

As Passed by the House

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Senator Seitz

Cosponsors: Senators Cates, Carey, Wagoner, Amstutz, Coughlin, Harris,

Schaffer, Faber, Buehrer

Representatives Daniels, Aslanides, Bacon, Batchelder, Blessing, Bubp,
Carmichael, Ciafardini, Flowers, Gibbs, Grady, Hagan, J., Mecklenborg, Nero,
Schindel, Schneider, Sears, Setzer, Stebelton, Uecker, Wachtmann, Wagner

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A B I L L

To amend sections 3501.07, 3501.90, 3503.15, 3505.21,	1
3509.01, 3509.04, 3509.05, 3509.06, 3509.07,	2
3511.05, and 3511.11 of the Revised Code to	3
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 generally prohibit same	9
day voter registration and application for absent	10
voter's ballots, to permit election observers to	11
be appointed to serve at the board of elections or	12
at another designated site during the time absent	13
voter's ballots may be cast in person, to revise	14
the time period in which voters may cast absent	15
voter's ballots in person, to require the	16
Secretary of State to notify boards of elections	17
of mismatches between voter registration	18
information and motor vehicle records, and to	19

revise the process for appointing members of a 20
board of elections. 21

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

Section 1. That sections 3501.07, 3501.90, 3503.15, 3505.21, 22
3509.01, 3509.04, 3509.05, 3509.06, 3509.07, 3511.05, and 3511.11 23
of the Revised Code be amended to read as follows: 24

Sec. 3501.07. At a meeting held not more than sixty nor less 25
than fifteen days before the expiration date of the term of office 26
of a member of the board of elections, or within fifteen days 27
after a vacancy occurs in the board, the county executive 28
committee of the major political party entitled to the appointment 29
may make and file a recommendation with the secretary of state for 30
the appointment of a qualified elector. The secretary of state 31
shall appoint such elector, unless ~~he has reason to believe the~~ 32
secretary of state finds that the elector ~~would~~ is not be a 33
competent ~~member of to serve on~~ such board as a result of either 34
the elector's adjudication of incompetence by a court of competent 35
jurisdiction or the elector's prior conviction of or plea of 36
guilty to a felony. In such cases the secretary of state shall ~~so~~ 37
state in writing to the ~~chairman~~ chairperson of such county 38
executive committee, ~~with the reasons therefor~~ for the secretary's 39
refusal to appoint the individual, and such committee may, with 40
respect to each refusal of the secretary of state, either 41
recommend another elector or ~~may~~ apply for a writ of mandamus to 42
the supreme court to compel the secretary of state to appoint the 43
elector so recommended. In all such action actions, the burden of 44
proof to ~~show the qualifications~~ prove the lack of competence of 45
the person so recommended by clear and convincing evidence shall 46
be on the ~~committee making~~ secretary of state who refused the 47
recommendation. Upon the dismissal of an action in mandamus filed 48

by such county executive committee, the county executive committee 49
shall have fifteen days to make and file another recommendation 50
with the secretary of state for the appointment of a qualified 51
elector. If no such recommendation is made within fifteen days 52
after either the secretary of state refuses the appointment of the 53
county executive committee or the dismissal of an action in 54
mandamus filed by such committee, the secretary of state shall 55
make the appointment. This process shall be repeated, as needed, 56
after each refusal of the secretary of state, until the 57
appointment is made. 58

If a vacancy on the board of elections is to be filled by a 59
minor or an intermediate political party, authorized officials of 60
that party may within fifteen days after the vacancy occurs 61
recommend a qualified person to the secretary of state for 62
appointment to such vacancy. 63

Sec. 3501.90. (A) As used in this section: 64

(1) "Harassment in violation of the election law" means 65
~~either~~ any of the following: 66

(a) Any of the following types of conduct in or about a 67
polling place or a place of registration or election: obstructing 68
access of an elector to a polling place; another improper practice 69
or attempt tending to obstruct, intimidate, or interfere with an 70
elector in registering or voting at a place of registration or 71
election; molesting or otherwise engaging in violence against 72
observers in the performance of their duties at a place of 73
registration or election; or participating in a riot, violence, 74
tumult, or disorder in and about a place of registration or 75
election; 76

(b) A violation of division (A)(1), (2), (3), or (5) or 77
division (B) of section 3501.35 of the Revised Code; 78

(c) A violation of division (G)(2)(a) of section 3505.21 of 79
the Revised Code. 80

(2) "Person" has the same meaning as in division (C) of 81
section 1.59 of the Revised Code and also includes any 82
organization that is not otherwise covered by that division. 83

(3) "Trier of fact" means the jury or, in a nonjury action, 84
the court. 85

(B) An elector who has experienced harassment in violation of 86
the election law has a cause of action against each person that 87
committed the harassment in violation of the election law. In any 88
civil action based on this cause of action, the elector may seek a 89
declaratory judgment, an injunction, or other appropriate 90
equitable relief. The civil action may be commenced by an elector 91
who has experienced harassment in violation of the election law 92
either alone or as a party to a class action under Civil Rule 23. 93

(C)(1) In addition to the equitable relief authorized by 94
division (B) of this section, an elector who has experienced 95
harassment in violation of the election law may be entitled to 96
relief under division (C)(2) or (3) of this section. 97

(2) If the harassment in violation of the election law 98
involved intentional or reckless threatening or causing of bodily 99
harm to the elector while the elector was attempting to register 100
to vote, to obtain an absent voter's ballot, or to vote, the 101
elector may seek, in a civil action based on the cause of action 102
created by division (B) of this section, monetary damages as 103
prescribed in this division. The civil action may be commenced by 104
the elector who has experienced harassment in violation of the 105
election law either alone or as a party to a class action under 106
Civil Rule 23. Upon proof by a preponderance of the evidence in 107
the civil action that the harassment in violation of the election 108
law involved intentional or reckless threatening or causing of 109

bodily harm to the elector, the trier of fact shall award the 110
elector the greater of three times of the amount of the elector's 111
actual damages or one thousand dollars. The court also shall award 112
a prevailing elector reasonable attorney's fees and court costs. 113

