

**As Introduced**

**129th General Assembly  
Regular Session  
2011-2012**

**H. B. No. 224**

**Representatives Dovilla, Stinziano**

**Cosponsors: Representatives Mecklenborg, Adams, J., Rosenberger, Pillich,  
Thompson, Wachtmann, Grossman, Combs, Murray, Butler, Maag, Uecker**

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**A B I L L**

To amend sections 3511.02, 3511.021, 3511.04, and 1  
3511.14 and to enact section 3511.15 of the 2  
Revised Code to permit uniformed services and 3  
overseas voters to request and receive absent 4  
voter's ballot applications and absent voter's 5  
ballots by electronic mail or internet delivery, 6  
to specify that a Federal Write-In Absentee Ballot 7  
submitted by such a person may be used as the 8  
person's voter registration form and absent 9  
voter's ballot, to establish emergency election 10  
procedures for such persons involved in armed 11  
conflicts, troop mobilizations, or other 12  
emergencies, and to add daughters-in-law and 13  
sons-in-law to the list of family members who may 14  
request an absent voter's ballot on behalf of a 15  
uniformed services or overseas voter. 16

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

**Section 1.** That sections 3511.02, 3511.021, 3511.04, and 17  
3511.14 be amended and section 3511.15 of the Revised Code be 18  
enacted to read as follows: 19

Sec. 3511.02. Notwithstanding any section of the Revised Code 20  
to the contrary, whenever any person applies for registration as a 21  
voter on a form adopted in accordance with federal regulations 22  
relating to the "Uniformed and Overseas Citizens Absentee Voting 23  
Act," 100 Stat. 924, 42 U.S.C.A. 1973ff (1986), this application 24  
shall be sufficient for voter registration and as a request for an 25  
absent voter's ballot. Uniformed services or overseas absent 26  
voter's ballots may be obtained by any person meeting the 27  
requirements of section 3511.01 of the Revised Code by applying 28  
electronically to the secretary of state or to the board of 29  
elections of the county in which the person's voting residence is 30  
located in accordance with section 3511.021 of the Revised Code or 31  
by applying to the director of the board of elections of the 32  
county in which the person's voting residence is located, in one 33  
of the following ways: 34

(A) That person may make written application for those 35  
ballots. The person may personally deliver the application to the 36  
director or may mail it, send it by facsimile machine, send it by 37  
electronic mail, send it through internet delivery if such 38  
delivery is offered by the board of elections or the secretary of 39  
state, or otherwise send it to the director. The application need 40  
not be in any particular form but shall contain all of the 41  
following information: 42

- (1) The elector's name; 43
- (2) The elector's signature; 44
- (3) The address at which the elector is registered to vote; 45
- (4) The elector's date of birth; 46
- (5) One of the following: 47
  - (a) The elector's driver's license number; 48
  - (b) The last four digits of the elector's social security 49

number;	50
(c) A copy of the elector's current and valid photo	51
identification, a copy of a military identification, or a copy of	52
a current utility bill, bank statement, government check,	53
paycheck, or other government document, other than a notice of an	54
election mailed by a board of elections under section 3501.19 of	55
the Revised Code or a notice of voter registration mailed by a	56
board of elections under section 3503.19 of the Revised Code, that	57
shows the name and address of the elector.	58
(6) A statement identifying the election for which absent	59
voter's ballots are requested;	60
(7) A statement that the person requesting the ballots is a	61
qualified elector;	62
(8) A statement that the elector is an absent uniformed	63
services voter or overseas voter as defined in 42 U.S.C. 1973ff-6;	64
(9) A statement of the elector's length of residence in the	65
state immediately preceding the commencement of service,	66
immediately preceding the date of leaving to be with or near the	67
service member, or immediately preceding leaving the United	68
States, whichever is applicable;	69
(10) If the request is for primary election ballots, the	70
elector's party affiliation;	71
(11) If the elector desires ballots to be mailed to the	72
elector, the address to which those ballots shall be mailed;	73
(12) If the elector desires ballots to be sent to the elector	74
by facsimile machine, the telephone number to which they shall be	75
so sent;	76
<u>(13) If the elector desires ballots to be sent to the elector</u>	77
<u>by electronic mail or, if offered by the board of elections or the</u>	78
<u>secretary of state, through internet delivery, the elector's</u>	79

