

**As Passed by the Senate**

**127th General Assembly  
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**Sub. S. B. No. 380**

**Senator Seitz**

**Cosponsors: Senators Cates, Carey, Wagoner, Amstutz, Coughlin, Harris,  
Schaffer, Faber, Buehrer**

—

**A B I L L**

To amend sections 3501.10, 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 and locations in which voters may 15  
cast absent voter's ballots in person, and to 16  
require the Secretary of State to notify boards of 17  
elections of mismatches between voter registration 18  
information and motor vehicle records. 19  
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**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 3501.10, 3501.90, 3503.15, 3505.21, 21  
3509.01, 3509.04, 3509.05, 3509.06, 3509.07, 3511.05, and 3511.11 22  
of the Revised Code be amended to read as follows: 23

**Sec. 3501.10.** (A) The board of elections shall, as an expense 24  
of the board, provide suitable rooms for its offices and records 25  
and the necessary and proper furniture and supplies for those 26  
rooms. The board may lease such offices and rooms, necessary to 27  
its operation, for the length of time and upon the terms the board 28  
deems in the best interests of the public, provided that the term 29  
of any such lease shall not exceed fifteen years. 30

Thirty days prior to entering into such a lease, the board 31  
shall notify the board of county commissioners in writing of its 32  
intent to enter into the lease. The notice shall specify the terms 33  
and conditions of the lease. Prior to the thirtieth day after 34  
receiving that notice and before any lease is entered into, the 35  
board of county commissioners may reject the proposed lease by a 36  
majority vote. After receiving written notification of the 37  
rejection by the board of county commissioners, the board of 38  
elections shall not enter into the lease that was rejected, but 39  
may immediately enter into additional lease negotiations, subject 40  
to the requirements of this section. 41

The board of elections in any county may, by resolution, 42  
request that the board of county commissioners submit to the 43  
electors of the county, in accordance with section 133.18 of the 44  
Revised Code, the question of issuing bonds for the acquisition of 45  
real estate and the construction on it of a suitable building with 46  
necessary furniture and equipment for the proper administration of 47  
the duties of the board of elections. The resolution declaring the 48  
necessity for issuing such bonds shall relate only to the 49  
acquisition of real estate and to the construction, furnishing, 50  
and equipping of a building as provided in this division. 51

(B) The board of elections in each county shall keep its 52  
offices, or one or more of its branch registration offices, open 53  
for the performance of its duties until nine p.m. on the last day 54  
of registration before a general or primary election. At all other 55  
times during each week, the board shall keep its offices and rooms 56  
open for a period of time that the board considers necessary for 57  
the performance of its duties. 58

(C) The board of elections may maintain permanent or 59  
temporary branch offices at any place within the county, ~~provided~~ 60  
~~that, if the board of elections permits electors to vote at a~~ 61  
~~branch office, electors shall not be permitted to vote at any~~ 62  
~~other branch office or any other office of the board of elections.~~ 63  
The board shall not employ more than three such locations, 64  
including the office of the board of elections and all branch 65  
offices of the board of elections, for the purpose of allowing 66  
voters to cast absent voter's ballots in person at an election. 67

A majority vote of the members of the board is required to 68  
establish more than one location at which voters may cast absent 69  
voter's ballots in person at an election. If the board votes to 70  
establish more than one location at which voters may cast absent 71  
voter's ballots in person, the board shall select locations in the 72  
county that are geographically diverse. If at least three members 73  
of the board do not agree to establish additional locations or do 74  
not agree on the geographic locations within the county, the board 75  
shall only permit absent voter's ballots to be voted in person at 76  
the office of the board of elections for that election. 77

**Sec. 3501.90.** (A) As used in this section: 78

(1) "Harassment in violation of the election law" means 79  
~~either~~ any of the following: 80

(a) Any of the following types of conduct in or about a 81  
polling place or a place of registration or election: obstructing 82

access of an elector to a polling place; another improper practice 83  
or attempt tending to obstruct, intimidate, or interfere with an 84  
elector in registering or voting at a place of registration or 85  
election; molesting or otherwise engaging in violence against 86  
observers in the performance of their duties at a place of 87  
registration or election; or participating in a riot, violence, 88  
tumult, or disorder in and about a place of registration or 89  
election; 90

(b) A violation of division (A)(1), (2), (3), or (5) or 91  
division (B) of section 3501.35 of the Revised Code; 92

(c) A violation of division (G)(2) of section 3505.21 of the 93  
Revised Code. 94

(2) "Person" has the same meaning as in division (C) of 95  
section 1.59 of the Revised Code and also includes any 96  
organization that is not otherwise covered by that division. 97

(3) "Trier of fact" means the jury or, in a nonjury action, 98  
the court. 99

(B) An elector who has experienced harassment in violation of 100  
the election law has a cause of action against each person that 101  
committed the harassment in violation of the election law. In any 102  
civil action based on this cause of action, the elector may seek a 103  
declaratory judgment, an injunction, or other appropriate 104  
equitable relief. The civil action may be commenced by an elector 105  
who has experienced harassment in violation of the election law 106  
either alone or as a party to a class action under Civil Rule 23. 107

(C)(1) In addition to the equitable relief authorized by 108  
division (B) of this section, an elector who has experienced 109  
harassment in violation of the election law may be entitled to 110  
relief under division (C)(2) or (3) of this section. 111

