

## **Correcting Ohio's Voter Purge:**

### ***Infrequent Voters Who Were Unlawfully Purged from Ohio's Registration Rolls Will Be Permitted to Vote in the November 2016 General Election***

#### **Background**

For years, Ohio has been removing voters from the registration rolls if they have not voted in recent years under a procedure called the "Supplemental Process," based on the assumption that such voters have moved—an assumption that is often mistaken. In 2015, Ohio purged hundreds of thousands of infrequent voters from its rolls under this process. These voters had last voted in 2008—a year when Ohio experienced record turnout. Many voters purged in 2015 and previous years attempted to vote in the November 2015 statewide election and the March 2016 primary only to be denied their right to vote.

In September 2016, the Court of Appeals for the Sixth Circuit found that Ohio's Supplemental Process violates a federal law, the National Voter Registration Act of 1993 (NVRA), which prohibits states from removing voters from the registration rolls due to the voter's failure to vote. The Circuit Court then sent the case back to the District Court to determine how to protect the right to vote for unlawfully purged voters in 2016. On October 19, 2016, the District Court issued an order determining how these unlawfully purged voters will be treated in **the November 2016 General Election**.

#### **Which Purged Voters Will Be Eligible to Vote?**

Purged voters who will be able to vote in the upcoming November General Election are those who:

- Were purged under the Supplemental Process **from 2011 to present**;
- Continue to reside in the **same county** where they were registered at the time that they were purged; **and**
- Have **not become ineligible** subsequent to the time that they were purged (e.g., because of a felony conviction).

#### **How Purged Voters Can Participate in the November Election**

Voters who were unlawfully purged under the Supplemental Process will still be able to cast a vote that counts. They will need to vote **in person** at their county's early voting site or at the polling location for their present address on Election Day. Such voters will be given a **provisional ballot** that will be counted for the November 2016 election. This ballot will also serve to re-register them at their current address.

There is one exception to the requirement that purged voters must vote in person. Purged voters who cannot vote at an early voting site or the polls because of **illness or disability** can contact their local boards of elections to request that a provisional ballot be delivered. In that circumstance, the board of elections will send two employees (one from each party to ensure there is no attempt to influence the voter) to deliver the ballot, provide assistance in completing it if necessary, and return the ballot to the board of elections, where it will be treated just as other ballots cast by purged voters.

Purged voters **will not be able to vote by mail**. Any unregistered voter who submits a vote-by-mail application will receive a notification of denial that states: "You may still cast a provisional ballot during [the] in-person absentee voting period at any appropriate early voting location or the county board of elections, or on Election Day at the correct polling place for your current address."

The Secretary of State and county boards of elections will add information to their web tools for voters to give guidance to voters who are unable to locate their voter registration information. This guidance will inform voters: (1) that they may be able to cast a provisional ballot during early voting or on Election Day and have it counted, (2) how to contact their local board of elections, and (3) how to determine their polling location. In addition, the Secretary of State will add information to his web page for voters with disabilities concerning the voting opportunities available to such voters.

Voters can find their polling location by calling their county board of elections or searching online at:  
<https://www.sos.state.oh.us/SOS/Upload/sites/ballotTracking/ballotTracking.aspx?page=20547>.

For more information see Directives 2016-39 and 2016-41 issued by Ohio Secretary of State Jon Husted, *available at*  
<http://www.sos.state.oh.us/SOS/elections/electionofficials/Rules.aspx>.