

RELATORS' SUBMISSION OF EVIDENCE

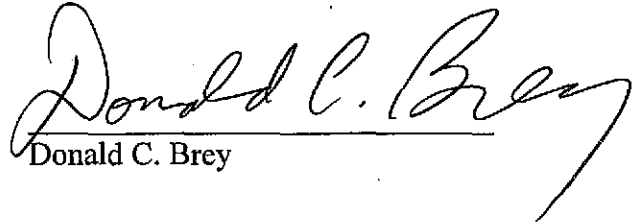
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CERTIFICATE OF SERVICE

A copy of Relators' Submission of Evidence has been served by hand-delivery upon the following Counsel for Respondent, this 22nd day of September, 2008:

DAMIAN SIKORA, and
RICHARD N. COGLIANESE
Office of the Ohio Attorney General
Constitutional Offices Section
30 East Broad Street, 16th Floor
Columbus, Ohio 43215


Donald C. Brey

ND: 4820-9795-7635, v. 2

AFFIDAVIT OF C. DOUGLAS MOODY

STATE OF OHIO :
COUNTY OF FRANKLIN : SS.

C. Douglas Moody, being first duly sworn, deposes and says as follows:

1. I am a resident of the State of Ohio, Franklin County, and am a registered as a voter in Ohio. I have been registered to vote for over 30 days and have met all other requirements to be a qualified elector in the State of Ohio. I am one of the Relators in this action.

2. On or about August 13, 2008, Secretary of State Jennifer Brunner issued to all County Boards of Elections Directive 2008-63 and a Memorandum, a true copy of which is attached hereto as Exhibit 1.

3. Directive 2008-63 states that "boards of elections can expect to receive large numbers of new and changed voter registrations, in the week immediately preceding the voter registration deadline for the 2008 general election, October 6, 2008".

4. Directive 2008-63 further states that "Boards of elections are required to develop procedures to immediately register the applicant and issue an absentee ballot to the newly registered elector of the county at the time of registration, reserving the right to delay registration and immediate absentee voting if a board is not satisfied as to validity of the application and the applicant's qualifications."

5. I understand that after Directive 2008-63 was issued, and prior to September 11, 2008, a number of County Prosecuting Attorneys advised their County Boards of Elections that permitting newly registered voters to immediately obtain and vote absentee ballots was unlawful.

6. However, on or about September 11, 2008, Secretary of State Jennifer Brunner issued to the Boards of Elections Directive 2008-91, a true copy of which is attached hereto as Exhibit 2.

7. Directive 2008-91 reaffirmed and removed any arguable ambiguity in Directive 2008-63 by instructing Ohio's Boards of Elections that "at least a five-day 'overlap' period exists during which a voter may register to vote and receive an absentee ballot when registration and the ballot request are made in person at the board of elections or at its satellite office established for in person absentee voting".

8. On or about September 11, 2008, Secretary of State Jennifer Brunner issued to the Boards of Elections Directive 2008-92, a true copy of which is attached hereto as Exhibit 3.

9. Directive 2008-92 instructed the Boards of Elections that various directives, including Directives 2008-63 and 2008-91, "continue to be of full effect and carry the weight of law pursuant to R.C. 3501.05 and 3501.11".

10. On September 12, 2008, the day after Directives 2008-91 and 2008-92 were issued, this action was filed.

11. A true copy of Ohio's current Application for an Absent Voter's Ballot as prescribed by the Secretary of State (Form No. 11-A prescribed by the Secretary of State (08-08)) is attached hereto as Exhibit 4.

12. Form No. 11-A, as prescribed by the Secretary of State, requires persons requesting an absentee ballot to "declare, under penalty of election falsification, [that they are] a qualified voter". Yet, the Secretary of State is instructing Boards of Elections to have persons sign this form even if they have not been registered for 30 days.

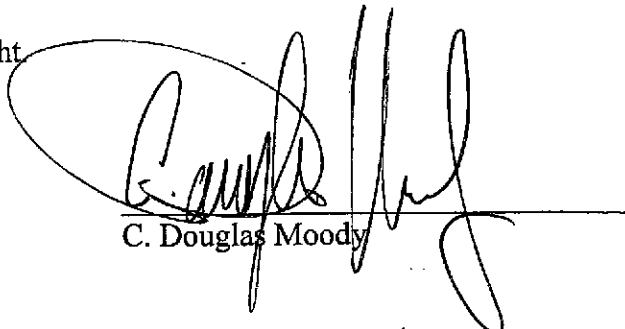
13. I am concerned about voter fraud and about having my vote diluted by unlawful votes by unqualified electors.

14. My concern about massive voting by unqualified electors is a very real one. Attached as Exhibit 5 is a September 10, 2008, Associated Press Article entitled *Democrats' Advice for Obama: Tie McCain to Bush*, in which Ohio Democratic Party Chairman Chris Redfern is reported as saying that "there are an additional 490,000 college students who can register and vote on the same day".

15. Similarly, the September 13, 2008, Wall Street Journal Article entitled *Ohio Republicans Use Lawsuit To Fight for State's Crucial Votes*, which is attached hereto as Exhibit 6, reports that "The Northeast Ohio Coalition for the Homeless, a Cleveland-based umbrella group for service providers, housing activists and others, is making plans to drive about 2,000 shelter residents to polling places during the overlap period."

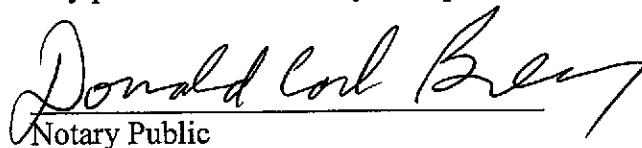
16. Indeed, in the September 12, 2008 MSNBC Article entitled *Small check-box, big dust-up in OH*, which is attached hereto as Exhibit 7, Secretary of State Jennifer Brunner is quoted as saying: "Ohio law is crystal clear on the strict requirements to receive an absentee ballot. Ignoring that law could lead to voter fraud in such a high-turnout election."

Further Affiant sayeth naught



C. Douglas Moody

Sworn to before me and subscribed in my presence this 21st day of September, 2008.



Notary Public

DONALD CARL BREY, Attorney-At Law
NOTARY PUBLIC, STATE OF OHIO
My commission has no expiration date.



JENNIFER BRUNNER
OHIO SECRETARY OF STATE

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DIRECTIVE 2008-63

August 13, 2008

TO: ALL COUNTY BOARDS OF ELECTIONS

RE: Processing Voter Registration Applications Received the Week Immediately Preceding a Voter Registration Deadline

Two fundamental purposes of the county boards of elections are:

- To facilitate the voter registration of eligible persons; and
- To facilitate the ability of each qualified elector to vote in elections conducted in the elector's precinct.

It is anticipated that the November 4, 2008, election will be the first election for which many Ohioans will register to vote, and other Ohioans will have recently changed their addresses in boards of elections records. A significant number of those new and changed registrations will be generated by voter registration drives conducted up to the registration deadline on October 6, 2008.

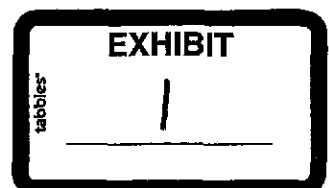
R.C. 3599.11(B)(2)(a) provides that:

- no one who helps another person to register to vote outside an official voter registration place shall knowingly fail to return any registration form entrusted to that person to a board of elections or the secretary of state's office within 10 days after that registration form is completed, or
- no later than the voter registration deadline for an election, whichever day is earlier,
- unless the registration form is received by the person within 24 hours of the thirtieth day before the election, in which case the person must return the registration form to any board of elections or the secretary of state's office within 10 days of its receipt.

Consequently, boards of elections can expect to receive large numbers of new and changed voter registrations, in the week immediately preceding the voter registration deadline for the 2008 general election, October 6, 2008. (For the purposes of R.C. 3599.11(B)(2)(a), "within 24 hours of the thirtieth day" means within 24 hours of the last day of registration.) Because part of that week coincides with the beginning of the absentee voting period for that election, the boards also should expect to receive large numbers of absentee ballot applications along with the registration applications. **A board of elections must register a person as an elector before issuing an absentee ballot to that person.**

Therefore, to promote the ability of all eligible electors for the general election to vote by absentee ballot if they so choose, boards of elections are directed to expedite the processing of voter registrations received during the week immediately preceding the voter registration deadline for the 2008 general election and during the 10-day period after the deadline if the registrant will be eligible to vote in the November 4, 2008, election, notwithstanding the

RE 004



provisions of R.C. 3503.19(C)(1)⁴. In light of the increasing numbers of absentee voters by mail, this directive is essential to permit new and changed registrations to be processed in time to enable the board to mail an absentee ballot to such a voter and for the voter to timely return the voted ballot.

A board that is satisfied as to the truth of the statements made on the voter registration application shall register the applicant not later than the second Friday after the voter registration deadline, i.e., not later than October 17, 2008, and shall immediately send to the applicant an acknowledgement notice. The acknowledgement notice must contain notification of the applicant's registration, the precinct in which the applicant is to vote and the notice required by R.C. 3503.19(C)(1)(c) regarding acceptable proof of voter identity.

If a newly registered elector submitted an absentee ballot application with his or her voter registration application, the board shall issue the appropriate absentee ballot to that elector as soon as practicable, but not more than five business days after mailing the acknowledgement notice to that elector.

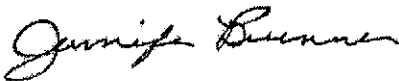
Additionally, there are several days before the 2008 general election during which a person may appear at the board of elections office and simultaneously submit for that election applications to register to vote or to update an existing registration and to request an absentee ballot. As discussed above, a board of elections must first obtain from the person who presents himself or herself to vote during this period a completed voter registration or change of address form.

Boards of elections are required to develop procedures to immediately register the applicant and issue an absentee ballot to the newly registered elector of the county at the time of registration, reserving the right to delay registration and immediate absentee voting if a board is not satisfied as to validity of the application and the applicant's qualifications. Boards of elections utilizing satellite locations for early in-person absentee voting should develop sufficient procedures to enable them to comply with this directive as they would if in-person absentee voting were taking place at the board's office.

