

As Introduced

**130th General Assembly
Regular Session
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S. B. No. 362

Senators Kearney, Turner

**Cosponsors: Senators Gentile, Cafaro, Schiavoni, Sawyer, Skindell, Tavares,
Brown**

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A B I L L

To amend sections 3509.01, 3509.03, 3511.02, and 1
3511.10 of the Revised Code to extend the period 2
for in-person absent voting and to specify the 3
days and hours for in-person absent voting. 4

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

Section 1. That sections 3509.01, 3509.03, 3511.02, and 5
3511.10 of the Revised Code be amended to read as follows: 6

Sec. 3509.01. (A) The board of elections of each county shall 7
provide absent voter's ballots for use at every primary and 8
general election, or special election to be held on the day 9
specified by division (E) of section 3501.01 of the Revised Code 10
for the holding of a primary election, designated by the general 11
assembly for the purpose of submitting constitutional amendments 12
proposed by the general assembly to the voters of the state. Those 13
ballots shall be the same size, shall be printed on the same kind 14
of paper, and shall be in the same form as has been approved for 15
use at the election for which those ballots are to be voted; 16
except that, in counties using marking devices, ballot cards may 17
be used for absent voter's ballots, and those absent voters shall 18

be instructed to record the vote in the manner provided on the 19
ballot cards. 20

(B) The rotation of names of candidates and questions and 21
issues shall be substantially complied with on absent voter's 22
ballots, within the limitation of time allotted. Those ballots 23
shall be designated as "Absent Voter's Ballots." Except as 24
otherwise provided in division (D) of this section, those ballots 25
shall be printed and ready for use as follows: 26

(1) For overseas voters and absent uniformed services voters 27
eligible to vote under the Uniformed and Overseas Citizens 28
Absentee Voting Act, Pub. L. No. 99-410, 100 Stat. 924, 42 U.S.C. 29
1973ff, et seq., as amended, ballots shall be printed and ready 30
for use other than in person on the forty-fifth day before the day 31
of the election. 32

(2) For all voters, other than overseas voters and absent 33
uniformed services voters, who are applying to vote absent voter's 34
ballots other than in person, ballots shall be printed and ready 35
for use on the ~~first~~ thirty-fifth day ~~after the close of voter~~ 36
~~registration~~ before the day of the election. 37

(3)(a) For all voters who are applying to vote absent voter's 38
ballots in person, ballots shall be printed and ready for use 39
beginning on the ~~first~~ thirty-fifth day ~~after the close of voter~~ 40
~~registration~~ before the day of the election and shall continue to 41
be available for use through two p.m. on the day before the day of 42
the election, according to the following minimum standards: 43

(i) During the first three weeks of in-person absent voting, 44
ballots shall be available from eight a.m. through five p.m. 45
Monday through Friday, except that ballots shall be available 46
until nine p.m. on the last day of voter registration for that 47
election; 48

(ii) Beginning on the third Monday before the day of the 49

election, ballots shall be available from eight a.m. through seven 50
p.m. Monday through Friday, from eight a.m. through five p.m. on 51
Saturday, and from twelve p.m. through eight p.m. on Sunday; 52

(iii) Beginning on the second Monday before the day of the 53
election, ballots shall be available from eight a.m. through nine 54
p.m. Monday through Friday, from eight a.m. through eight p.m. on 55
Saturday, and from twelve p.m. through eight p.m. on Sunday; 56

(iv) On the last Monday before the day of the election, 57
ballots shall be available from eight a.m. through two p.m. 58

(b) A board of elections may alter the hours that absent 59
voter's ballots are available for use in person under division 60
(B)(3)(a) of this section based on the individual facts and needs 61
of the electors in the applicable county by a vote of not less 62
than three members of the board. If a board alters the hours 63
specified in that division, all of the following shall apply: 64

(i) Ballots shall be available until nine p.m. on the last 65
day of voter registration for that election; 66

(ii) Ballots shall be available for a minimum of thirty hours 67
each week on weekdays throughout the thirty-five-day period, with 68
at least ten of those hours occurring after five p.m.; 69

