



# ***Helping Voters Register Under Ohio Law***

**Important:** Voter registration drives in Ohio have to follow certain state laws and rules, such as a specific time limit for voter registration drives to turn in applications after receiving them, and rules about providing incentives to register to vote. It is important to review **all** relevant information regarding voter registration drives before beginning a voter registration program.

**About this guide:** The guide is broken up into five parts: 1) Who is Eligible, 2) Frequently Asked Eligibility/Residency Questions, 3) Filling out an Application, 4) Voter Registration Deadline, and 5) Voter Registration Drive Rules. Voter Registration Drive laws and rules are often more complicated than the summary table used for quick reference, so, if appropriate, a more detailed explanation is below the table. Sometimes the detailed explanation may not answer all the questions. Therefore, as a best practice, Project Vote recommends that voter registration drive organizers meet with their local election officials before beginning their programs. Election officials may be able to clarify rules and may also have their own interpretation or perspective that you will want to understand when starting your drive.

**Need assistance?** Project Vote offers training in running voter registration programs and best practices. Contact us at (202) 546-4173, [www.projectvote.org](http://www.projectvote.org), [info@projectvote.org](mailto:info@projectvote.org).

## **PART 1: ELIGIBILITY**

In Ohio, an individual may register to vote if he or she is:<sup>1</sup>

- A U.S. citizen;
- A resident of Ohio for 30 days before the election;
  - An individual's residence is a fixed habitation to which the person intends to return whenever absent.<sup>2</sup>
  - If a person doesn't have a fixed place of habitation but has a shelter or other location at which he or she has been a consistent or regular inhabitant and to which he or she intends to return, that location constitutes the person's residence for the purpose of voter registration.<sup>3</sup>
- 18 years old on or before the date of the next general election;
- Not currently serving a term of imprisonment for a felony;<sup>4</sup>
- Not adjudicated to be mentally incompetent for the purpose of voting by a court;<sup>5</sup> and
- Not permanently disenfranchised for violating Ohio's election laws.<sup>6</sup>

## **PART 2: FREQUENTLY ASKED ELIGIBILITY/RESIDENCY QUESTIONS:**

- **Homeless Applicants:** If a person does not have a fixed place of habitation, but has a shelter or other location at which the person has been a consistent or regular inhabitant and to which the person has the intention of returning, that shelter or other location may be used as the person's residence for the purpose of registering to vote.<sup>7</sup>
- **Felony Convictions:** A person currently serving time in jail or prison for a felony conviction can neither vote nor register. Additionally, a person who has twice been convicted of a violation of Ohio's election law is permanently barred from voting in Ohio. An otherwise qualified person convicted of a misdemeanor

may vote, and an otherwise qualified person who had been convicted of a felony may register and vote while on probation or parole, or after completing his or her jail or prison sentence.<sup>8</sup>

- **College Students:** A college student may vote using his or her Ohio school residence address if the student does not intend to return to a different permanent address. When a college student registers to vote from his or her school address, the school residence is considered to be the place to which the student's habitation is fixed and to which, whenever the student is absent, the student intends to return, and is considered by the student to be his or her permanent residence at the time of voting. Any other previous residence for voting purposes is no longer valid.<sup>9</sup>

### PART 3: FILLING OUT AN APPLICATION

Under Ohio law, state voter registration forms include the following information fields not designated as voluntary:<sup>10</sup>

- Whether the submission is a new Ohio registration or update
- A checkbox indicating the registrant is a citizen of the United States
- A checkbox indicating the registrant will be at least 18 years of age on the date of the next election
- Name
- Residence address, including county
- Mailing address, if different
- Date of birth
- A current valid Driver's license number, if the person has one, or if not, the last 4 digits of the registrant's Social Security Number. If the registrant does not have either, he or she must write 'none.'
- Previous address, if updating current registration
- Change of name information, if applicable
- Current date
- Signature or mark affirming that the applicant is eligible to register
  - "Sign" or "signature" means the applicant's written, cursive-style legal mark written in the person's own handwriting. If an applicant does not use a cursive-style legal mark in your regular business and legal affairs, "sign" or "signature" means any other legal mark that the person uses in his or her regular business and legal affairs that is written in the person's own handwriting.<sup>11</sup>
  - If the registrant is unable to sign his or her name and has no other legal mark, he or she should make an 'X.' The person who witnessed the making of the 'X' must write his or her name beneath the signature line.<sup>12</sup>
  - If the registrant is unable to make an 'X,' the person who registers him must sign the application form and attest that the registrant indicated he or she wanted to register to vote.<sup>13</sup>