(2) If the harassment in violation of the election law 112  
involved intentional or reckless threatening or causing of bodily 113

harm to the elector while the elector was attempting to register 114  
to vote, to obtain an absent voter's ballot, or to vote, the 115  
elector may seek, in a civil action based on the cause of action 116  
created by division (B) of this section, monetary damages as 117  
prescribed in this division. The civil action may be commenced by 118  
the elector who has experienced harassment in violation of the 119  
election law either alone or as a party to a class action under 120  
Civil Rule 23. Upon proof by a preponderance of the evidence in 121  
the civil action that the harassment in violation of the election 122  
law involved intentional or reckless threatening or causing of 123  
bodily harm to the elector, the trier of fact shall award the 124  
elector the greater of three times of the amount of the elector's 125  
actual damages or one thousand dollars. The court also shall award 126  
a prevailing elector reasonable attorney's fees and court costs. 127

(3) Whether a civil action on the cause of action created by 128  
division (B) of this section is commenced by an elector who has 129  
experienced harassment in violation of the election law alone or 130  
as a party to a class action under Civil Rule 23, if the defendant 131  
in the action is an organization that has previously been 132  
determined in a court of this state to have engaged in harassment 133  
in violation of the election law, the elector may seek an order of 134  
the court granting any of the following forms of relief upon proof 135  
by a preponderance of the evidence: 136

(a) Divestiture of the organization's interest in any 137  
enterprise or in any real property; 138

(b) Reasonable restrictions upon the future activities or 139  
investments of the organization, including, but not limited to, 140  
prohibiting the organization from engaging in any harassment in 141  
violation of the election law; 142

(c) The dissolution or reorganization of the organization; 143

(d) The suspension or revocation of any license, permit, or 144

prior approval granted to the organization by any state agency; 145

(e) The revocation of the organization's authorization to do 146  
business in this state if the organization is a foreign 147  
corporation or other form of foreign entity. 148

(D) It shall not be a defense in a civil action based on the 149  
cause of action created by division (B) of this section, whether 150  
commenced by an elector who has experienced harassment in 151  
violation of the election law alone or as a party to a class 152  
action under Civil Rule 23, that no criminal prosecution was 153  
commenced or conviction obtained in connection with the conduct 154  
alleged to be the basis of the civil action. 155

(E) In a civil action based on the cause of action created by 156  
division (B) of this section, whether commenced by an elector who 157  
has experienced harassment in violation of the election law alone 158  
or as a party to a class action under Civil Rule 23, the elector 159  
may name as defendants each individual who engaged in conduct 160  
constituting harassment in violation of the election law as well 161  
as any person that employs, sponsors, or uses as an agent any such 162  
individual or that has organized a common scheme to cause 163  
harassment in violation of the election law. 164

**Sec. 3503.15.** (A) The secretary of state shall establish and 165  
maintain a statewide voter registration database that shall be 166  
continuously available to each board of elections and to other 167  
agencies as authorized by law. 168

(B) The statewide voter registration database established 169  
under this section shall be the official list of registered voters 170  
for all elections conducted in this state. 171

(C) The statewide voter registration database established 172  
under this section shall, at a minimum, include all of the 173  
following: 174

(1) An electronic network that connects all board of elections offices with the office of the secretary of state and with the offices of all other boards of elections;	175 176 177
(2) A computer program that harmonizes the records contained in the database with records maintained by each board of elections;	178 179 180
(3) An interactive computer program that allows access to the records contained in the database by each board of elections and by any persons authorized by the secretary of state to add, delete, modify, or print database records, and to conduct updates of the database;	181 182 183 184 185
(4) A search program capable of verifying registered voters and their registration information by name, driver's license number, birth date, social security number, or current address;	186 187 188
(5) Safeguards and components to ensure that the integrity, security, and confidentiality of the voter registration information is maintained.	189 190 191
(D) The secretary of state shall adopt rules pursuant to Chapter 119. of the Revised Code doing all of the following:	192 193
(1) Specifying the manner in which existing voter registration records maintained by boards of elections shall be converted to electronic files for inclusion in the statewide voter registration database;	194 195 196 197
(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;	198 199 200 201
(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;	202 203 204

(4) Specifying the persons authorized to add, delete, modify,	205
or print records contained in the statewide voter registration	206
database and to make updates of that database;	207
(5) Establishing a process for annually auditing the	208
information contained in the statewide voter registration	209
database.	210
(E) A board of elections promptly shall purge a voter's name	211
and voter registration information from the statewide voter	212
registration database in accordance with the rules adopted by the	213
secretary of state under division (D)(3) of this section after the	214
cancellation of a voter's registration under section 3503.21 of	215
the Revised Code.	216
(F) The secretary of state shall provide training in the	217
operation of the statewide voter registration database to each	218
board of elections and to any persons authorized by the secretary	219
of state to add, delete, modify, or print database records, and to	220
conduct updates of the database.	221
(G)(1) The statewide voter registration database established	222
under this section shall be made available on a web site of the	223
office of the secretary of state as follows:	224
(a) Except as otherwise provided in division (G)(1)(b) of	225
this section, only the following information from the statewide	226
voter registration database regarding a registered voter shall be	227
made available on the web site:	228
(i) The voter's name;	229
(ii) The voter's address;	230
(iii) The voter's precinct number;	231
(iv) The voter's voting history.	232
(b) During the thirty days before the day of a primary or	233
general election, the web site interface of the statewide voter	234



registration database shall permit a voter to search for the 235  
polling location at which that voter may cast a ballot. 236

(2) The secretary of state shall establish, by rule adopted 237  
under Chapter 119. of the Revised Code, a process for boards of 238  
elections to notify the secretary of state of changes in the 239  
locations of precinct polling places for the purpose of updating 240  
the information made available on the secretary of state's web 241  
site under division (G)(1)(b) of this section. Those rules shall 242  
require a board of elections, during the thirty days before the 243  
day of a primary or general election, to notify the secretary of 244  
state within one business day of any change to the location of a 245  
precinct polling place within the county. 246

