

As Introduced

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S. B. No. 380

Senator Seitz

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A B I L L

To amend sections 3503.15, 3505.21, 3509.02, 3509.03, 1
3509.04, 3509.05, 3509.06, 3509.07, 3511.01, 2
3511.02, 3511.05, and 3511.11 of the Revised Code 3
to require absent voter's ballot identification 4
envelope statements to be completed for absent 5
voter's ballots to be counted, to require boards 6
of elections to notify absent voters that their 7
ballots will be rejected if they do not complete 8
the required statement, to prohibit same day voter 9
registration and application for absent voter's 10
ballots, to permit election observers to be 11
appointed to serve at the board of elections or at 12
another designated site during the time absent 13
voter's ballots may be cast in person, and to 14
require the Secretary of State to notify boards of 15
elections of mismatches between voter registration 16
information and motor vehicle records. 17
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3503.15, 3505.21, 3509.02, 3509.03, 19
3509.04, 3509.05, 3509.06, 3509.07, 3511.01, 3511.02, 3511.05, and 20
3511.11 of the Revised Code be amended to read as follows: 21

Sec. 3503.15. (A) The secretary of state shall establish and	22
maintain a statewide voter registration database that shall be	23
continuously available to each board of elections and to other	24
agencies as authorized by law.	25
(B) The statewide voter registration database established	26
under this section shall be the official list of registered voters	27
for all elections conducted in this state.	28
(C) The statewide voter registration database established	29
under this section shall, at a minimum, include all of the	30
following:	31
(1) An electronic network that connects all board of	32
elections offices with the office of the secretary of state and	33
with the offices of all other boards of elections;	34
(2) A computer program that harmonizes the records contained	35
in the database with records maintained by each board of	36
elections;	37
(3) An interactive computer program that allows access to the	38
records contained in the database by each board of elections and	39
by any persons authorized by the secretary of state to add,	40
delete, modify, or print database records, and to conduct updates	41
of the database;	42
(4) A search program capable of verifying registered voters	43
and their registration information by name, driver's license	44
number, birth date, social security number, or current address;	45
(5) Safeguards and components to ensure that the integrity,	46
security, and confidentiality of the voter registration	47
information is maintained.	48
(D) The secretary of state shall adopt rules pursuant to	49
Chapter 119. of the Revised Code doing all of the following:	50
(1) Specifying the manner in which existing voter	51

registration records maintained by boards of elections shall be converted to electronic files for inclusion in the statewide voter registration database;	52 53 54
(2) Establishing a uniform method for entering voter registration records into the statewide voter registration database on an expedited basis, but not less than once per day, if new registration information is received;	55 56 57 58
(3) Establishing a uniform method for purging canceled voter registration records from the statewide voter registration database in accordance with section 3503.21 of the Revised Code;	59 60 61
(4) Specifying the persons authorized to add, delete, modify, or print records contained in the statewide voter registration database and to make updates of that database;	62 63 64
(5) Establishing a process for annually auditing the information contained in the statewide voter registration database.	65 66 67
(E) A board of elections promptly shall purge a voter's name and voter registration information from the statewide voter registration database in accordance with the rules adopted by the secretary of state under division (D)(3) of this section after the cancellation of a voter's registration under section 3503.21 of the Revised Code.	68 69 70 71 72 73
(F) The secretary of state shall provide training in the operation of the statewide voter registration database to each board of elections and to any persons authorized by the secretary of state to add, delete, modify, or print database records, and to conduct updates of the database.	74 75 76 77 78
(G)(1) The statewide voter registration database established under this section shall be made available on a web site of the office of the secretary of state as follows:	79 80 81

(a) Except as otherwise provided in division (G)(1)(b) of this section, only the following information from the statewide voter registration database regarding a registered voter shall be made available on the web site:	82 83 84 85
(i) The voter's name;	86
(ii) The voter's address;	87
(iii) The voter's precinct number;	88
(iv) The voter's voting history.	89
(b) During the thirty days before the day of a primary or general election, the web site interface of the statewide voter registration database shall permit a voter to search for the polling location at which that voter may cast a ballot.	90 91 92 93
(2) The secretary of state shall establish, by rule adopted under Chapter 119. of the Revised Code, a process for boards of elections to notify the secretary of state of changes in the locations of precinct polling places for the purpose of updating the information made available on the secretary of state's web site under division (G)(1)(b) of this section. Those rules shall require a board of elections, during the thirty days before the day of a primary or general election, to notify the secretary of state within one business day of any change to the location of a precinct polling place within the county.	94 95 96 97 98 99 100 101 102 103
(3) During the thirty days before the day of a primary or general election, not later than one business day after receiving a notification from a county pursuant to division (G)(2) of this section that the location of a precinct polling place has changed, the secretary of state shall update that information on the secretary of state's web site for the purpose of division (G)(1)(b) of this section.	104 105 106 107 108 109 110
<u>(H)(1) The secretary of state and the registrar of motor</u>	111

