

DIRECTIVE 2024-16

August 1, 2024

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

Re: Removal of Non-Citizen Records

SUMMARY

Directive 2024-08 set forth the removal of non-citizens from Ohio’s county and statewide voter registration databases. These registrants had two interactions with the Ohio Bureau of Motor Vehicles in which they self-identified as non-citizens, and they failed to respond to multiple notices seeking confirmation of their citizenship status. Recently the United States Department of Homeland Security granted the Ohio Secretary of State’s office access to the Systematic Alien Verification for Entitlements (SAVE) system for verifying citizenship and immigration status as part of the voter registration process. Accordingly, this directive provides a supplement to Directive 2024-08 and provides for the additional removal of registrants who have self-identified as non-citizens to the Ohio Bureau of Motor Vehicles (BMV) and who have been verified as non-citizens through the federal SAVE database.

BACKGROUND AND OVERVIEW

In 2022, Ohio voters overwhelmingly passed a constitutional amendment stating that only United States citizens may vote in all elections in the state of Ohio.¹ State and federal law require maintaining accurate voter registration records.² Further, the passage of the DATA Act³ clarified that boards of elections are required to remove individuals from the voter rolls who are not legally registered or eligible to vote.⁴

Therefore, to comply with the Ohio Constitution and Ohio law, this directive requires each county board of elections to remove the voter registrations of individuals who have notified the BMV that they are not a United States citizen, who have failed to respond to notices from the Secretary of State’s office seeking confirmation of their citizenship status,

¹ Article V, Section 1; Article X, Section 3; Article XVIII, Section 3 of the Ohio Constitution.

² R.C. 3503.151(A)(D); R.C. 3501.11(U); 52 U.S.C. § 20507.

³ House Bill 33 of the 135 General Assembly.

⁴ R.C. 3503.151(D).

and who have been verified as non-citizens by the federal SAVE database. This directive then requires boards of elections to send removed registrants a notice indicating that their ineligible registration has been removed from the voter registration database.

The Secretary of State's office is committed to encouraging all eligible, lawfully registered citizens to be active voters. If a non-citizen whose voter registration is removed under this process attains United States citizenship, they may re-register at any time upon completing the required registration form and signing the attestation of United States citizenship under penalty of election falsification. If an individual whose voter registration is removed under this process believes the registration has been removed in error, they may provide proof of citizenship to their respective county board of elections to have the registration immediately reinstated.

INSTRUCTIONS

I. REMOVAL

Boards of elections are directed to remove the voter registrations of individuals 1) who fail to respond to notices sent by the Secretary of State's office seeking confirmation of citizenship or cancelation of their voter registration, (2) who have submitted documentation self-identifying as a non-citizen to the BMV and (3) who have been confirmed as non-citizens in the federal SAVE database system.

The Secretary of State will provide notice to non-citizens identified through the above-mentioned process that their registrations will be removed unless they provide proof of citizenship to their respective county board of elections. The removal of registrations contained on the list provided by the Secretary of State must occur no later than **August 6, 2024**.

II. NOTICE AND HEARING

No later than **September 6, 2024**, boards of elections must send an additional written notice to the individuals who are removed from the voter registration database informing the individual that their registration was canceled because:

1. They failed to respond to notices confirming or canceling their voter registration;
2. They submitted documentation to the BMV indicating that they are a non-citizen;
3. They were verified as non-citizens in the Department of Homeland Security's Systematic Alien Verification for Entitlements (SAVE) database system; and
4. They have a right to contest the removal at an administrative hearing conducted by the board of elections.

A non-citizen whose registration is removed under this process may request a hearing and administrative appeal before the board of elections. If the individual provides proof of citizenship at the hearing, their voter registration shall be re-instated.

III. PROVISIONAL VOTING

Any individual removed from the voter registration database pursuant to this directive may cast a provisional ballot. That provisional ballot shall count if the removal of the voter registration was made in error and upon proof of United States citizenship. If a voter registration was removed pursuant to this directive in error, boards of elections must restore the registration to active status and treat the registration as though it was never canceled. Finally, boards of elections must note that any registration removed pursuant to this directive was identified through a citizenship compliance review of the statewide voter registration database.

If you have any questions about this directive, please contact the Secretary of State's Elections Division at 614.466.2585.

Yours in service,



Frank LaRose
Ohio Secretary of State