

As Introduced

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H. B. No. 400

Representatives Rader, Grim

**Cosponsors: Representatives Brennan, Glassburn, Somani, McNally, Brownlee,
Russo, Troy, Miller, J., Baker, Brewer, Rogers, Cockley**

To amend sections 3501.11, 3503.14, 3503.20,	1
3503.28, and 3509.03 and to enact section	2
3509.11 of the Revised Code to create a	3
permanent absent voter list.	4

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

Section 1. That sections 3501.11, 3503.14, 3503.20,	5
3503.28, and 3509.03 be amended and section 3509.11 of the	6
Revised Code be enacted to read as follows:	7

Sec. 3501.11. Each board of elections shall exercise by a	8
majority vote all powers granted to the board by Title XXXV of	9
the Revised Code, shall perform all the duties imposed by law,	10
and shall do all of the following:	11

(A) Establish, define, provide, rearrange, and combine	12
election precincts;	13

(B) Fix and provide the places for registration and for	14
holding primaries and elections;	15

(C) Provide for the purchase, preservation, and	16
maintenance of booths, ballot boxes, books, maps, flags, blanks,	17
cards of instructions, and other forms, papers, and equipment	18

used in registration, nominations, and elections; 19

(D) Appoint and remove its director, deputy director, and 20
employees and all registrars, precinct election officials, and 21
other officers of elections, fill vacancies, and designate the 22
ward or district and precinct in which each shall serve; 23

(E) Make and issue rules and instructions, not 24
inconsistent with law or the rules, directives, or advisories 25
issued by the secretary of state, as it considers necessary for 26
the guidance of election officers and voters; 27

(F) Advertise and contract for the printing of all ballots 28
and other supplies used in registrations and elections; 29

(G) Provide for the issuance of all notices, 30
advertisements, and publications concerning elections, except as 31
otherwise provided in division (G) of section 3501.17 and 32
divisions (F) and (G) of section 3505.062 of the Revised Code; 33

(H) Provide for the delivery of ballots, pollbooks, and 34
other required papers and material to the polling places; 35

(I) Cause the polling places to be suitably provided with 36
voting machines, marking devices, automatic tabulating 37
equipment, stalls, and other required supplies. In fulfilling 38
this duty, each board of a county that uses voting machines, 39
marking devices, or automatic tabulating equipment shall conduct 40
a full vote of the board during a public session of the board on 41
the allocation and distribution of voting machines, marking 42
devices, and automatic tabulating equipment for each precinct in 43
the county. 44

(J) Investigate irregularities, nonperformance of duties, 45
or violations of Title XXXV of the Revised Code by election 46
officers and other persons; administer oaths, issue subpoenas, 47

summon witnesses, and compel the production of books, papers, 48
records, and other evidence in connection with any such 49
investigation; and report the facts to the prosecuting attorney 50
or the secretary of state; 51

(K) (1) Review, examine, and certify the sufficiency and 52
validity of petitions and nomination papers, and, after 53
certification, return to the secretary of state all petitions 54
and nomination papers that the secretary of state forwarded to 55
the board; 56

(2) Examine each initiative petition, or a petition filed 57
under section 307.94 or 307.95 of the Revised Code, received by 58
the board to determine whether the petition falls within the 59
scope of authority to enact via initiative and whether the 60
petition satisfies the statutory prerequisites to place the 61
issue on the ballot, as described in division (M) of section 62
3501.38 of the Revised Code. The petition shall be invalid if 63
any portion of the petition is not within the initiative power. 64

(L) Receive the returns of elections, canvass the returns, 65
make abstracts of them, and transmit those abstracts to the 66
proper authorities; 67

(M) Issue certificates of election on forms to be 68
prescribed by the secretary of state; 69

(N) Make an annual report to the secretary of state, on 70
the form prescribed by the secretary of state, containing a 71
statement of the number of voters registered, elections held, 72
votes cast, appropriations received, expenditures made, and 73
other data required by the secretary of state; 74

