

As Passed by the House

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Sub. S. B. No. 205

Senator Coley

**Cosponsors: Senators Seitz, Burke, Eklund, Jordan, Uecker
Representatives Becker, Huffman, Maag, Stebelton, Terhar, Wachtmann
Speaker Batchelder**

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A B I L L

To amend sections 3501.05, 3505.24, 3509.03, 3509.04, 1
3509.06, 3509.07, 3511.02, 3511.04, 3511.05, and 2
3511.10 of the Revised Code to revise the law 3
concerning the mailing of absent voter's ballots 4
and applications for those ballots and to clarify 5
that an elector generally is responsible to 6
complete the elector's absent voter's ballot 7
documents. 8

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

Section 1. That sections 3501.05, 3505.24, 3509.03, 3509.04, 9
3509.06, 3509.07, 3511.02, 3511.04, 3511.05, and 3511.10 of the 10
Revised Code be amended to read as follows: 11

Sec. 3501.05. The secretary of state shall do all of the 12
following: 13

(A) Appoint all members of boards of elections; 14

(B) Issue instructions by directives and advisories in 15
accordance with section 3501.053 of the Revised Code to members of 16

the boards as to the proper methods of conducting elections.	17
(C) Prepare rules and instructions for the conduct of elections;	18 19
(D) Publish and furnish to the boards from time to time a sufficient number of indexed copies of all election laws then in force;	20 21 22
(E) Edit and issue all pamphlets concerning proposed laws or amendments required by law to be submitted to the voters;	23 24
(F) Prescribe the form of registration cards, blanks, and records;	25 26
(G) Determine and prescribe the forms of ballots and the forms of all blanks, cards of instructions, pollbooks, tally sheets, certificates of election, and forms and blanks required by law for use by candidates, committees, and boards;	27 28 29 30
(H) Prepare the ballot title or statement to be placed on the ballot for any proposed law or amendment to the constitution to be submitted to the voters of the state;	31 32 33
(I) Except as otherwise provided in section 3519.08 of the Revised Code, certify to the several boards the forms of ballots and names of candidates for state offices, and the form and wording of state referendum questions and issues, as they shall appear on the ballot;	34 35 36 37 38
(J) Except as otherwise provided in division (I)(2)(b) of section 3501.38 of the Revised Code, give final approval to ballot language for any local question or issue approved and transmitted by boards of elections under section 3501.11 of the Revised Code;	39 40 41 42
(K) Receive all initiative and referendum petitions on state questions and issues and determine and certify to the sufficiency of those petitions;	43 44 45
(L) Require such reports from the several boards as are	46

provided by law, or as the secretary of state considers necessary; 47

(M) Compel the observance by election officers in the several 48
counties of the requirements of the election laws; 49

(N)(1) Except as otherwise provided in division (N)(2) of 50
this section, investigate the administration of election laws, 51
frauds, and irregularities in elections in any county, and report 52
violations of election laws to the attorney general or prosecuting 53
attorney, or both, for prosecution; 54

(2) On and after August 24, 1995, report a failure to comply 55
with or a violation of a provision in sections 3517.08 to 3517.13, 56
3517.17, 3517.18, 3517.20 to 3517.22, 3599.03, or 3599.031 of the 57
Revised Code, whenever the secretary of state has or should have 58
knowledge of a failure to comply with or a violation of a 59
provision in one of those sections, by filing a complaint with the 60
Ohio elections commission under section 3517.153 of the Revised 61
Code; 62

(O) Make an annual report to the governor containing the 63
results of elections, the cost of elections in the various 64
counties, a tabulation of the votes in the several political 65
subdivisions, and other information and recommendations relative 66
to elections the secretary of state considers desirable; 67

(P) Prescribe and distribute to boards of elections a list of 68
instructions indicating all legal steps necessary to petition 69
successfully for local option elections under sections 4301.32 to 70
4301.41, 4303.29, 4305.14, and 4305.15 of the Revised Code; 71

(Q) Adopt rules pursuant to Chapter 119. of the Revised Code 72
for the removal by boards of elections of ineligible voters from 73
the statewide voter registration database and, if applicable, from 74
the poll list or signature pollbook used in each precinct, which 75
rules shall provide for all of the following: 76

(1) A process for the removal of voters who have changed 77

residence, which shall be uniform, nondiscriminatory, and in 78
compliance with the Voting Rights Act of 1965 and the National 79
Voter Registration Act of 1993, including a program that uses the 80
national change of address service provided by the United States 81
postal system through its licensees; 82

(2) A process for the removal of ineligible voters under 83
section 3503.21 of the Revised Code; 84

(3) A uniform system for marking or removing the name of a 85
voter who is ineligible to vote from the statewide voter 86
registration database and, if applicable, from the poll list or 87
signature pollbook used in each precinct and noting the reason for 88
that mark or removal. 89

(R) Prescribe a general program for registering voters or 90
updating voter registration information, such as name and 91
residence changes, by boards of elections, designated agencies, 92
offices of deputy registrars of motor vehicles, public high 93
schools and vocational schools, public libraries, and offices of 94
county treasurers consistent with the requirements of section 95
3503.09 of the Revised Code; 96