(iii) Ballots shall be available for a minimum of eight hours 70
on a Saturday and a minimum of four hours on a Sunday within the 71
last two weekends before the day of the election; 72

(iv) Ballots shall be available from at least eight a.m. 73
through two p.m. on the day before the day of the election. 74

(c) If, at the time for the close of in-person absent voting 75
on a particular day, there are voters waiting in line to cast 76
their ballots, the in-person absent voting location shall be kept 77
open until such waiting voters have cast their absent voter's 78
ballots. 79

(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 for the holding of a primary election, designated by the general assembly for the purpose of submitting constitutional amendments proposed by the general assembly to the voters of the state, shall include only those questions, issues, and candidacies that have been lawfully ordered submitted to the electors voting at that election.

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

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

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

(A) The elector's name;

(B) The elector's signature;

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

(D) The elector's date of birth;	110
(E) One of the following:	111
(1) The elector's driver's license number;	112
(2) The last four digits of the elector's social security number;	113 114
(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.	115 116 117 118 119 120 121
(F) A statement identifying the election for which absent voter's ballots are requested;	122 123
(G) A statement that the person requesting the ballots is a qualified elector;	124 125
(H) If the request is for primary election ballots, the elector's party affiliation;	126 127
(I) If the elector desires ballots to be mailed to the elector, the address to which those ballots shall be mailed.	128 129
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 day before the day of the election at which the ballots are to be voted, or not later than six p.m. on the last Friday <u>the close of</u> <u>the time for in-person absent voting as determined under division</u> <u>(B)(3) of section 3509.01 of the Revised Code</u> before the day of	130 131 132 133 134 135 136 137 138 139

the election at which the ballots are to be voted if the 140
application is delivered in person to the office of the board. 141

A board of elections that mails an absent voter's ballot 142
application to an elector under this section shall not prepay the 143
return postage for that application. 144

Except as otherwise provided in this section and in sections 145
3505.24 and 3509.08 of the Revised Code, an election official 146
shall not fill out any portion of an application for absent 147
voter's ballots on behalf of an applicant. The secretary of state 148
or a board of elections may preprint only an applicant's name and 149
address on an application for absent voter's ballots before 150
mailing that application to the applicant. 151

Sec. 3511.02. Notwithstanding any section of the Revised Code 152
to the contrary, whenever any person applies for registration as a 153
voter on a form adopted in accordance with federal regulations 154
relating to the "Uniformed and Overseas Citizens Absentee Voting 155
Act," 100 Stat. 924, 42 U.S.C.A. 1973ff (1986), this application 156
shall be sufficient for voter registration and as a request for an 157
absent voter's ballot. Uniformed services or overseas absent 158
voter's ballots may be obtained by any person meeting the 159
requirements of section 3511.011 of the Revised Code by applying 160
electronically to the secretary of state or to the board of 161
elections of the county in which the person's voting residence is 162
located in accordance with section 3511.021 of the Revised Code or 163
by applying to the director of the board of elections of the 164
county in which the person's voting residence is located, in one 165
of the following ways: 166

(A) That person may make written application for those 167
ballots. The person may personally deliver the application to the 168
director or may mail it, send it by facsimile machine, send it by 169
electronic mail, send it through internet delivery if such 170

delivery is offered by the board of elections or the secretary of	171
state, or otherwise send it to the director. The application need	172
not be in any particular form but shall contain all of the	173
following information:	174
(1) The elector's name;	175
(2) The elector's signature;	176
(3) The address at which the elector is registered to vote;	177
(4) The elector's date of birth;	178
(5) One of the following:	179
(a) The elector's driver's license number;	180
(b) The last four digits of the elector's social security	181
number;	182
(c) A copy of the elector's current and valid photo	183
identification, a copy of a military identification, or a copy of	184
a current utility bill, bank statement, government check,	185
paycheck, or other government document, other than a notice of	186
voter registration mailed by a board of elections under section	187
3503.19 of the Revised Code, that shows the name and address of	188
the elector.	189
(6) A statement identifying the election for which absent	190
voter's ballots are requested;	191
(7) A statement that the person requesting the ballots is a	192
qualified elector;	193
(8) A statement that the elector is an absent uniformed	194
services voter or overseas voter as defined in 42 U.S.C. 1973ff-6;	195
(9) A statement of the elector's length of residence in the	196
state immediately preceding the commencement of service,	197
immediately preceding the date of leaving to be with or near the	198
service member, or immediately preceding leaving the United	199