(3) Whether a civil action on the cause of action created by 114
division (B) of this section is commenced by an elector who has 115
experienced harassment in violation of the election law alone or 116
as a party to a class action under Civil Rule 23, if the defendant 117
in the action is an organization that has previously been 118
determined in a court of this state to have engaged in harassment 119
in violation of the election law, the elector may seek an order of 120
the court granting any of the following forms of relief upon proof 121
by a preponderance of the evidence: 122

(a) Divestiture of the organization's interest in any 123
enterprise or in any real property; 124

(b) Reasonable restrictions upon the future activities or 125
investments of the organization, including, but not limited to, 126
prohibiting the organization from engaging in any harassment in 127
violation of the election law; 128

(c) The dissolution or reorganization of the organization; 129

(d) The suspension or revocation of any license, permit, or 130
prior approval granted to the organization by any state agency; 131

(e) The revocation of the organization's authorization to do 132
business in this state if the organization is a foreign 133
corporation or other form of foreign entity. 134

(D) It shall not be a defense in a civil action based on the 135
cause of action created by division (B) of this section, whether 136
commenced by an elector who has experienced harassment in 137
violation of the election law alone or as a party to a class 138
action under Civil Rule 23, that no criminal prosecution was 139
commenced or conviction obtained in connection with the conduct 140

alleged to be the basis of the civil action. 141

(E) In a civil action based on the cause of action created by 142
division (B) of this section, whether commenced by an elector who 143
has experienced harassment in violation of the election law alone 144
or as a party to a class action under Civil Rule 23, the elector 145
may name as defendants each individual who engaged in conduct 146
constituting harassment in violation of the election law as well 147
as any person that employs, sponsors, or uses as an agent any such 148
individual or that has organized a common scheme to cause 149
harassment in violation of the election law. 150

Sec. 3503.15. (A) The secretary of state shall establish and 151
maintain a statewide voter registration database that shall be 152
continuously available to each board of elections and to other 153
agencies as authorized by law. 154

(B) The statewide voter registration database established 155
under this section shall be the official list of registered voters 156
for all elections conducted in this state. 157

(C) The statewide voter registration database established 158
under this section shall, at a minimum, include all of the 159
following: 160

(1) An electronic network that connects all board of 161
elections offices with the office of the secretary of state and 162
with the offices of all other boards of elections; 163

(2) A computer program that harmonizes the records contained 164
in the database with records maintained by each board of 165
elections; 166

(3) An interactive computer program that allows access to the 167
records contained in the database by each board of elections and 168
by any persons authorized by the secretary of state to add, 169
delete, modify, or print database records, and to conduct updates 170

of the database; 171

(4) A search program capable of verifying registered voters 172
and their registration information by name, driver's license 173
number, birth date, social security number, or current address; 174

(5) Safeguards and components to ensure that the integrity, 175
security, and confidentiality of the voter registration 176
information is maintained. 177

(D) The secretary of state shall adopt rules pursuant to 178
Chapter 119. of the Revised Code doing all of the following: 179

(1) Specifying the manner in which existing voter 180
registration records maintained by boards of elections shall be 181
converted to electronic files for inclusion in the statewide voter 182
registration database; 183

(2) Establishing a uniform method for entering voter 184
registration records into the statewide voter registration 185
database on an expedited basis, but not less than once per day, if 186
new registration information is received; 187

(3) Establishing a uniform method for purging canceled voter 188
registration records from the statewide voter registration 189
database in accordance with section 3503.21 of the Revised Code; 190

(4) Specifying the persons authorized to add, delete, modify, 191
or print records contained in the statewide voter registration 192
database and to make updates of that database; 193

(5) Establishing a process for annually auditing the 194
information contained in the statewide voter registration 195
database. 196

(E) A board of elections promptly shall purge a voter's name 197
and voter registration information from the statewide voter 198
registration database in accordance with the rules adopted by the 199
secretary of state under division (D)(3) of this section after the 200

cancellation of a voter's registration under section 3503.21 of 201
the Revised Code. 202

(F) The secretary of state shall provide training in the 203
operation of the statewide voter registration database to each 204
board of elections and to any persons authorized by the secretary 205
of state to add, delete, modify, or print database records, and to 206
conduct updates of the database. 207

(G)(1) The statewide voter registration database established 208
under this section shall be made available on a web site of the 209
office of the secretary of state as follows: 210

(a) Except as otherwise provided in division (G)(1)(b) of 211
this section, only the following information from the statewide 212
voter registration database regarding a registered voter shall be 213
made available on the web site: 214

(i) The voter's name; 215

(ii) The voter's address; 216

(iii) The voter's precinct number; 217

(iv) The voter's voting history. 218

(b) During the thirty days before the day of a primary or 219
general election, the web site interface of the statewide voter 220
registration database shall permit a voter to search for the 221
polling location at which that voter may cast a ballot. 222

(2) The secretary of state shall establish, by rule adopted 223
under Chapter 119. of the Revised Code, a process for boards of 224
elections to notify the secretary of state of changes in the 225
locations of precinct polling places for the purpose of updating 226
the information made available on the secretary of state's web 227
site under division (G)(1)(b) of this section. Those rules shall 228
require a board of elections, during the thirty days before the 229
day of a primary or general election, to notify the secretary of 230

state within one business day of any change to the location of a 231
precinct polling place within the county. 232

(3) During the thirty days before the day of a primary or 233
general election, not later than one business day after receiving 234
a notification from a county pursuant to division (G)(2) of this 235
section that the location of a precinct polling place has changed, 236
the secretary of state shall update that information on the 237
secretary of state's web site for the purpose of division 238
(G)(1)(b) of this section. 239

(H)(1) The secretary of state and the registrar of motor 240
vehicles shall enter into an agreement to match information in the 241
statewide voter registration database with motor vehicle records 242
for the purpose of verifying the accuracy of the information in 243
the statewide voter registration database and the information 244
provided on voter registration applications, as required under 42 245
U.S.C. 15483. 246