(S) Prescribe a program of distribution of voter registration 97
forms through boards of elections, designated agencies, offices of 98
the registrar and deputy registrars of motor vehicles, public high 99
schools and vocational schools, public libraries, and offices of 100
county treasurers; 101

(T) To the extent feasible, provide copies, at no cost and 102
upon request, of the voter registration form in post offices in 103
this state; 104

(U) Adopt rules pursuant to section 111.15 of the Revised 105
Code for the purpose of implementing the program for registering 106
voters through boards of elections, designated agencies, and the 107
offices of the registrar and deputy registrars of motor vehicles 108

consistent with this chapter;	109
(V) Establish the full-time position of Americans with	110
Disabilities Act coordinator within the office of the secretary of	111
state to do all of the following:	112
(1) Assist the secretary of state with ensuring that there is	113
equal access to polling places for persons with disabilities;	114
(2) Assist the secretary of state with ensuring that each	115
voter may cast the voter's ballot in a manner that provides the	116
same opportunity for access and participation, including privacy	117
and independence, as for other voters;	118
(3) Advise the secretary of state in the development of	119
standards for the certification of voting machines, marking	120
devices, and automatic tabulating equipment.	121
(W) Establish and maintain a computerized statewide database	122
of all legally registered voters under section 3503.15 of the	123
Revised Code that complies with the requirements of the "Help	124
America Vote Act of 2002," Pub. L. No. 107-252, 116 Stat. 1666,	125
and provide training in the operation of that system;	126
(X) Ensure that all directives, advisories, other	127
instructions, or decisions issued or made during or as a result of	128
any conference or teleconference call with a board of elections to	129
discuss the proper methods and procedures for conducting	130
elections, to answer questions regarding elections, or to discuss	131
the interpretation of directives, advisories, or other	132
instructions issued by the secretary of state are posted on a web	133
site of the office of the secretary of state as soon as is	134
practicable after the completion of the conference or	135
teleconference call, but not later than the close of business on	136
the same day as the conference or teleconference call takes place.	137
(Y) Publish a report on a web site of the office of the	138
secretary of state not later than one month after the completion	139

of the canvass of the election returns for each primary and 140
general election, identifying, by county, the number of absent 141
voter's ballots cast and the number of those ballots that were 142
counted, and the number of provisional ballots cast and the number 143
of those ballots that were counted, for that election. The 144
secretary of state shall maintain the information on the web site 145
in an archive format for each subsequent election. 146

(Z) Conduct voter education outlining voter identification, 147
absent voters ballot, provisional ballot, and other voting 148
requirements; 149

(AA) Establish a procedure by which a registered elector may 150
make available to a board of elections a more recent signature to 151
be used in the poll list or signature pollbook produced by the 152
board of elections of the county in which the elector resides; 153

(BB) Disseminate information, which may include all or part 154
of the official explanations and arguments, by means of direct 155
mail or other written publication, broadcast, or other means or 156
combination of means, as directed by the Ohio ballot board under 157
division (F) of section 3505.062 of the Revised Code, in order to 158
inform the voters as fully as possible concerning each proposed 159
constitutional amendment, proposed law, or referendum; 160

(CC) Be the single state office responsible for the 161
implementation of the "Uniformed and Overseas Citizens Absentee 162
Voting Act," Pub. L. No. 99-410, 100 Stat. 924, 42 U.S.C. 1973ff, 163
et seq., as amended, in this state. The secretary of state may 164
delegate to the boards of elections responsibilities for the 165
implementation of that act, including responsibilities arising 166
from amendments to that act made by the "Military and Overseas 167
Voter Empowerment Act," Subtitle H of the "National Defense 168
Authorization Act for Fiscal Year 2010," Pub. L. No. 111-84, 123 169
Stat. 3190. 170

(DD) Perform other duties required by law. 171

Whenever a primary election is held under section 3513.32 of 172
the Revised Code or a special election is held under section 173
3521.03 of the Revised Code to fill a vacancy in the office of 174
representative to congress, the secretary of state shall establish 175
a deadline, notwithstanding any other deadline required under the 176
Revised Code, by which any or all of the following shall occur: 177
the filing of a declaration of candidacy and petitions or a 178
statement of candidacy and nominating petition together with the 179
applicable filing fee; the filing of protests against the 180
candidacy of any person filing a declaration of candidacy or 181
nominating petition; the filing of a declaration of intent to be a 182
write-in candidate; the filing of campaign finance reports; the 183
preparation of, and the making of corrections or challenges to, 184
precinct voter registration lists; the receipt of applications for 185
absent voter's ballots or ~~armed-service~~ uniformed services or 186
overseas absent voter's ballots; the supplying of election 187
materials to precincts by boards of elections; the holding of 188
hearings by boards of elections to consider challenges to the 189
right of a person to appear on a voter registration list; and the 190
scheduling of programs to instruct or reinstruct election 191
officers. 192