### PART 4: VOTER REGISTRATION DEADLINE

- Applications must be submitted 30 days before an election.<sup>14</sup> Change of address within a county can be done on the day of the election. Change of address between counties can be done by appearing at the office of the board of elections either by noon on the Saturday before the election, on the Monday before election day, or on election day.<sup>15</sup>
- **A specific turn-around-time applies to voter registration drives turning in applications they collect. See below.**

## PART 5: SUMMARY OF STATE VOTER REGISTRATION DRIVE RULES

<b><i>Do organizations have to register with the state?</i></b>	No. Registration provisions in the statute were enjoined in <i>Project Vote v. Blackwell</i> , meaning they cannot be enforced. <sup>16</sup>
<b><i>Are there restrictions on getting voter registration applications?</i></b>	No.
<b><i>Does the state have any restrictions on using pre-filled voter registration form or other rules for mailing forms to potential applicants?</i></b>	Ohio law does not directly address these issues; however there is a rule prohibiting sending communications that are intended to be construed as communications from the board of elections. See question A below for details.
<b><i>Does the state require any training in order to conduct voter registration drives?</i></b>	No. Training provisions in the statute were enjoined in <i>Project Vote v. Blackwell</i> . <sup>17</sup>
<b><i>Does the state have restrictions on who may help others register to vote?</i></b>	Yes. A person whose plea of guilty to a felony is accepted by the court or who is convicted of a felony cannot help others register to vote. <sup>18</sup>
<b><i>Does the state have restrictions on paying drive workers?</i></b>	Ohio has a statute relating to compensation on a fee-per-registration or fee-per-volume basis, as well as payment other than on the basis of time worked. The enforcement of this statute related to voter registration is unclear. See question B below for details.
<b><i>Are there restrictions on the voter registration drive offering something of value to a person in exchange for completing a voter registration application?</i></b>	Yes. See question C below.
<b><i>Must the drive worker sign her name to the completed voter registration application, or is the drive or drive worker required to place other information on applications?</i></b>	Special rules apply for applicants who are unable to sign. Additional provisions in the law were enjoined by a court and are not enforceable. See question D below.
<b><i>Does the drive have to provide a receipt or other tracking information to the applicant?</i></b>	Ohio law does not address this issue.

<b><i>Are voter registration groups prohibited from putting identifying marks on completed voter registration applications?</i></b>	Ohio law does not address this issue.
<b><i>Are there restrictions on copying completed applications prior to submitting them to election officials, or other restrictions on data entry?</i></b>	Ohio law does not address this issue.
<b><i>Is there a time limit for voter registration groups to submit the applications they collect?</i></b>	Yes. Groups must return forms within ten days of completion, or by the registration deadline, whichever is earlier. If the form was received within 24 hours of the registration deadline, the group has 10 days from the date of receipt to submit it. <sup>19</sup>
<b><i>What are the consequences for failing to submit applications on time?</i></b>	Initial convictions on a smaller scale are a misdemeanor of the first degree, otherwise violation is a felony of the fifth degree. See question E below for details.
<b><i>If an application is incomplete, may the voter registration drive write the missing information on the application with the applicant's consent?</i></b>	This is not addressed in Ohio election law.
<b><i>How will an applicant know whether the election official received the application?</i></b>	Applicants who are approved are sent a notification. See question F below for details.
<b><i>How may an applicant correct an incomplete application after it has been submitted to election officials?</i></b>	There is no current procedure for correcting an incomplete application. See question G below for details on how an applicant can determine his or her registration status.
<b><i>Who investigates and enforces the state rules?</i></b>	Board of Elections/Secretary of State/county prosecuting attorneys/Attorney General. See question H below for details.

## State Voter Registration Drive Rules: Detailed Explanations

### BEFORE THE DRIVE

**A. Does the state have any restrictions on using pre-filled voter registration forms or other rules for mailing forms to potential applicants?**

Ohio law does not directly address these issues; however no person, not authorized by a board of elections, may send or transmit to any other person any written or oral communication which reasonably construed appears to be a communication from the board of elections and which was intended to be so

construed. Violations are punishable by a fine not less than one hundred nor more than one thousand dollars or imprisonment not more than six months or both.<sup>20</sup>

**B. *Does the state have restrictions on paying drive workers?***

Ohio has a statute that states that no person may receive compensation on a fee-per-registration or fee-per-volume basis for voter registrations. Further, under the statute, registration drive workers may only be paid on the basis of time worked, and whoever compensates a registration drive worker on a fee-per-registration or fee-per-volume basis is guilty of paying improper compensation for registering a voter. The statute indicates all of these violations are felonies of the fifth degree.<sup>21</sup> However, the statute, which also relates to payment for petitions, was enjoined in a court case involving petition circulators.<sup>22</sup>

