

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," 1
2

In line 259, after "3505.21," insert "3509.03, 3509.04,
3509.05, 3511.02, 3511.04," 3
4

After line 35309, insert: 5

"**Sec. 3509.03.** (A) Except as provided in division (B) of 6
section 3509.08 of the Revised Code, any qualified elector 7
desiring to vote absent voter's ballots at an election shall make 8
written application for those ballots to the director of elections 9
of the county in which the elector's voting residence is located. 10

(B) Except as otherwise provided in division (C) of this 11
section, the application need not be in any particular form but 12
shall contain all of the following: 13

(1) The elector's name; 14

(2) The elector's signature; 15

(3) The address at which the elector is registered to vote; 16

(4) The elector's date of birth; 17

(5) One of the following: 18

(a) The elector's driver's license number; 19

(b) The last four digits of the elector's social security number;	20 21
(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.	22 23 24 25 26 27 28
(6) A statement identifying the election for which absent voter's ballots are requested;	29 30
(7) A statement that the person requesting the ballots is a qualified elector;	31 32
(8) If the request is for primary election ballots, the elector's party affiliation;	33 34
(9) If the elector desires ballots to be mailed to the elector, the address to which those ballots shall be mailed.	35 36
(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.	37 38 39 40 41
(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	42 43 44 45 46 47 48

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 78
 applicant by special delivery mail, air mail, or regular mail, 79
 postage prepaid, proper absent voter's ballots. The director shall 80
 deliver or mail with the ballots an unsealed identification 81
 envelope upon the face of which shall be printed a form 82
 substantially as follows: 83

"Identification Envelope Statement of Voter 84

I,(Name of voter), declare under 85
 penalty of election falsification that the within ballot or 86
 ballots contained no voting marks of any kind when I received 87
 them, and I caused the ballot or ballots to be marked, enclosed in 88
 the identification envelope, and sealed in that envelope. 89

My voting residence in Ohio is 90

..... 91

(Street and Number, if any, or Rural Route and Number) 92

of (City, Village, or Township) 93

Ohio, which is in Ward Precinct 94

in that city, village, or township. 95

If I have a confidential voter registration record, I am 96
 providing my program participant identification number instead of 97
 my residence address: 98

The primary election ballots, if any, within this envelope 99
 are primary election ballots of the Party. 100

Ballots contained within this envelope are to be voted at the 101
 (general, special, or primary) election to be held on 102
 the day of, 103

My date of birth is (Month and Day), 104

..... (Year). 105

(Voter must provide one of the following:) 106

My driver's license number is (Driver's license number). 107
108

The last four digits of my Social Security Number are (Last four digits of Social Security Number). 109
110

..... 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. 111
112
113
114
115
116
117
118

I hereby declare, under penalty of election falsification, that the statements above are true, as I verily believe. 119
120

..... 121

(Signature of Voter) 122

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE." 123
124

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. 125
126
127
128
129
130
131
132
133

A board of elections ~~that mails or otherwise delivers absent~~ 134

~~voter's ballots to an elector under this section shall not~~ 135
~~prepay the return postage for those absent voter's ballots mailed or~~ 136
~~otherwise delivered to an elector under this section, unless,~~ 137
~~under 39 U.S.C. 3406, no postage payment is required. The~~ 138
~~secretary of state shall reimburse a board for the expense to~~ 139
~~prepay the return postage.~~ 140

Except as otherwise provided in this section and in sections 141
3505.24 and 3509.08 of the Revised Code, an election official 142
shall not fill out any portion of an identification envelope 143
statement of voter or an absent voter's ballot on behalf of an 144
elector. A board of elections may preprint only an elector's name 145
and address on an identification envelope statement of voter 146
before mailing absent voter's ballots to the elector, except that 147
if the elector has a confidential voter registration record, as 148
described in section 111.44 of the Revised Code, the board of 149
elections shall not preprint the elector's address on the 150
identification envelope statement of voter. 151