In the performance of the secretary of state's duties as the 193
chief election officer, the secretary of state may administer 194
oaths, issue subpoenas, summon witnesses, compel the production of 195
books, papers, records, and other evidence, and fix the time and 196
place for hearing any matters relating to the administration and 197
enforcement of the election laws. 198

In any controversy involving or arising out of the adoption 199
of registration or the appropriation of funds for registration, 200
the secretary of state may, through the attorney general, bring an 201
action in the name of the state in the court of common pleas of 202

the county where the cause of action arose or in an adjoining 203
county, to adjudicate the question. 204

In any action involving the laws in Title XXXV of the Revised 205
Code wherein the interpretation of those laws is in issue in such 206
a manner that the result of the action will affect the lawful 207
duties of the secretary of state or of any board of elections, the 208
secretary of state may, on the secretary of state's motion, be 209
made a party. 210

The secretary of state may apply to any court that is hearing 211
a case in which the secretary of state is a party, for a change of 212
venue as a substantive right, and the change of venue shall be 213
allowed, and the case removed to the court of common pleas of an 214
adjoining county named in the application or, if there are cases 215
pending in more than one jurisdiction that involve the same or 216
similar issues, the court of common pleas of Franklin county. 217

Public high schools and vocational schools, public libraries, 218
and the office of a county treasurer shall implement voter 219
registration programs as directed by the secretary of state 220
pursuant to this section. 221

The secretary of state may mail unsolicited applications for 222
absent voter's ballots to individuals only for a general election 223
and only if the general assembly has made an appropriation for 224
that particular mailing. Under no other circumstance shall a 225
public office, or a public official or employee who is acting in 226
an official capacity, mail unsolicited applications for absent 227
voter's ballots to any individuals. 228

Sec. 3505.24. Notwithstanding any provision of the Revised 229
Code to the contrary, any elector who ~~declares to the presiding 230
judge of elections that the elector is unable to mark the 231
elector's ballot by reason of blindness, disability, or illiteracy 232
does both of the following may be accompanied in the voting booth 233~~

and aided by any person of the elector's choice, other than the 234
elector's employer, an agent of the elector's employer, or an 235
officer or agent of the elector's union, if any: 236

(A) Appears to vote on the day of an election or appears at 237
the office of the board of elections to cast absent voter's 238
ballots in person; and 239

(B) Declares to the presiding judge of elections or to the 240
election official who is accepting applications to cast absent 241
voter's ballots in person that the elector is unable to mark the 242
elector's ballot by reason of blindness, disability, or 243
illiteracy. The 244

The elector also may request and receive assistance in the 245
marking of the elector's ballot from two election officials of 246
different political parties. Any person providing assistance in 247
the marking of an elector's ballot under this section shall 248
thereafter provide no information in regard to the marking of that 249
ballot. 250

Any ~~judge~~ election official may require a declaration of 251
inability to be made by the elector under oath before the ~~judge~~ 252
election official. Assistance shall not be rendered for causes 253
other than those specified in this section, and no candidate whose 254
name appears on the ballot shall assist any person in marking that 255
person's ballot. 256

Sec. 3509.03. Except as provided in division (B) of section 257
3509.08 of the Revised Code, any qualified elector desiring to 258
vote absent voter's ballots at an election shall make written 259
application for those ballots to the director of elections of the 260
county in which the elector's voting residence is located. The 261
application need not be in any particular form but shall contain 262
all of the following: 263

(A) The elector's name;	264
(B) The elector's signature;	265
(C) The address at which the elector is registered to vote;	266
(D) The elector's date of birth;	267
(E) One of the following:	268
(1) The elector's driver's license number;	269
(2) The last four digits of the elector's social security number;	270 271
(3) 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 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.	272 273 274 275 276 277 278
(F) A statement identifying the election for which absent voter's ballots are requested;	279 280
(G) A statement that the person requesting the ballots is a qualified elector;	281 282
(H) If the request is for primary election ballots, the elector's party affiliation;	283 284
(I) If the elector desires ballots to be mailed to the elector, the address to which those ballots shall be mailed.	285 286
Each application for absent voter's ballots shall be delivered to the director not earlier than the first day of January of the year of the elections for which the absent voter's ballots are requested or not earlier than ninety days before the day of the election at which the ballots are to be voted, whichever is earlier, and not later than twelve noon of the third	287 288 289 290 291 292

day before the day of the election at which the ballots are to be 293
voted, or not later than six p.m. on the last Friday before the 294
day of the election at which the ballots are to be voted if the 295
application is delivered in person to the office of the board. 296

A board of elections that mails an absent voter's ballot 297
application to an elector under this section shall not prepay the 298
return postage for that application. 299

Except as otherwise provided in this section and in sections 300
3505.24 and 3509.08 of the Revised Code, an election official 301
shall not fill out any portion of an application for absent 302
voter's ballots on behalf of an applicant. The secretary of state 303
or a board of elections may preprint only an applicant's name and 304
address on an application for absent voter's ballots before 305
mailing that application to the applicant. 306