It is critical that all Ohio elections officials work to ensure that persons eligible to vote in the general election by absentee ballot be afforded a timely opportunity to do so. Boards of elections may wish to consider hiring temporary employees to assist in this process to meet the deadlines set forth in this directive and in order to timely process the large number of voter registration applications and absentee ballot applications that are expected in connection with the 2008 general election.

If you have any questions about this directive, please contact your assigned elections counsel by email or at telephone number (614) 466-2585.

Sincerely,

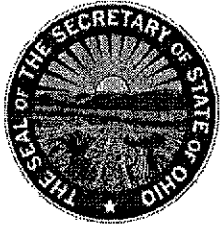


Jennifer Brunner

⁴ R.C. 3503.19(C)(1) provides in pertinent part:

"A board of elections that receives a voter registration application and is satisfied as to the truth of the statements made in the registration form shall register the applicant not later than twenty business days after receiving the application, unless that application is received during the thirty days immediately preceding the day of an election.

The notification shall be by nonforwardable mail. If the mail is returned to the board, it shall investigate and cause the notification to be delivered to the correct address."



JENNIFER BRUNNER
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MEMORANDUM

To: All Counties; BOE Contacts
Cc: Field Staff; Elections
From: Secretary of State, Jennifer Brunner
Date: 08/13/2008
Re: Processing Voter Registration Applications Received the Week Immediately Preceding a Voter Registration Deadline

Directive 2008-63, among other subjects, clarifies issues surrounding the overlap between the end of voter registration and the beginning of absentee voting in Ohio. This is the first election in which issues have been raised regarding the overlap.

In instituting no-fault absentee voting, the General Assembly also created a 5-day overlap between the end of voter registration and the beginning of absentee voting. This overlap has existed since the 2006 primary election.

Sub. H. B. No. 234 was passed by the General Assembly on 10-19-05 and became effective on 01-27-06. According to the Legislative Service Commission, this bill changed Ohio absentee voting laws as follows:

- Permits any qualified elector to vote by absent voter's ballots at an election (R.C. 3509.02(A)).
- Eliminates the qualifications that electors were required to meet under former law in order to vote by absent voter's ballots (R.C. 3509.02(A) and (C), 3509.03, and 3509.04(B)).

According to R.C. 3509.02, "Those ballots shall be designated as "Absent Voter's Ballots" and shall be printed and ready for use on the thirty-fifth day before the day of the election, except that those ballots shall be printed and ready for use on the twenty-fifth day before the day of a presidential primary election." This law became effective on 08-28-2001.

R.C. 3503.19 stipulates the voter registration deadlines for Ohio elections. This law became effective on 08-22-1995 and was amended on 05-02-2006, after the legislature created no-fault absentee voting.

RE 006



To address these questions, the Secretary of State has provided the following guidance, in keeping with long-standing Ohio law:

- Notes that a board of elections must register a person as an elector before issuing an absentee ballot to that person.
- Requires boards to complete voter registration processing no later than 10-17-08, to assure every qualified elector is able to vote via absentee or on Election Day.
- Requires boards to develop procedures to immediately register an applicant and issue an absentee ballot to the newly registered elector of the county at the time of registration. During the overlap period.
- Allows boards to delay registration and immediate absentee voting if the board is not satisfied as to validity of the application and the applicant's qualifications.



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DIRECTIVE 2008-91

September 11, 2008

**TO: ALL COUNTY BOARDS OF ELECTIONS
MEMBERS, DIRECTORS, AND DEPUTY DIRECTORS**

RE: In Person Absentee Voters Who Register and Vote During the Five-Day "Overlap" Period

Under R.C.3509.01, absentee ballots must be ready for distribution 35 days before the general election, while the deadline for voter registration is not until five days later (30 days before the general election) (R.C.3503.19(A)). As a result, at least a five-day "overlap" period exists during which a voter may register to vote and receive an absentee ballot when registration and the ballot request are made in person at the board of elections or at its satellite office established for in person absentee voting. While the overlap period has existed for years, this is the first election in which issues have been raised concerning the effects of this overlap period, presumably because it is the first presidential election in which no reason need be given to vote an absentee ballot.

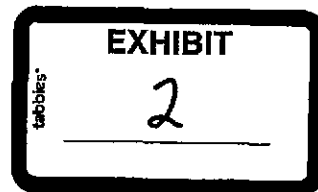
Beginning September 30, 2008, boards of elections may receive a large volume of in person new or changed registrants who thereafter request to vote absentee ballots in person at the board's office or satellite location during the six days before and on the voter registration deadline of October 6, 2008, or during any such similar "overlap" period before an election. R.C. 3509.07 provides that, "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." Under R.C. 3509.07, 3501.05 and 3501.11, and Directive 2008-79, challenges to voters of absentee ballots made under the state's two challenge statutes, R.C. 3503.24 and 3505.19², must be heard and adjudicated by boards of elections before Election Day, so that challenged persons are afforded due process and the board's cancellation of the voter's registration (and thereby its disqualification of the absentee ballot) complies with the National Voter Registration Act and the United States Constitution.

Accordingly, any challenge that may be filed to a voter who votes an absentee ballot must be adjudicated in compliance with state and federal law, including case law and federal constitutional law. To protect the secrecy of such a challenged absentee voter's ballot, boards of elections are required to provide optical scan paper absentee ballots with identification envelopes to voters who both register and vote on the same day at the board of elections office or

¹ When the voter registration deadline falls on a weekend or holiday and when a public office in which an act is to be performed is closed for the day, the deadline extends to the first business day the public office is open. R.C. 1.14. In 2008, the voter registration deadline is Sunday, October 5, 2008, extending the deadline to Monday, October 6, 2008. In other years the Columbus Day holiday may add an additional day to the voter registration deadline.

² However, a challenge made under R.C. 3505.19 is unlikely, because the challenged voter has just registered to vote, unless the voter was previously registered, moved, and did not change his or her address.

RE 008



at its satellite location during the "overlap" period.

Boards of elections in counties that use DRE voting systems as their primary voting systems may, for the overlap period, use ballots from each precinct's allotment of backup paper ballots required to be produced for each election precinct as required by Directive 2008-59 for Election Day voting (minimum 25% of the last presidential election's voter turnout).

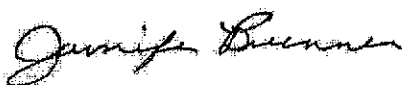
Having these "overlap" voters (who register and vote during the "overlap" period) vote a paper absentee ballot with an identification envelope preserves the secrecy of their ballots. If those particular voters are challenged pursuant to R.C. 3509.07, and more specifically pursuant to R.C. 3505.19 or 3503.24, and if any of the challenges is successful, such voters' ballots will be able to be identified and disqualified without jeopardizing the secrecy of their votes, because their voted ballots will remain in the identification envelopes.

R.C. 3503.16 prevents boards of elections from requiring persons who register and vote during the "overlap" period to vote by provisional absentee ballot, since that statute which authorizes provisional absentee voting does not permit this type of voting to occur until twenty-eight days or less before the election. (See, R.C. 3503.16(B)(2)). Regardless, provisional absentee voting would not be necessary for these "overlap" voters, since any deficiency in registration that could be resolved by requiring provisional voting would be resolved by the new or updated voter registration which occurs before the voter registration deadline.

Boards of elections may find it advisable to continue to use optical scan paper absentee ballots for in person absentee voting until the deadline for filing challenges (twenty (20) days before the general election, or October 15, 2008, this year). Boards using DRE voting systems may only use their stock of backup paper ballots for the "overlap" voting period. If they wish to use optical scan paper ballots for the 10-day period through the close of the challenge deadline, they should order more paper absentee ballots accordingly.

If you have any questions, please feel free to contact your assigned elections counsel by email or at (614) 466-2585.

Sincerely,



Jennifer Brunner



JENNIFER BRUNNER
OHIO SECRETARY OF STATE

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DIRECTIVE 2008-92

September 11, 2008

TO: ALL COUNTY BOARDS OF ELECTIONS
MEMBERS, DIRECTORS, AND DEPUTY DIRECTORS

RE: Effect of Am. Sub. H.B. 350 on Issuance of Directives

The General Assembly recently enacted Am. Sub. H.B. 350 ("H.B. 350") which added a new section to the Revised Code governing the issuance of directives by the Secretary of State. New R.C. 3501.053 classifies directives as either "permanent directives" or "temporary directives" and imposes public notice, public comment and timing requirements for the issuance of permanent directives.

H.B. 350 does not diminish the authority of the Secretary of State to issue directives, but only establishes procedural requirements prior to issuance. The effective date of H.B. 350 is September 12, 2008.

All advisories and memoranda issued by this office are not subject to "temporary" or "permanent" status and remain, as do previously issued directives, unaffected by the enactment of H.B. 350.

This office will continue after September 12, 2008, to post directives, both permanent and temporary, on the Secretary of State website, www.sos.state.oh.us. In addition, effective September 12, 2008, proposed permanent directives will be posted before being issued to boards of elections to allow reasonable notice and a reasonable amount of time for public review and public comment concerning proposed permanent directives.

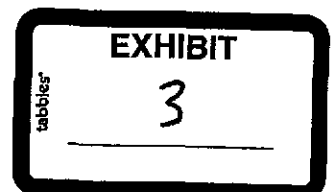
Pursuant to the general legal principle that new laws are applied prospectively only and do not have retroactive effect, H.B. 350 does not affect the validity of directives issued by the Secretary of State prior to September 12, 2008, the effective date of H.B. 350.

I therefore direct the boards of elections to follow this and all previous directives identified by this office to be in full effect on the effective date of H.B. 350 (September 12, 2008) and thereafter, unless subsequently and specifically superseded, revoked or replaced by a subsequent directive of the Secretary of State, whether temporary or permanent.

A list of directives, advisories, memos, and letters in effect on September 11, 2008, that continue to be of full effect and carry the weight of law pursuant to R.C. 3501.05 and R.C. 3501.11, is available at: www.sos.state.oh.us/SOS/elections/Directives.aspx.

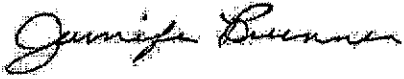
For your convenience a list of directives that predate the effective date of H.B. 350, and remain in effect thereafter, is attached to this directive (copy attached).

