

As Introduced

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H. B. No. 92

Representative Mecklenborg

**Cosponsors: Representatives Adams, R., Amstutz, Blair, Bubp, Combs,
Grossman, Hackett, Hall, Huffman, Martin, Stebelton, Wachtmann, Zehringer**

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A B I L L

To amend sections 3501.07, 3501.10, 3501.90, 3503.15, 1
3505.21, 3509.01, 3509.04, 3509.05, 3509.06, 2
3509.07, 3511.05, and 3511.11 of the Revised Code 3
to require absent voter's ballot identification 4
envelope statements to be completed for absent 5
voter's ballots to be counted, to require boards 6
of elections to notify absent voters that their 7
ballots will be rejected if they do not complete 8
the required statement, to generally prohibit same 9
day voter registration and application for absent 10
voter's ballots, to permit election observers to 11
be appointed to serve at the board of elections or 12
at another designated site during the time absent 13
voter's ballots may be cast in person, to revise 14
the time period in which voters may cast absent 15
voter's ballots in person, to permit a board of 16
elections to establish additional locations at 17
which voters may cast absent voter's ballots in 18
person, to require the Secretary of State to 19
notify boards of elections of mismatches between 20
voter registration information and motor vehicle 21
records, and to revise the process for appointing 22

members of a board of elections. 23
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3501.07, 3501.10, 3501.90, 3503.15, 26
3505.21, 3509.01, 3509.04, 3509.05, 3509.06, 3509.07, 3511.05, and 27
3511.11 of the Revised Code be amended to read as follows: 28

Sec. 3501.07. At a meeting held not more than sixty nor less 29
than fifteen days before the expiration date of the term of office 30
of a member of the board of elections, or within fifteen days 31
after a vacancy occurs in the board, the county executive 32
committee of the major political party entitled to the appointment 33
may make and file a recommendation with the secretary of state for 34
the appointment of a qualified elector. The secretary of state 35
shall appoint such elector, ~~unless he has reason to believe the~~ 36
secretary of state finds that the elector ~~would~~ is not be a 37
competent ~~member of~~ to serve on such board as a result of either 38
the elector's adjudication of incompetence by a court of competent 39
jurisdiction or the elector's prior conviction of or plea of 40
guilty to a felony. In such cases the secretary of state shall ~~se~~ 41
state in writing to the ~~chairman~~ chairperson of such county 42
executive committee, ~~with the reasons therefor~~ for the secretary's 43
refusal to appoint the individual, and such committee may, with 44
respect to each refusal of the secretary of state, either 45
recommend another elector or ~~may~~ apply for a writ of mandamus to 46
the supreme court to compel the secretary of state to appoint the 47
elector so recommended. In all such ~~action~~ actions, the burden of 48
proof to ~~show the qualifications~~ prove the lack of competence 49
of the person so recommended by clear and convincing evidence shall 50
be on the ~~committee making~~ secretary of state who refused the 51

recommendation. Upon the dismissal of an action in mandamus filed 52
by such county executive committee, the county executive committee 53
shall have fifteen days to make and file another recommendation 54
with the secretary of state for the appointment of a qualified 55
elector. If no such recommendation is made within fifteen days 56
after either the secretary of state refuses the appointment of the 57
county executive committee or the dismissal of an action in 58
mandamus filed by such committee, the secretary of state shall 59
make the appointment. This process shall be repeated, as needed, 60
after each refusal of the secretary of state, until the 61
appointment is made. 62

If a vacancy on the board of elections is to be filled by a 63
minor or an intermediate political party, authorized officials of 64
that party may within fifteen days after the vacancy occurs 65
recommend a qualified person to the secretary of state for 66
appointment to such vacancy. 67

Sec. 3501.10. (A) The board of elections shall, as an expense 68
of the board, provide suitable rooms for its offices and records 69
and the necessary and proper furniture and supplies for those 70
rooms. The board may lease such offices and rooms, necessary to 71
its operation, for the length of time and upon the terms the board 72
deems in the best interests of the public, provided that the term 73
of any such lease shall not exceed fifteen years. 74

Thirty days prior to entering into such a lease, the board 75
shall notify the board of county commissioners in writing of its 76
intent to enter into the lease. The notice shall specify the terms 77
and conditions of the lease. Prior to the thirtieth day after 78
receiving that notice and before any lease is entered into, the 79
board of county commissioners may reject the proposed lease by a 80
majority vote. After receiving written notification of the 81
rejection by the board of county commissioners, the board of 82

elections shall not enter into the lease that was rejected, but 83
may immediately enter into additional lease negotiations, subject 84
to the requirements of this section. 85

The board of elections in any county may, by resolution, 86
request that the board of county commissioners submit to the 87
electors of the county, in accordance with section 133.18 of the 88
Revised Code, the question of issuing bonds for the acquisition of 89
real estate and the construction on it of a suitable building with 90
necessary furniture and equipment for the proper administration of 91
the duties of the board of elections. The resolution declaring the 92
necessity for issuing such bonds shall relate only to the 93
acquisition of real estate and to the construction, furnishing, 94
and equipping of a building as provided in this division. 95

(B) The board of elections in each county shall keep its 96
offices, or one or more of its branch registration offices, open 97
for the performance of its duties until nine p.m. on the last day 98
of registration before a general or primary election. At all other 99
times during each week, the board shall keep its offices and rooms 100
open for a period of time that the board considers necessary for 101
the performance of its duties. 102

(C) The board of elections may maintain permanent or 103
temporary branch offices at any place within the county, ~~provided~~ 104
~~that, if the board of elections permits electors to vote at a~~ 105
~~branch office, electors shall not be permitted to vote at any~~ 106
~~other branch office or any other office of the board of elections.~~ 107
The board shall not employ more than three such locations, 108
including the office of the board of elections and all branch 109
offices of the board of elections, for the purpose of allowing 110
voters to cast absent voter's ballots in person at an election. 111

A majority vote of the members of the board is required to 112
establish more than one location at which voters may cast absent 113
voter's ballots in person at an election. If the board votes to 114

establish more than one location at which voters may cast absent voter's ballots in person, the board shall select locations in the county that are geographically diverse. If at least three members of the board do not agree to establish additional locations or do not agree on the geographic locations within the county, the board shall only permit absent voter's ballots to be voted in person at the office of the board of elections for that election.