(3) During the thirty days before the day of a primary or 247  
general election, not later than one business day after receiving 248  
a notification from a county pursuant to division (G)(2) of this 249  
section that the location of a precinct polling place has changed, 250  
the secretary of state shall update that information on the 251  
secretary of state's web site for the purpose of division 252  
(G)(1)(b) of this section. 253

(H)(1) The secretary of state and the registrar of motor 254  
vehicles shall enter into an agreement to match information in the 255  
statewide voter registration database with motor vehicle records 256  
for the purpose of verifying the accuracy of the information in 257  
the statewide voter registration database and the information 258  
provided on voter registration applications, as required under 42 259  
U.S.C. 15483. 260

(2) The secretary of state shall notify the applicable board 261  
of elections of any mismatches between voter registration 262  
information and motor vehicle records that the secretary of state 263  
receives under division (H)(1) of this section regarding persons 264  
registered to vote in the applicable county. 265

(3)(a) Upon notification of mismatches by the secretary of state under division (H)(2) of this section, the board of elections shall notify each affected voter of the mismatch regarding the voter's information. The board shall provide the voter with the opportunity to verify and correct the mismatched information. 266  
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(b) The secretary of state shall establish, by rule adopted under Chapter 119. of the Revised Code, procedures for boards of elections to notify affected voters of mismatches and to provide those voters with the opportunity to verify and correct the mismatched information under division (H)(3)(a) of this section. Rules adopted under this division shall conform to the voluntary guidelines for implementing statewide voter registration lists adopted by the United States election assistance commission. 272  
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(4) Notwithstanding any provision of the Revised Code to the contrary, a mismatch shall not be the sole reason for the removal of a voter from the statewide voter registration database. 280  
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(5) As used in division (H) of this section, "mismatch" means any of the following data fields that are not identical to one another with respect to a particular individual when information in the statewide voter registration database is compared to motor vehicle records: 283  
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(a) Driver's license number; 288

(b) Social security number; 289

(c) Date of birth. 290

**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 291  
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Code. 296

(B) At any primary, special, or general election, any 297  
political party supporting candidates to be voted upon at such 298  
election and any group of five or more candidates may appoint to 299  
the board of elections or to any of the precincts in the county or 300  
city one person, a qualified elector, who shall serve as observer 301  
for such party or such candidates during the casting of the 302  
ballots and during the counting of the ballots; provided that 303  
separate observers may be appointed to serve during the casting 304  
and during the counting of the ballots. No candidate, no uniformed 305  
peace officer as defined by section 2935.01 of the Revised Code, 306  
no uniformed state highway patrol trooper, no uniformed member of 307  
any fire department, no uniformed member of the armed services, no 308  
uniformed member of the organized militia, no person wearing any 309  
other uniform, and no person carrying a firearm or other deadly 310  
weapon shall serve as an observer, nor shall any candidate be 311  
represented by more than one observer at any one precinct or other 312  
voting location except that a candidate who is a member of a party 313  
controlling committee, as defined in section 3517.03 of the 314  
Revised Code, may serve as an observer. ~~Any~~ 315

(C) Any political party or group of candidates appointing 316  
observers shall notify the board of elections of the names and 317  
addresses of its appointees and ~~the precincts~~ each precinct or 318  
other location at which they shall serve. Notification of 319  
observers appointed to serve on the day of an election shall take 320  
place not less than eleven days before the day of the election on 321  
forms prescribed by the secretary of state and may be amended by 322  
filing an amendment with the board of elections at any time until 323  
four p.m. of the day before the election. Notification of 324  
observers appointed to serve at the office of the board or at 325  
another location during the time absent voter's ballots may be 326  
cast in person shall take place not less than eleven days before 327

absent voter's ballots are required to be ready for use pursuant 328  
to section 3509.01 of the Revised Code on forms prescribed by the 329  
secretary of state and may be amended by filing an amendment with 330  
the board of elections at any time until four p.m. of the day 331  
before the observer is appointed to serve. The observer serving on 332  
behalf of a political party shall be appointed in writing by the 333  
chairperson and secretary of the respective controlling party 334  
committee. Observers serving for any five or more candidates shall 335  
have their certificates signed by those candidates. Observers 336  
appointed to a precinct may file their certificates of appointment 337  
with the presiding judge of the precinct at the meeting on the 338  
evening prior to the election, or with the presiding judge of the 339  
precinct on the day of the election. ~~Upon~~ Observers appointed to 340  
the office of the board or another designated site to observe the 341  
casting of absent voter's ballots in person prior to the day of 342  
the election may file their certificates with the director of the 343  
board of elections the day before or on the day that the observers 344  
are scheduled to serve at the office of the board or other 345  
designated site. 346

Upon the filing of a certificate, the person named as 347  
observer in the certificate shall be permitted to be in and about 348  
the applicable polling place ~~for the precinct~~ during the casting 349  
of the ballots and shall be permitted to watch every proceeding of 350  
the judges of elections from the time of the opening until the 351  
closing of the polls. The observer also may inspect the counting 352  
of all ballots in the polling place or board of elections from the 353  
time of the closing of the polls until the counting is completed 354  
and the final returns are certified and signed. Observers 355  
appointed to serve at the board of elections on the day of an 356  
election under this section may observe at the board of elections 357  
and may observe at any precinct in the county. The judges of 358  
elections shall protect such observers in all of the rights and 359  
privileges granted to them by Title XXXV of the Revised Code. 360

(D) No persons other than the judges of elections, the 361  
observers, a police officer, other persons who are detailed to any 362  
precinct on request of the board of elections, or the secretary of 363  
state or the secretary of state's legal representative shall be 364  
admitted to the polling place, or any room in which a board of 365  
elections is counting ballots, after the closing of the polls 366  
until the counting, certifying, and signing of the final returns 367  
of each election have been completed. 368

