Am. Sub. H.B. 166
As Passed by the Senate

_______________________________ moved to amend as follows:

In line 51 of the title, after "3505.21," insert "3509.03, 3509.04, 3509.05, 3511.02, 3511.04,"

In line 259, after "3505.21," insert "3509.03, 3509.04, 3509.05, 3511.02, 3511.04,"

After line 35309, insert:

"Sec. 3509.03. (A) 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.

(B) Except as otherwise provided in division (C) of this section, the application need not be in any particular form but shall contain all of the following:

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

(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.

(6) A statement identifying the election for which absent voter's ballots are requested;

(7) A statement that the person requesting the ballots is a qualified elector;

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

(9) If the elector desires ballots to be mailed to the elector, the address to which those ballots shall be mailed.

(C) If the elector has a confidential voter registration record, as described in section 111.44 of the Revised Code, the elector may provide the elector's program participant identification number instead of the address at which the elector is registered to vote.

(D) 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 before the
day of the election at which the ballots are to be voted if the
application is delivered in person to the office of the board.

(E) A board of elections that mails or otherwise delivers an
absent voter's ballot application to an elector under this section
shall not prepay the return postage for that application, unless,
under 39 U.S.C. 3406, no postage payment is required. The
secretary of state shall reimburse a board for the expense to
prepay the return postage.

(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 an 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 an application for absent voter's ballots
before mailing that application to the applicant, except that if
the applicant has a confidential voter registration record, the
secretary of state or a board of elections shall not preprint the
applicant's address on the application.

Sec. 3509.04. (A) If a director of a board of elections
receives an application for 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) Upon receipt by the director of elections of an
application for absent voter's ballots that contains all of the
required information, as provided by section 3509.03 and division
(G) of section 3503.16 of the Revised Code, the director, if the
director finds that the applicant is a qualified elector, shall
deliver to the applicant in person or mail directly to the applicant by special delivery mail, air mail, or regular mail, postage prepaid, proper absent voter's ballots. The director shall deliver or mail with the ballots an unsealed identification envelope upon the face of which shall be printed a form substantially as follows:

"Identification Envelope Statement of Voter

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

My voting residence in Ohio is .................................................................

(Street and Number, if any, or Rural Route and Number)
of ................................. (City, Village, or Township)
Ohio, which is in Ward ............... Precinct ............... in that city, village, or township.

If I have a confidential voter registration record, I am providing my program participant identification number instead of my residence address: ......................

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

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

My date of birth is .......................... (Month and Day),
............. (Year).
(Voter must provide one of the following:)

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

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

...... In lieu of providing a driver's license number or the last four digits of my Social Security Number, I am enclosing a copy of one of the following in the return envelope in which this identification envelope will be mailed: a current and valid photo identification, a military identification, or 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, that shows my name and address.

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

........................................

(Signature of Voter)

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

The director shall mail with the ballots and the unsealed identification envelope an unsealed return envelope upon the face of which shall be printed the official title and post-office address of the director. In the upper left corner on the face of the return envelope, several blank lines shall be printed upon which the voter may write the voter's name and return address. The return envelope shall be of such size that the identification envelope can be conveniently placed within it for returning the identification envelope to the director.

A board of elections that mails or otherwise delivers absentee
voter's ballots to an elector under this section shall not prepay the return postage for those absent voter's ballots mailed or otherwise delivered to an elector under this section, unless, under 39 U.S.C. 3406, no postage payment is required. The secretary of state shall reimburse a board for the expense to prepay the return postage.

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 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 absent voter's ballots to the elector, except that if the elector has a confidential voter registration record, as described in section 111.44 of the Revised Code, the board of elections shall not preprint the elector's address on the identification envelope statement of voter.

Sec. 3509.05. (A) When an elector receives an absent voter's ballot pursuant to the elector's application or request, the elector shall, before placing any marks on the ballot, note whether there are any voting marks on it. If there are any voting marks, the ballot shall be returned immediately to the board of elections; otherwise, the elector shall cause the ballot to be marked, folded in a manner that the stub on it and the indorsements and facsimile signatures of the members of the board of elections on the back of it are visible, and placed and sealed within the identification envelope received from the director of elections for that purpose. Then, the elector shall cause the statement of voter on the outside of the identification envelope to be completed and signed, under penalty of election
falsification.

If the elector does not provide the elector's driver's license number or the last four digits of the elector's social security number on the statement of voter on the identification envelope, the elector also shall include in the return envelope with the identification envelope a copy of the elector's current 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.

The elector shall mail the identification envelope to the director from whom it was received in the return envelope, postage prepaid, or the elector may personally deliver it to the director, or the spouse of the elector, the father, mother, father-in-law, mother-in-law, grandfather, grandmother, brother, or sister of the whole or half blood, or the son, daughter, adopting parent, adopted child, stepparent, stepchild, uncle, aunt, nephew, or niece of the elector may deliver it to the director. The return envelope shall be transmitted to the director in no other manner, except as provided in section 3509.08 of the Revised Code.

When absent voter's ballots are delivered to an elector at the office of the board, the elector may retire to a voting compartment provided by the board and there mark the ballots. Thereupon, the elector shall fold them, place them in the identification envelope provided, seal the envelope, fill in and sign the statement on the envelope under penalty of election falsification, and deliver the envelope to the director of the board.
Except as otherwise provided in division (B) of this section, all other envelopes containing marked absent voter's ballots shall be delivered to the director not later than the close of the polls on the day of an election. Absent voter's ballots delivered to the director later than the times specified shall not be counted, but shall be kept by the board in the sealed identification envelopes in which they are delivered to the director, until the time provided by section 3505.31 of the Revised Code for the destruction of all other ballots used at the election for which ballots were provided, at which time they shall be destroyed.

