

**As Reported by the Senate State and Local Government and  
Veterans Affairs Committee**

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**Sub. H. B. No. 234**

**Representatives Wolpert, Kearns, C. Evans, D. Evans, Beatty, Miller, Brown,  
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G. Smith, J. Stewart, Ujvagi, White, Williams, Yuko  
Senators Cates, Niehaus, Mumper**

**—**

**A B I L L**

To amend sections 3501.17, 3501.22, 3501.27, 3503.16,	1
3509.02, 3509.03, 3509.031, 3509.04, 3509.05,	2
3509.06, 3509.07, 3509.08, 3511.02, 3511.04,	3
3511.09, 3599.12, 3599.21, and 4109.06 and to	4
enact sections 3509.022, 3509.09, and 3511.13 of	5
the Revised Code to permit a board of elections,	6
in conjunction with a board of education, the	7
governing authority of a community school, or the	8
chief administrator of a nonpublic school, to	9
establish a program permitting certain high school	10
seniors to serve as precinct officers on the day	11
of an election, and to revise the law governing	12
absent voter's ballots and armed service absent	13
voter's ballots.	14

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

Section 1. That sections 3501.17, 3501.22, 3501.27, 3503.16, 15  
3509.02, 3509.03, 3509.031, 3509.04, 3509.05, 3509.06, 3509.07, 16  
3509.08, 3511.02, 3511.04, 3511.09, 3599.12, 3599.21, and 4109.06 17  
be amended and sections 3509.022, 3509.09, and 3511.13 of the 18  
Revised Code be enacted to read as follows: 19

Sec. 3501.17. (A) The expenses of the board of elections 20  
shall be paid from the county treasury, in pursuance of 21  
appropriations by the board of county commissioners, in the same 22  
manner as other county expenses are paid. If the board of county 23  
commissioners fails to appropriate an amount sufficient to provide 24  
for the necessary and proper expenses of the board of elections 25  
pertaining to the conduct of elections, ~~other than expenses for~~ 26  
~~employee compensation and benefits incurred in the conduct of~~ 27  
~~elections,~~ the board of elections may apply to the court of common 28  
pleas within the county, which shall fix the amount necessary to 29  
be appropriated and the amount shall be appropriated. Payments 30  
shall be made upon vouchers of the board of elections certified to 31  
by its chairperson or acting chairperson and the director or 32  
deputy director, upon warrants of the county auditor. 33

The board of elections shall not incur any obligation 34  
involving the expenditure of money unless there are moneys 35  
sufficient in the funds appropriated therefor to meet the 36  
obligation as required in division (D) of section 5705.41 of the 37  
Revised Code. If the board of elections requests a transfer of 38  
funds from one of its appropriation items to another, the board of 39  
county commissioners shall adopt a resolution providing for the 40  
transfer except as otherwise provided in section 5705.40 of the 41  
Revised Code. The expenses of the board of elections shall be 42  
apportioned among the county and the various subdivisions as 43  
provided in this section, and the amount chargeable to each 44  
subdivision shall be withheld by the auditor from the moneys 45

payable thereto at the time of the next tax settlement. At the  
time of submitting budget estimates in each year, the board of  
elections shall submit to the taxing authority of each  
subdivision, upon the request of the subdivision, an estimate of  
the amount to be withheld from the subdivision during the next  
fiscal year.

(B) Except as otherwise provided in division (F) of this  
section, the entire compensation of the members of the board of  
elections and of the director, deputy director, and other  
employees in the board's offices; the expenditures for the rental,  
furnishing, and equipping of the office of the board and for the  
necessary office supplies for the use of the board; the  
expenditures for the acquisition, repair, care, and custody of the  
polling places, booths, guardrails, and other equipment for  
polling places; the cost of pollbooks, tally sheets, maps, flags,  
ballot boxes, and all other permanent records and equipment; the  
cost of all elections held in and for the state and county; and  
all other expenses of the board which are not chargeable to a  
political subdivision in accordance with this section shall be  
paid in the same manner as other county expenses are paid.

(C) The compensation of judges and clerks of elections; the  
cost of renting, moving, heating, and lighting polling places and  
of placing and removing ballot boxes and other fixtures and  
equipment thereof; the cost of printing and delivering ballots,  
cards of instructions, and other election supplies; and all other  
expenses of conducting primaries and elections in the odd-numbered  
years shall be charged to the subdivisions in and for which such  
primaries or elections are held. The charge for each primary or  
general election in odd-numbered years for each subdivision shall  
be determined in the following manner: first, the total cost of  
all chargeable items used in conducting such elections shall be  
ascertained; second, the total charge shall be divided by the

number of precincts participating in such election, in order to  
fix the cost per precinct; third, the cost per precinct shall be  
prorated by the board of elections to the subdivisions conducting  
elections for the nomination or election of offices in such  
precinct; fourth, the total cost for each subdivision shall be  
determined by adding the charges prorated to it in each precinct  
within the subdivision.

(D) The entire cost of special elections held on a day other  
than the day of a primary or general election, both in  
odd-numbered or in even-numbered years, shall be charged to the  
subdivision. Where a special election is held on the same day as a  
primary or general election in an even-numbered year, the  
subdivision submitting the special election shall be charged only  
for the cost of ballots and advertising. Where a special election  
is held on the same day as a primary or general election in an  
odd-numbered year, the subdivision submitting the special election  
shall be charged for the cost of ballots and advertising for such  
special election, in addition to the charges prorated to such  
subdivision for the election or nomination of candidates in each  
precinct within the subdivision, as set forth in the preceding  
paragraph.

(E) Where a special election is held on the day specified by  
division (E) of section 3501.01 of the Revised Code for the  
holding of a primary election, for the purpose of submitting to  
the voters of the state constitutional amendments proposed by the  
general assembly, and a subdivision conducts a special election on  
the same day, the entire cost of the special election shall be  
divided proportionally between the state and the subdivision based  
upon a ratio determined by the number of issues placed on the  
ballot by each, except as otherwise provided in division (G) of  
this section. Such proportional division of cost shall be made  
only to the extent funds are available for such purpose from

amounts appropriated by the general assembly to the secretary of  
state. If a primary election is also being conducted in the  
subdivision, the costs shall be apportioned as otherwise provided  
in this section.

(F) When a precinct is open during a general, primary, or  
special election solely for the purpose of submitting to the  
voters a statewide ballot issue, the state shall bear the entire  
cost of the election in that precinct and shall reimburse the  
county for all expenses incurred in opening the precinct.

(G) The state shall bear the entire cost of advertising in  
newspapers statewide ballot issues, explanations of those issues,  
and arguments for or against those issues, as required by Section  
1g of Article II and Section 1 of Article XVI, Ohio Constitution,  
and any other section of law and shall reimburse the counties for  
all expenses they incur for such advertising.

(H) The cost of renting, heating, and lighting registration  
places; the cost of the necessary books, forms, and supplies for  
the conduct of registration; and the cost of printing and posting  
precinct registration lists shall be charged to the subdivision in  
which such registration is held.

(I) As used in this section, "statewide ballot issue" means  
any ballot issue, whether proposed by the general assembly or by  
initiative or referendum, that is submitted to the voters  
throughout the state.

**Sec. 3501.22.** (A) On or before the fifteenth day of September  
in each year, the board of elections by a majority vote shall,  
after careful examination and investigation as to their  
qualifications, appoint for each election precinct four ~~competent~~  
~~electors~~, residents of the county in which the precinct is  
located, as judges. ~~Such electors~~ Except as otherwise provided in

division (C) of this section, all judges of election shall be 140  
qualified electors. The judges shall constitute the election 141  
officers of the precinct. Not more than one-half of the total 142  
number of judges shall be members of the same political party. The 143  
term of such precinct officers shall be for one year. The board 144  
may, at any time, designate any number of election officers, not 145  
more than one-half of whom shall be members of the same political 146  
party, to perform their duties at any precinct in any election. 147  
The board may appoint additional officials, equally divided 148  
between the two major political parties, when necessary to 149  
expedite voting. 150

Vacancies for unexpired terms shall be filled by the board. 151  
When new precincts have been created, the board shall appoint 152  
judges for ~~such~~ those precincts for the unexpired term. Any judge 153  
may be summarily removed from office at any time by the board for 154  
neglect of duty, malfeasance, or misconduct in office, or for any 155  
other good and sufficient reason. 156

Precinct election officials shall perform all of the duties 157  
provided by law for receiving the ballots and supplies, opening 158  
and closing the polls, and overseeing the casting of ballots 159  
during the time the polls are open, and any other duties required 160  
by section 3501.26 of the Revised Code. 161

A board of elections may designate two precinct election 162  
officials as counting officials to count and tally the votes cast 163  
and certify the results of the election at each precinct, and 164  
perform ~~such~~ other duties as ~~are~~ provided by law. To expedite the 165  
counting of votes at each precinct, the board may appoint 166  
additional officials, not more than one-half of whom shall be 167  
members of the same political party. 168

The board shall designate one of the precinct election 169  
officials who is a member of the dominant political party to serve 170  
as a presiding judge, whose duty it is to deliver the returns of 171

the election and all supplies to the office of the board. For  
these services, the presiding judge shall receive additional  
compensation in an amount, consistent with section 3501.28 of the  
Revised Code, determined by the board of elections.

The board shall issue to each precinct election official a  
certificate of appointment, which the official shall present to  
the presiding judge at the time the polls are opened.

(B) If the board of elections determines that not enough  
qualified electors in a precinct are available to serve as  
precinct officers, it may appoint persons to serve as precinct  
officers at a primary, special, or general election who are at  
least seventeen years of age and are registered to vote in  
accordance with section 3503.07 of the Revised Code. ~~No more than  
two precinct officers in any precinct shall be under eighteen  
years of age.~~

(C)(1) A board of elections, in conjunction with the board of  
education of a city, local, or exempted village school district,  
the governing authority of a community school established under  
Chapter 3314. of the Revised Code, or the chief administrator of a  
nonpublic school may establish a program permitting certain high  
school students to apply and, if appointed by the board of  
elections, to serve as precinct officers at a primary, special, or  
general election.

In addition to the requirements established by division  
(C)(2) of this section, a board of education, governing authority,  
or chief administrator that establishes a program under this  
division in conjunction with a board of elections may establish  
additional criteria that students shall meet to be eligible to  
participate in that program.

(2)(a) To be eligible to participate in a program established  
under division (C)(1) of this section, a student shall be a United

States citizen, a resident of the county, at least seventeen years  
of age, and enrolled in the senior year of high school.