(E) Not later than four p.m. of the twentieth day prior to an 369  
election at which questions are to be submitted to a vote of the 370  
people, any committee that in good faith advocates or opposes a 371  
measure may file a petition with the board of any county asking 372  
that the petitioners be recognized as the committee entitled to 373  
appoint observers to the count at the election. If more than one 374  
committee alleging themselves to advocate or oppose the same 375  
measure file such a petition, the board shall decide and announce 376  
by registered mail to each committee not less than twelve days 377  
immediately preceding the election which committee is recognized 378  
as being entitled to appoint observers. The decision shall not be 379  
final, but any aggrieved party may institute mandamus proceedings 380  
in the court of common pleas of the county in which the board has 381  
jurisdiction to compel the judges of elections to accept the 382  
appointees of such aggrieved party. Any such recognized committee 383  
may appoint an observer to the count in each precinct. Committees 384  
appointing observers shall notify the board of elections of the 385  
names and addresses of its appointees and the precincts at which 386  
they shall serve. Notification shall take place not less than 387  
eleven days before the election on forms prescribed by the 388  
secretary of state and may be amended by filing an amendment with 389  
the board of elections at any time until four p.m. on the day 390  
before the election. A person so appointed shall file the person's 391  
certificate of appointment with the presiding judge in the 392  
precinct in which the person has been appointed to serve. 393

Observers shall file their certificates before the polls are 394  
closed. In no case shall more than six observers be appointed for 395  
any one election in any one precinct. If more than three questions 396  
are to be voted on, the committees which have appointed observers 397  
may agree upon not to exceed six observers, and the judges of 398  
elections shall appoint such observers. If such committees fail to 399  
agree, the judges of elections shall appoint six observers from 400  
the appointees so certified, in such manner that each side of the 401  
several questions shall be represented. 402

(F) No person shall serve as an observer at any precinct or 403  
other voting location unless the board of elections of the county 404  
in which such observer is to serve has first been notified of the 405  
name, address, and precinct or other location at which such 406  
observer is to serve. Notification to the board of elections shall 407  
be given by the political party, group of candidates, or committee 408  
appointing such observer as prescribed in this section. No such 409  
observers shall receive any compensation from the county, 410  
municipal corporation, or township, and they shall take the 411  
following oath, to be administered by one of the judges of 412  
elections: 413

"You do solemnly swear that you will faithfully and 414  
impartially discharge the duties as an official observer, assigned 415  
by law; that you will not cause any delay to persons offering to 416  
vote; and that you will not disclose or communicate to any person 417  
how any elector has voted at such election." 418

(G)(1) An observer who serves during the casting of the 419  
ballots shall only be permitted to do the following: 420

(a) Watch and listen to the activities conducted by the 421  
precinct election officials and the interactions between precinct 422  
election officials and voters, as long as the precinct election 423  
officials are not delayed in performing the officials' prescribed 424  
duties and voters are not delayed in casting their ballots; 425

(b) Make notes on the observer's observations other than by means of a photographic, video, or audio recording. 426  
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(2) No observer who serves during the casting of the ballots shall interact with any precinct election official or with any voter while the observer is inside the polling place, within the area between the polling place and the small flags of the United States placed on the thoroughfares and walkways leading to the polling place, or within ten feet of any elector in line waiting to vote, if the line of electors waiting to vote extends beyond those small flags. 428  
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**Sec. 3509.01.** (A) The board of elections of each county shall provide absent voter's ballots for use at every primary and general election, or special election to be held on the day 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. Those ballots shall be the same size, shall be printed on the same kind of paper, and shall be in the same form as has been approved for use at the election for which those ballots are to be voted; except that, in counties using marking devices, ballot cards may be used for absent voter's ballots, and those absent voters shall be instructed to record the vote in the manner provided on the ballot cards. In counties where punch card ballots are used, those absent voters shall be instructed to examine their marked ballot cards and to remove any chads that remain partially attached to them before returning them to election officials. 436  
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(B) The rotation of names of candidates and questions and issues shall be substantially complied with on absent voter's ballots, within the limitation of time allotted. Those ballots shall be designated as "Absent Voter's Ballots." ~~and~~ Except as 453  
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otherwise provided in division (D) of this section, those ballots 457  
shall be printed and ready for use as follows: 458

(1) For overseas voters and absent uniformed services voters 459  
eligible to vote under the Uniformed and Overseas Citizens 460  
Absentee Voting Act, Pub. L. No. 99-410, 100 Stat. 924, 42 U.S.C. 461  
1973ff, et seq., as amended, ballots shall be printed and ready 462  
for use on the thirty-fifth day before the day of ~~the~~ any election 463  
other than a presidential primary election, ~~except that those;~~ 464

(2) For all voters, other than overseas voters and absent 465  
uniformed services 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-eighth day before the day of any election 468  
other than a presidential primary election; 469

(3) For all voters, other than overseas voters and absent 470  
uniformed services voters, who are applying to vote absent voter's 471  
ballots in person, ballots shall be printed and ready for use 472  
beginning on the twentieth day before the day of the election and 473  
shall continue to be available for use through five p.m. on the 474  
day before the day of the election; 475

(4) For all voters who are applying to vote absent voter's 476  
ballots other than in person, ballots shall be printed and ready 477  
for use on the twenty-fifth day before the day of a presidential 478  
primary election. 479

