

As Introduced

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H. B. No. 586

Representatives Bird, Lear

To amend sections 3509.03, 3511.02, and 3599.21 and 1
to repeal section 111.31 of the Revised Code to 2
prohibit any person from mailing out unsolicited 3
absentee ballot request forms to any other 4
person. 5

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

Section 1. That sections 3509.03, 3511.02, and 3599.21 of 6
the Revised Code be amended to read as follows: 7

Sec. 3509.03. (A) Except as otherwise provided in sections 8
3509.051, 3511.02, and 3511.021 of the Revised Code, any 9
qualified elector desiring to vote absent voter's ballots at an 10
election shall deliver a written application for those ballots, 11
either in person or by mail, to the board of elections of the 12
county in which the elector's voting residence is located. 13

(B) Except as otherwise permitted under section 3511.02 of 14
the Revised Code and under division (C) of this section, the 15
application shall be on a form prescribed by the secretary of 16
state and shall contain all of the following: 17

(1) The elector's name; 18

(2) The elector's signature; 19

(3) The address at which the elector is registered to	20
vote;	21
(4) The elector's date of birth;	22
(5) One of the following:	23
(a) The elector's Ohio driver's license or state	24
identification card number;	25
(b) The last four digits of the elector's social security	26
number;	27
(c) A copy of the elector's photo identification.	28
(6) A statement identifying the election for which absent	29
voter's ballots are requested;	30
(7) A statement that the person requesting the ballots is	31
a qualified elector;	32
(8) If the request is for primary election ballots, the	33
elector's party affiliation;	34
(9) If the elector desires ballots to be mailed to the	35
elector, the address to which those ballots shall be mailed.	36
(C) If the elector has a confidential voter registration	37
record, as described in section 111.44 of the Revised Code, the	38
elector may provide the elector's program participant	39
identification number instead of the address at which the	40
elector is registered to vote.	41
(D) Except as otherwise provided in division (A) of	42
section 3509.051 and in division (B) of section 3509.08 of the	43
Revised Code, an application to receive absent voter's ballots	44
shall be delivered to the office of the board not earlier than	45
the first day of January of the year of the elections for which	46

the absent voter's ballots are requested or not earlier than 47
ninety days before the day of the election at which the ballots 48
are to be voted, whichever is earlier, and not later than the 49
close of business on the seventh day before the day of the 50
election at which the ballots are to be voted. 51

~~(E) Except as permitted under section 111.31 of the~~ 52
~~Revised Code, no~~ (E) (1) No public office, and no public official 53
or employee who is acting in an official capacity, shall do 54
either of the following: 55

~~(1)~~ (a) Prepay the return postage for an application for 56
absent voter's ballots; 57

~~(2)~~ (b) Mail or otherwise deliver an unsolicited 58
application for absent voter's ballots to any person. 59

(2) No person shall mail an unsolicited application for 60
absent voter's ballots to any person. 61

(F) (1) Except as otherwise provided in division (F) (2) of 62
this section and in sections 3505.24 and 3509.08 of the Revised 63
Code, no person shall preprint or fill out any portion of an 64
application for absent voter's ballots on behalf of an 65
applicant. 66

(2) The secretary of state or a board of elections may 67
preprint only an applicant's name and address on an application 68
for absent voter's ballots before mailing that application to 69
the applicant, except that if the applicant has a confidential 70
voter registration record, the secretary of state or a board of 71
elections shall not preprint the applicant's address on the 72
application. 73

(3) A completed application for absent voter's ballots is 74
not valid if any portion of it has been completed by any person 75

other than the applicant in violation of division (F) of this 76
section. 77

Sec. 3511.02. (A) Notwithstanding any section of the 78
Revised Code to the contrary, whenever any person applies for 79
registration as a voter on a form adopted in accordance with 80
federal regulations relating to the "Uniformed and Overseas 81
Citizens Absentee Voting Act," 100 Stat. 924, 52 U.S.C.A. 20301, 82
this application shall be sufficient for voter registration and 83
as a request for an absent voter's ballot. Uniformed services or 84
overseas absent voter's ballots may be obtained by any person 85
meeting the requirements of section 3511.011 of the Revised Code 86
by applying electronically to the secretary of state or to the 87
board of elections of the county in which the person's voting 88
residence is located in accordance with section 3511.021 of the 89
Revised Code or by applying to the board of elections of the 90
county in which the person's voting residence is located, in one 91
of the following ways: 92

(1) That person may make written application for those 93
ballots. The person may personally deliver the application to 94
the office of the board or may mail it, send it by facsimile 95
machine, send it by electronic mail, send it through internet 96
delivery if such delivery is offered by the board of elections 97
or the secretary of state, or otherwise send it to the board. 98
Except as otherwise provided in division (B) of this section, 99
the application shall be on a form prescribed by the secretary 100
of state and shall contain all of the following information: 101

(a) The elector's name; 102

(b) The elector's signature; 103

(c) The address at which the elector is registered to 104

vote; 105

(d) The elector's date of birth; 106

(e) One of the following: 107

(i) The elector's Ohio driver's license or state 108
identification card number; 109