Sec. 3509.05. (A) When an elector receives an absent voter's 152
ballot pursuant to the elector's application or request, the 153
elector shall, before placing any marks on the ballot, note 154
whether there are any voting marks on it. If there are any voting 155
marks, the ballot shall be returned immediately to the board of 156
elections; otherwise, the elector shall cause the ballot to be 157
marked, folded in a manner that the stub on it and the 158
indorsements and facsimile signatures of the members of the board 159
of elections on the back of it are visible, and placed and sealed 160
within the identification envelope received from the director of 161
elections for that purpose. Then, the elector shall cause the 162
statement of voter on the outside of the identification envelope 163
to be completed and signed, under penalty of election 164

falsification. 165

If the elector does not provide the elector's driver's 166
 license number or the last four digits of the elector's social 167
 security number on the statement of voter on the identification 168
 envelope, the elector also shall include in the return envelope 169
 with the identification envelope a copy of the elector's current 170
 valid photo identification, a copy of a military identification, 171
 or a copy of a current utility bill, bank statement, government 172
 check, paycheck, or other government document, other than a notice 173
 of voter registration mailed by a board of elections under section 174
 3503.19 of the Revised Code, that shows the name and address of 175
 the elector. 176

The elector shall mail the identification envelope to the 177
 director from whom it was received in the return envelope, ~~postage~~ 178
~~prepaid~~, or the elector may personally deliver it to the director, 179
 or the spouse of the elector, the father, mother, father-in-law, 180
 mother-in-law, grandfather, grandmother, brother, or sister of the 181
 whole or half blood, or the son, daughter, adopting parent, 182
 adopted child, stepparent, stepchild, uncle, aunt, nephew, or 183
 niece of the elector may deliver it to the director. The return 184
 envelope shall be transmitted to the director in no other manner, 185
 except as provided in section 3509.08 of the Revised Code. 186

When absent voter's ballots are delivered to an elector at 187
 the office of the board, the elector may retire to a voting 188
 compartment provided by the board and there mark the ballots. 189
 Thereupon, the elector shall fold them, place them in the 190
 identification envelope provided, seal the envelope, fill in and 191
 sign the statement on the envelope under penalty of election 192
 falsification, and deliver the envelope to the director of the 193
 board. 194

Except as otherwise provided in division (B) of this section, 195
 all other envelopes containing marked absent voter's ballots shall 196
 be delivered to the director not later than the close of the polls 197
 on the day of an election. Absent voter's ballots delivered to the 198
 director later than the times specified shall not be counted, but 199
 shall be kept by the board in the sealed identification envelopes 200
 in which they are delivered to the director, until the time 201
 provided by section 3505.31 of the Revised Code for the 202
 destruction of all other ballots used at the election for which 203
 ballots were provided, at which time they shall be destroyed. 204

(B)(1) Except as otherwise provided in division (B)(2) of 205
 this section, any return envelope that is postmarked prior to the 206
 day of the election shall be delivered to the director prior to 207
 the eleventh day after the election. Ballots delivered in 208
 envelopes postmarked prior to the day of the election that are 209
 received after the close of the polls on election day through the 210
 tenth day thereafter shall be counted on the eleventh day at the 211
 board of elections in the manner provided in divisions (C) and (D) 212
 of section 3509.06 of the Revised Code or in the manner provided 213
 in division (E) of that section, as applicable. Any such ballots 214
 that are received by the director later than the tenth day 215
 following the election shall not be counted, but shall be kept by 216
 the board in the sealed identification envelopes as provided in 217
 division (A) of this section. 218

(2) Division (B)(1) of this section shall not apply to any 219
 mail that is postmarked using a postage evidencing system, 220
 including a postage meter, as defined in 39 C.F.R. 501.1. 221

Sec. 3511.02. (A) Notwithstanding any section of the Revised 222
 Code to the contrary, whenever any person applies for registration 223
 as a voter on a form adopted in accordance with federal 224

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

number;	253
(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.	254 255 256 257 258 259 260
(f) A statement identifying the election for which absent voter's ballots are requested;	261 262
(g) A statement that the person requesting the ballots is a qualified elector;	263 264
(h) A statement that the elector is an absent uniformed services voter or overseas voter as defined in 42 U.S.C. 1973ff-6;	265 266
(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;	267 268 269 270 271 272 273 274
(j) If the request is for primary election ballots, the elector's party affiliation;	275 276
(k) If the elector desires ballots to be mailed to the elector, the address to which those ballots shall be mailed;	277 278
(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;	279 280 281