(b) Any student applying to participate in a program  
established under division (C)(1) of this section, as part of the  
student's application process, shall declare the student's  
political party affiliation with the board of elections.

(3) No student appointed as a precinct officer pursuant to a  
program established under division (C)(1) of this section shall be  
designated as a presiding judge.

(4) Any student participating in a program established under  
division (C)(1) of this section shall be excused for that  
student's absence from school on the day of an election at which  
the student is serving as a precinct officer.

(D) Not more than one precinct officer in any given precinct  
shall be under eighteen years of age.

**Sec. 3501.27.** (A) All judges of election shall ~~be qualified~~  
~~electors who have completed~~ complete a program of instruction  
pursuant to division (B) of this section. No person who has been  
convicted of a felony, or any violation of the election laws, ~~or~~  
who is unable to read and write the English language readily, or  
who is a candidate for an office to be voted for by the voters of  
the precinct in which ~~he~~ the person is to serve shall serve as an  
election officer. A person when appointed as an election officer  
shall receive from the board of elections a certificate of  
appointment ~~which~~ that may be revoked at any time by the board for  
good and sufficient reasons. ~~Such~~ The certificate shall be in ~~such~~  
the form ~~as~~ the board prescribes and shall specify the precinct,  
ward, or district in and for which the person to whom it is issued  
is appointed to serve, the date of appointment, and the expiration  
of ~~his~~ the person's term of service.



(B) Each board shall establish a program as prescribed by the  
secretary of state for the instruction of election officers in the  
rules, procedures, and law relating to elections. In each program,  
the board shall use training materials prepared by the secretary  
of state, and may use additional materials prepared by or on  
behalf of the board. The board may use the services of unpaid  
volunteers in conducting its program and may reimburse ~~such~~ those  
volunteers for necessary and actual expenses incurred in  
participating in the program.

The board shall train each new election officer before the  
new officer participates in ~~his~~ the first election in that  
capacity. The board shall instruct election officials who have  
been trained previously only when the board or secretary of state  
considers ~~such~~ that instruction necessary, but the board shall  
reinstruct such persons, other than presiding judges, at least  
once in every three years and shall reinstruct presiding judges  
before the primary election in even-numbered years. The board  
shall schedule any program of instruction within sixty days prior  
to the election in which the officials to be trained will  
participate.

(C) The duties of a judge of an election in each polling  
place shall be performed only by an individual who has  
successfully completed the requirements of the program, unless  
such an individual is unavailable after reasonable efforts to  
obtain such services.

(D) The secretary of state shall establish a program for the  
instruction of members of boards of elections and employees of  
boards in the rules, procedures, and law relating to elections.  
Each member and employee shall complete the training program  
within six months after ~~his~~ the member's or employee's original  
appointment or employment, and thereafter, each member and  
employee shall complete a training program to update their

knowledge once every four years or more often as determined by the 265  
secretary of state. 266

(E) The secretary of state shall reimburse each county for 267  
the cost of programs established pursuant to division (B) of this 268  
section, once ~~he~~ the secretary of state has received an itemized 269  
statement of expenses for such instruction programs from the 270  
county. The itemized statement shall be in a form prescribed by 271  
the secretary of state. 272

**Sec. 3503.16.** (A) Whenever a registered elector changes the 273  
place of residence of that registered elector from one precinct to 274  
another within a county or from one county to another, or has a 275  
change of name, that registered elector shall report the change by 276  
delivering a change of residence or change of name form, whichever 277  
is appropriate, as prescribed by the secretary of state under 278  
section 3503.14 of the Revised Code to the state or local office 279  
of a designated agency, a public high school or vocational school, 280  
a public library, the office of the county treasurer, the office 281  
of the secretary of state, any office of the registrar or deputy 282  
registrar of motor vehicles, or any office of a board of elections 283  
in person or by a third person. Any voter registration, change of 284  
address, or change of name application, returned by mail, may be 285  
sent only to the secretary of state or the board of elections. 286

A registered elector also may update the registration of that 287  
registered elector by filing a change of residence or change of 288  
name form on the day of a special, primary, or general election at 289  
the polling place in the precinct in which that registered elector 290  
resides or at the board of elections or at another site designated 291  
by the board. 292

(B)(1) Any registered elector who moves within a precinct or 293  
changes the name of that registered elector and remains within a 294  
precinct on or prior to the day of a general, primary, or special 295

election and has not filed a notice of change of residence or  
change of name, whichever is appropriate, with the board of  
elections may vote in that election by going to that registered  
elector's assigned polling place, completing and signing a notice  
of change of residence or change of name, whichever is  
appropriate, and casting a ballot.

(2) Any registered elector who moves from one precinct to  
another within a county or moves from one precinct to another and  
changes the name of that registered elector on or prior to the day  
of a general, primary, or special election and has not filed a  
notice of change of residence or change of name, whichever is  
appropriate, with the board of elections may vote in that election  
if that registered elector complies with division (G) of this  
section or does all of the following:

(a) Appears at anytime during regular business hours on or  
after the twenty-eighth day prior to the election in which that  
registered elector wishes to vote, or if the election is held on  
the day of a presidential primary election, the twenty-fifth day  
prior to the election, through noon of the Saturday prior to the  
election or during regular business hours on the Monday prior to  
the election at the office of the board of elections, or appears  
on the day of the election at either of the following locations:

(i) The polling place in the precinct in which that  
registered elector resides;

(ii) The location designated by the board of elections, which  
shall be the office of the board or another appropriate site  
designated by the board in the county in which that registered  
elector resides.

(b) Completes and signs, under penalty of election  
falsification, a notice of change of residence or change of name,  
whichever is appropriate, and files it with election officials at

the polling place, at the office of the board of elections, or at 327  
the site designated by the board, whichever is appropriate; 328

(c) Votes at the polling place, at the office of the board of 329  
elections, or at the site designated by the board, whichever is 330  
appropriate, by absent voter's ballots using the address to which 331  
that registered elector has moved or the name of that registered 332  
elector as changed, whichever is appropriate; 333

(d) Completes and signs, under penalty of election 334  
falsification, a statement attesting that that registered elector 335  
moved or had a change of name, whichever is appropriate, on or 336  
prior to the day of the election, has voted at the polling place 337  
in the precinct in which that registered elector resides, at the 338  
office of the board of elections, or at the site designated by the 339  
board, whichever is appropriate, and will not vote or attempt to 340  
vote at any other location for that particular election. The 341  
statement required under division (B)(2)(d) of this section ~~may~~ 342  
shall be included on the notice of change of residence or change 343  
of name, whichever is appropriate, required under division 344  
(B)(2)(b) of this section. 345

(C) Any registered elector who moves from one county to 346  
another county within the state on or prior to the day of a 347  
general, primary, or special election and has not registered to 348  
vote in the county to which that registered elector moved may vote 349  
in that election if that registered elector complies with division 350  
(G) of this section or does all of the following: 351

(1) Appears at any time during regular business hours on or 352  
after the twenty-eighth day prior to the election in which that 353  
registered elector wishes to vote, or if the election is held on 354  
the day of a presidential primary election, the twenty-fifth day 355  
prior to the election, through noon of the Saturday prior to the 356  
election or during regular business hours on the Monday prior to 357

the election at the office of the board of elections, or appears 358  
on the day of the election at the location designated by the board 359  
of elections, which shall be either the office of the board or 360  
another appropriate site designated by the board in the county in 361  
which that registered elector resides; 362

(2) Completes and signs, under penalty of election 363  
falsification, a notice of change of residence and files it with 364  
election officials at the board or at the site designated by the 365  
board, whichever is appropriate; 366

(3) Votes at the office of the board of elections or at a 367  
site designated by the board by absent voter's ballots using the 368  
address to which that registered elector has moved; 369

(4) Completes and signs, under penalty of election 370  
falsification, a statement attesting that that registered elector 371  
has moved from one county to another county within the state on or 372  
prior to the day of the election, has voted at the office of the 373  
board of elections or at the site designated by the board, 374  
whichever is appropriate, and will not vote or attempt to vote at 375  
any other location for that particular election. The statement 376  
required under division (C)(4) of this section ~~may~~ shall be 377  
included on the notice of change of residence required under 378  
division (C)(2) of this section. 379

(D) A person who votes by absent voter's ballots pursuant to 380  
division (B), (C), or (G) of this section shall not make written 381  
application for the ballots pursuant to Chapter 3509. of the 382  
Revised Code. Ballots cast pursuant to division (B), (C), or (G) 383  
of this section shall be set aside in a special envelope and 384  
counted during the official canvass of votes in the manner 385  
provided for in sections 3505.32 and 3509.06 of the Revised Code 386  
insofar as that manner is applicable. The board shall examine the 387  
pollbooks to verify that no ballot was cast at the polls or by 388

absent voter's ballots under Chapter 3509. or 3511. of the Revised 389  
Code by an elector who has voted by absent voter's ballots 390  
pursuant to division (B), (C), or (G) of this section. Any ballot 391  
determined to be insufficient for any of the reasons stated above 392  
or stated in section 3509.07 of the Revised Code shall not be 393  
counted. 394

A board of elections may lease or otherwise acquire a site 395  
different from the office of the board at which registered 396  
electors may vote pursuant to division (B) or (C) of this section. 397

(E) Upon receiving a change of residence or change of name 398  
form, the board of elections shall immediately send the registrant 399  
an acknowledgment notice. If the change of residence or change of 400  
name form is valid, the board shall update the voter's 401  
registration as appropriate. If that form is incomplete, the board 402  
shall inform the registrant in the acknowledgment notice specified 403  
in this division of the information necessary to complete or 404  
update that registrant's registration. 405

(F) Change of residence and change of name forms shall be 406  
available at each polling place, and when these forms are 407  
completed, noting changes of residence or name, as appropriate, 408  
they shall be filed with election officials at the polling place. 409  
Election officials shall return completed forms, together with the 410  
pollbooks and tally sheets, to the board of elections. 411

The board of elections shall provide change of residence and 412  
change of name forms to the probate court and court of common 413  
pleas. The court shall provide the forms to any person eighteen 414  
years of age or older who has a change of name by order of the 415  
court or who applies for a marriage license. The court shall 416  
forward all completed forms to the board of elections within five 417  
days after receiving them. 418

(G) A registered elector who otherwise would qualify to vote 419

under division (B) or (C) of this section but is unable to appear  
at the office of the board or other location designated by the  
board on account of personal illness, physical disability, or  
infirmity, may vote on the day of the election if that registered  
elector does all of the following:

(1) Makes a written application that includes all of the  
information required under section 3509.03 of the Revised Code to  
the appropriate board for an absent voter's ballot on or after the  
twenty-seventh day prior to the election in which the registered  
elector wishes to vote through noon of the Saturday prior to that  
election and requests that the absent voter's ballot be sent to  
the address to which the registered elector has moved if the  
registered elector has moved, or to the address of that registered  
elector who has not moved but has had a change of name;

(2) Declares that the registered elector has moved or had a  
change of name, whichever is appropriate, and otherwise is  
qualified to vote under the circumstances described in division  
(B) or (C) of this section, whichever is appropriate, but that the  
registered elector is unable to appear at the board or other  
location designated by the board because of personal illness,  
physical disability, or infirmity;

(3) Completes and returns along with the completed absent  
voter's ballot a notice of change of residence indicating the  
address to which the registered elector has moved, or a notice of  
change of name, whichever is appropriate;

(4) Completes and signs, under penalty of election  
falsification, a statement attesting that the registered elector  
has moved or had a change of name on or prior to the day before  
the election, has voted by absent voter's ballot because of  
personal illness, physical disability, or infirmity that prevented  
the registered elector from appearing at the board or other

location designated by the board, and will not vote or attempt to  
vote at any other location or by absent voter's ballot mailed to  
any other location or address for that particular election.