<u>vehicles shall enter into an agreement to match information in the statewide voter registration database with motor vehicle records for the purpose of verifying the accuracy of the information provided on voter registration applications, as required under 42 U.S.C. 15483.</u>	112 113 114 115 116
<u>(2) The secretary of state shall notify the applicable board of elections of any mismatches between voter registration information and motor vehicle records that the secretary of state receives under division (H)(1) of this section regarding persons registered to vote in the applicable county.</u>	117 118 119 120 121
<u>Sec. 3505.21. (A) As used in this section, "during the casting of the ballots" includes any time during which a board of elections permits an elector to vote an absent voter's ballot in person at the office of the board or at another site designated by the board under division (C) of section 3501.10 of the Revised Code.</u>	122 123 124 125 126 127
<u>(B) At any primary, special, or general election, any political party supporting candidates to be voted upon at such election and any group of five or more candidates may appoint to the board of elections or to any of the precincts in the county or city one person, a qualified elector, who shall serve as observer for such party or such candidates during the casting of the ballots and during the counting of the ballots; provided that separate observers may be appointed to serve during the casting and during the counting of the ballots. No candidate, no uniformed peace officer as defined by section 2935.01 of the Revised Code, no uniformed state highway patrol trooper, no uniformed member of any fire department, no uniformed member of the armed services, no uniformed member of the organized militia, no person wearing any other uniform, and no person carrying a firearm or other deadly weapon shall serve as an observer, nor shall any candidate be</u>	128 129 130 131 132 133 134 135 136 137 138 139 140 141 142

represented by more than one observer at any one precinct <u>or other voting location</u> except that a candidate who is a member of a party controlling committee, as defined in section 3517.03 of the Revised Code, may serve as an observer. <u>Any</u>	143
(C) <u>Any political party or group of candidates appointing observers shall notify the board of elections of the names and addresses of its appointees and the precincts each precinct or other location</u> at which they shall serve. <u>Notification of observers appointed to serve on the day of an election</u> shall take place not less than eleven days before the <u>day of the</u> election on forms prescribed by the secretary of state and may be amended by filing an amendment with the board of elections at any time until four p.m. of the day before the election. <u>Notification of observers appointed to serve at the office of the board or at another location during the time absent voter's ballots may be cast in person</u> shall take place not less than eleven days before <u>absent voter's ballots are required to be ready for use pursuant to section 3509.01 of the Revised Code</u> on forms prescribed by the secretary of state and may be amended by filing an amendment with the board of elections at any time until four p.m. of the day before the observer is appointed to serve. The observer serving on behalf of a political party shall be appointed in writing by the chairperson and secretary of the respective controlling party committee. Observers serving for any five or more candidates shall have their certificates signed by those candidates. Observers appointed to a precinct may file their certificates of appointment with the presiding judge of the precinct at the meeting on the evening prior to the election, or with the presiding judge of the precinct on the day of the election. <u>Upon Observers appointed to the office of the board or another designated site to observe the casting of absent voter's ballots in person prior to the day of the election may file their certificates with the director of the board of elections the day before or on the day that the observers</u>	147
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are scheduled to serve at the office of the board or other 176
designated site. 177

Upon the filing of a certificate, the person named as 178
observer in the certificate shall be permitted to be in and about 179
the applicable polling place ~~for the precinct~~ during the casting 180
of the ballots and shall be permitted to watch every proceeding of 181
the judges of elections from the time of the opening until the 182
closing of the polls. The observer also may inspect the counting 183
of all ballots in the polling place or board of elections from the 184
time of the closing of the polls until the counting is completed 185
and the final returns are certified and signed. Observers 186
appointed to serve at the board of elections on the day of an 187
election under this section may observe at the board of elections 188
and may observe at any precinct in the county. The judges of 189
elections shall protect such observers in all of the rights and 190
privileges granted to them by Title XXXV of the Revised Code. 191

(D) No persons other than the judges of elections, the 192
observers, a police officer, other persons who are detailed to any 193
precinct on request of the board of elections, or the secretary of 194
state or the secretary of state's legal representative shall be 195
admitted to the polling place, or any room in which a board of 196
elections is counting ballots, after the closing of the polls 197
until the counting, certifying, and signing of the final returns 198
of each election have been completed. 199

(E) Not later than four p.m. of the twentieth day prior to an 200
election at which questions are to be submitted to a vote of the 201
people, any committee that in good faith advocates or opposes a 202
measure may file a petition with the board of any county asking 203
that the petitioners be recognized as the committee entitled to 204
appoint observers to the count at the election. If more than one 205
committee alleging themselves to advocate or oppose the same 206
measure file such a petition, the board shall decide and announce 207

by registered mail to each committee not less than twelve days 208
immediately preceding the election which committee is recognized 209
as being entitled to appoint observers. The decision shall not be 210
final, but any aggrieved party may institute mandamus proceedings 211
in the court of common pleas of the county in which the board has 212
jurisdiction to compel the judges of elections to accept the 213
appointees of such aggrieved party. Any such recognized committee 214
may appoint an observer to the count in each precinct. Committees 215
appointing observers shall notify the board of elections of the 216
names and addresses of its appointees and the precincts at which 217
they shall serve. Notification shall take place not less than 218
eleven days before the election on forms prescribed by the 219
secretary of state and may be amended by filing an amendment with 220
the board of elections at any time until four p.m. on the day 221
before the election. A person so appointed shall file the person's 222
certificate of appointment with the presiding judge in the 223
precinct in which the person has been appointed to serve. 224
Observers shall file their certificates before the polls are 225
closed. In no case shall more than six observers be appointed for 226
any one election in any one precinct. If more than three questions 227
are to be voted on, the committees which have appointed observers 228
may agree upon not to exceed six observers, and the judges of 229
elections shall appoint such observers. If such committees fail to 230
agree, the judges of elections shall appoint six observers from 231
the appointees so certified, in such manner that each side of the 232
several questions shall be represented. 233