(2) The secretary of state shall notify the applicable board 247
of elections of any mismatches between voter registration 248
information and motor vehicle records that the secretary of state 249
receives under division (H)(1) of this section regarding persons 250
registered to vote in the applicable county. 251

(3)(a) Upon notification of mismatches by the secretary of 252
state under division (H)(2) of this section, the board of 253
elections shall notify each affected voter of the mismatch 254
regarding the voter's information. The board shall provide the 255
voter with the opportunity to verify and correct the mismatched 256
information. 257

(b) The secretary of state shall establish, by rule adopted 258
under Chapter 119. of the Revised Code, procedures for boards of 259
elections to notify affected voters of mismatches and to provide 260
those voters with the opportunity to verify and correct the 261

mismatched information under division (H)(3)(a) of this section. 262
Rules adopted under this division shall conform to the voluntary 263
guidelines for implementing statewide voter registration lists 264
adopted by the United States election assistance commission. 265

(4) Notwithstanding any provision of the Revised Code to the 266
contrary, a mismatch shall not be the sole reason for the removal 267
of a voter from the statewide voter registration database. 268

(5) As used in division (H) of this section, "mismatch" means 269
any of the following data fields that are not identical to one 270
another with respect to a particular individual when information 271
in the statewide voter registration database is compared to motor 272
vehicle records: 273

(a) Driver's license number; 274

(b) Social security number; 275

(c) Date of birth. 276

Sec. 3505.21. (A) As used in this section, "during the 277
casting of the ballots" includes any time during which a board of 278
elections permits an elector to vote an absent voter's ballot in 279
person at the office of the board or at another site designated by 280
the board under division (C) of section 3501.10 of the Revised 281
Code and any time ballots may be cast in a precinct polling place 282
on the day of an election. 283

(B) At any primary, special, or general election, any 284
political party supporting candidates to be voted upon at such 285
election and any group of five or more candidates may appoint to 286
the board of elections or to any of the precincts in the county or 287
city one person, a qualified elector, who shall serve as observer 288
for such party or such candidates during the casting of the 289
ballots and during the counting of the ballots; provided that 290
separate observers may be appointed to serve during the casting 291

and during the counting of the ballots. No candidate, no uniformed 292
peace officer as defined by section 2935.01 of the Revised Code, 293
no uniformed state highway patrol trooper, no uniformed member of 294
any fire department, no uniformed member of the armed services, no 295
uniformed member of the organized militia, no person wearing any 296
other uniform, and no person carrying a firearm or other deadly 297
weapon shall serve as an observer, nor shall any candidate be 298
represented by more than one observer at any one precinct or other 299
voting location except that a candidate who is a member of a party 300
controlling committee, as defined in section 3517.03 of the 301
Revised Code, may serve as an observer. ~~Any~~ 302

(C) ~~Any~~ political party or group of candidates appointing 303
observers shall notify the board of elections of the names and 304
addresses of its appointees and ~~the precincts~~ each precinct or 305
other location at which they shall serve. Notification of 306
observers appointed to serve on the day of an election shall take 307
place not less than eleven days before the day of the election on 308
forms prescribed by the secretary of state and may be amended by 309
filing an amendment with the board of elections at any time until 310
four p.m. of the day before the election. Notification of 311
observers appointed to serve at the office of the board or at 312
another location during the time absent voter's ballots may be 313
cast in person shall take place not less than eleven days before 314
absent voter's ballots are required to be ready for use pursuant 315
to section 3509.01 of the Revised Code on forms prescribed by the 316
secretary of state and may be amended by filing an amendment with 317
the board of elections at any time until four p.m. of the day 318
before the observer is appointed to serve. The observer serving on 319
behalf of a political party shall be appointed in writing by the 320
chairperson and secretary of the respective controlling party 321
committee. Observers serving for any five or more candidates shall 322
have their certificates signed by those candidates. Observers 323
appointed to a precinct may file their certificates of appointment 324

with the presiding judge of the precinct at the meeting on the 325
evening prior to the election, or with the presiding judge of the 326
precinct on the day of the election. ~~Upon~~ Observers appointed to 327
the office of the board or another designated site to observe the 328
casting of absent voter's ballots in person prior to the day of 329
the election may file their certificates with the director of the 330
board of elections the day before or on the day that the observers 331
are scheduled to serve at the office of the board or other 332
designated site. 333

Upon the filing of a certificate, the person named as 334
observer in the certificate shall be permitted to be in and about 335
the applicable polling place ~~for the precinct~~ during the casting 336
of the ballots and shall be permitted to watch every proceeding of 337
the judges of elections from the time of the opening until the 338
closing of the polls. The observer also may inspect the counting 339
of all ballots in the polling place or board of elections from the 340
time of the closing of the polls until the counting is completed 341
and the final returns are certified and signed. Observers 342
appointed to serve at the board of elections on the day of an 343
election under this section may observe at the board of elections 344
and may observe at any precinct in the county. The judges of 345
elections shall protect such observers in all of the rights and 346
privileges granted to them by Title XXXV of the Revised Code. 347

(D) No persons other than the judges of elections, the 348
observers, a police officer, other persons who are detailed to any 349
precinct on request of the board of elections, or the secretary of 350
state or the secretary of state's legal representative shall be 351
admitted to the polling place, or any room in which a board of 352
elections is counting ballots, after the closing of the polls 353
until the counting, certifying, and signing of the final returns 354
of each election have been completed. 355

(E) Not later than four p.m. of the twentieth day prior to an 356

election at which questions are to be submitted to a vote of the people, any committee that in good faith advocates or opposes a measure may file a petition with the board of any county asking that the petitioners be recognized as the committee entitled to appoint observers to the count at the election. If more than one committee alleging themselves to advocate or oppose the same measure file such a petition, the board shall decide and announce by registered mail to each committee not less than twelve days immediately preceding the election which committee is recognized as being entitled to appoint observers. The decision shall not be final, but any aggrieved party may institute mandamus proceedings in the court of common pleas of the county in which the board has jurisdiction to compel the judges of elections to accept the appointees of such aggrieved party. Any such recognized committee may appoint an observer to the count in each precinct. Committees appointing observers shall notify the board of elections of the names and addresses of its appointees and the precincts at which they shall serve. Notification shall take place not less than eleven days before the 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. on the day before the election. A person so appointed shall file the person's certificate of appointment with the presiding judge in the precinct in which the person has been appointed to serve. Observers shall file their certificates before the polls are closed. In no case shall more than six observers be appointed for any one election in any one precinct. If more than three questions are to be voted on, the committees which have appointed observers may agree upon not to exceed six observers, and the judges of elections shall appoint such observers. If such committees fail to agree, the judges of elections shall appoint six observers from the appointees so certified, in such manner that each side of the several questions shall be represented.