(O) Prepare and submit to the proper appropriating officer 75
a budget estimating the cost of elections for the ensuing fiscal 76

year;	77
(P) Perform other duties as prescribed by law or the	78
rules, directives, or advisories of the secretary of state;	79
(Q) Investigate and determine the residence qualifications	80
of electors;	81
(R) Administer oaths in matters pertaining to the	82
administration of the election laws;	83
(S) Prepare and submit to the secretary of state, whenever	84
the secretary of state requires, a report containing the names	85
and residence addresses of all incumbent county, municipal,	86
township, and board of education officials serving in their	87
respective counties;	88
(T) Establish and maintain a voter registration database	89
of all qualified electors in the county who offer to register;	90
(U) Maintain voter registration records, make reports	91
concerning voter registration as required by the secretary of	92
state, and remove ineligible electors from voter registration	93
lists in accordance with law and directives of the secretary of	94
state;	95
(V) Give approval to ballot language for any local	96
question or issue and transmit the language to the secretary of	97
state for the secretary of state's final approval;	98
(W) Prepare and cause the following notice to be displayed	99
in a prominent location in every polling place:	100
"NOTICE	101
Ohio law prohibits any person from voting or attempting to	102
vote more than once at the same election.	103

Violators are guilty of a felony of the fourth degree and 104
shall be imprisoned and additionally may be fined in accordance 105
with law." 106

(X) In all cases of a tie vote or a disagreement in the 107
board, if no decision can be arrived at, the director or 108
chairperson shall submit the matter in controversy, not later 109
than fourteen days after the tie vote or the disagreement, to 110
the secretary of state, who shall summarily decide the question, 111
and the secretary of state's decision shall be final. 112

(Y) Assist each designated agency, deputy registrar of 113
motor vehicles, public high school and vocational school, public 114
library, and office of a county treasurer in the implementation 115
of a program for registering voters at all voter registration 116
locations as prescribed by the secretary of state. Under this 117
program, each board of elections shall direct to the appropriate 118
board of elections any voter registration applications for 119
persons residing outside the county where the board is located 120
within five days after receiving the applications. 121

(Z) On any day on which an elector may vote in person at 122
the office of the board or at another site designated by the 123
board, consider the board or other designated site a polling 124
place for that day. All requirements or prohibitions of law that 125
apply to a polling place shall apply to the office of the board 126
or other designated site on that day. 127

(AA) Perform any duties with respect to voter registration 128
and voting by uniformed services and overseas voters that are 129
delegated to the board by law or by the rules, directives, or 130
advisories of the secretary of state. 131

(BB) Prepare an election administration plan and submit it 132

to the secretary of state not later than seventy-five days 133
before each presidential primary election and not later than one 134
hundred twenty days before each general election held in an 135
even-numbered year. The election administration plan shall be on 136
a template prescribed by the secretary of state and shall 137
include all of the following: 138

(1) Precinct election official recruitment, training, and 139
accountability; 140

(2) Resource allocation; 141

(3) Communication before and on the day of the election; 142

(4) Materials; 143

(5) Contingencies and continuity planning; 144

(6) Security; 145

(7) Voter registration; 146

(8) Absent voting; 147

(9) Polling places and accessibility; 148

(10) Ballot preparation; 149

(11) Pre-election testing; 150

(12) Reconciliation and audits; 151

(13) A master calendar; 152

(14) Any other topic prescribed by the secretary of state. 153

(CC) Establish and maintain a permanent absent voter list 154
of all registered electors in the county who have opted to be 155
placed on the permanent absent voter list, including written 156
applications to be removed from the permanent absent voter list. 157

Sec. 3503.14. (A) The secretary of state shall prescribe 158
the form and content of the registration, change of residence, 159
and change of name forms used in this state. The forms shall 160
meet the requirements of the National Voter Registration Act of 161
1993 and shall include spaces for all of the following: 162