RE 010



If you have any questions about this directive, please contact your assigned elections attorney by email or at telephone number (614) 466-2585.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jennifer Brunner".

Jennifer Brunner

Quick Reference Guide Of Directives Currently "In Effect"

Code	Applicable Directive Number	Key Word	Description
Directive	<u>Directive 2002-08</u>	Write-In	Write-in Candidates: O.R.C. 3513.041 & 3513.23
Directive	<u>Directive 2004-42</u>	Provisional Ballots	Provisional Voting: Home Precinct Balloting Only.
Directive	<u>Directive 2004-42</u>	Voters	Provisional Voting: Home Precinct Balloting Only.
Directive	<u>Directive 2005-22</u>	Procedures	Procedure for the changing and handling of paper canisters for TSX units.
Directive	<u>Directive 2005-22</u>	Voting Machines	Procedure for the changing and handling of paper canisters for TSX units.
Directive	<u>Directive 2006-59</u>	Retention	Guidance in the retention and disposal of ballots and poll books as public records.
Directive	<u>Directive 2006-72</u>	Challengers	The eligibility of voters may only be questioned by an election judge; proof of citizenship cannot be requested.
Directive	<u>Directive 2006-82</u>	Procedures	Regarding the lifting of opaque protective covers on VVPAT printer for Diebold TSX voting unit.
Directive	<u>Directive 2006-82</u>	Voting Machines	Regarding the lifting of opaque protective covers on VVPAT printer for Diebold TSX voting unit.
Directive	<u>Directive 2007-01</u>	Board of Elections	Minimum qualifications for Directors and Deputy Directors of Board of Elections.
Directive	<u>Directive 2007-06</u>	Absent Voters	Acceptable forms of voter I.D., absentee voting requirements.
Directive	<u>Directive 2007-06</u>	ADA	Voter identification requirements (including provisional/absentee) and compliance with American's with Disabilities Act (ADA).
Directive	<u>Directive 2007-06</u>	Identification	Voter identification requirements (including provisional/absentee) and compliance with American's with Disabilities Act (ADA).
Directive	<u>Directive 2007-06</u>	Provisional Ballots/Voters	Voter I.D. requirements, absentee voting requirements, provisional voting requirements, handicapped parking at polling places.
Directive	<u>Directive 2007-06</u>	Voters	Voter I.D. requirements, absentee voting requirements, provisional voting requirements, handicapped parking at polling places.
Directive	<u>Directive 2007-11</u>	Procedures	2007 general voter records maintenance program, grounds for registration cancellation.
Directive	<u>Directive 2007-11</u>	Registration	2007 general voter records maintenance program, grounds for registration cancellation.
Directive	<u>Directive 2007-32</u>	Identification	Voter I.D. requirements, absentee voting requirements, provisional voting requirements, handicapped parking at polling places.

Quick Reference Guide Of Directives Currently "In Effect"

Directive	<u>Directive 2007-32</u>	Procedures	Retention, security and definition of personal information.
Directive	<u>Directive 2007-32</u>	Retention	Retention, security and definition of personal information.
Directive	<u>Directive 2007-32</u>	UOCAVA	Retention, security and definition of personal information.
Directive	<u>Directive 2007-35</u>	Board of Elections	Adoption of the Secretary of State's ethics policy by all Boards of Elections and S.O.S. Employees.
Directive	<u>Directive 2007-35</u>	Precinct Officials	Adoption of the Secretary of State's ethics policy by all Boards of Elections and S.O.S. Employees.
Directive	<u>Directive 2008-02</u>	Board of Elections	Survey of Boards of Elections regarding elections systems required by O.R.C 3501.05(L).
Directive	<u>Directive 2008-02</u>	Questions	Survey of Boards of Elections regarding elections systems required by O.R.C 3501.05(L).
Directive	<u>Directive 2008-02</u>	Surveys	Survey of Boards of Elections regarding elections systems required by O.R.C 3501.05(L).
Directive	<u>Directive 2008-02</u>	Voting Machines	Survey of Boards of Elections regarding elections systems required by O.R.C 3501.05(L).
Directive	<u>Directive 2008-03</u>	Nominating Petitions	Petition of Evelyn L Stratton for Justice of the Supreme Court of Ohio, Republican.
Directive	<u>Directive 2008-04</u>	Nominating Petitions	Petition of Maureen O'Connor for Justice of the Supreme Court of Ohio, Republican.
Directive	<u>Directive 2008-05</u>	Nominating Petitions	Petition for John Edwards, 2008 Democratic Primary.
Directive	<u>Directive 2008-06</u>	Nominating Petitions	Petition for Barack Obama, 2008 Democratic Primary.
Directive	<u>Directive 2008-07</u>	Nominating Petitions	Petition of Peter M. Sikora for Justice of the Supreme Court of Ohio, Democrat.
Directive	<u>Directive 2008-08</u>	Nominating Petitions	Petition of Joseph D. Russo for Justice of the Supreme Court of Ohio, Democrat.
Directive	<u>Directive 2008-09</u>	Nominating Petitions	Petition for Hillary Clinton, 2008 Democratic Primary.
Directive	<u>Directive 2008-10</u>	Nominating Petitions	Petition for Dennis Kucinich, 2008 Democratic Primary.
Directive	<u>Directive 2008-11</u>	Nominating Petitions	Petition for Bill Richardson, 2008 Democratic Primary.
Directive	<u>Directive 2008-12</u>	Nominating Petitions	Petition for Fred Thompson, 2008 Republican Primary.

Quick Reference Guide Of Directives Currently "In Effect"

Directive	<u>Directive 2008-13</u>	Nominating Petitions	Petition for Rudy Giuliani, 2008 Republican Primary.
Directive	<u>Directive 2008-14</u>	Nominating Petitions	Petition for Ron Paul, 2008 Republican Primary.
Directive	<u>Directive 2008-15</u>	Nominating Petitions	Petition for Mitt Romney, 2008 Republican Primary.
Directive	<u>Directive 2008-16</u>	Nominating Petitions	Petition for Mike Huckabee, 2008 Republican Primary.
Directive	<u>Directive 2008-17</u>	Board of Elections	New submission deadline for Elections Board survey in Directive 2008-02.
Directive	<u>Directive 2008-17</u>	Questions	New submission deadline for Elections Board survey in Directive 2008-02.
Directive	<u>Directive 2008-17</u>	Surveys	New submission deadline for Elections Board survey in Directive 2008-02.
Directive	<u>Directive 2008-18</u>	Ballots	Ballot template forms for 2008 primary election and ballot making key points.
Directive	<u>Directive 2008-18</u>	State and County Central Committee	Ballot template forms for 2008 primary election and ballot making key points.
Directive	<u>Directive 2008-19</u>	Candidates	Most populous county in district must report list of candidates to the S.O.S. office no later than January 31, 2008.
Directive	<u>Directive 2008-19</u>	Primary Election	Enclosed are forms necessary for the reporting of primary candidates to be completed by most populous county for a district.
Directive	<u>Directive 2008-20</u>	Nominating Petitions	Candidates who have withdrawn from 2008 primary and resulting instructions for polling locations.
Directive	<u>Directive 2008-21</u>	Ballots	Optical scan ballot instructions to be issued to voters.
Directive	<u>Directive 2008-22</u>	Voters	Addresses the voting eligibility of 17-year old electors, and the ballot that 17-year old electors are to use, in the Tuesday, March 4, 2008 primary election.
Directive	<u>Directive 2008-23</u>	Ohio Election Commission (OEC)	Instructions and attached forms for annual county election board reports.
Directive	<u>Directive 2008-24</u>	Surveys	equipment to presiding judges and the transportation of ballots or memory cards from the polling place on election night.
Directive	<u>Directive 2008-25</u>	Ballots	Polling/ballot security and proper chain of custody procedure.
Directive	<u>Directive 2008-25</u>	Polling Places	Ensure the security of all voting equipment, supplies and/or ballots used in the March 4, 2008 primary election.
Directive	<u>Directive 2008-25</u>	Voting Machines	Ensure the security of all voting equipment, supplies and/or ballots used in the March 4, 2008 primary election.

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Directive	<u>Directive 2008-29</u>	Observers	Rights of and limitations on Election Observers.
Directive	<u>Directive 2008-30</u>	Ballots	Proper procedure in case of ballot shortage or voting/tabulating machine failure.
Directive	<u>Directive 2008-30</u>	Voting Machines	Proper procedure in case of ballot shortage or voting/tabulating machine failure.
Directive	<u>Directive 2008-31</u>	Board of Elections	March, 2008 Board of Elections reorganization procedure pursuant to O.R.C. 3501.09.
Directive	<u>Directive 2008-31</u>	Procedures	March, 2008 Board of Elections reorganization procedure pursuant to O.R.C. 3501.09.
Directive	<u>Directive 2008-32</u>	Election Returns	Procedure for conducting unofficial canvass and accompanying forms.
Directive	<u>Directive 2008-32</u>	Primary Election	Procedure for conducting unofficial canvass and accompanying forms.
Directive	<u>Directive 2008-32</u>	Procedures	Procedure for conducting unofficial canvass and accompanying forms.
Directive	<u>Directive 2008-32</u>	State and County Central Committee	Procedure for conducting unofficial canvass and accompanying forms.
Directive	<u>Directive 2008-34</u>	Ballots	Protocol for manual hand count of votes in case of tabulation failure or recount.
Directive	<u>Directive 2008-34</u>	Procedures	Protocol for manual hand count of votes in case of tabulation failure or recount.
Directive	<u>Directive 2008-34</u>	Voting Machines	Protocol for manual hand count of votes in case of tabulation failure or recount.
Directive	<u>Directive 2008-35</u>	Instructions to Boards of Elections	Polls remaining open until 9 p.m. in Sandusky county, as a result, no other county may report results until 9 p.m.
Directive	<u>Directive 2008-35</u>	Polling Places	Polls remaining open until 9 p.m. in Sandusky county, as a result, no other county may report results until 9 p.m.
Directive	<u>Directive 2008-35</u>	Procedures	Polls remaining open until 9 p.m. in Sandusky county, as a result, no other county may report results until 9 p.m.
Directive	<u>Directive 2008-35</u>	Uniform Poll Closing	Polls remaining open until 9 p.m. in Sandusky county, as a result, no other county may report results until 9 p.m.
Directive	<u>Directive 2008-36</u>	Instructions to Boards of Elections	Polls open until 9 p.m. in Sandusky, other counties may begin count at 7:30 p.m., but cannot report until 9 p.m.
Directive	<u>Directive 2008-36</u>	Polling Places	Polls open until 9 p.m. in Sandusky, other counties may begin count at 7:30 p.m., but cannot report until 9 p.m.
Directive	<u>Directive 2008-36</u>	Procedures	Polls open until 9 p.m. in Sandusky, other counties may begin count at 7:30 p.m., but cannot report until 9 p.m.

