

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

STATE EX REL. SKAGGS, *et al.*,

Plaintiffs,

Case No. C2:08CV-1077

Judge Algenon L. Marbley

v.

JENNIFER BRUNNER, OHIO SECRETARY  
OF STATE, *et al.*,

Defendants.

**JOINT MOTION OF THE NORTHEAST OHIO COALITION FOR THE HOMELESS  
AND THE OHIO DEMOCRATIC PARTY FOR SUMMARY JUDGMENT**

Proposed Intervenors, the Northeast Ohio Coalition for the Homeless (“NEOCH”) and the Ohio Democratic Party (“ODP”) (“Proposed Intervenors”), hereby move, pursuant to Fed. R. Civ. P. 56, for summary judgment in their favor and in favor of Defendant Secretary of State Jennifer Brunner and against the Plaintiffs. Proposed Intervenors adopt the arguments set forth in Defendant Secretary of State’s Motion for Summary Judgment and offer the following additional arguments.

**ARGUMENT**

Plaintiffs challenge as erroneous the advice of Defendant Secretary of State that (1) a provisional ballot that has the voter’s signature, but not the voter’s name written on the

provisional voter affirmation,<sup>1</sup> may be counted, and (2) a provisional ballot that has the voter's name, but not the voter's signature on the provisional voter affirmation, may be counted. As explained below, Plaintiffs' arguments fail because of this Court's prior ruling on poll worker error, the exceptions to the written affirmation requirement in Ohio law, the doctrine of substantial compliance, and the Equal Protection Clause.

**I. WHEN AN ERROR IN A PROVISIONAL VOTER AFFIRMATION IS DUE IN PART TO POLL WORKER ERROR IN THE CONDUCT OF HIS OR HER DUTIES, THE PROVISIONAL BALLOT MAY NOT BE REJECTED ON THE BASIS OF THAT ERROR IF THE VOTER IS AN OTHERWISE QUALIFIED ELECTOR**

On October 27, 2008, prior to the November 4, 2008 election, the Court issued an Order in the related case of *Northeast Ohio Coalition for the Homeless, et al v. Jennifer Brunner*, Case No. C2-06-896 (Doc. 143), that stated: "In addition, no provisional ballot cast by an eligible elector should be rejected because of a poll worker's failure to comply with duties mandated by R.C. 3505.181, which governs the procedure for casting a provisional ballot." In the Order, the Court ordered the Secretary of State to instruct the County boards of Elections that "provisional ballots may not be rejected for reasons that are attributable to a poll worker's error, including a poll worker's failure to sign a provisional ballot envelope or failure to comply with any duty mandated by R.C. 3505.181." In compliance with the Court's Order, the Secretary issued Directive 2008-103 the following day, which was also before the election.

R.C. 3505.181(B) provides that "An individual who is eligible to cast a provisional ballot under division (A) of this section shall be permitted to cast a provisional ballot as follows: . . . (2)

---

<sup>1</sup> The provisional voter affirmation form at issue is set forth in R. C. 3505.182 and is not to be confused with a second affirmation require by R.C. 3505.18(A)(4), required of provisional voters who have (own) no identification acceptable for voting or a social security number.

The individual shall be permitted to cast a provisional ballot at that polling place upon the execution of a written affirmation by the individual **before an election official at the polling place . . .**” (Emphasis added). The content of the affirmation is prescribed by R.C. 3505.182, which provides that “[t]he form of the written affirmation shall be printed upon the face of the provisional ballot envelope and shall be **substantially** as follows,” and which requires the voter’s printed name and signature. (Emphasis added). The affirmation must be completed by the voter and signed and witnessed by a polling place official. Id. (“The Provisional Ballot Affirmation printed above was subscribed and affirmed before me this . . . day of . . . (Month), . . . (Year).”)

Following the election, questions arose at the Franklin County Board of Elections regarding whether a provisional ballot affirmation that did not include both the name and the signature of the voter could be counted, where the voter was otherwise determined to be both registered and eligible to vote. The Secretary of State’s office advised the Board that if it is otherwise possible from the Board’s records to establish the identity and eligibility of the voter to vote in the election, then the absence on the provisional ballot affirmation of the written name or of the signature of the voter is not fatal.