Sec. 3501.90. (A) As used in this section: 122

(1) "Harassment in violation of the election law" means ~~either~~ any of the following: 123
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(a) Any of the following types of conduct in or about a polling place or a place of registration or election: obstructing access of an elector to a polling place; another improper practice or attempt tending to obstruct, intimidate, or interfere with an elector in registering or voting at a place of registration or election; molesting or otherwise engaging in violence against observers in the performance of their duties at a place of registration or election; or participating in a riot, violence, tumult, or disorder in and about a place of registration or election; 125
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(b) A violation of division (A)(1), (2), (3), or (5) or division (B) of section 3501.35 of the Revised Code; 135
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(c) A violation of division (G)(2)(a) of section 3505.21 of the Revised Code. 137
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(2) "Person" has the same meaning as in division (C) of section 1.59 of the Revised Code and also includes any organization that is not otherwise covered by that division. 139
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(3) "Trier of fact" means the jury or, in a nonjury action, the court. 142
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(B) An elector who has experienced harassment in violation of 144

the election law has a cause of action against each person that 145
committed the harassment in violation of the election law. In any 146
civil action based on this cause of action, the elector may seek a 147
declaratory judgment, an injunction, or other appropriate 148
equitable relief. The civil action may be commenced by an elector 149
who has experienced harassment in violation of the election law 150
either alone or as a party to a class action under Civil Rule 23. 151

(C)(1) In addition to the equitable relief authorized by 152
division (B) of this section, an elector who has experienced 153
harassment in violation of the election law may be entitled to 154
relief under division (C)(2) or (3) of this section. 155

(2) If the harassment in violation of the election law 156
involved intentional or reckless threatening or causing of bodily 157
harm to the elector while the elector was attempting to register 158
to vote, to obtain an absent voter's ballot, or to vote, the 159
elector may seek, in a civil action based on the cause of action 160
created by division (B) of this section, monetary damages as 161
prescribed in this division. The civil action may be commenced by 162
the elector who has experienced harassment in violation of the 163
election law either alone or as a party to a class action under 164
Civil Rule 23. Upon proof by a preponderance of the evidence in 165
the civil action that the harassment in violation of the election 166
law involved intentional or reckless threatening or causing of 167
bodily harm to the elector, the trier of fact shall award the 168
elector the greater of three times of the amount of the elector's 169
actual damages or one thousand dollars. The court also shall award 170
a prevailing elector reasonable attorney's fees and court costs. 171

(3) Whether a civil action on the cause of action created by 172
division (B) of this section is commenced by an elector who has 173
experienced harassment in violation of the election law alone or 174
as a party to a class action under Civil Rule 23, if the defendant 175
in the action is an organization that has previously been 176

determined in a court of this state to have engaged in harassment 177
in violation of the election law, the elector may seek an order of 178
the court granting any of the following forms of relief upon proof 179
by a preponderance of the evidence: 180

(a) Divestiture of the organization's interest in any 181
enterprise or in any real property; 182

(b) Reasonable restrictions upon the future activities or 183
investments of the organization, including, but not limited to, 184
prohibiting the organization from engaging in any harassment in 185
violation of the election law; 186

(c) The dissolution or reorganization of the organization; 187

(d) The suspension or revocation of any license, permit, or 188
prior approval granted to the organization by any state agency; 189

(e) The revocation of the organization's authorization to do 190
business in this state if the organization is a foreign 191
corporation or other form of foreign entity. 192

(D) It shall not be a defense in a civil action based on the 193
cause of action created by division (B) of this section, whether 194
commenced by an elector who has experienced harassment in 195
violation of the election law alone or as a party to a class 196
action under Civil Rule 23, that no criminal prosecution was 197
commenced or conviction obtained in connection with the conduct 198
alleged to be the basis of the civil action. 199

(E) In a civil action based on the cause of action created by 200
division (B) of this section, whether commenced by an elector who 201
has experienced harassment in violation of the election law alone 202
or as a party to a class action under Civil Rule 23, the elector 203
may name as defendants each individual who engaged in conduct 204
constituting harassment in violation of the election law as well 205
as any person that employs, sponsors, or uses as an agent any such 206
individual or that has organized a common scheme to cause 207

harassment in violation of the election law. 208

Sec. 3503.15. (A) The secretary of state shall establish and 209
maintain a statewide voter registration database that shall be 210
continuously available to each board of elections and to other 211
agencies as authorized by law. 212

(B) The statewide voter registration database established 213
under this section shall be the official list of registered voters 214
for all elections conducted in this state. 215

(C) The statewide voter registration database established 216
under this section shall, at a minimum, include all of the 217
following: 218

(1) An electronic network that connects all board of 219
elections offices with the office of the secretary of state and 220
with the offices of all other boards of elections; 221

(2) A computer program that harmonizes the records contained 222
in the database with records maintained by each board of 223
elections; 224

(3) An interactive computer program that allows access to the 225
records contained in the database by each board of elections and 226
by any persons authorized by the secretary of state to add, 227
delete, modify, or print database records, and to conduct updates 228
of the database; 229

(4) A search program capable of verifying registered voters 230
and their registration information by name, driver's license 231
number, birth date, social security number, or current address; 232

(5) Safeguards and components to ensure that the integrity, 233
security, and confidentiality of the voter registration 234
information is maintained. 235

(D) The secretary of state shall adopt rules pursuant to 236
Chapter 119. of the Revised Code doing all of the following: 237