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Directive	<u>Directive 2008-36</u>	Uniform Poll Closing	Polls open until 9 p.m. in Sandusky, other counties may begin count at 7:30 p.m., but cannot report until 9 p.m.
Directive	<u>Directive 2008-37</u>	Instructions to Boards of Elections	Certain precincts are to remain open until 9 p.m., those precincts must use provisional ballots after 7:30 p.m.
Directive	<u>Directive 2008-37</u>	Polling Places	Certain precincts are to remain open until 9 p.m., those precincts must use provisional ballots after 7:30 p.m.
Directive	<u>Directive 2008-37</u>	Procedures	Certain precincts are to remain open until 9 p.m., those precincts must use provisional ballots after 7:30 p.m.
Directive	<u>Directive 2008-37</u>	Uniform Poll Closing	Certain precincts are to remain open until 9 p.m., those precincts must use provisional ballots after 7:30 p.m.
Directive	<u>Directive 2008-38</u>	Election Returns	Procedure for conducting official canvass and accompanying forms.
Directive	<u>Directive 2008-38</u>	Procedures	Procedure for conducting official canvass and accompanying forms.
Directive	<u>Directive 2008-38</u>	State and County Central Committee	Procedure for conducting official canvass and accompanying forms.
Directive	<u>Directive 2008-39</u>	Audit	Proper audit procedures for the March 4, 2008 primary election.
Directive	<u>Directive 2008-39</u>	Primary Election	Proper post-audit procedures for the March 4, 2008 primary election.
Directive	<u>Directive 2008-39</u>	Procedures	Proper audit procedures for the March 4, 2008 primary election.
Directive	<u>Directive 2008-40</u>	Procedures	Circumstances and procedure for recounts following the official certification of the results of an election.
Directive	<u>Directive 2008-40</u>	Recount	Circumstances and procedure for recounts following the official certification of the results of an election.
Directive	<u>Directive 2008-41</u>	State and County Central Committee	Forms and procedure for recording names and addresses of officers and members of party Central and Executive Committees.
Directive	<u>Directive 2008-42</u>	Precinct Officials	Procedures if Poll workers failed to document a voter's party affiliation March 4, 2008
Directive	<u>Directive 2008-42</u>	Procedures	Procedures if Poll workers failed to document a voter's party affiliation March 4, 2008
Directive	<u>Directive 2008-42</u>	Voters	Procedures concerning voters who were not challenged if they switched political parties or if the poll worker failed to record the voter's political party in the Poll list.
Directive	<u>Directive 2008-43</u>	Audit	Post audit survey for the March 4, 2008 primary election - 11 counties
Directive	<u>Directive 2008-43</u>	Surveys	Survey of Board of Elections regarding the Post-Audit of the March 4, 2008 Primary Election

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Directive	<u>Directive 2008-44</u>	Polling Places	Verification of Handicapped Accessible Polling Locations
Directive	<u>Directive 2008-44</u>	ADA	Verification of Handicapped Accessible Polling Locations
Directive	<u>Directive 2008-44</u>	Procedures	Verification of Handicapped Accessible Polling Locations
Directive	<u>Directive 2008-44</u>	Surveys	Verification of Handicapped Accessible Polling Locations
Directive	<u>Directive 2008-45</u>	Procedures	Initial Filing of petition on proposed referendum on Sub. H.B. 545
Directive	<u>Directive 2008-45</u>	Referendum Petitions	Initial Filing of petition on proposed referendum on Sub. H.B. 545
Directive	<u>Directive 2008-46</u>	Nominating Petitions	Nominating Petition of Robert M. Owens - Unexpired Term for Ohio Attorney General
Directive	<u>Directive 2008-47</u>	Absent Voter Ballots	Prohibiting the Outsourcing of Mailing of Absentee Ballots
Directive	<u>Directive 2008-47</u>	Boards of Elections	Prohibiting the Outsourcing of Mailing of Absentee Ballots
Directive	<u>Directive 2008-47</u>	Procedures	Prohibiting the Outsourcing of Mailing of Absentee Ballots
Directive	<u>Directive 2008-48</u>	Referendum Petitions	New filing of petition on proposed referendum on Sub. H.B. 545
Directive	<u>Directive 2008-49</u>	Procedures	Initial filing of petition on proposed referendum on Section 3 of Sub.HB 545
Directive	<u>Directive 2008-49</u>	Referendum Petitions	Initial filing of petition on proposed referendum on Section 3 of Sub.HB 545
Directive	<u>Directive 2008-50</u>	Boards of Elections	Standards for establishing an alternate polling location for in-person absentee voting
Directive	<u>Directive 2008-50</u>	Absent Voters	Standards for establishing an alternate polling location for in-person absentee voting
Directive	<u>Directive 2008-50</u>	ADA	Standards for establishing an alternate polling location for in-person absentee voting
Directive	<u>Directive 2008-50</u>	Polling Places	Standards for establishing an alternate polling location for in-person absentee voting
Directive	<u>Directive 2008-50</u>	Procedures	Standards for establishing an alternate polling location for in-person absentee voting
Directive	<u>Directive 2008-50</u>	Voters	Standards for establishing an alternate polling location for in-person absentee voting

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Directive	<u>Directive 2008-51</u>	Precinct Officials	Poll worker Compensation Increased under State and Federal Law
Directive	<u>Directive 2008-52</u>	Procedures	Complying with Secretary of State's Procedures for Processing Duplicate Voter Registrations
Directive	<u>Directive 2008-52</u>	Registration	Complying with Secretary of State's Procedures for Processing Duplicate Voter Registrations
Directive	<u>Directive 2008-52</u>	Voters	Complying with Secretary of State's Procedures for Processing Duplicate Voter Registrations
Directive	<u>Directive 2008-53</u>	Primary Election	Procedures to List Previously-Affiliated Voters Where No Party Affiliation was Recorded at March 4, 2008 Primary Election
Directive	<u>Directive 2008-53</u>	Procedures	Procedures to List Previously-Affiliated Voters Where No Party Affiliation was Recorded at March 4, 2008 Primary Election
Directive	<u>Directive 2008-53</u>	Voters	Procedures to List Previously-Affiliated Voters Where No Party Affiliation was Recorded at March 4, 2008 Primary Election
Directive	<u>Directive 2008-54</u>	Voting Machines	Direct Recording Electronic (DRE) Voting Machine Key Card Management
Directive	<u>Directive 2008-55</u>	Absent Voters	R.C. 3501.19 Notices of Election – Implementation of Appropriation for Absentee Ballot Applications in Am.Sub.H.B. 562
Directive	<u>Directive 2008-55</u>	Procedures	R.C. 3501.19 Notices of Election – Implementation of Appropriation for Absentee Ballot Applications in Am.Sub.H.B. 562
Directive	<u>Directive 2008-55</u>	Identification	R.C. 3501.19 Notices of Election – Implementation of Appropriation for Absentee Ballot Applications in Am.Sub.H.B. 562
Directive	<u>Directive 2008-55</u>	Legislation	R.C. 3501.19 Notices of Election – Implementation of Appropriation for Absentee Ballot Applications in Am.Sub.H.B. 562
Directive	<u>Directive 2008-56</u>	Boards of Elections	Security of BOEs Offices as well as the Minimum Storage, Security, Access and Inventory Control Requirements for Voting Systems Equipment at the BOEs Office.
Directive	<u>Directive 2008-56</u>	Procedures	Security of BOEs Offices as well as the Minimum Storage, Security, Access and Inventory Control Requirements for Voting Systems Equipment at the BOEs Office.
Directive	<u>Directive 2008-56</u>	Voting Machines	Security of BOEs Offices as well as the Minimum Storage, Security, Access and Inventory Control Requirements for Voting Systems Equipment at the BOEs Office.
Directive	<u>Directive 2008-56</u>	Security	Security of BOEs Offices as well as the Minimum Storage, Security, Access and Inventory Control Requirements for Voting Systems Equipment at the BOEs Office.
Directive	<u>Directive 2008-57</u>	Ballots	Minimum Security, Access, Inventory Control, Storage and Preservation Requirements for Ballots and Election Data Media
Directive	<u>Directive 2008-57</u>	Boards of Elections	Minimum Security, Access, Inventory Control, Storage and Preservation Requirements for Ballots and Election Data Media
Directive	<u>Directive 2008-57</u>	Procedures	Minimum Security, Access, Inventory Control, Storage and Preservation Requirements for Ballots and Election Data Media

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Directive	<u>Directive 2008-57</u>	Security	Minimum Security, Access, Inventory Control, Storage and Preservation Requirements for Ballots and Election Data Media
Directive	<u>Directive 2008-58</u>	Nominating Petitions	Nominating Petition of James N. Clymer and Chuck Baldwin for President and Vice President, Respectively
Directive	<u>Directive 2008-59</u>	Ballots	Optical Scan Ballots for Voters in Counties Using DRE Voting Machines
Directive	<u>Directive 2008-59</u>	Procedures	Optical Scan Ballots for Voters in Counties Using DRE Voting Machines
Directive	<u>Directive 2008-60</u>	Pollworkers	Procedures for Court Orders
Directive	<u>Directive 2008-60</u>	Procedures	Procedures for Court Orders
Directive	<u>Directive 2008-60</u>	Provisional Ballots	Procedures for Court Orders
Directive	<u>Directive 2008-60</u>	Voters	Procedures for Court Orders
Directive	<u>Directive 2008-61</u>	Circulators	State Issue Petition - Proposing a Constitutional Amendment - Casino Petition
Directive	<u>Directive 2008-61</u>	Constitution	State Issue Petition - Proposing a Constitutional Amendment - Casino Petition
Directive	<u>Directive 2008-61</u>	Procedures	State Issue Petition - Proposing a Constitutional Amendment - Casino Petition
Directive	<u>Directive 2008-62</u>	Circulators	State Issue Petition - Supplemental Initiative Petition - Proposing a Statute - Paid Sick Leave for Ohio Employees (Healthy Families Act)
Directive	<u>Directive 2008-62</u>	Initiative Petition	State Issue Petition - Supplemental Initiative Petition - Proposing a Statute - Paid Sick Leave for Ohio Employees (Healthy Families Act)
Directive	<u>Directive 2008-62</u>	Procedures	State Issue Petition - Supplemental Initiative Petition - Proposing a Statute - Paid Sick Leave for Ohio Employees (Healthy Families Act)
Directive	<u>Directive 2008-63</u>	Procedures	Voter Registration Deadline
Directive	<u>Directive 2008-63</u>	Registration	Voter Registration Deadline
Directive	<u>Directive 2008-63</u>	Voters	Voter Registration Deadline
Directive	<u>Directive 2008-64</u>	Procedures	Guidelines for Voting Machine Acquisition and Allocation
Directive	<u>Directive 2008-64</u>	Voting Machines	Guidelines for Voting Machine Acquisition and Allocation