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**Sec. 3509.02.** (A) Any qualified elector ~~who meets any of the~~  
~~following qualifications~~ may vote by absent voter's ballots at an  
election.

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~~(1) The elector is sixty-two years of age or older.~~

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~~(2) The elector's employment as a full time fire fighter,  
full time peace officer as defined in division (B) of section  
2935.01 of the Revised Code, or full time provider of emergency  
medical services may prevent the elector from voting at the  
elector's polling place on the day of the election.~~

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~~(3) The elector is a member of the organized militia, serving  
on active duty within this state, and will be unable to vote on  
election day on account of that active duty.~~

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~~(4) The elector will be absent from the elector's polling  
place on the day of an election because of the elector's entry or  
the entry of a member of the elector's family into a hospital for  
medical or surgical treatment.~~

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~~(5) The elector is confined in a jail or workhouse under  
sentence for a misdemeanor or is awaiting trial on a felony or  
misdemeanor charge.~~

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~~(6) The elector will be unable to vote on the day of an  
election on account of observance of the elector's religious  
belief.~~

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~~(7) The elector will be absent from the county in which the  
elector's voting residence is located on the day of an election.~~

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~~(8) The elector has a physical disability, illness, or  
infirmity.~~

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(B) Any qualified elector who is unable to appear at the 480  
office of the board of elections or other location designated by 481  
the board on account of personal illness, physical disability, or 482  
infirmity, and who moves from one precinct to another within a 483  
county ~~or,~~ changes ~~his or her~~ the elector's name and moves from 484  
one precinct to another within ~~the~~ a county, or moves from one 485  
county to another county within the state, on or prior to the day 486  
of a general, primary, or special election and has not filed a 487  
notice of change of residence or change of name may vote by absent 488  
voter's ballots in that election as specified in division (B) ~~or~~ 489  
(G) of section 3503.16 of the Revised Code. ~~Any qualified elector~~ 490  
~~who moves from one county to another county within the state on or~~ 491  
~~prior to the day of the election at which the elector offers to~~ 492  
~~vote and has not filed a notice of change of residence may vote by~~ 493  
~~absent voter's ballots at that election as specified in division~~ 494  
~~(C) of section 3503.16 of the Revised Code.~~ 495

~~(C) The secretary of state, an employee of the secretary of~~ 496  
~~state, a member or employee of the board of elections or any~~ 497  
~~person hired by the board to work at the office of the board~~ 498  
~~temporarily for a specific election, or a polling place official,~~ 499  
~~who is a qualified elector may vote by absent voter's ballots.~~ 500  
~~Application shall be made to the board of elections of the county~~ 501  
~~where his voting residence is situated.~~ 502

**Sec. 3509.022.** An overseas voter as defined in 42 U.S.C. 503  
1973ff-6, other than an absent uniformed services voter as defined 504  
in that statute, may apply for an absent voter's ballot as 505  
provided in this chapter. 506

**Sec. 3509.03.** Except as provided in ~~division (B) or (C) of~~ 507  
~~section 3503.16,~~ section 3509.031, ~~or division (B) of section~~ 508  
3509.08 of the Revised Code, ~~any person~~ qualified elector desiring 509

to vote absent voter's ballots at an election shall make written 510  
application for ~~such~~ those ballots to the director of elections of 511  
the county in which ~~such person's~~ the elector's voting residence 512  
is located. The application need not be in any particular form but 513  
shall contain ~~words which, liberally construed, indicate the~~ 514  
~~request for ballots, the election for which such ballots are~~ 515  
~~requested, and, if the request is for primary election ballots,~~ 516  
~~the person's party affiliation. The application for such ballots~~ 517  
~~shall state that the person requesting the ballots is a qualified~~ 518  
~~elector, and the reason for the person's absence from the polls on~~ 519  
~~election day. The application shall include sufficient information~~ 520  
~~to enable the director to determine the precinct in which the~~ 521  
~~applicant's voting residence is located and shall be signed by the~~ 522  
~~applicant. If the applicant desires ballots to be mailed to the~~ 523  
~~applicant, the application shall state the mailing address~~ all of 524  
the following: 525

(A) The elector's name; 526

(B) The elector's signature; 527

(C) The address at which the elector is registered to vote; 528

(D) The elector's date of birth; 529

(E) One of the following: 530

(1) The elector's driver's license number; 531

(2) The last four digits of the elector's social security 532  
number; 533

(3) A copy of the elector's current and valid photo 534  
identification or a copy of a current utility bill, bank 535  
statement, government check, paycheck, or other government 536  
document that shows the name and address of the elector. 537

(F) A statement identifying the election for which absent 538  
voter's ballots are requested; 539

(G) A statement that the person requesting the ballots is a 540  
qualified elector; 541

(H) If the request is for primary election ballots, the 542  
elector's party affiliation; 543

(I) If the elector desires ballots to be mailed to the 544  
elector, the address to which those ballots shall be mailed. 545

A voter who will be outside the United States on the day of 546  
any election during a calendar year may use a single federal post 547  
card application to apply for absent voter's ballots. ~~Such~~ Those 548  
ballots shall be sent to the voter for use at the primary and 549  
general elections in that year and any special election to be held 550  
on the day in that year specified by division (E) of section 551  
3501.01 of the Revised Code for the holding of a primary election, 552  
designated by the general assembly for the purpose of submitting 553  
constitutional amendments proposed by the general assembly to the 554  
voters of the state unless the voter reports a change in the 555  
voter's voting status to the board of elections or the voter's 556  
intent to vote in any such election in the precinct in this state 557  
where ~~he~~ the voter is registered to vote. ~~Such an~~ A single federal 558  
postcard application shall be processed by the board of elections 559  
pursuant to section 3509.04 of the Revised Code the same as if the 560  
voter had applied separately for absent voter's ballots for each 561  
election. When mailing absent voter's ballots to a voter who 562  
applied for them by single federal post card application, the 563  
board shall enclose notification to the voter that the voter must 564  
report to the board subsequent changes in the voter's voting 565  
status or the voter's subsequent intent to vote in any such 566  
election in the precinct in this state where the voter is 567  
registered to vote. Such notification shall be in a form 568  
prescribed by the secretary of state. As used in this section, 569  
"voting status" means the voter's name at the time the voter 570  
applied for absent voter's ballots by single federal post card 571

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application and the voter's address outside the United States to 572  
which the voter requested that ~~such~~ those ballots be sent. 573

Each application for absent voter's ballots shall be 574  
delivered to the director not earlier than the first day of 575  
January of the year of the elections for which the absent voter's 576  
ballots are requested or not earlier than ninety days before the 577  
day of the election at which the ballots are to be voted, 578  
whichever is earlier, and not later than twelve noon of the third 579  
day before the day of the election at which ~~such~~ the ballots are 580  
to be voted, or not later than the close of regular business hours 581  
on the day before the day of the election at which the ~~absent~~ 582  
~~voter's~~ ballots are to be voted if the application is delivered in 583  
person to the office of the board. 584

**Sec. 3509.031. (A)** Any qualified elector who is a member of 585  
the organized militia called to active duty within the state ~~of~~ 586  
~~Ohio~~ and who will be unable to vote on election day on account of 587  
~~such~~ that active duty may make written application for absent 588  
voter's ballots to the director of elections for the county in 589  
which ~~his~~ the elector's voting residence is located. The elector 590  
may personally deliver ~~such~~ the application to the director or may 591  
mail it, send it by facsimile machine, or otherwise send it to the 592  
director. ~~Such~~ The application need not be in any particular form 593  
but shall contain ~~the applicant's signature. The application need~~ 594  
~~only contain words which, liberally construed, indicate the~~ 595  
~~request for ballots, the election for which such ballots are~~ 596  
~~requested and, if the request is for primary election ballots, the~~ 597  
~~party affiliation of the applicant. The applicant should indicate~~ 598  
~~that the applicant is a qualified elector, and that the applicant~~ 599  
~~is a member of the organized militia serving on active duty within~~ 600  
~~the state of Ohio. Sufficient information should be included to~~ 601  
~~enable the director to determine the precinct in which his voting~~ 602  
~~residence is located. If the applicant desires that such ballots~~ 603

~~be mailed to him, the application shall state the address to which~~ 604  
~~they shall be mailed. If the applicant desires that the absent~~ 605  
~~voter's ballots be sent to the applicant by facsimile machine, the~~ 606  
~~application shall state all of the following:~~ 607

(1) The elector's name; 608

(2) The elector's signature; 609

(3) The address at which the elector is registered to vote; 610

(4) The elector's date of birth; 611

(5) One of the following: 612

(a) The elector's driver's license number; 613

(b) The last four digits of the elector's social security 614  
number; 615

(c) A copy of the elector's current and valid photo 616  
identification or a copy of a current utility bill, bank 617  
statement, government check, paycheck, or other government 618  
document that shows the name and address of the elector. 619

(6) A statement identifying the election for which absent 620  
voter's ballots are requested; 621

(7) A statement that the person requesting the ballots is a 622  
qualified elector; 623

(8) A statement that the elector is a member of the organized 624  
militia serving on active duty within the state; 625