(ii) The last four digits of the elector's social security 110
number; 111

(iii) A copy of the elector's photo identification. 112

(f) A statement identifying the election for which absent 113
voter's ballots are requested; 114

(g) A statement that the person requesting the ballots is 115
a qualified elector; 116

(h) A statement that the elector is an absent uniformed 117
services voter or overseas voter as defined in 52 U.S.C. 20310; 118

(i) A statement of the elector's length of residence in 119
the state immediately preceding the commencement of service, 120
immediately preceding the date of leaving to be with or near the 121
service member, or immediately preceding leaving the United 122
States, or a statement that the elector's parent or legal 123
guardian resided in this state long enough to establish 124
residency for voting purposes immediately preceding leaving the 125
United States, whichever is applicable; 126

(j) If the request is for primary election ballots, the 127
elector's party affiliation; 128

(k) If the elector desires ballots to be mailed to the 129
elector, the address to which those ballots shall be mailed; 130

(l) If the elector desires ballots to be sent to the 131

elector by facsimile machine, the telephone number to which they 132
shall be so sent; 133

(m) If the elector desires ballots to be sent to the 134
elector by electronic mail or, if offered by the board of 135
elections or the secretary of state, through internet delivery, 136
the elector's electronic mail address or other internet contact 137
information. 138

(2) A voter or any relative of a voter listed in division 139
(A) (3) of this section may use a single federal post card 140
application to apply for uniformed services or overseas absent 141
voter's ballots for use at the primary and general elections in 142
a given year and any special election to be held on the day in 143
that year specified by division (E) of section 3501.01 of the 144
Revised Code for the holding of a primary election, designated 145
by the general assembly for the purpose of submitting 146
constitutional amendments proposed by the general assembly to 147
the voters of the state. A single federal postcard application 148
shall be processed by the board of elections pursuant to section 149
3511.04 of the Revised Code the same as if the voter had applied 150
separately for uniformed services or overseas absent voter's 151
ballots for each election. 152

(3) Application to have uniformed services or overseas 153
absent voter's ballots mailed or sent by facsimile machine to 154
such a person may be made by the spouse, father, mother, father- 155
in-law, mother-in-law, grandfather, grandmother, brother or 156
sister of the whole blood or half blood, son, daughter, adopting 157
parent, adopted child, stepparent, stepchild, daughter-in-law, 158
son-in-law, uncle, aunt, nephew, or niece of such a person. The 159
application shall be in writing upon a blank form furnished only 160
by the board or on a single federal post card as provided in 161

division (A) (2) of this section. The form of the application 162
shall be prescribed by the secretary of state. The board shall 163
furnish that blank form to any of the relatives specified in 164
this division desiring to make the application, only upon the 165
request of such a relative made in person at the office of the 166
board or upon the written request of such a relative mailed to 167
the office of the board. Except as otherwise provided in 168
division (B) of this section, the application, subscribed and 169
sworn to by the applicant, shall contain all of the following: 170

(a) The full name of the elector for whom ballots are 171
requested; 172

(b) A statement that the elector is an absent uniformed 173
services voter or overseas voter as defined in 52 U.S.C. 20310; 174

(c) The address at which the elector is registered to 175
vote; 176

(d) A statement identifying the elector's length of 177
residence in the state immediately preceding the commencement of 178
service, immediately preceding the date of leaving to be with or 179
near a service member, or immediately preceding leaving the 180
United States, or a statement that the elector's parent or legal 181
guardian resided in this state long enough to establish 182
residency for voting purposes immediately preceding leaving the 183
United States, as the case may be; 184

(e) The elector's date of birth; 185

(f) One of the following: 186

(i) The elector's Ohio driver's license or state 187
identification card number; 188

(ii) The last four digits of the elector's social security 189

number; 190

(iii) A copy of the elector's photo identification. 191

(g) A statement identifying the election for which absent voter's ballots are requested; 192
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(h) A statement that the person requesting the ballots is a qualified elector; 194
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(i) If the request is for primary election ballots, the elector's party affiliation; 196
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(j) A statement that the applicant bears a relationship to the elector as specified in division (A)(3) of this section; 198
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(k) The address to which ballots shall be mailed, the telephone number to which ballots shall be sent by facsimile machine, the electronic mail address to which ballots shall be sent by electronic mail, or, if internet delivery is offered by the board of elections or the secretary of state, the internet contact information to which ballots shall be sent through internet delivery; 200
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(l) The signature and address of the person making the application. 207
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(B) If the elector has a confidential voter registration record, as described in section 111.44 of the Revised Code, the application may include the elector's program participant identification number instead of the address at which the elector is registered to vote. 209
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(C) Each application for uniformed services or overseas absent voter's ballots shall be delivered to the office of the board not earlier than the first day of January of the year of the elections for which the uniformed services or overseas 214
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absent voter's ballots are requested or not earlier than ninety 218
days before the day of the election at which the ballots are to 219
be voted, whichever is earlier. An application to receive 220
uniformed services or overseas absent voter's ballots by mail or 221
by another method permitted under section 3511.021 of the 222
Revised Code shall be delivered to the office of the board not 223
later than the close of business on the seventh day preceding 224
the day of the election. 225