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Directive	<u>Directive 2008-65</u>	Polling Places	Precinct Polling Location Arrangement and Diagram for Counties Using DREs
Directive	<u>Directive 2008-65</u>	Procedures	Precinct Polling Location Arrangement and Diagram for Counties Using DREs
Directive	<u>Directive 2008-66</u>	Absent Voters ballots	Instructions to Voters for Absent Voter Ballots
Directive	<u>Directive 2008-66</u>	Assistance to voters	Instructions to Voters for Absent Voter Ballots
Directive	<u>Directive 2008-67</u>	Absent Voters ballots	Procedures for Processing Absent Voter's Ballots Prior to Election Day
Directive	<u>Directive 2008-67</u>	Procedures	Procedures for Processing Absent Voter's Ballots Prior to Election Day
Directive	<u>Directive 2008-68</u>	Procedures	Voting Machine Delivery Requirements
Directive	<u>Directive 2008-68</u>	Security	Voting Machine Delivery Requirements
Directive	<u>Directive 2008-68</u>	Voting Machines	Voting Machine Delivery Requirements
Directive	<u>Directive 2008-69</u>	Ballots	Remake of Optical Scan Ballot
Directive	<u>Directive 2008-69</u>	Procedures	Remake of Optical Scan Ballot
Directive	<u>Directive 2008-70</u>	Circulators	Nominating Petition of Ralph Nader and Matt Gonzalez for President and Vice President, Respectively
Directive	<u>Directive 2008-70</u>	Independent Candidates	Nominating Petition of Ralph Nader and Matt Gonzalez for President and Vice President, Respectively
Directive	<u>Directive 2008-70</u>	Nominating Petitions	Nominating Petition of Ralph Nader and Matt Gonzalez for President and Vice President, Respectively
Directive	<u>Directive 2008-70</u>	Procedures	Nominating Petition of Ralph Nader and Matt Gonzalez for President and Vice President, Respectively
Directive	<u>Directive 2008-71</u>	Circulators	Nominating Petition of Richard A. Duncan and Robert C. Culbertson for President and Vice President, Respectively
Directive	<u>Directive 2008-71</u>	Independent Candidates	Nominating Petition of Richard A. Duncan and Robert C. Culbertson for President and Vice President, Respectively
Directive	<u>Directive 2008-71</u>	Nominating Petitions	Nominating Petition of Richard A. Duncan and Robert C. Culbertson for President and Vice President, Respectively
Directive	<u>Directive 2008-71</u>	Procedures	Nominating Petition of Richard A. Duncan and Robert C. Culbertson for President and Vice President, Respectively

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Directive	<u>Directive 2008-72</u>	Procedures	Internet Access, Networking, Installing or Downloading Software, and Modem Access on Voting Equipment
Directive	<u>Directive 2008-72</u>	Security	Internet Access, Networking, Installing or Downloading Software, and Modem Access on Voting Equipment
Directive	<u>Directive 2008-72</u>	Voting Machines	Internet Access, Networking, Installing or Downloading Software, and Modem Access on Voting Equipment
Directive	<u>Directive 2008-73</u>	Procedures	Minimum Security Requirements of Vote Tabulation Servers
Directive	<u>Directive 2008-73</u>	Security	Minimum Security Requirements of Vote Tabulation Servers
Directive	<u>Directive 2008-74</u>	Procedures	County Board of Elections Security and Risk Mitigation Plan
Directive	<u>Directive 2008-74</u>	Security	County Board of Elections Security and Risk Mitigation Plan
Directive	<u>Directive 2008-75</u>	Special Election	Special Congressional Election to fill vacancy in Ohio's 11th Congressional District due to death of U.S. Representative Stephanie Tubbs Jones
Directive	<u>Directive 2008-75</u>	Vacancies	Special Congressional Election to fill vacancy in Ohio's 11th Congressional District due to death of U.S. Representative Stephanie Tubbs Jones
Directive	<u>Directive 2008-76</u>	Circulators	State Issue Petition - Proposing a Partial Referendum of Sub. H.B. 545
Directive	<u>Directive 2008-76</u>	Initiative Petition	State Issue Petition - Proposing a Partial Referendum of Sub. H.B. 545
Directive	<u>Directive 2008-76</u>	Procedures	State Issue Petition - Proposing a Partial Referendum of Sub. H.B. 545
Directive	<u>Directive 2008-77</u>	Precinct Officials	Minimum requirements and best practices for poll worker training
Directive	<u>Directive 2008-77</u>	Procedures	Minimum requirements and best practices for poll worker training
Directive	<u>Directive 2008-78</u>	Absent Voters ballot	Eligibility of Former Ohio Residents to Vote in Presidential General Election in Ohio
Directive	<u>Directive 2008-79</u>	Boards of Elections	Required Procedures in Administering Voter Challenge Statutes, R.C. 3503.24 and 3505.19
Directive	<u>Directive 2008-79</u>	Challengers	Required Procedures in Administering Voter Challenge Statutes, R.C. 3503.24 and 3505.19
Directive	<u>Directive 2008-79</u>	Procedures	Required Procedures in Administering Voter Challenge Statutes, R.C. 3503.24 and 3505.19
Directive	<u>Directive 2008-80</u>	Identification	Voter Identification Requirements

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Directive	<u>Directive 2008-80</u>	Instructions to Boards of Elections	Voter Identification Requirements
Directive	<u>Directive 2008-80</u>	Precinct Officials	Voter Identification Requirements
Directive	<u>Directive 2008-81</u>	Instructions to Boards of Elections	Guidelines for Provisional Voting
Directive	<u>Directive 2008-81</u>	Precinct Officials	Guidelines for Provisional Voting
Directive	<u>Directive 2008-81</u>	Provisional Ballots/Voters	Guidelines for Provisional Voting
Directive	<u>Directive 2008-82</u>	Absent Voters	Guidelines for Absentee Voting
Directive	<u>Directive 2008-82</u>	Procedures	Guidelines for Absentee Voting
Directive	<u>Directive 2008-82</u>	Voters	Guidelines for Absentee Voting
Directive	<u>Directive 2008-83</u>	Ballots	2008 General Election Ballots
Directive	<u>Directive 2008-83</u>	Instructions to Boards of Elections	2008 General Election Ballots
Directive	<u>Directive 2008-83</u>	Procedures	2008 General Election Ballots
Directive	<u>Directive 2008-84</u>	Candidates	Candidates for State Board of Education, County Court Judge and Write-Ins
Directive	<u>Directive 2008-84</u>	Write-In	Candidates for State Board of Education, County Court Judge and Write-Ins
Directive	<u>Directive 2008-85</u>	Ballots	Instructions for Closing the Polls and Reconciliation of Paper Ballots for Tabulation
Directive	<u>Directive 2008-85</u>	Polling Places	Instructions for Closing the Polls and Reconciliation of Paper Ballots for Tabulation
Directive	<u>Directive 2008-85</u>	Precinct Officials	Instructions for Closing the Polls and Reconciliation of Paper Ballots for Tabulation
Directive	<u>Directive 2008-85</u>	Procedures	Instructions for Closing the Polls and Reconciliation of Paper Ballots for Tabulation
Directive	<u>Directive 2008-86</u>	Ballots	Procedures for Handling Optical Scan Ballots When a Ballot Box is at or Near Capacity Prior to the Close of the Polls
Directive	<u>Directive 2008-86</u>	Polling Places	Procedures for Handling Optical Scan Ballots When a Ballot Box is at or Near Capacity Prior to the Close of the Polls

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Directive	<u>Directive 2008-86</u>	Procedures	Procedures for Handling Optical Scan Ballots When a Ballot Box is at or Near Capacity Prior to the Close of the Polls
Directive	<u>Directive 2008-86</u>	Precinct Officials	Procedures for Handling Optical Scan Ballots When a Ballot Box is at or Near Capacity Prior to the Close of the Polls
Directive	<u>Directive 2008-87</u>	Polling Places	Posting Summary Statements of Precinct Elections Results at Polling Locations
Directive	<u>Directive 2008-87</u>	Precinct Officials	Posting Summary Statements of Precinct Elections Results at Polling Locations
Directive	<u>Directive 2008-87</u>	Procedures	Posting Summary Statements of Precinct Elections Results at Polling Locations
Directive	<u>Directive 2008-87</u>	Voting Machines	Posting Summary Statements of Precinct Elections Results at Polling Locations
Directive	<u>Directive 2008-88</u>	Polling Places	Polling Location Checklist for Polling Place Supplies
Directive	<u>Directive 2008-89</u>	Voting Machines	L&A Testing for Voting Machines and Public Test
Directive	<u>Directive 2008-90</u>	Voting Machines	Guidelines for testing Vote Tabulation Systems
Directive	<u>Directive 2008-91</u>	Paper Ballots	In Person Absentee Voters Who Register and Vote During the 5-day "Overlap" Period
Directive	<u>Directive 2008-92</u>	Directives	Issuance of Directives under Am. Sub. H.B. 350

RE 023

APPLICATION FOR ABSENT VOTER'S BALLOT

PLEASE PRINT OR TYPE (See Instructions at Bottom of Page)

Send Ballot to:
(if different from home address)
Name _____

Voter's Name _____

care of/PO Box _____

Home Address _____

Address _____

City, Village, Office _____

City _____ State _____ Zip Code _____

County _____ **Zip Code** _____

You must provide your birthdate: _____ / _____ / _____ and one of the following:
(month) (day) (year)

- Your Ohio driver's license number _____, or
- The last four digits of your social security number _____, or
- Copy of a current and valid photo identification, a military identification, or a current (within the last 12 months) utility bill, bank statement, government check, paycheck or other government document (other than a voter registration notification mailed by a board of elections) that shows your name and current address.