(F) No person shall serve as an observer at any precinct or 234
other voting location unless the board of elections of the county 235
in which such observer is to serve has first been notified of the 236
name, address, and precinct or other location at which such 237
observer is to serve. Notification to the board of elections shall 238
be given by the political party, group of candidates, or committee 239
appointing such observer as prescribed in this section. No such 240

observers shall receive any compensation from the county,	241
municipal corporation, or township, and they shall take the	242
following oath, to be administered by one of the judges of	243
elections:	244
"You do solemnly swear that you will faithfully and	245
impartially discharge the duties as an official observer, assigned	246
by law; that you will not cause any delay to persons offering to	247
vote; and that you will not disclose or communicate to any person	248
how any elector has voted at such election."	249
Sec. 3509.02. (A) Any qualified elector <u>who has been</u>	250
<u>registered to vote for at least thirty days before the first day</u>	251
<u>absent voter's ballots are required to be ready for use pursuant</u>	252
<u>to section 3509.01 of the Revised Code</u> may vote by absent voter's	253
ballots at an election.	254
(B) Any qualified elector who is unable to appear at the	255
office of the board of elections or, if pursuant to division (C)	256
of section 3501.10 of the Revised Code the board has designated	257
another location in the county at which registered electors may	258
vote, at that other location on account of personal illness,	259
physical disability, or infirmity, and who moves from one precinct	260
to another within a county, changes the elector's name and moves	261
from one precinct to another within a county, or moves from one	262
county to another county within the state, on or prior to the day	263
of a general, primary, or special election and has not filed a	264
notice of change of residence or change of name may vote by absent	265
voter's ballots in that election as specified in division (G) of	266
section 3503.16 of the Revised Code.	267
Sec. 3509.03. Except as provided in section 3509.031 or	268
division (B) of section 3509.08 of the Revised Code, any qualified	269
elector desiring to vote absent voter's ballots at an election	270

shall make written application for those ballots to the director	271
of elections of the county in which the elector's voting residence	272
is located. The application need not be in any particular form but	273
shall contain all of the following:	274
(A) The elector's name;	275
(B) The elector's signature;	276
(C) The address at which the elector is registered to vote;	277
(D) The elector's date of birth;	278
(E) One of the following:	279
(1) The elector's driver's license number;	280
(2) The last four digits of the elector's social security	281
number;	282
(3) A copy of the elector's current and valid photo	283
identification, a copy of a military identification, or a copy of	284
a current utility bill, bank statement, government check,	285
paycheck, or other government document, other than a notice of an	286
election mailed by a board of elections under section 3501.19 of	287
the Revised Code or a notice of voter registration mailed by a	288
board of elections under section 3503.19 of the Revised Code, that	289
shows the name and address of the elector.	290
(F) A statement identifying the election for which absent	291
voter's ballots are requested;	292
(G) A statement that the person requesting the ballots is a	293
qualified elector <u>and has been registered to vote for at least</u>	294
<u>thirty days before the first day absent voter's ballots are</u>	295
<u>required to be ready for use pursuant to section 3509.01 of the</u>	296
<u>Revised Code;</u>	297
(H) If the request is for primary election ballots, the	298
elector's party affiliation;	299

(I) If the elector desires ballots to be mailed to the elector, the address to which those ballots shall be mailed.	300 301
A voter who will be outside the United States on the day of any election during a calendar year may use a single federal post card application to apply for absent voter's ballots. Those ballots shall be sent to the voter for use at the primary and general elections in that year and any special election to be held on the day in that year specified by division (E) of section 3501.01 of the Revised Code for the holding of a primary election, designated by the general assembly for the purpose of submitting constitutional amendments proposed by the general assembly to the voters of the state unless the voter reports a change in the voter's voting status to the board of elections or the voter's intent to vote in any such election in the precinct in this state where the voter is registered to vote. A single federal postcard application shall be processed by the board of elections pursuant to section 3509.04 of the Revised Code the same as if the voter had applied separately for absent voter's ballots for each election. When mailing absent voter's ballots to a voter who applied for them by single federal post card application, the board shall enclose notification to the voter that the voter must report to the board subsequent changes in the voter's voting status or the voter's subsequent intent to vote in any such election in the precinct in this state where the voter is registered to vote. Such notification shall be in a form prescribed by the secretary of state. As used in this section, "voting status" means the voter's name at the time the voter applied for absent voter's ballots by single federal post card application and the voter's address outside the United States to which the voter requested that those ballots be sent.	302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329
Each application for absent voter's ballots shall be delivered to the director not earlier than the first day of	330 331

January of the year of the elections for which the absent voter's ballots are requested or not earlier than ninety days before the day of the election at which the ballots are to be voted, whichever is earlier, and not later than twelve noon of the third day before the day of the election at which the ballots are to be voted, or not later than the close of regular business hours on the day before the day of the election at which the ballots are to be voted if the application is delivered in person to the office of the board.	332 333 334 335 336 337 338 339 340
 Sec. 3509.04. (A) If a director of a board of elections receives an application for absent voter's ballots that does not contain all of the required information, the director promptly shall notify the applicant of the additional information required to be provided by the applicant to complete that application.	341 342 343 344 345
(B) Upon receipt by the director of elections of an application for absent voter's ballots that contain all of the required information, as provided by sections 3509.03 and 3509.031 and division (G) of section 3503.16 of the Revised Code, the director, if the director finds that the applicant is a qualified elector, shall deliver to the applicant in person or mail directly to the applicant by special delivery mail, air mail, or regular mail, postage prepaid, proper absent voter's ballots. The director shall deliver or mail with the ballots an unsealed identification envelope upon the face of which shall be printed a <u>the following</u> form <u>substantially as follows:</u>	346 347 348 349 350 351 352 353 354 355 356
"Identification Envelope Statement of Voter	357
I,(Name of voter), declare under penalty of election falsification that the within ballot or ballots contained no voting marks of any kind when I received them, and I caused the ballot or ballots to be marked, enclosed in the identification envelope, and sealed in that envelope.	358 359 360 361 362

My voting residence in Ohio is	363
(Street and Number, if any, or Rural Route and Number)	364
of (City, Village, or Township)	366
Ohio, which is in Ward Precinct	367
in that city, village, or township.	368
The primary election ballots, if any, within this envelope are primary election ballots of the Party.	369
Ballots contained within this envelope are to be voted at the (general, special, or primary) election to be held on the day of ,	371
My date of birth is (Month and Day), (Year).	374
(Voter must provide one of the following:)	376
My driver's license number is (Driver's license number).	377
The last four digits of my Social Security Number are (Last four digits of Social Security Number).	380
..... In lieu of providing a driver's license number or the last four digits of my Social Security Number, I am enclosing a copy of one of the following in the return envelope in which this identification envelope will be mailed: a current and valid photo identification, a military identification, or a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections, that shows my name and address.	390
I hereby declare, under penalty of election falsification, that the statements above are true, as I verily believe.	392

