

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 395**

**Representative Galonski**

**Cosponsors: Representatives Skindell, Brent, Miller, A., Leland, Sweeney,  
Sobecki, Lepore-Hagan, Smith, K., Weinstein**

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**A BILL**

To amend sections 3509.04, 3509.05, and 3511.04 of 1  
the Revised Code to require the Secretary of 2  
State to prepay postage for the return of 3  
completed absent voter's ballots. 4

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

**Section 1.** That sections 3509.04, 3509.05, and 3511.04 of 5  
the Revised Code be amended to read as follows: 6

**Sec. 3509.04.** (A) If a director of a board of elections 7  
receives an application for absent voter's ballots that does not 8  
contain all of the required information, the director promptly 9  
shall notify the applicant of the additional information 10  
required to be provided by the applicant to complete that 11  
application. 12

(B) Upon receipt by the director of elections of an 13  
application for absent voter's ballots that contains all of the 14  
required information, as provided by section 3509.03 and 15  
division (G) of section 3503.16 of the Revised Code, the 16  
director, if the director finds that the applicant is a 17

qualified elector, shall deliver to the applicant in person or 18  
mail directly to the applicant by special delivery mail, air 19  
mail, or regular mail, postage prepaid, proper absent voter's 20  
ballots. The director shall deliver or mail with the ballots an 21  
unsealed identification envelope upon the face of which shall be 22  
printed a form substantially as follows: 23

"Identification Envelope Statement of Voter 24

I, .....(Name of voter), declare under 25  
penalty of election falsification that the within ballot or 26  
ballots contained no voting marks of any kind when I received 27  
them, and I caused the ballot or ballots to be marked, enclosed 28  
in the identification envelope, and sealed in that envelope. 29

My voting residence in Ohio is 30

..... 31

(Street and Number, if any, or Rural Route and Number) 32

of ..... (City, Village, or Township) 33

Ohio, which is in Ward ..... Precinct ..... 34

in that city, village, or township. 35

If I have a confidential voter registration record, I am 36

providing my program participant identification number instead 37

of my residence address: ..... 38

The primary election ballots, if any, within this envelope 39

are primary election ballots of the ..... Party. 40

Ballots contained within this envelope are to be voted at 41

the ..... (general, special, or primary) election to be 42

held on the ..... day 43

of ....., .... 44

My date of birth is ..... (Month and Day), ..... (Year). 45  
46

(Voter must provide one of the following:) 47

My driver's license number is ..... (Driver's license number). 48  
49

The last four digits of my Social Security Number are ..... (Last four digits of Social Security Number). 50  
51  
52

..... 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. 53  
54  
55  
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I hereby declare, under penalty of election falsification, that the statements above are true, as I verily believe. 62  
63

..... (Signature of Voter) 64

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE." 65  
66

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 67  
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return address. The return envelope shall be of such size that 73  
the identification envelope can be conveniently placed within it 74  
for returning the identification envelope to the director. 75

~~A board of elections that mails or otherwise delivers~~ 76  
~~absent voter's ballots to an elector under this section.~~ 77  
The secretary of state shall not prepay the return postage for those 78  
absent voter's ballots mailed or otherwise delivered to an 79  
elector under this section, unless, under 39 U.S.C. 3406, no 80  
postage payment is required. 81

Except as otherwise provided in this section and in 82  
sections 3505.24 and 3509.08 of the Revised Code, an election 83  
official shall not fill out any portion of an identification 84  
envelope statement of voter or an absent voter's ballot on 85  
behalf of an elector. A board of elections may preprint only an 86  
elector's name and address on an identification envelope 87  
statement of voter before mailing absent voter's ballots to the 88  
elector, except that if the elector has a confidential voter 89  
registration record, as described in section 111.44 of the 90  
Revised Code, the board of elections shall not preprint the 91  
elector's address on the identification envelope statement of 92  
voter. 93

**Sec. 3509.05.** (A) When an elector receives an absent 94  
voter's ballot pursuant to the elector's application or request, 95  
the elector shall, before placing any marks on the ballot, note 96  
whether there are any voting marks on it. If there are any 97  
voting marks, the ballot shall be returned immediately to the 98  
board of elections; otherwise, the elector shall cause the 99  
ballot to be marked, folded in a manner that the stub on it and 100  
the indorsements and facsimile signatures of the members of the 101  
board of elections on the back of it are visible, and placed and 102

sealed within the identification envelope received from the 103  
director of elections for that purpose. Then, the elector shall 104  
cause the statement of voter on the outside of the 105  
identification envelope to be completed and signed, under 106  
penalty of election falsification. 107

If the elector does not provide the elector's driver's 108  
license number or the last four digits of the elector's social 109  
security number on the statement of voter on the identification 110  
envelope, the elector also shall include in the return envelope 111  
with the identification envelope a copy of the elector's current 112  
valid photo identification, a copy of a military identification, 113  
or a copy of a current utility bill, bank statement, government 114  
check, paycheck, or other government document, other than a 115  
notice of voter registration mailed by a board of elections 116  
under section 3503.19 of the Revised Code, that shows the name 117  
and address of the elector. 118