This advice is required by the Court’s October 27<sup>th</sup> Order that provisional ballots may not be rejected for any reason attributable to poll worker error, as a missing printed name or signature is reasonably attributable at least in part to poll worker error. R.C. 3505.181 requires the affirmation statement to be executed before a polling place official. R.C. 3505.182 further requires the polling place official to sign a statement that the voter affirmation was subscribed and affirmed before the official. If the voter did not complete the affirmation statement because he failed to print or sign his name, then he did not “execute” the affirmation before a polling place official.

In such an instance, the poll worker may have made two errors. The first error was to sign the required statement that verified that “[t]he Provisional Ballot Affirmation printed above was *subscribed* and affirmed before me ....” R.C. 3505.182 (emphasis added). *The word “subscribed” means “to sign one’s name to a document.”* Webster’s II New Riverside Dictionary (Rev. Ed.). If the poll worker verified that the voter had signed his name—and he did not—then the poll worker clearly erred by signing the verification statement. Based on this error alone, all ballots that lack a voter’s signature must be counted, because the poll worker clearly erred by signing the verification statement.

The second error made by the poll worker was to give the voter a provisional ballot. The statute clearly provides that voters are only “permitted” to cast a provisional ballot if they have executed the affirmation statement. R.C. 3505.181(B)(2) (“The individual shall be permitted to cast a provisional ballot at that polling place upon the execution of a written affirmation by the individual before an election official at the polling place ....”). If the voter did not execute the written affirmation—which requires both a printed name and signature—then he or she *should not have been permitted* to cast a provisional ballot. This error pertains to all ballots that lack a printed name, signature, or both, and requires that those ballots must be counted.

Plaintiffs have argued that although poll workers must witness and then sign the affirmation—and although the statute requires that the voter “execute” the affirmation in front of the poll worker—the poll worker has no duty to verify that the affirmation has been completed. This argument is belied not only by the express language of R.C. 3505.181(B)(2), but also by the required verification statement which places a duty on the poll worker to verify that the voter has signed the affirmation. R.C. 3505.182.

Furthermore, it seems reasonable that the intent of the General Assembly's purpose in requiring that the form be executed "before" a polling place official was to ensure that the form was fully executed. With very few exceptions, no other election form, including voter registration forms, is required to be executed before an election official. So this added requirement must be for some purpose. It is reasonable to conclude that one such purpose—and perhaps the only purpose—is to help ensure that the voter is not disenfranchised due to a mistake or omission in completing the form. Although the statute and form require the voter to swear or affirm as to his qualifications and eligibility to vote in the election, the poll worker is not required to administer an oath for this purpose. Therefore, the requirement of executing the form before a poll worker must be for some purpose other than administering an oath.

Plaintiffs have argued that the duties of the voters and the poll workers are separate and distinct, but they can make this argument only by asserting that the poll worker's duty is perfunctory, i.e., to verify the affirmation without reviewing it. However, this argument is belied not only by the requirement that the form be executed before the official, but also by the additional and unusual step that the polling place official must sign a statement that the voter affirmation was subscribed and affirmed before the official. The poll worker must review the affirmation before he or she can verify that the voter "subscribed" or signed it.

Even if the voter bears some responsibility for failing to print and sign his name on the affirmation form, that does not eliminate the fact or significance of the poll worker's error. The role of the poll worker with respect to the voter's completion of the affirmation form is to serve as a failsafe, which is the entire concept supporting provisional voting in the first place. The law is not designed to create technical grounds for discarding ballots cast by registered and eligible electors. One of the roles of poll workers is to help voters with those requirements. Indeed, poll

workers are required by law to be trained in the requirements for casting provisional ballots.

Voters are not.

**II. OHIO LAW, AS ENACTED BY THE OHIO GENERAL ASSEMBLY, CLEARLY DOES NOT IN ALL CASES REQUIRE A PROVISIONAL VOTER TO SIGN THE AFFIRMATION STATEMENT IN ORDER FOR THE PROVISIONAL BALLOT TO BE COUNTED**

Much has already been argued to the Court about what a provisional voter is required to do to cast a provisional ballot and about the duties of polling place officials in the process of the casting of provisional ballots under R.C. 3505.18, 3505.181 and 3505.182. However, the present case has been brought not in the context of casting of provisional ballots *per se*, but rather in the context of whether certain provisional ballots may be counted. The most enlightening statutory provision in this regard is R.C. 3505.183(B)(1), which provides the answer:

