

As Introduced

**128th General Assembly
Regular Session
2009-2010**

H. B. No. 358

Representative Ujvagi

—

A BILL

To amend sections 3505.23, 3509.01, 3511.04, and 1
3511.10 and to enact sections 3509.032, 3511.14, 2
and 3512.01 to 3512.07 of the Revised Code to 3
change the time by which absent voter's ballots 4
must be ready, to authorize the Secretary of State 5
to make emergency revisions in the armed service 6
absent voting provisions, and to establish 7
write-in absent voter's ballots for certain 8
overseas voters who are unable to cast regular 9
absent voter's ballots. 10

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

Section 1. That sections 3505.23, 3509.01, 3511.04, and 11
3511.10 be amended and that sections 3509.032, 3511.14, 3512.01, 12
3512.02, 3512.03, 3512.04, 3512.05, 3512.06, and 3512.07 of the 13
Revised Code be enacted to read as follows: 14

Sec. 3505.23. No voter shall be allowed to occupy a voting 15
compartment or use a voting machine more than five minutes when 16
all the voting compartments or machines are in use and voters are 17
waiting to occupy them. Except as otherwise provided by section 18
3505.24 of the Revised Code, no voter shall occupy a voting 19
compartment or machine with another person or speak to anyone, nor 20

shall anyone speak to the voter, while the voter is in a voting 21
compartment or machine. 22

In precincts that do not use voting machines the following 23
procedure shall be followed: 24

If a voter tears, soils, defaces, or erroneously marks a 25
ballot the voter may return it to the precinct election officials 26
and a second ballot shall be issued to the voter. Before returning 27
a torn, soiled, defaced, or erroneously marked ballot, the voter 28
shall fold it so as to conceal any marks the voter made upon it, 29
but the voter shall not remove Stub A therefrom. If the voter 30
tears, soils, defaces, or erroneously marks such second ballot, 31
the voter may return it to the precinct election officials, and a 32
third ballot shall be issued to the voter. In no case shall more 33
than three ballots be issued to a voter. Upon receiving a returned 34
torn, soiled, defaced, or erroneously marked ballot the precinct 35
election officials shall detach Stub A therefrom, write "Defaced" 36
on the back of such ballot, and place the stub and the ballot in 37
the separate containers provided therefor. 38

No elector shall leave the polling place until the elector 39
returns to the precinct election officials every ballot issued to 40
the elector with Stub A on each ballot attached thereto, 41
regardless of whether the elector has or has not placed any marks 42
upon the ballot. 43

Before leaving the voting compartment, the voter shall fold 44
each ballot marked by the voter so that no part of the face of the 45
ballot is visible, and so that the printing thereon indicating the 46
kind of ballot it is and the facsimile signatures of the members 47
of the board of elections are visible. The voter shall then leave 48
the voting compartment, deliver the voter's ballots, and state the 49
voter's name to the judge having charge of the ballot boxes, who 50
shall announce the name, detach Stub A from each ballot, and 51
announce the number on the stubs. The judges in charge of the poll 52

lists or poll books shall check to ascertain whether the number so 53
announced is the number on Stub B of the ballots issued to such 54
voter, and if no discrepancy appears to exist, the judge in charge 55
of the ballot boxes shall, in the presence of the voter, deposit 56
each such ballot in the proper ballot box and shall place Stub A 57
from each ballot in the container provided therefor. The voter 58
shall then immediately leave the polling place. 59

No ballot delivered by a voter to the judge in charge of the 60
ballot boxes with Stub A detached therefrom, and only ballots 61
provided in accordance with Title XXXV of the Revised Code, shall 62
be voted or deposited in the ballot boxes. 63

In marking a presidential ballot, the voter shall record the 64
vote in the manner provided on the ballot next to the names of the 65
candidates for the offices of president and vice-president. Such 66
ballot shall be considered and counted as a vote for each of the 67
candidates for election as presidential elector whose names were 68
certified to the secretary of state by the political party of such 69
nominees for president and vice-president. 70

In marking an office type ballot or nonpartisan ballot, the 71
voter shall record the vote in the manner provided on the ballot 72
next to the name of each candidate for whom the voter desires to 73
vote. 74

In marking a primary election ballot, the voter shall record 75
the vote in the manner provided on the ballot next to the name of 76
each candidate for whom the voter desires to vote. If the voter 77
desires to vote for the nomination of a person whose name is not 78
printed on the primary election ballot, the voter may do so by 79
writing such person's name on the ballot in the proper place 80
provided for such purpose. 81

In marking a questions and issues ballot, the voter shall 82
record the vote in the manner provided on the ballot at the left 83

or at the right of "YES" or "NO" or other words of similar import 84
which are printed on the ballot to enable the voter to indicate 85
how the voter votes in connection with each question or issue upon 86
which the voter desires to vote. 87

In marking any ballot on which a blank space has been 88
provided wherein an elector may write in the name of a person for 89
whom the elector desires to vote, the elector shall write such 90
person's name in such blank space and on no other place on the 91
ballot. ~~Unless specific provision is made by statute~~ Except as 92
otherwise provided in Chapter 3512. of the Revised Code, no blank 93
space shall be provided on a ballot for write-in votes, and any 94
names written on a ballot other than in a blank space provided 95
therefor shall not be counted or recorded. 96