.....	393
(Signature of Voter)	394
WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF	395
THE FIFTH DEGREE."	396
The director shall mail with the ballots and the unsealed	397
identification envelope an unsealed return envelope upon the face	398
of which shall be printed the official title and post-office	399
address of the director. In the upper left corner on the face of	400
the return envelope, several blank lines shall be printed upon	401
which the voter may write the voter's name and return address, and	402
beneath these lines there shall be printed a box beside the words	403
"check if out-of-country." The voter shall check this box if the	404
voter will be outside the United States on the day of the	405
election. The return envelope shall be of such size that the	406
identification envelope can be conveniently placed within it for	407
returning the identification envelope to the director.	408
Sec. 3509.05. (A) When an elector receives an absent voter's	409
ballot pursuant to the elector's application or request, the	410
elector shall, before placing any marks on the ballot, note	411
whether there are any voting marks on it. If there are any voting	412
marks, the ballot shall be returned immediately to the board of	413
elections; otherwise, the elector shall cause the ballot to be	414
marked, folded in a manner that the stub on it and the	415
indorsements and facsimile signatures of the members of the board	416
of elections on the back of it are visible, and placed and sealed	417
within the identification envelope received from the director of	418
elections for that purpose. Then, the elector shall cause the	419
statement of voter on the outside of the identification envelope	420
to be completed and signed, under penalty of election	421
falsification.	422
If the elector does not provide the elector's driver's	423

license number or the last four digits of the elector's social 424
security number on the statement of voter on the identification 425
envelope, the elector also shall include in the return envelope 426
with the identification envelope a copy of the elector's current 427
valid photo identification, a copy of a military identification, 428
or a copy of a current utility bill, bank statement, government 429
check, paycheck, or other government document, other than a notice 430
of an election mailed by a board of elections under section 431
3501.19 of the Revised Code or a notice of voter registration 432
mailed by a board of elections under section 3503.19 of the 433
Revised Code, that shows the name and address of the elector. 434
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The elector shall mail the identification envelope to the 436
director from whom it was received in the return envelope, postage 437
prepaid, or the elector may personally deliver it to the director, 438
or the spouse of the elector, the father, mother, father-in-law, 439
mother-in-law, grandfather, grandmother, brother, or sister of the 440
whole or half blood, or the son, daughter, adopting parent, 441
adopted child, stepparent, stepchild, uncle, aunt, nephew, or 442
niece of the elector may deliver it to the director. The return 443
envelope shall be transmitted to the director in no other manner, 444
except as provided in section 3509.08 of the Revised Code. 445

Each elector who will be outside the United States on the day 446
of the election shall check the box on the return envelope 447
indicating this fact. 448

When absent voter's ballots are delivered to an elector at 449
the office of the board, the elector may retire to a voting 450
compartment provided by the board and there mark the ballots. 451
Thereupon, the elector shall fold them, place them in the 452
identification envelope provided, seal the envelope, fill in and 453
sign the statement on the envelope under penalty of election 454
falsification, and deliver the envelope to the director of the 455

board. 456

Except as otherwise provided in divisions (B) and (C) of this 457
section, all other envelopes containing marked absent voter's 458
ballots shall be delivered to the director not later than the 459
close of the polls on the day of an election. Absent voter's 460
ballots delivered to the director later than the times specified 461
shall not be counted, but shall be kept by the board in the sealed 462
identification envelopes in which they are delivered to the 463
director, until the time provided by section 3505.31 of the 464
Revised Code for the destruction of all other ballots used at the 465
election for which ballots were provided, at which time they shall 466
be destroyed. 467

(B)(1) Except as otherwise provided in division (B)(2) of 468
this section, any return envelope that indicates that the voter 469
will be outside the United States on the day of the election shall 470
be delivered to the director prior to the eleventh day after the 471
election. Ballots delivered in such envelopes that are received 472
after the close of the polls on election day through the tenth day 473
thereafter shall be counted on the eleventh day at the board of 474
elections in the manner provided in divisions (C) and (D) of 475
section 3509.06 of the Revised Code. Any such ballots that are 476
signed or postmarked after the close of the polls on the day of 477
the election or that are received by the director later than the 478
tenth day following the election shall not be counted, but shall 479
be kept by the board in the sealed identification envelopes as 480
provided in division (A) of this section. 481

(2) In any year in which a presidential primary election is 482
held, any return envelope that indicates that the voter will be 483
outside the United States on the day of the presidential primary 484
election shall be delivered to the director prior to the 485
twenty-first day after that election. Ballots delivered in such 486
envelopes that are received after the close of the polls on 487

election day through the twentieth day thereafter shall be counted 488
on the twenty-first day at the board of elections in the manner 489
provided in divisions (C) and (D) of section 3509.06 of the 490
Revised Code. Any such ballots that are signed or postmarked after 491
the close of the polls on the day of that election or that are 492
received by the director later than the twentieth day following 493
that election shall not be counted, but shall be kept by the board 494
in the sealed identification envelopes as provided in division (A) 495
of this section. 496