(1) The voter's name; 163

(2) The voter's address; 164

(3) The current date; 165

(4) The voter's date of birth; 166

(5) The voter to provide at least one of the following 167
forms of identification: 168

(a) The voter's Ohio driver's license or state 169
identification card number; 170

(b) The last four digits of the voter's social security 171
number. 172

(6) A box that the voter can mark in the affirmative to 173
request to be placed on the permanent absent voter list under 174
section 3509.11 of the Revised Code; 175

(7) The voter's signature. 176

The registration form shall include a space on which the 177
person registering an applicant shall sign the person's name and 178
provide the person's address and a space on which the person 179
registering an applicant shall name the employer who is 180
employing that person to register the applicant. 181

The forms shall include a box for the person filling out 182
the form to check to indicate, if applicable, that the person 183
has filled out all or part of the form on behalf of the 184

applicant because the applicant declares that the applicant 185
requires such assistance by reason of blindness, disability, or 186
illiteracy. 187

Except for forms prescribed by the secretary of state 188
under section 3503.11 of the Revised Code, the secretary of 189
state shall permit boards of elections to produce forms that 190
have subdivided spaces for each individual alphanumeric 191
character of the information provided by the voter so as to 192
accommodate the electronic reading and conversion of the voter's 193
information to data and the subsequent electronic transfer of 194
that data to the statewide voter registration database 195
established under section 3503.15 of the Revised Code. 196

(B) None of the following persons who are registering an 197
applicant in the course of that official's or employee's normal 198
duties shall sign the person's name, provide the person's 199
address, or name the employer who is employing the person to 200
register an applicant on a form prepared under this section: 201

- (1) An election official; 202
- (2) A county treasurer; 203
- (3) A deputy registrar of motor vehicles; 204
- (4) An employee of a designated agency; 205
- (5) An employee of a public high school; 206
- (6) An employee of a public vocational school; 207
- (7) An employee of a public library; 208
- (8) An employee of the office of a county treasurer; 209
- (9) An employee of the bureau of motor vehicles; 210
- (10) An employee of a deputy registrar of motor vehicles; 211

(11) An employee of an election official. 212

(C) Except as provided in section 3501.382 of the Revised 213
Code, any applicant who is unable to sign the applicant's own 214
name shall make an "X," if possible, which shall be certified by 215
the signing of the name of the applicant by the person filling 216
out the form, who shall add the person's own signature. If an 217
applicant is unable to make an "X," the applicant shall indicate 218
in some manner that the applicant desires to register to vote or 219
to change the applicant's name or residence. The person 220
registering the applicant shall sign the form and attest that 221
the applicant indicated that the applicant desired to register 222
to vote or to change the applicant's name or residence. 223

(D) No registration, change of residence, or change of 224
name form shall be rejected solely on the basis that a person 225
registering an applicant failed to sign the person's name or 226
failed to name the employer who is employing that person to 227
register the applicant as required under division (A) of this 228
section. 229

(E) A voter registration application submitted 230
electronically through the registrar of motor vehicles or a 231
deputy registrar pursuant to section 3503.11 or submitted online 232
through the internet pursuant to section 3503.20 of the Revised 233
Code is not required to contain a signature to be considered 234
valid. The signature obtained under division (A) (3) of section 235
3503.11 or under division (B) of section 3503.20 of the Revised 236
Code, as applicable, shall be considered the applicant's 237
signature for all election and signature-matching purposes. 238

(F) (1) Except as otherwise provided in division (C) of 239
this section and in sections 3501.382 and 3505.24 of the Revised 240
Code, no person shall preprint or fill out any portion of a 241

voter registration, change of residence, or change of name form 242
on behalf of an applicant. 243

(2) A completed voter registration, change of residence, 244
or change of name form is not valid if any portion of it has 245
been completed by any person other than the applicant in 246
violation of division (F)(1) of this section. 247