To determine whether a provisional ballot is valid and entitled to be counted, the board shall examine its records and determine whether the individual who cast the provisional ballot is registered and eligible to vote in the applicable election. The board shall examine the information contained in the written affirmation executed by the individual who cast the provisional ballot under division (B)(2) of section 3505.181 of the Revised Code. If the individual declines to execute such an affirmation, the individual's name, written by either the individual or the election official at the direction of the individual, shall be included in a written affirmation in order for the provisional ballot to be eligible to be counted; otherwise, the following information shall be included in the written affirmation in order for the provisional ballot to be eligible to be counted: (a) The individual's name and signature; (b) A statement that the individual is a registered voter in the jurisdiction in which the provisional ballot is being voted; (c) A statement that the individual is eligible to vote in the election in which the provisional ballot is being voted.

The above governs the counting of all provisional ballots cast under R.C. 3505.181(B)(2), which lists all of the circumstances that entitle a person to cast a provisional ballot. It is clear from the above that the law provides for provisional ballots to be counted both when the voter has "executed" the affirmation and when the voter has "declined" to execute the affirmation.

Indeed, the above paragraph deals first with counting provisional ballots where the voter has declined to execute the affirmation and then, after the word "otherwise," deals with counting provisional ballots where the individual has not declined to execute the affirmation.

It is important to observe that Ohio law does not limit the reasons that a provisional voter may have for declining to execute the affirmation. There are none specified in the law and the law does not even require a provisional voter to offer a reason.<sup>2</sup> The voter who declines to execute the affirmation is also not required to sign a written declination or even check mark a box to so indicate. The law is completely silent as to how a voter declines to execute the affirmation or what constitutes declining to execute. Thus, the Ohio law neither requires these provisional voters to sign the affirmation, nor a declination statement. As a result, the statute, as written by the Ohio General Assembly, has a built-in administrative problem for boards of elections: What constitutes declining to execute the affirmation, and how to distinguish between provisional voters who have declined to execute the affirmation and those who neglected to execute all or part of the affirmation.

The statute provides that when a voter declines to execute the affirmation, the voter's name is to be written in the affirmation by either the voter or the polling place official. So it seems reasonable to conclude that if there is an affirmation with a provisional ballot that contains the name of the voter, but is not signed, that this falls into the category of provisional ballots where the voter declined to execute the affirmation. The presumption must be in favor of counting the ballot. Otherwise, election officials would be requiring more than the law requires given that the law does not require any specific indication of declination. The fact that other

---

<sup>2</sup> Thus, the discussion at the TRO hearing regarding declining to execute the affirmation due to religious objections is not relevant.

parts of the affirmation may be completed, such as the voter's address or the last four digits of the voter's social security number, is still a non-execution of the affirmation and does not resolve whether the voter chose to decline to fully execute the affirmation or neglected to do so.

It is true that there may be a difference between declining to complete the affirmation and neglecting to complete it, but Ohio law provides no means for distinguishing between the two categories of provisional voters. The one element in common for both groups of voters is that they did not sign the affirmation, i.e., they did not execute or fully execute the affirmation. With no way of distinguishing between the two groups, it is not even possible for a board to separate the ballots into different groups.<sup>3</sup>

Therefore, the only logical thing to do is to treat them the same based on their common characteristic, the absence of the voter's signature. The question then is whether to count all of them or not count all of them. Intervenors submit that this question must be resolved in favor of counting the ballots. Otherwise, the result is that ballots where the voter in fact declined to execute the affirmation will not be counted in direct violation of R.C. 3505.183.

Next are the provisional ballots that contain a voter's signature in the affirmation, but not separately the voter's name. Assuming that the signature is legible, it clearly is also the voter's name and this fulfills the statutory requirement. R.C. 3505.183(B)(1) does not specifically or necessarily require that a provisional voter print and sign his or her name. It would serve no additional purpose to require a voter to write his or her name a second time if the signature is

---

<sup>3</sup> Instructions for poll workers provided by the Secretary of State and boards of elections calls for poll workers to note when a voter declines to execute the provisional ballot affirmation, but there is no specific place for making such notation on the affirmation statement or anywhere else. It is also not a statutory requirement. And there is the possibility that a poll worker may neglect to make the notation. Finally, as will be discussed herein, the counting of one group of ballots with a non-executed affirmation and not counting another group of ballots for the very same reason raises serious equal protection concerns.



legible so that the identity of the voter may be determined. Moreover, although R.C. 3505.182 contemplates that the voter will print and sign his name, that statute requires only that the affirmation completed by the voter be “substantially” the same as the statute. If the voter’s signed name is legible, then there is no reason to require a separate printed name.