**C. *Are there restrictions on the voter registration drive offering something of value to a person in exchange for completing a voter registration application?***

Federal law states that whoever "pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than \$10,000 or imprisoned not more than five years."<sup>23</sup> At least one federal appellate court has interpreted "payment" as "intended to include forms of pecuniary value offered or given directly to an individual voter, and indicated the value should be based on "an assessment of the monetary worth of an item from the perspective of the voter receiving the item." That case held that food vouchers could be "payment."<sup>24</sup>

Another example is California's Secretary of State's interpretation of the federal law to mean that "Any type of incentive is considered 'payment,' even things as seemingly innocent as cookies or admission to an entertainment event."<sup>25</sup>

## DURING THE DRIVE

**D. *Must the registration drive worker sign her name to the completed voter registration application, and/or must the drive or canvasser place other information on applications?***

If the registrant is unable to sign his or her name and has no other legal mark, he or she should make an 'X.' The person who witnessed the making of the 'X' must write his or her name beneath the signature line.<sup>26</sup> If the registrant is unable to make an 'X,' the person who registers him must sign the application form to attest that the registrant indicated he or she wanted to register to vote.<sup>27</sup> There are additional provisions, but they have been enjoined.<sup>28</sup>

**E. *What are the consequences for failing to submit voter registration applications on time?***

A voter registration drive worker who fails to submit voter registration forms on time is guilty of a felony of the fifth degree, unless he or she has not previously been convicted of election falsification (including previously under this same provision), violation of this law did not cause an applicant to miss a registration deadline, and the violator failed to properly return no more than 49 voter registration forms; in such cases, the violator is guilty of a misdemeanor of the first degree.<sup>29</sup>

**F. *How will an applicant know whether the election official received the application?***

If the board of elections receives the application prior to 30 days before the election and is satisfied with the truth of the statements in the application, the board must register the applicant within 20 business days and notify the applicant. If the board is unable to verify the applicant's address, the person will be required to cast a provisional ballot. If the provisional ballot is not counted, the registration will be canceled.<sup>30</sup>

**G. *How may an applicant correct an incomplete application after it has been submitted to election officials?***

There is no currently no procedure for correcting an incomplete application in Ohio. If a registrant does not receive confirmation of his or her successful registration, he or she should contact the county board of

elections to find out his or her status. Applicants may also check their voter status by searching the Secretary of State's website at <http://voterlookup.sos.state.oh.us/voterlookup.aspx>.<sup>31</sup>

#### **H. Who is responsible for investigating and enforcing the state rules?**

The Board of Elections may conduct investigations, summon witnesses, and take testimony under oath regarding the registration of any voter or as to the accuracy of the registration lists in any precinct.<sup>32</sup> Complaints may be filed with county prosecuting attorneys or the secretary of state.<sup>33</sup> The Secretary of State is responsible for investigating the administration of election laws, frauds, and irregularities in elections in any county, and for reporting violations of election laws to the Attorney General or prosecuting attorney, or both, for prosecution.<sup>34</sup>

### **WEB PAGE WITH STATUTE**

<http://codes.ohio.gov/orc/35>

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### **DISCLAIMER**

The information contained in this document is for general guidance only. It should not be used as a substitute for consultation with professional legal or other competent advisers. Project Vote is not responsible for any errors or omissions, or for the results obtained from the use of this information.

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<sup>1</sup> Ohio Rev. Code Ann. § 3503.01

<sup>2</sup> Ohio Rev. Code Ann. § 3503.02(A)

<sup>3</sup> Ohio Rev. Code Ann. § 3503.02(I)

<sup>4</sup> Ohio Rev. Code Ann. § 2961.01

<sup>5</sup> Ohio Rev. Code Ann. § 3503.21(A)(5)

<sup>6</sup> Ohio Secretary of State, *Frequently Asked Questions: Voter Eligibility*, <http://www.sos.state.oh.us/sos/elections/Voters/FAQ/voterEligibility.aspx#qualifications> (last visited Feb. 5, 2016) ("Ohio Eligibility FAQ"); Ohio Rev. Code Ann. § 3599.39.

<sup>7</sup> Ohio Rev. Code Ann. § 3503.02(I); Ohio Eligibility FAQ.

<sup>8</sup> Ohio Secretary of State, *Frequently Asked Questions, General Voting and Voter Registration*, <http://www.sos.state.oh.us/sos/elections/Voters/FAQ/genFAQs.aspx#convicted> (last visited Feb. 5, 2016).