(F) No person shall serve as an observer at any precinct or 390
other voting location unless the board of elections of the county 391
in which such observer is to serve has first been notified of the 392
name, address, and precinct or other location at which such 393
observer is to serve. Notification to the board of elections shall 394
be given by the political party, group of candidates, or committee 395
appointing such observer as prescribed in this section. No such 396
observers shall receive any compensation from the county, 397
municipal corporation, or township, and they shall take the 398
following oath, to be administered by one of the judges of 399
elections: 400

"You do solemnly swear that you will faithfully and 401
impartially discharge the duties as an official observer, assigned 402
by law; that you will not cause any delay to persons offering to 403
vote; and that you will not disclose or communicate to any person 404
how any elector has voted at such election." 405

(G)(1) An observer who serves during the casting of the 406
ballots shall only be permitted to do the following: 407

(a) Watch and listen to the activities conducted by the 408
precinct election officials and the interactions between precinct 409
election officials and voters, as long as the precinct election 410
officials are not delayed in performing the officials' prescribed 411
duties and voters are not delayed in casting their ballots; 412

(b) Make notes on the observer's observations other than by 413
means of a photographic, video, or audio recording. 414

(2)(a) No observer who serves during the casting of the 415
ballots shall interact with any precinct election official or with 416
any voter while the observer is inside the polling place, within 417
the area between the polling place and the small flags of the 418
United States placed on the thoroughfares and walkways leading to 419
the polling place, or within ten feet of any elector in line 420

waiting to vote, if the line of electors waiting to vote extends 421
beyond those small flags. 422

(b) An observer does not violate division (G)(2)(a) of this 423
section as a result of an incidental interaction with a voter or a 424
precinct election official, such as an exchange of greetings. 425

Sec. 3509.01. (A) The board of elections of each county shall 426
provide absent voter's ballots for use at every primary and 427
general election, or special election to be held on the day 428
specified by division (E) of section 3501.01 of the Revised Code 429
for the holding of a primary election, designated by the general 430
assembly for the purpose of submitting constitutional amendments 431
proposed by the general assembly to the voters of the state. Those 432
ballots shall be the same size, shall be printed on the same kind 433
of paper, and shall be in the same form as has been approved for 434
use at the election for which those ballots are to be voted; 435
except that, in counties using marking devices, ballot cards may 436
be used for absent voter's ballots, and those absent voters shall 437
be instructed to record the vote in the manner provided on the 438
ballot cards. In counties where punch card ballots are used, those 439
absent voters shall be instructed to examine their marked ballot 440
cards and to remove any chads that remain partially attached to 441
them before returning them to election officials. 442

(B) The rotation of names of candidates and questions and 443
issues shall be substantially complied with on absent voter's 444
ballots, within the limitation of time allotted. Those ballots 445
shall be designated as "Absent Voter's Ballots." and Except as 446
otherwise provided in division (D) of this section, those ballots 447
shall be printed and ready for use as follows: 448

(1) For overseas voters and absent uniformed services voters 449
eligible to vote under the Uniformed and Overseas Citizens 450
Absentee Voting Act, Pub. L. No. 99-410, 100 Stat. 924, 42 U.S.C. 451

1973ff, et seq., as amended, ballots shall be printed and ready 452
for use on the thirty-fifth day before the day of the any election 453
other than a presidential primary election, except that those; 454

(2) For all voters, other than overseas voters and absent 455
uniformed services voters, who are applying to vote absent voter's 456
ballots other than in person, ballots shall be printed and ready 457
for use on the twenty-eighth day before the day of any election 458
other than a presidential primary election; 459

(3) For all voters, other than overseas voters and absent 460
uniformed services voters, who are applying to vote absent voter's 461
ballots in person, ballots shall be printed and ready for use 462
beginning on the twentieth day before the day of the election and 463
shall continue to be available for use through five p.m. on the 464
day before the day of the election; 465

(4) For all voters who are applying to vote absent voter's 466
ballots other than in person, ballots shall be printed and ready 467
for use on the twenty-fifth day before the day of a presidential 468
primary election. 469

(C) Absent voter's ballots provided for use at a general or 470
primary election, or special election to be held on the day 471
specified by division (E) of section 3501.01 of the Revised Code 472
for the holding of a primary election, designated by the general 473
assembly for the purpose of submitting constitutional amendments 474
proposed by the general assembly to the voters of the state, shall 475
include only those questions, issues, and candidacies that have 476
been lawfully ordered submitted to the electors voting at that 477
election. 478

~~Absent~~ (D) If the laws governing the holding of a special 479
election on a day other than the day on which a primary or general 480
election is held make it impossible for absent voter's ballots to 481
be printed and ready for use by the deadlines established in 482

division (B) of this section, absent voter's ballots for those 483
special elections held on days other than the day on which general 484
or primary elections are held shall be ready for use as many days 485
before the day of the election as reasonably possible under the 486
laws governing the holding of that special election. 487

(E) A copy of the absent voter's ballots shall be forwarded 488
by the director of the board in each county to the secretary of 489
state at least twenty-five days before the election. 490

(F) As used in this section, "chad" and "punch card ballot" 491
have the same meanings as in section 3506.16 of the Revised Code. 492