While the answers to the questions presented may be resolved by looking to R.C. 3505.183(B)(1), it should be noted that this division also provides that the board of elections is to examine all of its records to determine if a provisional voter is eligible to vote. Thus, only those provisional voters who are determined to be duly registered and qualified as to age, residence and citizenship will have their ballots counted in the election.

### III. SUBSTANTIAL COMPLIANCE

There has also been argument before the Court on the issue of substantial compliance. The Ohio Supreme Court in *State ex rel Myles v. Brunner*, 2008 Ohio 5097 (October 2, 2008), recently affirmed that “Absolute compliance with every technicality should not be required in order to constitute substantial compliance, unless such complete and absolute conformance to each technical requirement of the printed form serves a public interest and a public purpose.” (Emphasis added). R.C. 3505.182, which sets forth the content for the affirmation provides that the form “shall be substantially as follows.” This permits application of the rule of substantial compliance both with respect to the content of the form and the completion of the form. Ohio case law discussing the rule of substantial compliance is always about whether a candidate or voter has substantially complied with the law in completing the form.

In the present case, the rule of substantial compliance supports counting provisional ballots where the affirmation contains a legible signature, even though the voter did not also print

his name. If the signature is legible, then the identity of the voter can be established, as well as his qualifications as an elector and his eligibility to vote in the election.

#### **IV. EQUAL PROTECTION**

Plaintiffs' arguments also fail because their refusal to count these challenged ballots violates the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. This Court has already noted that Franklin County uses its own provisional ballot affirmation form (Exhibit A), whereas Union and Madison Counties—which are also part of the Fifteenth Congressional District—use the form prescribed by the Secretary (Exhibit B). A key difference between these forms is that the Secretary's form requires the voter's name to be printed by the poll worker, but the Franklin County form does not. That omission in the Franklin County form eliminates a protection for voters who do not themselves print their name on the form. As a result, provisional voters in Franklin County are treated differently and unequally—and are more likely to have their vote be discarded—than voters in Union and Madison Counties. The Equal Protection Clause, therefore, also requires that the disputed ballots be counted.

#### **V. SAFEGUARDS AGAINST FRAUDULENT VOTING**

Plaintiffs have raised the specter that if a signature is not required on the provisional voter affirmation, elections will be wide open for people to vote fraudulently because they will not be able to be prosecuted for the crime of election falsification under R.C. 3599.36. What they do not tell the Court is that there is a panoply of statutory provisions, each carrying criminal consequences, that is available. *See, e.g.*, R.C. §§ 3599.11 (pertaining to false registration, a fifth degree felony), 3599.12 (pertaining to illegal voting, a fourth degree felony), 3599.20

(prohibiting a forged or false endorsement on a ballot, a fifth degree felony), 3599.28 (pertaining to providing a false signature, a fifth degree felony), 3599.29 (pertaining to providing false records, a fifth degree felony).

Further, R.C. 3505.183 provides that an individual may decline to execute the affirmation. That provision further shows that the provisional ballot affirmation is but one of a number of safeguards in place to prevent the inclusion of an invalid or fraudulently-cast ballot.

### CONCLUSION

For the reasons set forth above, Proposed Intervenors respectfully move the Court for summary judgment in their favor and in favor of Defendant Ohio Secretary of State Jennifer Brunner and against Plaintiffs.

Respectfully submitted,

s/ Caroline Gentry

---

Caroline Gentry, Trial Counsel  
PORTER WRIGHT MORRIS & ARTHUR  
One Dayton Centre  
One South Main Street  
Dayton, OH 45402  
Tel: (937) 449-6748  
cgentry@porterwright.com

*Counsel for Proposed Intervenor  
Northeast Ohio Coalition for the Homeless*

s/ Donald J. McTigue

---

Donald J. McTigue (OH 0022849), Trial Counsel  
Mark A. McGinnis (OH 0076275)  
MCTIGUE LAW GROUP  
550 East Walnut Street

Columbus, OH 43215  
Tel: (614) 263-7000  
Fax: (614) 263-7078  
mctiguelaw@rrohio.com

*Counsel for Proposed Intervenor*  
Ohio Democratic Party

CERTIFICATE OF SERVICE

This is to certify a copy of the foregoing was served upon all counsel of record by means of the Court's electronic filing system on this 18th day of November, 2008.

