



DIRECTIVE 2020-10

June 9, 2020

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

Re: 2020 General Voter Records Maintenance Program – **National Change of Address**
(“NCOA”) **Process Only**

SUMMARY

This Directive provides instructions to boards of elections on how to conduct the NCOA component of the general voter records maintenance program in 2020, as required by federal and state law.

BACKGROUND

The voter records maintenance program, generally, is a requirement of the National Voter Registration Act of 1993 (“NVRA”),¹ commonly referred to as the “motor voter law.” State law requires local election officials to conduct the state’s NCOA portion of the general voter records maintenance program every year.²

INSTRUCTIONS

All boards of elections must review the NCOA records provided by the Secretary of State and either **a)** change the voter’s address when it is in the voter’s same county and mail the in-county confirmation notice prescribed for this purpose ([Secretary of State Form 10-S-2](#)), or **b)** mail a confirmation notice ([Secretary of State Form 10-S-1](#))³ to an elector who has filed a change of address indicating a move to a different county or state or who left no forwarding address with USPS.

Confirmation notices are always mailed to the address that appears on the 2020 NCOA list for the voter. However, to prevent confusion, regardless of the address to which the notice is mailed, the front, pre-printed side of ([Secretary of State Form 10-S-1](#)) and

¹ 52 U.S.C.A. §20507.

² R.C. 3503.21(D).

³ [Secretary of State Form 10-S-1](#) (issue date of June 2020) will be the same form of confirmation notice that boards of elections issue to any voter whenever that voter’s acknowledgement card is returned undeliverable, per R.C. 3503.19. The relevant dates (i.e., voter registration deadline and the date of the election) are updated by the Secretary of State prior to each primary and general election. Boards will continue to use [Secretary of State Form 10-C](#) and [Secretary of State Form 10-D](#) for BMV/SSA information mismatches.

(Secretary of State Form 10-S-2) must include *only* the address at which the elector is registered to vote. That is the address the voter is being asked to confirm.

- For [Secretary of State Form 10-S-1](#) (when elector has filed a change of address indicating a move to a **different county** or state or left no forwarding address with USPS), print the address that appears in the board’s county’s voter registration system for the elector.
- For [Secretary of State Form 10-S-2](#) (when elector has filed a change of address indicating a move to a new address in the **same county**), print the address that appears in the in-county NCOA file for that elector, since the board has updated the voter’s registration address to the new address in the same county.

Print the address to which the notice must be mailed on the letter-side of the confirmation notice. This is the address provided by the NCOA. In addition, place the board’s name and return address at the top left corner of the letter-side. Whether printing confirmation notices in house or with a vendor, each board of elections must create a proofing process and carefully review for accuracy both the underlying data (e.g., name, address, etc.) and its proper placement on the notice.

All notices that are mailed pursuant to the 2020 NCOA process (both *in-county* and *out-of-county*) must be mailed between June 22, 2020 and June 30, 2020. Automatic updates made pursuant to the in-county process must be complete no later than the date the corresponding confirmation notice is mailed.

All boards of elections must use the current versions of the Confirmation Notices ([Secretary of State Form 10-S-1](#)) and ([Secretary of State Form 10-S-2](#)) and include a postage-paid return envelope with each notice. The most current versions were issued in June 2020.⁴

I. 2020 IN-COUNTY NCOA PROCESS

A. Compiling the Data for the 2020 In-County NCOA Process

Boards of elections will access their 2020 in-county NCOA data file beginning June 9, 2020 through the BOE Portal using steps provided by the Secretary of State’s Office and sent separately via email.

B. Mailing the Confirmation Notice for the 2020 In-County NCOA Process

All electors identified as a part of the 2020 in-county NCOA process must be sent an in-county confirmation notice ([Secretary of State Form 10-S-2](#)) between June 22, 2020 and June 30, 2020, unless the address provided by the NCOA already matches the address in the voter registration system for the voter and the voter is in an “active-active” status.

⁴ R.C. 3503.21(D).

- Prior to sending the confirmation notice, the board must first change the voter’s address to the address reported on the 2020 NCOA list.⁵
- The in-county confirmation notice must be sent by forwardable mail to the voter’s address reported on the 2020 in-county NCOA list.
- The board must record in its county voter registration system the date that it mailed the confirmation notice to the voter and, if the voter responds to the notice, the date on which the voter responded.