(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;	238 239 240 241
(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;	242 243 244 245
(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;	246 247 248
(4) Specifying the persons authorized to add, delete, modify, or print records contained in the statewide voter registration database and to make updates of that database;	249 250 251
(5) Establishing a process for annually auditing the information contained in the statewide voter registration database.	252 253 254
(E) A board of elections promptly shall purge a voter's name and voter registration information from the statewide voter registration database in accordance with the rules adopted by the secretary of state under division (D)(3) of this section after the cancellation of a voter's registration under section 3503.21 of the Revised Code.	255 256 257 258 259 260
(F) The secretary of state shall provide training in the operation of the statewide voter registration database to each board of elections and to any persons authorized by the secretary of state to add, delete, modify, or print database records, and to conduct updates of the database.	261 262 263 264 265
(G)(1) The statewide voter registration database established under this section shall be made available on a web site of the office of the secretary of state as follows:	266 267 268

(a) Except as otherwise provided in division (G)(1)(b) of 269
this section, only the following information from the statewide 270
voter registration database regarding a registered voter shall be 271
made available on the web site: 272

(i) The voter's name; 273

(ii) The voter's address; 274

(iii) The voter's precinct number; 275

(iv) The voter's voting history. 276

(b) During the thirty days before the day of a primary or 277
general election, the web site interface of the statewide voter 278
registration database shall permit a voter to search for the 279
polling location at which that voter may cast a ballot. 280

(2) The secretary of state shall establish, by rule adopted 281
under Chapter 119. of the Revised Code, a process for boards of 282
elections to notify the secretary of state of changes in the 283
locations of precinct polling places for the purpose of updating 284
the information made available on the secretary of state's web 285
site under division (G)(1)(b) of this section. Those rules shall 286
require a board of elections, during the thirty days before the 287
day of a primary or general election, to notify the secretary of 288
state within one business day of any change to the location of a 289
precinct polling place within the county. 290

(3) During the thirty days before the day of a primary or 291
general election, not later than one business day after receiving 292
a notification from a county pursuant to division (G)(2) of this 293
section that the location of a precinct polling place has changed, 294
the secretary of state shall update that information on the 295
secretary of state's web site for the purpose of division 296
(G)(1)(b) of this section. 297

(H)(1) The secretary of state and the registrar of motor 298

vehicles shall enter into an agreement to match information in the 299
statewide voter registration database with motor vehicle records 300
for the purpose of verifying the accuracy of the information in 301
the statewide voter registration database and the information 302
provided on voter registration applications, as required under 42 303
U.S.C. 15483. 304

(2) The secretary of state shall notify the applicable board 305
of elections of any mismatches between voter registration 306
information and motor vehicle records that the secretary of state 307
receives under division (H)(1) of this section regarding persons 308
registered to vote in the applicable county. 309

(3)(a) Upon notification of mismatches by the secretary of 310
state under division (H)(2) of this section, the board of 311
elections shall notify each affected voter of the mismatch 312
regarding the voter's information. The board shall provide the 313
voter with the opportunity to verify and correct the mismatched 314
information. 315

(b) The secretary of state shall establish, by rule adopted 316
under Chapter 119. of the Revised Code, procedures for boards of 317
elections to notify affected voters of mismatches and to provide 318
those voters with the opportunity to verify and correct the 319
mismatched information under division (H)(3)(a) of this section. 320
Rules adopted under this division shall conform to the voluntary 321
guidelines for implementing statewide voter registration lists 322
adopted by the United States election assistance commission. 323

(4) Notwithstanding any provision of the Revised Code to the 324
contrary, a mismatch shall not be the sole reason for the removal 325
of a voter from the statewide voter registration database. 326

(5) As used in division (H) of this section, "mismatch" means 327
any of the following data fields that are not identical to one 328
another with respect to a particular individual when information 329

in the statewide voter registration database is compared to motor 330
vehicle records: 331

(a) Driver's license number; 332

(b) Social security number; 333

(c) Date of birth. 334

Sec. 3505.21. (A) As used in this section, "during the 335
casting of the ballots" includes any time during which a board of 336
elections permits an elector to vote an absent voter's ballot in 337
person at the office of the board or at another site designated by 338
the board under division (C) of section 3501.10 of the Revised 339
Code and any time ballots may be cast in a precinct polling place 340
on the day of an election. 341

(B) At any primary, special, or general election, any 342
political party supporting candidates to be voted upon at such 343
election and any group of five or more candidates may appoint to 344
the board of elections or to any of the precincts in the county or 345
city one person, a qualified elector, who shall serve as observer 346
for such party or such candidates during the casting of the 347
ballots and during the counting of the ballots; provided that 348
separate observers may be appointed to serve during the casting 349
and during the counting of the ballots. No candidate, no uniformed 350
peace officer as defined by section 2935.01 of the Revised Code, 351
no uniformed state highway patrol trooper, no uniformed member of 352
any fire department, no uniformed member of the armed services, no 353
uniformed member of the organized militia, no person wearing any 354
other uniform, and no person carrying a firearm or other deadly 355
weapon shall serve as an observer, nor shall any candidate be 356
represented by more than one observer at any one precinct or other 357
voting location except that a candidate who is a member of a party 358
controlling committee, as defined in section 3517.03 of the 359
Revised Code, may serve as an observer. ~~Any~~ 360

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

Upon the filing of a certificate, the person named as observer in the certificate shall be permitted to be in and about

the applicable polling place ~~for the precinct~~ during the casting 394
of the ballots and shall be permitted to watch every proceeding of 395
the judges of elections from the time of the opening until the 396
closing of the polls. The observer also may inspect the counting 397
of all ballots in the polling place or board of elections from the 398
time of the closing of the polls until the counting is completed 399
and the final returns are certified and signed. Observers 400
appointed to serve at the board of elections on the day of an 401
election under this section may observe at the board of elections 402
and may observe at any precinct in the county. The judges of 403
elections shall protect such observers in all of the rights and 404
privileges granted to them by Title XXXV of the Revised Code. 405

(D) No persons other than the judges of elections, the 406
observers, a police officer, other persons who are detailed to any 407
precinct on request of the board of elections, or the secretary of 408
state or the secretary of state's legal representative shall be 409
admitted to the polling place, or any room in which a board of 410
elections is counting ballots, after the closing of the polls 411
until the counting, certifying, and signing of the final returns 412
of each election have been completed. 413