/s Mark A. McGinnis  
Mark A. McGinnis (OH 0076275)  
Attorney at Law

**EXHIBIT A**  
**PROVISIONAL BALLOT APPLICATION • FRANKLIN COUNTY BOARD OF ELECTIONS**  
**WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.**

<p><b>STEP 1:</b>  <b>VOTER INFORMATION</b>                  Each blank must be completed by the Voter.</p> <p>(CLEARLY PRINT NAME- REQUIRED)                  I solemnly swear or affirm that I am a registered voter in the precinct in which I am voting this provisional ballot and that I am eligible to vote in this election, for which I am casting this provisional ballot. I am casting this provisional ballot because my name should appear on the official precinct list but does not, my address has changed, my name has changed, I requested an absentee ballot and/or I am listed in the official precinct list as having requested an absentee ballot or for another reason. I declare under penalty of election falsification I am a citizen of the United States, will have lived in this state for 30 days immediately preceding the next election, and I will be at least 18 years of age at the time of the general election.</p> <p><b>CURRENT ADDRESS</b></p> <p>HOUSE#/STREET _____ APT# _____                  CITY _____ ZIP CODE _____  <b>FORMER ADDRESS:</b>                  STREET: _____                  CITY: _____                  COUNTY: _____                  FORMER NAME (if applicable) _____  <b>DATE OF BIRTH REQUIRED</b> _____ (MM/DD/YYYY)</p> <p>I understand that if the information I provide on this provisional ballot application is not fully complete and correct, and/or if the board of elections determines that I am not registered to vote, a resident of this precinct, or eligible to vote in this election, under the board of elections determines that I have already voted in this election, this provisional ballot will not be counted. I further understand that knowingly providing false information is a violation of law and subjects me to possible criminal prosecution. I hereby declare, under penalty of election falsification, that the above statements are true and correct, to the best of my knowledge and belief.</p> <p style="text-align: right;"><b>X</b> _____                  VOTER'S SIGNATURE (REQUIRED) _____ Date _____</p>	<p><b>STEP 2:</b>  <b>VOTER IDENTIFICATION</b>                  To be completed by the Voter.</p> <p>You must provide <u>one</u> of the following forms of identification documentation</p> <p><b>NOTE:</b> If you are unable to provide proof of identity or if your right to vote was challenged and you were unable to provide the necessary documentation to satisfy the challenge, you may provide proof of identity at the Board of Elections within 10 days after the election.</p> <p><input type="checkbox"/> The last four digits of my Social Security Number are: _____</p> <p><input type="checkbox"/> My Ohio Driver's License Number OR State Identification Card Number is: _____</p> <p><input type="checkbox"/> Other form of photo identification displaying name and current address: _____ (specify kind of ID)</p> <p><input type="checkbox"/> Other (copy of current utility bill, bank statement, government check, paycheck, or other government document that shows my name and current address) _____ (specify kind of ID)</p> <p><input type="checkbox"/> No identification documentation and I have NO Social Security Number (complete identification affirmation below if applicable)</p> <p><b>IDENTIFICATION AFFIRMATION</b>                  ONLY FOR VOTERS WHO CHECKED "NO ID" ABOVE                  RC 3105.18(A)(4)</p> <p>(CLEARLY PRINT NAME)                  I declare under penalty of election falsification that I cannot provide a current and valid photo identification, a utility identification, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document showing my name and current address, nor the last four digits of my social security number because I have no social security number and further declare that I am the person named on this application and that I understand I may cast a provisional ballot.</p> <p style="text-align: right;"><b>X</b> _____                  VOTER'S SIGNATURE _____ Date _____</p>	<p><b>STEP 3:</b>  <b>POLL WORKER STATEMENT</b>                  To be completed by a Poll Worker</p> <p>The preceding Provisional Ballot Application was subscribed and affirmed before me. The following is true concerning the reason necessary to issue a provisional ballot:</p> <p><input type="checkbox"/> Voter's name is not in the Signature Poll Book</p> <p><input type="checkbox"/> Voter has a LEGAL NAME CHANGE</p> <p><input type="checkbox"/> Voter has an ADDRESS CHANGE</p> <p><input type="checkbox"/> Number '2' is to the left of the signature box (undeliverable 60-day election notice)</p> <p><input type="checkbox"/> Number '3' is to the left of the signature box (undeliverable registration acknowledgement notice)</p> <p><input type="checkbox"/> Number '4' is to the left of the signature box (voter requested an ABSENTEE BALLOT)</p> <p><input type="checkbox"/> "ATTORNEY IN FACT" is printed in signature box. Check here and also check the specific reason for a provisional ballot</p> <p><input type="checkbox"/> The Voter is unable to provide valid identification</p> <p><input type="checkbox"/> The Voter refuses to provide valid identification</p> <p><input type="checkbox"/> Name or address on the Valid Non Photo Identification does NOT match the Signature Poll Book</p> <p><input type="checkbox"/> Voter's name does not match the Signature Poll Book (Signature Poll Book has current legal name but ID does NOT have current legal name)</p> <p>SPL, or MPL (and Precinct): _____                  (Check Location Street Guide for information)</p> <p style="text-align: right;"><b>X</b> _____                  POLL WORKER'S SIGNATURE</p>	<p><b>STEP 4:</b>  <b>VOTE!</b></p> <p>After completing this application in its entirety:</p> <p>1. <b>POLL WORKER:</b> Using the Precinct Street Listing, find the provisional voter's current address and write the ballot style number for the voter's address here:                  _____ (Ballot Style Number)</p> <p>2. <b>POLL WORKER:</b> Locate the provisional ballot pad(s) with the same ballot style number that you wrote above.</p> <p>3. <b>POLL WORKER:</b> Give the provisional voter the provisional ballot and the Provisional Ballot Application envelope, and direct the provisional voter to a provisional voting booth (UNLESS THE VOTER IS DISABLED AND VOTING ON THE MACHINE) to mark the PAPER ballot.</p> <p>4. <b>VOTER:</b> Carefully read all of the instructions. Once you have completed voting your provisional ballot, fold it in half and place it inside this envelope. Seal the envelope and deposit the envelope in the sealed ballot box.</p> <p style="text-align: center;">THIS SPACE FOR OFFICE USE ONLY</p>
--	--	--	--