(B)(1) Except as otherwise provided in division (B)(2) of this section, any return envelope that is postmarked prior to the day of the election shall be delivered to the director prior to the eleventh day after the election. Ballots delivered in envelopes postmarked prior to the day of the election that are received after the close of the polls on election day through the tenth day thereafter shall be counted on the eleventh day at the board of elections in the manner provided in divisions (C) and (D) of section 3509.06 of the Revised Code or in the manner provided in division (E) of that section, as applicable. Any such ballots that are received by the director later than the tenth day following the election shall not be counted, but shall be kept by the board in the sealed identification envelopes as provided in division (A) of this section.

(2) Division (B)(1) of this section shall not apply to any mail that is postmarked using a postage evidencing system, including a postage meter, as defined in 39 C.F.R. 501.1.

Sec. 3511.02. (A) 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:

(1) That person may make written application for those ballots. The person may personally deliver the application to the director or may mail it, send it by facsimile machine, send it by electronic mail, send it through internet delivery if such delivery is offered by the board of elections or the secretary of state, or otherwise send it to the director. Except as otherwise provided in division (B) of this section, the application need not be in any particular form but shall contain all of the following information:

(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;

(e) One of the following:

(i) The elector's driver's license number;

(ii) The last four digits of the elector's social security
(iii) 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.

(f) A statement identifying the election for which absent voter's ballots are requested;

(g) A statement that the person requesting the ballots is a qualified elector;

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

(i) A statement of 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 the service member, or immediately preceding leaving the United States, or a statement that the elector's parent or legal guardian resided in this state long enough to establish residency for voting purposes immediately preceding leaving the United States, whichever is applicable;

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

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

(l) If the elector desires ballots to be sent to the elector by facsimile machine, the telephone number to which they shall be so sent;
(m) If the elector desires ballots to be sent to the elector by electronic mail or, if offered by the board of elections or the secretary of state, through internet delivery, the elector's electronic mail address or other internet contact information.

(2) A voter or any relative of a voter listed in division (A)(3) of this section may use a single federal post card application to apply for uniformed services or overseas absent voter's ballots for use at the primary and general elections in a given year and any special election to be held on the day in that year 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. A single federal postcard application shall be processed by the board of elections pursuant to section 3511.04 of the Revised Code the same as if the voter had applied separately for uniformed services or overseas absent voter's ballots for each election.

(3) Application to have uniformed services or overseas absent voter's ballots mailed or sent by facsimile machine to such a person may be made by the spouse, father, mother, father-in-law, mother-in-law, grandfather, grandmother, brother or sister of the whole blood or half blood, son, daughter, adopting parent, adopted child, stepparent, stepchild, daughter-in-law, son-in-law, uncle, aunt, nephew, or niece of such a person. The application shall be in writing upon a blank form furnished only by the director or on a single federal post card as provided in division (A)(2) of this section. The form of the application shall be prescribed by the secretary of state. The director shall furnish that blank form to any of the relatives specified in this division desiring to make the application, only upon the request of such a relative made in person at the office of the board or upon the written request of
such a relative mailed to the office of the board. Except as otherwise provided in division (B) of this section, the application, subscribed and sworn to by the applicant, shall contain all of the following:

(a) The full name of the elector for whom ballots are requested;

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

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

(d) 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, or a statement that the elector's parent or legal guardian resided in this state long enough to establish residency for voting purposes immediately preceding leaving the United States, as the case may be;

(e) The elector's date of birth;

(f) One of the following:

(i) The elector's driver's license number;

(ii) The last four digits of the elector's social security number;

(iii) 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.

(g) A statement identifying the election for which absent voter's ballots are requested;

(h) A statement that the person requesting the ballots is a qualified elector;

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

(j) A statement that the applicant bears a relationship to the elector as specified in division (A)(3) of this section;

(k) 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;

(l) The signature and address of the person making the application.

(B) If the elector has a confidential voter registration record, as described in section 111.44 of the Revised Code, the application may include the elector's program participant identification number instead of the address at which the elector is registered to vote.

(C) 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 division (A) 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. A board of elections that mails or otherwise
delivers an absent voter's ballot application, other than the
federal post card application, shall prepay the return postage for
that application. The secretary of state shall reimburse a board
for the expense to prepay the return postage.

(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,
except that if the applicant has a confidential voter registration
record, the secretary of state or the board of elections shall not
preprint the applicant's address on the application.
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-sixth 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 to whom the director has previously mailed or sent other uniformed services or overseas absent voter's ballots.

A board of elections that mails or otherwise delivers uniformed services or overseas absent voter's ballots to an elector under this section shall not prepay the return postage for those uniformed services or overseas absent voter's ballots mailed or otherwise delivered under this section, unless, under 39 U.S.C. 3406, no postage payment is required. The secretary of state shall reimburse a board for the expense to prepay the return postage. In mailing uniformed services or overseas absent voter's ballots, the director shall use the fastest mail service available, but the director shall not mail them by certified mail."

In line 82850, after "3505.21," insert "3509.03, 3509.04, 3509.05, 3511.02, 3511.04,"

The motion was __________ agreed to.

SYNOPSIS

Absent voter's ballots postage

R.C. 3509.03, 3509.04, 3509.05, 3511.02, and 3511.04

Requires boards of elections to prepay postage for the application of and return of completed absent voter's ballots.

Requires the Secretary of State to reimburse the boards of elections for the prepaid postage.