(G) As used in this section, "registering an applicant" 248
includes any effort, for compensation, to provide voter 249
registration forms or to assist persons in completing or 250
returning those forms. 251

Sec. 3503.20. (A) The secretary of state shall establish a 252
secure online voter registration system. The system shall 253
provide for all of the following: 254

(1) An applicant to submit a voter registration 255
application to the secretary of state online through the 256
internet; 257

(2) The online applicant to be registered to vote, if all 258
of the following apply: 259

(a) The application contains all of the following 260
information: 261

(i) The applicant's name; 262

(ii) The applicant's address; 263

(iii) The applicant's date of birth; 264

(iv) The last four digits of the applicant's social 265
security number; 266

(v) The applicant's Ohio driver's license number or the 267
number of the applicant's state identification card issued under 268

section 4507.50 of the Revised Code. 269

(b) The applicant's name, address, and date of birth, the 270
last four digits of the applicant's social security number, and 271
the applicant's Ohio driver's license number or the number of 272
the applicant's state identification card as they are provided 273
in the application are not inconsistent with the information on 274
file with the bureau of motor vehicles; 275

(c) The applicant is a United States citizen, will have 276
lived in this state for thirty days immediately preceding the 277
next election, will be at least eighteen years of age on or 278
before the day of the next general election, and is otherwise 279
eligible to register to vote; 280

(d) The applicant attests to the truth and accuracy of the 281
information submitted in the online application under penalty of 282
election falsification. 283

(B) If an individual registers to vote or a registered 284
elector updates the elector's name, address, or both under this 285
section, the secretary of state shall obtain an electronic copy 286
of the applicant's or elector's signature that is on file with 287
the bureau of motor vehicles. That electronic signature shall be 288
used as the applicant's or elector's signature on voter 289
registration records, for all election and signature-matching 290
purposes. 291

(C) The secretary of state shall employ whatever security 292
measures the secretary of state considers necessary to ensure 293
the integrity and accuracy of voter registration information 294
submitted electronically pursuant to this section. Errors in 295
processing voter registration applications in the online system 296
shall not prevent an applicant from becoming registered or from 297

voting. 298

(D) The online voter registration application under 299
division (A) of this section shall include the following 300
language: 301

"By clicking the box below, I request to be placed on the 302
permanent absent voter list under section 3509.11 of the Revised 303
Code." 304

In order to be placed on the permanent absent voter list 305
under this section, an applicant or elector shall be required to 306
mark the box in the online voter registration application that 307
appears in conjunction with the previous statement. 308

(E) The online voter registration application established 309
under division (A) of this section shall include the following 310
language: 311

"By clicking the box below, I affirm all of the following 312
under penalty of election falsification, which is a felony of 313
the fifth degree: 314

(1) I am the person whose name and identifying information 315
is provided on this form, and I desire to register to vote, or 316
update my voter registration, in the State of Ohio. 317

(2) All of the information I have provided on this form is 318
true and correct as of the date I am submitting this form. 319

(3) I am a United States citizen. 320

(4) I will have lived in Ohio for thirty days immediately 321
preceding the next election. 322

(5) I will be at least eighteen years of age on or before 323
the day of the next general election. 324

(6) I authorize the Bureau of Motor Vehicles to transmit 325
to the Ohio Secretary of State my signature that is on file with 326
the Bureau of Motor Vehicles, and I understand and agree that 327
the signature transmitted by the Bureau of Motor Vehicles will 328
be used by the Secretary of State to validate this electronic 329
voter registration application as if I had signed this form 330
personally." 331

In order to register to vote or update a voter 332
registration under division (A) of this section, an applicant or 333
elector shall be required to mark the box in the online voter 334
registration application that appears in conjunction with the 335
previous statement. 336