The in-county confirmation notice must contain the voting location assigned for that voter’s address as reported on the in-county 2020 NCOA list and the identification requirements specified in state law.⁶

- The board of elections must arrange prepaid postage for the elector to return the completed confirmation notice portion.⁷
- The board must place or keep the elector in “active-active” status.

C. Responses to the 2020 In-County NCOA Process

An elector who is responding to the in-county confirmation notice ([Secretary of State Form 10-S-2](#)) may do so for the purpose of informing the board of elections that the address provided by USPS is *not* the elector’s proper address and to provide the correct address to the board of elections (online or via return of the notice).

The notice also contains a mechanism (online or via return of the notice) by which the elector may confirm that the address to which the voter’s registration has been changed is correct; however, even if the elector does not respond to the in-county confirmation notice, their status will remain “active-active.”

- 1. Change of Address within the County:** If the elector provides a new residential address within the county, the board of elections must update the elector’s registration record with the new address as of the date provided by the online voter registration system or the date of receipt of the mailed-in notice from the elector. The board must send the elector an acknowledgement notice ([Secretary of State Form 10-J](#)) informing the elector of the registration update and the location of their new polling place. The board must list or keep this elector as “active-active” in its voter registration database.
- 2. Change of Address to Another Ohio County:** If the elector provides a new residential address in another Ohio county **using the online voter registration system**, the board of elections in the elector’s new county must accept the elector

⁵ 52 U.S.C.A. §20507(c)(1) and (2).

⁶ R.C. 3505.18.

⁷ 52 U.S.C.A. §20507(c) and (d) and R.C. 3503.21(D).

into its voter registration system using the date provided by the online voter registration system as the elector’s registration date in that county.

The board of the new county must send the elector an acknowledgement notice ([Secretary of State Form 10-J](#)) informing the elector of the registration update and the location of their new polling place and list this elector as “active-active” in its voter registration database.

A duplicate record will be created in the statewide voter registration database between the elector’s new and former counties that must be promptly resolved following the normal business procedures established by the Secretary of State and the local boards of elections.

If the elector returns the confirmation return notice **by mail** and provides a new residential address in another Ohio county, the board of elections that mailed the confirmation notice to the elector must keep a copy of the completed confirmation return notice from the elector and mail the original to the board of elections for the elector’s new county, so that the new board can enter the elector into its voter registration database as an active voter. Completed confirmation return notices returned under this section must be forwarded to the appropriate board of elections at least every week.

After the board of elections for the new county has entered the record into its county voter registration database, a duplicate record will be created in the statewide voter registration database that must be promptly resolved following the normal business procedures established by the Secretary of State and the local boards of elections.

- 3. Change of Address to Another State:** If an elector completes and returns the confirmation notice and provides a new residential address in a different state, the board of elections that mailed the confirmation notice must cancel the elector’s registration in that county and make a notation on the elector’s registration record of the date the confirmation return notice was received and the date of cancellation.⁸

Note: The online voter registration system does not permit the user to provide a new permanent residential address outside the State of Ohio.

- 4. Confirmation of Current Address:** If the elector uses the online voter registration system or returns the confirmation return notice by mail confirming that the elector resides at the same address on file with the board of elections, the board must indicate on the elector’s registration record the date that confirmation was received by the board and note that the address on file with the board of elections is correct. The board must list or keep this elector as “active-active” in its voter registration database.

⁸ R.C. 3503.02 and 3503.21.

5. Confirmation Notice NOT Returned: If the elector fails to return the confirmation notice and otherwise fails to either 1) confirm their registration address *or* 2) vote or engage in other voter activity, **the elector must continue to be listed as “active-active” in the county’s voter registration database.**

6. Handling “No Forwarding Address” Returns

In-county confirmation notices ([Secretary of State Form 10-S-2](#)) must be sent by forwardable mail. If the USPS returns to the board an in-county confirmation notice that is non-deliverable, the board must issue a confirmation notice ([Secretary of State Form 10-S-1](#)) to the voter by forwardable mail.