Sec. 3509.01. (A) The board of elections of each county shall 97
provide absent voter's ballots for use at every primary and 98
general election, or special election to be held on the day 99
specified by division (E) of section 3501.01 of the Revised Code 100
for the holding of a primary election, designated by the general 101
assembly for the purpose of submitting constitutional amendments 102
proposed by the general assembly to the voters of the state. Those 103
ballots shall be the same size, shall be printed on the same kind 104
of paper, and shall be in the same form as has been approved for 105
use at the election for which those ballots are to be voted+ 106
~~except that, in counties using marking devices, ballot cards may~~ 107
~~be used for absent voter's ballots, and those absent voters shall~~ 108
~~be instructed to record the vote in the manner provided on the~~ 109
~~ballot cards. In counties where punch card ballots are used, those~~ 110
~~absent voters shall be instructed to examine their marked ballot~~ 111
~~cards and to remove any chads that remain partially attached to~~ 112
~~them before returning them to election officials. The secretary of~~ 113
state shall prescribe uniform standards for absent voter's ballot 114
materials, forms, and content. The boards of elections shall 115

adhere to the standards prescribed by the secretary of state in 116
preparing absent voter's ballots under this chapter. 117

The (B) Except for write-in absent voter's ballots authorized 118
under Chapter 3512. of the Revised Code, the rotation of names of 119
candidates and questions and issues shall be substantially 120
complied with on absent voter's ballots, ~~within the limitation of~~ 121
~~time allotted.~~ Those ballots shall be designated as "Absent 122
Voter's Ballots." and Except as otherwise provided in division (D) 123
of this section, those ballots shall be printed and ready for use 124
as follows: 125

(1) For overseas voters and absent uniformed services voters 126
eligible to vote under the "Uniformed and Overseas Citizens 127
Absentee Voting Act," Pub. L. No. 99-410, 100 Stat. 924, 42 U.S.C. 128
1973ff, et seq., as amended, and for all other voters who are 129
applying to vote absent voter's ballots other than in person, 130
ballots shall be printed and ready for use on the ~~thirty-fifth~~ 131
forty-fifth day before the day of ~~the~~ any election other than a 132
presidential primary election, ~~except that those;~~ 133

(2) For all voters, other than overseas voters and absent 134
uniformed services voters, who are applying to vote absent voter's 135
ballots in person, ballots shall be printed and ready for use 136
beginning on the twenty-first day before the day of the election 137
and shall continue to be available for use through five p.m. on 138
the last Saturday before the day of the election; 139

(3) For all voters who are applying to vote absent voter's 140
ballots other than in person, ballots shall be printed and ready 141
for use on the ~~twenty-fifth~~ thirty-fifth day before the day of a 142
presidential primary election. 143

(C) Absent voter's ballots provided for use at a general or 144
primary election, or special election to be held on the day 145
specified by division (E) of section 3501.01 of the Revised Code 146

for the holding of a primary election, designated by the general 147
assembly for the purpose of submitting constitutional amendments 148
proposed by the general assembly to the voters of the state, shall 149
include only those questions, issues, and candidacies that have 150
been lawfully ordered submitted to the electors voting at that 151
election. 152

(D)(1) Absent voter's ballots for special elections held on 153
days other than the day on which general or primary elections are 154
held shall be ready for use as many days before the day of the 155
election as reasonably possible under the laws governing the 156
holding of that special election. 157

(2) Write-in absent voter's ballots authorized under Chapter 158
3512. of the Revised Code shall be printed and ready for use on 159
the ninetieth day before the day of any election. 160

(E) A copy of the absent voter's ballots shall be forwarded 161
by the director of the board in each county to the secretary of 162
state at least ~~twenty-five~~ thirty-five days before the election. 163

~~As used in this section, "chad" and "punch card ballot" have~~ 164
~~the same meanings as in section 3506.16 of the Revised Code.~~ 165

Sec. 3509.032. Notwithstanding any provision of the Revised 166
Code to the contrary, the secretary of state may, by directive, 167
change any of the processes or timelines for sending, casting, or 168
returning an absent voter's ballot to a member of the organized 169
militia who applies for such a ballot under section 3509.031 of 170
the Revised Code when the secretary of state determines that such 171
change is necessary due to a national or local emergency or other 172
situation, including the mobilization of the organized militia. 173

Sec. 3511.04. (A) If a director of a board of elections 174
receives an application for armed service absent voter's ballots 175
that does not contain all of the required information, the 176

director promptly shall notify the applicant of the additional 177
information required to be provided by the applicant to complete 178
that application. 179

(B) Not later than the ~~twenty-fifth~~ thirty-fifth day before 180
the day of each presidential primary election and not later than 181
the ~~thirty-fifth~~ forty-fifth day before the day of each general or 182
other primary election, and at the earliest possible time before 183
the day of a special election held on a day other than the day on 184
which a general or primary election is held, the director of the 185
board of elections shall mail or send by facsimile machine armed 186
service absent voter's ballots then ready for use as provided for 187
in section 3511.03 of the Revised Code and for which the director 188
has received valid applications prior to that time. Thereafter, 189
and until twelve noon of the third day preceding the day of 190
election, the director shall promptly, upon receipt of valid 191
applications for them, mail or send by facsimile machine to the 192
proper persons all armed service absent voter's ballots then ready 193
for use. 194