(C) Absent voter's ballots provided for use at a general or 480  
primary election, or special election to be held on the day 481  
specified by division (E) of section 3501.01 of the Revised Code 482  
for the holding of a primary election, designated by the general 483  
assembly for the purpose of submitting constitutional amendments 484  
proposed by the general assembly to the voters of the state, shall 485  
include only those questions, issues, and candidacies that have 486  
been lawfully ordered submitted to the electors voting at that 487



election. 488

~~Absent (D) If the laws governing the holding of a special~~ 489  
~~election on a day other than the day on which a primary or general~~ 490  
~~election is held make it impossible for absent voter's ballots to~~ 491  
~~be printed and ready for use by the deadlines established in~~ 492  
~~division (B) of this section, absent voter's ballots for those~~ 493  
~~special elections held on days other than the day on which general~~ 494  
~~or primary elections are held shall be ready for use as many days~~ 495  
~~before the day of the election as reasonably possible under the~~ 496  
~~laws governing the holding of that special election.~~ 497

(E) A copy of the absent voter's ballots shall be forwarded 498  
by the director of the board in each county to the secretary of 499  
state at least twenty-five days before the election. 500

(F) As used in this section, "chad" and "punch card ballot" 501  
have the same meanings as in section 3506.16 of the Revised Code. 502

**Sec. 3509.04.** (A) If a director of a board of elections 503  
receives an application for absent voter's ballots that does not 504  
contain all of the required information, the director promptly 505  
shall notify the applicant of the additional information required 506  
to be provided by the applicant to complete that application. 507

(B) Upon receipt by the director of elections of an 508  
application for absent voter's ballots that contain all of the 509  
required information, as provided by sections 3509.03 and 3509.031 510  
and division (G) of section 3503.16 of the Revised Code, the 511  
director, if the director finds that the applicant is a qualified 512  
elector, shall deliver to the applicant in person or mail directly 513  
to the applicant by special delivery mail, air mail, or regular 514  
mail, postage prepaid, proper absent voter's ballots. The director 515  
shall deliver or mail with the ballots an unsealed identification 516  
envelope upon the face of which shall be printed a the following 517  
form ~~substantially as follows:~~ 518

"Identification Envelope Statement of Voter 519

I, .....(Name of voter), declare under 520  
penalty of election falsification that the within ballot or 521  
ballots contained no voting marks of any kind when I received 522  
them, and I caused the ballot or ballots to be marked, enclosed in 523  
the identification envelope, and sealed in that envelope. 524

My voting residence in Ohio is 525  
..... 526  
(Street and Number, if any, or Rural Route and Number) 527  
of ..... (City, Village, or Township) 528  
Ohio, which is in Ward ..... Precinct ..... 529  
in that city, village, or township. 530

The primary election ballots, if any, within this envelope 531  
are primary election ballots of the ..... Party. 532

Ballots contained within this envelope are to be voted at the 533  
..... (general, special, or primary) election to be held on 534  
the ..... day of ....., .... 535

My date of birth is ..... (Month and Day), 536  
..... (Year). 537

(Voter must provide one of the following:) 538

My driver's license number is ..... (Driver's 539  
license number). 540

The last four digits of my Social Security Number are 541  
..... (Last four digits of Social Security Number). 542

..... In lieu of providing a driver's license number or the 543  
last four digits of my Social Security Number, I am enclosing a 544  
copy of one of the following in the return envelope in which this 545  
identification envelope will be mailed: a current and valid photo 546  
identification, a military identification, or a current utility 547  
bill, bank statement, government check, paycheck, or other 548

government document, other than a notice of an election mailed by 549  
a board of elections under section 3501.19 of the Revised Code or 550  
a notice of voter registration mailed by a board of elections, 551  
that shows my name and address. 552

I hereby declare, under penalty of election falsification, 553  
that the statements above are true, as I verily believe. 554

..... 555

(Signature of Voter) 556

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF 557  
THE FIFTH DEGREE." 558

The director shall mail with the ballots and the unsealed 559  
identification envelope an unsealed return envelope upon the face 560  
of which shall be printed the official title and post-office 561  
address of the director. In the upper left corner on the face of 562  
the return envelope, several blank lines shall be printed upon 563  
which the voter may write the voter's name and return address, and 564  
beneath these lines there shall be printed a box beside the words 565  
"check if out-of-country." The voter shall check this box if the 566  
voter will be outside the United States on the day of the 567  
election. The return envelope shall be of such size that the 568  
identification envelope can be conveniently placed within it for 569  
returning the identification envelope to the director. 570

**Sec. 3509.05.** (A) When an elector receives an absent voter's 571  
ballot pursuant to the elector's application or request, the 572  
elector shall, before placing any marks on the ballot, note 573  
whether there are any voting marks on it. If there are any voting 574  
marks, the ballot shall be returned immediately to the board of 575  
elections; otherwise, the elector shall cause the ballot to be 576  
marked, folded in a manner that the stub on it and the 577  
indorsements and facsimile signatures of the members of the board 578  
of elections on the back of it are visible, and placed and sealed 579

within the identification envelope received from the director of 580  
elections for that purpose. Then, the elector shall cause the 581  
statement of voter on the outside of the identification envelope 582  
to be completed and signed, under penalty of election 583  
falsification. 584

If the elector does not provide the elector's driver's 585  
license number or the last four digits of the elector's social 586  
security number on the statement of voter on the identification 587  
envelope, the elector also shall include in the return envelope 588  
with the identification envelope a copy of the elector's current 589  
valid photo identification, a copy of a military identification, 590  
or a copy of a current utility bill, bank statement, government 591  
check, paycheck, or other government document, other than a notice 592  
of an election mailed by a board of elections under section 593  
3501.19 of the Revised Code or a notice of voter registration 594  
mailed by a board of elections under section 3503.19 of the 595  
Revised Code, that shows the name and address of the elector. 596

The elector shall mail the identification envelope to the 598  
director from whom it was received in the return envelope, postage 599  
prepaid, or the elector may personally deliver it to the director, 600  
or the spouse of the elector, the father, mother, father-in-law, 601  
mother-in-law, grandfather, grandmother, brother, or sister of the 602  
whole or half blood, or the son, daughter, adopting parent, 603  
adopted child, stepparent, stepchild, uncle, aunt, nephew, or 604  
niece of the elector may deliver it to the director. The return 605  
envelope shall be transmitted to the director in no other manner, 606  
except as provided in section 3509.08 of the Revised Code. 607