(C)(1) Except as otherwise provided in division (C)(2) of 497
this section, any return envelope that is postmarked within the 498
United States prior to the day of the election shall be delivered 499
to the director prior to the eleventh day after the election. 500
Ballots delivered in envelopes postmarked prior to the day of the 501
election that are received after the close of the polls on 502
election day through the tenth day thereafter shall be counted on 503
the eleventh day at the board of elections in the manner provided 504
in divisions (C) and (D) of section 3509.06 of the Revised Code. 505
Any such ballots that are received by the director later than the 506
tenth day following the election shall not be counted, but shall 507
be kept by the board in the sealed identification envelopes as 508
provided in division (A) of this section. 509

(2) Division (C)(1) of this section shall not apply to any 510
mail that is postmarked using a postage evidencing system, 511
including a postage meter, as defined in 39 C.F.R. 501.1. 512

(D)(1) Except as otherwise provided in division (D)(2) of 513
this section, if a board of elections determines, prior to the 514
close of the polls on the day of the election, that the statement 515
of voter on a voter's absent voter's ballot identification 516
envelope is incomplete, the board shall notify the absent voter by 517
mail or by telephone that the voter's absent ballot will be 518
rejected unless the voter appears at the office of the board and 519

<u>completes the statement prior to the close of the polls on the day of the election.</u>	520
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<u>(2) A board of elections shall not be required to notify voters under division (D)(1) of this section for any absent voter's ballots that the board receives after the eighth day before the day of the election.</u>	522
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<u>If a board of elections chooses to notify voters under division (D)(1) of this section of incomplete absent voter's ballot envelope statements for absent voter's ballots received after the eighth day before the day of the election, the board shall notify all voters whose absent voter's ballot envelope statements are incomplete that their absent voter's ballot envelopes will be rejected unless the voter appears at the office of the board and completes the statement prior to the close of the polls on the day of the election.</u>	526
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Sec. 3509.06. (A) The board of elections shall determine whether absent voter's ballots shall be counted in each precinct, at the office of the board, or at some other location designated by the board, and shall proceed accordingly under division (B) or (C) of this section.	535
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(B) When the board of elections determines that absent voter's ballots shall be counted in each precinct, the director shall deliver to the presiding judge of each precinct on election day identification envelopes purporting to contain absent voter's ballots of electors whose voting residence appears from the statement of voter on the outside of each of those envelopes, to be located in such presiding judge's precinct, and which were received by the director not later than the close of the polls on election day. The director shall deliver to such presiding judge a list containing the name and voting residence of each person whose voting residence is in such precinct to whom absent voter's	540
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ballots were mailed.	551
(C) When the board of elections determines that absent voter's ballots shall be counted at the office of the board of elections or at another location designated by the board, special election judges shall be appointed by the board for that purpose having the same authority as is exercised by precinct judges. The votes so cast shall be added to the vote totals by the board, and the absent voter's ballots shall be preserved separately by the board, in the same manner and for the same length of time as provided by section 3505.31 of the Revised Code.	552 553 554 555 556 557 558 559 560
(D) Each of the identification envelopes purporting to contain absent voter's ballots delivered to the presiding judge of the precinct or the special judge appointed by the board of elections shall be handled as follows: The election officials shall compare the signature of the elector on the outside of the identification envelope with the signature of that elector on the elector's registration form and verify that the absent voter's ballot is eligible to be counted under section 3509.07 of the Revised Code. Any of the precinct officials may challenge the right of the elector named on the identification envelope to vote the absent voter's ballots upon the ground that the signature on the envelope is not the same as the signature on the registration form, <u>that the identification envelope statement of voter has not been completed,</u> or upon any other of the grounds upon which the right of persons to vote may 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 in it, and shall remove the ballots contained in it and proceed to count them.	561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580
The name of each person voting who is entitled to vote only an absent voter's presidential ballot shall be entered in a	581 582

pollbook or poll list or signature pollbook followed by the words 583
"Absentee Presidential Ballot." The name of each person voting an 584
absent voter's ballot, other than such persons entitled to vote 585
only a presidential ballot, shall be entered in the pollbook or 586
poll list or signature pollbook and the person's registration card 587
marked to indicate that the person has voted. 588

The date of such election shall also be entered on the 589
elector's registration form. If any such challenge is made and 590
sustained, the identification envelope of such elector shall not 591
be opened, shall be endorsed "Not Counted" with the reasons the 592
ballots were not counted, and shall be delivered to the board. 593

(E) Special election judges, employees or members of the 594
board of elections, or observers shall not disclose the count or 595
any portion of the count of absent voter's ballots prior to the 596
time of the closing of the polling places. No person shall 597
recklessly disclose the count or any portion of the count of 598
absent voter's ballots in such a manner as to jeopardize the 599
secrecy of any individual ballot. 600

(F) Observers may be appointed under section 3505.21 of the 601
Revised Code to witness the examination and opening of 602
identification envelopes and the counting of absent voters' 603
ballots under this section. 604

Sec. 3509.07. If election officials find that the statement 605
accompanying an absent voter's ballot or absent voter's 606
presidential ballot is incomplete or insufficient, that the 607
signatures do not correspond with the person's registration 608
signature, that the applicant is not a qualified elector in the 609
precinct, that the ballot envelope contains more than one ballot 610
of any one kind, or any voted ballot that the elector is not 611
entitled to vote, that Stub A is detached from the absent voter's 612
ballot or absent voter's presidential ballot, or that the elector 613

has not included with the elector's ballot any identification 614
required under section 3509.05 or 3511.09 of the Revised Code, the 615
vote shall not be accepted or counted. The vote of any absent 616
voter may be challenged for cause in the same manner as other 617
votes are challenged, and the election officials shall determine 618
the legality of that ballot. Every ballot not counted shall be 619
endorsed on its back "Not Counted" with the reasons the ballot was 620
not counted, and shall be enclosed and returned to or retained by 621
the board of elections along with the contested ballots. 622