Sec. 3509.04. (A) If a director of a board of elections 307
receives an application for absent voter's ballots that does not 308
contain all of the required information, the director promptly 309
shall notify the applicant of the additional information required 310
to be provided by the applicant to complete that application. 311

(B) Upon receipt by the director of elections of an 312
application for absent voter's ballots that contains all of the 313
required information, as provided by section 3509.03 and division 314
(G) of section 3503.16 of the Revised Code, the director, if the 315
director finds that the applicant is a qualified elector, shall 316
deliver to the applicant in person or mail directly to the 317
applicant by special delivery mail, air mail, or regular mail, 318
postage prepaid, proper absent voter's ballots. The director shall 319
deliver or mail with the ballots an unsealed identification 320
envelope upon the face of which shall be printed a form 321
substantially as follows: 322

"Identification Envelope Statement of Voter 323

I,(Name of voter), declare under 324
penalty of election falsification that the within ballot or 325
ballots contained no voting marks of any kind when I received 326
them, and I caused the ballot or ballots to be marked, enclosed in 327
the identification envelope, and sealed in that envelope. 328

My voting residence in Ohio is 329
..... 330
(Street and Number, if any, or Rural Route and Number) 331
of (City, Village, or Township) 332
Ohio, which is in Ward Precinct 333
in that city, village, or township. 334

The primary election ballots, if any, within this envelope 335
are primary election ballots of the Party. 336

Ballots contained within this envelope are to be voted at the 337
..... (general, special, or primary) election to be held on 338
the day of, 339

My date of birth is (Month and Day), 340
..... (Year). 341

(Voter must provide one of the following:) 342

My driver's license number is (Driver's 343
license number). 344

The last four digits of my Social Security Number are 345
..... (Last four digits of Social Security Number). 346

..... In lieu of providing a driver's license number or the 347
last four digits of my Social Security Number, I am enclosing a 348
copy of one of the following in the return envelope in which this 349
identification envelope will be mailed: a current and valid photo 350
identification, a military identification, or a current utility 351
bill, bank statement, government check, paycheck, or other 352
government document, other than a notice of voter registration 353

mailed by a board of elections, that shows my name and address. 354

I hereby declare, under penalty of election falsification, 355

that the statements above are true, as I verily believe. 356

..... 357

(Signature of Voter) 358

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF 359

THE FIFTH DEGREE." 360

The director shall mail with the ballots and the unsealed 361

identification envelope an unsealed return envelope upon the face 362

of which shall be printed the official title and post-office 363

address of the director. In the upper left corner on the face of 364

the return envelope, several blank lines shall be printed upon 365

which the voter may write the voter's name and return address. The 366

return envelope shall be of such size that the identification 367

envelope can be conveniently placed within it for returning the 368

identification envelope to the director. 369

A board of elections that mails or otherwise delivers absent 370

voter's ballots to an elector under this section shall not prepay 371

the return postage for those ballots. 372

Except as otherwise provided in this section and in sections 373

3505.24 and 3509.08 of the Revised Code, an election official 374

shall not fill out any portion of an identification envelope 375

statement of voter or an absent voter's ballot on behalf of an 376

elector. A board of elections may preprint only an elector's name 377

and address on an identification envelope statement of voter 378

before mailing absent voter's ballots to the elector. 379

Sec. 3509.06. (A) The board of elections shall determine 380

whether absent voter's ballots shall be counted in each precinct, 381

at the office of the board, or at some other location designated 382

by the board, and shall proceed accordingly under division (B) or 383

(C) of this section. 384

(B) When the board of elections determines that absent 385
voter's ballots shall be counted in each precinct, the director 386
shall deliver to the presiding judge of each precinct on election 387
day identification envelopes purporting to contain absent voter's 388
ballots of electors whose voting residence appears from the 389
statement of voter on the outside of each of those envelopes, to 390
be located in such presiding judge's precinct, and which were 391
received by the director not later than the close of the polls on 392
election day. The director shall deliver to such presiding judge a 393
list containing the name and voting residence of each person whose 394
voting residence is in such precinct to whom absent voter's 395
ballots were mailed. 396

(C) When the board of elections determines that absent 397
voter's ballots shall be counted at the office of the board of 398
elections or at another location designated by the board, special 399
election judges shall be appointed by the board for that purpose 400
having the same authority as is exercised by precinct judges. The 401
votes so cast shall be added to the vote totals by the board, and 402
the absent voter's ballots shall be preserved separately by the 403
board, in the same manner and for the same length of time as 404
provided by section 3505.31 of the Revised Code. 405

(D) Each of the identification envelopes purporting to 406
contain absent voter's ballots delivered to the presiding judge of 407
the precinct or the special judge appointed by the board of 408
elections shall be handled as follows: ~~The~~ 409

(1) The election officials shall compare the signature of the 410
elector on the outside of the identification envelope with the 411
signature of that elector on the elector's registration form and 412
verify that the absent voter's ballot is eligible to be counted 413
under section 3509.07 of the Revised Code. ~~Any~~ 414