Each elector who will be outside the United States on the day 608  
of the election shall check the box on the return envelope 609  
indicating this fact. 610

When absent voter's ballots are delivered to an elector at 611

the office of the board, the elector may retire to a voting 612  
compartment provided by the board and there mark the ballots. 613  
Thereupon, the elector shall fold them, place them in the 614  
identification envelope provided, seal the envelope, fill in and 615  
sign the statement on the envelope under penalty of election 616  
falsification, and deliver the envelope to the director of the 617  
board. 618

Except as otherwise provided in divisions (B) and (C) of this 619  
section, all other envelopes containing marked absent voter's 620  
ballots shall be delivered to the director not later than the 621  
close of the polls on the day of an election. Absent voter's 622  
ballots delivered to the director later than the times specified 623  
shall not be counted, but shall be kept by the board in the sealed 624  
identification envelopes in which they are delivered to the 625  
director, until the time provided by section 3505.31 of the 626  
Revised Code for the destruction of all other ballots used at the 627  
election for which ballots were provided, at which time they shall 628  
be destroyed. 629

(B)(1) Except as otherwise provided in division (B)(2) of 630  
this section, any return envelope that indicates that the voter 631  
will be outside the United States on the day of the election shall 632  
be delivered to the director prior to the eleventh day after the 633  
election. Ballots delivered in such envelopes that are received 634  
after the close of the polls on election day through the tenth day 635  
thereafter shall be counted on the eleventh day at the board of 636  
elections in the manner provided in divisions (C) and (D) of 637  
section 3509.06 of the Revised Code. Any such ballots that are 638  
signed or postmarked after the close of the polls on the day of 639  
the election or that are received by the director later than the 640  
tenth day following the election shall not be counted, but shall 641  
be kept by the board in the sealed identification envelopes as 642  
provided in division (A) of this section. 643

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

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

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

(D)(1) Except as otherwise provided in division (D)(2) of

this section, if a board of elections determines, prior to the 676  
close of the polls on the day of the election, that the statement 677  
of voter on a voter's absent voter's ballot identification 678  
envelope is incomplete, the board shall notify the absent voter by 679  
mail or by telephone that the voter's absent ballot will be 680  
rejected unless the voter completes the statement prior to the 681  
close of the polls on the day of the election. 682

(2) A board of elections shall not be required to notify 683  
voters under division (D)(1) of this section for any absent 684  
voter's ballots that the board receives after the eighth day 685  
before the day of the election. 686

If a board of elections chooses to notify voters under 687  
division (D)(1) of this section of incomplete absent voter's 688  
ballot envelope statements for absent voter's ballots received 689  
after the eighth day before the day of the election, the board 690  
shall notify all voters whose absent voter's ballot envelope 691  
statements are incomplete that their absent voter's ballot 692  
envelopes will be rejected unless the voter completes the 693  
statement prior to the close of the polls on the day of the 694  
election. 695

**Sec. 3509.06.** (A) The board of elections shall determine 696  
whether absent voter's ballots shall be counted in each precinct, 697  
at the office of the board, or at some other location designated 698  
by the board, and shall proceed accordingly under division (B) or 699  
(C) of this section. 700

(B) When the board of elections determines that absent 701  
voter's ballots shall be counted in each precinct, the director 702  
shall deliver to the presiding judge of each precinct on election 703  
day identification envelopes purporting to contain absent voter's 704  
ballots of electors whose voting residence appears from the 705  
statement of voter on the outside of each of those envelopes, to 706

be located in such presiding judge's precinct, and which were 707  
received by the director not later than the close of the polls on 708  
election day. The director shall deliver to such presiding judge a 709  
list containing the name and voting residence of each person whose 710  
voting residence is in such precinct to whom absent voter's 711  
ballots were mailed. 712

(C) When the board of elections determines that absent 713  
voter's ballots shall be counted at the office of the board of 714  
elections or at another location designated by the board, special 715  
election judges shall be appointed by the board for that purpose 716  
having the same authority as is exercised by precinct judges. The 717  
votes so cast shall be added to the vote totals by the board, and 718  
the absent voter's ballots shall be preserved separately by the 719  
board, in the same manner and for the same length of time as 720  
provided by section 3505.31 of the Revised Code. 721

(D) Each of the identification envelopes purporting to 722  
contain absent voter's ballots delivered to the presiding judge of 723  
the precinct or the special judge appointed by the board of 724  
elections shall be handled as follows: The election officials 725  
shall compare the signature of the elector on the outside of the 726  
identification envelope with the signature of that elector on the 727  
elector's registration form and verify that the absent voter's 728  
ballot is eligible to be counted under section 3509.07 of the 729  
Revised Code. Any of the precinct officials may challenge the 730  
right of the elector named on the identification envelope to vote 731  
the absent voter's ballots upon the ground that the signature on 732  
the envelope is not the same as the signature on the registration 733  
form, that the identification envelope statement of voter has not 734  
been completed, or upon any other of the grounds upon which the 735  
right of persons to vote may be lawfully challenged. If no such 736  
challenge is made, or if such a challenge is made and not 737  
sustained, the presiding judge shall open the envelope without 738



defacing the statement of voter and without mutilating the ballots 739  
in it, and shall remove the ballots contained in it and proceed to 740  
count them. 741

The name of each person voting who is entitled to vote only 742  
an absent voter's presidential ballot shall be entered in a 743  
pollbook or poll list or signature pollbook followed by the words 744  
"Absentee Presidential Ballot." The name of each person voting an 745  
absent voter's ballot, other than such persons entitled to vote 746  
only a presidential ballot, shall be entered in the pollbook or 747  
poll list or signature pollbook and the person's registration card 748  
marked to indicate that the person has voted. 749