(E) Not later than four p.m. of the twentieth day prior to an 414
election at which questions are to be submitted to a vote of the 415
people, any committee that in good faith advocates or opposes a 416
measure may file a petition with the board of any county asking 417
that the petitioners be recognized as the committee entitled to 418
appoint observers to the count at the election. If more than one 419
committee alleging themselves to advocate or oppose the same 420
measure file such a petition, the board shall decide and announce 421
by registered mail to each committee not less than twelve days 422
immediately preceding the election which committee is recognized 423
as being entitled to appoint observers. The decision shall not be 424
final, but any aggrieved party may institute mandamus proceedings 425

in the court of common pleas of the county in which the board has 426
jurisdiction to compel the judges of elections to accept the 427
appointees of such aggrieved party. Any such recognized committee 428
may appoint an observer to the count in each precinct. Committees 429
appointing observers shall notify the board of elections of the 430
names and addresses of its appointees and the precincts at which 431
they shall serve. Notification shall take place not less than 432
eleven days before the election on forms prescribed by the 433
secretary of state and may be amended by filing an amendment with 434
the board of elections at any time until four p.m. on the day 435
before the election. A person so appointed shall file the person's 436
certificate of appointment with the presiding judge in the 437
precinct in which the person has been appointed to serve. 438
Observers shall file their certificates before the polls are 439
closed. In no case shall more than six observers be appointed for 440
any one election in any one precinct. If more than three questions 441
are to be voted on, the committees which have appointed observers 442
may agree upon not to exceed six observers, and the judges of 443
elections shall appoint such observers. If such committees fail to 444
agree, the judges of elections shall appoint six observers from 445
the appointees so certified, in such manner that each side of the 446
several questions shall be represented. 447

(F) No person shall serve as an observer at any precinct or 448
other voting location unless the board of elections of the county 449
in which such observer is to serve has first been notified of the 450
name, address, and precinct or other location at which such 451
observer is to serve. Notification to the board of elections shall 452
be given by the political party, group of candidates, or committee 453
appointing such observer as prescribed in this section. No such 454
observers shall receive any compensation from the county, 455
municipal corporation, or township, and they shall take the 456
following oath, to be administered by one of the judges of 457
elections: 458

"You do solemnly swear that you will faithfully and 459
impartially discharge the duties as an official observer, assigned 460
by law; that you will not cause any delay to persons offering to 461
vote; and that you will not disclose or communicate to any person 462
how any elector has voted at such election." 463

(G)(1) An observer who serves during the casting of the 464
ballots shall only be permitted to do the following: 465

(a) Watch and listen to the activities conducted by the 466
precinct election officials and the interactions between precinct 467
election officials and voters, as long as the precinct election 468
officials are not delayed in performing the officials' prescribed 469
duties and voters are not delayed in casting their ballots; 470

(b) Make notes on the observer's observations other than by 471
means of a photographic, video, or audio recording. 472

(2)(a) No observer who serves during the casting of the 473
ballots shall interact with any precinct election official or with 474
any voter while the observer is inside the polling place, within 475
the area between the polling place and the small flags of the 476
United States placed on the thoroughfares and walkways leading to 477
the polling place, or within ten feet of any elector in line 478
waiting to vote, if the line of electors waiting to vote extends 479
beyond those small flags. 480

(b) An observer does not violate division (G)(2)(a) of this 481
section as a result of an incidental interaction with a voter or a 482
precinct election official, such as an exchange of greetings. 483

Sec. 3509.01. (A) The board of elections of each county shall 484
provide absent voter's ballots for use at every primary and 485
general election, or special election to be held on the day 486
specified by division (E) of section 3501.01 of the Revised Code 487
for the holding of a primary election, designated by the general 488

assembly for the purpose of submitting constitutional amendments 489
proposed by the general assembly to the voters of the state. Those 490
ballots shall be the same size, shall be printed on the same kind 491
of paper, and shall be in the same form as has been approved for 492
use at the election for which those ballots are to be voted; 493
except that, in counties using marking devices, ballot cards may 494
be used for absent voter's ballots, and those absent voters shall 495
be instructed to record the vote in the manner provided on the 496
ballot cards. In counties where punch card ballots are used, those 497
absent voters shall be instructed to examine their marked ballot 498
cards and to remove any chads that remain partially attached to 499
them before returning them to election officials. 500

(B) The rotation of names of candidates and questions and 501
issues shall be substantially complied with on absent voter's 502
ballots, within the limitation of time allotted. Those ballots 503
shall be designated as "Absent Voter's Ballots." ~~and~~ Except as 504
otherwise provided in division (D) of this section, those ballots 505
shall be printed and ready for use as follows: 506

(1) For overseas voters and absent uniformed services voters 507
eligible to vote under the Uniformed and Overseas Citizens 508
Absentee Voting Act, Pub. L. No. 99-410, 100 Stat. 924, 42 U.S.C. 509
1973ff, et seq., as amended, ballots shall be printed and ready 510
for use on the thirty-fifth day before the day of ~~the~~ any election 511
other than a presidential primary election, ~~except that those;~~ 512

(2) For all voters, other than overseas voters and absent 513
uniformed services voters, who are applying to vote absent voter's 514
ballots other than in person, ballots shall be printed and ready 515
for use on the twenty-eighth day before the day of any election 516
other than a presidential primary election; 517

(3) For all voters, other than overseas voters and absent 518
uniformed services voters, who are applying to vote absent voter's 519
ballots in person, ballots shall be printed and ready for use 520

beginning on the twentieth day before the day of the election and 521
shall continue to be available for use through five p.m. on the 522
day before the day of the election; 523

(4) For all voters who are applying to vote absent voter's 524
ballots other than in person, ballots shall be printed and ready 525
for use on the twenty-fifth day before the day of a presidential 526
primary election. 527

