriate.

((C) <<NOTE: Procedures.>> The Commissioner shall develop methods to verify the accuracy of information provided by the agency with respect to applications for voter registration, for whom the last 4 digits of a social security number are provided instead of a driver's license number.

((D) For purposes of this paragraph--

((i) the term 'applicable information' means information regarding whether--

((I) the name (including the first name and any family forename or surname), the date of birth(including the month, day, and year), and social security number of an individual provided to the Commissioner match the information contained in the Commissioner's records, and

((II) such individual is shown on the records of the Commissioner as being deceased; and

((ii) the term 'State driver's license agency' means the State agency which issues driver's licenses to individuals within the State and maintains records relating to such licensure.

((E) Nothing in this paragraph may be construed to require the provision of applicable information with regard to a request for a record of an individual if the Commissioner determines there are exceptional circumstances warranting an exception (such as safety of the individual or interference with an investigation).

((F) Applicable information provided by the Commission pursuant to an agreement under this paragraph or by an individual to any agency that has entered into an agreement under this paragraph shall be considered as strictly confidential and shall be used only for the purposes described in this paragraph and for carrying out an agreement under this paragraph. <<NOTE: Penalties.>> Any officer or employee or former officer or employee of a State, or any officer or employee or former officer or employee of a contractor of a State who, without the written authority of the Commissioner, publishes or communicates any applicable information in such individual's possession by reason of such employment or position as such an officer, shall be guilty of a felony and upon conviction thereof shall be fined or imprisoned, or both, as described in section 208."

(D) Special rule for certain states.--In the case of a State which is permitted to use social security numbers, and provides for the use of social security numbers, on applications for voter registration, in accordance with section 7 of the Privacy Act of 1974 (5 U.S.C. 552a note), the provisions of this paragraph shall be optional.

(b) Requirements for Voters Who Register by Mail.--

(1) In general.--Notwithstanding section 6(c) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4(c)) and subject to paragraph (3), a State shall, in a uniform and nondiscriminatory manner, require an individual to meet the requirements of paragraph (2) if--

(A) the individual registered to vote in a jurisdiction by mail; and

(B)(i) the individual has not previously voted in an election for Federal office in the State; or

(ii) the individual has not previously voted in such an election in the jurisdiction and the jurisdiction is located in a State that does not have a computerized list that complies with the requirements of subsection (a).

(2) Requirements.--

(A) In general.--An individual meets the requirements of this paragraph if the individual--

- (i) in the case of an individual who votes in person--
  - (I) presents to the appropriate State or local election official a current and valid photo identification; or
  - (II) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter; or
- (ii) in the case of an individual who votes by mail, submits with the ballot--
  - (I) a copy of a current and valid photo identification; or
  - (II) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.
- (B) Fail-safe voting.--
  - (i) In person.--An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under section 302(a).
  - (ii) By mail.--An individual who desires to vote by mail but who does not meet the requirements of subparagraph (A)(ii) may cast such a ballot by mail and the ballot shall be counted as a provisional ballot in accordance with section 302(a).
- (3) Inapplicability.--Paragraph (1) shall not apply in the case of a person--
  - A) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) and submits as part of such registration either--
    - (i) a copy of a current and valid photo identification; or
    - (ii) a copy of a current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter;
  - (B)(i) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) and submits with such registration either--
    - (I) a driver's license number; or
    - (II) at least the last 4 digits of the individual's social security number; and
  - (ii) with respect to whom a State or local election official matches the information submitted under clause (i) with an existing State identification record bearing the same number, name and date of birth as provided in such registration; or
- (C) who is--
  - (i) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.);
  - (ii) provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)); or
  - (iii) entitled to vote otherwise than in person under any other Federal law.
- (4) Contents of mail-in registration form.--
  - (A) In general.--The mail voter registration form developed under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) shall include the following:
    - (i) The question ``Are you a citizen of the United States of America?" and boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States.
    - (ii) The question ``Will you be 18 years of age on or before election day?" and boxes for the applicant to check to indicate whether or not the applicant will be 18 years of age or older on election day.

(iii) The statement "If you checked 'no' in response to either of these questions, do not complete this form."

(iv) A statement informing the individual that if the form is submitted by mail and the individual is registering for the first time, the appropriate information required under this section must be submitted with the mail-in registration form in order to avoid the additional identification requirements upon voting for the first time.

(B) <<NOTE: Notification.>> Incomplete forms.--If an applicant for voter registration fails to answer the question included on the mail voter registration form pursuant to subparagraph (A)(i), the registrar shall notify the applicant of the failure and provide the applicant with an opportunity to complete the form in a timely manner to allow for the completion of the registration form prior to the next election for Federal office (subject to State law).