If, after the sixtieth day before the day of a general or 195
primary election, any other question, issue, or candidacy is 196
lawfully ordered submitted to the electors voting at the general 197
or primary election, the board shall promptly provide a separate 198
official issue, special election, or other election ballot for 199
submitting the question, issue, or candidacy to those electors, 200
and the director shall promptly mail or send by facsimile machine 201
each such separate ballot to each person to whom the director has 202
previously mailed or sent by facsimile machine other armed service 203
absent voter's ballots. 204

In mailing armed service absent voter's ballots, the director 205
shall use the fastest mail service available, but the director 206
shall not mail them by certified mail. 207

Sec. 3511.10. If, after the ~~thirty-fifth~~ forty-fifth day and 208
before the close of the polls on the day of a general or primary 209
election, a valid application for armed service absent voter's 210
ballots is delivered to the director of the board of elections at 211
the office of the board by a person making the application ~~in his~~ 212
on the person's own behalf, the director shall forthwith deliver 213
to the person all armed service absent voter's ballots then ready 214
for use, together with an identification envelope. The person 215
shall then immediately retire to a voting booth in the office of 216
the board, and mark the ballots. ~~He~~ The person shall then fold 217
each ballot separately so as to conceal ~~his~~ the person's markings 218
thereon, and deposit all of the ballots in the identification 219
envelope and securely seal it. Thereupon ~~he~~ the person shall fill 220
in answers to the questions on the face of the identification 221
envelope, and by writing ~~his~~ the person's usual signature in the 222
proper place thereon, ~~he~~ the person shall declare under penalty of 223
election falsification that the answers to those questions are 224
true and correct to the best of ~~his~~ that person's knowledge and 225
belief. ~~He~~ The person shall then deliver the identification 226
envelope to the director. If thereafter, and before the third day 227
preceding such election, the board provides additional separate 228
official issue or special election ballots, as provided for in 229
section 3511.04 of the Revised Code, the director shall promptly, 230
and not later than twelve noon of the third day preceding the day 231
of election, mail or otherwise send such additional ballots to 232
such person at the address specified by ~~him~~ that person for that 233
purpose. 234

In the event any person serving in the armed forces of the 235
United States is discharged after the closing date of 236
registration, and ~~he~~ that person or ~~his~~ that person's spouse, or 237
both, meets all the other qualifications set forth in section 238
3511.01 of the Revised Code, ~~he or she~~ the person or spouse shall 239

be permitted to vote prior to the date of the election in the 240
office of the board in ~~his~~ the person's or spouse's county, as set 241
forth in this section. 242

Sec. 3511.14. Notwithstanding any provision of the Revised 243
Code to the contrary, the secretary of state may, by directive, 244
change any of the processes or timelines for sending, casting, or 245
returning an armed service absent voter's ballot established under 246
this chapter when the secretary of state determines that such 247
change is necessary due to a national or local emergency or other 248
situation, including the mobilization of United States armed 249
forces. 250

Sec. 3512.01. (A) An elector who will be outside the United 251
States on the day of an election may vote write-in absent voter's 252
ballots established under this chapter if the elector's 253
employment, volunteer, or other activities will cause the elector 254
to be out of communication or otherwise unavailable to vote absent 255
voter's ballots during the absent voting period established under 256
division (B) of section 3509.01 of the Revised Code. 257

(B) An elector who is eligible to vote armed service absent 258
voter's ballots under Chapter 3511. of the Revised Code may vote 259
write-in absent voter's ballots established under this chapter if 260
the elector's service in the armed forces of the United States 261
will cause the elector to be out of communication or otherwise 262
unavailable to vote armed service absent voter's ballots during 263
the absent voting period established under division (B) of section 264
3509.01 of the Revised Code. 265

Sec. 3512.02. (A) An elector who is eligible to vote write-in 266
absent voter's ballots under section 3512.01 of the Revised Code 267
and who desires to vote such ballots may make written application 268
for those ballots to the director of elections for the county in 269

<u>which the elector's voting residence is located. The elector may</u>	270
<u>personally deliver the application to the director or may mail it,</u>	271
<u>send it by facsimile machine, send it by electronic mail, send it</u>	272
<u>by other electronic means via the internet, or otherwise send it</u>	273
<u>to the director. The application need not be in any particular</u>	274
<u>form but shall contain all of the following:</u>	275
<u>(1) The elector's name;</u>	276
<u>(2) The elector's signature or, if the application is</u>	277
<u>transmitted electronically, an image of the elector's signature;</u>	278
<u>(3) The address at which the elector is registered to vote;</u>	279
<u>(4) The elector's date of birth;</u>	280
<u>(5) One of the following, unless the elector is a first-time</u>	281
<u>mail-in registrant:</u>	282
<u>(a) The elector's Ohio driver's license number;</u>	283
<u>(b) The last four digits of the elector's social security</u>	284
<u>number;</u>	285
<u>(c) A copy of the elector's identification.</u>	286
<u>(6) A statement identifying the election for which write-in</u>	287
<u>absent voter's ballots are requested;</u>	288
<u>(7) A statement that the person requesting the ballots is a</u>	289
<u>qualified elector;</u>	290
<u>(8) A statement specifying one of the following:</u>	291
<u>(a) That the elector will be outside of the United States on</u>	292
<u>the day of the election and the elector's employment, volunteer,</u>	293
<u>or other activities will cause the elector to be out of</u>	294
<u>communication or otherwise unavailable to vote absent voter's</u>	295
<u>ballots during the regular absent voting period;</u>	296
<u>(b) That the elector is a member of the armed forces of the</u>	297