I wish to vote in the following election to be held on _____.
(month-date-year of election)

Check ONLY one (A separate application must be completed for each election):

1. Primary Election:

- Democratic
- Republican
- Nonpartisan or issues only

2. General Election

3. Special Election

I wish to have a ballot mailed to me at the address listed above. I understand that if a ballot is mailed to me and I change my mind and appear at my polling place to vote on Election Day, I will be required to vote a provisional ballot that can not be counted until at least 10 days after the election.

I hereby declare, under penalty of election falsification, I am a qualified voter and the statements above are true to the best of my knowledge and belief. I understand that if I do not provide the requested information, my application cannot be processed.

X _____
Signature of Voter

Date Signed

Voluntary: To assist the board of elections in contacting you in a timely manner if your application is incomplete:

Your daytime telephone number (____) _____ Your e-mail address _____

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

INSTRUCTIONS

Chapter 3509. of the Revised Code of Ohio

1. Use of this form is optional. To be valid, your application must include your name, voting residence address, date of birth, and signature; the election for which the ballot is requested and, if a partisan primary election, your political party affiliation; statement you are a qualified elector in the county; and one of the following: your Ohio drivers license number, the last four digits of your social security number, or a copy of your current and valid photo identification, a military identification, or a current (within the last 12 months) utility bill, bank statement, government check, paycheck or other government document (other than a voter registration notification mailed by a board of elections) that shows your name and address.
2. An application by mail must be received by your county board of elections by noon on the third day before the election. An application by you in person must be received by the close of regular board office hours the day before the election. Applications for persons who are hospitalized or for persons whose minor child is hospitalized due to an accident or unforeseeable medical emergency will be accepted until 3 p.m. on Election Day.
3. When you receive your ballot: If you return your ballot by mail, it must be postmarked* no later than the day before Election Day and received by your county board of elections no later than 10 days after the election. If you return your ballot in person or if a near relative delivers it to the board for you, it must be delivered to your county board of elections no later than the close of polls on Election Day. If you are a voter outside of the United States on Election Day, the ballot envelope must be signed or postmarked before the close of polls and received by the board no later than 10 days after Election Day or 20 days after a presidential primary election.

*Postmarked does not include a date marked by a postage evidence system such as a postage meter.

RE 024

EXHIBIT

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AP Associated Press



Democratic presidential candidate Sen. Barack Obama, D-Ill. speaks during a town hall meeting at Granby High School in Norfolk, Va., Wednesday, Sept. 10, 2008. (AP Photo/Chris Carlson)



Democrats' advice for Obama: Tie McCain to Bush

By DAVID ESPO — 15 hours ago

WASHINGTON (AP) — With John McCain gaining in the polls, Democrats have a short checklist for Barack Obama: Tie the Republican to an unpopular President Bush. Let no charge go unanswered. And stress plans to fix the economy.

In more than a dozen interviews, prominent Democrats agreed that McCain's improved position in the race is due to a predictable gain after a successful national convention and likely to subside in the next several days.

Yet there was also a recognition that Obama's campaign needs improvements and that Alaska Gov. Sarah Palin's selection as McCain's running mate shook up the race.

Obama is "ahead by a couple of points in Pennsylvania at this point," said the state's Sen. Bob Casey, who quickly added, "In my view that's not good enough. We've got a lot of work to do."

Casey's summation — confidence tempered by concern that the race is far from settled — was a common theme among party strategists, state chairmen, lawmakers and others.

Once the immediate post-convention effect wears off, "I think the race will come back to where it was, a close race, a very close race, with a slight but real advantage for Obama," said Tad Devine, who was a top aide to Sen. John Kerry in the 2004 presidential race.

At the same time, several Democrats said Obama had erred in recent days by personally trying to counter Palin, who has sparked fresh excitement among Republicans.

They added that the result was to dilute the time and focus Obama could devote to McCain.

In addition, several Democrats said disapprovingly that the Obama campaign has rejected pleas to encourage the creation of outside political groups that can accept donations in unlimited amounts — entities that could air commercials to diminish Palin's standing or free up party funds for other uses.

They also said his campaign must do more to stress the anti-abortion views of McCain and — particularly — his running mate. The issue is key to suburban women voters in several states, including Pennsylvania, who support abortion rights.

None of those interviewed agreed to place their criticisms on the record, saying they did not want to create evidence of Democratic dissension as the fall campaign was beginning.

At the same time, several said Obama's long battle with Sen. Hillary Rodham Clinton for the Democratic nomination was paying dividends. They cited strong organizations in states such as Pennsylvania, where victory is critical to the Democrats' chances of winning the White House.

They also pointed to Iowa, where any voter is eligible to cast an absentee ballot beginning Sept. 25, and Ohio, where a one-week early-voting window opens on Sept. 30. Bush won both states in 2004, and his triumph in Ohio sealed his re-election.

"We have almost a 95,000 voter registration advantage over Republicans in the state, which is a huge difference," said Scott Brennan, the Iowa Democratic chairman.

In Ohio, Democratic Party Chairman Chris Redfern said his party has registered 900,000 new voters since March. He also said there are an additional 490,000 college students who can register and vote on the same day. "We have the best organization I've seen since 1992," he said, referring to the year Bill Clinton carried the state.

While one Democrat said he was surprised at the extent of McCain's recent gains in the polls, there was relatively little concern expressed overall.

"It would be nice if it didn't occur," said Peter Brodnitz, a Democratic pollster, but he added it is a common post-convention occurrence. "We're still going through the settling out" phase, he said.

As did others, Brodnitz said the Obama campaign "has to show they're the agent of change,"

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and refute McCain's claims in that area.

Casey said Democrats must make sure that McCain's previous statements favorable to the privatization of Social Security are well-known, as well as his votes against expanding children's health care. "I think John McCain's record is not very well-known, frankly," he added.

Palin's presence on the ticket presents a challenge for Obama, according to Democrats. "What's happened in the last two weeks has caught a lot of Democrats by surprise," said Simon Rosenberg, the president of the NDN, a think tank. "The Obama campaign and the party are recalibrating."

Several Democrats said the Alaska governor is experiencing a political honeymoon and predicted it would not last until Election Day. They expressed hope that the news media would investigate her record aggressively.

They also advised Obama to hand off the task of challenging her to his own running mate, Sen. Joe Biden of Delaware, or Democratic women.

"I think Barack Obama is running against John McCain and I think what he needs to do is get out there and talk about who really is able to change the direction of this country," said Ellen Malcolm, the head of Emily's List, which works to elect female Democrats who support abortion rights.

Hosted by 

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RE 026



September 13, 2008

Ohio Republicans Use Lawsuit To Fight for State's Crucial Votes

By AMY MERRICK
September 13, 2008; Page A6

The Ohio Republican Party spearheaded a lawsuit Friday over a directive from the office of Democratic Secretary of State Jennifer Brunner that would allow some early voters to register and vote on the same day.

The suit, filed by two Ohio voters in the Supreme Court of Ohio, in Columbus, ramps up the battle over voting procedures in a critical swing state with 20 electoral votes. But the parties' roles are reversed from the 2004 election. This time, a Democrat is setting the rules, and the state Republican Party is charging that those rules favor Sen. Barack Obama, the Democratic presidential candidate.

Conflicts over voter registration and voting procedures are heating up across the U.S. as the Nov. 4 election approaches. In Wisconsin, the Republican attorney general sued a state board this week over a process of comparing voter names with driver's-license records. The Florida Department of State made a last-minute announcement this week that it will begin enforcing a controversial law that requires matching an identifying number on voter-registration forms with government databases that critics say are prone to mistakes.



Ohio Secretary of State Jennifer Brunner

In Ohio, a recently enacted state law -- the subject of the Brunner directive -- allows residents, for the first time in a general presidential election, to vote early by absentee ballot without providing a justification. Advocates for the homeless and other groups say they will direct new voters to take advantage of the overlap between early voting, which begins Sept. 30, and voter registration, which ends Oct. 6. During that window, citizens can register and vote simultaneously. The outreach efforts are expected to benefit Democrats.

The Northeast Ohio Coalition for the Homeless, a Cleveland-based umbrella group for service providers, housing activists and others, is making plans to drive about 2,000 shelter residents to polling places during the overlap period. "This is a huge opportunity to prove to elected officials that very low-income people do vote," said Brian Davis, executive director of the group.

Republican officials are furious, charging that the one-stop process will encourage voter fraud. They argue that a state law requires Ohio residents to register at least 30 days before voting, so same-day registration and voting should be banned.

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tabbles

Ms. Brunner's position is that early ballots do not constitute votes until they are tabulated on Nov. 4, said Jeff Ortega, a spokesman for Ms. Brunner. In a statement about Friday's lawsuit, Ms. Brunner said, "It is unfortunate that a small, but vocal, group of Republican leaders continues to inject confusion and chaos in our elections."

Responding to the charge that Ms. Brunner favors Democrats, Mr. Ortega said, "Secretary of State Brunner has simply tried to provide clear, consistent, statewide standards for election boards in this state on a whole host of issues."

Ohio's boards of election are hoping that many people will vote before Nov. 4, easing the strain on an Election Day expected to produce a huge turnout. Ohio had a strong 46% turnout in the March primary, with 15% of the vote coming from absentee ballots.

Another wrinkle this year is the thousands of foreclosures hitting Ohio each month, which could mean many voters no longer live at their registered addresses. Nonprofit groups conducting voter-registration drives are concerned that these people will be challenged at the polls.

Ohio residents must present identification to vote, but they can use utility bills, bank statements, pay stubs or other documents in place of a driver's license or ID card. Early voters may provide the last four digits of their social-security numbers in lieu of such documents.

