

As Introduced

133rd General Assembly

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S. B. No. 294

Senator Huffman, M.

Cosponsors: Senators Schaffer, Brenner, Wilson, Rulli, Eklund, Johnson, Coley, Roegner, McColley, Gavarone, Burke, Manning, Blessing, Hoagland, Huffman, S.

A BILL

To extend absent voting by mail for the March 17, 1
2020, primary election to April 28, 2020, to 2
make an appropriation, and to declare an 3
emergency. 4

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

Section 1. Notwithstanding any contrary provision of the 5
Revised Code: 6

(A) Secretary of State Directive 2020-06, issued on March 7
16, 2020, is void. 8

(B) During the period beginning on the effective date of 9
this section and ending at 7:30 p.m. on April 28, 2020, no board 10
of elections, and no election official, shall do any of the 11
following: 12

(1) Count any ballots cast in the March 17, 2020, primary 13
election, or in any special election held on the day of the 14
primary election; 15

(2) Release the count or any portion of the count of any 16

ballots cast in the March 17, 2020, primary election, or in any 17
special election held on the day of the primary election; 18

(3) Process any voter registration application submitted 19
after February 18, 2020. 20

(C) (1) (a) An elector who has not already cast a ballot in 21
the March 17, 2020, primary election, or in any special election 22
held on the day of the primary election, and who was registered 23
to vote in this state as of February 18, 2020, may cast absent 24
voter's ballots for that election in accordance with this 25
section. 26

(b) An elector who was registered to vote in this state as 27
of February 18, 2020, and who cast a ballot at any time before 28
the effective date of this section in the March 17, 2020, 29
primary election, or in any special election held on the day of 30
the primary election, shall have the elector's ballot counted if 31
it is received at the office of the board not later than the 32
applicable deadline specified in division (F) of this section 33
and is otherwise eligible to be counted. 34

(2) As soon as possible after the effective date of this 35
section, the Secretary of State shall send a postcard to each 36
registered elector in this state, notifying the elector of the 37
methods by which the elector may obtain an application for 38
absent voter's ballots, the procedures and deadlines to apply 39
for absent voter's ballots under this section, and the 40
procedures and deadline to return voted absent voter's ballots 41
to the office of the board of elections under this section. 42

(3) An elector described in division (C) (1) (a) of this 43
section may apply by mail to the appropriate board of elections 44
for absent voter's ballots. If the elector is eligible to cast 45

absent voter's ballots with the assistance of election officials 46
under section 3509.08 of the Revised Code, the elector may 47
include with the elector's application a request that the board 48
of elections assist the elector in casting the elector's ballots 49
in accordance with section 3509.08 of the Revised Code. All 50
applications submitted under this division shall be received at 51
the office of the board not later than noon on April 25, 2020, 52
except that an application submitted by an elector described in 53
division (C) (1) (a) of this section who would be eligible to 54
apply for absent voter's ballots not later than 3:00 p.m. on the 55
day of an election under section 3509.08 of the Revised Code 56
shall be received at the office of the board not later than 3:00 57
p.m. on April 28, 2020. Any application received after the 58
applicable deadline shall be invalid. 59

(4) At the end of each day, the board of elections shall 60
compile and transmit to the Secretary of State a list of all 61
applications the board received that day, provided that the list 62
shall exclude all information that is not considered a public 63
record under the laws of this state. The Secretary of State 64
shall make the list available to the public upon request. 65

(5) If a board of elections receives an application under 66
this section that does not contain all of the required 67
information, the board promptly shall notify the applicant of 68
the additional information required to be provided by the 69
applicant to complete that application. In order for the 70
application to be valid, the applicant shall provide that 71
additional information to the board not later than the 72
applicable deadline under division (C) (3) of this section. 73

(6) If the board of elections determines that an 74
application submitted under this section is valid, the board 75

promptly shall deliver absent voter's ballots to the elector. 76
The board shall deliver those ballots by mail, except as 77
otherwise provided in division (D) of this section and except in 78
the case of an elector whom the board assists in casting the 79
elector's ballots in accordance with section 3509.08 of the 80
Revised Code. When the board delivers those ballots by mail, it 81
shall prepay the return postage for the ballots. 82