States, or a statement that the elector's parent or legal guardian 200
resided in this state long enough to establish residency for 201
voting purposes immediately preceding leaving the United States, 202
whichever is applicable; 203

(10) If the request is for primary election ballots, the 204
elector's party affiliation; 205

(11) If the elector desires ballots to be mailed to the 206
elector, the address to which those ballots shall be mailed; 207

(12) If the elector desires ballots to be sent to the elector 208
by facsimile machine, the telephone number to which they shall be 209
so sent; 210

(13) If the elector desires ballots to be sent to the elector 211
by electronic mail or, if offered by the board of elections or the 212
secretary of state, through internet delivery, the elector's 213
electronic mail address or other internet contact information. 214

(B) A voter or any relative of a voter listed in division (C) 215
of this section may use a single federal post card application to 216
apply for uniformed services or overseas absent voter's ballots 217
for use at the primary and general elections in a given year and 218
any special election to be held on the day in that year specified 219
by division (E) of section 3501.01 of the Revised Code for the 220
holding of a primary election, designated by the general assembly 221
for the purpose of submitting constitutional amendments proposed 222
by the general assembly to the voters of the state. A single 223
federal postcard application shall be processed by the board of 224
elections pursuant to section 3511.04 of the Revised Code the same 225
as if the voter had applied separately for uniformed services or 226
overseas absent voter's ballots for each election. 227

(C) Application to have uniformed services or overseas absent 228
voter's ballots mailed or sent by facsimile machine to such a 229
person may be made by the spouse, father, mother, father-in-law, 230

mother-in-law, grandfather, grandmother, brother or sister of the 231
whole blood or half blood, son, daughter, adopting parent, adopted 232
child, stepparent, stepchild, daughter-in-law, son-in-law, uncle, 233
aunt, nephew, or niece of such a person. The application shall be 234
in writing upon a blank form furnished only by the director or on 235
a single federal post card as provided in division (B) of this 236
section. The form of the application shall be prescribed by the 237
secretary of state. The director shall furnish that blank form to 238
any of the relatives specified in this division desiring to make 239
the application, only upon the request of such a relative made in 240
person at the office of the board or upon the written request of 241
such a relative mailed to the office of the board. The 242
application, subscribed and sworn to by the applicant, shall 243
contain all of the following: 244

(1) The full name of the elector for whom ballots are 245
requested; 246

(2) A statement that the elector is an absent uniformed 247
services voter or overseas voter as defined in 42 U.S.C. 1973ff-6; 248

(3) The address at which the elector is registered to vote; 249

(4) A statement identifying the elector's length of residence 250
in the state immediately preceding the commencement of service, 251
immediately preceding the date of leaving to be with or near a 252
service member, or immediately preceding leaving the United 253
States, or a statement that the elector's parent or legal guardian 254
resided in this state long enough to establish residency for 255
voting purposes immediately preceding leaving the United States, 256
as the case may be; 257

(5) The elector's date of birth; 258

(6) One of the following: 259

(a) The elector's driver's license number; 260

(b) The last four digits of the elector's social security number;	261 262
(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.	263 264 265 266 267 268 269
(7) A statement identifying the election for which absent voter's ballots are requested;	270 271
(8) A statement that the person requesting the ballots is a qualified elector;	272 273
(9) If the request is for primary election ballots, the elector's party affiliation;	274 275
(10) A statement that the applicant bears a relationship to the elector as specified in division (C) of this section;	276 277
(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;	278 279 280 281 282 283 284
(12) The signature and address of the person making the application.	285 286
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	287 288 289 290

are requested or not earlier than ninety days before the day of 291
the election at which the ballots are to be voted, whichever is 292
earlier, and not later than twelve noon of the third day preceding 293
the day of the election, or not later than ~~six p.m. on the last~~ 294
~~Friday~~ the close of the time for in-person absent voting as 295
determined under division (B)(3) of section 3509.01 of the Revised 296
Code before the day of the election at which those ballots are to 297
be voted if the application is delivered in person to the office 298
of the board. 299