The date of such election shall also be entered on the 750  
elector's registration form. If any such challenge is made and 751  
sustained, the identification envelope of such elector shall not 752  
be opened, shall be endorsed "Not Counted" with the reasons the 753  
ballots were not counted, and shall be delivered to the board. 754

(E) Special election judges, employees or members of the 755  
board of elections, or observers shall not disclose the count or 756  
any portion of the count of absent voter's ballots prior to the 757  
time of the closing of the polling places. No person shall 758  
recklessly disclose the count or any portion of the count of 759  
absent voter's ballots in such a manner as to jeopardize the 760  
secrecy of any individual ballot. 761

(F) Observers may be appointed under section 3505.21 of the 762  
Revised Code to witness the examination and opening of 763  
identification envelopes and the counting of absent voters' 764  
ballots under this section. 765

**Sec. 3509.07.** If election officials find that the statement 766  
accompanying an absent voter's ballot or absent voter's 767  
presidential ballot is incomplete or insufficient, that the 768  
signatures do not correspond with the person's registration 769

signature, that the applicant is not a qualified elector in the 770  
precinct, that the ballot envelope contains more than one ballot 771  
of any one kind, or any voted ballot that the elector is not 772  
entitled to vote, that Stub A is detached from the absent voter's 773  
ballot or absent voter's presidential ballot, or that the elector 774  
has not included with the elector's ballot any identification 775  
required under section 3509.05 or 3511.09 of the Revised Code, the 776  
vote shall not be accepted or counted. The vote of any absent 777  
voter may be challenged for cause in the same manner as other 778  
votes are challenged, and the election officials shall determine 779  
the legality of that ballot. Every ballot not counted shall be 780  
endorsed on its back "Not Counted" with the reasons the ballot was 781  
not counted, and shall be enclosed and returned to or retained by 782  
the board of elections along with the contested ballots. 783

**Sec. 3511.05.** (A) The director of the board of elections 784  
shall place armed service absent voter's ballots sent by mail in 785  
an unsealed identification envelope, gummed ready for sealing. The 786  
director shall include with armed service absent voter's ballots 787  
sent by facsimile machine an instruction sheet for preparing a 788  
gummed envelope in which the ballots shall be returned. The 789  
envelope for returning ballots sent by either means shall have 790  
printed or written on its face a the following form ~~substantially~~ 791  
~~as follows:~~ 792

"Identification Envelope Statement of Voter 793

I, .....(Name of voter), declare under 794  
penalty of election falsification that the within ballot or 795  
ballots contained no voting marks of any kind when I received 796  
them, and I caused the ballot or ballots to be marked, enclosed in 797  
the identification envelope, and sealed in that envelope. 798

My voting residence in Ohio is 799

..... 800

(Street and Number, if any, or Rural Route and Number) 801

of ..... (City, Village, or Township) 802

Ohio, which is in Ward ..... Precinct ..... 803

in that city, village, or township. 804

The primary election ballots, if any, within this envelope 805  
are primary election ballots of the ..... Party. 806

Ballots contained within this envelope are to be voted at the 807  
..... (general, special, or primary) election to be held on 808  
the ..... day of ....., .... 809

My date of birth is ..... (Month and Day), 810  
..... (Year). 811

(Voter must provide one of the following:) 812

My driver's license number is ..... (Driver's 813  
license number). 814

The last four digits of my Social Security Number are 815  
..... (Last four digits of Social Security Number). 816

..... In lieu of providing a driver's license number or the 817  
last four digits of my Social Security Number, I am enclosing a 818  
copy of one of the following in the return envelope in which this 819  
identification envelope will be mailed: a current and valid photo 820  
identification, a military identification, or a current utility 821  
bill, bank statement, government check, paycheck, or other 822  
government document, other than a notice of an election mailed by 823  
a board of elections under section 3501.19 of the Revised Code or 824  
a notice of voter registration mailed by a board of elections, 825  
that shows my name and address. 826

I hereby declare, under penalty of election falsification, 827  
that the statements above are true, as I verily believe. 828

..... 829

(Signature of Voter) 830

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF 831  
THE FIFTH DEGREE." 832

(B) The director shall also mail with the ballots and the 833  
unsealed identification envelope sent by mail an unsealed return 834  
envelope, gummed, ready for sealing, for use by the voter in 835  
returning the voter's marked ballots to the director. The director 836  
shall send with the ballots and the instruction sheet for 837  
preparing a gummed envelope sent by facsimile machine an 838  
instruction sheet for preparing a second gummed envelope as 839  
described in this division, for use by the voter in returning that 840  
voter's marked ballots to the director. The return envelope shall 841  
have two parallel lines, each one quarter of an inch in width, 842  
printed across its face paralleling the top, with an intervening 843  
space of one quarter of an inch between such lines. The top line 844  
shall be one and one-quarter inches from the top of the envelope. 845  
Between the parallel lines shall be printed: "OFFICIAL ELECTION 846  
ARMED SERVICE ABSENT VOTER'S BALLOTS -- VIA AIR MAIL." Three blank 847  
lines shall be printed in the upper left corner on the face of the 848  
envelope for the use by the voter in placing the voter's complete 849  
military, naval, or mailing address on these lines, and beneath 850  
these lines there shall be printed a box beside the words "check 851  
if out-of-country." The voter shall check this box if the voter 852  
will be outside the United States on the day of the election. The 853  
official title and the post-office address of the director to whom 854  
the envelope shall be returned shall be printed on the face of 855  
such envelope in the lower right portion below the bottom parallel 856  
line. 857