electronic mail address or other internet contact information. 80

(B) A voter or any relative of a voter listed in division (C) 81  
of this section may use a single federal post card application to 82  
apply for uniformed services or overseas absent voter's ballots 83  
for use at the primary and general elections in a given year and 84  
any special election to be held on the day in that year specified 85  
by division (E) of section 3501.01 of the Revised Code for the 86  
holding of a primary election, designated by the general assembly 87  
for the purpose of submitting constitutional amendments proposed 88  
by the general assembly to the voters of the state. A single 89  
federal postcard application shall be processed by the board of 90  
elections pursuant to section 3511.04 of the Revised Code the same 91  
as if the voter had applied separately for uniformed services or 92  
overseas absent voter's ballots for each election. 93

(C) Application to have uniformed services or overseas absent 94  
voter's ballots mailed or sent by facsimile machine to such a 95  
person may be made by the spouse, father, mother, father-in-law, 96  
mother-in-law, grandfather, grandmother, brother or sister of the 97  
whole blood or half blood, son, daughter, adopting parent, adopted 98  
child, stepparent, stepchild, daughter-in-law, son-in-law, uncle, 99  
aunt, nephew, or niece of such a person. The application shall be 100  
in writing upon a blank form furnished only by the director or on 101  
a single federal post card as provided in division (B) of this 102  
section. The form of the application shall be prescribed by the 103  
secretary of state. The director shall furnish that blank form to 104  
any of the relatives specified in this division desiring to make 105  
the application, only upon the request of such a relative made in 106  
person at the office of the board or upon the written request of 107  
such a relative mailed to the office of the board. The 108  
application, subscribed and sworn to by the applicant, shall 109  
contain all of the following: 110

(1) The full name of the elector for whom ballots are 111

requested;	112
(2) A statement that the elector is an absent uniformed services voter or overseas voter as defined in 42 U.S.C. 1973ff-6;	113 114
(3) The address at which the elector is registered to vote;	115
(4) A statement identifying the elector's length of residence in the state immediately preceding the commencement of service, immediately preceding the date of leaving to be with or near a service member, or immediately preceding leaving the United States, as the case may be;	116 117 118 119 120
(5) The elector's date of birth;	121
(6) One of the following:	122
(a) The elector's driver's license number;	123
(b) The last four digits of the elector's social security number;	124 125
(c) A copy of the elector's current and valid photo identification, a copy of a military identification, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the name and address of the elector.	126 127 128 129 130 131 132 133
(7) A statement identifying the election for which absent voter's ballots are requested;	134 135
(8) A statement that the person requesting the ballots is a qualified elector;	136 137
(9) If the request is for primary election ballots, the elector's party affiliation;	138 139
(10) A statement that the applicant bears a relationship to	140

the elector as specified in division (C) of this section; 141

(11) The address to which ballots shall be mailed ~~or~~, the 142  
telephone number to which ballots shall be sent by facsimile 143  
machine, the electronic mail address to which ballots shall be 144  
sent by electronic mail, or, if internet delivery is offered by 145  
the board of elections or the secretary of state, the internet 146  
contact information to which ballots shall be sent through 147  
internet delivery; 148

(12) The signature and address of the person making the 149  
application. 150

Each application for uniformed services or overseas absent 151  
voter's ballots shall be delivered to the director not earlier 152  
than the first day of January of the year of the elections for 153  
which the uniformed services or overseas absent voter's ballots 154  
are requested or not earlier than ninety days before the day of 155  
the election at which the ballots are to be voted, whichever is 156  
earlier, and not later than twelve noon of the third day preceding 157  
the day of the election, or not later than the close of regular 158  
business hours on the day before the day of the election at which 159  
those ballots are to be voted if the application is delivered in 160  
person to the office of the board. 161

