

Ohio: Limits on Voter Eligibility Challenges

This resource details state and federal laws that guard voters against unfounded challenges to their eligibility.

Ohio, like most states, allows challenges to individual voter registrations before and during an election. This resource details state and federal laws that govern this process and protect challenged voters. Ohio's voter protections include a requirement that a voter who challenges another voter attest to the truth of their allegations under penalty of election falsification, and that only poll workers can make Election Day challenges.

Before an election, registered voters challenging another voter's registration must do so on an official form, under penalty of a felony, no later than 30 days before an election.

- Only registered voters may challenge another voter's registration, and must submit a state form to the board of elections no later than 30 days before an election.¹ The form must be signed under penalty of election falsification, a fifth-degree felony.²
- A challenge cannot be granted based on returned mail marked undeliverable or unable to forward, changes of address on file, evidence of a foreclosure action, or the fact that a voter's status is recorded in the Statewide Voter Registration Database as "active-confirmation" or "inactive."³
- If the challenge form states facially sufficient reasons to disqualify a voter and the board is not able to determine from its records whether the challenge should be denied or granted, the challenged voter is entitled to a hearing at which they have the right to be represented by counsel, call witnesses, and have the board subpoena witnesses on their behalf.⁴

¹ Ohio Rev. Code Ann. §§ 3503.24(A), 3599.36; Ohio Secretary of State, *Election Official Manual*, December 20, 2023, 130, https://www.ohiosos.gov/globalassets/elections/directives/2023/eom/eom_fullversion_2023-12.pdf; <https://www.ohiosos.gov/globalassets/elections/forms/257.pdf>, March 2019.

² *Id.*

³ Ohio Secretary of State, *Election Official Manual*, 130–32.

⁴ Ohio Rev. Code Ann. § 3503.24(B); Ohio Secretary of State, *Election Official Manual*, 131.

- The board of elections must promptly set a time and date for a hearing no more than 10 days from when the challenge was submitted. The challenged voter must be notified no less than three days before the hearing.⁵

Only precinct election officials may challenge a voter on Election Day and only on a limited basis.

- *Only precinct election officials* may challenge voters at a polling location on Election Day, and only on the grounds the voter is not a U.S. citizen, an Ohio resident who has resided in the state for 30 days immediately preceding the election, a resident of the precinct, or of legal voting age.⁶ Similarly, *only election officials* may challenge absentee ballots.⁷
- The challenged voter will have the opportunity to answer the challenge by completing Ohio Secretary of State Form 10-U.⁸
- If a majority of the precinct election officials are able to determine that the voter is eligible, the voter must be given a regular ballot. If a majority finds the voter is ineligible, or if the voter does not complete Form 10-U, the voter must be given a provisional ballot.⁹

Almost no challenge should result in the immediate removal of a voter from the rolls.

The National Voter Registration Act limits when and how voters can be removed from the rolls. Under the act, states and counties are permitted to remove a voter in just five circumstances: if the voter affirms the change; if state law requires, for a criminal conviction or mental incapacity; for the death of the voter; if the voter confirms a change of residence in writing; and based on other evidence of a change of residence, *but only* after the state sends a notice and the voter both fails to respond *and* fails to vote in the next two federal general elections.¹⁰ These restrictions apply regardless of whether clerks are conducting their own list maintenance or responding to challenges.

The act also prohibits the “systematic” removal of voters within 90 days of a federal election.¹¹ According to guidance from the U.S. Department of Justice, “This 90-day deadline applies to State list maintenance verification activities such as general mailings and door-to-door

⁵ Ohio Rev. Code Ann. § 3503.24(B).

⁶ Ohio Rev. Code Ann. § 3505.20.

⁷ Ohio Rev. Code Ann. §§ 3509.06–07.

⁸ Ohio Secretary of State, *Election Official Manual*, 272; Ohio Secretary of State, *Affidavit-Oath-Examination of Person Challenged Form No. 10-U*, last accessed May 21, 2024, <https://www.ohiosos.gov/globalassets/elections/forms/10-u.pdf>.

⁹ Ohio Rev. Code Ann. § 3505.20.

¹⁰ 52 U.S.C. §§ 20507(a)(3), (a)(4), (d).

¹¹ 52 U.S.C. § 20507(c)(2)(A).

canvasses. This deadline also applies to list maintenance programs based on third-party challenges derived from any large, computerized data-matching process.”¹²



Voters in Ohio have the right to vote free from intimidation under federal and state law. Only an election official can challenge an individual’s right to vote at the polls, and election officials must protect voters from intimidation or interference.¹³ More information on the federal and state laws that protect Ohio voters from intimidation can be found [here](#).

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¹² U.S. Department of Justice, *Voter Registration List Maintenance: Guidance under Section 8 of the National Voter Registration Act*, 52 U.S.C. § 20507, 4, September 2024, <https://www.justice.gov/crt/media/1366561/dl>.

¹³ Ohio Rev. Code Ann. § 3501.33.