In 2004, Ohio was in an uproar over a tactic known as "caging," in which a political party calls for voters to be stricken from the rolls because mail sent to them was returned as "undeliverable." In the last presidential election, the state Republican party used returned mail to challenge the registrations of 35,000 new voters, most of whom lived in urban, heavily Democratic areas.

Not many voters were successfully removed, because "there was so much litigation and public backlash," said Teresa James, a lawyer in Ohio for Project Vote, a nonprofit voter-registration group. But she said some voters likely were intimidated by the challenges and stayed home.

On Sept. 5, Ms. Brunner told election boards that Republicans had passed a law concerning caging that she considered unconstitutional, and that a single returned election notice cannot be used as the sole basis to cancel a voter's residency. She also said every challenged voter must be notified and given a chance to attend a hearing before Election Day.

Kevin DeWine, deputy chairman of the Ohio Republican Party, said "nothing is off the table" in terms of election tactics, but he declined to be more specific.

Allegations of voter fraud are potent charges that have been part of elections for more than a century. Project Vote, which is running voter-registration drives with the community organization Acorn, says it has responded to the concerns. Recruits are paid by the hour, rather than by the name, to sign up new voters. Project Vote has set up call centers to attempt to contact people listed on all registration cards to verify their information. Canvassers found to falsify registrations are fired and reported to state boards of elections.

While the administration of President George W. Bush has made prosecuting voter fraud a priority, the government has provided little evidence that registration fraud is widespread or that it has a significant impact on elections. The U.S. Department of Justice said in March that it has convicted 102 people of voter fraud of various types since October 2002.

In 2004, a margin of 118,601 votes in Ohio gave President Bush the electoral votes he needed to reclaim the White House. The many election problems in that state still rankle Democrats. After the election, the Democratic staff of the U.S. House Judiciary Committee compiled a list of irregularities and grievances, including 10-hour lines in some urban areas, thousands of Republican challengers concentrated around polling places in minority and Democratic areas, and fake voter bulletins that told Republicans to vote on Tuesday and Democrats to vote on Wednesday.

Some Democrats alleged that J. Kenneth Blackwell, then the secretary of state and co-chairman of the Bush-Cheney campaign in Ohio, deliberately disenfranchised Democratic voters. He denied that partisanship affected his decisions.

Write to Amy Merrick at amy.merrick@wsj.com¹

URL for this article:

<http://online.wsj.com/article/SB122125136545029511.html>

Hyperlinks in this Article:

(1) <mailto:amy.merrick@wsj.com>

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Small check-box, big dust-up in OH

Posted: Friday, September 12, 2008 6:13 PM by Carrie Dann

Filed Under: [States](#), [2008](#)

From NBC/NJ's Carrie Dann

Pair the phrases "controversy" and "Ohio Secretary of State," and folks are bound to get antsy.

That's what erupted today, after some absentee ballot forms - distributed to Buckeye State residents by the McCain campaign - were deemed incomplete by Ohio Secretary of State Jennifer Brunner.

The problem? At the top of the McCain-issued [absentee ballot application](#), above lines where voters write their address and other identifying information to verify their voting eligibility, a statement reads: "I am a qualified elector and would like to receive an Absentee Ballot for the November 4, 2008 General Election." Next to the statement is a small checkbox.

Many applicants who filled out and returned the forms forgot to - or didn't realize that they were supposed to - check that box.

Yesterday, the [Cincinnati Enquirer](#) reported that Ohio Secretary of State **Jennifer Brunner** deemed applications with unchecked boxes unacceptable, sparking accusations that she was disenfranchising Republican voters by taking a particularly stringent stance. Saying that the McCain camp issued "confusing" forms, Brunner today insisted that state law "provides absolutely no room to accept forms if the voter has not taken the step of affirming that he or she is an eligible voter."

RE 030

EXHIBIT

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tabbies

<http://firstread.msnbc.msn.com/archive/2009/09/12/1389424.aspx>

A form almost identical to the McCain application was used by Ohio Republicans during registration for a 2007 special election. No complaints were lodged at that time.

The McCain campaign mailed over a million of the applications last week. A Republican aide estimates that the number of affected registrations will be "in the thousands."

In a press conference today, Brunner stood by the assessment that forms with unchecked boxes would not be processed, but she invited county election boards to submit the incomplete forms to her office, which will then contact applicants who failed to check the appropriate box. Voters will be informed of the mix-up by phone, reissued a new form, and also directed to a website where they can electronically confirm their status as eligible voters.

"Even though a campaign's confusing form has kept some Ohio voters from following Ohio election law, I am working with boards of elections to make sure every eligible voter gets to vote," said Brunner in a statement issued this evening. "Ohio law is crystal clear on the strict requirements to receive an absentee ballot. Ignoring that law could lead to voter fraud in such a high-turnout election."

Team McCain isn't satisfied with Brunner's decision, which adds an extra step to the process and could confuse applicants who believe that they have already filled the form out correctly.

"There is no reason to reject a form that includes all necessary legal requirements," said Jon Seaton, McCain's regional campaign manager in the state. "Our position has not changed - qualified electors who request an absentee ballot should not be disenfranchised."

[Main page](#)

RE 031

VERIFICATION & AFFIDAVIT OF RHONDA L. COLVIN

STATE OF OHIO)
) SS:
COUNTY OF FRANKLIN)

BEFORE ME, the undersigned Notary, personally came and appeared Rhonda L. Colvin, who, after being duly sworn, deposes and says as follows:

1. I am a resident and qualified elector of the State of Ohio.
2. I have reviewed the foregoing Verified Petition and Complaint for Writ of Mandamus, *State ex rel. Colvin v. Brunner*, which action is brought in the name of the State on my relation and on the relation of C. Douglass Moody.
3. I have personal knowledge of the matters forth in the Verified Petition and Complaint. The facts in the Verified Petition and Complaint are based on my personal knowledge.

FURTHER AFFIANT SAYETH NAUGHT.

Rhonda L. Colvin
Rhonda L. Colvin

Sworn and subscribed before me this 12th day of September, 2008.

Elizabeth J. Watters
Notary Public



ELIZABETH J. WATTERS, ATTORNEY AT LAW
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date.
Section 147.03 R.C.

AFFIDAVIT OF LUCILLE HASTINGS

STATE OF OHIO)
COUNTY OF HOLMES) ss:

I, Lucille Hastings, depose and state the following under oath:

1. I am a member of the Holmes County Board of Elections, and I have personal knowledge of the facts stated herein.
2. On or about August 25, 2008, Steve Knowling, Holmes County Prosecuting Attorney, issued an Opinion Letter to the Holmes County Board of Elections, a true and accurate copy of which is attached hereto.

Further Affiant sayeth naught.

Lucille Hastings
Lucille Hastings

Sworn to and subscribed in my presence this 20 day of September, 2008.

April Schaal
Notary Public



APRIL SCHAAL
Notary Public, State of Ohio
My Commission Expires
April 24, 2013

My commission expires: April 24 2013

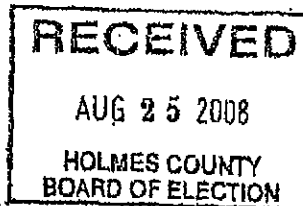
Steve Knowling
Holmes County Prosecuting Attorney
164 East Jackson Street
Millersburg, Ohio 44654
Phone 330-674-4841
Fax 330-674-0183



Assistant Prosecuting Attorneys
Robert D. Rinfret
Christine C. Williams
F. Christopher Oehl
Investigator
Chuck DeFelice

August 25, 2008

Holmes County Board of Elections
75 East Clinton Street
Millersburg, Ohio 44654



Re: Ohio Secretary of State Directive 2008-63

Dear Board Members:

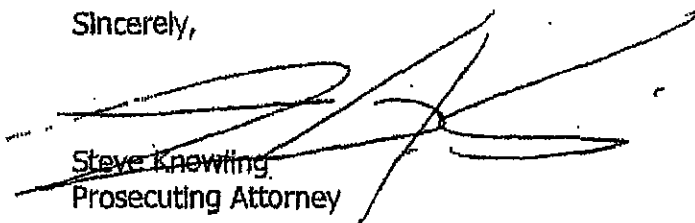
At your request I have reviewed Ohio Secretary of State Directive 2008-63 dated August 13, 2008. I have also reviewed the accompanying Memorandum issued by the Secretary of State on the same date. In addition I have reviewed certain relevant sections of the Ohio Revised Code specifically including but not limited to 3503.01, 3509.02, 2509.03 and 3509.04.

You have requested an opinion as to whether Secretary of State Directive 2008-63, to the extent it orders a local board of elections to permit "same day" registration and voting is contrary to existing Ohio law. Upon review I find that it is. I can find no basis in the Ohio Revised Code or any reported case law to support the position taken by the Secretary of State as expressed in her Directive. The Ohio Revised Code clearly mandates that for one to be a "qualified elector" they must have been registered for at least 30 days prior to participating in the ballot process, whether in person or by absentee ballot.

You should also be aware that Ohio Revised Code Section 3509.04(B) specifically provides that a board of elections can only provide an absentee ballot to an individual who is a "qualified elector".

To the extent that Secretary of State Directive 2008-63 orders a board of elections to act contrary to the above stated existing Ohio law, I find it is without legal foundation and should be disregarded.

Sincerely,


Steve Knowling
Prosecuting Attorney

SDK/krw

RE 034

AFFIDAVIT OF JOSE LOPEZ

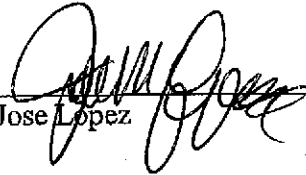
STATE OF OHIO)
COUNTY OF MIAMI) ss:

I, Jose Lopez, depose and state the following under oath:

1. I am a member of the Miami County Board of Elections, and I have personal knowledge of the facts stated herein.

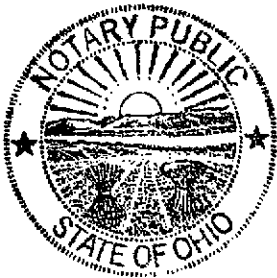
2. On or about September 4, 2008, Gary A. Nasal, Miami County Prosecuting Attorney, issued an Opinion Letter to the Miami County Board of Elections, a true and accurate copy of which is attached hereto.

