A BILL

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

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

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

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

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

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

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

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

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

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

(3) An elector described in division (C)(1)(a) of this section may apply by mail to the appropriate board of elections for absent voter's ballots. If the elector is eligible to cast
absent voter's ballots with the assistance of election officials under section 3509.08 of the Revised Code, the elector may include with the elector's application a request that the board of elections assist the elector in casting the elector's ballots in accordance with section 3509.08 of the Revised Code. All applications submitted under this division shall be received at the office of the board not later than noon on April 25, 2020, except that an application submitted by an elector described in division (C)(1)(a) of this section who would be eligible to apply for absent voter's ballots not later than 3:00 p.m. on the day of an election under section 3509.08 of the Revised Code shall be received at the office of the board not later than 3:00 p.m. on April 28, 2020. Any application received after the applicable deadline shall be invalid.

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

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

(6) If the board of elections determines that an application submitted under this section is valid, the board
promptly shall deliver absent voter's ballots to the elector. The board shall deliver those ballots by mail, except as otherwise provided in division (D) of this section and except in the case of an elector whom the board assists in casting the elector's ballots in accordance with section 3509.08 of the Revised Code. When the board delivers those ballots by mail, it shall prepay the return postage for the ballots.

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

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

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

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

(E)(1) If an individual applies for absent voter's ballots
under this section and the individual's application is received not later than the applicable deadline, but the board determines that the individual is not eligible to cast absent voter's ballots under this section, the board shall permit the individual to cast a provisional ballot in person at the office of the board not later than 7:30 p.m. on April 28, 2020. All individuals waiting in line at the office of the board to cast provisional ballots under this division as of that time shall be permitted to cast provisional ballots.

(2) If an individual who is eligible to cast a provisional ballot under division (E)(1) of this section is unable to appear at the office of the board on account of personal illness, physical disability, or infirmity, the board shall permit the individual to cast a provisional ballot with the assistance of election officials, in the manner described in section 3509.08 of the Revised Code, not later than 7:30 p.m. on April 28, 2020. Absent voter's ballots cast at any time before or after the effective date of this section by an elector who was registered to vote in this state as of February 18, 2020, for the March 17, 2020, primary election, or for any special election held on the day of the primary election, shall be eligible to be counted if they are received at the office of the appropriate board of elections not later than 7:30 p.m. on April 28, 2020. The board shall place a secure receptacle outside the office of the board for the return of absent voter's ballots under this section. Except as otherwise provided in divisions (F)(2) and (3) of this section, absent voter's ballots received after 7:30 p.m. on April 28, 2020, shall not be counted.

(2) Absent voter's ballots received by mail at the office of the board after 7:30 p.m. on April 28, 2020, and not later
than May 8, 2020, are eligible to be counted if they are postmarked on or before April 27, 2020, and are not postmarked using a postage evidencing system, including a postage meter, as defined in 39 C.F.R. 501.1.

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

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

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

(H) The boards of elections and the Secretary of State shall complete the unofficial count, the canvass of the election
returns, and all other post-election procedures with respect to
the March 17, 2020, primary election, and any special election
held on the day of the primary election, on the dates provided
in the Revised Code, except that each deadline shall be
calculated by adding 42 days.

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

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

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

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

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ABSENT VOTER'S BALLOT APPLICATION MAILINGS

The foregoing appropriation item 050627, Absent Voter's Ballot Application Mailings, shall be used by the Secretary of State to pay for expenses incurred for the purpose of...
implementing this act.

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

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

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

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

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