(2) Any of the precinct officials may challenge the right of 415
the elector named on the identification envelope to vote the 416
absent voter's ballots upon the ground that the signature on the 417
envelope is not the same as the signature on the registration 418
form, that the identification envelope statement of voter is 419
incomplete, or upon any other of the grounds upon which the right 420
of persons to vote may be lawfully challenged. ¶ 421

(3)(a) An identification envelope statement of voter shall be 422
considered incomplete if it does not include all of the following: 423

(i) The voter's name; 424

(ii) The voter's residence address; 425

(iii) The voter's date of birth. The requirements of this 426
division are satisfied if the voter provided a date of birth and 427
any of the following is true: 428

(I) The month and day of the voter's date of birth on the 429
identification envelope statement of voter are not different from 430
the month and day of the voter's date of birth contained in the 431
statewide voter registration database. 432

(II) The voter's date of birth contained in the statewide 433
voter registration database is January 1, 1800. 434

(III) The board of elections has found, by a vote of at least 435
three of its members, that the voter has met the requirements of 436
divisions (D)(3)(a)(i), (ii), (iv), and (v) of this section. 437

(iv) The voter's signature; and 438

(v) One of the following forms of identification: 439

(I) The voter's driver's license number; 440

(II) The last four digits of the voter's social security 441
number; or 442

(III) A copy of a current and valid photo identification, a 443

military identification, or a current utility bill, bank 444
statement, government check, paycheck, or other government 445
document, other than a notice of voter registration mailed by a 446
board of elections, that shows the voter's name and address. 447

(b) If the election officials find that the identification 448
envelope statement of voter is incomplete or that the information 449
contained in that statement does not conform to the information 450
contained in the statewide voter registration database concerning 451
the voter, the election officials shall mail a written notice to 452
the voter, informing the voter of the nature of the defect. The 453
notice shall inform the voter that in order for the voter's ballot 454
to be counted, the voter must provide the necessary information to 455
the board of elections in writing and on a form prescribed by the 456
secretary of state not later than the seventh day after the day of 457
the election. The voter may deliver the form to the office of the 458
board in person or by mail. If the voter provides the necessary 459
information to the board of elections not later than the seventh 460
day after the day of the election and the ballot is not 461
successfully challenged on another basis, the voter's ballot shall 462
be counted in accordance with this section. 463

(4) If no such challenge is made, or if such a challenge is 464
made and not sustained, the presiding judge shall open the 465
envelope without defacing the statement of voter and without 466
mutilating the ballots in it, and shall remove the ballots 467
contained in it and proceed to count them. 468

(5) The name of each person voting who is entitled to vote 469
only an absent voter's presidential ballot shall be entered in a 470
pollbook or poll list or signature pollbook followed by the words 471
"Absentee Presidential Ballot." The name of each person voting an 472
absent voter's ballot, other than such persons entitled to vote 473
only a presidential ballot, shall be entered in the pollbook or 474
poll list or signature pollbook and the person's registration card 475

marked to indicate that the person has voted. 476

(6) The date of such election shall also be entered on the 477
elector's registration form. If any such challenge is made and 478
sustained, the identification envelope of such elector shall not 479
be opened, shall be endorsed "Not Counted" with the reasons the 480
ballots were not counted, and shall be delivered to the board. 481

(E) Special election judges, employees or members of the 482
board of elections, or observers shall not disclose the count or 483
any portion of the count of absent voter's ballots prior to the 484
time of the closing of the polling places. No person shall 485
recklessly disclose the count or any portion of the count of 486
absent voter's ballots in such a manner as to jeopardize the 487
secrecy of any individual ballot. 488

(F) Observers may be appointed under section 3505.21 of the 489
Revised Code to witness the examination and opening of 490
identification envelopes and the counting of absent voters' 491
ballots under this section. 492

Sec. 3509.07. If election officials find that any of the 493
following are true concerning an absent voter's ballot or absent 494
voter's presidential ballot and, if applicable, the person did not 495
provide any required additional information to the board of 496
elections not later than the seventh day after the day of the 497
election, as permitted under division (D)(3)(b) of section 3509.06 498
of the Revised Code, the ballot shall not be accepted or counted: 499

(A) The statement accompanying an absent voter's ballot or 500
absent voter's presidential the ballot is incomplete as described 501
in division (D)(3)(a) of section 3509.06 of the Revised Code or is 502
insufficient, that the; 503

(B) The signatures do not correspond with the person's 504
registration signature, that the; 505

(C) The applicant is not a qualified elector in the precinct,
~~that the;~~

(D) The ballot envelope contains more than one ballot of any
one kind, or any voted ballot that the elector is not entitled to
vote, ~~that;~~

(E) Stub A is detached from the absent voter's ballot or
absent voter's presidential ballot, ~~or that the; or~~

(F) The elector has not included with the elector's ballot
any identification required under section 3509.05 or 3511.09 of
the Revised Code, ~~the vote shall not be accepted or counted. The~~

The vote of any absent voter may be challenged for cause in
the same manner as other votes are challenged, and the election
officials shall determine the legality of that ballot. Every
ballot not counted shall be endorsed on its back "Not Counted"
with the reasons the ballot was not counted, and shall be enclosed
and returned to or retained by the board of elections along with
the contested ballots.

