

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO, EASTERN DIVISION**

OHIO A. PHILIP RANDOLPH INSTITUTE, et al. :
 :
 Plaintiffs, : **Case No. 2:16-cv-00303**
 :
 v. : **JUDGE GEORGE C. SMITH**
 :
 SECRETARY OF STATE, JON HUSTED : **Magistrate Judge Deavers**
 :
 Defendant. :

NOTICE OF COMPLIANCE

Pursuant to the Court's October 14, 2016 Order (Doc. 76), Secretary Husted hereby notifies the Court that the Secretary intends to issue the attached Directive shortly, in compliance with the Court's Order.

Respectfully submitted,

MIKE DEWINE
Ohio Attorney General

s/ Steven T. Voigt

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Secretary of State Jon Husted*

CERTIFICATE OF SERVICE

I hereby certify that on October 14, 2016, the foregoing was filed electronically. Notice of this filing will be sent to all parties for whom counsel has entered an appearance by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. I further certify that a copy of the foregoing has been served by e-mail or facsimile upon all parties for whom counsel has not yet entered an appearance and upon all counsel who have not entered their appearance via the electronic system.

/s/ Steven T. Voigt

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Issued Pursuant to Court Order

DIRECTIVE 2016-37

October 14, 2016

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

Re: Court Order – Prohibition on Denying an Absentee Ballot Application from an Unregistered Elector

SUMMARY

This Directive is being issued in accordance with the Order issued today by the United States District Court for the Southern District of Ohio, Eastern Division, in the case of *Ohio A. Philip Randolph Institute, et al. v. Husted*, Case No. 2:16-cv-303. The Order states that “the Secretary of State shall refrain from denying an absentee ballot application on the basis that the applicant is not currently registered to vote.” Pursuant to the Court’s Order, no board of elections shall deny an application for an absentee ballot from an individual who is not currently registered to vote. The Court’s Order specifies that the aforementioned instruction shall remain in effect until the Court issues a subsequent Order. At that time, a new Directive with additional instructions will be issued.

INSTRUCTIONS

I. Absentee Ballot Applications Received by Mail

If a board of elections receives an application for an absentee ballot via mail from an individual who is not currently registered to vote, the board must not reject that application. Instead, the board must retain the application in a secure location until additional instructions are provided.

II. Absentee Ballot Applications Received in Person

If a board of elections receives an application for an absentee ballot in person from an individual who is not currently registered to vote, the board must not reject that application. Instead, that individual must be issued a provisional ballot. The board must write “NR” (for not registered) and the date in ink on the top left-hand corner of the provisional ballot affirmation envelope (SOS Form 12-B) and retain it securely and separately from the board’s other provisional ballots until additional instructions are provided.

If you have any questions about this Directive, please do not hesitate to contact the Secretary of State’s elections counsel assigned to your county at (614) 466-2564 or (614) 466-2585.

Sincerely,

A handwritten signature in black ink that reads "Jon Husted". The signature is written in a cursive, slightly slanted style.

Jon Husted