(D) If the voter for whom the application is made is entitled 300
to vote for presidential and vice-presidential electors only, the 301
applicant shall submit to the director in addition to the 302
requirements of divisions (A), (B), and (C) of this section, a 303
statement to the effect that the voter is qualified to vote for 304
presidential and vice-presidential electors and for no other 305
offices. 306

(E) A board of elections that mails a federal post card 307
application or other absent voter's ballot application to an 308
elector under this section shall not prepay the return postage for 309
that application. 310

(F) Except as otherwise provided in this section and in 311
sections 3505.24 and 3509.08 of the Revised Code, an election 312
official shall not fill out any portion of a federal post card 313
application or other application for absent voter's ballots on 314
behalf of an applicant. The secretary of state or a board of 315
elections may preprint only an applicant's name and address on a 316
federal post card application or other application for absent 317
voter's ballots before mailing that application to the applicant. 318

Sec. 3511.10. ~~If, after the first day after the close of~~ 319
~~voter registration before a general or primary election and during~~ 320
the time that absent voter's ballots may be cast in person before 321

~~the close of the polls on the day of that~~ an election, a valid 322
application for uniformed services or overseas absent voter's 323
ballots is delivered to the director of the board of elections at 324
the office of the board by a person making the application on the 325
person's own behalf, the director shall forthwith deliver to the 326
person all uniformed services or overseas absent voter's ballots 327
then ready for use, together with an identification envelope. The 328
person shall then immediately retire to a voting booth in the 329
office of the board, and mark the ballots. The person shall then 330
fold each ballot separately so as to conceal the person's markings 331
thereon, and deposit all of the ballots in the identification 332
envelope and securely seal it. Thereupon the person shall fill in 333
answers to the questions on the face of the identification 334
envelope, and by writing the person's usual signature in the 335
proper place thereon, the person shall declare under penalty of 336
election falsification that the answers to those questions are 337
true and correct to the best of that person's knowledge and 338
belief. The person shall then deliver the identification envelope 339
to the director. If thereafter, and before the third day preceding 340
such election, the board provides additional separate official 341
issue or special election ballots, as provided for in section 342
3511.04 of the Revised Code, the director shall promptly, and not 343
later than twelve noon of the third day preceding the day of 344
election, mail such additional ballots to such person at the 345
address specified by that person for that purpose. Except as 346
otherwise provided in sections 3505.24 and 3509.08 of the Revised 347
Code, an election official shall not fill out any portion of an 348
application for absent voter's ballots, an identification envelope 349
statement of voter, or an absent voter's ballot requested under 350
this section on behalf of an applicant. 351

In the event any person serving in the armed forces of the 352
United States is discharged after the closing date of 353
registration, and that person or that person's spouse, or both, 354

meets all the other qualifications set forth in section 3511.011 355
of the Revised Code, the person or spouse shall be permitted to 356
vote prior to the date of the election in the office of the board 357
in the person's or spouse's county, as set forth in this section. 358

Section 2. That existing sections 3509.01, 3509.03, 3511.02, 359
and 3511.10 of the Revised Code are hereby repealed. 360

Section 3. Section 3509.01 of the Revised Code is presented 361
in this act as a composite of the section as amended by Am. S.B. 362
10, Am. Sub. S.B. 109, and Am. S.B. 238, all of the 130th General 363
Assembly. Section 3511.10 of the Revised Code is presented in this 364
act as a composite of the section as amended by both Sub. S.B. 205 365
and Am. S.B. 238 of the 130th General Assembly. The General 366
Assembly, applying the principle stated in division (B) of section 367
1.52 of the Revised Code that amendments are to be harmonized if 368
reasonably capable of simultaneous operation, finds that the 369
composites are the resulting versions of the sections in effect 370
prior to the effective date of the sections as presented in this 371
act. 372