



To: Office of Ohio Secretary of State Frank LaRose

January 28, 2026

Dear Secretary LaRose and staff,

The [Ohio Voter Rights Coalition](#) is Ohio's nonpartisan coalition of partner organizations and voter advocates dedicated to ensuring that our elections are modern, secure and accessible to all Ohioans. Our collective work also develops and supports the operation of Election Protection programming, including the 866-OUR-VOTE support line, offering Ohioans comprehensive nonpartisan voter information and assistance in multiple languages.

Please find comments regarding the proposed changes to the Election Officials Manual (EOM) below. While we appreciate the opportunity to provide feedback and thank your team for posting redlined versions, with only five days' notice to review hundreds of pages of proposed changes to the EOM, we are forced to triage the proposed sections, and divert our time to providing feedback on the sections most likely to create the most confusion for voters, poll workers, and Boards of Election (BOE) staff. Thus, this document is not a comprehensive, or exhaustive, analysis of the proposed changes. Our comments below are based on review and conversations with voters, poll workers, poll monitors, boards of elections monitors, elections officials, and diverse stakeholders across Ohio working to understand election administration and voting laws.

We remain concerned that elections officials also have not had ample time to review these changes to provide substantive content, which was also true during recent and rushed legislative processes. When public policy is unnecessarily fast-tracked, unintended consequences are inevitable. Please consider providing a second comment period after your office incorporates new changes to ensure that your office can truly take advantage of the collective wisdom of outside stakeholders.

## GENERAL OBSERVATIONS

- **Increased voter burden and need for education** — Proposed changes to the EOM significantly raise the burden on voters to complete onerous tasks, communicate with BOEs via mail and in person, and produce verification and possible documentation rather than simply attesting on a traditional form that their information is accurate. Proposed changes are lacking a clear, concise flowchart that BOEs can follow for the flagging and notification

processes. We look forward to uplifting the Secretary of State's robust public education campaign to inform voters of the significant and punitive changes to Ohio's election laws.

- **Projected increases in provisional ballots will require increased BOE planning and PEO training** — BOEs should prepare and plan to issue historically high numbers of provisional ballots. Boards need to plan and appropriately staff polling locations and Board offices to adequately assist impacted voters in a timely fashion. We encourage BOEs to detail their provisional balloting plans and updated poll worker training materials in their Election Administration Plans. Proposed changes are missing how precinct election official training should include ensuring voters understand why they must vote provisionally and which fields are required to be completed on Form 12-B for their particular case.
- **New processes are lacking specificity** — Verification, reconciliation, and ballot curing processes, forms and deadlines are vague, incomplete, and inaccurate across the voting process as written in the proposed changes to the EOM.
- **BOEs continue to need additional appropriations to comply with new systems and processes.** At minimum, boards will need to print new absentee materials, educate staff, update poll worker training, and increase staff time to manage much higher provisional ballot counts. BOEs also need significant funds to educate voters so that they can freely and fairly access the ballot by understanding and following these new protocols.

## CHAPTER 4—VOTER REGISTRATION

### Language about the NVRA is inaccurate.

- The Elections Officials Manual should revert back to previous language in section 4-9 that stated "The Help America Vote Act (HAVA), the National Voter Registration Act (NVRA), and the Ohio Revised Code include ways to increase opportunities to register to vote." Reinserting this language in the EOM is in line with the stated findings and purpose of the NVRA, which are "the right of citizens of the United States to vote is a fundamental right, it is the duty of the Federal, State, and local governments to promote the exercise of that right, and discriminatory and unfair registration laws and procedures can have a direct and damaging effect on voter participation by various groups, including racial minorities."<sup>1</sup> Recent changes to voter registration practices and procedures do not comply with the NVRA.

### Confusion remains about which dataset voters must reconcile when flagged for BMV data mismatches

- Nowhere in SB293, as enrolled, or in the proposed EOM, is there clarity on which dataset must be reconciled when a voter is flagged and put in provisional status for mismatches between their voter registration record and their BMV record. Put another way, it is not clear which of these two datasets must conform to the other. In Ohio law, a voter may

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<sup>1</sup>52 U.S.C. § 20501

present a valid and unexpired DL or state ID to vote. There is no legal requirement for the address on that ID to be current - so long as the ID itself is unexpired<sup>2</sup>. Additionally, Ohioans are now able to obtain a BMV issued ID that does not expire for eight years. These facts indicate a likelihood that an individual's voter registration record may be more accurate as to their residence than what's on file with the BMV. This ambiguity has a strong likelihood of creating confusion among voters and BOE staff alike, and could potentially lead to eligible voters not being able to reconcile their data, or cure their provisional ballot, in time for their vote to be counted.