(5) Construction.--Nothing in this subsection shall be construed to require a State that was not required to comply with a provision of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) before the date of the enactment of this Act to comply with such a provision after such date.

(c) Permitted Use of Last 4 Digits of Social Security Numbers.--The last 4 digits of a social security number described in subsections (a)(5)(A)(i)(II) and (b)(3)(B)(i)(II) shall not be considered to be a social security number for purposes of section 7 of the Privacy Act of 1974 (5 U.S.C. 552a note).

(d) Effective Date.--

(1) Computerized statewide voter registration list requirements.--

(A) In general.--Except as provided in subparagraph (B), each State and jurisdiction shall be required to comply with the requirements of subsection (a) on and after January 1, 2004.

(B) <<NOTE: Applicability.>> Waiver.--If a State or jurisdiction certifies to the Commission not later than January 1, 2004, that the State or jurisdiction will not meet the deadline described in subparagraph (A) for good cause and includes in the certification the reasons for the failure to meet such deadline, subparagraph (A) shall apply to the State or jurisdiction as if the reference in such subparagraph to "January 1, 2004" were a reference to "January 1, 2006".

(2) Requirement for voters who register by mail.--

(A) In general.--Each State and jurisdiction shall be required to comply with the requirements of subsection (b) on and after January 1, 2004, and shall be prepared to receive registration materials submitted by individuals described in subparagraph (B) on and after the date described in such subparagraph.

(B) Applicability with respect to individuals.--The provisions of subsection (b) shall apply to any individual who registers to vote on or after January 1, 2003.

## APPENDIX B

### 3503.15 Statewide voter registration database.

- (A) The secretary of state shall establish and maintain a statewide voter registration database that shall be continuously available to each board of elections and to other agencies as authorized by law.
- (B) The statewide voter registration database established under this section shall be the official list of registered voters for all elections conducted in this state.
- (C) The statewide voter registration database established under this section shall, at a minimum, include all of the following:
- (1) An electronic network that connects all board of elections offices with the office of the secretary of state and with the offices of all other boards of elections;
  - (2) A computer program that harmonizes the records contained in the database with records maintained by each board of elections;
  - (3) An interactive computer program that allows access to the records contained in the database by each board of elections and by any persons authorized by the secretary of state to add, delete, modify, or print database records, and to conduct updates of the database;
  - (4) A search program capable of verifying registered voters and their registration information by name, driver's license number, birth date, social security number, or current address;
  - (5) Safeguards and components to ensure that the integrity, security, and confidentiality of the voter registration information is maintained.
- (D) The secretary of state shall adopt rules pursuant to Chapter 119. of the Revised Code doing all of the following:
- (1) Specifying the manner in which existing voter registration records maintained by boards of elections shall be converted to electronic files for inclusion in the statewide voter registration database;
  - (2) Establishing a uniform method for entering voter registration records into the statewide voter registration database on an expedited basis, but not less than once per day, if new registration information is received;
  - (3) Establishing a uniform method for purging canceled voter registration records from the statewide voter registration database in accordance with section 3503.21 of the Revised Code;

(4) Specifying the persons authorized to add, delete, modify, or print records contained in the statewide voter registration database and to make updates of that database;

(5) Establishing a process for annually auditing the information contained in the statewide voter registration database.

(E) A board of elections promptly shall purge a voter's name and voter registration information from the statewide voter registration database in accordance with the rules adopted by the secretary of state under division (D)(3) of this section after the cancellation of a voter's registration under section 3503.21 of the Revised Code.

(F) The secretary of state shall provide training in the operation of the statewide voter registration database to each board of elections and to any persons authorized by the secretary of state to add, delete, modify, or print database records, and to conduct updates of the database.

(G)(1) The statewide voter registration database established under this section shall be made available on a web site of the office of the secretary of state as follows:

(a) Except as otherwise provided in division (G)(1)(b) of this section, only the following information from the statewide voter registration database regarding a registered voter shall be made available on the web site:

(i) The voter's name;

(ii) The voter's address;

(iii) The voter's precinct number;

(iv) The voter's voting history.

(b) During the thirty days before the day of a primary or general election, the web site interface of the statewide voter registration database shall permit a voter to search for the polling location at which that voter may cast a ballot.

(2) The secretary of state shall establish, by rule adopted under Chapter 119. of the Revised Code, a process for boards of elections to notify the secretary of state of changes in the locations of precinct polling places for the purpose of updating the information made available on the secretary of state's web site under division (G)(1)(b) of this section. Those rules shall require a board of elections, during the thirty days before the day of a primary or general election, to notify the secretary of state within one business day of any change to the location of a precinct polling place within the county.