United States and the elector's service in the armed forces will 298
cause the elector to be out of communication or otherwise 299
unavailable to vote armed service absent voter's ballots during 300
the regular absent voting period; 301

(9) If the request is for primary election ballots, the 302
elector's party affiliation; 303

(10) If the elector desires ballots to be mailed to the 304
elector, the address to which those ballots shall be mailed; 305

(11) If the elector desires ballots to be sent to the elector 306
by facsimile machine, the telephone number to which they shall be 307
so sent; 308

(12) If the elector is a first-time mail-in registrant, a 309
copy of the elector's first-time mail-in registrant 310
identification. 311

(B) Each application for write-in absent voter's ballots 312
shall be delivered to the director not earlier than the first day 313
of January of the year of the election for which the write-in 314
absent voter's ballots are requested or not earlier than one 315
hundred twenty days before the day of the election at which the 316
ballots are to be voted, whichever is earlier, and not later than 317
the thirty-fifth day before the day of the election at which the 318
ballots are to be voted. 319

Sec. 3512.03. (A) If a director of a board of elections 320
receives an application for write-in absent voter's ballots that 321
does not contain all of the required information, the director 322
promptly shall notify the applicant, by whatever means of contact 323
the applicant has provided on the application, of the additional 324
information required to be provided by the applicant to complete 325
that application. The applicant may provide the required 326
information by mail, electronic mail, telephone, or facsimile 327

transmission, through the internet, or in person at the office of 328
the board of elections. If the application is missing a signature, 329
the applicant may provide a signed statement that the applicant 330
submitted the application. A signature provided on a signed 331
statement under this division shall be considered the applicant's 332
signature on the application for the purposes of processing an 333
otherwise valid application for write-in absent voter's ballots. 334
The secretary of state shall prescribe uniform standards for 335
processing additional information by mail, electronic mail, 336
telephone, facsimile transmission, through the internet, or in 337
person at the office of the board of elections under this 338
division. 339

If the applicant provides the required information prior to 340
the thirty-fifth day before the day of the election, the board 341
shall promptly process the application and deliver write-in absent 342
voter's ballots to the applicant. If the applicant provides the 343
required information after the thirty-fifth day before the day of 344
the election but prior to the end of the period for voting by 345
absent voter's ballots at that election, the board shall promptly 346
process the application and deliver write-in absent voter's 347
ballots or write-in armed service absent voter's ballots, as 348
applicable, to the applicant. 349

(B) The secretary of state shall prescribe the form of 350
write-in absent voter's ballots delivered under this section. 351
Notwithstanding section 3513.041 or any other provision of the 352
Revised Code to the contrary, the ballots shall identify each 353
office for which the absent voter is eligible to vote at that 354
election and shall permit the voter to mark the ballot by writing 355
in the name of a candidate for each office appearing on the 356
write-in absent voter's ballot. The ballots also shall permit the 357
voter to vote on each issue that was certified to appear on the 358
ballot prior to the date on which the write-in absent voter's 359

ballots were prepared. 360

(C) Subject to section 3512.06 of the Revised Code, upon 361
receipt by the director of elections of an application for 362
write-in absent voter's ballots that contains all of the required 363
information, the director, if the director finds that the 364
applicant is a qualified elector, shall deliver to the applicant 365
in person or mail directly to the applicant by special delivery 366
mail, air mail, or regular mail, postage prepaid, write-in absent 367
voter's ballots. If the address to which the ballots are to be 368
sent is located outside of the United States, the board may 369
deliver the write-in absent voter's ballots to the applicant using 370
a method other than United States mail. The director shall deliver 371
or send with the ballots an unsealed identification envelope upon 372
the face of which shall be printed a form substantially as 373
follows: 374

"Identification Envelope Statement of Voter 375

I,(Name of voter), declare under 376
penalty of election falsification that the ballot or ballots 377
contained no voting marks of any kind when I received them, and I 378
caused the ballot or ballots to be marked, enclosed in the 379
identification envelope, and sealed in that envelope. 380

My voting residence in Ohio is 381

..... 382
(Street and Number, if any, or Rural Route and Number) of 383
..... (City, Village, or Township) 384
Ohio. 385

If the election is a primary election, by requesting ballots 386
of the Party, I hereby declare that I desire to be 387
affiliated with and support the above-named party. 388