(9) If the request is for primary election ballots, the 626  
elector's party affiliation; 627

(10) If the elector desires ballots to be mailed to the 628  
elector, the address to which those ballots shall be mailed; 629

(11) If the elector desires ballots to be sent to the elector 630  
by facsimile machine, the telephone number to which they shall be 631  
so sent. 632

(B) Application to have ~~such~~ absent voter's ballots mailed or  
sent by facsimile machine to ~~such person~~ a qualified elector who  
is a member of the organized militia called to active duty within  
the state and who will be unable to vote on election day on  
account of that active duty may be made by the spouse of the  
militia member, or the father, mother, father-in-law,  
mother-in-law, grandfather, grandmother, brother or sister of the  
whole blood or half blood, son, daughter, adopting parent, adopted  
child, stepparent, stepchild, uncle, aunt, nephew, or niece of  
~~such person~~ the militia member. The application shall be in  
writing upon a blank form furnished only by the director. The form  
of the application shall be prescribed by the secretary of state.  
The director shall furnish ~~such~~ that blank form to any of the  
relatives specified in this ~~section~~, division desiring to make  
~~such~~ the application, only upon the request of such a relative in  
person at the office of the board or upon the written request of  
such a relative mailed to the office of the board. ~~Such~~ The  
application, subscribed and sworn to by ~~such~~ the applicant, shall  
contain all of the following:

~~(A) Full~~ (1) The full name of ~~person~~ the elector for whom  
ballots are requested;

~~(B) Statement~~ (2) A statement that such person is a qualified  
elector ~~and that such person has a residence in the county and~~  
~~information as to the location of such voting residence;~~

~~(C) Statement that such person~~ (3) The address at which the  
elector is registered to vote;

(4) The elector's date of birth;

(5) One of the following:

(a) The elector's driver's license number;

(b) The last four digits of the elector's social security

number; 663

(c) A copy of the elector's current and valid photo 664  
identification or a copy of a current utility bill, bank 665  
statement, government check, paycheck, or other government 666  
document that shows the name and address of the elector. 667

(6) A statement identifying the election for which absent 668  
voter's ballots are requested; 669

(7) A statement that the elector is a member of the organized 670  
militia serving on active duty within the state ~~of Ohio;~~ 671

~~(D) Statement~~ (8) If the request is for primary election 672  
ballots, the elector's party affiliation; 673

(9) A statement that the applicant bears a relationship to 674  
~~such person~~ the elector as specified in division (B) of this 675  
section; 676

~~(E) Election for which ballots are requested, and, if for a~~ 677  
~~primary election, party affiliation of persons for whom ballots~~ 678  
~~are requested;~~ 679

~~(F) Address~~ (10) The address to which ballots shall be mailed 680  
or telephone number to which ballots shall be sent by facsimile 681  
machine; 682

~~(G) Signature~~ (11) The signature and address of the person 683  
making the application. 684

(C) Applications to have absent voter's ballots mailed or 685  
sent by facsimile machine shall not be valid if dated, postmarked, 686  
or received by the director prior to the ninetieth day before the 687  
day of the election for which ballots are requested or if 688  
delivered to ~~such~~ the director later than twelve noon of the third 689  
day preceding the day of such election. If, after the ninetieth 690  
day and before four p.m. of the day before the day of an election, 691  
a valid application for absent voter's ballots is delivered to the 692

director of elections at the office of the board by a militia 693  
member making ~~such~~ application in ~~his~~ the militia member's own 694  
behalf, the director shall forthwith deliver to ~~such~~ the militia 695  
member all absent voter's ballots then ready for use, together 696  
with an identification envelope. ~~Such~~ The militia member shall 697  
then vote ~~such~~ the absent voter's ballots in the manner provided 698  
in section 3509.05 of the Revised Code. 699

**Sec. 3509.04.** (A) If a director of a board of elections 700  
receives an application for absent voter's ballots that does not 701  
contain all of the required information, the director promptly 702  
shall notify the applicant of the additional information required 703  
to be provided by the applicant to complete that application. 704

(B) Upon receipt by the director of elections of an 705  
application for absent voter's ballots that contain all of the 706  
required information, as provided by sections 3509.03 and 707  
3509.031~~7~~ and division (G) of section 3503.16~~7~~ of the Revised 708  
Code, the director, if the director finds that the applicant is a 709  
qualified elector ~~and is entitled to vote absent voter's ballots~~ 710  
~~as applied for in the application~~, shall deliver to the applicant 711  
in person or mail directly to the applicant by special delivery 712  
mail, air mail, or regular mail, postage prepaid, proper absent 713  
voter's ballots. ~~The director shall give proper absent voter's~~ 714  
~~ballots to any qualified elector who presents self to vote at the~~ 715  
~~office of the board of elections or at another location designated~~ 716  
~~by the board as provided in division (B) or (C) of section 3503.16~~ 717  
~~of the Revised Code.~~ The director shall ~~give~~, deliver~~7~~, or mail 718  
with the ballots an unsealed identification envelope upon the face 719  
of which shall be printed a form substantially as follows: 720

"Identification Envelope Statement of Voter 721

I, ~~the undersigned voter~~ .....(Name of 722  
voter), declare under penalty of election falsification that the 723



within ballot or ballots contained no voting marks of any kind 724  
when I received them, and I caused the ballot or ballots to be 725  
marked, enclosed in the identification envelope, and sealed in 726  
that envelope. 727

My voting residence in Ohio is 728

..... 729

(Street and Number, if any, or Rural Route and Number) 730

of ..... (City, Village, or Township) 731

Ohio, which is in Ward ..... Precinct ..... 732

in that city, village, or township. 733

~~.....I am a qualified elector of the state of Ohio. (Applicant 734~~

~~must check the true statement concerning the applicant's 735~~

~~reason for voting by absent voter's ballots) 736~~

~~.....I shall be absent from the county on the day of the election. 737~~

~~.....I shall be outside the United States on the day of the 738~~

~~election. (Applicants who check this statement must also 739~~

~~check the appropriate box on the enclosed return envelope to 740~~

~~indicate that they will be outside the United States.) 741~~

~~.....I shall be absent from my polling place on the day of the 742~~

~~election due to my entry or the entry of a member of my 743~~

~~family into a hospital for medical or surgical treatment. 744~~

~~.....I shall be absent from my polling place on the day of the 745~~

~~election due to physical illness, disability, or infirmity. 746~~

~~.....My employment as a full time fire fighter, peace officer, or 747~~

~~provider of emergency medical services may prevent me from 748~~

~~voting at my polling place on the day of the election. 749~~

~~.....I shall be absent from my polling place on the day of the 750~~

~~election because I am on active duty with the organized 751~~

~~militia in the state of Ohio. 752~~

~~.....I shall be unable to vote on election day because of 753~~

~~observance of my religious belief.~~ 754

~~.....I am the secretary of state.~~ 755

~~.....I am an employee of the secretary of state.~~ 756

~~.....I am a member of the board of elections.~~ 757

~~.....I am an employee of or person temporarily hired by the board  
of elections.~~ 758  
759

~~.....I am a polling place official.~~ 760

~~.....I shall be absent from my polling place on the day of the  
election due to my confinement in a jail or workhouse under  
sentence for a misdemeanor or awaiting trial on a felony or  
misdemeanor.~~ 761  
762  
763  
764

~~.....I am sixty two years of age or older.~~ 765

~~.....I moved from one precinct to another in the same county or  
from one county to another on or prior to the day of an  
election and did not file a notice of change of residence.~~ 766  
767  
768

~~.....I changed my name on or prior to the day of an election and  
did not file a notice of change of name.~~ 769  
770

The primary election ballots, if any, within this envelope 771  
are primary election ballots of the ..... Party. 772

Ballots contained herein within this envelope are to be voted 773  
at the ..... (general, special, or primary) election to be 774  
held on the ..... day of 775  
....., .... 776

My date of birth is ..... (Month and Day), 777  
..... (Year). 778

(Voter must provide one of the following:) 779

My driver's license number is ..... (Driver's 780  
license number). 781

The last four digits of my Social Security Number are 782  
..... (Last four digits of Social Security Number). 783

..... In lieu of providing a driver's license number or the 784  
last four digits of my Social Security Number, I am enclosing a 785  
copy of one of the following in the return envelope in which this 786  
identification envelope will be mailed: a current and valid photo 787  
identification or a current utility bill, bank statement, 788  
government check, paycheck, or other government document that 789  
shows my name and address. 790

I hereby declare, under penalty of election falsification, 791  
that the statements above are true, as I verily believe. 792

..... 793

(Signature of Voter) 794

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF 795  
THE FIFTH DEGREE." 796

The director shall mail with the ballots and the unsealed 797  
identification envelope ~~that the director mails~~ an unsealed return 798  
envelope upon the face of which shall be printed the official 799  
title and post-office address of ~~such~~ the director. In the upper 800  
left corner on the face of ~~such~~ the return envelope, several blank 801  
lines shall be printed upon which the voter may write the voter's 802  
name and return address, and beneath these lines there shall be 803  
printed a box beside the words "check if out-of-country." The 804  
voter shall check this box if the voter will be outside the United 805  
States on the day of the election. The return envelope shall be of 806  
such size that the identification envelope can be conveniently 807  
placed within it for returning ~~such~~ the identification envelope to 808  
the director. 809

**Sec. 3509.05.** (A) When an elector receives an absent voter's 810  
ballot, pursuant to ~~his~~ the elector's application or request 811

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~~therefor, is received by the elector, he~~ the elector shall, before  
placing any marks ~~thereon~~ on the ballot, note whether there are  
any voting marks on ~~the ballot~~ it. ~~In the event~~ If there are any  
voting marks, the ballot shall be returned immediately to the  
board of elections; otherwise ~~he~~, the elector shall cause the  
ballot to be marked, folded in ~~such~~ a manner that the stub ~~thereon~~  
on it and the indorsements and facsimile signatures of the members  
of the board of elections on the back ~~thereof~~ of it are visible,  
and placed and sealed within the identification envelope received  
from the director of elections for that purpose. Then, the elector  
shall cause the statement of voter on the outside of the  
identification envelope to be completed and signed, under penalty  
of election falsification.

If the elector does not provide the elector's driver's  
license number or the last four digits of the elector's social  
security number on the statement of voter on the identification  
envelope, the elector also shall include in the return envelope  
with the identification envelope a copy of the elector's current  
valid photo identification or a copy of a current utility bill,  
bank statement, government check, paycheck, or other government  
document that shows the name and address of the elector.