Sec. 3509.04. (A) If a director of a board of elections 493
receives an application for absent voter's ballots that does not 494
contain all of the required information, the director promptly 495
shall notify the applicant of the additional information required 496
to be provided by the applicant to complete that application. 497

(B) Upon receipt by the director of elections of an 498
application for absent voter's ballots that contain all of the 499
required information, as provided by sections 3509.03 and 3509.031 500
and division (G) of section 3503.16 of the Revised Code, the 501
director, if the director finds that the applicant is a qualified 502
elector, shall deliver to the applicant in person or mail directly 503
to the applicant by special delivery mail, air mail, or regular 504
mail, postage prepaid, proper absent voter's ballots. The director 505
shall deliver or mail with the ballots an unsealed identification 506
envelope upon the face of which shall be printed a the following 507
form ~~substantially as follows~~: 508

"Identification Envelope Statement of Voter 509

I,(Name of voter), declare under 510
penalty of election falsification that the within ballot or 511
ballots contained no voting marks of any kind when I received 512
them, and I caused the ballot or ballots to be marked, enclosed in 513

the identification envelope, and sealed in that envelope. 514

My voting residence in Ohio is 515

..... 516

(Street and Number, if any, or Rural Route and Number) 517

of (City, Village, or Township) 518

Ohio, which is in Ward Precinct 519

in that city, village, or township. 520

The primary election ballots, if any, within this envelope 521

are primary election ballots of the Party. 522

Ballots contained within this envelope are to be voted at the 523

..... (general, special, or primary) election to be held on 524

the day of, 525

My date of birth is (Month and Day), 526

..... (Year). 527

(Voter must provide one of the following:) 528

My driver's license number is (Driver's 529

license number). 530

The last four digits of my Social Security Number are 531

..... (Last four digits of Social Security Number). 532

..... In lieu of providing a driver's license number or the 533

last four digits of my Social Security Number, I am enclosing a 534

copy of one of the following in the return envelope in which this 535

identification envelope will be mailed: a current and valid photo 536

identification, a military identification, or a current utility 537

bill, bank statement, government check, paycheck, or other 538

government document, other than a notice of an election mailed by 539

a board of elections under section 3501.19 of the Revised Code or 540

a notice of voter registration mailed by a board of elections, 541

that shows my name and address. 542

I hereby declare, under penalty of election falsification, 543

that the statements above are true, as I verily believe. 544

..... 545

(Signature of Voter) 546

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF 547

THE FIFTH DEGREE." 548

The director shall mail with the ballots and the unsealed 549

identification envelope an unsealed return envelope upon the face 550

of which shall be printed the official title and post-office 551

address of the director. In the upper left corner on the face of 552

the return envelope, several blank lines shall be printed upon 553

which the voter may write the voter's name and return address, and 554

beneath these lines there shall be printed a box beside the words 555

"check if out-of-country." The voter shall check this box if the 556

voter will be outside the United States on the day of the 557

election. The return envelope shall be of such size that the 558

identification envelope can be conveniently placed within it for 559

returning the identification envelope to the director. 560

Sec. 3509.05. (A) When an elector receives an absent voter's 561

ballot pursuant to the elector's application or request, the 562

elector shall, before placing any marks on the ballot, note 563

whether there are any voting marks on it. If there are any voting 564

marks, the ballot shall be returned immediately to the board of 565

elections; otherwise, the elector shall cause the ballot to be 566

marked, folded in a manner that the stub on it and the 567

indorsements and facsimile signatures of the members of the board 568

of elections on the back of it are visible, and placed and sealed 569

within the identification envelope received from the director of 570

elections for that purpose. Then, the elector shall cause the 571

statement of voter on the outside of the identification envelope 572

to be completed and signed, under penalty of election 573

falsification. 574

If the elector does not provide the elector's driver's 575
license number or the last four digits of the elector's social 576
security number on the statement of voter on the identification 577
envelope, the elector also shall include in the return envelope 578
with the identification envelope a copy of the elector's current 579
valid photo identification, a copy of a military identification, 580
or a copy of a current utility bill, bank statement, government 581
check, paycheck, or other government document, other than a notice 582
of an election mailed by a board of elections under section 583
3501.19 of the Revised Code or a notice of voter registration 584
mailed by a board of elections under section 3503.19 of the 585
Revised Code, that shows the name and address of the elector. 586
587

The elector shall mail the identification envelope to the 588
director from whom it was received in the return envelope, postage 589
prepaid, or the elector may personally deliver it to the director, 590
or the spouse of the elector, the father, mother, father-in-law, 591
mother-in-law, grandfather, grandmother, brother, or sister of the 592
whole or half blood, or the son, daughter, adopting parent, 593
adopted child, stepparent, stepchild, uncle, aunt, nephew, or 594
niece of the elector may deliver it to the director. The return 595
envelope shall be transmitted to the director in no other manner, 596
except as provided in section 3509.08 of the Revised Code. 597

Each elector who will be outside the United States on the day 598
of the election shall check the box on the return envelope 599
indicating this fact. 600

When absent voter's ballots are delivered to an elector at 601
the office of the board, the elector may retire to a voting 602
compartment provided by the board and there mark the ballots. 603
Thereupon, the elector shall fold them, place them in the 604
identification envelope provided, seal the envelope, fill in and 605
sign the statement on the envelope under penalty of election 606

falsification, and deliver the envelope to the director of the 607
board. 608

Except as otherwise provided in divisions (B) and (C) of this 609
section, all other envelopes containing marked absent voter's 610
ballots shall be delivered to the director not later than the 611
close of the polls on the day of an election. Absent voter's 612
ballots delivered to the director later than the times specified 613
shall not be counted, but shall be kept by the board in the sealed 614
identification envelopes in which they are delivered to the 615
director, until the time provided by section 3505.31 of the 616
Revised Code for the destruction of all other ballots used at the 617
election for which ballots were provided, at which time they shall 618
be destroyed. 619