Sec. 3511.02. Notwithstanding any section of the Revised Code
to the contrary, whenever any person applies for registration as a
voter on a form adopted in accordance with federal regulations
relating to the "Uniformed and Overseas Citizens Absentee Voting
Act," 100 Stat. 924, 42 U.S.C.A. 1973ff (1986), this application
shall be sufficient for voter registration and as a request for an
absent voter's ballot. Uniformed services or overseas absent
voter's ballots may be obtained by any person meeting the
requirements of section 3511.011 of the Revised Code by applying
electronically to the secretary of state or to the board of
elections of the county in which the person's voting residence is
located in accordance with section 3511.021 of the Revised Code or
by applying to the director of the board of elections of the
county in which the person's voting residence is located, in one

of the following ways:	537
(A) That person may make written application for those	538
ballots. The person may personally deliver the application to the	539
director or may mail it, send it by facsimile machine, send it by	540
electronic mail, send it through internet delivery if such	541
delivery is offered by the board of elections or the secretary of	542
state, or otherwise send it to the director. The application need	543
not be in any particular form but shall contain all of the	544
following information:	545
(1) The elector's name;	546
(2) The elector's signature;	547
(3) The address at which the elector is registered to vote;	548
(4) The elector's date of birth;	549
(5) One of the following:	550
(a) The elector's driver's license number;	551
(b) The last four digits of the elector's social security	552
number;	553
(c) A copy of the elector's current and valid photo	554
identification, a copy of a military identification, or a copy of	555
a current utility bill, bank statement, government check,	556
paycheck, or other government document, other than a notice of	557
voter registration mailed by a board of elections under section	558
3503.19 of the Revised Code, that shows the name and address of	559
the elector.	560
(6) A statement identifying the election for which absent	561
voter's ballots are requested;	562
(7) A statement that the person requesting the ballots is a	563
qualified elector;	564
(8) A statement that the elector is an absent uniformed	565

services voter or overseas voter as defined in 42 U.S.C. 1973ff-6; 566

(9) A statement of the elector's length of residence in the 567
state immediately preceding the commencement of service, 568
immediately preceding the date of leaving to be with or near the 569
service member, or immediately preceding leaving the United 570
States, or a statement that the elector's parent or legal guardian 571
resided in this state long enough to establish residency for 572
voting purposes immediately preceding leaving the United States, 573
whichever is applicable; 574

(10) If the request is for primary election ballots, the 575
elector's party affiliation; 576

(11) If the elector desires ballots to be mailed to the 577
elector, the address to which those ballots shall be mailed; 578

(12) If the elector desires ballots to be sent to the elector 579
by facsimile machine, the telephone number to which they shall be 580
so sent; 581

(13) If the elector desires ballots to be sent to the elector 582
by electronic mail or, if offered by the board of elections or the 583
secretary of state, through internet delivery, the elector's 584
electronic mail address or other internet contact information. 585

(B) A voter or any relative of a voter listed in division (C) 586
of this section may use a single federal post card application to 587
apply for uniformed services or overseas absent voter's ballots 588
for use at the primary and general elections in a given year and 589
any special election to be held on the day in that year specified 590
by division (E) of section 3501.01 of the Revised Code for the 591
holding of a primary election, designated by the general assembly 592
for the purpose of submitting constitutional amendments proposed 593
by the general assembly to the voters of the state. A single 594
federal postcard application shall be processed by the board of 595
elections pursuant to section 3511.04 of the Revised Code the same 596

as if the voter had applied separately for uniformed services or 597
overseas absent voter's ballots for each election. 598

(C) Application to have uniformed services or overseas absent 599
voter's ballots mailed or sent by facsimile machine to such a 600
person may be made by the spouse, father, mother, father-in-law, 601
mother-in-law, grandfather, grandmother, brother or sister of the 602
whole blood or half blood, son, daughter, adopting parent, adopted 603
child, stepparent, stepchild, daughter-in-law, son-in-law, uncle, 604
aunt, nephew, or niece of such a person. The application shall be 605
in writing upon a blank form furnished only by the director or on 606
a single federal post card as provided in division (B) of this 607
section. The form of the application shall be prescribed by the 608
secretary of state. The director shall furnish that blank form to 609
any of the relatives specified in this division desiring to make 610
the application, only upon the request of such a relative made in 611
person at the office of the board or upon the written request of 612
such a relative mailed to the office of the board. The 613
application, subscribed and sworn to by the applicant, shall 614
contain all of the following: 615

(1) The full name of the elector for whom ballots are 616
requested; 617

(2) A statement that the elector is an absent uniformed 618
services voter or overseas voter as defined in 42 U.S.C. 1973ff-6; 619