The elector shall mail the identification envelope to the 119  
director from whom it was received in the return envelope, ~~120  
postage prepaid,~~ or the elector may personally deliver it to the 121  
director, or the spouse of the elector, the father, mother, 122  
father-in-law, mother-in-law, grandfather, grandmother, brother, 123  
or sister of the whole or half blood, or the son, daughter, 124  
adopting parent, adopted child, stepparent, stepchild, uncle, 125  
aunt, nephew, or niece of the elector may deliver it to the 126  
director. The return envelope shall be transmitted to the 127  
director in no other manner, except as provided in section 128  
3509.08 of the Revised Code. 129

When absent voter's ballots are delivered to an elector at 130  
the office of the board, the elector may retire to a voting 131  
compartment provided by the board and there mark the ballots. 132

Thereupon, the elector shall fold them, place them in the 133  
identification envelope provided, seal the envelope, fill in and 134  
sign the statement on the envelope under penalty of election 135  
falsification, and deliver the envelope to the director of the 136  
board. 137

Except as otherwise provided in division (B) of this 138  
section, all other envelopes containing marked absent voter's 139  
ballots shall be delivered to the director not later than the 140  
close of the polls on the day of an election. Absent voter's 141  
ballots delivered to the director later than the times specified 142  
shall not be counted, but shall be kept by the board in the 143  
sealed identification envelopes in which they are delivered to 144  
the director, until the time provided by section 3505.31 of the 145  
Revised Code for the destruction of all other ballots used at 146  
the election for which ballots were provided, at which time they 147  
shall be destroyed. 148

(B) (1) Except as otherwise provided in division (B) (2) of 149  
this section, any return envelope that is postmarked prior to 150  
the day of the election shall be delivered to the director prior 151  
to the eleventh day after the election. Ballots delivered in 152  
envelopes postmarked prior to the day of the election that are 153  
received after the close of the polls on election day through 154  
the tenth day thereafter shall be counted on the eleventh day at 155  
the board of elections in the manner provided in divisions (C) 156  
and (D) of section 3509.06 of the Revised Code or in the manner 157  
provided in division (E) of that section, as applicable. Any 158  
such ballots that are received by the director later than the 159  
tenth day following the election shall not be counted, but shall 160  
be kept by the board in the sealed identification envelopes as 161  
provided in division (A) of this section. 162

(2) Division (B) (1) of this section shall not apply to any 163  
mail that is postmarked using a postage evidencing system, 164  
including a postage meter, as defined in 39 C.F.R. 501.1. 165

**Sec. 3511.04.** (A) If a director of a board of elections 166  
receives an application for uniformed services or overseas 167  
absent voter's ballots that does not contain all of the required 168  
information, the director promptly shall notify the applicant of 169  
the additional information required to be provided by the 170  
applicant to complete that application. 171

(B) Not later than the forty-sixth day before the day of 172  
each general or primary election, and at the earliest possible 173  
time before the day of a special election held on a day other 174  
than the day on which a general or primary election is held, the 175  
director of the board of elections shall mail, send by facsimile 176  
machine, send by electronic mail, send through internet delivery 177  
if such delivery is offered by the board of elections or the 178  
secretary of state, or otherwise send uniformed services or 179  
overseas absent voter's ballots then ready for use as provided 180  
for in section 3511.03 of the Revised Code and for which the 181  
director has received valid applications prior to that time. 182  
Thereafter, and until twelve noon of the third day preceding the 183  
day of election, the director shall promptly, upon receipt of 184  
valid applications for them, mail, send by facsimile machine, 185  
send by electronic mail, send through internet delivery if such 186  
delivery is offered by the board of elections or the secretary 187  
of state, or otherwise send to the proper persons all uniformed 188  
services or overseas absent voter's ballots then ready for use. 189

If, after the seventieth day before the day of a general 190  
or primary election, any other question, issue, or candidacy is 191  
lawfully ordered submitted to the electors voting at the general 192

or primary election, the board shall promptly provide a separate 193  
official issue, special election, or other election ballot for 194  
submitting the question, issue, or candidacy to those electors, 195  
and the director shall promptly mail, send by facsimile machine, 196  
send by electronic mail, send through internet delivery if such 197  
delivery is offered by the board of elections or the secretary 198  
of state, or otherwise send each such separate ballot to each 199  
person to whom the director has previously mailed or sent other 200  
uniformed services or overseas absent voter's ballots. 201

~~A board of elections that mails or otherwise delivers~~ 202  
~~uniformed services or overseas absent voter's ballots to an~~ 203  
~~elector under this section. The secretary of state shall not~~ 204  
prepay the return postage for those uniformed services or 205  
overseas absent voter's ballots mailed or otherwise delivered 206  
under this section, unless, under 39 U.S.C. 3406, no postage 207  
payment is required. In mailing uniformed services or overseas 208  
absent voter's ballots, the director shall use the fastest mail 209  
service available, but the director shall not mail them by 210  
certified mail. 211

**Section 2.** That existing sections 3509.04, 3509.05, and 212  
3511.04 of the Revised Code are hereby repealed. 213