(D) (1) Only the following electors may apply for and cast 83
absent voter's ballots in person at the office of the board of 84
elections not later than 7:30 p.m. on April 28, 2020, instead of 85
applying to receive those ballots by mail: 86

(a) An elector to whom division (C) (1) (a) of this section 87
applies, who has a disability, and who wishes to cast absent 88
voter's ballots using a direct recording electronic voting 89
machine or marking device that is accessible for voters with 90
disabilities, including nonvisual accessibility for the blind 91
and visually impaired, in a manner that provides the same 92
opportunity for access and participation, including privacy and 93
independence, as for other voters. Each board shall have at 94
least one such machine or device available for use at the office 95
of the board. 96

(b) An elector to whom division (C) (1) (a) of this section 97
applies and who is unable to receive mail at the place where the 98
elector resides or at another location. 99

(2) All eligible electors waiting in line to cast absent 100
voter's ballots in person under division (D) of this section as 101
of 7:30 p.m. on April 28, 2020, shall be permitted to cast 102
absent voter's ballots. 103

(E) (1) If an individual applies for absent voter's ballots 104

under this section and the individual's application is received 105
not later than the applicable deadline, but the board determines 106
that the individual is not eligible to cast absent voter's 107
ballots under this section, the board shall permit the 108
individual to cast a provisional ballot in person at the office 109
of the board not later than 7:30 p.m. on April 28, 2020. All 110
individuals waiting in line at the office of the board to cast 111
provisional ballots under this division as of that time shall be 112
permitted to cast provisional ballots. 113

(2) If an individual who is eligible to cast a provisional 114
ballot under division (E) (1) of this section is unable to appear 115
at the office of the board on account of personal illness, 116
physical disability, or infirmity, the board shall permit the 117
individual to cast a provisional ballot with the assistance of 118
election officials, in the manner described in section 3509.08 119
of the Revised Code, not later than 7:30 p.m. on April 28, 2020. 120

(F) (1) Absent voter's ballots cast at any time before or 121
after the effective date of this section by an elector who was 122
registered to vote in this state as of February 18, 2020, for 123
the March 17, 2020, primary election, or for any special 124
election held on the day of the primary election, shall be 125
eligible to be counted if they are received at the office of the 126
appropriate board of elections not later than 7:30 p.m. on April 127
28, 2020. The board shall place a secure receptacle outside the 128
office of the board for the return of absent voter's ballots 129
under this section. Except as otherwise provided in divisions 130
(F) (2) and (3) of this section, absent voter's ballots received 131
after 7:30 p.m. on April 28, 2020, shall not be counted. 132

(2) Absent voter's ballots received by mail at the office 133
of the board after 7:30 p.m. on April 28, 2020, and not later 134

than May 8, 2020, are eligible to be counted if they are 135
postmarked on or before April 27, 2020, and are not postmarked 136
using a postage evidencing system, including a postage meter, as 137
defined in 39 C.F.R. 501.1. 138

(3) Uniformed services and overseas absent voter's ballots 139
received by mail at the office of the board after 7:30 p.m. on 140
April 28, 2020, and not later than May 8, 2020, are eligible to 141
be counted if they were submitted for mailing not later than 142
12:01 a.m. at the place where the voter completed the ballot on 143
April 28, 2020, regardless of whether the ballots are 144
postmarked. 145

(G) (1) If the election officials find that the 146
identification envelope statement of voter containing absent 147
voter's ballots for the March 17, 2020, primary election, or for 148
any special election held on the day of the primary election, is 149
incomplete or that the information contained in that statement 150
does not conform to the information contained in the Statewide 151
Voter Registration Database concerning the voter, as described 152
in section 3509.06 of the Revised Code, the voter shall provide 153
the necessary information to the board of elections in 154
accordance with that section not later than May 5, 2020. 155

(2) An individual who casts a provisional ballot under 156
division (E) of this section and who is required under sections 157
3505.181 to 3505.183 of the Revised Code to provide 158
identification or additional information to the board of 159
elections shall provide the necessary identification or 160
information to the board in accordance with those sections not 161
later than May 5, 2020. 162