~~(E)~~ (F) The online voter registration process established 337
under division (A) of this section shall be in operation and 338
available for use by individuals who wish to register to vote or 339
update their voter registration information online not earlier 340
than January 1, 2017. During the period beginning on the first 341
day after the close of voter registration before an election and 342
ending on the day of the election, the online voter registration 343
system shall display a notice indicating that the applicant will 344
not be registered to vote for the purposes of that election. 345

~~(F)~~ (G) Notwithstanding section 1.50 of the Revised Code, 346
if any provision of this section or of division (E) of section 347
3503.14 of the Revised Code is held invalid, or if the 348
application of any provision of this section or of that division 349
to any person or circumstance is held invalid, then this section 350
and that division cease to operate. 351

Sec. 3503.28. (A) The secretary of state shall develop an 352
information brochure regarding voter registration. The brochure 353
shall include, but is not limited to, all of the following 354

information: 355

(1) The applicable deadlines for registering to vote or 356
for returning an applicant's completed registration form; 357

(2) The applicable deadline for returning an applicant's 358
completed registration form if the person returning the form is 359
being compensated for registering voters; 360

(3) The locations to which a person may return an 361
applicant's completed registration form; 362

(4) The location to which a person who is compensated for 363
registering voters may return an applicant's completed 364
registration form; 365

(5) The registration and affirmation requirements 366
applicable to persons who are compensated for registering voters 367
under section 3503.29 of the Revised Code; 368

(6) A notice, which shall be written in bold type, stating 369
as follows: 370

"Voters must bring photo identification to the polls in 371
order to verify identity. Voters who do not provide photo 372
identification will still be able to vote by casting a 373
provisional ballot." 374

(7) The process to request to be placed on the permanent 375
absent voter list when completing a voter registration form. 376

(B) Except as otherwise provided in division (D) of this 377
section, a board of elections, designated agency, public high 378
school, public vocational school, public library, office of a 379
county treasurer, or deputy registrar of motor vehicles shall 380
distribute a copy of the brochure developed under division (A) 381
of this section to any person who requests more than two voter 382

registration forms at one time. 383

(C) (1) The secretary of state shall provide the 384
information required to be included in the brochure developed 385
under division (A) of this section to any person who prints a 386
voter registration form that is made available on a web site of 387
the office of the secretary of state. 388

(2) If a board of elections operates and maintains a web 389
site, the board shall provide the information required to be 390
included in the brochure developed under division (A) of this 391
section to any person who prints a voter registration form that 392
is made available on that web site. 393

(D) A board of elections shall not be required to 394
distribute a copy of a brochure under division (B) of this 395
section to any of the following officials or employees who are 396
requesting more than two voter registration forms at one time in 397
the course of the official's or employee's normal duties: 398

(1) An election official; 399

(2) A county treasurer; 400

(3) A deputy registrar of motor vehicles; 401

(4) An employee of a designated agency; 402

(5) An employee of a public high school; 403

(6) An employee of a public vocational school; 404

(7) An employee of a public library; 405

(8) An employee of the office of a county treasurer; 406

(9) An employee of the bureau of motor vehicles; 407

(10) An employee of a deputy registrar of motor vehicles; 408

(11) An employee of an election official. 409

(E) As used in this section, "registering voters" includes 410
any effort, for compensation, to provide voter registration 411
forms or to assist persons in completing or returning those 412
forms. 413

Sec. 3509.03. (A) Except as otherwise provided in sections 414
3509.051, 3511.02, and 3511.021 of the Revised Code, any 415
qualified elector desiring to vote absent voter's ballots at an 416
election shall deliver a written application for those ballots, 417
either in person or by mail, to the board of elections of the 418
county in which the elector's voting residence is located. 419

(B) Except as otherwise permitted under section 3511.02 of 420
the Revised Code and under division (C) of this section, the 421
application shall be on a form prescribed by the secretary of 422
state and shall contain all of the following: 423