The elector shall ~~then~~ mail the identification envelope to  
the director from whom it was received in the return envelope,  
postage prepaid, or ~~he~~ the elector may personally deliver it to  
the director, or the spouse of the elector, the father, mother,  
father-in-law, mother-in-law, grandfather, grandmother, brother,  
or sister of the whole or half blood, or the son, daughter,  
adopting parent, adopted child, stepparent, stepchild, uncle,  
aunt, nephew, or niece of the elector may deliver it to the  
director, ~~but the~~. The return envelope shall be transmitted to the  
director in no other manner, except as provided in section 3509.08  
of the Revised Code.

Each elector who will be outside the United States on the day 844  
of the election shall check the box on the return envelope 845  
indicating this fact. 846

When absent voter's ballots are delivered to an elector at 847  
the office of the board, the elector may retire to a voting 848  
compartment provided by the board and there mark the ballots. 849  
Thereupon ~~he~~, the elector shall fold them, place them in the 850  
identification envelope provided, seal the ~~identification~~ 851  
envelope, fill in and sign the statement ~~thereon~~ on the envelope 852  
under penalty of election falsification, and deliver the envelope 853  
to the director of the board. 854

Except as otherwise provided in divisions (B) and (C) of this 855  
section, all other envelopes containing marked absent voter's 856  
ballots, shall be delivered to the director not later than the 857  
close of the polls on the day of an election. Absent voter's 858  
ballots delivered to the director later than the times specified 859  
shall not be counted, but shall be kept by the board in the sealed 860  
identification envelopes in which they are delivered to the 861  
director, until the time provided by section 3505.31 of the 862  
Revised Code for the destruction of all other ballots used at the 863  
election for which ballots were provided, at which time they shall 864  
be destroyed. 865

(B) Except as otherwise provided in division (C) of this 866  
section, any return envelope that indicates that the voter will be 867  
outside the United States on the day of the election shall be 868  
delivered to the director prior to the eleventh day after the 869  
election. Ballots delivered in such envelopes that are received 870  
after the close of the polls on election day through the tenth day 871  
thereafter shall be counted on the eleventh day at the board of 872  
elections in the manner provided in divisions (C) and (D) of 873  
section 3509.06 of the Revised Code. Any such ballots that are 874  
signed or postmarked after the close of the polls on the day of 875

the election or that are received by the director later than the 876  
tenth day following the election shall not be counted, but shall 877  
be kept by the board in the sealed identification envelopes as 878  
provided in division (A) of this section. 879

(C) In any year in which a presidential primary election is 880  
held, any return envelope that indicates that the voter will be 881  
outside the United States on the day of the presidential primary 882  
election shall be delivered to the director prior to the 883  
twenty-first day after that election. Ballots delivered in such 884  
envelopes that are received after the close of the polls on 885  
election day through the twentieth day thereafter shall be counted 886  
on the twenty-first day at the board of elections in the manner 887  
provided in divisions (C) and (D) of section 3509.06 of the 888  
Revised Code. Any such ballots that are signed or postmarked after 889  
the close of the polls on the day of that election or that are 890  
received by the director later than the twentieth day following 891  
that election shall not be counted, but shall be kept by the board 892  
in the sealed identification envelopes as provided in division (A) 893  
of this section. 894

**Sec. 3509.06.** (A) The board of elections shall determine 895  
whether absent voter's ballots shall be counted in each precinct, 896  
at the office of the board, or at some other location designated 897  
by the board, and shall proceed accordingly under division (B) or 898  
(C) of this section. 899

(B) When the board of elections determines that absent 900  
voter's ballots shall be counted in each precinct, the director 901  
shall deliver to the presiding judge of each precinct on election 902  
day identification envelopes purporting to contain absent voter's 903  
ballots of electors whose voting residence appears from the 904  
statement of voter on the outside of each of ~~such~~ those envelopes, 905  
to be located in such presiding judge's precinct, and which were 906

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received by the director not later than the close of the polls on 907  
election day. The director shall deliver to such presiding judge a 908  
list containing the name and voting residence of each person whose 909  
voting residence is in such precinct to whom absent voter's 910  
ballots were mailed. 911

(C) When the board of elections determines that absent 912  
voter's ballots shall be counted at the office of the board of 913  
elections or at another location designated by the board, special 914  
election judges shall be appointed by the board for that purpose 915  
having the same authority as is exercised by precinct judges. The 916  
votes so cast shall be added to the vote totals by the board, and 917  
the ~~absentee~~ absent voter's ballots shall be preserved separately 918  
by the board, in the same manner and for the same length of time 919  
as provided by section 3505.31 of the Revised Code. 920

(D) Each of the identification envelopes purporting to 921  
contain absent voter's ballots delivered to the presiding judge of 922  
the precinct or the special judge appointed by the board of 923  
elections shall be handled as follows: The ~~judge shall announce~~ 924  
~~the name of the elector who appears to have signed the statement~~ 925  
~~of voter on the outside of such envelope. In counties in which~~ 926  
~~absent voter's ballots are counted in each precinct, election~~ 927  
~~officials shall compare~~ the signature of the elector on the 928  
outside of ~~such~~ the identification envelope ~~shall be compared~~ with 929  
the signature of ~~such~~ that elector on ~~his~~ the elector's 930  
registration form and verify that the absent voter's ballot is 931  
eligible to be counted under section 3509.07 of the Revised Code. 932  
Any ~~appointed challenger or any~~ of the precinct officials may 933  
challenge the right of the elector named on ~~such~~ the 934  
identification envelope to vote ~~such~~ the absent voter's ballots 935  
upon the ground that the signature on ~~such~~ the envelope is not the 936  
same as the signature on ~~such~~ the registration form, or upon any 937  
other of the grounds upon which the right of persons to vote may 938

be lawfully challenged. If no such challenge is made, or if such a  
challenge is made and not sustained, the presiding judge shall  
open the envelope without defacing the statement of voter and  
without mutilating the ballots ~~therein~~ in it, and shall remove the  
ballots contained ~~therein~~ in it and proceed to count them.

The name of each person voting who is entitled to vote only  
an absent voter's presidential ballot shall be entered in a  
pollbook or poll list or signature pollbook followed by the words  
"Absentee Presidential Ballot." The name of each person voting an  
absent voter's ballot, other than such persons entitled to vote  
only a presidential ballot, shall be entered in the pollbook or  
poll list or signature pollbook and ~~his~~ the person's registration  
card marked to indicate that ~~he~~ the person has voted.

The date of such election shall also be entered on the  
elector's registration form. If any such challenge is made and  
sustained, the identification envelope of such elector shall not  
be opened ~~and~~, shall be endorsed "Not Counted" with the reasons  
~~therefor~~ the ballots were not counted, and shall be delivered to  
the board.

(E) Special election judges or employees or members of the  
board of elections shall not disclose the count or any portion of  
the count of absent voter's ballots prior to the time of the  
closing of the polling places. No person shall recklessly disclose  
the count or any portion of the count of absent voter's ballots in  
such a manner as to jeopardize the secrecy of any individual  
ballot.

**Sec. 3509.07.** If election officials find that the statement  
accompanying an absent voter's ballot or absent voter's  
presidential ballot is insufficient, that the signatures do not  
correspond with the person's registration signature, that the  
applicant is not a qualified elector in the precinct, that the



ballot envelope contains more than one ballot of any one kind, or 970  
any voted ballot that the elector is not entitled to vote, ~~or~~ that 971  
Stub A is detached from the absent voter's ballot or absent 972  
voter's presidential ballot, or that the elector has not included 973  
with the elector's ballot any identification required under 974  
section 3509.05 or 3511.09 of the Revised Code, the vote shall not 975  
be accepted or counted. The vote of any absent voter may be 976  
challenged for cause in the same manner as other votes are 977  
challenged, and the election officials shall determine the 978  
legality of that ballot. Every ballot not counted shall be 979  
~~indorsed~~ endorsed on its back "Not Counted" with the reasons the 980  
ballot was not counted, and shall be enclosed and returned to or 981  
retained by the board of elections along with the contested 982  
ballots. 983

**Sec. 3509.08.** (A) Any qualified elector, who, on account of 984  
the elector's own personal illness, physical disability, or 985  
infirmity, or on account of the elector's confinement in a jail or 986  
workhouse under sentence for a misdemeanor or awaiting trial on a 987  
felony or misdemeanor, will be unable to travel from the elector's 988  
home or place of confinement to the voting booth in the elector's 989  
precinct on the day of any general, special, or primary election 990  
may make application in writing for an absent voter's ballot to 991  
the director of the board of elections of the elector's county 992  
stating. The application shall include all of the information 993  
required under section 3509.03 of the Revised Code and shall state 994  
the nature of the elector's illness, physical disability, or 995  
infirmity, or the fact that the elector is confined in a jail or 996  
workhouse and the elector's resultant inability to travel to the 997  
election booth in the elector's precinct on election day. The 998  
application shall not be valid if it is delivered to the ~~clerk~~ 999  
director before the ninetieth day or after twelve noon of the 1000  
third day before the day of the election at which ~~such ballots are~~ 1001

the ballot is to be voted. 1002

The ~~absentee ballots~~ absent voter's ballot may be mailed 1003  
directly to the applicant at the applicant's voting residence or 1004  
place of confinement as stated in the applicant's application, or 1005  
the board may designate two board employees belonging to the two 1006  
major political parties, for the purpose of delivering the ~~ballots~~ 1007  
ballot to the disabled or confined elector and returning ~~them~~ it 1008  
to the board, unless the applicant is confined to a public or 1009  
private institution within the county, in which case the board 1010  
shall designate two such employees for the purpose of delivering 1011  
the ~~ballots~~ ballot to the disabled or confined elector and 1012  
returning ~~them~~ it to the board. In all other instances, the 1013  
~~ballots~~ ballot shall be returned to the office of the board in the 1014  
manner prescribed in section 3509.05 of the Revised Code. 1015

Any disabled or confined elector who declares to the two 1016  
employees that the elector is unable to mark the elector's ballot 1017  
by reason of physical infirmity, ~~and such physical infirmity that~~ 1018  
is apparent to the employees to be sufficient to incapacitate the 1019  
voter from marking ~~his~~ the elector's ballot properly, may receive, 1020  
upon request, ~~receive~~ the assistance of the two employees in 1021  
marking the elector's ballot, and they shall thereafter give no 1022  
information in regard to this matter. Such assistance shall not be 1023  
rendered for any other cause. 1024