(C) Absent voter's ballots provided for use at a general or 528
primary election, or special election to be held on the day 529
specified by division (E) of section 3501.01 of the Revised Code 530
for the holding of a primary election, designated by the general 531
assembly for the purpose of submitting constitutional amendments 532
proposed by the general assembly to the voters of the state, shall 533
include only those questions, issues, and candidacies that have 534
been lawfully ordered submitted to the electors voting at that 535
election. 536

~~Absent~~ (D) If the laws governing the holding of a special 537
election on a day other than the day on which a primary or general 538
election is held make it impossible for absent voter's ballots to 539
be printed and ready for use by the deadlines established in 540
division (B) of this section, absent voter's ballots for those 541
~~special elections held on days other than the day on which general~~ 542
~~or primary elections are held~~ shall be ready for use as many days 543
before the day of the election as reasonably possible under the 544
laws governing the holding of that special election. 545

(E) A copy of the absent voter's ballots shall be forwarded 546
by the director of the board in each county to the secretary of 547
state at least twenty-five days before the election. 548

(F) As used in this section, "chad" and "punch card ballot" 549
have the same meanings as in section 3506.16 of the Revised Code. 550

Sec. 3509.04. (A) If a director of a board of elections 551
receives an application for absent voter's ballots that does not 552
contain all of the required information, the director promptly 553
shall notify the applicant of the additional information required 554
to be provided by the applicant to complete that application. 555

(B) Upon receipt by the director of elections of an 556
application for absent voter's ballots that contain all of the 557
required information, as provided by sections 3509.03 and 3509.031 558
and division (G) of section 3503.16 of the Revised Code, the 559
director, if the director finds that the applicant is a qualified 560
elector, shall deliver to the applicant in person or mail directly 561
to the applicant by special delivery mail, air mail, or regular 562
mail, postage prepaid, proper absent voter's ballots. The director 563
shall deliver or mail with the ballots an unsealed identification 564
envelope upon the face of which shall be printed a the following 565
form ~~substantially as follows~~: 566

"Identification Envelope Statement of Voter 567

I,(Name of voter), declare under 568
penalty of election falsification that the within ballot or 569
ballots contained no voting marks of any kind when I received 570
them, and I caused the ballot or ballots to be marked, enclosed in 571
the identification envelope, and sealed in that envelope. 572

My voting residence in Ohio is 573

..... 574

(Street and Number, if any, or Rural Route and Number) 575

of (City, Village, or Township) 576

Ohio, which is in Ward Precinct 577

in that city, village, or township. 578

The primary election ballots, if any, within this envelope 579

are primary election ballots of the Party. 580

Ballots contained within this envelope are to be voted at the 581
..... (general, special, or primary) election to be held on 582
the day of, 583

My date of birth is (Month and Day), 584
..... (Year). 585

(Voter must provide one of the following:) 586

My driver's license number is (Driver's 587
license number). 588

The last four digits of my Social Security Number are 589
..... (Last four digits of Social Security Number). 590

..... In lieu of providing a driver's license number or the 591
last four digits of my Social Security Number, I am enclosing a 592
copy of one of the following in the return envelope in which this 593
identification envelope will be mailed: a current and valid photo 594
identification, a military identification, or a current utility 595
bill, bank statement, government check, paycheck, or other 596
government document, other than a notice of an election mailed by 597
a board of elections under section 3501.19 of the Revised Code or 598
a notice of voter registration mailed by a board of elections, 599
that shows my name and address. 600

I hereby declare, under penalty of election falsification, 601
that the statements above are true, as I verily believe. 602

..... 603

(Signature of Voter) 604

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF 605
THE FIFTH DEGREE." 606

The director shall mail with the ballots and the unsealed 607
identification envelope an unsealed return envelope upon the face 608
of which shall be printed the official title and post-office 609
address of the director. In the upper left corner on the face of 610

the return envelope, several blank lines shall be printed upon 611
which the voter may write the voter's name and return address, and 612
beneath these lines there shall be printed a box beside the words 613
"check if out-of-country." The voter shall check this box if the 614
voter will be outside the United States on the day of the 615
election. The return envelope shall be of such size that the 616
identification envelope can be conveniently placed within it for 617
returning the identification envelope to the director. 618

Sec. 3509.05. (A) When an elector receives an absent voter's 619
ballot pursuant to the elector's application or request, the 620
elector shall, before placing any marks on the ballot, note 621
whether there are any voting marks on it. If there are any voting 622
marks, the ballot shall be returned immediately to the board of 623
elections; otherwise, the elector shall cause the ballot to be 624
marked, folded in a manner that the stub on it and the 625
indorsements and facsimile signatures of the members of the board 626
of elections on the back of it are visible, and placed and sealed 627
within the identification envelope received from the director of 628
elections for that purpose. Then, the elector shall cause the 629
statement of voter on the outside of the identification envelope 630
to be completed and signed, under penalty of election 631
falsification. 632

If the elector does not provide the elector's driver's 633
license number or the last four digits of the elector's social 634
security number on the statement of voter on the identification 635
envelope, the elector also shall include in the return envelope 636
with the identification envelope a copy of the elector's current 637
valid photo identification, a copy of a military identification, 638
or a copy of a current utility bill, bank statement, government 639
check, paycheck, or other government document, other than a notice 640
of an election mailed by a board of elections under section 641
3501.19 of the Revised Code or a notice of voter registration 642

mailed by a board of elections under section 3503.19 of the Revised Code, that shows the name and address of the elector.