Sec. 3511.01. Any section of the Revised Code to the contrary 623
notwithstanding, any person serving in the armed forces of the 624
United States, or the spouse or dependent of any person serving in 625
the armed forces of the United States who resides outside this 626
state for the purpose of being with or near such service member, 627
who will be eighteen years of age or more on the day of a general 628
or special election ~~and who~~ is a citizen of the United States, 629
and has been registered to vote for at least thirty days before 630
the first day armed service absent voter's ballots are required to 631
be ready for use pursuant to section 3511.03 of the Revised Code 632
may vote armed service absent voter's ballots in such general or 633
special election as follows: 634

(A) If the service member is the voter, ~~he the service member~~ 635
may vote only in the precinct in which ~~he the service member~~ has a 636
voting residence in the state, and that voting residence shall be 637
that place in the precinct in which ~~he the service member~~ resided 638
immediately preceding the commencement of such service, provided 639
that the time during which ~~he the service member~~ continuously 640
resided in the state immediately preceding the commencement of 641
such service plus the time subsequent to such commencement and 642
prior to the day of such general, special, or primary election is 643
equal to or exceeds thirty days. 644

(B) If the spouse or dependent of a service member is the voter, ~~he~~ the spouse or dependent may vote only in the precinct in which ~~he~~ the spouse or dependent has a voting residence in the state, and that voting residence shall be that place in the precinct in which ~~he~~ the spouse or dependent resided immediately preceding the time of leaving the state for the purpose of being with or near the service member, provided that the time during which ~~he~~ the spouse or dependent continuously resided in the state immediately preceding the time of leaving the state for the purpose of being with or near the service member plus the time subsequent to such leaving and prior to the day of such general, special, or primary election is equal to or exceeds thirty days. 645
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(C) If the service member or ~~his~~ the service member's spouse or dependent establishes a permanent residence in a precinct other than the precinct in which ~~he~~ the person resided immediately preceding the commencement of ~~his~~ the service member's service, the voting residence of both the service member and ~~his~~ the service member's spouse or dependent shall be the precinct of such permanent residence, provided that the time during which ~~he~~ the service member continuously resided in the state immediately preceding the commencement of such service plus the time subsequent to such commencement and prior to the day of such general, special, or primary election is equal to or exceeds thirty days. 657
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Sec. 3511.02. Notwithstanding any section of the Revised Code to the contrary, 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 absent voter's ballot. Armed service absent voter's ballots may be obtained by any person meeting the requirements of section 3511.01 669
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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:	677 678 679 680
(A) That person may make written application for 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 all of the following information:	681 682 683 684 685 686
(1) The elector's name;	687
(2) The elector's signature;	688
(3) The address at which the elector is registered to vote;	689
(4) The elector's date of birth;	690
(5) One of the following:	691
(a) The elector's driver's license number;	692
(b) The last four digits of the elector's social security number;	693 694
(c) A copy of the elector's current and valid photo identification, a copy of a military identification, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the name and address of the elector.	695 696 697 698 699 700 701 702
(6) A statement identifying the election for which absent voter's ballots are requested;	703 704
(7) A statement that the person requesting the ballots is a qualified elector <u>and has been registered to vote for at least</u>	705 706

<u>thirty days before the first day armed service absent voter's ballots are required to be ready for use pursuant to section 3511.03 of the Revised Code;</u>	707
(8) A statement that the elector is an absent uniformed services voter as defined in 42 U.S.C. 1973ff-6;	710 711
(9) A statement of the elector's length of residence in the state immediately preceding the commencement of service or immediately preceding the date of leaving to be with or near the service member, whichever is applicable;	712 713 714 715
(10) If the request is for primary election ballots, the elector's party affiliation;	716 717
(11) If the elector desires ballots to be mailed to the elector, the address to which those ballots shall be mailed;	718 719
(12) If the elector desires ballots to be sent to the elector by facsimile machine, the telephone number to which they shall be so sent.	720 721 722
(B) A voter or any relative of a voter listed in division (C) of this section may use a single federal post card application to apply for armed service absent voter's ballots for use at the primary and general elections in a given year and any special election to be held on the day in that year specified by division (E) of section 3501.01 of the Revised Code for the holding of a primary election, designated by the general assembly for the purpose of submitting constitutional amendments proposed by the general assembly to the voters of the state. A single federal postcard application shall be processed by the board of elections pursuant to section 3511.04 of the Revised Code the same as if the voter had applied separately for armed service absent voter's ballots for each election.	723 724 725 726 727 728 729 730 731 732 733 734 735
(C) Application to have armed service absent voter's ballots mailed or sent by facsimile machine to such a person may be made	736 737

by the spouse when the person is a service member, or by the	738
father, mother, father-in-law, mother-in-law, grandfather,	739
grandmother, brother or sister of the whole blood or half blood,	740
son, daughter, adopting parent, adopted child, stepparent,	741
stepchild, uncle, aunt, nephew, or niece of such a person. The	742
application shall be in writing upon a blank form furnished only	743
by the director or on a single federal post card as provided in	744
division (B) of this section. The form of the application shall be	745
prescribed by the secretary of state. The director shall furnish	746
that blank form to any of the relatives specified in this division	747
desiring to make the application, only upon the request of such a	748
relative made in person at the office of the board or upon the	749
written request of such a relative mailed to the office of the	750
board. The application, subscribed and sworn to by the applicant,	751
shall contain all of the following:	752
(1) The full name of the elector for whom ballots are	753
requested;	754
(2) A statement that the elector is an absent uniformed	755
services voter as defined in 42 U.S.C. 1973ff-6;	756
(3) The address at which the elector is registered to vote;	757
(4) A statement identifying the elector's length of residence	758
in the state immediately preceding the commencement of service, or	759
immediately preceding the date of leaving to be with or near a	760
service member, as the case may be;	761
(5) The elector's date of birth;	762
(6) One of the following:	763
(a) The elector's driver's license number;	764
(b) The last four digits of the elector's social security	765
number;	766
(c) A copy of the elector's current and valid photo	767

