

**As Reported by the House Policy and Legislative Oversight  
Committee**

**130th General Assembly  
Regular Session  
2013-2014**

**Am. S. B. No. 238**

**Senator LaRose**

**Cosponsors: Senators Schaffer, Seitz, Jordan, Eklund, Coley, Widener,  
Burke, Lehner**

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**A B I L L**

To amend sections 3509.01 and 3511.10 of the Revised 1  
Code to reduce the days for absent voting. 2

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

**Section 1.** That sections 3509.01 and 3511.10 of the Revised 3  
Code be amended to read as follows: 4

**Sec. 3509.01.** (A) The board of elections of each county shall 5  
provide absent voter's ballots for use at every primary and 6  
general election, or special election to be held on the day 7  
specified by division (E) of section 3501.01 of the Revised Code 8  
for the holding of a primary election, designated by the general 9  
assembly for the purpose of submitting constitutional amendments 10  
proposed by the general assembly to the voters of the state. Those 11  
ballots shall be the same size, shall be printed on the same kind 12  
of paper, and shall be in the same form as has been approved for 13  
use at the election for which those ballots are to be voted; 14  
except that, in counties using marking devices, ballot cards may 15  
be used for absent voter's ballots, and those absent voters shall 16  
be instructed to record the vote in the manner provided on the 17

ballot cards. In counties where punch card ballots are used, those  
absent voters shall be instructed to examine their marked ballot  
cards and to remove any chads that remain partially attached to  
them before returning them to election officials.

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

(1) For overseas voters and absent uniformed services voters  
eligible to vote under the Uniformed and Overseas Citizens  
Absentee Voting Act, Pub. L. No. 99-410, 100 Stat. 924, 42 U.S.C.  
1973ff, et seq., as amended, ballots shall be printed and ready  
for use other than in person on the forty-fifth day before the day  
of the election.

(2) For all ~~other~~ voters, other than overseas voters and  
absent uniformed services voters, who are applying to vote absent  
voter's ballots other than in person, ballots shall be printed and  
ready for use on the ~~thirty-fifth~~ first day ~~before~~ after the day  
~~of close of voter registration before~~ the election.

(3) For all voters who are applying to vote absent voter's  
ballots in person, ballots shall be printed and ready for use  
beginning on the first day after the close of voter registration  
before the election.

If, at the time for the close of in-person absent voting on a  
particular day, there are voters waiting in line to cast their  
ballots, the in-person absent voting location shall be kept open  
until such waiting voters have cast their absent voter's ballots.

(C) Absent voter's ballots provided for use at a general or  
primary election, or special election to be held on the day

specified by division (E) of section 3501.01 of the Revised Code 49  
for the holding of a primary election, designated by the general 50  
assembly for the purpose of submitting constitutional amendments 51  
proposed by the general assembly to the voters of the state, shall 52  
include only those questions, issues, and candidacies that have 53  
been lawfully ordered submitted to the electors voting at that 54  
election. 55

(D) If the laws governing the holding of a special election 56  
on a day other than the day on which a primary or general election 57  
is held make it impossible for absent voter's ballots to be 58  
printed and ready for use by the deadlines established in division 59  
(B) of this section, absent voter's ballots for those special 60  
elections shall be ready for use as many days before the day of 61  
the election as reasonably possible under the laws governing the 62  
holding of that special election. 63

(E) A copy of the absent voter's ballots shall be forwarded 64  
by the director of the board in each county to the secretary of 65  
state at least twenty-five days before the election. 66

(F) As used in this section, "chad" and "punch card ballot" 67  
have the same meanings as in section 3506.16 of the Revised Code. 68

**Sec. 3511.10.** If, after the ~~thirty-fifth~~ first day after the 69  
close of voter registration before a general or primary election 70  
and before the close of the polls on the day of a ~~general or~~ 71  
~~primary~~ that election, a valid application for uniformed services 72  
or overseas absent voter's ballots is delivered to the director of 73  
the board of elections at the office of the board by a person 74  
making the application on the person's own behalf, the director 75  
shall forthwith deliver to the person all uniformed services or 76  
overseas absent voter's ballots then ready for use, together with 77  
an identification envelope. The person shall then immediately 78  
retire to a voting booth in the office of the board, and mark the 79

ballots. The person shall then fold each ballot separately so as 80  
to conceal the person's markings thereon, and deposit all of the 81  
ballots in the identification envelope and securely seal it. 82  
Thereupon the person shall fill in answers to the questions on the 83  
face of the identification envelope, and by writing the person's 84  
usual signature in the proper place thereon, the person shall 85  
declare under penalty of election falsification that the answers 86  
to those questions are true and correct to the best of that 87  
person's knowledge and belief. The person shall then deliver the 88  
identification envelope to the director. If thereafter, and before 89  
the third day preceding such election, the board provides 90  
additional separate official issue or special election ballots, as 91  
provided for in section 3511.04 of the Revised Code, the director 92  
shall promptly, and not later than twelve noon of the third day 93  
preceding the day of election, mail such additional ballots to 94  
such person at the address specified by that person for that 95  
purpose. 96

In the event any person serving in the armed forces of the 97  
United States is discharged after the closing date of 98  
registration, and that person or that person's spouse, or both, 99  
meets all the other qualifications set forth in section 3511.011 100  
of the Revised Code, the person or spouse shall be permitted to 101  
vote prior to the date of the election in the office of the board 102  
in the person's or spouse's county, as set forth in this section. 103

**Section 2.** That existing sections 3509.01 and 3511.10 of the 104  
Revised Code are hereby repealed. 105

**Section 3.** Sections 1 and 2 of this act take effect June 1, 106  
2014. 107