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

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

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

Except as otherwise provided in divisions (B) and (C) of this section, all other envelopes containing marked absent voter's ballots shall be delivered to the director not later than the close of the polls on the day of an election. Absent voter's ballots delivered to the director later than the times specified shall not be counted, but shall be kept by the board in the sealed identification envelopes in which they are delivered to the director, until the time provided by section 3505.31 of the

Revised Code for the destruction of all other ballots used at the 675
election for which ballots were provided, at which time they shall 676
be destroyed. 677

(B)(1) Except as otherwise provided in division (B)(2) of 678
this section, any return envelope that indicates that the voter 679
will be outside the United States on the day of the election shall 680
be delivered to the director prior to the eleventh day after the 681
election. Ballots delivered in such envelopes that are received 682
after the close of the polls on election day through the tenth day 683
thereafter shall be counted on the eleventh day at the board of 684
elections in the manner provided in divisions (C) and (D) of 685
section 3509.06 of the Revised Code. Any such ballots that are 686
signed or postmarked after the close of the polls on the day of 687
the election or that are received by the director later than the 688
tenth day following the election shall not be counted, but shall 689
be kept by the board in the sealed identification envelopes as 690
provided in division (A) of this section. 691

(2) In any year in which a presidential primary election is 692
held, any return envelope that indicates that the voter will be 693
outside the United States on the day of the presidential primary 694
election shall be delivered to the director prior to the 695
twenty-first day after that election. Ballots delivered in such 696
envelopes that are received after the close of the polls on 697
election day through the twentieth day thereafter shall be counted 698
on the twenty-first day at the board of elections in the manner 699
provided in divisions (C) and (D) of section 3509.06 of the 700
Revised Code. Any such ballots that are signed or postmarked after 701
the close of the polls on the day of that election or that are 702
received by the director later than the twentieth day following 703
that election shall not be counted, but shall be kept by the board 704
in the sealed identification envelopes as provided in division (A) 705
of this section. 706

(C)(1) Except as otherwise provided in division (C)(2) of 707
this section, any return envelope that is postmarked within the 708
United States prior to the day of the election shall be delivered 709
to the director prior to the eleventh day after the election. 710
Ballots delivered in envelopes postmarked prior to the day of the 711
election that are received after the close of the polls on 712
election day through the tenth day thereafter shall be counted on 713
the eleventh day at the board of elections in the manner provided 714
in divisions (C) and (D) of section 3509.06 of the Revised Code. 715
Any such ballots that are received by the director later than the 716
tenth day following the election shall not be counted, but shall 717
be kept by the board in the sealed identification envelopes as 718
provided in division (A) of this section. 719

(2) Division (C)(1) of this section shall not apply to any 720
mail that is postmarked using a postage evidencing system, 721
including a postage meter, as defined in 39 C.F.R. 501.1. 722

(D)(1) Except as otherwise provided in division (D)(2) of 723
this section, if a board of elections determines, prior to the 724
close of the polls on the day of the election, that the statement 725
of voter on a voter's absent voter's ballot identification 726
envelope is incomplete, the board shall notify the absent voter by 727
mail or by telephone that the voter's absent ballot will be 728
rejected unless the voter completes the statement prior to the 729
close of the polls on the day of the election. 730

(2) A board of elections shall not be required to notify 731
voters under division (D)(1) of this section for any absent 732
voter's ballots that the board receives after the eighth day 733
before the day of the election. 734

If a board of elections chooses to notify voters under 735
division (D)(1) of this section of incomplete absent voter's 736
ballot envelope statements for absent voter's ballots received 737
after the eighth day before the day of the election, the board 738

shall notify all voters whose absent voter's ballot envelope 739
statements are incomplete that their absent voter's ballot 740
envelopes will be rejected unless the voter completes the 741
statement prior to the close of the polls on the day of the 742
election. 743

Sec. 3509.06. (A) The board of elections shall determine 744
whether absent voter's ballots shall be counted in each precinct, 745
at the office of the board, or at some other location designated 746
by the board, and shall proceed accordingly under division (B) or 747
(C) of this section. 748

(B) When the board of elections determines that absent 749
voter's ballots shall be counted in each precinct, the director 750
shall deliver to the presiding judge of each precinct on election 751
day identification envelopes purporting to contain absent voter's 752
ballots of electors whose voting residence appears from the 753
statement of voter on the outside of each of those envelopes, to 754
be located in such presiding judge's precinct, and which were 755
received by the director not later than the close of the polls on 756
election day. The director shall deliver to such presiding judge a 757
list containing the name and voting residence of each person whose 758
voting residence is in such precinct to whom absent voter's 759
ballots were mailed. 760

(C) When the board of elections determines that absent 761
voter's ballots shall be counted at the office of the board of 762
elections or at another location designated by the board, special 763
election judges shall be appointed by the board for that purpose 764
having the same authority as is exercised by precinct judges. The 765
votes so cast shall be added to the vote totals by the board, and 766
the absent voter's ballots shall be preserved separately by the 767
board, in the same manner and for the same length of time as 768
provided by section 3505.31 of the Revised Code. 769

(D) Each of the identification envelopes purporting to 770
contain absent voter's ballots delivered to the presiding judge of 771
the precinct or the special judge appointed by the board of 772
elections shall be handled as follows: The election officials 773
shall compare the signature of the elector on the outside of the 774
identification envelope with the signature of that elector on the 775
elector's registration form and verify that the absent voter's 776
ballot is eligible to be counted under section 3509.07 of the 777
Revised Code. Any of the precinct officials may challenge the 778
right of the elector named on the identification envelope to vote 779
the absent voter's ballots upon the ground that the signature on 780
the envelope is not the same as the signature on the registration 781
form, that the identification envelope statement of voter has not 782
been completed, or upon any other of the grounds upon which the 783
right of persons to vote may be lawfully challenged. If no such 784
challenge is made, or if such a challenge is made and not 785
sustained, the presiding judge shall open the envelope without 786
defacing the statement of voter and without mutilating the ballots 787
in it, and shall remove the ballots contained in it and proceed to 788
count them. 789

The name of each person voting who is entitled to vote only 790
an absent voter's presidential ballot shall be entered in a 791
pollbook or poll list or signature pollbook followed by the words 792
"Absentee Presidential Ballot." The name of each person voting an 793
absent voter's ballot, other than such persons entitled to vote 794
only a presidential ballot, shall be entered in the pollbook or 795
poll list or signature pollbook and the person's registration card 796
marked to indicate that the person has voted. 797