(D) If the voter for whom the application is made is entitled 162  
to vote for presidential and vice-presidential electors only, the 163  
applicant shall submit to the director in addition to the 164  
requirements of divisions (A), (B), and (C) of this section, a 165  
statement to the effect that the voter is qualified to vote for 166  
presidential and vice-presidential electors and for no other 167  
offices. 168

**Sec. 3511.021.** (A)(1) The secretary of state shall establish 169  
procedures that allow any person who is eligible to vote as a 170  
uniformed services voter or an overseas voter in accordance with 171

42 U.S.C. 1973ff-6 to apply by electronic means to the office of 172  
the secretary of state or to the board of elections of the county 173  
in which the person's voting residence is located for a uniformed 174  
services or overseas absent voter's ballot. 175

(2) The procedures shall allow such a person who requests a 176  
uniformed services or overseas absent voter's ballot application 177  
to express a preference for the manner in which the person will 178  
receive the requested application, whether by mail ~~or~~ 179  
electronically, facsimile transmission, electronic mail, or, if 180  
offered by the board of elections or the secretary of state, 181  
through internet delivery. If the person completes and timely 182  
returns the application and the applicant is eligible to receive a 183  
ballot, the procedures shall allow the applicant to express a 184  
preference for the manner in which the person will receive the 185  
requested blank, unvoted ballots, whether by mail ~~or~~ 186  
electronically, facsimile transmission, electronic mail, or, if 187  
offered by the board of elections or the secretary of state, 188  
through internet delivery. The requested items shall be 189  
transmitted by the board of elections of the county in which the 190  
person's voting residence is located by the preferred method. If 191  
the requestor does not express a preferred method, the requested 192  
items shall be delivered via standard mail. 193

(3) To the extent practicable, the procedures shall protect 194  
the security and integrity of the ballot request and delivery 195  
process, and protect the privacy of the identity and personal data 196  
of the person when such applications and ballots are requested, 197  
processed, and sent. 198

(4) No person shall return by electronic means to the 199  
secretary of state, a board of elections, or any other entity a 200  
completed or voted uniformed services or overseas absent voter's 201  
ballot. If a ballot is so returned, the ballot shall not be 202

accepted, processed, or counted. 203

(B)(1) The secretary of state, in coordination with the 204  
boards of elections, shall establish a free access system by which 205  
an absent uniformed services voter or overseas voter may determine 206  
the following: 207

(a) Whether that person's request for a uniformed services or 208  
overseas absent voter's ballot was received and processed; 209

(b) If the person's request was received and processed, when 210  
the uniformed services or overseas absent voter's ballot was sent; 211

(c) Whether any uniformed services or overseas absent voter's 212  
ballot returned by that person has been received by election 213  
officials; 214

(d) Whether the board of elections found any error on the 215  
identification envelope containing the person's returned uniformed 216  
services or overseas absent voter's ballot and, if so, how the 217  
person may correct any error within ten days after the day of an 218  
election; and 219

(e) Whether the person's uniformed services or overseas 220  
absent voter's ballot was counted. 221

(2) The appropriate state or local election official shall 222  
establish and maintain reasonable procedures necessary to protect 223  
the security, confidentiality, and integrity of personal 224  
information that is confidential under state or federal law that 225  
is collected, stored, or otherwise used by the free access system 226  
established under division (B) of this section. Access to 227  
information about the votes cast on an individual ballot shall be 228  
restricted to the person who cast the ballot. To the extent 229  
practicable, the procedures shall protect the security and 230  
integrity of the process and protect the privacy of the identity 231  
and personal data of the person. 232

Sec. 3511.04. (A) If a director of a board of elections 233  
receives an application for uniformed services or overseas absent 234  
voter's ballots that does not contain all of the required 235  
information, the director promptly shall notify the applicant of 236  
the additional information required to be provided by the 237  
applicant to complete that application. 238