My date of birth is (Month and Day), 389
..... (Year). 390

(Voter must provide one of the following:) 391

My Ohio driver's license number is (Ohio driver's license number). 392
393

The last four digits of my Social Security Number are (Last four digits of Social Security Number). 394
395

..... In lieu of providing an Ohio driver's license number or the last four digits of my Social Security Number, I am enclosing a copy of the following in the return envelope in which this identification envelope will be mailed: a current and valid photo identification or two current and valid items that list my name in a manner that substantially conforms to my name on the statewide voter registration database and are from a nonprofit organization, an institution, a business, or a government entity. If I am a first-time voter who registered to vote by mail, did not provide identification when I registered to vote, and have not previously voted at a federal election in Ohio, I am enclosing a copy of a current and valid photo identification, a military identification, or a current utility bill, bank statement, government check, paycheck, or other government document that shows my name and address. 396
397
398
399
400
401
402
403
404
405
406
407
408
409
410

I hereby declare, under penalty of election falsification, that the statements above are true. 411
412

Signature of Voter (required) 413

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE." 414
415

Before delivering or sending the ballots, the director shall record the unique identification number located on the stub of the voter's ballot, the voter's name, and the voter's address, and shall cause the unique identification number to be copied on the outside of the voter's identification envelope. The director shall send with the ballots and the unsealed identification envelope an 416
417
418
419
420
421

unsealed return envelope upon the face of which shall be printed 422
the official title and post-office address of the director. In the 423
upper left corner on the face of the return envelope, several 424
blank lines shall be printed upon which the voter may write the 425
voter's name and return address, and beneath these lines there 426
shall be printed a box beside the words "check if out-of-country." 427
The voter shall check this box if the voter will be outside the 428
United States on the day of the election. The return envelope 429
shall be of such size that the identification envelope can be 430
conveniently placed within it for returning the identification 431
envelope to the director. 432

Sec. 3512.04. (A) When an elector receives a write-in absent 433
voter's ballot pursuant to the elector's application or request, 434
the elector shall, before placing any marks on the ballot, note 435
whether there are any voting marks on it. If there are any voting 436
marks, the ballot shall be returned immediately to the board of 437
elections; otherwise, the elector shall write in the names of the 438
candidates for which the elector wishes to vote, mark the 439
elector's choices on the issues appearing on the ballot, fold the 440
ballot in a manner that the stub on it is visible, and place and 441
seal the ballot within the identification envelope received from 442
the director of elections for that purpose. Then, the elector 443
shall cause the statement of voter on the outside of the 444
identification envelope to be completed, under penalty of election 445
falsification. 446

Unless the elector is a first-time mail-in registrant, the 447
elector shall provide the elector's Ohio driver's license number 448
or the last four digits of the elector's social security number on 449
the statement of voter on the identification envelope. If the 450
elector does not provide the elector's Ohio driver's license 451
number or the last four digits of the elector's social security 452
number on the statement of voter, the elector shall include in the 453

return envelope with the identification envelope a copy of the 454
elector's identification. If the elector is a first-time mail-in 455
registrant, the elector shall include a copy of the elector's 456
first-time mail-in registrant identification. 457

The elector shall mail the identification envelope to the 458
director from whom it was received in the return envelope, postage 459
prepaid, or the elector may personally deliver it to the director, 460
or the spouse of the elector, the father, mother, father-in-law, 461
mother-in-law, grandfather, grandmother, brother, or sister of the 462
whole or half blood, or the son, daughter, adopting parent, 463
adopted child, stepparent, stepchild, uncle, aunt, nephew, or 464
niece of the elector may deliver it to the director. If the 465
elector is returning the write-in absent voter's ballots from 466
outside the United States, the elector may return those ballots to 467
the director by mail, commercial delivery service, personal 468
delivery, or delivery by a family member. The return envelope 469
shall be transmitted to the director in no other manner. Each 470
elector who will be outside the United States on the day of the 471
election shall check the box on the return envelope indicating 472
this fact. 473

When write-in absent voter's ballots are delivered to an 474
elector at the office of the board, the elector may retire to a 475
voting compartment provided by the board and there mark the 476
ballots. Thereupon, the elector shall fold them, place them in the 477
identification envelope provided, seal the envelope, fill in and 478
sign the statement on the envelope under penalty of election 479
falsification, and deliver the envelope to the director of the 480
board. 481

Except as otherwise provided in divisions (B) and (C) of this 482
section, envelopes containing marked write-in absent voter's 483
ballots shall be delivered to the director not later than the 484
close of the polls on the day of an election. Write-in absent 485

voter's ballots delivered to the director later than the times 486
specified shall not be counted, but shall be kept by the board in 487
the sealed identification envelopes in which they are delivered to 488
the director, until the time provided by section 3505.31 of the 489
Revised Code for the destruction of all other ballots used at the 490
election for which ballots were provided, at which time they shall 491
be destroyed. 492