identification, a copy of a military identification, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the name and address of the elector.	768 769 770 771 772 773 774
(7) A statement identifying the election for which absent voter's ballots are requested;	775 776
(8) A statement that the person requesting the ballots is a qualified elector <u>and that the elector for whom the ballots are</u> <u>requested has been registered to vote for at least thirty days</u> <u>before the first day armed service absent voter's ballots are</u> <u>required to be ready for use pursuant to section 3511.03 of the</u> <u>Revised Code;</u>	777 778 779 780 781 782
(9) If the request is for primary election ballots, the elector's party affiliation;	783 784
(10) A statement that the applicant bears a relationship to the elector as specified in division (C) of this section;	785 786
(11) The address to which ballots shall be mailed or the telephone number to which ballots shall be sent by facsimile machine;	787 788 789
(12) The signature and address of the person making the application.	790 791
Each application for armed service absent voter's ballots shall be delivered to the director not earlier than the first day of January of the year of the elections for which the armed service absent voter's ballots are requested or not earlier than ninety days before the day of the election at which the ballots are to be voted, whichever is earlier, and not later than twelve noon of the third day preceding the day of the election, or not	792 793 794 795 796 797 798

later than the close of regular business hours on the day before 799
the day of the election at which those ballots are to be voted if 800
the application is delivered in person to the office of the board. 801

(D) If the voter for whom the application is made is entitled 802
to vote for presidential and vice-presidential electors only, the 803
applicant shall submit to the director in addition to the 804
requirements of divisions (A), (B), and (C) of this section, a 805
statement to the effect that the voter is qualified to vote for 806
presidential and vice-presidential electors and for no other 807
offices. 808

Sec. 3511.05. (A) The director of the board of elections 809
shall place armed service absent voter's ballots sent by mail in 810
an unsealed identification envelope, gummed ready for sealing. The 811
director shall include with armed service absent voter's ballots 812
sent by facsimile machine an instruction sheet for preparing a 813
gummed envelope in which the ballots shall be returned. The 814
envelope for returning ballots sent by either means shall have 815
printed or written on its face ~~a~~ the following form ~~substantially~~ 816
~~as follows:~~ 817

"Identification Envelope Statement of Voter 818

I,(Name of voter), declare under 819
penalty of election falsification that the within ballot or 820
ballots contained no voting marks of any kind when I received 821
them, and I caused the ballot or ballots to be marked, enclosed in 822
the identification envelope, and sealed in that envelope. 823

My voting residence in Ohio is 824

..... 825
(Street and Number, if any, or Rural Route and Number) 826
of (City, Village, or Township) 827
Ohio, which is in Ward Precinct 828

in that city, village, or township.	829
The primary election ballots, if any, within this envelope are primary election ballots of the Party.	830 831
Ballots contained within this envelope are to be voted at the (general, special, or primary) election to be held on the day of,	832 833 834
My date of birth is (Month and Day), (Year).	835 836
(Voter must provide one of the following:)	837
My driver's license number is (Driver's license number).	838 839
The last four digits of my Social Security Number are (Last four digits of Social Security Number).	840 841
..... In lieu of providing a driver's license number or the last four digits of my Social Security Number, I am enclosing a copy of one of the following in the return envelope in which this identification envelope will be mailed: a current and valid photo identification, a military identification, or a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections, that shows my name and address.	842 843 844 845 846 847 848 849 850 851
I hereby declare, under penalty of election falsification, that the statements above are true, as I verily believe.	852 853
.....	854
(Signature of Voter)	855
WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE."	856 857
(B) The director shall also mail with the ballots and the	858

unsealed identification envelope sent by mail an unsealed return 859
envelope, gummed, ready for sealing, for use by the voter in 860
returning the voter's marked ballots to the director. The director 861
shall send with the ballots and the instruction sheet for 862
preparing a gummed envelope sent by facsimile machine an 863
instruction sheet for preparing a second gummed envelope as 864
described in this division, for use by the voter in returning that 865
voter's marked ballots to the director. The return envelope shall 866
have two parallel lines, each one quarter of an inch in width, 867
printed across its face paralleling the top, with an intervening 868
space of one quarter of an inch between such lines. The top line 869
shall be one and one-quarter inches from the top of the envelope. 870
Between the parallel lines shall be printed: "OFFICIAL ELECTION 871
ARMED SERVICE ABSENT VOTER'S BALLOTS -- VIA AIR MAIL." Three blank 872
lines shall be printed in the upper left corner on the face of the 873
envelope for the use by the voter in placing the voter's complete 874
military, naval, or mailing address on these lines, and beneath 875
these lines there shall be printed a box beside the words "check 876
if out-of-country." The voter shall check this box if the voter 877
will be outside the United States on the day of the election. The 878
official title and the post-office address of the director to whom 879
the envelope shall be returned shall be printed on the face of 880
such envelope in the lower right portion below the bottom parallel 881
line. 882

(C) On the back of each identification envelope and each 883
return envelope shall be printed the following: 884

"Instructions to voter: 885

If the flap on this envelope is so firmly stuck to the back 886
of the envelope when received by you as to require forcible 887
opening in order to use it, open the envelope in the manner least 888
injurious to it, and, after marking your ballots and enclosing 889
same in the envelope for mailing them to the director of the board 890

of elections, reclose the envelope in the most practicable way, by 891
sealing or otherwise, and sign the blank form printed below. 892

The flap on this envelope was firmly stuck to the back of the 893
envelope when received, and required forced opening before sealing 894
and mailing. 895

..... 896

(Signature of voter)" 897

(D) Division (C) of this section does not apply when absent 898
voter's ballots are sent by facsimile machine. 899