- We recommend a deferential approach to the reconciliation, where the voter determines on a case-by-case basis which dataset they wish to conform to the other.

#### **The 14 day cutoff for pre-election BMV data reconciliation is not supported by statute**

- Ohio Revised code section 3503.201 governs the process for how voters are to reconcile data mismatches between their voter registration file and BMV files. However, page 4-37 of the proposed EOM changes states, “[a] voter does not have to vote provisionally if they fix their mismatched registration **more than 14 days before an election** by doing any of the following.” Nowhere in ORC 3503.201 does a 14 day cutoff for pre-election reconciliation exist. On the contrary, the statute states, in relevant part:

“An elector whose registration record has been marked under division (A) of this section to indicate that the elector must cast a provisional ballot is not required to cast a provisional ballot if, **before the elector next appears to vote**, the elector does the following, as applicable.”<sup>3</sup>

- The statutory language “before the elector next appears to vote” controls the timeframe an individual must reconcile any identified mismatches in their data. The 14 day pre-election cutoff proposed in the EOM materially conflicts with ORC 3503.201(B) as it would require voters to reconcile their data by a specific point in time (14 days before an election) rather than the statutorily prescribed “before the elector next appears to vote.”
  - We recommend implementing ORC 3503.201(B) as written, where a voter has until “the elector next appears to vote” to reconcile any data mismatches.
  - Should the Secretary of State choose not to implement ORC 3503.201(B) as written, we encourage clarifying what constitutes “an election” for the purposes of determining when the arbitrary 14 day cutoff period ends. Specifically, does an election pertain to Election Day, or does it pertain to the start of early voting?

#### **No process for challenging the accuracy of information housed by the BMV/SSA/SAVE for the purposes of voter registration cancellation**

- The Ohio Voter Rights Coalition appreciates the attempt to provide assurance that steps will be taken to immediately correct and reverse any registration cancellation made “in error.”<sup>4</sup> However, the proposed EOM changes do not provide a procedure for voters to challenge the accuracy of information in possession of state and federal agencies that ultimately led to their voter registration being cancelled. The lack of an identified

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<sup>2</sup> R.C. 3501.01(AA).

<sup>3</sup> R.C. 3503.201(B)

<sup>4</sup> R.C 3503.21

procedure in this instance is juxtaposed to the availability of an administrative hearing to individuals who have had their voter registrations cancelled due to data indicating they are a noncitizen.<sup>5</sup> Indeed, the only discernable way for an individual's registration to be restored would be if BOE staff themselves identified the error.

- At minimum, individuals should be provided an opportunity to attest to the accuracy of their information at an administrative hearing where evidence can be presented and the individual is able to advocate for themselves.

## PROVISIONAL VOTING

While provisional voting is a safeguard, it is time and resource intensive. A number of proposed changes throughout the EOM will unwisely increase provisional voting exponentially, which will have a number of negative impacts. In written legislative testimony last year, Franklin County's Deputy Director Payne reflected that "a man came to the polls and threaten[ed] workers after his wife was made to vote a provisional ballot."<sup>6</sup> Poll workers and elections officials should not have to be the face of ill-conceived policies that ultimately increase voter frustration, confusion, and distrust.

The rise in provisional voting will also increase lines for all voters, by requiring additional forms, envelopes, voter affidavits, and detailed instructions that can take several minutes longer than issuing a regular ballot. BOEs will need ample compensation to deal with all these changes.

Language in Chapter 5 that is designed to ensure adequacy of provisional ballots at each polling location needs to be clarified and strengthened. Considering that Boards of Election have never determined provisional status based on BMV data mismatches, using a previous election's provisional ballot usage rate to benchmark the number of provisional ballots needed is nonsensical. Similarly, higher turnout elections will mean that many more voters may not remember their ID and need provisional ballots. The EOM's suggested approach is based on an apples-to-oranges comparison, which should not be relied upon to project the appropriate number of provisional ballots available at each polling location. In addition, BOEs should publish their rationales for provisional ballot allocations in their election administration plans so advocates can provide feedback.