(B)(1) Except as otherwise provided in division (B)(2) of 493
this section, any return envelope that indicates that the voter 494
will be outside the United States on the day of the election shall 495
be delivered to the director prior to the eleventh day after the 496
election. Ballots delivered in such envelopes that are received 497
after the close of the polls on election day through the tenth day 498
thereafter shall be processed and counted on or after the eleventh 499
day at the board of elections in the manner provided in division 500
(C) of section 3512.05 of the Revised Code. Any such ballots that 501
are signed or postmarked after the close of the polls on the day 502
of the election or that are received by the director later than 503
the tenth day following the election shall not be counted, but 504
shall be kept by the board in the sealed identification envelopes 505
as provided in division (A) of this section. 506

(2) In any year in which a presidential primary election is 507
held, any return envelope that indicates that the voter will be 508
outside the United States on the day of the presidential primary 509
election shall be delivered to the director prior to the 510
twenty-first day after that election. Ballots delivered in such 511
envelopes that are received after the close of the polls on 512
election day through the twentieth day thereafter shall be 513
processed and counted on or after the twenty-first day at the 514
board of elections in the manner provided in division (C) of 515
section 3512.05 of the Revised Code. Any such ballots that are 516
signed or postmarked after the close of the polls on the day of 517

that election or that are received by the director later than the 518
twentieth day following that election shall not be counted, but 519
shall be kept by the board in the sealed identification envelopes 520
as provided in division (A) of this section. 521

(C)(1) Except as otherwise provided in division (C)(2) of 522
this section, any return envelope that is postmarked within the 523
United States prior to the day of the election shall be delivered 524
to the director prior to the eleventh day after the election. 525
Ballots delivered in envelopes postmarked prior to the day of the 526
election that are received after the close of the polls on 527
election day through the tenth day thereafter shall be processed 528
and counted on or after the eleventh day at the board of elections 529
in the manner provided in division (C) of section 3512.05 of the 530
Revised Code. Any such ballots that are received by the director 531
later than the tenth day following the election shall not be 532
counted, but shall be kept by the board in the sealed 533
identification envelopes as provided in division (A) of this 534
section. 535

(2) Division (C)(1) of this section shall not apply to any 536
mail that is postmarked using a postage evidencing system, 537
including a postage meter, as defined in 39 C.F.R. 501.1. 538

Sec. 3512.05. (A) Upon receipt of a return envelope 539
purporting to contain voted write-in absent voter's ballots prior 540
to the eleventh day after the day of an election, a bipartisan 541
team consisting of employees of the board of elections shall 542
inspect the postmark and verify the date the board received the 543
write-in absent voter's ballots. If either the postmark or the 544
date of receipt does not meet the applicable deadlines for that 545
election established in section 3512.04 of the Revised Code, the 546
ballots shall not be counted. The identification envelope shall 547
not be opened, and it shall be endorsed "not counted" with the 548

reasons the ballots were not counted. 549

If the postmark and date of receipt for a return envelope 550
purporting to contain voted write-in absent voter's ballots meet 551
the applicable deadlines for that election established in section 552
3512.04 of the Revised Code, the bipartisan team shall open that 553
return envelope but shall not open the identification envelope 554
contained in it. If, upon opening the return envelope, the 555
bipartisan team finds ballots in it that are not enclosed in and 556
properly sealed in the identification envelope, the bipartisan 557
team shall not look at the markings upon the ballots and shall 558
promptly place them in the identification envelope and promptly 559
seal it. If, upon opening the return envelope, the bipartisan team 560
finds that the ballots are enclosed in the identification envelope 561
but that it is not properly sealed, the bipartisan team shall not 562
look at the markings upon the ballots and shall promptly seal the 563
identification envelope. 564

The bipartisan team shall cause the identification envelopes, 565
any associated identification, and the ballots in the 566
identification envelopes to be properly secured until such time as 567
they are processed and counted. 568

The write-in absent voter's ballots shall be processed and 569
counted at the office of the board or at some other location 570
designated by the board. 571

(B) The board of elections shall appoint special election 572
judges for the purpose of processing and counting write-in absent 573
voter's ballots under this section. The write-in absent voter's 574
ballots shall be preserved separately by the board, in the same 575
manner and for the same length of time as provided by section 576
3505.31 of the Revised Code. 577

(C)(1) Each of the identification envelopes purporting to 578
contain write-in absent voter's ballots shall be delivered to the 579

special judge appointed by the board of elections and shall be 580
processed and counted as follows: 581

(a) The election officials shall inspect the statement 582
accompanying the write-in absent voter's ballots to determine if 583
the voter's signature has been provided. 584

(b) The election officials shall compare the signature of the 585
voter as provided on the statement accompanying the write-in 586
absent voter's ballots with the signature contained in the voter 587
registration records. 588

(c) If the election officials find that the voter's signature 589
has been provided and that the voter is registered and eligible to 590
cast a ballot in the election, the election officials shall open 591
the envelope and determine if the stub is attached to or enclosed 592
with the ballots. If the stub is attached to or enclosed with the 593
ballots, the election officials shall count those ballots not 594
earlier than the day of the election. If the stub is not attached 595
to or enclosed with the ballots, the write-in absent voter's 596
ballots shall not be counted. The ballots shall be placed in their 597
accompanying identification envelope, which shall be endorsed "not 598
counted" with the reasons the ballots were not counted. 599