(1) The elector's name; 424

(2) The elector's signature; 425

(3) The address at which the elector is registered to 426
vote; 427

(4) The elector's date of birth; 428

(5) One of the following: 429

(a) The elector's Ohio driver's license or state 430
identification card number; 431

(b) The last four digits of the elector's social security 432
number; 433

(c) A copy of the elector's photo identification. 434

(6) A statement identifying the election for which absent 435

voter's ballots are requested; 436

(7) A statement that the person requesting the ballots is 437
a qualified elector; 438

(8) A box that the voter can mark in the affirmative to 439
request to be placed on the permanent absent voter list under 440
section 3509.11 of the Revised Code; 441

(9) If the request is for primary election ballots, the 442
elector's party affiliation; 443

~~(9)~~ (10) If the elector desires ballots to be mailed to the 444
elector, the address to which those ballots shall be mailed. 445

(C) If the elector has a confidential voter registration 446
record, as described in section 111.44 of the Revised Code, the 447
elector may provide the elector's program participant 448
identification number instead of the address at which the 449
elector is registered to vote. 450

(D) Except as otherwise provided in division (A) of 451
section 3509.051 and in division (B) of section 3509.08 of the 452
Revised Code, an application to receive absent voter's ballots 453
shall be delivered to the office of the board not earlier than 454
the first day of January of the year of the elections for which 455
the absent voter's ballots are requested or not earlier than 456
ninety days before the day of the election at which the ballots 457
are to be voted, whichever is earlier, and not later than the 458
close of business on the seventh day before the day of the 459
election at which the ballots are to be voted. 460

(E) Except as permitted under section 111.31 of the 461
Revised Code, no public office, and no public official or 462
employee who is acting in an official capacity, shall do either 463
of the following: 464

(1) Prepay the return postage for an application for
absent voter's ballots;

(2) Mail or otherwise deliver an unsolicited application
for absent voter's ballots to any person.

(F) (1) Except as otherwise provided in division (F) (2) of
this section and in sections 3505.24 and 3509.08 of the Revised
Code, no person shall preprint or fill out any portion of an
application for absent voter's ballots on behalf of an
applicant.

(2) 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.

(3) A completed application for absent voter's ballots is
not valid if any portion of it has been completed by any person
other than the applicant in violation of division (F) of this
section.

Sec. 3509.11. (A) An elector may request to be placed on
the permanent absent voter list maintained by boards of
elections in accordance with this section.

(B) A voter registration applicant or elector may request
to be placed on the permanent absent voter list by doing any of
the following:

(1) Completing a written application, prescribed by the
secretary of state, to be placed on the permanent absent voter
list and returning the completed application to the board of

elections of the county in which the elector is registered to 494
vote; 495

(2) Marking the box in the affirmative provided on a voter 496
registration form or change of name or change of address form 497
that indicates the applicant or elector wishes to be placed on 498
the permanent absent voter list; 499

(3) Checking the box provided when registering to vote or 500
updating the elector's voter registration on the online voter 501
registration system that indicates the applicant or elector 502
wishes to be placed on the permanent absent voter list; 503

(4) Marking the box provided on an application for an 504
absent voter's ballot that indicates the voter wishes to be 505
placed on the permanent absent voter list. 506

(C) An elector may be removed from the permanent absent 507
voter list if either of the following occur: 508

(1) The elector submits in writing, on a form prescribed 509
by the secretary of state, to the appropriate board of elections 510
a request to be removed from the permanent absent voter list. 511

(2) The elector's voter registration is canceled under 512
section 3503.21 of the Revised Code. 513

(D) Each board of elections shall mail an absent voter 514
ballot application for an election to each elector listed on the 515
board's permanent absent voter list not later than forty-five 516
days before the close of voter registration for that election. 517
An absent voter ballot application mailed under this section is 518
not considered an unsolicited application for absent voter's 519
ballots. 520

Section 2. That existing sections 3501.11, 3503.14, 521

3503.20, 3503.28, and 3509.03 of the Revised Code are hereby
repealed.

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