Section 8.2 needs more clarity. A voter who changed their name but remains in the same precinct may cast a regular ballot if they show proof through a court order, marriage license, or "other official document." Vague instructions about what documentation is required will likely result in different interpretations by different elections workers, ultimately causing some voters to be disenfranchised for an act that allows another voter to have their vote counted.

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<sup>5</sup> Proposed Election Official Manual, Chapter 4.p.4-63

<sup>6</sup> Testimony of David Payne of the Franklin County Board of Elections in Senate General Government Committee on Senate Bill 82 of the 136th General Assembly. April 8, 2025

## RELATED FORMS

Considerable changes have been made to forms; there is inconsistency and lack of branding uniformity, which can increase confusion among elections workers and distrust among voters. The following is not an exhaustive list, but focuses on direct impact to voters caught in provisional status from third party database checks (BMV, SSN, and SAVE).

The Ohio Voter Rights Coalition has advocated for Form 12-B reform since HB458 in 2023. However, the proposed modifications to retrofit it for SB293 are increasingly unsatisfactory for eligible voters, election officials and PEOs.

Recognizing new statutory requirements which will now either remove or retain an eligible voter on the rolls based on accurate completion, it is critical for Form 12-B to be redesigned with trained designers and language experts to incorporate maximum accessibility including ADA-compatible font size, adequate white space and digestible instructions. Failure to do so is unethical at best.

- Recommend all forms mailed to voters include 'name of registered voter' space, date of action taken, and BOE contact information, maximized for voter and election official readability. Currently inconsistent across forms.
- Specific deficiencies for [Provisional Ballot Affirmation Form 12-B](#) include:
  - **Sec. 5:** is misleading and incomplete. There is no place on this form to prove a voter showed a photo ID to a PEO as required (and stated).
  - **Sec. 6:** Explicitly state which information is required to be updated based on their mismatch/provisional flag. This section is marked "recommended", however, in multiple cases, failure to complete this section results in registration cancellation.
  - **Sec. 6:** DL/ID information provided in Sec. 5 should be sufficient. No one should have to re-enter the same information twice on one form for two distinct purposes.
  - **Sec. 7:** stated as "required", but would not be required for the vast majority of eligible voters already deemed a citizen by the SOS. This section is misleading and overly onerous.
    - Remove the language associated with 1. and 2. bullets. This section is irrelevant for anyone who hasn't been challenged on-the-spot for noncitizen status. Challenged electors are required to answer citizenship verifications on [Form 10-U](#) prior to receiving this form.
      - First: "*If you have already provided proof of citizenship to the Bureau of Motor Vehicles, write your full Ohio driver license or state identification card number above.*" Instruction does not stipulate WHERE to write DL/ID number (Sect 5 or 7).
      - Secondly: Neither PEOs nor eligible voters will know what "*proof of citizenship*" to the BMV means, let alone a voter remember (up to 8 years ago) if they supplied it to another 3rd party agency. Technically, BMV requires proof of legal residency, not citizenship. POC is currently only defined for/by SOS use.

- **Sec. 8:** “I am eligible to vote in the election in which I am voting this provisional ballot.” is misleading; remove. If there are other statutory eligibility requirements, list them. This implies the voter is aware of all requirements (even if omitted herein).
  - **Sec. 8:** Add bullet for voter to acknowledge that by failing to provide complete and accurate information on this form or cure in four days, they will be removed from the rolls. NOTE: unless accuracy is verified onsite, voter will not know if they need to cure a mismatch.
  - Remove “(Do not write today's date here)” on DOB line, recognizing that “write today's date here” are the last words a person reads before entering a date.
- [Form 10-BB Voter Registration Cancellation Notice - Noncitizen](#)
  - Add ‘name of registered voter’ space.
  - Note: form lists only SAVE verification, arguably the most out-dated dataset.
- [Form 10-J Acknowledgement Notice](#)
  - Update to include military dependent ID in list of acceptable IDs.
- Both [Form 10-C Voter Information Confirmation Notice](#) (for BMV mismatches) and duplicate [Form 10-D Voter Information Confirmation Notice](#)
  - Add ‘name of registered voter’ space, BOE contact information and authenticity/branding.
  - “not later than 10 days after receipt” is an implied deadline without citation in EOM. If deadline is required, then consider date field or timestamp.
  - [10-E Voter Information Confirmation Notice](#) appears to be an alternate version of Form 10-C/D, but is not referenced in Chapter 4.
- [Form 11 Absent Voter Envelope](#)
  - Misleading outer envelope; omits that only a voter can use the dropbox. Cite related law clearly on the form and cite in EOM.
- [Form 11-A Absentee Ballot Application](#)
  - Change “7:30pm” to “close of polls”; inconsistent with EOM, but also used interchangeably for UOCAVA at end of this form (confusing).
- [Form 11-R Absentee Ballot Request Rejection for a Provisional Voter](#)
  - Add BOE contact information and authenticity/branding.
  - Add date field or timestamp notice to indicate date the action was issued.
- [Form 11-I Application for Absent Voter's Ballot by a Voter who is Disabled or Confined, Unreported Change of Address and/or Name or Bureau of Motor Vehicles/Social Security Administration Mismatch](#)
  - Nowhere else in the EOM does a single form serve three different purposes. Form 11-I should be broken out into three different forms that specifically and solely relate to one of the three stated purposes.
  - It is unclear where an individual would put their current registration address.