(B)(1) Except as otherwise provided in division (B)(2) of 620
this section, any return envelope that indicates that the voter 621
will be outside the United States on the day of the election shall 622
be delivered to the director prior to the eleventh day after the 623
election. Ballots delivered in such envelopes that are received 624
after the close of the polls on election day through the tenth day 625
thereafter shall be counted on the eleventh day at the board of 626
elections in the manner provided in divisions (C) and (D) of 627
section 3509.06 of the Revised Code. Any such ballots that are 628
signed or postmarked after the close of the polls on the day of 629
the election or that are received by the director later than the 630
tenth day following the election shall not be counted, but shall 631
be kept by the board in the sealed identification envelopes as 632
provided in division (A) of this section. 633

(2) In any year in which a presidential primary election is 634
held, any return envelope that indicates that the voter will be 635
outside the United States on the day of the presidential primary 636
election shall be delivered to the director prior to the 637
twenty-first day after that election. Ballots delivered in such 638

envelopes that are received after the close of the polls on 639
election day through the twentieth day thereafter shall be counted 640
on the twenty-first day at the board of elections in the manner 641
provided in divisions (C) and (D) of section 3509.06 of the 642
Revised Code. Any such ballots that are signed or postmarked after 643
the close of the polls on the day of that election or that are 644
received by the director later than the twentieth day following 645
that election shall not be counted, but shall be kept by the board 646
in the sealed identification envelopes as provided in division (A) 647
of this section. 648

(C)(1) Except as otherwise provided in division (C)(2) of 649
this section, any return envelope that is postmarked within the 650
United States prior to the day of the election shall be delivered 651
to the director prior to the eleventh day after the election. 652
Ballots delivered in envelopes postmarked prior to the day of the 653
election that are received after the close of the polls on 654
election day through the tenth day thereafter shall be counted on 655
the eleventh day at the board of elections in the manner provided 656
in divisions (C) and (D) of section 3509.06 of the Revised Code. 657
Any such ballots that are received by the director later than the 658
tenth day following the election shall not be counted, but shall 659
be kept by the board in the sealed identification envelopes as 660
provided in division (A) of this section. 661

(2) Division (C)(1) of this section shall not apply to any 662
mail that is postmarked using a postage evidencing system, 663
including a postage meter, as defined in 39 C.F.R. 501.1. 664

(D)(1) Except as otherwise provided in division (D)(2) of 665
this section, if a board of elections determines, prior to the 666
close of the polls on the day of the election, that the statement 667
of voter on a voter's absent voter's ballot identification 668
envelope is incomplete, the board shall notify the absent voter by 669
mail or by telephone that the voter's absent ballot will be 670

rejected unless the voter completes the statement prior to the 671
close of the polls on the day of the election. 672

(2) A board of elections shall not be required to notify 673
voters under division (D)(1) of this section for any absent 674
voter's ballots that the board receives after the eighth day 675
before the day of the election. 676

If a board of elections chooses to notify voters under 677
division (D)(1) of this section of incomplete absent voter's 678
ballot envelope statements for absent voter's ballots received 679
after the eighth day before the day of the election, the board 680
shall notify all voters whose absent voter's ballot envelope 681
statements are incomplete that their absent voter's ballot 682
envelopes will be rejected unless the voter completes the 683
statement prior to the close of the polls on the day of the 684
election. 685

Sec. 3509.06. (A) The board of elections shall determine 686
whether absent voter's ballots shall be counted in each precinct, 687
at the office of the board, or at some other location designated 688
by the board, and shall proceed accordingly under division (B) or 689
(C) of this section. 690

(B) When the board of elections determines that absent 691
voter's ballots shall be counted in each precinct, the director 692
shall deliver to the presiding judge of each precinct on election 693
day identification envelopes purporting to contain absent voter's 694
ballots of electors whose voting residence appears from the 695
statement of voter on the outside of each of those envelopes, to 696
be located in such presiding judge's precinct, and which were 697
received by the director not later than the close of the polls on 698
election day. The director shall deliver to such presiding judge a 699
list containing the name and voting residence of each person whose 700
voting residence is in such precinct to whom absent voter's 701

ballots were mailed. 702

(C) When the board of elections determines that absent 703
voter's ballots shall be counted at the office of the board of 704
elections or at another location designated by the board, special 705
election judges shall be appointed by the board for that purpose 706
having the same authority as is exercised by precinct judges. The 707
votes so cast shall be added to the vote totals by the board, and 708
the absent voter's ballots shall be preserved separately by the 709
board, in the same manner and for the same length of time as 710
provided by section 3505.31 of the Revised Code. 711

(D) Each of the identification envelopes purporting to 712
contain absent voter's ballots delivered to the presiding judge of 713
the precinct or the special judge appointed by the board of 714
elections shall be handled as follows: The election officials 715
shall compare the signature of the elector on the outside of the 716
identification envelope with the signature of that elector on the 717
elector's registration form and verify that the absent voter's 718
ballot is eligible to be counted under section 3509.07 of the 719
Revised Code. Any of the precinct officials may challenge the 720
right of the elector named on the identification envelope to vote 721
the absent voter's ballots upon the ground that the signature on 722
the envelope is not the same as the signature on the registration 723
form, that the identification envelope statement of voter has not 724
been completed, or upon any other of the grounds upon which the 725
right of persons to vote may be lawfully challenged. If no such 726
challenge is made, or if such a challenge is made and not 727
sustained, the presiding judge shall open the envelope without 728
defacing the statement of voter and without mutilating the ballots 729
in it, and shall remove the ballots contained in it and proceed to 730
count them. 731

The name of each person voting who is entitled to vote only 732
an absent voter's presidential ballot shall be entered in a 733

pollbook or poll list or signature pollbook followed by the words 734
"Absentee Presidential Ballot." The name of each person voting an 735
absent voter's ballot, other than such persons entitled to vote 736
only a presidential ballot, shall be entered in the pollbook or 737
poll list or signature pollbook and the person's registration card 738
marked to indicate that the person has voted. 739