When two board employees deliver ~~ballots~~ a ballot to a 1025  
disabled or confined elector, each of the employees shall be 1026  
present when the ~~ballots are~~ ballot is delivered, when assistance 1027  
is given, and when the ~~ballots are~~ ballot is returned to the 1028  
office of the board, and shall subscribe to the declaration on the 1029  
identification envelope. 1030

The secretary of state shall prescribe the form of 1031  
application for absent voter's ballots under this division ~~(A) of~~ 1032

~~this section.~~ 1033

~~Chapter 3509. of the Revised Code~~ This chapter applies to 1034  
disabled and confined absent voter's ballots except as otherwise 1035  
provided in this section. 1036

(B)(1) Any qualified elector who is unable to travel to the 1037  
voting booth in the elector's precinct on the day of any general, 1038  
special, or primary election because of being confined in a 1039  
hospital as a result of an accident or unforeseeable medical 1040  
emergency occurring before the election, may apply to the director 1041  
of the board of elections of the county where the elector is a 1042  
qualified elector to vote in the election by absent voter's 1043  
ballot. This application shall be made in writing, shall include 1044  
all of the information required under section 3509.03 of the 1045  
Revised Code, and shall be delivered to the director not later 1046  
than three p.m. on the day of the election. The application shall 1047  
indicate the hospital where the applicant is confined, the date of 1048  
the applicant's admission to the hospital, and the offices for 1049  
which the applicant is qualified to vote, ~~and, if the applicant is~~ 1050  
~~requesting to vote in a primary election, the applicant's party~~ 1051  
~~affiliation.~~ The applicant may also request that a member of the 1052  
applicant's family, as listed in section 3509.05 of the Revised 1053  
Code, deliver the absent voter's ballot to the applicant. The 1054  
director, after establishing to the director's satisfaction the 1055  
validity of the circumstances claimed by the applicant, shall 1056  
supply an absent voter's ballot to be delivered to the applicant. 1057  
When the applicant is in a hospital in the county where the 1058  
applicant is a qualified elector and no request is made for a 1059  
member of the family to deliver the ballot, the director shall 1060  
arrange for the delivery of an absent voter's ballot to the 1061  
applicant, and for its return to the office of the board, by two 1062  
employees according to the procedures prescribed in division (A) 1063  
of this section. When the applicant is in a hospital outside the 1064

county where the applicant is a qualified elector and no request 1065  
is made for a member of the family to deliver the ballot, the 1066  
director shall arrange for the delivery of an absent voter's 1067  
ballot to the applicant by mail, and the ballot shall be returned 1068  
to the office of the board in the manner prescribed in section 1069  
3509.05 of the Revised Code. 1070

(2) Any qualified elector who is eligible to vote under 1071  
division (B) or (C) of section 3503.16 of the Revised Code but is 1072  
unable to do so because of the circumstances described in division 1073  
(B)(1) of this section may vote in accordance with division (B)(1) 1074  
of this section if that qualified elector states in the 1075  
application for absent voter's ballots that that qualified elector 1076  
moved or had a change of name under the circumstances described in 1077  
division (B) or (C) of section 3503.16 of the Revised Code and if 1078  
that qualified elector complies with divisions (G)(1) to (4) of 1079  
section 3503.16 of the Revised Code. 1080

(C) Any qualified elector described in division (A) or (B)(1) 1081  
of this section who needs no assistance to vote or to return 1082  
absent voter's ballots to the board of elections may apply for 1083  
absent voter's ballots under section 3509.03 of the Revised Code 1084  
instead of applying for them under this section. 1085

Sec. 3509.09. (A) The poll list or signature pollbook for 1086  
each precinct shall identify each registered elector in that 1087  
precinct who has requested an absent voter's ballot for that 1088  
election. 1089

(B)(1) If a registered elector appears to vote in that 1090  
precinct and that elector has requested an absent voter's ballot 1091  
for that election but the director has not received a sealed 1092  
identification envelope purporting to contain that elector's voted 1093  
absent voter's ballots for that election, the elector shall be 1094  
permitted to cast a ballot, generally in the manner prescribed in 1095

division (B) of section 3503.16 of the Revised Code, in that  
precinct on the day of that election.

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(2) If a registered elector appears to vote in that precinct  
and that elector has requested an absent voter's ballot for that  
election and the director has received a sealed identification  
envelope purporting to contain that elector's voted absent voter's  
ballots for that election, the elector shall be permitted to cast  
a ballot, generally in the manner prescribed in division (B) of  
section 3503.16 of the Revised Code, in that precinct on the day  
of that election.

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(C)(1) In counting absent voter's ballots under section  
3509.06 of the Revised Code, the board of elections or the  
precinct election officials shall compare the poll list or the  
signature pollbook for each precinct with the name of each elector  
in that precinct from whom the director has received a sealed  
identification envelope purporting to contain that elector's voted  
absent voter's ballots for that election. Except as otherwise  
provided in division (C)(2) of this section, if the board of  
elections determines that an elector who cast a ballot, generally  
in the manner prescribed in division (B) of section 3503.16 of the  
Revised Code, in the precinct on the day of the election also  
returned a sealed identification envelope for that election, the  
absent voter's ballot in the sealed identification envelope shall  
be counted, and the ballot cast in the precinct on the day of the  
election shall not be counted.

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(2) The board of elections shall count the ballot cast in the  
precinct on the day of the election, instead of the absent voter's  
ballot in the returned sealed identification envelope of an  
elector, if both of the following apply:

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(a) The board of elections determines that the signature of  
the elector on the outside of the identification envelope in which

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the absent voter's ballots are enclosed does not match the  
signature of the elector on the elector's registration form;

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(b) The elector cast a ballot, generally in the manner  
prescribed in division (B) of section 3503.16 of the Revised Code,  
in the precinct on the day of the election.

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If the board of elections counts the ballot cast in the  
precinct on the day of the election under this division, the  
identification envelope of that elector shall not be opened, and  
the ballot within that envelope shall not be counted. The  
identification envelope shall be endorsed "Not Counted" with the  
reason the ballot was not counted.

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**Sec. 3511.02.** ~~Any~~ Notwithstanding any section of the Revised  
Code to the contrary ~~notwithstanding~~, whenever any person applies  
for registration as a voter on a form adopted in accordance with  
federal regulations relating to the "Uniformed and Overseas  
Citizens Absentee Voting Act," 100 Stat. 924, 42 U.S.C.A. 1973ff  
(1986), this application shall be sufficient for voter  
registration and as a request for an ~~absentee~~ absent voter's  
ballot. Armed service absent voter's ballots may be obtained by  
any person meeting the requirements of section 3511.01 of the  
Revised Code by applying to the director of the board of elections  
of the county in which the person's voting residence is located,  
in one of the following ways:

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(A) That person may make written application for ~~such~~ those  
ballots. The person may personally deliver the application to the  
director or may mail it, send it by facsimile machine, or  
otherwise send it to the director. The application need not be in  
any particular form but shall contain ~~the applicant's signature.~~  
~~The application need only contain words that, liberally construed,~~  
~~indicate the request for ballots; the election for which such~~  
~~ballots are requested, and, if the request is for primary election~~

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~~ballots, the person's party affiliation; that the person is~~ 1158  
~~serving in the armed forces of the United States or is the spouse~~ 1159  
~~or dependent of a person serving in the armed forces of the United~~ 1160  
~~States; and the length of residence in the state immediately~~ 1161  
~~preceding the commencement of service, or immediately preceding~~ 1162  
~~the date of leaving to be with or near the service member, as the~~ 1163  
~~case may be, and sufficient information to enable the director to~~ 1164  
~~determine the precinct in which the residence is located. If the~~ 1165  
~~person desires that such ballots be mailed to the person, the~~ 1166  
~~application shall state the address to which they shall be mailed.~~ 1167  
~~If the person desires that such ballots be sent to the person by~~ 1168  
~~facsimile machine, the application shall state all of the~~ 1169  
~~following information:~~ 1170

(1) The elector's name; 1171

(2) The elector's signature; 1172

(3) The address at which the elector is registered to vote; 1173

(4) The elector's date of birth; 1174

(5) One of the following: 1175

(a) The elector's driver's license number; 1176

(b) The last four digits of the elector's social security 1177  
number; 1178

(c) A copy of the elector's current and valid photo 1179  
identification or a copy of a current utility bill, bank 1180  
statement, government check, paycheck, or other government 1181  
document that shows the name and address of the elector. 1182

(6) A statement identifying the election for which absent 1183  
voter's ballots are requested; 1184

(7) A statement that the person requesting the ballots is a 1185  
qualified elector; 1186

(8) A statement that the elector is an absent uniformed 1187

services voter as defined in 42 U.S.C. 1973ff-6; 1188

(9) A statement of the elector's length of residence in the 1189  
state immediately preceding the commencement of service or 1190  
immediately preceding the date of leaving to be with or near the 1191  
service member, whichever is applicable; 1192

(10) If the request is for primary election ballots, the 1193  
elector's party affiliation; 1194

(11) If the elector desires ballots to be mailed to the 1195  
elector, the address to which those ballots shall be mailed; 1196

(12) If the elector desires ballots to be sent to the elector 1197  
by facsimile machine, the telephone number to which they shall be 1198  
so sent. 1199

(B) A voter or any relative of a voter listed in division 1200  
~~(B)~~(C) of this section may use a single federal post card 1201  
application to apply for armed service absent voter's ballots for 1202  
use at the primary and general elections in a given year and any 1203  
special election to be held on the day in that year specified by 1204  
division (E) of section 3501.01 of the Revised Code for the 1205  
holding of a primary election, designated by the general assembly 1206  
for the purpose of submitting constitutional amendments proposed 1207  
by the general assembly to the voters of the state. ~~Such an~~ A 1208  
single federal postcard application shall be processed by the 1209  
board of elections pursuant to section 3511.04 of the Revised Code 1210  
the same as if the voter had applied separately for armed service 1211  
absent voter's ballots for each election. 1212

~~(B)~~(C) Application to have ~~such~~ armed service absent voter's 1213  
ballots mailed or sent by facsimile machine to such a person may 1214  
be made by the spouse when the person is a service member, or by 1215  
the father, mother, father-in-law, mother-in-law, grandfather, 1216  
grandmother, brother or sister of the whole blood or half blood, 1217  
son, daughter, adopting parent, adopted child, stepparent, 1218