# Provisional Application Worksheet

(for office use only)

Level	ID & Date	ID & Date	ID & Date	ID & Date
1 Initial Review	1	1	1	1
2 Verification	2	2	2	2
3 Voter Query Look-up	3	3	3	3
4 SQL Look-up (restricted use)	4	4	4	4
5 Bad Signature Review	5	5	5	5
6 Rejection Review	6	6	6	6
7 Check Old DWP for Voting	7	7	7	7
8 Out of County Verification	8	8	8	8
9 Legal Review	9	9	9	9
10 Accepted	10	10	10	10
11 Rejected	11	11	11	11
Reason for Rejection/Acceptance:				

**DO NOT WRITE BELOW THIS LINE: FOR FINAL REVIEW ONLY**

12 Approved: Y or N      Code: 001  
 13 Rejected: Y or N      Code: 006 200 250 300 450 500 600 800 850

Signatures of Final Reviewers: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Comments:

- |   |   |
|---|---|
| APPL APPLICATION<br>APR APPROVED<br>DOB DATE OF BIRTH<br>DWP DISTRICT/WARD/PRECINCT<br>FIE FOUND IN FRANKLIN CO<br>INC FORM INCOMPLETE<br>NE PRECINCT SPLIT NOT ELIGIBLE<br>NR NOT REGISTERED<br>NRCC NOT REGISTERED IN OTHER COUNTY<br>NS NO SIGNATURE | ODL OHIO DRIVER LICENSE<br>OS OS SYSTEM<br>PA PROVISIONAL APPLICATION<br>PW PROVISIONAL WORKSHEET<br>R/C REGISTERED AFTER CUTOFF<br>S/P SIGNATURE POLL BOOK<br>SUN SOCIAL SECURITY NUMBER<br>U UNDERAGE<br>V/C VOTED IN OLD COUNTY<br>W/P VOTED IN WRONG PRECINCT |
|---|---|
- 
- |   |   |
|---|---|
| 001 APPROVED<br>008 FORM INCOMPLETE<br>200 NOT REGISTERED<br>250 REGISTERED AFTER CUTOFF<br>300 NO SIGNATURE<br>450 VOTED ABSENTEE<br>500 SIGNATURE DOESN'T MATCH<br>600 VOTED IN WRONG PRECINCT<br>800 UNDERAGE<br>850 PRECINCT SPLIT NOT ELIGIBLE | * COUNT = BALLOT ACCEPTED<br>NO COUNT = BALLOT REJECTED |
|---|---|