II. 2020 OUT-OF-COUNTY NCOA PROCESS

A. Compiling the Data for the 2020 Out-of-County NCOA Process

Boards of elections will access their 2020 out-of-county NCOA data file beginning June 9, 2020 through the BOE Portal using steps provided by the Secretary of State’s Office and sent separately via email.

B. Mailing the Confirmation Notice for the 2020 Out-of-County NCOA Process

All electors identified as a part of the 2020 out-of-county NCOA process must be sent a confirmation notice ([Secretary of State Form 10-S-1](#)) between June 22, 2020 and June 30, 2020. The confirmation notice must be sent by forwardable mail.⁹ Boards of elections must arrange prepaid postage for the electors to return the completed confirmation notice.¹⁰

An elector who appears on the 2020 out-of-county NCOA list may have also appeared on the 2019, 2018, or 2017 NCOA list. Under the 2020 out-of-county NCOA program, do not send a confirmation notice to an elector to whom the board already has sent such a notice, *unless* the 2020 out-of-county NCOA list provides an address for that elector that is *different* than the address to which the previous confirmation notice was sent in 2019, 2018, or 2017. If the address on the 2020 NCOA list is different from the address that appeared on NCOA lists in previous years, the board must send a new confirmation notice and the four-year timeline for list maintenance will restart.¹¹

C. Responses to the 2020 Out-of-County NCOA Process

Electors can complete and return the “Confirmation Notice” ([Secretary of State Form 10-S-1](#)) to update their voter registration information (e.g., residential address). An elector receiving the confirmation notice as a result of NCOA may choose to use the online

⁹ 52 U.S.C.A. §20507(c)(1) and (d).

¹⁰ 52 U.S.C.A. §20507(d) and R.C. 3503.21(D).

¹¹ 52 U.S.C.A. §20507(d) and R.C. 3503.21(B).

voter registration system to update their address instead of completing and returning the confirmation notice by mail.

- 1. Change of Address to Another Ohio County:** If the elector provides a new residential address in another Ohio county using the online voter registration system, the board of elections in the elector's new county must accept the elector into its voter registration system using the date provided by the online voter registration system as the elector's registration date in that county.

The board of the new county must send the elector an acknowledgement notice ([Secretary of State Form 10-J](#)) informing the elector of the registration update and the location of their new polling place and list this elector as "active-active" in its voter registration database.

A duplicate record will be created in the statewide voter registration database between the elector's new and former counties that must be promptly resolved following the normal business procedures established by the Secretary of State and the local boards of elections.

If the elector completes and returns the confirmation notice **by mail** and provides a new residential address in a different Ohio county, the board of elections that mailed the confirmation notice to the elector must keep a copy of the completed confirmation notice from the elector and mail the original to the board of elections for the elector's new county, so that the new board can enter the elector into its voter registration database as an active voter. Completed confirmation notices returned under this section must be forwarded to the appropriate board of elections at least every week.

After the board of elections for the new county has entered the record into its county voter registration database, a duplicate record will be created in the statewide voter registration database that must be promptly resolved following the normal business procedures established by the Secretary of State and the local boards of elections.

- 2. Change of Address to Another State:** If an elector completes and returns the confirmation notice and provides a new residential address in a different state, the board of elections that mailed the confirmation notice to the elector must cancel the elector's registration in that county and make a notation on the elector's registration record of the date the confirmation return notice was received and the date of cancellation.

Note: The online voter registration system does not permit the user to provide a new permanent residential address outside the State of Ohio.

- 3. Confirmation of Current Address:** If the elector uses the online system or returns the confirmation notice confirming that the elector still resides at the same address on file with the board of elections, the board must indicate on the elector's registration record the date that notice was received by the board and note that the

address on file with the board of elections is correct. The board should list this elector as “active-active” in its voter registration database.

- 4. Confirmation Notice NOT Returned:** If the elector fails to return the confirmation notice and otherwise fails to either 1) update their registration *or* 2) vote or engage in other voter activity, the elector must continue to be listed as “active-confirmation” in the county’s voter registration database.

Unless and until the elector’s registration is cancelled as described below, or as otherwise permitted by law, the elector maintains all the rights of an otherwise qualified elector, subject to Ohio’s laws governing provisional voting.