(3) The address at which the elector is registered to vote; 620

(4) A statement identifying the elector's length of residence 621
in the state immediately preceding the commencement of service, 622
immediately preceding the date of leaving to be with or near a 623
service member, or immediately preceding leaving the United 624
States, or a statement that the elector's parent or legal guardian 625
resided in this state long enough to establish residency for 626
voting purposes immediately preceding leaving the United States, 627

as the case may be;	628
(5) The elector's date of birth;	629
(6) One of the following:	630
(a) The elector's driver's license number;	631
(b) The last four digits of the elector's social security number;	632 633
(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 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.	634 635 636 637 638 639 640
(7) A statement identifying the election for which absent voter's ballots are requested;	641 642
(8) A statement that the person requesting the ballots is a qualified elector;	643 644
(9) If the request is for primary election ballots, the elector's party affiliation;	645 646
(10) A statement that the applicant bears a relationship to the elector as specified in division (C) of this section;	647 648
(11) The address to which ballots shall be mailed, the telephone number to which ballots shall be sent by facsimile machine, the electronic mail address to which ballots shall be sent by electronic mail, or, if internet delivery is offered by the board of elections or the secretary of state, the internet contact information to which ballots shall be sent through internet delivery;	649 650 651 652 653 654 655
(12) The signature and address of the person making the application.	656 657

Each application for uniformed services or overseas absent voter's ballots shall be delivered to the director not earlier than the first day of January of the year of the elections for which the uniformed services or overseas absent voter's ballots are requested or not earlier than ninety days before the day of the election at which the ballots are to be voted, whichever is earlier, and not later than twelve noon of the third day preceding the day of the election, or not later than six p.m. on the last Friday before the day of the election at which those ballots are to be voted if the application is delivered in person to the office of the board.

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

(E) A board of elections that mails a federal post card application or other absent voter's ballot application to an elector under this section shall not prepay the return postage for that application.

(F) Except as otherwise provided in this section and in sections 3505.24 and 3509.08 of the Revised Code, an election official shall not fill out any portion of a federal post card application or other application for absent voter's ballots on behalf of an applicant. The secretary of state or a board of elections may preprint only an applicant's name and address on a federal post card application or other application for absent voter's ballots before mailing that application to the applicant.

Sec. 3511.04. (A) If a director of a board of elections

receives an application for uniformed services or overseas absent voter's ballots that does not contain all of the required information, the director promptly shall notify the applicant of the additional information required to be provided by the applicant to complete that application.

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

If, after the seventieth day before the day of a general or primary election, any other question, issue, or candidacy is lawfully ordered submitted to the electors voting at the general or primary election, the board shall promptly provide a separate official issue, special election, or other election ballot for submitting the question, issue, or candidacy to those electors, and the director shall promptly mail, send by facsimile machine, send by electronic mail, send through internet delivery if such delivery is offered by the board of elections or the secretary of

state, or otherwise send each such separate ballot to each person 721
to whom the director has previously mailed or sent other uniformed 722
services or overseas absent voter's ballots. 723

A board of elections that mails or otherwise delivers 724
uniformed services or overseas absent voter's ballots to an 725
elector under this section shall not prepay the return postage for 726
those ballots. In mailing uniformed services or overseas absent 727
voter's ballots, the director shall use the fastest mail service 728
available, but the director shall not mail them by certified mail. 729

Sec. 3511.05. (A) The director of the board of elections 730
shall place uniformed services or overseas absent voter's ballots 731
sent by mail in an unsealed identification envelope, gummed ready 732
for sealing. The director shall include with uniformed services or 733
overseas absent voter's ballots sent electronically, including by 734
facsimile machine, an instruction sheet for preparing a gummed 735
envelope in which the ballots shall be returned. The envelope for 736
returning ballots sent by either means shall have printed or 737
written on its face a form substantially as follows: 738

"Identification Envelope Statement of Voter 739

I,(Name of voter), declare under 740
penalty of election falsification that the within ballot or 741
ballots contained no voting marks of any kind when I received 742
them, and I caused the ballot or ballots to be marked, enclosed in 743
the identification envelope, and sealed in that envelope. 744

My voting residence in Ohio is 745

..... 746

(Street and Number, if any, or Rural Route and Number) 747

of (City, Village, or Township) 748

Ohio, which is in Ward Precinct 749

in that city, village, or township. 750

The primary election ballots, if any, within this envelope 751
are primary election ballots of the Party. 752

Ballots contained within this envelope are to be voted at the 753
..... (general, special, or primary) election to be held on 754
the day of, 755

My date of birth is (Month and Day), 756
..... (Year). 757

(Voter must provide one of the following:) 758

My driver's license number is (Driver's 759
license number). 760

The last four digits of my Social Security Number are 761
..... (Last four digits of Social Security Number). 762

..... In lieu of providing a driver's license number or the 763
last four digits of my Social Security Number, I am enclosing a 764
copy of one of the following in the return envelope in which this 765
identification envelope will be mailed: a current and valid photo 766
identification, a military identification, or a current utility 767
bill, bank statement, government check, paycheck, or other 768
government document, other than a notice of voter registration 769
mailed by a board of elections, that shows my name and address. 770