(m) If the elector desires ballots to be sent to the elector 282
by electronic mail or, if offered by the board of elections or the 283
secretary of state, through internet delivery, the elector's 284
electronic mail address or other internet contact information. 285

(2) A voter or any relative of a voter listed in division 286
(A)(3) of this section may use a single federal post card 287
application to apply for uniformed services or overseas absent 288
voter's ballots for use at the primary and general elections in a 289
given year and any special election to be held on the day in that 290
year specified by division (E) of section 3501.01 of the Revised 291
Code for the holding of a primary election, designated by the 292
general assembly for the purpose of submitting constitutional 293
amendments proposed by the general assembly to the voters of the 294
state. A single federal postcard application shall be processed by 295
the board of elections pursuant to section 3511.04 of the Revised 296
Code the same as if the voter had applied separately for uniformed 297
services or overseas absent voter's ballots for each election. 298

(3) Application to have uniformed services or overseas absent 299
voter's ballots mailed or sent by facsimile machine to such a 300
person may be made by the spouse, father, mother, father-in-law, 301
mother-in-law, grandfather, grandmother, brother or sister of the 302
whole blood or half blood, son, daughter, adopting parent, adopted 303
child, stepparent, stepchild, daughter-in-law, son-in-law, uncle, 304
aunt, nephew, or niece of such a person. The application shall be 305
in writing upon a blank form furnished only by the director or on 306
a single federal post card as provided in division (A)(2) of this 307
section. The form of the application shall be prescribed by the 308
secretary of state. The director shall furnish that blank form to 309
any of the relatives specified in this division desiring to make 310
the application, only upon the request of such a relative made in 311
person at the office of the board or upon the written request of 312

such a relative mailed to the office of the board. Except as 313
 otherwise provided in division (B) of this section, the 314
 application, subscribed and sworn to by the applicant, shall 315
 contain all of the following: 316

(a) The full name of the elector for whom ballots are 317
 requested; 318

(b) A statement that the elector is an absent uniformed 319
 services voter or overseas voter as defined in 42 U.S.C. 1973ff-6; 320

(c) The address at which the elector is registered to vote; 321

(d) A statement identifying the elector's length of residence 322
 in the state immediately preceding the commencement of service, 323
 immediately preceding the date of leaving to be with or near a 324
 service member, or immediately preceding leaving the United 325
 States, or a statement that the elector's parent or legal guardian 326
 resided in this state long enough to establish residency for 327
 voting purposes immediately preceding leaving the United States, 328
 as the case may be; 329

(e) The elector's date of birth; 330

(f) One of the following: 331

(i) The elector's driver's license number; 332

(ii) The last four digits of the elector's social security 333
 number; 334

(iii) A copy of the elector's current and valid photo 335
 identification, a copy of a military identification, or a copy of 336
 a current utility bill, bank statement, government check, 337
 paycheck, or other government document, other than a notice of 338
 voter registration mailed by a board of elections under section 339
 3503.19 of the Revised Code, that shows the name and address of 340

the elector. 341

(g) A statement identifying the election for which absent voter's ballots are requested; 342
343

(h) A statement that the person requesting the ballots is a qualified elector; 344
345

(i) If the request is for primary election ballots, the elector's party affiliation; 346
347

(j) A statement that the applicant bears a relationship to the elector as specified in division (A)(3) of this section; 348
349

(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; 350
351
352
353
354
355
356

(l) The signature and address of the person making the application. 357
358

(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. 359
360
361
362
363

(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, 364
365
366
367
368
369

whichever is earlier, and not later than twelve noon of the third 370
day preceding the day of the election, or not later than six p.m. 371
on the last Friday before the day of the election at which those 372
ballots are to be voted if the application is delivered in person 373
to the office of the board. 374