The date of such election shall also be entered on the 740
elector's registration form. If any such challenge is made and 741
sustained, the identification envelope of such elector shall not 742
be opened, shall be endorsed "Not Counted" with the reasons the 743
ballots were not counted, and shall be delivered to the board. 744

(E) Special election judges, employees or members of the 745
board of elections, or observers shall not disclose the count or 746
any portion of the count of absent voter's ballots prior to the 747
time of the closing of the polling places. No person shall 748
recklessly disclose the count or any portion of the count of 749
absent voter's ballots in such a manner as to jeopardize the 750
secrecy of any individual ballot. 751

(F) Observers may be appointed under section 3505.21 of the 752
Revised Code to witness the examination and opening of 753
identification envelopes and the counting of absent voters' 754
ballots under this section. 755

Sec. 3509.07. If election officials find that the statement 756
accompanying an absent voter's ballot or absent voter's 757
presidential ballot is incomplete or insufficient, that the 758
signatures do not correspond with the person's registration 759
signature, that the applicant is not a qualified elector in the 760
precinct, that the ballot envelope contains more than one ballot 761
of any one kind, or any voted ballot that the elector is not 762
entitled to vote, that Stub A is detached from the absent voter's 763
ballot or absent voter's presidential ballot, or that the elector 764

has not included with the elector's ballot any identification 765
required under section 3509.05 or 3511.09 of the Revised Code, the 766
vote shall not be accepted or counted. The vote of any absent 767
voter may be challenged for cause in the same manner as other 768
votes are challenged, and the election officials shall determine 769
the legality of that ballot. Every ballot not counted shall be 770
endorsed on its back "Not Counted" with the reasons the ballot was 771
not counted, and shall be enclosed and returned to or retained by 772
the board of elections along with the contested ballots. 773

Sec. 3511.05. (A) The director of the board of elections 774
shall place armed service absent voter's ballots sent by mail in 775
an unsealed identification envelope, gummed ready for sealing. The 776
director shall include with armed service absent voter's ballots 777
sent by facsimile machine an instruction sheet for preparing a 778
gummed envelope in which the ballots shall be returned. The 779
envelope for returning ballots sent by either means shall have 780
printed or written on its face a the following form ~~substantially~~ 781
~~as follows:~~ 782

"Identification Envelope Statement of Voter 783

I,(Name of voter), declare under 784
penalty of election falsification that the within ballot or 785
ballots contained no voting marks of any kind when I received 786
them, and I caused the ballot or ballots to be marked, enclosed in 787
the identification envelope, and sealed in that envelope. 788

My voting residence in Ohio is 789

..... 790

(Street and Number, if any, or Rural Route and Number) 791

of (City, Village, or Township) 792

Ohio, which is in Ward Precinct 793

in that city, village, or township. 794

The primary election ballots, if any, within this envelope 795
are primary election ballots of the Party. 796

Ballots contained within this envelope are to be voted at the 797
..... (general, special, or primary) election to be held on 798
the day of, 799

My date of birth is (Month and Day), 800
..... (Year). 801

(Voter must provide one of the following:) 802

My driver's license number is (Driver's 803
license number). 804

The last four digits of my Social Security Number are 805
..... (Last four digits of Social Security Number). 806

..... In lieu of providing a driver's license number or the 807
last four digits of my Social Security Number, I am enclosing a 808
copy of one of the following in the return envelope in which this 809
identification envelope will be mailed: a current and valid photo 810
identification, a military identification, or a current utility 811
bill, bank statement, government check, paycheck, or other 812
government document, other than a notice of an election mailed by 813
a board of elections under section 3501.19 of the Revised Code or 814
a notice of voter registration mailed by a board of elections, 815
that shows my name and address. 816

I hereby declare, under penalty of election falsification, 817
that the statements above are true, as I verily believe. 818

..... 819

(Signature of Voter) 820

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF 821
THE FIFTH DEGREE." 822

(B) The director shall also mail with the ballots and the 823
unsealed identification envelope sent by mail an unsealed return 824

envelope, gummed, ready for sealing, for use by the voter in 825
returning the voter's marked ballots to the director. The director 826
shall send with the ballots and the instruction sheet for 827
preparing a gummed envelope sent by facsimile machine an 828
instruction sheet for preparing a second gummed envelope as 829
described in this division, for use by the voter in returning that 830
voter's marked ballots to the director. The return envelope shall 831
have two parallel lines, each one quarter of an inch in width, 832
printed across its face paralleling the top, with an intervening 833
space of one quarter of an inch between such lines. The top line 834
shall be one and one-quarter inches from the top of the envelope. 835
Between the parallel lines shall be printed: "OFFICIAL ELECTION 836
ARMED SERVICE ABSENT VOTER'S BALLOTS -- VIA AIR MAIL." Three blank 837
lines shall be printed in the upper left corner on the face of the 838
envelope for the use by the voter in placing the voter's complete 839
military, naval, or mailing address on these lines, and beneath 840
these lines there shall be printed a box beside the words "check 841
if out-of-country." The voter shall check this box if the voter 842
will be outside the United States on the day of the election. The 843
official title and the post-office address of the director to whom 844
the envelope shall be returned shall be printed on the face of 845
such envelope in the lower right portion below the bottom parallel 846
line. 847

(C) On the back of each identification envelope and each 848
return envelope shall be printed the following: 849

"Instructions to voter: 850

If the flap on this envelope is so firmly stuck to the back 851
of the envelope when received by you as to require forcible 852
opening in order to use it, open the envelope in the manner least 853
injurious to it, and, after marking your ballots and enclosing 854
same in the envelope for mailing them to the director of the board 855
of elections, reclose the envelope in the most practicable way, by 856

sealing or otherwise, and sign the blank form printed below. 857

The flap on this envelope was firmly stuck to the back of the 858
envelope when received, and required forced opening before sealing 859
and mailing. 860

..... 861

(Signature of voter)" 862

(D) Division (C) of this section does not apply when absent 863
voter's ballots are sent by facsimile machine. 864