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stepchild, uncle, aunt, nephew, or niece of such a person. ~~Such~~ 1219  
~~The~~ application shall be in writing upon a blank form furnished 1220  
 only by the director or on a single federal post card as provided 1221  
 in division ~~(A)~~(B) of this section. The form of ~~such~~ the 1222  
 application shall be prescribed by the secretary of state. The 1223  
 director shall furnish ~~such~~ that blank form to any of the 1224  
 relatives specified in this ~~section~~, division desiring to make 1225  
~~such~~ the application, only upon the request of such a relative 1226  
 made in person at the office of the board or upon the written 1227  
 request of such a relative mailed to the office of the board. ~~Such~~ 1228  
~~The~~ application, subscribed and sworn to by ~~such~~ the applicant, 1229  
 shall contain all of the following: 1230

(1) ~~Full~~ The full name of ~~person~~ the elector for whom ballots 1231  
 are requested; 1232

(2) ~~Statement~~ A statement that ~~such person~~ the elector is 1233  
~~serving in the armed forces of the United States or that such~~ 1234  
~~person is a spouse or dependent of a person serving in the armed~~ 1235  
~~forces of the United States who resides outside this state for the~~ 1236  
~~purpose of being with or near such service member~~ an absent 1237  
uniformed services voter as defined in 42 U.S.C. 1973ff-6; 1238

(3) ~~Statement that such person has a residence in the county,~~ 1239  
~~and information as to the precinct in which it is located and~~ The 1240  
address at which the elector is registered to vote; 1241

(4) A statement identifying the elector's length of residence 1242  
 in the state immediately preceding the commencement of service, or 1243  
 immediately preceding the date of leaving to be with or near a 1244  
 service member, as the case may be; 1245

~~(4) Statement~~ (5) The elector's date of birth; 1246

(6) One of the following: 1247

(a) The elector's driver's license number; 1248

<u>(b) The last four digits of the elector's social security</u>	1249
<u>number;</u>	1250
<u>(c) A copy of the elector's current and valid photo</u>	1251
<u>identification or a copy of a current utility bill, bank</u>	1252
<u>statement, government check, paycheck, or other government</u>	1253
<u>document that shows the name and address of the elector.</u>	1254
<u>(7) A statement identifying the election for which absent</u>	1255
<u>voter's ballots are requested;</u>	1256
<u>(8) A statement that the person requesting the ballots is a</u>	1257
<u>qualified elector;</u>	1258
<u>(9) If the request is for primary election ballots, the</u>	1259
<u>elector's party affiliation;</u>	1260
<u>(10) A statement that the applicant bears a relationship to</u>	1261
<u>such person the elector as specified in division (C) of this</u>	1262
<u>section;</u>	1263
<del>(5) Election for which ballots are requested, and, if for a</del>	1264
<del>primary election, party affiliation of persons for whom ballots</del>	1265
<del>are requested;</del>	1266
<del>(6) Address</del> <u>(11) The address</u> to which ballots shall be mailed	1267
or <u>the</u> telephone number to which ballots shall be sent by	1268
facsimile machine;	1269
<del>(7) Signature</del> <u>(12) The signature</u> and address of <u>the</u> person	1270
making the application.	1271
Each application for armed service absent voter's ballots	1272
shall be delivered to the director not earlier than the first day	1273
of January of the year of the elections for which the armed	1274
service absent voter's ballots are requested or not earlier than	1275
ninety days before the day of the election at which the ballots	1276
are to be voted, whichever is earlier, and not later than twelve	1277
noon of the third day preceding the day of the election, or not	1278

later than the close of regular business hours on the day before 1279  
the day of the election at which ~~such~~ those ballots are to be 1280  
voted if the application is delivered in person to the office of 1281  
the board. 1282

~~(C)~~(D) If the voter for whom the application is made is 1283  
entitled to vote for presidential and vice-presidential electors 1284  
only, the applicant shall submit to the director in addition to 1285  
the requirements of divisions (A) ~~and~~, (B), and (C) of this 1286  
section, a statement to the effect that the voter is qualified to 1287  
vote for presidential and vice-presidential electors and for no 1288  
other offices. 1289

**Sec. 3511.04.** ~~No~~ (A) If a director of a board of elections 1290  
receives an application for armed service absent voter's ballots 1291  
that does not contain all of the required information, the 1292  
director promptly shall notify the applicant of the additional 1293  
information required to be provided by the applicant to complete 1294  
that application. 1295

(B) Not later than the twenty-fifth day before the day of 1296  
each presidential primary election and not later than the 1297  
thirty-fifth day before the day of each general or other primary 1298  
election, and at the earliest possible time before the day of a 1299  
special election held on a day other than the day on which a 1300  
general or primary election is held, the director of the board of 1301  
elections shall mail or send by facsimile machine armed service 1302  
absent voter's ballots then ready for use as provided for in 1303  
section 3511.03 of the Revised Code and for which the director has 1304  
received valid applications prior to ~~such~~ that time. Thereafter, 1305  
and until twelve noon of the third day preceding the day of 1306  
election, the director shall promptly, upon receipt of valid 1307  
applications ~~therefor~~ for them, mail or send by facsimile machine 1308  
to the proper persons all armed service absent voter's ballots 1309

then ready for use. 1310

If, after the sixtieth day before the day of a general or 1311  
primary election, any other question, issue, or candidacy is 1312  
lawfully ordered submitted to the electors voting at ~~such~~ the 1313  
general or primary election, the board shall promptly provide a 1314  
separate official issue, special election, or other election 1315  
ballot for submitting ~~such~~ the question, issue, or candidacy to 1316  
~~such~~ those electors, and the director shall promptly mail or send 1317  
by facsimile machine each such separate ballot to each person to 1318  
whom the director has previously mailed or sent by facsimile 1319  
machine other armed service absent voter's ballots. 1320

In mailing armed service absent voter's ballots, the director 1321  
shall use the fastest mail service available, but the director 1322  
shall not mail them by certified mail. 1323

**Sec. 3511.09.** Upon receiving armed service absent voter's 1324  
ballots, the elector shall cause the questions on the face of the 1325  
identification envelope to be answered, and, by writing the 1326  
elector's usual signature in the proper place on the 1327  
identification envelope, the elector shall declare under penalty 1328  
of election falsification that the answers to those questions are 1329  
true and correct to the best of the elector's knowledge and 1330  
belief. Then, the elector shall note whether there are any voting 1331  
marks on the ballot. If there are any voting marks, the ballot 1332  
shall be returned immediately to the board of elections; 1333  
otherwise, the elector shall cause the ballot to be marked, folded 1334  
separately so as to conceal the markings on it, deposited in the 1335  
identification envelope, and securely sealed in the identification 1336  
envelope. The elector then shall cause the identification envelope 1337  
to be placed within the return envelope, sealed in the return 1338  
envelope, and mailed to the director of the board of elections to 1339  
whom it is addressed. If the elector does not provide the 1340

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elector's driver's license number or the last four digits of the 1341  
elector's social security number on the statement of voter on the 1342  
identification envelope, the elector also shall include in the 1343  
return envelope with the identification envelope a copy of the 1344  
elector's current valid photo identification or a copy of a 1345  
current utility bill, bank statement, government check, paycheck, 1346  
or other government document that shows the name and address of 1347  
the elector. Each elector who will be outside the United States on 1348  
the day of the election shall check the box on the return envelope 1349  
indicating this fact and shall mail the return envelope to the 1350  
director prior to the close of the polls on election day. 1351

Every armed services absent voter's ballot identification 1352  
envelope shall be accompanied by the following statement in 1353  
boldface capital letters: WHOEVER COMMITS ELECTION FALSIFICATION 1354  
IS GUILTY OF A FELONY OF THE FIFTH DEGREE. 1355

**Sec. 3511.13.** (A) The poll list or signature pollbook for 1356  
each precinct shall identify each registered elector in that 1357  
precinct who has requested an armed services absent voter's ballot 1358  
for that election; 1359

(B)(1) If a registered elector appears to vote in that 1360  
precinct and that elector has requested an armed service absent 1361  
voter's ballot for that election but the director has not received 1362  
a sealed identification envelope purporting to contain that 1363  
elector's voted armed service absent voter's ballots for that 1364  
election, the elector shall be permitted to cast a ballot, 1365  
generally in the manner prescribed in division (B) of section 1366  
3503.16 of the Revised Code, in that precinct on the day of that 1367  
election. 1368

(2) If a registered elector appears to vote in that precinct 1369  
and that elector has requested an armed service absent voter's 1370  
ballot for that election and the director has received a sealed 1371

identification envelope purporting to contain that elector's voted 1372  
armed service absent voter's ballots for that election, the 1373  
elector shall be permitted to cast a ballot, generally in the 1374  
manner prescribed in division (B) of section 3503.16 of the 1375  
Revised Code, in that precinct on the day of that election. 1376

(C)(1) In counting armed service absent voter's ballots under 1377  
section 3511.11 of the Revised Code, the board of elections or the 1378  
precinct election officials shall compare the poll list or the 1379  
signature pollbook for each precinct with the name of each elector 1380  
in that precinct from whom the director has received a sealed 1381  
identification envelope purporting to contain that elector's voted 1382  
armed service absent voter's ballots for that election. Except as 1383  
otherwise provided in division (C)(2) of this section, if the 1384  
board of elections determines that an elector who cast a ballot, 1385  
generally in the manner prescribed in division (B) of section 1386  
3503.16 of the Revised Code, in the precinct on the day of the 1387  
election also returned a sealed identification envelope for that 1388  
election, the armed service absent voter's ballot in the sealed 1389  
identification envelope shall be counted, and the ballot cast in 1390  
the precinct on the day of the election shall not be counted. 1391

(2) The board of elections shall count the ballot cast in the 1392  
precinct on the day of the election, instead of the armed service 1393  
absent voter's ballot, of an elector from whom the director has 1394  
received an identification envelope purporting to contain that 1395  
elector's voted armed service absent voter's ballots, if both of 1396  
the following apply: 1397

(a) The board of elections determines that the signature of 1398  
the elector on the outside of the identification envelope in which 1399  
the armed service absent voter's ballots are enclosed does not 1400  
match the signature of the elector on the elector's registration 1401  
form; 1402

(b) The elector cast a ballot, generally in the manner 1403  
prescribed in division (B) of section 3503.16 of the Revised Code, 1404  
in the precinct on the day of the election. 1405