(H) The boards of elections and the Secretary of State 163
shall complete the unofficial count, the canvass of the election 164

returns, and all other post-election procedures with respect to 165
the March 17, 2020, primary election, and any special election 166
held on the day of the primary election, on the dates provided 167
in the Revised Code, except that each deadline shall be 168
calculated by adding 42 days. 169

(I) (1) For the purpose of the contribution limits 170
described in section 3517.102 of the Revised Code, the date of 171
the 2020 primary election is March 17, 2020. However, the 172
statements of contributions and expenditures required to be 173
filed under division (A) (2) of section 3517.10 of the Revised 174
Code after the primary election shall be filed not later than 175
4:00 p.m. on June 5, 2020. 176

(2) As used in this division, "interim election period" 177
means the period beginning on March 18, 2020, and ending on 178
April 28, 2020. For purposes of the contribution limits 179
described in section 3517.102 of the Revised Code, any 180
contribution received during the interim election period is not 181
considered to have been received during a primary election 182
period or a general election period. The contribution limits 183
that apply during a primary election period under that section 184
apply during the interim election period. A person who receives 185
contributions or makes expenditures during the interim election 186
period shall file a separate report of those contributions and 187
expenditures in accordance with section 3517.10 of the Revised 188
Code not later than 4:00 p.m. on June 5, 2020. 189

(J) In implementing this act, the Secretary of State shall 190
proceed as though the Department of Administrative Services has 191
suspended, under section 125.061 of the Revised Code, the 192
purchasing and contracting requirements contained in Chapter 193
125. of the Revised Code that otherwise would apply to the 194

Secretary of State. The Secretary of State shall comply with 195
division (E) of that section. 196

Section 2. All items in this section are hereby 197
appropriated as designated out of any moneys in the state 198
treasury to the credit of the designated fund. For all 199
appropriations made in this act, those in the first column are 200
for fiscal year 2020 and those in the second column are for 201
fiscal year 2021. The appropriations made in this act are in 202
addition to any other appropriations made for the FY 2020-FY 203
2021 biennium. 204

205

	1	2	3	4	5
A	SOS SECRETARY OF STATE				
B	Dedicated Purpose Fund Group				
C	5RG0	050627	Absent Voter's Ballot Application Mailings	\$ 5,000,000	\$ 0
D	TOTAL Dedicated Purpose Fund Group			\$ 5,000,000	\$ 0
E	TOTAL ALL BUDGET FUND GROUPS			\$ 5,000,000	\$ 0

ABSENT VOTER'S BALLOT APPLICATION MAILINGS 206

The foregoing appropriation item 050627, Absent Voter's 207
Ballot Application Mailings, shall be used by the Secretary of 208
State to pay for expenses incurred for the purpose of 209

implementing this act. 210

An amount equal to the unexpended, unencumbered portion 211
of the foregoing appropriation item 050627, Absent Voter's 212
Ballot Application Mailings, at the end of fiscal year 2020 is 213
hereby reappropriated to the Secretary of State for the same 214
purpose in fiscal year 2021. 215

On the effective date of this section, or as soon as 216
possible thereafter, the Director of Budget and Management shall 217
transfer \$5,000,000 cash from the Controlling Board Emergency 218
Purposes/Contingencies Fund (Fund 5KM0) to the Absent Voter's 219
Ballot Application Mailing Fund (Fund 5RG0). 220

Within the limits set forth in this act, the Director of 221
Budget and Management shall establish accounts indicating the 222
source and amount of funds for each appropriation made in this 223
act, and shall determine the form and manner in which 224
appropriation accounts shall be maintained. Expenditures from 225
appropriations contained in this act shall be accounted for as 226
though made in the main operating appropriations act of the 227
133rd General Assembly. 228

The appropriations made in this act are subject to all 229
provisions of H.B. 166 of the 133rd General Assembly that are 230
generally applicable to such appropriations. 231

Section 3. This act is hereby declared to be an emergency 232
measure necessary for the immediate preservation of the public 233
peace, health, and safety. The reason for such necessity is that 234
the COVID-19 pandemic and resulting emergency public health 235
orders precluded in-person voting at polling places in this 236
state on March 17, 2020. Therefore, this act shall go into 237
immediate effect. 238