(C) On the back of each identification envelope and each 858  
return envelope shall be printed the following: 859

"Instructions to voter: 860

If the flap on this envelope is so firmly stuck to the back 861  
of the envelope when received by you as to require forcible 862

opening in order to use it, open the envelope in the manner least 863  
injurious to it, and, after marking your ballots and enclosing 864  
same in the envelope for mailing them to the director of the board 865  
of elections, reclose the envelope in the most practicable way, by 866  
sealing or otherwise, and sign the blank form printed below. 867

The flap on this envelope was firmly stuck to the back of the 868  
envelope when received, and required forced opening before sealing 869  
and mailing. 870

..... 871  
(Signature of voter)" 872

(D) Division (C) of this section does not apply when absent 873  
voter's ballots are sent by facsimile machine. 874

**Sec. 3511.11.** (A) Upon receipt of any return envelope bearing 875  
the designation "Official Election Armed Service Absent Voter's 876  
Ballot" prior to the twenty-first day after the day of a 877  
presidential primary election or prior to the eleventh day after 878  
the day of any other election, the director of the board of 879  
elections shall open it but shall not open the identification 880  
envelope contained in it. If, upon so opening the return envelope, 881  
the director finds ballots in it that are not enclosed in and 882  
properly sealed in the identification envelope, the director shall 883  
not look at the markings upon the ballots and shall promptly place 884  
them in the identification envelope and promptly seal it. If, upon 885  
so opening the return envelope, the director finds that ballots 886  
are enclosed in the identification envelope but that it is not 887  
properly sealed, the director shall not look at the markings upon 888  
the ballots and shall promptly seal the identification envelope. 889

(B)(1) Except as otherwise provided in division (B)(2) of 890  
this section, if a board of elections determines, prior to the 891  
close of the polls on the day of the election, that the statement 892  
of voter on an armed service absent voter's ballot identification 893

envelope is incomplete, the board shall notify the armed services 894  
absent voter by mail or by telephone that the voter's armed 895  
service absent voter's ballot will be rejected unless the voter 896  
completes the statement prior to the close of the polls on the day 897  
of the election. 898

(2) A board of elections shall not be required to notify 899  
voters under division (B)(1) of this section for any armed service 900  
absent voter's ballots that the board receives after the eighth 901  
day before the day of the election. 902

If a board of elections chooses to notify voters under 903  
division (B)(1) of this section of incomplete armed service absent 904  
voter's ballot envelope statements for armed service absent 905  
voter's ballots received after the eighth day before the day of 906  
the election, the board shall notify all voters whose armed 907  
service absent voter's ballot envelope statements are incomplete 908  
that their armed service absent voter's ballot envelopes will be 909  
rejected unless the voter completes the statement prior to the 910  
close of the polls on the day of the election. 911

(C) Armed service absent voter's ballots delivered to the 912  
director not later than the close of the polls on election day 913  
shall be counted in the manner provided in section 3509.06 of the 914  
Revised Code. 915

~~(C)~~(D) A return envelope that indicates that the voter will 916  
be outside of the United States on the day of an election is not 917  
required to be postmarked in order for an armed service absent 918  
voter's ballot contained in it to be valid. Except as otherwise 919  
provided in this division, whether or not the return envelope 920  
containing the ballot is postmarked or contains an illegible 921  
postmark, an armed service absent voter's ballot that is received 922  
after the close of the polls on election day through the tenth day 923  
after the election day or, if the election was a presidential 924  
primary election, through the twentieth day after the election 925

day, and that is delivered in a return envelope that indicates 926  
that the voter will be outside the United States on the day of the 927  
election shall be counted on the eleventh day after the election 928  
day or, if the election was a presidential primary election, on 929  
the twenty-first day after the election day, at the office of the 930  
board of elections in the manner provided in divisions (C) and (D) 931  
of section 3509.06 of the Revised Code. However, if a return 932  
envelope containing an armed service absent voter's ballot is so 933  
received and so indicates, but it is postmarked, or the 934  
identification envelope in it is signed, after the close of the 935  
polls on election day, the armed service absent voter's ballot 936  
shall not be counted. 937

~~(D)~~(E)(1) Except as otherwise provided in division ~~(D)~~(E)(2) 938  
of this section, any return envelope containing an armed service 939  
absent voter's ballot that is postmarked within the United States 940  
prior to the day of the election shall be delivered to the 941  
director prior to the eleventh day after the election. Armed 942  
service absent voter's ballots delivered in envelopes postmarked 943  
prior to the day of the election that are received after the close 944  
of the polls on election day through the tenth day thereafter 945  
shall be counted on the eleventh day at the board of elections in 946  
the manner provided in divisions (C) and (D) of section 3509.06 of 947  
the Revised Code. Any such ballots that are received by the 948  
director later than the tenth day following the election shall not 949  
be counted, but shall be kept by the board in the sealed 950  
identification envelopes as provided in division (A) of this 951  
section. 952

(2) Division ~~(D)~~(E)(1) of this section shall not apply to any 953  
mail that is postmarked using a postage evidencing system, 954  
including a postage meter, as defined in 39 C.F.R. 501.1. 955

~~(E)~~(F) The following types of armed service absent voter's 956  
ballots shall not be counted: 957

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

(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;

(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.

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.

**Section 2.** That existing sections 3501.10, 3501.90, 3503.15, 3505.21, 3509.01, 3509.04, 3509.05, 3509.06, 3509.07, 3511.05, and 3511.11 of the Revised Code are hereby repealed.

**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 989  
effect prior to the effective date of the section as presented in 990  
this act: 991

Section 3509.05 of the Revised Code as amended by both Am. 992  
Sub. H.B. 350 and Am. Sub. H.B. 562 of the 127th General Assembly. 993  
994