



DIRECTIVE 2019-09

June 26, 2019

To: All County Boards of Elections
Directors, Deputy Directors, and Board Members

Re: Cancellation Procedures for Registrations That Failed to Act on Confirmation Notices Issued in 2015 Pursuant to the Supplemental and National Change of Address (“NCOA”) Processes of the General Voter Records Maintenance Program; Last Chance Notices; and Data Collection and Reporting for Registration Reset List.

BACKGROUND

After the United States Supreme Court upheld the use of the Supplemental Process in *Husted, Ohio Secretary of State v. A. Philip Randolph Institute, et al.*, former Secretary Husted issued [Directive 2018-39](#), which directed the boards of elections to continue with the cancellation of the registrations that received confirmation notices in 2013 or 2014 pursuant to the Supplemental Process portion of the General Voter Records Maintenance Program while litigation surrounding the sufficiency of the confirmation notice sent prior to 2016 is ongoing.

State and federal laws require Ohio to perform a General Voter Records Maintenance Program, and I am committed to partnering with the boards of elections to modernize voter registration and the General Voter Records Maintenance Program to ensure that all eligible Ohio electors are permitted to vote.

[Directive 2015-09](#) instructed all boards to mail confirmation notices to electors identified pursuant to the 2015 Supplemental and NCOA Processes of the Ohio’s General Voter Records Maintenance Program. The boards were required to mail the confirmation notices between June 15, 2015 and June 29, 2015.¹

As such, the boards of elections shall continue with the cancellation of the registrations that received a confirmation notice in 2015 pursuant to the Supplemental and NCOA Processes of the General Voter Records Maintenance Program *and*, for a period of four years after the confirmation notice was mailed, failed to respond to the confirmation notice, update their registration, update or confirm their address at the Ohio Bureau of Motor Vehicles (“BMV”), vote or engage in voter activity, or respond to the last chance notice sent pursuant to this Directive.

This Directive also directs the boards of elections to send a “last chance notice” [Secretary of State Form 255-A-3](#) to each registration that must be cancelled. This requirement is materially similar to that contained in [Directive 2018-39](#). Finally, this Directive requires the boards of elections to provide the county ID number, state ID number, the first and last name, and the address

¹ Directive 2015-09.

of each registration that will be sent a “last chance notice” to the Secretary of State’s Office. This data will populate a Registration Reset List that will be used to obtain additional support to increase voter registration efforts and ensure the accuracy of voter registration lists.

INSTRUCTIONS

After uploading voter history from the May 7, 2019 Special/Primary Election, each board of elections must review the record of each elector in active-confirmation or confirmation status due to a confirmation notice sent as part of the 2015 Supplemental and NCOA Processes of the General Voter Records Maintenance Program. The registration shall be cancelled if the elector did not:

- Within the four-year period after the date the confirmation notice was mailed:
 - Respond to the confirmation notice (either via mail or using the online change of address system); or
 - Update their registration; or
 - Vote or engage in voter activity; or
- Appear on the county’s Automatic Confirmation of Address Safeguard and Safeguard Lookback lists pursuant to [Directive 2018-21](#) and [Directive 2018-21-02](#).

The boards of elections must send by forwardable mail a “last chance notice” [Secretary of State Form 255-A-3](#) to each elector who must be cancelled pursuant to the 2015 Supplemental and NCOA Processes. Each board must mail the last chance notices **no later than Monday, July 29, 2019**. [Secretary of State Form 255-A-3](#) must be populated to inform electors that their registration will be cancelled on Friday, September 6, 2019 and to explain the reason for the upcoming cancellation (i.e., failure to respond to a confirmation card and the date on which the confirmation card was mailed). If the elector replies to the notice updating or confirming the elector’s address, the elector’s registration shall not be cancelled.

Each board of elections must cancel the registration of any elector who does not reply to the “last chance notice” no later than **Friday, September 6, 2019**. Counties are eligible for reimbursement of actual costs for printing and mailing last chance notices sent to registrations cancelled pursuant to this Directive. Information regarding best procurement practices and reimbursement procedures is forthcoming.

Additionally, each board must provide the Secretary of State’s Office with a spreadsheet containing the county ID number, state ID number, the first and last name, and the address of each registration that the board sent a “last chance notice” to. The boards must upload this information via SharePoint by **Monday, July 15, 2019**.

MAINTAINING RECORDS OF CANCELLATION

Litigation over the content of some confirmation cards formerly used by prior administrations is ongoing. In light of that, each board must work with its voter registration vendor to ensure that its county voter registration system maintains and is able to produce a list of voter registrations that are cancelled pursuant this Directive. The boards must record in their county’s voter registration system:

- The date that it mailed a “last chance notice” [Secretary of State Form 255-A-3](#) to an elector;
- If the elector responds to the notice, the date on which the elector responded; and
- If the elector does not respond to the notice, the date the elector’s registration was cancelled.

The boards of elections must maintain and make available for public inspection and copying at a reasonable cost all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of registration lists, including the names and addresses of all registered electors sent confirmation notices and whether or not the elector responded to the confirmation notice.²

If you have any questions regarding this Directive, please contact the Secretary of State’s Office at (614) 728-8789.

Yours in service,



Frank LaRose
Ohio Secretary of State

² 52 U.S.C.A. §20507(i); R.C. 3503.26(B); CBE-45A & CBE-46, Secretary of State Retention Schedule.