(D) If the voter for whom the application is made is 226
entitled to vote for presidential and vice-presidential electors 227
only, the applicant shall submit to the board, in addition to 228
the requirements of division (A) of this section, a statement to 229
the effect that the voter is qualified to vote for presidential 230
and vice-presidential electors and for no other offices. 231

~~(E) Except as permitted under section 111.31 of the~~ 232
~~Revised Code, no~~ (E) (1) No public office, and no public official 233
or employee who is acting in an official capacity, shall do 234
either of the following: 235

~~(1)~~ (a) Prepay the return postage for an application for 236
absent voter's ballots; 237

~~(2)~~ (b) Mail or otherwise deliver an unsolicited 238
application for absent voter's ballots to any person. 239

(2) No person shall mail an unsolicited application for 240
absent voter's ballots to any person. 241

(F) (1) Except as otherwise provided in divisions (A) (2) 242
and (3) and (F) (2) of this section and in sections 3505.24 and 243
3509.08 of the Revised Code, no person shall fill out any 244
portion of a federal post card application or other application 245
for absent voter's ballots on behalf of an applicant. 246

(2) The secretary of state or a board of elections may 247
preprint only an applicant's name and address on a federal post 248
card application or other application for absent voter's ballots 249
before mailing that application to the applicant, except that if 250
the applicant has a confidential voter registration record, the 251
secretary of state or the board of elections shall not preprint 252
the applicant's address on the application. 253

(3) A completed application for absent voter's ballots is 254
not valid if any portion of it has been completed by any person 255
other than the applicant in violation of division (F) of this 256
section. 257

Sec. 3599.21. (A) No person shall knowingly do any of the 258
following: 259

(1) Impersonate another, or make a false representation in 260
order to obtain an absent voter's ballot; 261

(2) Aid or abet a person to vote an absent voter's ballot 262
illegally; 263

(3) If the person is an election official, open, destroy, 264
steal, mark, or mutilate any absent voter's ballot; 265

(4) Aid or abet another person to open, destroy, steal, 266
mark, or mutilate any absent voter's ballot after the ballot has 267
been voted; 268

(5) Delay the delivery of any absent voter's ballot with a 269
view to preventing its arrival in time to be counted; 270

(6) Hinder or attempt to hinder the delivery or counting 271
of such absent voter's ballot; 272

(7) Fail to forward to the appropriate election official 273
an absent voter's ballot application entrusted to that person to 274

so forward; 275

(8) Fail to forward to the appropriate election official 276
an absent voter's ballot application entrusted to that person to 277
so forward within ten days after that application is completed 278
or within such a time period that the failure to so forward the 279
application disenfranchises the voter with respect to a 280
particular election, whichever is earlier; 281

(9) Return the absent voter's ballot of another to the 282
office of a board of elections, unless either of the following 283
apply: 284

(a) The person is a relative who is authorized to do so 285
under division (C) (1) of section 3509.05 of the Revised Code; 286

(b) The person is, and is acting as, an employee or 287
contractor of the United States postal service or a private 288
carrier. 289

(10) Except as authorized under Chapters 3509. and 3511. 290
of the Revised Code, possess the absent voter's ballot of 291
another. 292

(B) (1) Subject to division (B) (2) of this section, no 293
person who receives compensation for soliciting persons to apply 294
to vote by absent voter's ballots shall fail to forward to the 295
appropriate election official an absent voter's ballot 296
application entrusted to that person to so forward within ten 297
days after that application is completed. 298

(2) No person who receives compensation for soliciting 299
persons to apply to vote by absent voter's ballots shall fail to 300
forward to the appropriate election official an absent voter's 301
ballot application entrusted to that person to so forward within 302
such a time period that the failure to so forward the 303

application disenfranchises the voter with respect to a 304
particular election. 305

(C) No person shall mail an unsolicited application for an 306
absent voter's ballot to any other person. 307

(D) Whoever violates division (A) or (B) of this section 308
is guilty of a felony of the fourth degree. Whoever knowingly 309
violates division (C) of this section is guilty of a misdemeanor 310
of the first degree on the first offense, and a felony of the 311
fifth degree on each subsequent offense. 312

~~(D)~~ (E) As used in this section, "person who receives 313
compensation for soliciting persons to apply to vote by absent 314
voter's ballots" includes any effort, for compensation, to 315
provide absent voter's ballot applications or to assist persons 316
in completing those applications or returning them to the 317
director of the board of elections of the county in which the 318
applicant's voting residence is located. 319

Section 2. That existing sections 3509.03, 3511.02, and 320
3599.21 of the Revised Code are hereby repealed. 321

Section 3. That section 111.31 of the Revised Code is 322
hereby repealed. 323