(B) Not later than the forty-fifth day before the day of each 239  
general or primary election, and at the earliest possible time 240  
before the day of a special election held on a day other than the 241  
day on which a general or primary election is held, the director 242  
of the board of elections shall mail, send by facsimile machine, 243  
send by electronic mail, send through internet delivery if such 244  
delivery is offered by the board of elections or the secretary of 245  
state, or otherwise send uniformed services or overseas absent 246  
voter's ballots then ready for use as provided for in section 247  
3511.03 of the Revised Code and for which the director has 248  
received valid applications prior to that time. Thereafter, and 249  
until twelve noon of the third day preceding the day of election, 250  
the director shall promptly, upon receipt of valid applications 251  
for them, mail, send by facsimile machine, send by electronic 252  
mail, send through internet delivery if such delivery is offered 253  
by the board of elections or the secretary of state, or otherwise 254  
send to the proper persons all uniformed services or overseas 255  
absent voter's ballots then ready for use. 256

If, after the seventieth day before the day of a general or 257  
primary election, any other question, issue, or candidacy is 258  
lawfully ordered submitted to the electors voting at the general 259  
or primary election, the board shall promptly provide a separate 260  
official issue, special election, or other election ballot for 261  
submitting the question, issue, or candidacy to those electors, 262  
and the director shall promptly mail ~~or~~, send by facsimile 263  
machine, send by electronic mail, send through internet delivery 264

if such delivery is offered by the board of elections or the 265  
secretary of state, or otherwise send each such separate ballot to 266  
each person to whom the director has previously mailed or sent ~~by~~ 267  
~~facsimile machine~~ other uniformed services or overseas absent 268  
voter's ballots. 269

In mailing uniformed services or overseas absent voter's 270  
ballots, the director shall use the fastest mail service 271  
available, but the director shall not mail them by certified mail. 272

**Sec. 3511.14.** (A) A board of elections shall accept and 273  
process federal write-in absentee ballots for all elections for 274  
federal, state, or local office and for all ballot questions and 275  
issues as required under "The Uniformed and Overseas Citizens 276  
Absentee Voting Act," Pub. L. No. 99-410, 100 Stat. 924, 42 U.S.C. 277  
1973ff, et seq., as amended. 278

(B) A uniformed services or overseas voter may use the 279  
declaration accompanying a federal write-in absentee ballot to 280  
apply to register to vote simultaneously with the submission of 281  
the federal write-in absentee ballot, if the declaration is 282  
received not later than thirty days before the day of the 283  
election. If the declaration is received after that date, the 284  
declaration shall be considered an application to register to vote 285  
for all subsequent elections. 286

**Sec. 3511.15.** If an international, national, state, or local 287  
emergency or other situation arises that makes substantial 288  
compliance with the "Uniformed and Overseas Citizens Absentee 289  
Voting Act," 42 U.S.C. 1973ff, et seq., as amended, impossible or 290  
impracticable, as confirmed by the existence of armed conflict 291  
involving United States armed forces or the mobilization of those 292  
forces, including Ohio national guard and reserve component 293  
members of this state, or by the occurrence of a natural disaster 294

or the existence of a state of emergency, civil unrest, war, or 295  
other exigency in a foreign country, or by an official declaration 296  
by the governor that a state of emergency exists, the governor 297  
directly, or by delegation to the secretary of state, may 298  
prescribe, by emergency order or rule, a special procedure or 299  
requirement as may be necessary to facilitate absent voting by 300  
those absent uniformed services voters or overseas voters directly 301  
affected who are eligible to vote in this state. The secretary of 302  
state shall take reasonable steps to provide absent uniformed 303  
services or overseas voters with timely notice of any special 304  
procedure or requirement prescribed under this section. 305

**Section 2.** That existing sections 3511.02, 3511.021, 3511.04, 306  
and 3511.14 of the Revised Code are hereby repealed. 307