The date of such election shall also be entered on the 798
elector's registration form. If any such challenge is made and 799
sustained, the identification envelope of such elector shall not 800
be opened, shall be endorsed "Not Counted" with the reasons the 801

ballots were not counted, and shall be delivered to the board. 802

(E) Special election judges, employees or members of the 803
board of elections, or observers shall not disclose the count or 804
any portion of the count of absent voter's ballots prior to the 805
time of the closing of the polling places. No person shall 806
recklessly disclose the count or any portion of the count of 807
absent voter's ballots in such a manner as to jeopardize the 808
secrecy of any individual ballot. 809

(F) Observers may be appointed under section 3505.21 of the 810
Revised Code to witness the examination and opening of 811
identification envelopes and the counting of absent voters' 812
ballots under this section. 813

Sec. 3509.07. If election officials find that the statement 814
accompanying an absent voter's ballot or absent voter's 815
presidential ballot is incomplete or insufficient, that the 816
signatures do not correspond with the person's registration 817
signature, that the applicant is not a qualified elector in the 818
precinct, that the ballot envelope contains more than one ballot 819
of any one kind, or any voted ballot that the elector is not 820
entitled to vote, that Stub A is detached from the absent voter's 821
ballot or absent voter's presidential ballot, or that the elector 822
has not included with the elector's ballot any identification 823
required under section 3509.05 or 3511.09 of the Revised Code, the 824
vote shall not be accepted or counted. The vote of any absent 825
voter may be challenged for cause in the same manner as other 826
votes are challenged, and the election officials shall determine 827
the legality of that ballot. Every ballot not counted shall be 828
endorsed on its back "Not Counted" with the reasons the ballot was 829
not counted, and shall be enclosed and returned to or retained by 830
the board of elections along with the contested ballots. 831

Sec. 3511.05. (A) The director of the board of elections 832
shall place armed service absent voter's ballots sent by mail in 833
an unsealed identification envelope, gummed ready for sealing. The 834
director shall include with armed service absent voter's ballots 835
sent by facsimile machine an instruction sheet for preparing a 836
gummed envelope in which the ballots shall be returned. The 837
envelope for returning ballots sent by either means shall have 838
printed or written on its face a the following form ~~substantially~~ 839
~~as follows:~~ 840

"Identification Envelope Statement of Voter 841

I,(Name of voter), declare under 842
penalty of election falsification that the within ballot or 843
ballots contained no voting marks of any kind when I received 844
them, and I caused the ballot or ballots to be marked, enclosed in 845
the identification envelope, and sealed in that envelope. 846

My voting residence in Ohio is 847

..... 848

(Street and Number, if any, or Rural Route and Number) 849

of (City, Village, or Township) 850

Ohio, which is in Ward Precinct 851

in that city, village, or township. 852

The primary election ballots, if any, within this envelope 853

are primary election ballots of the Party. 854

Ballots contained within this envelope are to be voted at the 855

..... (general, special, or primary) election to be held on 856

the day of, 857

My date of birth is (Month and Day), 858

..... (Year). 859

(Voter must provide one of the following:) 860

My driver's license number is (Driver's 861

license number). 862

The last four digits of my Social Security Number are 863

..... (Last four digits of Social Security Number). 864

..... In lieu of providing a driver's license number or the 865

last four digits of my Social Security Number, I am enclosing a 866

copy of one of the following in the return envelope in which this 867

identification envelope will be mailed: a current and valid photo 868

identification, a military identification, or a current utility 869

bill, bank statement, government check, paycheck, or other 870

government document, other than a notice of an election mailed by 871

a board of elections under section 3501.19 of the Revised Code or 872

a notice of voter registration mailed by a board of elections, 873

that shows my name and address. 874

I hereby declare, under penalty of election falsification, 875

that the statements above are true, as I verily believe. 876

..... 877

(Signature of Voter) 878

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF 879

THE FIFTH DEGREE." 880

(B) The director shall also mail with the ballots and the 881

unsealed identification envelope sent by mail an unsealed return 882

envelope, gummed, ready for sealing, for use by the voter in 883

returning the voter's marked ballots to the director. The director 884

shall send with the ballots and the instruction sheet for 885

preparing a gummed envelope sent by facsimile machine an 886

instruction sheet for preparing a second gummed envelope as 887

described in this division, for use by the voter in returning that 888

voter's marked ballots to the director. The return envelope shall 889

have two parallel lines, each one quarter of an inch in width, 890

printed across its face paralleling the top, with an intervening 891

space of one quarter of an inch between such lines. The top line 892

shall be one and one-quarter inches from the top of the envelope. 893
Between the parallel lines shall be printed: "OFFICIAL ELECTION 894
ARMED SERVICE ABSENT VOTER'S BALLOTS -- VIA AIR MAIL." Three blank 895
lines shall be printed in the upper left corner on the face of the 896
envelope for the use by the voter in placing the voter's complete 897
military, naval, or mailing address on these lines, and beneath 898
these lines there shall be printed a box beside the words "check 899
if out-of-country." The voter shall check this box if the voter 900
will be outside the United States on the day of the election. The 901
official title and the post-office address of the director to whom 902
the envelope shall be returned shall be printed on the face of 903
such envelope in the lower right portion below the bottom parallel 904
line. 905

(C) On the back of each identification envelope and each 906
return envelope shall be printed the following: 907

"Instructions to voter: 908

If the flap on this envelope is so firmly stuck to the back 909
of the envelope when received by you as to require forcible 910
opening in order to use it, open the envelope in the manner least 911
injurious to it, and, after marking your ballots and enclosing 912
same in the envelope for mailing them to the director of the board 913
of elections, reclose the envelope in the most practicable way, by 914
sealing or otherwise, and sign the blank form printed below. 915

The flap on this envelope was firmly stuck to the back of the 916
envelope when received, and required forced opening before sealing 917
and mailing. 918

..... 919

(Signature of voter)" 920

(D) Division (C) of this section does not apply when absent 921
voter's ballots are sent by facsimile machine. 922