(D) If the voter for whom the application is made is entitled 375
to vote for presidential and vice-presidential electors only, the 376
applicant shall submit to the director in addition to the 377
requirements of division (A) of this section, a statement to the 378
effect that the voter is qualified to vote for presidential and 379
vice-presidential electors and for no other offices. 380

(E) A board of elections that mails a federal post card 381
application ~~or other absent voter's ballot application~~ to an 382
elector under this section shall not prepay the return postage for 383
that application. A board of elections that mails or otherwise 384
delivers an absent voter's ballot application, other than the 385
federal post card application, shall prepay the return postage for 386
that application. The secretary of state shall reimburse a board 387
for the expense to prepay the return postage. 388

(F) Except as otherwise provided in this section and in 389
sections 3505.24 and 3509.08 of the Revised Code, an election 390
official shall not fill out any portion of a federal post card 391
application or other application for absent voter's ballots on 392
behalf of an applicant. The secretary of state or a board of 393
elections may preprint only an applicant's name and address on a 394
federal post card application or other application for absent 395
voter's ballots before mailing that application to the applicant, 396
except that if the applicant has a confidential voter registration 397
record, the secretary of state or the board of elections shall not 398
preprint the applicant's address on the application. 399

Sec. 3511.04. (A) If a director of a board of elections 400
receives an application for uniformed services or overseas absent 401
voter's ballots that does not contain all of the required 402
information, the director promptly shall notify the applicant of 403
the additional information required to be provided by the 404
applicant to complete that application. 405

(B) Not later than the forty-sixth day before the day of each 406
general or primary election, and at the earliest possible time 407
before the day of a special election held on a day other than the 408
day on which a general or primary election is held, the director 409
of the board of elections shall mail, send by facsimile machine, 410
send by electronic mail, send through internet delivery if such 411
delivery is offered by the board of elections or the secretary of 412
state, or otherwise send uniformed services or overseas absent 413
voter's ballots then ready for use as provided for in section 414
3511.03 of the Revised Code and for which the director has 415
received valid applications prior to that time. Thereafter, and 416
until twelve noon of the third day preceding the day of election, 417
the director shall promptly, upon receipt of valid applications 418
for them, mail, send by facsimile machine, send by electronic 419
mail, send through internet delivery if such delivery is offered 420
by the board of elections or the secretary of state, or otherwise 421
send to the proper persons all uniformed services or overseas 422
absent voter's ballots then ready for use. 423

If, after the seventieth day before the day of a general or 424
primary election, any other question, issue, or candidacy is 425
lawfully ordered submitted to the electors voting at the general 426
or primary election, the board shall promptly provide a separate 427
official issue, special election, or other election ballot for 428
submitting the question, issue, or candidacy to those electors, 429

and the director shall promptly mail, send by facsimile machine, 430
 send by electronic mail, send through internet delivery if such 431
 delivery is offered by the board of elections or the secretary of 432
 state, or otherwise send each such separate ballot to each person 433
 to whom the director has previously mailed or sent other uniformed 434
 services or overseas absent voter's ballots. 435

A board of elections ~~that mails or otherwise delivers~~ 436
~~uniformed services or overseas absent voter's ballots to an~~ 437
~~elector under this section shall not~~ prepay the return postage for 438
~~those~~ uniformed services or overseas absent voter's ballots mailed 439
or otherwise delivered under this section, unless, under 39 U.S.C. 440
3406, no postage payment is required. The secretary of state shall 441
reimburse a board for the expense to prepay the return postage. In 442
 mailing uniformed services or overseas absent voter's ballots, the 443
 director shall use the fastest mail service available, but the 444
 director shall not mail them by certified mail." 445

In line 82850, after "3505.21," insert "3509.03, 3509.04, 446
 3509.05, 3511.02, 3511.04," 447

The motion was _____ agreed to.

SYNOPSIS

Absent voter's ballots postage 448

R.C. 3509.03, 3509.04, 3509.05, 3511.02, and 3511.04 449

Requires boards of elections to prepay postage for the 450
 application of and return of completed absent voter's ballots. 451

Requires the Secretary of State to reimburse the boards of 452
 elections for the prepaid postage. 453