

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

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

Senator Seitz

Cosponsors: Senators Cates, Carey, Wagoner

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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 426
means of a photographic, video, or audio recording. 427

(2) No observer who serves during the casting of the ballots 428
shall interact with any precinct election official or with any 429
voter while the observer is inside the polling place, within the 430
area between the polling place and the small flags of the United 431
States placed on the thoroughfares and walkways leading to the 432
polling place, or within ten feet of any elector in line waiting 433
to vote, if the line of electors waiting to vote extends beyond 434
those small flags. 435

Sec. 3509.01. (A) The board of elections of each county shall 436
provide absent voter's ballots for use at every primary and 437
general election, or special election to be held on the day 438
specified by division (E) of section 3501.01 of the Revised Code 439
for the holding of a primary election, designated by the general 440
assembly for the purpose of submitting constitutional amendments 441
proposed by the general assembly to the voters of the state. Those 442
ballots shall be the same size, shall be printed on the same kind 443
of paper, and shall be in the same form as has been approved for 444
use at the election for which those ballots are to be voted; 445
except that, in counties using marking devices, ballot cards may 446
be used for absent voter's ballots, and those absent voters shall 447
be instructed to record the vote in the manner provided on the 448
ballot cards. In counties where punch card ballots are used, those 449
absent voters shall be instructed to examine their marked ballot 450
cards and to remove any chads that remain partially attached to 451
them before returning them to election officials. 452

(B) The rotation of names of candidates and questions and 453
issues shall be substantially complied with on absent voter's 454
ballots, within the limitation of time allotted. Those ballots 455
shall be designated as "Absent Voter's Ballots." ~~and~~ Except as 456

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 958
envelopes that bear the designation "Official Election Armed 959
Service Absent Voter's Ballots," that are received by the director 960
after the close of the polls on the day of the election, and that 961
either are postmarked, or contain an identification envelope that 962
is signed, on or after election day; 963

(2) Armed service absent voter's ballots contained in return 964
envelopes that bear that designation, that do not indicate they 965
are from voters who will be outside the United States on the day 966
of the election, and that are received after the tenth day 967
following the election or, if the election was a presidential 968
primary election, after the twentieth day following the election; 969

(3) Armed service absent voter's ballots contained in return 970
envelopes that bear that designation, that are received by the 971
director within ten days after the day of the election, and that 972
were postmarked before the day of the election using a postage 973
evidencing system, including a postage meter, as defined in 39 974
C.F.R. 501.1. 975

The uncounted ballots shall be preserved in their 976
identification envelopes unopened until the time provided by 977
section 3505.31 of the Revised Code for the destruction of all 978
other ballots used at the election for which ballots were 979
provided, at which time they shall be destroyed. 980

Section 2. That existing sections 3501.10, 3501.90, 3503.15, 981
3505.21, 3509.01, 3509.04, 3509.05, 3509.06, 3509.07, 3511.05, and 982
3511.11 of the Revised Code are hereby repealed. 983

Section 3. The General Assembly, applying the principle 984
stated in division (B) of section 1.52 of the Revised Code that 985
amendments are to be harmonized if reasonably capable of 986
simultaneous operation, finds that the following section, 987
presented in this act as the composite of the sections as amended 988

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