Sec. 3511.11. (A) Upon receipt of any return envelope bearing 923
the designation "Official Election Armed Service Absent Voter's 924
Ballot" prior to the twenty-first day after the day of a 925
presidential primary election or prior to the eleventh day after 926
the day of any other election, the director of the board of 927
elections shall open it but shall not open the identification 928
envelope contained in it. If, upon so opening the return envelope, 929
the director finds ballots in it that are not enclosed in and 930
properly sealed in the identification envelope, the director shall 931
not look at the markings upon the ballots and shall promptly place 932
them in the identification envelope and promptly seal it. If, upon 933
so opening the return envelope, the director finds that ballots 934
are enclosed in the identification envelope but that it is not 935
properly sealed, the director shall not look at the markings upon 936
the ballots and shall promptly seal the identification envelope. 937

(B)(1) Except as otherwise provided in division (B)(2) of 938
this section, if a board of elections determines, prior to the 939
close of the polls on the day of the election, that the statement 940
of voter on an armed service absent voter's ballot identification 941
envelope is incomplete, the board shall notify the armed services 942
absent voter by mail or by telephone that the voter's armed 943
service absent voter's ballot will be rejected unless the voter 944
completes the statement prior to the close of the polls on the day 945
of the election. 946

(2) A board of elections shall not be required to notify 947
voters under division (B)(1) of this section for any armed service 948
absent voter's ballots that the board receives after the eighth 949
day before the day of the election. 950

If a board of elections chooses to notify voters under 951
division (B)(1) of this section of incomplete armed service absent 952
voter's ballot envelope statements for armed service absent 953

voter's ballots received after the eighth day before the day of 954
the election, the board shall notify all voters whose armed 955
service absent voter's ballot envelope statements are incomplete 956
that their armed service absent voter's ballot envelopes will be 957
rejected unless the voter completes the statement prior to the 958
close of the polls on the day of the election. 959

(C) Armed service absent voter's ballots delivered to the 960
director not later than the close of the polls on election day 961
shall be counted in the manner provided in section 3509.06 of the 962
Revised Code. 963

~~(C)~~(D) A return envelope that indicates that the voter will 964
be outside of the United States on the day of an election is not 965
required to be postmarked in order for an armed service absent 966
voter's ballot contained in it to be valid. Except as otherwise 967
provided in this division, whether or not the return envelope 968
containing the ballot is postmarked or contains an illegible 969
postmark, an armed service absent voter's ballot that is received 970
after the close of the polls on election day through the tenth day 971
after the election day or, if the election was a presidential 972
primary election, through the twentieth day after the election 973
day, and that is delivered in a return envelope that indicates 974
that the voter will be outside the United States on the day of the 975
election shall be counted on the eleventh day after the election 976
day or, if the election was a presidential primary election, on 977
the twenty-first day after the election day, at the office of the 978
board of elections in the manner provided in divisions (C) and (D) 979
of section 3509.06 of the Revised Code. However, if a return 980
envelope containing an armed service absent voter's ballot is so 981
received and so indicates, but it is postmarked, or the 982
identification envelope in it is signed, after the close of the 983
polls on election day, the armed service absent voter's ballot 984
shall not be counted. 985

~~(D)~~(E)(1) Except as otherwise provided in division ~~(D)~~(E)(2) 986
of this section, any return envelope containing an armed service 987
absent voter's ballot that is postmarked within the United States 988
prior to the day of the election shall be delivered to the 989
director prior to the eleventh day after the election. Armed 990
service absent voter's ballots delivered in envelopes postmarked 991
prior to the day of the election that are received after the close 992
of the polls on election day through the tenth day thereafter 993
shall be counted on the eleventh day at the board of elections in 994
the manner provided in divisions (C) and (D) of section 3509.06 of 995
the Revised Code. Any such ballots that are received by the 996
director later than the tenth day following the election shall not 997
be counted, but shall be kept by the board in the sealed 998
identification envelopes as provided in division (A) of this 999
section. 1000

(2) Division ~~(D)~~(E)(1) of this section shall not apply to any 1001
mail that is postmarked using a postage evidencing system, 1002
including a postage meter, as defined in 39 C.F.R. 501.1. 1003

~~(E)~~(F) The following types of armed service absent voter's 1004
ballots shall not be counted: 1005

(1) Armed service absent voter's ballots contained in return 1006
envelopes that bear the designation "Official Election Armed 1007
Service Absent Voter's Ballots," that are received by the director 1008
after the close of the polls on the day of the election, and that 1009
either are postmarked, or contain an identification envelope that 1010
is signed, on or after election day; 1011

(2) Armed service absent voter's ballots contained in return 1012
envelopes that bear that designation, that do not indicate they 1013
are from voters who will be outside the United States on the day 1014
of the election, and that are received after the tenth day 1015
following the election or, if the election was a presidential 1016
primary election, after the twentieth day following the election; 1017

(3) Armed service absent voter's ballots contained in return 1018
envelopes that bear that designation, that are received by the 1019
director within ten days after the day of the election, and that 1020
were postmarked before the day of the election using a postage 1021
evidencing system, including a postage meter, as defined in 39 1022
C.F.R. 501.1. 1023

The uncounted ballots shall be preserved in their 1024
identification envelopes unopened until the time provided by 1025
section 3505.31 of the Revised Code for the destruction of all 1026
other ballots used at the election for which ballots were 1027
provided, at which time they shall be destroyed. 1028

Section 2. That existing sections 3501.07, 3501.10, 3501.90, 1029
3503.15, 3505.21, 3509.01, 3509.04, 3509.05, 3509.06, 3509.07, 1030
3511.05, and 3511.11 of the Revised Code are hereby repealed. 1031

Section 3. The General Assembly, applying the principle 1032
stated in division (B) of section 1.52 of the Revised Code that 1033
amendments are to be harmonized if reasonably capable of 1034
simultaneous operation, finds that the following section, 1035
presented in this act as the composite of the sections as amended 1036
by the acts indicated, is the resulting version of the section in 1037
effect prior to the effective date of the section as presented in 1038
this act: 1039

Section 3509.05 of the Revised Code as amended by both Am. 1040
Sub. H.B. 350 and Am. Sub. H.B. 562 of the 127th General Assembly. 1041
1042