I hereby declare, under penalty of election falsification, 771
that the statements above are true, as I verily believe. 772

..... 773
(Signature of Voter) 774

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF 775
THE FIFTH DEGREE." 776

(B) The director shall also mail with the ballots and the 777
unsealed identification envelope sent by mail an unsealed return 778
envelope, gummed, ready for sealing, for use by the voter in 779
returning the voter's marked ballots to the director. The director 780

shall send with the ballots and the instruction sheet for 781
preparing a gummed envelope sent electronically, including by 782
facsimile machine, an instruction sheet for preparing a second 783
gummed envelope as described in this division, for use by the 784
voter in returning that voter's marked ballots to the director. 785
The return envelope shall have two parallel lines, each one 786
quarter of an inch in width, printed across its face paralleling 787
the top, with an intervening space of one quarter of an inch 788
between such lines. The top line shall be one and one-quarter 789
inches from the top of the envelope. Between the parallel lines 790
shall be printed: "OFFICIAL ELECTION UNIFORMED SERVICES OR 791
OVERSEAS ABSENT VOTER'S BALLOTS -- VIA AIR MAIL." Three blank 792
lines shall be printed in the upper left corner on the face of the 793
envelope for the use by the voter in placing the voter's complete 794
military, naval, or mailing address on these lines, and beneath 795
these lines there shall be printed a box beside the words "check 796
if out-of-country." The voter shall check this box if the voter 797
will be outside the United States on the day of the election. The 798
official title and the post-office address of the director to whom 799
the envelope shall be returned shall be printed on the face of 800
such envelope in the lower right portion below the bottom parallel 801
line. 802

(C) On the back of each identification envelope and each 803
return envelope shall be printed the following: 804

"Instructions to voter: 805

If the flap on this envelope is so firmly stuck to the back 806
of the envelope when received by you as to require forcible 807
opening in order to use it, open the envelope in the manner least 808
injurious to it, and, after marking your ballots and enclosing 809
same in the envelope for mailing them to the director of the board 810
of elections, reclose the envelope in the most practicable way, by 811
sealing or otherwise, and sign the blank form printed below. 812

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

.....
(Signature of voter)"

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

(E) Except as otherwise provided in this division and in sections 3505.24 and 3509.08 of the Revised Code, an election official shall not fill out any portion of an identification envelope statement of voter or an absent voter's ballot on behalf of an elector. A board of elections may preprint only an elector's name and address on an identification envelope statement of voter before mailing or electronically transmitting absent voter's ballots to the elector.

Sec. 3511.10. If, after the thirty-fifth day and before the close of the polls on the day of a general or primary election, a valid application for uniformed services or overseas absent voter's ballots is delivered to the director of the board of elections at the office of the board by a person making the application on the person's own behalf, the director shall forthwith deliver to the person all uniformed services or overseas absent voter's ballots then ready for use, together with an identification envelope. The person shall then immediately retire to a voting booth in the office of the board, and mark the ballots. The person shall then fold each ballot separately so as to conceal the person's markings thereon, and deposit all of the ballots in the identification envelope and securely seal it. Thereupon the person shall fill in answers to the questions on the face of the identification envelope, and by writing the person's

usual signature in the proper place thereon, the person shall 844
declare under penalty of election falsification that the answers 845
to those questions are true and correct to the best of that 846
person's knowledge and belief. The person shall then deliver the 847
identification envelope to the director. If thereafter, and before 848
the third day preceding such election, the board provides 849
additional separate official issue or special election ballots, as 850
provided for in section 3511.04 of the Revised Code, the director 851
shall promptly, and not later than twelve noon of the third day 852
preceding the day of election, mail such additional ballots to 853
such person at the address specified by that person for that 854
purpose. Except as otherwise provided in sections 3505.24 and 855
3509.08 of the Revised Code, an election official shall not fill 856
out any portion of an application for absent voter's ballots, an 857
identification envelope statement of voter, or an absent voter's 858
ballot requested under this section on behalf of an applicant. 859

In the event any person serving in the armed forces of the 860
United States is discharged after the closing date of 861
registration, and that person or that person's spouse, or both, 862
meets all the other qualifications set forth in section 3511.011 863
of the Revised Code, the person or spouse shall be permitted to 864
vote prior to the date of the election in the office of the board 865
in the person's or spouse's county, as set forth in this section. 866

Section 2. That existing sections 3501.05, 3505.24, 3509.03, 867
3509.04, 3509.06, 3509.07, 3511.02, 3511.04, 3511.05, and 3511.10 868
of the Revised Code are hereby repealed. 869

Section 3. Notwithstanding any provision of section 3501.05 870
of the Revised Code to the contrary, as amended by this act, the 871
Secretary of State may mail unsolicited applications for absent 872
voter's ballots to individuals for elections occurring in 2014, 873
regardless of whether the General Assembly has made an 874

appropriation for that purpose. 875

Section 4. Sections 1, 2, and 3 of this act take effect June 876

1, 2014. 877