- 5. Handling “No Forwarding Address” Returns**

Confirmation notices must be sent by forwardable mail. However, the USPS sometimes will return to the board a confirmation notice that is non-deliverable, because the USPS does not have a forwarding address for the addressee (the elector). The board must record that fact (e.g., in the comments section of that elector’s record) and keep the undeliverable confirmation notice for four years.

III. 2020 NCOA PROCESSES ARE PROSPECTIVE IN NATURE

If an elector contacted pursuant to the 2020 out-of-county NCOA process does any of the following, the elector’s voter status must be changed from ‘active-confirmation’ to ‘active-active,’ and the elector must not be cancelled pursuant to this general voter records maintenance program:¹²

- Responds to the 2020 confirmation notice (via mail or the online voter registration system); or
- Updates their voter registration; or
- Votes or engages in voter activity.

All other electors contacted pursuant to the 2020 out-of-county NCOA process must be cancelled during 2024, by one of the following dates, whichever is later:¹³

- Not later than one hundred twenty days after the date of the second federal general election in which the elector fails to vote; or
- Not later than one hundred twenty days after the expiration of the four-year period that begins on the date the confirmation notice is mailed pursuant to this Directive.

¹² R.C. 3503.21(B)(2).

¹³ R.C. 3503.21(E).

According to federal law, no voter registration may be cancelled because of the general voter records maintenance program during the 90 days immediately preceding any federal primary or general election.¹⁴

IV. DEADLINE FOR COMPLETING THE 2020 NCOA PROCESS

The deadline for completing the 2020 NCOA Process of the general records maintenance program is June 30, 2020. Each board must notify the Secretary of State's Office when the 2020 NCOA processes are complete. The Director and Deputy Director must complete and return the 2020 NCOA Processes Completion Form, which will be sent under separate cover, no later than 4:00 p.m. on June 30, 2020.

V. RECORDS OF 2020 GENERAL VOTER RECORDS MAINTENANCE PROGRAM

The board 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 to ensure the accuracy and currency of voter registration lists, including the names and addresses of all registered electors sent confirmation notices and whether or not the electors responded to the confirmation notice. The board must maintain all records described in this paragraph for a period of five years.¹⁵

Boards of elections must make the list available in electronic form to individuals requesting the data under Ohio's public records laws and maintain the data for at least five years (through the end of 2025).

The board must record in its county voter registration system the date that it mailed a confirmation notice (either [Secretary of State Form 10-S-1](#) or [Secretary of State Form 10-S-2](#)) to a voter and, if the voter responds to the notice, the date on which the voter responded. If the voter registration system does not record and retain this information, the board must keep a record of the returns (e.g., via spreadsheet).

VI. POSTAL INFORMATION

To reduce mailing costs and save taxpayer funds, boards of elections must consult with their local Postmaster or regional business mail analyst regarding the use of nonprofit permit postage rates for the mailing of outbound confirmation notices and business reply mail permits for the return of completed confirmation notices from electors. Because both have an application and permitting process, boards should evaluate these options as quickly as possible. For more information on qualifying for nonprofit mail rates, go to <https://www.usps.com/gov-services/election-mail.htm> and <http://pe.usps.com/text/dmm300/703.htm#1114977>.

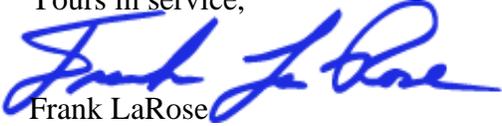
¹⁴ 52 U.S.C.A. §20507(c)(2)(A).

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

As a reminder, each board must incorporate the use of the Official Election Mail logo on both outbound and inbound envelopes used with the confirmation notices. Each board is encouraged to consult with its Election Mail Coordinator for assistance in preparing for this mailing. The Election Mail Coordinator can advise any board interested in obtaining a Business Reply Mail permit and receiving approval from a Mailpiece Design Analyst.

Please direct any questions concerning this Directive to the Secretary of State's elections counsel at (614) 728-8789. Direct questions about the 2020 NCOA data files or the download instructions to Greg Fedak, our Technical Elections Administrator, at GFedak@OhioSoS.gov.

Yours in service,



Frank LaRose
Ohio Secretary of State