Sec. 3511.11. (A) Upon receipt of any return envelope bearing 900
the designation "Official Election Armed Service Absent Voter's 901
Ballot" prior to the twenty-first day after the day of a 902
presidential primary election or prior to the eleventh day after 903
the day of any other election, the director of the board of 904
elections shall open it but shall not open the identification 905
envelope contained in it. If, upon so opening the return envelope, 906
the director finds ballots in it that are not enclosed in and 907
properly sealed in the identification envelope, the director shall 908
not look at the markings upon the ballots and shall promptly place 909
them in the identification envelope and promptly seal it. If, upon 910
so opening the return envelope, the director finds that ballots 911
are enclosed in the identification envelope but that it is not 912
properly sealed, the director shall not look at the markings upon 913
the ballots and shall promptly seal the identification envelope. 914

(B)(1) Except as otherwise provided in division (B)(2) of 915
this section, if a board of elections determines, prior to the 916
close of the polls on the day of the election, that the statement 917
of voter on an armed service absent voter's ballot identification 918
envelope is incomplete, the board shall notify the armed services 919
absent voter by mail or by telephone that the voter's armed 920
service absent voter's ballot will be rejected unless the voter 921

<u>completes the statement prior to the close of the polls on the day of the election.</u>	922
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<u>(2) A board of elections shall not be required to notify voters under division (B)(1) of this section for any armed service absent voter's ballots that the board receives after the eighth day before the day of the election.</u>	924
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<u>If a board of elections chooses to notify voters under division (B)(1) of this section of incomplete armed service absent voter's ballot envelope statements for armed service absent voter's ballots received after the eighth day before the day of the election, the board shall notify all voters whose armed service absent voter's ballot envelope statements are incomplete that their armed service absent voter's ballot envelopes will be rejected unless the voter completes the statement prior to the close of the polls on the day of the election.</u>	928
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<u>(C) Armed service absent voter's ballots delivered to the director not later than the close of the polls on election day shall be counted in the manner provided in section 3509.06 of the Revised Code.</u>	937
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<u>(E)(D) A return envelope that indicates that the voter will be outside of the United States on the day of an election is not required to be postmarked in order for an armed service absent voter's ballot contained in it to be valid. Except as otherwise provided in this division, whether or not the return envelope containing the ballot is postmarked or contains an illegible postmark, an armed service absent voter's ballot that is received after the close of the polls on election day through the tenth day after the election day or, if the election was a presidential primary election, through the twentieth day after the election day, and that is delivered in a return envelope that indicates that the voter will be outside the United States on the day of the election shall be counted on the eleventh day after the election</u>	941
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day or, if the election was a presidential primary election, on 954
the twenty-first day after the election day, at the office of the 955
board of elections in the manner provided in divisions (C) and (D) 956
of section 3509.06 of the Revised Code. However, if a return 957
envelope containing an armed service absent voter's ballot is so 958
received and so indicates, but it is postmarked, or the 959
identification envelope in it is signed, after the close of the 960
polls on election day, the armed service absent voter's ballot 961
shall not be counted. 962

~~(D)(E)(1)~~ Except as otherwise provided in division ~~(D)(E)(2)~~ 963
of this section, any return envelope containing an armed service 964
absent voter's ballot that is postmarked within the United States 965
prior to the day of the election shall be delivered to the 966
director prior to the eleventh day after the election. Armed 967
service absent voter's ballots delivered in envelopes postmarked 968
prior to the day of the election that are received after the close 969
of the polls on election day through the tenth day thereafter 970
shall be counted on the eleventh day at the board of elections in 971
the manner provided in divisions (C) and (D) of section 3509.06 of 972
the Revised Code. Any such ballots that are received by the 973
director later than the tenth day following the election shall not 974
be counted, but shall be kept by the board in the sealed 975
identification envelopes as provided in division (A) of this 976
section. 977

(2) Division ~~(D)(E)(1)~~ of this section shall not apply to any 978
mail that is postmarked using a postage evidencing system, 979
including a postage meter, as defined in 39 C.F.R. 501.1. 980

~~(E)(F)~~ The following types of armed service absent voter's 981
ballots shall not be counted: 982

(1) Armed service absent voter's ballots contained in return 983
envelopes that bear the designation "Official Election Armed 984
Service Absent Voter's Ballots," that are received by the director 985

after the close of the polls on the day of the election, and that either are postmarked, or contain an identification envelope that is signed, on or after election day;	986 987 988
(2) Armed service absent voter's ballots contained in return envelopes that bear that designation, that do not indicate they are from voters who will be outside the United States on the day of the election, and that are received after the tenth day following the election or, if the election was a presidential primary election, after the twentieth day following the election;	989 990 991 992 993 994
(3) Armed service absent voter's ballots contained in return envelopes that bear that designation, that are received by the director within ten days after the day of the election, and that were postmarked before the day of the election using a postage evidencing system, including a postage meter, as defined in 39 C.F.R. 501.1.	995 996 997 998 999 1000
The uncounted ballots shall be preserved in their identification envelopes unopened until the time provided by section 3505.31 of the Revised Code for the destruction of all other ballots used at the election for which ballots were provided, at which time they shall be destroyed.	1001 1002 1003 1004 1005
Section 2. That existing sections 3503.15, 3505.21, 3509.02, 3509.03, 3509.04, 3509.05, 3509.06, 3509.07, 3511.01, 3511.02, 3511.05, and 3511.11 of the Revised Code are hereby repealed.	1006 1007 1008
Section 3. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following section, presented in this act as the composite of the sections as amended by the acts indicated, is the resulting version of the section in effect prior to the effective date of the section as presented in this act:	1009 1010 1011 1012 1013 1014 1015 1016

Section 3509.05 of the Revised Code as amended by both Am.	1017
Sub. H.B. 350 and Am. Sub. H.B. 562 of the 127th General Assembly.	1018
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