

11-17-25

Statement of George H Rosin, attorney at law regarding Senate Bill 293:

There is no reasonable basis for eliminating Ohio's 4 day grace period for receipt of mail ballots that were properly filled out and timely post-marked. The grace period is *per se* reasonable in light of the Mail-Box rule that held sway long before I was admitted to the Ohio Bar in 1976 and continues to this day.

In short: it makes sense. For example, civil actions are initiated by personal service of summons in which proof of the actual date of service is required for the action to proceed. Computing the deadline for taking action is easy: 28 days from actual service.

Subsequent pleading, however, are served via mail, which is not accomplished instantaneously. To account for delays occasioned by mail delivery, Ohio's Supreme Court added the following language to Civil Rule 6:

(D) Time: Additional Time After Service by Mail or Commercial Carrier Service.

Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other document upon that party and the notice or paper is served upon that party by mail or commercial carrier service under Civ.R. 5(B)(2)(c) or (d), three days shall be added to the prescribed period. This division does not apply to responses to service of summons under Civ.R. 4 through Civ.R. 4.6.

A similar rule applies to my practice area, Workers Compensation. Orders of the Industrial Commission determine matters such as whether a claimed injury was Industrial or not, or whether a recognized claim resulted in disability. The appeal period for these orders that often entail massive consequences to the parties is 14 days from the date of the order. With a 3 day grace period for mail service. (One can opt for electronic service, in which case there is no need for a grace period).

It is my understanding that similar rules govern responses to consequential decisions of other State Agencies.

The only conceivable reason to eliminate the grace period would be to not have to wait four days for final vote tallies. Like voter fraud, that problem is more theoretical than real as the number of ballots received during the grace period appears to be relatively insignificant.

A handwritten signature in blue ink that reads "George H. Rosin". The signature is written in a cursive style with a horizontal line underneath the name.

George H. Rosin