Sec. 3511.11. (A) Upon receipt of any return envelope bearing 865
the designation "Official Election Armed Service Absent Voter's 866
Ballot" prior to the twenty-first day after the day of a 867
presidential primary election or prior to the eleventh day after 868
the day of any other election, the director of the board of 869
elections shall open it but shall not open the identification 870
envelope contained in it. If, upon so opening the return envelope, 871
the director finds ballots in it that are not enclosed in and 872
properly sealed in the identification envelope, the director shall 873
not look at the markings upon the ballots and shall promptly place 874
them in the identification envelope and promptly seal it. If, upon 875
so opening the return envelope, the director finds that ballots 876
are enclosed in the identification envelope but that it is not 877
properly sealed, the director shall not look at the markings upon 878
the ballots and shall promptly seal the identification envelope. 879

(B)(1) Except as otherwise provided in division (B)(2) of 880
this section, if a board of elections determines, prior to the 881
close of the polls on the day of the election, that the statement 882
of voter on an armed service absent voter's ballot identification 883
envelope is incomplete, the board shall notify the armed services 884
absent voter by mail or by telephone that the voter's armed 885
service absent voter's ballot will be rejected unless the voter 886
completes the statement prior to the close of the polls on the day 887

of the election. 888

(2) A board of elections shall not be required to notify 889
voters under division (B)(1) of this section for any armed service 890
absent voter's ballots that the board receives after the eighth 891
day before the day of the election. 892

If a board of elections chooses to notify voters under 893
division (B)(1) of this section of incomplete armed service absent 894
voter's ballot envelope statements for armed service absent 895
voter's ballots received after the eighth day before the day of 896
the election, the board shall notify all voters whose armed 897
service absent voter's ballot envelope statements are incomplete 898
that their armed service absent voter's ballot envelopes will be 899
rejected unless the voter completes the statement prior to the 900
close of the polls on the day of the election. 901

(C) Armed service absent voter's ballots delivered to the 902
director not later than the close of the polls on election day 903
shall be counted in the manner provided in section 3509.06 of the 904
Revised Code. 905

~~(C)~~(D) A return envelope that indicates that the voter will 906
be outside of the United States on the day of an election is not 907
required to be postmarked in order for an armed service absent 908
voter's ballot contained in it to be valid. Except as otherwise 909
provided in this division, whether or not the return envelope 910
containing the ballot is postmarked or contains an illegible 911
postmark, an armed service absent voter's ballot that is received 912
after the close of the polls on election day through the tenth day 913
after the election day or, if the election was a presidential 914
primary election, through the twentieth day after the election 915
day, and that is delivered in a return envelope that indicates 916
that the voter will be outside the United States on the day of the 917
election shall be counted on the eleventh day after the election 918
day or, if the election was a presidential primary election, on 919

the twenty-first day after the election day, at the office of the 920
board of elections in the manner provided in divisions (C) and (D) 921
of section 3509.06 of the Revised Code. However, if a return 922
envelope containing an armed service absent voter's ballot is so 923
received and so indicates, but it is postmarked, or the 924
identification envelope in it is signed, after the close of the 925
polls on election day, the armed service absent voter's ballot 926
shall not be counted. 927

~~(D)~~(E)(1) Except as otherwise provided in division ~~(D)~~(E)(2) 928
of this section, any return envelope containing an armed service 929
absent voter's ballot that is postmarked within the United States 930
prior to the day of the election shall be delivered to the 931
director prior to the eleventh day after the election. Armed 932
service absent voter's ballots delivered in envelopes postmarked 933
prior to the day of the election that are received after the close 934
of the polls on election day through the tenth day thereafter 935
shall be counted on the eleventh day at the board of elections in 936
the manner provided in divisions (C) and (D) of section 3509.06 of 937
the Revised Code. Any such ballots that are received by the 938
director later than the tenth day following the election shall not 939
be counted, but shall be kept by the board in the sealed 940
identification envelopes as provided in division (A) of this 941
section. 942

(2) Division ~~(D)~~(E)(1) of this section shall not apply to any 943
mail that is postmarked using a postage evidencing system, 944
including a postage meter, as defined in 39 C.F.R. 501.1. 945

~~(E)~~(F) The following types of armed service absent voter's 946
ballots shall not be counted: 947

(1) Armed service absent voter's ballots contained in return 948
envelopes that bear the designation "Official Election Armed 949
Service Absent Voter's Ballots," that are received by the director 950
after the close of the polls on the day of the election, and that 951

either are postmarked, or contain an identification envelope that 952
is signed, on or after election day; 953

(2) Armed service absent voter's ballots contained in return 954
envelopes that bear that designation, that do not indicate they 955
are from voters who will be outside the United States on the day 956
of the election, and that are received after the tenth day 957
following the election or, if the election was a presidential 958
primary election, after the twentieth day following the election; 959

(3) Armed service absent voter's ballots contained in return 960
envelopes that bear that designation, that are received by the 961
director within ten days after the day of the election, and that 962
were postmarked before the day of the election using a postage 963
evidencing system, including a postage meter, as defined in 39 964
C.F.R. 501.1. 965

The uncounted ballots shall be preserved in their 966
identification envelopes unopened until the time provided by 967
section 3505.31 of the Revised Code for the destruction of all 968
other ballots used at the election for which ballots were 969
provided, at which time they shall be destroyed. 970

Section 2. That existing sections 3501.07, 3501.90, 3503.15, 971
3505.21, 3509.01, 3509.04, 3509.05, 3509.06, 3509.07, 3511.05, and 972
3511.11 of the Revised Code are hereby repealed. 973

Section 3. The General Assembly, applying the principle 974
stated in division (B) of section 1.52 of the Revised Code that 975
amendments are to be harmonized if reasonably capable of 976
simultaneous operation, finds that the following section, 977
presented in this act as the composite of the sections as amended 978
by the acts indicated, is the resulting version of the section in 979
effect prior to the effective date of the section as presented in 980
this act: 981

Section 3509.05 of the Revised Code as amended by both Am.	982
Sub. H.B. 350 and Am. Sub. H.B. 562 of the 127th General Assembly.	983
	984