(d) If the election officials find that the voter did not 600
sign the statement of voter on the identification envelope or if 601
the election officials are unable to determine the identity of the 602
voter who returned the ballots, the election officials shall use 603
any information provided on the identification envelope or, if 604
necessary, cross-reference the unique stub number placed on the 605
identification envelope with the registration records to identify 606
the voter for notification under division (G) of this section. 607

(e) If the voter did not sign the statement of voter on the 608
identification envelope and if the voter fails to correct that 609
defect within ten days after the day of the election in accordance 610

with division (G) of this section, or if the election officials 611
find that the voter is not registered or not eligible to cast a 612
ballot in the election, the voter's write-in absent voter's 613
ballots shall not be counted. The identification envelope shall 614
not be opened, and it shall be endorsed "not counted" with the 615
reasons the ballots were not counted. 616

(2) The board of elections may process write-in absent 617
voter's ballots under division (C)(1) of this section during the 618
ten days prior to the day of an election but shall not reveal or 619
cause to be revealed the marks on any ballots. The board shall not 620
count any write-in absent voter's ballots prior to the day of the 621
election. 622

(3) Any ballots that are not eligible to be counted under 623
division (C)(1)(c) or (e) of this section shall be preserved in 624
their identification envelopes until the time provided by section 625
3505.31 of the Revised Code for the destruction of all other 626
ballots used at the election for which ballots were provided, at 627
which time they shall be destroyed. 628

(D) The registration record of each person voting a write-in 629
absent voter's ballot shall be marked to indicate that the person 630
has voted. 631

The date of such election shall also be entered on the 632
elector's registration record. 633

(E) Special election judges, employees or members of the 634
board of elections, or observers shall not disclose the count or 635
any portion of the count of write-in absent voter's ballots prior 636
to the time of the closing of the polling places. No person shall 637
recklessly disclose the count or any portion of the count of 638
write-in absent voter's ballots in such a manner as to jeopardize 639
the secrecy of any individual ballot. 640

(F) Observers may be appointed under section 3505.21 of the 641

Revised Code to witness the processing of identification envelopes 642
and the counting of write-in absent voter's ballots under this 643
section. 644

(G)(1) If the voter did not sign the statement of voter on 645
the identification envelope or if the election officials are 646
unable to determine the identity of the voter who returned the 647
ballot, the board of elections shall notify the voter, by whatever 648
means of contact the voter has provided on the identification 649
envelope or using any available contact information in the voter's 650
registration record, of the defect and request the voter to verify 651
the voter's identity for the purpose of processing that write-in 652
absent voter's ballot. 653

(2) The voter may verify that the voter was the person who 654
returned the write-in absent voter's ballot in any of the 655
following ways: 656

(a) By confirming by mail, electronic mail, telephone, or 657
facsimile transmission, or through the internet the voter's date 658
of birth and residence address in a manner that substantially 659
conforms with the records of the board of elections; 660

(b) By providing a statement by mail, electronic mail, or 661
facsimile transmission, or through the internet that the voter 662
submitted the ballot and by attaching the voter's signature to 663
that statement. A signature attached to a statement made under 664
this division shall be considered the voter's signature on the 665
identification envelope for the purposes of verifying the validity 666
of that ballot. 667

(c) By appearing in person at the office of the board of 668
elections and signing the identification envelope. 669

(3) The secretary of state shall prescribe uniform standards 670
for processing additional information by mail, electronic mail, 671
telephone, facsimile transmission, through the internet, or in 672

person at the office of the board of elections under division (G) 673
of this section. 674

(4) If the voter provides the required information within ten 675
days after the day of the election, the election officials shall 676
complete the processing of the write-in absent voter's ballot 677
under division (C) of this section in the same manner as if that 678
information had been included on the statement of voter at the 679
time the ballot was returned. 680

(H) If, after processing the ballots under division (C) of 681
this section, the bipartisan team determines that a voter's 682
write-in absent voter's ballot is eligible to be counted, those 683
ballots shall be counted as valid votes for the candidates whose 684
names are written on the ballots, regardless of whether those 685
candidates are write-in candidates under section 3513.041 of the 686
Revised Code. The write-in votes shall be counted and added to the 687
totals calculated by the voting machines or automatic tabulating 688
equipment. 689

(I) As used in this section: 690

(1) "Bipartisan team" means a team consisting of two 691
employees of a board of elections who are from different political 692
parties. 693

(2) "Processing" a write-in absent voter's ballot means any 694
of the following: 695

(a) Examining the sufficiency of a write-in absent voter's 696
ballot identification envelope by reviewing the postmark, the date 697
of receipt by the board of elections, and the presence of the 698
voter's valid signature on the identification envelope and, if the 699
voter's name is signed on the envelope, opening the identification 700
envelope; 701

(b) Determining the validity of write-in absent voter's 702
ballots, including determining whether the proper ballots were 703

delivered to the voter and whether the stub is attached to or 704
enclosed with the ballots; 705

(c) Preparing a write-in absent voter's ballot for counting. 706

Sec. 3512.06. (A) An elections official of the county in 707
which an elector applies to vote by write-in absent voter's 708
ballots may challenge the right of the elector named on the 709
application to receive write-in absent voter's ballots only on the 710
following grounds: 711

