

As Introduced

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H. B. No. 21

Representative Stebelton

**Cosponsors: Representatives Adams, J., Ramos, Scherer, Ruhl, Grossman,
Huffman, Reece**

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A B I L L

To amend section 3509.08 of the Revised Code to 1
establish a process to permit an elector who is 2
confined to a health care facility under isolation 3
to vote with the assistance of bipartisan board of 4
elections employees, and to permit the elector's 5
facsimile signature, provided by the hospital, to 6
be used for signature verification purposes. 7

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

Section 1. That section 3509.08 of the Revised Code be 8
amended to read as follows: 9

Sec. 3509.08. (A) Any qualified elector, who, on account of 10
the elector's own personal illness, physical disability, or 11
infirmity, or on account of the elector's confinement in a jail or 12
workhouse under sentence for a misdemeanor or awaiting trial on a 13
felony or misdemeanor, will be unable to travel from the elector's 14
home or place of confinement to the voting booth in the elector's 15
precinct on the day of any general, special, or primary election 16
may make application in writing for an absent voter's ballot to 17
the director of the board of elections of the elector's county. 18

The application shall include all of the information required 19
under section 3509.03 of the Revised Code and shall state the 20
nature of the elector's illness, physical disability, or 21
infirmity, or the fact that the elector is confined in a jail or 22
workhouse and the elector's resultant inability to travel to the 23
election booth in the elector's precinct on election day. The 24
application shall not be valid if it is delivered to the director 25
before the ninetieth day or after twelve noon of the third day 26
before the day of the election at which the ballot is to be voted. 27

The absent voter's ballot may be mailed directly to the 28
applicant at the applicant's voting residence or place of 29
confinement as stated in the applicant's application, or the board 30
may designate two board employees belonging to the two major 31
political parties for the purpose of delivering the ballot to the 32
disabled or confined elector and returning it to the board, unless 33
the applicant is confined to a public or private institution 34
within the county, in which case the board shall designate two 35
board employees belonging to the two major political parties for 36
the purpose of delivering the ballot to the disabled or confined 37
elector and returning it to the board. In all other instances, the 38
ballot shall be returned to the office of the board in the manner 39
prescribed in section 3509.05 of the Revised Code. 40

Any disabled or confined elector who declares to the two 41
board employees belonging to the two major political parties that 42
the elector is unable to mark the elector's ballot by reason of 43
physical infirmity that is apparent to the employees to be 44
sufficient to incapacitate the voter from marking the elector's 45
ballot properly, may receive, upon request, the assistance of the 46
employees in marking the elector's ballot, and they shall 47
thereafter give no information in regard to this matter. Such 48
assistance shall not be rendered for any other cause. 49

When two board employees belonging to the two major political 50

parties deliver a ballot to a disabled or confined elector, each 51
of the employees shall be present when the ballot is delivered, 52
when assistance is given, and when the ballot is returned to the 53
office of the board, and shall subscribe to the declaration on the 54
identification envelope. 55

The secretary of state shall prescribe the form of 56
application for absent voter's ballots under this division. 57

This chapter applies to disabled and confined absent voter's 58
ballots except as otherwise provided in this section. 59

(B)(1) Any qualified elector who is unable to travel to the 60
voting booth in the elector's precinct on the day of any general, 61
special, or primary election may apply to the director of the 62
board of elections of the county where the elector is a qualified 63
elector to vote in the election by absent voter's ballot if either 64
of the following apply: 65

(a) The elector is confined in a hospital as a result of an 66
accident or unforeseeable medical emergency occurring before the 67
election; 68

(b) The elector's minor child is confined in a hospital as a 69
result of an accident or unforeseeable medical emergency occurring 70
before the election. 71

(2) The application authorized under division (B)(1) of this 72
section shall be made in writing, shall include all of the 73
information required under section 3509.03 of the Revised Code, 74
and shall be delivered to the director not later than three p.m. 75
on the day of the election. The application shall indicate the 76
hospital where the applicant or the applicant's child is confined, 77
the date of the applicant's or the applicant's child's admission 78
to the hospital, and the offices for which the applicant is 79
qualified to vote. The applicant may also request that a member of 80
the applicant's family, as listed in section 3509.05 of the 81

Revised Code, deliver the absent voter's ballot to the applicant. 82
The director, after establishing to the director's satisfaction 83
the validity of the circumstances claimed by the applicant, shall 84
supply an absent voter's ballot to be delivered to the applicant. 85
When the applicant or the applicant's child is in a hospital in 86
the county where the applicant is a qualified elector and no 87
request is made for a member of the family to deliver the ballot, 88
the director shall arrange for the delivery of an absent voter's 89
ballot to the applicant, and for its return to the office of the 90
board, by two board employees belonging to the two major political 91
parties according to the procedures prescribed in division (A) of 92
this section. When the applicant or the applicant's child is in a 93
hospital outside the county where the applicant is a qualified 94
elector and no request is made for a member of the family to 95
deliver the ballot, the director shall arrange for the delivery of 96
an absent voter's ballot to the applicant by mail, and the ballot 97
shall be returned to the office of the board in the manner 98
prescribed in section 3509.05 of the Revised Code. 99

(3) Any qualified elector who is eligible to vote under 100
division (B) or (C) of section 3503.16 of the Revised Code but is 101
unable to do so because of the circumstances described in division 102
(B)(2) of this section may vote in accordance with division (B)(1) 103
of this section if that qualified elector states in the 104
application for absent voter's ballots that that qualified elector 105
moved or had a change of name under the circumstances described in 106
division (B) or (C) of section 3503.16 of the Revised Code and if 107
that qualified elector complies with divisions (G)(1) to (4) of 108
section 3503.16 of the Revised Code. 109

(C) Any qualified elector described in division (A) or (B)(1) 110
of this section who needs no assistance to vote or to return 111
absent voter's ballots to the board of elections may apply for 112
absent voter's ballots under section 3509.03 of the Revised Code 113

instead of applying for them under this section. 114

(D) Any qualified elector described in division (A) or (B)(1) 115
of this section who is confined to a hospital or other health care 116
facility under isolation shall be permitted to cast a ballot with 117
the assistance of two board employees belonging to the two major 118
political parties according to the procedures described in 119
division (A) of this section. The board employees may accept the 120
elector's verbal instructions for marking the ballot using 121
telephonic or other electronic means, as long as the elector and 122
both board of elections employees can hear each other at all 123
times. If possible under the circumstances, the elector and board 124
of elections employees shall be in view of each other at all times 125
during the voting process. Such an elector shall not be required 126
to sign the identification envelope for the elector's absent 127
voter's ballot to be counted. The board of elections employees 128
assisting the elector in marking the elector's ballot may obtain a 129
facsimile copy of the elector's signature from the hospital, which 130
signature shall be affixed to the identification envelope and used 131
for signature verification purposes. 132

Section 2. That existing section 3509.08 of the Revised Code 133
is hereby repealed. 134