<sup>9</sup> Ohio Eligibility FAQ.

<sup>10</sup> Ohio Rev. Code Ann. § 3503.14, Ohio Voter Registration Form, available at [www.sos.state.oh.us/upload/elections/forms/4010.pdf](http://www.sos.state.oh.us/upload/elections/forms/4010.pdf)

<sup>11</sup> Ohio Secretary of State, *Frequently Asked Questions, General Voting and Voter Registration*, <http://www.sos.state.oh.us/sos/elections/Voters/FAQ/genFAQs.aspx#sign> (last visited Feb. 5, 2016).

<sup>12</sup> Ohio Secretary of State, *Frequently Asked Questions: Voters with Disabilities*, <http://www.sos.state.oh.us/SOS/elections/Voters/voterswithdisabilities/ADAFAQs.aspx> (last visited Feb. 5, 2016) ("FAQ: Voters with Disabilities").

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<sup>13</sup> FAQ: Voters with Disabilities.

<sup>14</sup> Ohio Rev. Code Ann. § 3503.19

<sup>15</sup> Ohio Rev. Code Ann. § 3503.16

<sup>16</sup> *Project Vote v. Blackwell*, 455 F. Supp. 2d 694, 704 (N.D. Ohio 2006); Partial Final Judgment, *Project Vote v. Blackwell*, No. 1:06-cv-01628 (N.D. Ohio Feb. 11, 2008). Ohio statute also contains a “direct return” requirement to require individuals assisting applications to register to vote to return completed forms directly to the board of elections or the Secretary of state rather than entrusting those forms to a third party for delivery, but it is also enjoined. *Id.* (enjoining § 3503.19(B)(2)(c) and § 3599.11(B)(2)(b) and (C)(2)).

<sup>17</sup> *Project Vote v. Blackwell*, 455 F. Supp. 2d at 703; Partial Final Judgment, *Project Vote v. Blackwell*, No. 1:06-cv-01628 (N.D. Ohio Feb. 11, 2008).

<sup>18</sup> Ohio Rev. Code Ann. § 2961.01(B)

<sup>19</sup> Ohio Rev. Code Ann. § 3599.11

<sup>20</sup> Ohio Rev. Code Ann. § 3599.43

<sup>21</sup> Ohio Rev. Code Ann. § 3599.111

<sup>22</sup> *Citizens for Tax Reform v. Deters*, No. 1:05-CV-212, 462 F. Supp. 2d 827 (S.D. Ohio Nov. 27, 2006), *aff’d*, 518 F.3d 375 (6th Cir. 2008). Organizations should communicate with election officials regarding their compensation programs. Project Vote cannot provide legal advice; instead, organizations seeking legal advice should consult counsel regarding the applicable laws and regulations.

<sup>23</sup> 52 U.S.C. § 10307(c).

<sup>24</sup> *United States v. Garcia*, 719 F.2d 99, 102-03 (5th Cir. 1983).

<sup>25</sup> California Secretary of State, *Guide to Voter Registration Drives* 11 (revised Jan. 2016), available at <http://elections.cdn.sos.ca.gov/guides/guide-to-vr-drives.pdf>.

<sup>26</sup> FAQ: Voters with Disabilities.

<sup>27</sup> Ohio Rev. Code Ann. § 3503.14(C)

<sup>28</sup> See Partial Final Judgment, *Project Vote v. Blackwell*, No. 1:06-cv-01628 (N.D. Ohio Feb. 11, 2008) (declaring unconstitutional, and enjoining enforcement of, a “Compelled Disclosure” requirement that individuals assisting applicants to register to vote provide their name, signature, address and employer on the voter registration form of each individual they assist).

<sup>29</sup> Ohio Rev. Code Ann. § 3599.11

<sup>30</sup> Ohio Rev. Code Ann. § 3503.19

<sup>31</sup> <sup>31</sup> Ohio Secretary of State, *Frequently Asked Questions, General Voting and Voter Registration*, <http://www.sos.state.oh.us/sos/elections/Voters/FAQ/genFAQs.aspx#after> (last visited Feb. 5, 2016); Ohio Secretary of State, Voter Search, <http://voterlookup.sos.state.oh.us/voterlookup.aspx> (last visited Feb. 5, 2016)

<sup>32</sup> Ohio Rev. Code Ann. § 3503.25

<sup>33</sup> Ohio Rev. Code Ann. § 3503.10(C)(4)

<sup>34</sup> Ohio Rev. Code Ann. § 3501.05(N)(1)