(1) That the person is not a resident of the precinct for 712
which the person is applying to vote absent voter's ballots; 713

(2) That the person is not a citizen of the United States; 714

(3) That the person is not eighteen years of age or older; 715

(4) That the person is not a qualified elector for that 716
election. 717

Challenges shall be made only if the election official knows 718
or reasonably believes that the challenged elector is not 719
qualified and entitled to vote. 720

(B) If an elector's write-in absent voter's ballot 721
application is challenged, the application shall be kept with 722
other challenged write-in absent voter's ballot applications. 723

(C) Upon receipt of a challenged write-in absent voter's 724
ballot application, the board of elections promptly shall review 725
the board's records. If the board is able to determine that a 726
challenge should be denied solely on the basis of the records 727
maintained by the board, the board immediately shall vote to deny 728
the challenge. If the board is unable to determine the outcome of 729
the challenge solely on the basis of the records maintained by the 730
board, the board shall notify the elector of the challenge to the 731
elector's write-in absent voter's ballot application and shall 732
provide an opportunity for the elector to respond to the 733

challenge. The board of elections shall use the challenge and 734
notification process established in section 3503.24 of the Revised 735
Code, except that the board shall decide the challenge as 736
expeditiously as possible. 737

(D) If the challenge is denied, write-in absent voter's 738
ballots shall promptly be sent to the elector requesting those 739
ballots. If the board of elections upholds the challenge, the 740
write-in absent voter's ballot application shall not be processed, 741
no write-in absent voter's ballots shall be sent to the elector, 742
and the elector shall be notified of the reason the elector will 743
not receive write-in absent voter's ballots. 744

(E) No election official or other person may challenge the 745
validity of write-in absent voter's ballots that have been 746
completed and returned by the voter under this section. The 747
validity of such ballots shall be determined under section 3512.05 748
of the Revised Code. 749

Sec. 3512.07. (A) The poll list or signature pollbook for 750
each precinct shall identify each registered elector in that 751
precinct who has requested write-in absent voter's ballots for 752
that election. 753

(B)(1) If a registered elector appears to vote in that 754
precinct and that elector has requested write-in absent voter's 755
ballots for that election but the director has not received a 756
sealed identification envelope purporting to contain that 757
elector's voted write-in absent voter's ballots for that election, 758
the elector shall be permitted to cast a provisional ballot under 759
section 3505.181 of the Revised Code in that precinct on the day 760
of that election. 761

(2) If a registered elector appears to vote in that precinct 762
and that elector has requested write-in absent voter's ballots for 763
that election and the director has received a sealed 764

identification envelope purporting to contain that elector's voted 765
write-in absent voter's ballots for that election, the elector 766
shall be permitted to cast a provisional ballot under section 767
3505.181 of the Revised Code in that precinct on the day of that 768
election. 769

(C)(1) In processing and counting write-in absent voter's 770
ballots under section 3512.05 of the Revised Code, the board of 771
elections shall compare the signature of each elector from whom 772
the director has received a sealed identification envelope 773
purporting to contain that elector's voted write-in absent voter's 774
ballots for that election to the signature on that elector's 775
registration record. Except as otherwise provided in division 776
(C)(3) of this section, if the board of elections determines that 777
the write-in absent voter's ballots in the sealed identification 778
envelope are valid, they shall be counted. If the board of 779
elections determines that the signature on the sealed 780
identification envelope purporting to contain the elector's voted 781
write-in absent voter's ballots does not match the signature on 782
the elector's registration record, the ballots shall be set aside 783
and the board shall examine, during the time prior to the 784
beginning of the official canvass, the poll list or signature 785
pollbook from the precinct in which the elector is registered to 786
vote to determine if the elector also cast a provisional ballot 787
under section 3505.181 of the Revised Code in that precinct on the 788
day of the election. 789

(2) The board of elections shall count the provisional 790
ballot, instead of the write-in absent voter's ballot, if both of 791
the following apply: 792

(a) The board of elections determines that the signature of 793
the elector on the outside of the identification envelope in which 794
the write-in absent voter's ballots are enclosed does not match 795
the signature of the elector on the elector's registration form; 796

(b) The elector cast a provisional ballot in the precinct on 797
the day of the election. 798

(3) If the board of elections does not receive the sealed 799
identification envelope purporting to contain the elector's voted 800
write-in absent voter's ballots by the applicable deadline 801
established under section 3512.04 of the Revised Code, the 802
provisional ballot cast under section 3505.181 of the Revised Code 803
in that precinct on the day of the election shall be counted as 804
valid, if that provisional ballot is otherwise determined to be 805
valid pursuant to section 3505.183 of the Revised Code. 806

(D) If the board of elections counts a provisional ballot 807
under division (C)(2) of this section, the returned identification 808
envelope of that elector shall not be opened, and the ballot 809
within that envelope shall not be counted. The identification 810
envelope shall be endorsed "Not Counted" with the reason the 811
ballot was not counted. 812

Section 2. That existing sections 3505.23, 3509.01, 3511.04, 813
and 3511.10 of the Revised Code are hereby repealed. 814