(3) During the thirty days before the day of a primary or general election, not later than one business day after receiving a notification from a county pursuant to division (G)(2) of this section that the location of a precinct polling place has changed, the secretary of state shall update that information on the secretary of state's web site for the purpose of division (G)(1)(b) of this section.

## Appendix C

### 3501.11 Board duties.

Each board of elections shall exercise by a majority vote all powers granted to the board by Title XXXV of the Revised Code, shall perform all the duties imposed by law, and shall do all of the following:

- (A) Establish, define, provide, rearrange, and combine election precincts;
- (B) Fix and provide the places for registration and for holding primaries and elections;
- (C) Provide for the purchase, preservation, and maintenance of booths, ballot boxes, books, maps, flags, blanks, cards of instructions, and other forms, papers, and equipment used in registration, nominations, and elections;
- (D) Appoint and remove its director, deputy director, and employees and all registrars, judges, and other officers of elections, fill vacancies, and designate the ward or district and precinct in which each shall serve;
- (E) Make and issue rules and instructions, not inconsistent with law or the rules, directives, or advisories issued by the secretary of state, as it considers necessary for the guidance of election officers and voters;
- (F) Advertise and contract for the printing of all ballots and other supplies used in registrations and elections;
- (G) Provide for the issuance of all notices, advertisements, and publications concerning elections, except as otherwise provided in division (G) of section 3501.17 and divisions (F) and (G) of section 3505.062 of the Revised Code;
- (H) Provide for the delivery of ballots, pollbooks, and other required papers and material to the polling places;
- (I) Cause the polling places to be suitably provided with voting machines, marking devices, automatic tabulating equipment, stalls, and other required supplies. In fulfilling this duty, each board of a county that uses voting machines, marking devices, or automatic tabulating equipment shall conduct a full vote of the board during a public session of the board on the allocation and distribution of voting machines, marking devices, and automatic tabulating equipment for each precinct in the county.

- (J) Investigate irregularities, nonperformance of duties, or violations of Title XXXV of the Revised Code by election officers and other persons; administer oaths, issue subpoenas, summon witnesses, and compel the production of books, papers, records, and other evidence in connection with any such investigation; and report the facts to the prosecuting attorney or the secretary of state;
- (K) Review, examine, and certify the sufficiency and validity of petitions and nomination papers, and, after certification, return to the secretary of state all petitions and nomination papers that the secretary of state forwarded to the board;
- (L) Receive the returns of elections, canvass the returns, make abstracts of them, and transmit those abstracts to the proper authorities;
- (M) Issue certificates of election on forms to be prescribed by the secretary of state;
- (N) Make an annual report to the secretary of state, on the form prescribed by the secretary of state, containing a statement of the number of voters registered, elections held, votes cast, appropriations received, expenditures made, and other data required by the secretary of state;
- (O) Prepare and submit to the proper appropriating officer a budget estimating the cost of elections for the ensuing fiscal year;
- (P) Perform other duties as prescribed by law or the rules, directives, or advisories of the secretary of state;
- (Q) Investigate and determine the residence qualifications of electors;
- (R) Administer oaths in matters pertaining to the administration of the election laws;
- (S) Prepare and submit to the secretary of state, whenever the secretary of state requires, a report containing the names and residence addresses of all incumbent county, municipal, township, and board of education officials serving in their respective counties;
- (T) Establish and maintain a voter registration database of all qualified electors in the county who offer to register;
- (U) Maintain voter registration records, make reports concerning voter registration as required by the secretary of state, and remove ineligible electors from voter registration lists in accordance with law and directives of the secretary of state;
- (V) Give approval to ballot language for any local question or issue and transmit the language to the secretary of state for the secretary of state's final approval;
- (W) Prepare and cause the following notice to be displayed in a prominent location in every polling place:

“NOTICE

Ohio law prohibits any person from voting or attempting to vote more than once at the same election.

Violators are guilty of a felony of the fourth degree and shall be imprisoned and additionally may be fined in accordance with law.”

(X) In all cases of a tie vote or a disagreement in the board, if no decision can be arrived at, the director or chairperson shall submit the matter in controversy, not later than fourteen days after the tie vote or the disagreement, to the secretary of state, who shall summarily decide the question, and the secretary of state’s decision shall be final.

(Y) Assist each designated agency, deputy registrar of motor vehicles, public high school and vocational school, public library, and office of a county treasurer in the implementation of a program for registering voters at all voter registration locations as prescribed by the secretary of state. Under this program, each board of elections shall direct to the appropriate board of elections any voter registration applications for persons residing outside the county where the board is located within five days after receiving the applications.

(Z) On any day on which an elector may vote in person at the office of the board or at another site designated by the board, consider the board or other designated site a polling place for that day. All requirements or prohibitions of law that apply to a polling place shall apply to the office of the board or other designated site on that day.