**IDENTIFICATION DOCUMENT  
PROVISIONAL BALLOT AFFIRMATION**  
R.C. 3503.16, 3505.181, 3501.182

I, \_\_\_\_\_, solemnly swear or affirm that I am a  
Printed name of voter

registered voter in the precinct in which I am voting this provisional ballot and that I am eligible to vote in the election in which I am voting this provisional ballot.

**Current Address**

**Former Address (if applicable)**

\_\_\_\_\_  
Street Address  
\_\_\_\_\_  
City/Zip  
\_\_\_\_\_  
County

\_\_\_\_\_  
Street Address  
\_\_\_\_\_  
City/Zip  
\_\_\_\_\_  
County

\_\_\_\_\_  
Mailing Address if other than above

If name change, please complete line below:

Birthdate: \_\_\_\_\_

Former Name \_\_\_\_\_

**Reason for voting provisional ballot:**

**Form of identification provided:**

- My name should appear on the official precinct list, but does not
- Change of address
- Change of name
- Requested, but did not receive absent voter's ballot
- Other \_\_\_\_\_

- Ohio drivers license (provide #): \_\_\_\_\_
- Other valid photo identification (specify): \_\_\_\_\_
- I cannot or will not provide valid photo identification; the last four digits of my social security number are : \_\_\_\_\_
- Other
- None

I understand that, if the above-provided information is not fully completed and correct, if the board of elections determines that I am not registered to vote, a resident of this precinct, or eligible to vote in this election, or if the board of elections determines that I have already voted in this election, my provisional ballot will not be counted. I further understand that knowingly providing false information is a violation of law and subjects me to possible criminal prosecution. I hereby declare, under penalty of election falsification, that the above statements are true and correct to the best of my knowledge and belief. I further declare, if the election is a primary election, by requesting a ballot for the \_\_\_\_\_ Party, I hereby state that I desire to be affiliated with and support that party.

X \_\_\_\_\_  
Signature of Voter Date

X \_\_\_\_\_  
Signature of Witnessing Election Official Date

**WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.**

**THE ELECTION OFFICIAL VERIFICATION STATEMENT  
MUST BE COMPLETED ON BACK.**

### ELECTION OFFICIAL VERIFICATION STATEMENT

The Provisional Ballot Affirmation of \_\_\_\_\_ was subscribed and  
Print Voter's Name

affirmed before me this \_\_\_\_\_ day of \_\_\_\_\_,  
Month Year

**If applicable, the election official must check the following true statement concerning additional information needed to determine the eligibility of the provisional voter:**

- The provisional voter is required to provide additional information to the board of elections
- An application or challenge hearing regarding this voter has been postponed until after the election

**The election official must check the following true statement concerning identification provided by the provisional voter, if any.**

- Current and valid photo identification
- Current valid photo identification other than a driver's license or state ID card, with the voter's former address instead of current address and has provided the election official both the current and former addresses.
- Military identification, copy of current utility bill, bank statement, government check, or other government document with the voter's name and current address.
- Last four digits of social security number
- Unable to provide any of the above acceptable ID but does have one of these items. Voter must provide one of the acceptable ID to the board of elections within ten days after the election.
- Unable to provide any of the above acceptable ID but does have one of these items and cannot provide the last four digits of the voter's social security number. Voter must provide one of the acceptable ID to the board of elections within ten days after the election.
- Does not have any acceptable ID, but has completed Form 10-T *Affirmation of Voter Unable to Provide Identification*.
- Does not have any acceptable ID and has declined to execute an affirmation (Form 10-T).
- Voter declined to provide any acceptable ID, but does have one of those forms of ID. Voter must provide one of the acceptable ID to the board of elections within ten days after the election.

Name of Precinct \_\_\_\_\_

X \_\_\_\_\_  
Signature of Election Official