Further Affiant sayeth naught.

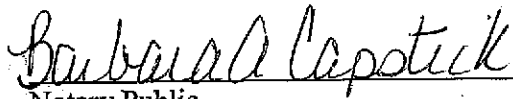


Jose Lopez

Sworn to and subscribed in my presence this 22nd day of September, 2008.

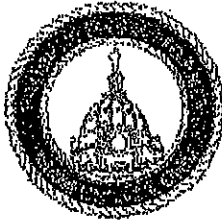


BARBARA A. CAPOTECK, Notary Public
In and for the State of Ohio
My Commission Expires SEPTEMBER 22, 2009



Notary Public

My commission expires: 9-13-09



GARY A. NASAL

MIAMI COUNTY PROSECUTING ATTORNEY
MIAMI COUNTY SAFETY BUILDING
201 W. MAIN STREET
TROY, OHIO 45373

JAMES D. BENNETT
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FACSIMILE: (937)440-5861

E-mail: prosecutor@co.miami.oh.us

OPINION NO. 08-565

**SUBJECT TO ATTORNEY/CLIENT PRIVILEGE
NOT FOR PUBLIC DISSEMINATION**

September 4, 2008

Mr. Steve Quillen
Director
The Miami County Board of Elections
The Old Court House
215 West Main Street
Troy, Ohio 45373

Dear Mr. Quillen:

I have before me your letter of September 2, 2008, which relates to a matter incident to your service as the Director of the Miami County Board of Elections. Your letter was accompanied by a copy of an opinion letter dated August 25, 2008, issued by the Honorable Steve Knowing, the Prosecuting Attorney of Holmes County, Ohio. You also provided my office with a copy of Directive 2008-63 issued by Ohio Secretary of State Jennifer Brunner.

You indicate in your letter that you are asking for my opinion, but you provide me with no specific inquiry or information as to the question which you now pose. I note that this is the second time that you have had contact with my office in this regard, and you have yet to frame your inquiry in a substantive and understandable manner.

Based upon my extrapolation from the information which has been made available to my office, however, it is my understanding that it relates to the concept of "same day" registration and voting. Although Secretary Brunner's Directive meanders through the subject at hand

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occasionally touching on relevant authority, a memorandum which accompanies the same indicates that she is mandating that county boards of elections "...develop procedures to immediately register an applicant and issue an absentee ballot to the newly registered elector of the county at the time of registration."


In his opinion, Mr. Knowling offers his judgment the requirement advanced by Secretary Brunner that local boards of elections provide "...same day" registration and voting is contrary to existing Ohio law." He suggests that the proposed procedure is "...without legal foundation and should be disregarded."

I concur in this judgment. Section 3503.01 of the Ohio Revised Code sets forth the qualifications of Ohio electors. Among the prerequisites to voting which are contained in that enactment is the requirement that an individual who proposes to vote in an Ohio election must have "...registered to vote for thirty days...". Section 3509.02 indicates that "[a]ny qualified elector may vote by absent voter's ballot at an election." (Emphasis Added) Under Section 3509.03 of the Code it is provided that "...any qualified elector desiring to vote absent voter's ballots at an election shall make written application for those ballots to the director of elections of the county...". (Emphasis Added) Further, under Section 3509.04, the director is to provide a prospective voter with an absent voter's ballot if he or she "...finds that the applicant is a qualified elector."

The Secretary of State of the State of Ohio is Ohio's chief election official, and, as such, the pronouncements of the holder of said position as to election matters should be afforded deference. The discretion of the Secretary is not unbridled, however, and he or she is obliged, as are we all, to follow the legal enactments of the Ohio General Assembly regardless of our personal or partisan preferences. It is my opinion, and you are advised that the suggestion that your office engage in same day registration and voting in a manner which is contrary to Ohio law as described above is illegal, inappropriate, and impermissible.

I am hopeful that my thoughts and opinions in this regard will prove of benefit and assistance to you. I very much appreciate your efforts, and those of your colleagues and Board members to ensure your continued successful efforts in the administration of fair and effective voting processes throughout Miami County. I thank you for your concern and your attention to this matter.

Sincerely,


GARY A. NASAL
Prosecuting Attorney
Miami County, Ohio

GAN:mwa

RE 037

AFFIDAVIT OF STEPHEN SALTSMAN


STATE OF OHIO)
COUNTY OF MADISON) ss:

I, Stephen Saltsman, depose and state the following under oath:

1. I am a member of the Madison County Board of Elections, and I have personal knowledge of the facts stated herein.

2. On or about September 5, 2008, Stephen J. Pronai, Madison County Prosecuting Attorney, issued an Opinion Letter to the Madison County Board of Elections, a true and accurate copy of which is attached hereto.

Further Affiant sayeth naught.

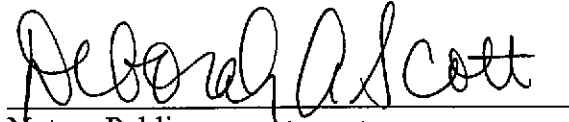


Stephen Saltsman

Sworn to and subscribed in my presence this 22nd day of September, 2008.



Deborah A. Scott
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration Date
Section 147.03 R.C.



Notary Public

My commission expires: no expiration



ASSISTANT PROSECUTING ATTORNEYS
EAMON P. COSTELLO
RACHEL M. PRICE
GREGORY T. MERRITT

OFFICE OF
STEPHEN J. PRONAI
MADISON COUNTY PROSECUTING ATTORNEY
59 North Main Street • London, Ohio 43140
Phone: (740) 852-2259 • Fax: (740) 845-1694

VICTIM/WITNESS ADVOCATE
CAROL A. MEADE, R.A.
OFFICE ADMINISTRATOR
JANICE MIRENACK

MEMO

Re: DIRECTIVE 2008-63
September 05, 2008

Ohio Secretary of State Jennifer Brunner issued Directive 2008-63 on August 13, 2008, which discussed processing voter registration application. The bulk of the directive urges the Board of Elections to expedite the voter registration process. However the directive also discusses newly registered voters applying for an absentee ballot at the time of registration. The directive states:

If a newly registered elector submitted an absentee ballot application with his or her voter registration application, the board shall issue the appropriate absentee ballot to that elector as soon as practicable, but not more than five business days after mailing the acknowledgement notice to that elector.

Additionally, there are several days before the 2008 general election during which a person may appear at the board of elections office and simultaneously submit for that election applications to register to vote or to update an existing registration and to request an absentee ballot. As discussed above, a board of elections must first obtain from the person who presents himself or herself to vote during this period a completed voter registration or change of address form.

Boards of elections are required to develop procedures to immediately register the applicant and issue an absentee ballot to the newly registered elector of the county at the time of registration, reserving the right to delay registration and immediate absentee voting if a board is not satisfied as to validity of the application and the applicant's qualifications.

This appears to be in contravention of the Ohio Revised Code and the Ohio Constitution. To understand the ramification of this directive an examination of pertinent law is necessary.

O.R.C. 3501.01(N) defines elector. It states: "elector or qualified elector means a person having the qualifications provided by law to be entitled to vote." O.R.C. 3503.01 and the Ohio Constitution define the qualification of an elector. O.R.C. 3503.01 states: "Every citizen of the United States who is of the age of eighteen years or over

and who has been a resident of the state thirty days immediately preceding the election at which the citizen offers to vote, is a resident of the county and precinct in which the citizen offers to vote, and has been registered to vote for thirty days, has the qualifications of an elector and may vote at all elections in the precinct in which the citizen resides." Ohio O Const V § 1 states: "Every citizen of the United States, of the age of eighteen years, who has been a resident of the state, county, township, or ward, such time as may be provided by law, and has been registered to vote for thirty days, has the qualifications of an elector, and is entitled to vote at all elections. Any elector who fails to vote in at least one election during any period of four consecutive years shall cease to be an elector unless he again registers to vote."

From these definitions we find that an elector is someone who is:

- (1) A citizen of the United States
- (2) 18 years of age or older
- (3) Resident of the state 30 days immediately preceding the election
- (4) A resident of the county and precinct in which the citizen offers to vote
- (5) And has been registered to vote for 30 days.

O.R.C. 3503.19 details the methods of registering to vote. For our purposes O.R.C. § (C) (1) is the law concerning registering a voter. It states: "A board of elections that receives a voter registration application and is satisfied as to the truth of the statements made in the registration form shall register the applicant not later than twenty business days after receiving the application, unless that application is received during the thirty days immediately preceding the day of an election." The board shall promptly notify the applicant in writing of each of the following:

- (a) The applicant's registration;
- (b) The precinct in which the applicant is to vote;
- (c) In bold type as follows:

"Voters must bring identification to the polls in order to verify identity. Identification may include a current and valid photo identification, a military identification that shows the voter's name and current address, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than this notification or a notification of an election mailed by a board of elections, that shows the voter's name and current address. Voters who do not provide one of these documents will still be able to vote by providing the last four digits of the voter's social security number and by casting a provisional ballot. Voters who do not have any of the above forms of identification, including a social security number, will still be able to vote by signing an affirmation swearing to the voter's identity under penalty of election falsification and by casting falsification and by casting a provisional ballot."

Finally, O.R.C. 3509.03 details the steps necessary to apply and receive an absentee ballot. It states that any qualified elector may apply for an absent voters ballot. The section details various requirements, specifically section (G) states: "A statement that the person requesting the ballots is a qualified elector." "O.R.C. 3509.04 directs the director issue a ballot "if the director finds that the applicant is a qualified elector: Per the O.R.C. to apply for and receive an absentee ballot, the voter must be a qualified elector. Again, per the O.R.C. and the Ohio Constitution, one of the requirements to be considered a qualified elector is that the voter be registered to vote for 30 days.

The Madison County Board of Elections is to follow the law of Ohio. According to Ohio law an absentee ballot cannot be issued to a person who is not a qualified elector. One of the requirements to be a qualified elector is to be a registered voter for 30 days. Therefore, according to the law you cannot issue an absentee ballot until the voter has been registered for 30 days. I am unclear of the Secretary of State's reasoning. I urge the Board of Elections to follow the law as statue in the Ohio Revised Code.