- Without additional clarity, Sections 3 and 7 can reasonably be interpreted to require the same address information.
  - If Section 3 is seeking the applicant registration address, it should plainly say so.
  - Add “*to the best of my knowledge and belief*” to the last bullet of section 9 to be consistent with other attestation forms (see similar on 12-B).
  - Remove “(*Do not write today's date here*)”; recognize ‘write today's date here’ is the last thing a person reads before entering. Misleading/confusing.
- Provisional Ballot Notice 12-H
  - Instruct PEO to circle/demarcate the reason listed the voter was required to vote provisionally to ensure voter is aware of what is necessary to cure.
  - “*In these situations, the law requires that your ballot can be counted **only** if you appear at the office of the board of elections and provide to the board any **additional information necessary** to determine your eligibility.*” Language is misleading for mismatch issues that can be remedied from correctly completing Form 12-B and doesn’t include what information is required.
  - To reduce confusion, add a Yes/No demarcation to the following: “*You have been asked to vote a provisional ballot because you did not have proof of United States Citizenship*”.
  - If copies are acceptable for some forms of POC, copies should be acceptable for all.
- Form 255-I Voter Registration Cancellation Notice – Failure to Count Provisional Ballot
  - Add date field or timestamp notice to indicate date the action was issued.
  - Bullet items #5 and #6 should be removed as these are precursor, independent situations which don’t pertain to casting a provisional ballot.

## NECESSARY UPDATES IN OTHER CHAPTERS

- **4-11** Update error: “225-J” should be “255-J - Voter Registration Cancellation Notice – Safe at Home”.
- **7-6** Cite statute for the following: “*To ensure compliance with state and federal law, and to protect the security of absentee ballot delivery, the only individual who may use a drop box to return the ballot is the voter.*”
- **9-12** Add U.S. military dependent ID to list of acceptable IDs.
- **9-14** Stipulates voters must correct BMV data mismatches by 14 days before an election in order to cast a regular ballot. However, ORC 3503.201(D) does not include a 14 day cut off for reconciling BMV mismatches. Cite correct statutory requirement.
- **9-15** Add instructions for PEO explaining to a voter the reason for the provisional flag. Currently instructs a voter that they are flagged, but doesn’t instruct PEO to explain what datapoint is mismatched/missing and which item requires an update. What if VR information on file is the most accurate - how will that be determined?

- **9-16** Remove “if...procedures allow...” from Form 12-B provisional process and instead instruct PEO to “fully review provisional ballot for completeness”. Considering a PEO is required to see a voter’s photo ID and completeness is required by the voter to avoid cancellation, PEO should be required to review for completeness.

## STRUCTURAL OBSERVATIONS

- To increase accessibility further, consider hyperlinks opening in a new window so the reader doesn’t lose their place in the document.
- All forms should be standardized to avoid voter and election official confusion and maximized for readability for all populations.<sup>7</sup>
- With the new format compartmentalized by chapters, consider including a list of related forms for each chapter for easy access (similar to the checklist at a chapter’s end).
- We appreciate the improvements on readability, but caution the authors to not skip additional detail to fully explain a given directive to election officials.
- Inconsistencies found with use of “cancellation” vs. “cancelation” and “7:30 pm” vs. “close of polls” across EOM and related forms.

Thank you for the opportunity to provide comments on behalf of our members, the Ohio Voter Rights Coalition, and eligible Ohio voters. Please contact us for further discussion or additional information.

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<sup>7</sup> <https://www.section508.gov/develop/fonts-typography/>