If the board of elections counts the ballot cast in the 1406  
precinct on the day of the election under this division, the 1407  
identification envelope of that elector shall not be opened, and 1408  
the ballot within that envelope shall not be counted. The 1409  
identification envelope shall be endorsed "Not Counted" with the 1410  
reason the ballot was not counted. 1411

**Sec. 3599.12.** (A) No person shall do any of the following: 1412

(1) Vote or attempt to vote in any primary, special, or 1413  
general election in a precinct in which that person is not a 1414  
legally qualified elector; 1415

(2) Vote or attempt to vote more than once at the same 1416  
election by any means, including voting or attempting to vote both 1417  
by absent voter's ballots under division ~~(B), (C), or~~ (G) of 1418  
section 3503.16 of the Revised Code and by regular ballot at the 1419  
polls at the same election, or voting or attempting to vote both 1420  
by absent voter's ballots under division ~~(B), (C), or~~ (G) of 1421  
section 3503.16 of the Revised Code and by absent voter's ballots 1422  
under Chapter 3509. or armed service absent voter's ballots under 1423  
Chapter 3511. of the Revised Code at the same election; 1424

(3) Impersonate or sign the name of another person, real or 1425  
fictitious, living or dead, and vote or attempt to vote as that 1426  
other person in any such election; 1427

(4) Cast a ballot at any such election after objection has 1428  
been made and sustained to that person's vote; 1429

(5) Knowingly vote or attempt to vote a ballot other than the 1430  
official ballot. 1431

(B) Whoever violates division (A) of this section is guilty 1432

of a felony of the fourth degree. 1433

**Sec. 3599.21.** (A) No person shall knowingly do any of the 1434  
following: 1435

(1) Impersonate another, or make a false representation in 1436  
order to obtain an absent voter's ballot; 1437

(2) Aid or abet a person to vote an absent voter's ballot 1438  
illegally; 1439

(3) If the person is an election official, open, destroy, 1440  
steal, mark, or mutilate any absent voter's ballot; 1441

(4) Aid or abet another person to open, destroy, steal, mark, 1442  
or mutilate any absent voter's ballot after the ballot has been 1443  
voted; 1444

(5) Delay the delivery of any such ballot with a view to 1445  
preventing its arrival in time to be counted; 1446

(6) Hinder or attempt to hinder the delivery or counting of 1447  
such absent voter's ballot; 1448

(7) Fail to forward to the appropriate election official an 1449  
absent voter's ballot application entrusted to that person to so 1450  
forward; 1451

(8) Fail to forward to the appropriate election official an 1452  
absent voter's ballot application entrusted to that person to so 1453  
forward within such a time period that the failure to so forward 1454  
the application disenfranchises the voter with respect to a 1455  
particular election; 1456

(9) Except as authorized under Chapters 3509. and 3511. of 1457  
the Revised Code, possess the absent voter's ballot of another. 1458

(B)(1) Subject to division (B)(2) of this section, no person 1459  
who receives compensation for soliciting persons to apply to vote 1460  
by absent voter's ballots shall fail to forward to the appropriate 1461



election official an absent voter's ballot application entrusted 1462  
to that person to so forward within ten days after that 1463  
application is completed. 1464

(2) No person who receives compensation for soliciting 1465  
persons to apply to vote by absent voter's ballots shall fail to 1466  
forward to the appropriate election official an absent voter's 1467  
ballot application entrusted to that person to so forward within 1468  
such a time period that the failure to so forward the application 1469  
disenfranchises the voter with respect to a particular election. 1470

(C) Whoever violates division (A) or (B) of this section is 1471  
guilty of a felony of the fourth degree. 1472

(D) As used in this section, "person who receives 1473  
compensation for soliciting persons to apply to vote by absent 1474  
voter's ballots" includes any effort, for compensation, to provide 1475  
absent voter's ballot applications or to assist persons in 1476  
completing those applications or returning them to the director of 1477  
the board of elections of the county in which the applicant's 1478  
voting residence is located. 1479

**Sec. 4109.06.** (A) This chapter does not apply to the 1480  
following: 1481

(1) Minors who are students working on any properly guarded 1482  
machines in the manual training department of any school when the 1483  
work is performed under the personal supervision of an instructor; 1484

(2) Students participating in a vocational program approved 1485  
by the Ohio department of education; 1486

(3) A minor participating in a play, pageant, or concert 1487  
produced by an outdoor historical drama corporation, a 1488  
professional traveling theatrical production, a professional 1489  
concert tour, or a personal appearance tour as a professional 1490  
motion picture star, or as an actor or performer in motion 1491

pictures or in radio or television productions in accordance with 1492  
the rules adopted pursuant to division (A) of section 4109.05 of 1493  
the Revised Code; 1494

(4) The participation, without remuneration of a minor and 1495  
with the consent of a parent or guardian, in a performance given 1496  
by a church, school, or academy, or at a concert or entertainment 1497  
given solely for charitable purposes, or by a charitable or 1498  
religious institution; 1499

(5) ~~To minors~~ Minors who are employed by their parents in 1500  
occupations other than occupations prohibited by rule adopted 1501  
under this chapter; 1502

(6) Minors engaged in the delivery of newspapers to the 1503  
consumer; 1504

(7) Minors who have received a high school diploma or a 1505  
certificate of attendance from an accredited secondary school or a 1506  
certificate of high school equivalence; 1507

(8) Minors who are currently heads of households or are 1508  
parents contributing to the support of their children; 1509

(9) Minors engaged in lawn mowing, snow shoveling, and other 1510  
related employment; 1511

(10) Minors employed in agricultural employment in connection 1512  
with farms operated by their parents, grandparents, or guardians 1513  
where they are members of the guardians' household. Minors are not 1514  
exempt from this chapter if they reside in agricultural labor 1515  
camps as defined in section 3733.41 of the Revised Code; 1516

(11) Students participating in a program to serve as precinct 1517  
officers as authorized by section 3501.22 of the Revised Code. 1518

(B) Sections 4109.02, 4109.08, 4109.09, and 4109.11 of the 1519  
Revised Code do not apply to the following: 1520

(1) Minors who work in a sheltered workshop operated by a 1521

county board of mental retardation; 1522

(2) Minors performing services for a nonprofit organization 1523  
where the minor receives no compensation, except for any expenses 1524  
incurred by the minor or except for meals provided to the minor; 1525

(3) Minors who are employed in agricultural employment and 1526  
who do not reside in agricultural labor camps. 1527

(C) Division (D) of section 4109.07 of the Revised Code does 1528  
not apply to minors who have their employment hours established as 1529  
follows: 1530

(1) A minor adjudicated to be an unruly child or delinquent 1531  
child who, as a result of the adjudication, is placed on probation 1532  
may either file a petition in the juvenile court in whose 1533  
jurisdiction the minor resides, or apply to the superintendent or 1534  
to the chief administrative officer who issued the minor's age and 1535  
schooling certificate pursuant to section 3331.01 of the Revised 1536  
Code, alleging the restrictions on the hours of employment 1537  
described in division (D) of section 4109.07 of the Revised Code 1538  
will cause a substantial hardship or are not in the minor's best 1539  
interests. Upon receipt of a petition or application, the court, 1540  
the superintendent, or the chief administrative officer, as 1541  
appropriate, shall consult with the person required to supervise 1542  
the minor on probation. If after ~~such~~ that consultation, the 1543  
court, the superintendent, or the chief administrative officer 1544  
finds the minor has failed to show the restrictions will result in 1545  
a substantial hardship or that the restrictions are not in the 1546  
minor's best interests, the court, the superintendent, or the 1547  
chief administrative officer shall uphold the restrictions. If 1548  
after ~~such~~ that consultation, the court, the superintendent, or 1549  
the chief administrative officer finds the minor has shown the 1550  
restricted hours will cause a substantial hardship or are not in 1551  
the minor's best interests, the court, the superintendent, or the 1552

chief administrative officer shall establish differing hours of 1553  
employment for the minor and notify the minor and the minor's 1554  
employer of ~~such~~ those hours, which shall be binding in lieu of 1555  
the restrictions on the hours of employment described in division 1556  
(D) of section 4109.07 of the Revised Code. 1557

(2) Any minor to whom division (C)(1) of this section does 1558  
not apply may either file a petition in the juvenile court in 1559  
whose jurisdiction the person resides, or apply to the 1560  
superintendent or to the chief administrative officer who issued 1561  
the minor's age and schooling certificate pursuant to section 1562  
3331.01 of the Revised Code, alleging the restrictions on the 1563  
hours of employment described in division (D) of section 4109.07 1564  
of the Revised Code will cause a substantial hardship or are not 1565  
in the minor's best interests. 1566

If, as a result of a petition or application, the court, the 1567  
superintendent, or the chief administrative officer, as 1568  
appropriate, finds the minor has failed to show such restrictions 1569  
will result in a substantial hardship or that the restrictions are 1570  
not in the minor's best interests, the court, the superintendent, 1571  
or the chief administrative officer shall uphold the restrictions. 1572  
If the court, the superintendent, or the chief administrative 1573  
officer finds the minor has shown the restricted hours will cause 1574  
a substantial hardship or are not in the minor's best interests, 1575  
the court, the superintendent, or the chief administrative officer 1576  
shall establish the hours of employment for the minor and shall 1577  
notify the minor and the minor's employer of ~~such~~ those hours. 1578

(D) As used in this section, "certificate of high school 1579  
equivalence" means a statement issued by the state board of 1580  
education or an equivalent agency of another state that the holder 1581  
~~thereof~~ of the statement has achieved the equivalent of a high 1582  
school education as measured by scores obtained on the tests of 1583  
general educational development published by the American council 1584

on education. 1585

**Section 2.** That existing sections 3501.17, 3501.22, 3501.27, 1586  
3503.16, 3509.02, 3509.03, 3509.031, 3509.04, 3509.05, 3509.06, 1587  
3509.07, 3509.08, 3511.02, 3511.04, 3511.09, 3599.12, 3599.21, and 1588  
4109.06 of the Revised Code are hereby repealed. 1589

**Section 3.** Section 3501.22 of the Revised Code is presented 1590  
in this act as a composite of the section as amended by both Am. 1591  
Sub. H.B. 99 and Am. H.B. 215 of the 121st General Assembly. The 1592  
General Assembly, applying the principle stated in division (B) of 1593  
section 1.52 of the Revised Code that amendments are to be 1594  
harmonized if reasonably capable of simultaneous operation, finds 1595  
that the composite is the resulting version of the section in 1596  
effect prior to the effective date of the section as presented in 1597  
this act. 1598