

As Introduced

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Representatives Miller, J., Russo

Cosponsors: Representatives Abdullahi, Baker, Brennan, Brent, Brewer, Brownlee, Bryant Bailey, Cockley, Glassburn, Grim, Hall, D., Jarrells, Lawson-Rowe, Lett, McNally, Mohamed, Piccolantonio, Rader, Sigrist, Sims, Somani, Synenberg, Tims, Troy, White, E.

To amend sections 3505.18, 3505.31, 3509.05, 1
3511.09, and 3511.11 of the Revised Code to 2
allow marked absent voter's ballots to be 3
returned to any polling place in the county. 4

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

Section 1. That sections 3505.18, 3505.31, 3509.05, 5
3511.09, and 3511.11 of the Revised Code be amended to read as 6
follows: 7

Sec. 3505.18. (A) (1) When an elector appears in a polling 8
place to vote, the elector shall announce to the precinct 9
election officials the elector's full name and current address 10
and provide photo identification. 11

(2) If an elector does not have or is unable to provide 12
photo identification to the precinct election officials, the 13
elector may cast a provisional ballot under section 3505.181 of 14
the Revised Code. 15

(3) If the elector provides photo identification in the 16
form of the elector's Ohio driver's license, state 17

identification card, or interim identification form and the 18
photo identification includes a notation designating that the 19
individual is a noncitizen of the United States, the election 20
officials shall challenge the elector's right to vote under 21
division (A) of section 3505.20 of the Revised Code. 22

(B) After the elector has announced the elector's full 23
name and current address and provided photo identification, the 24
elector shall confirm the elector's name and address by signing 25
the elector's name at the proper place in the poll list or 26
signature pollbook provided for the purpose, except that if, for 27
any reason, an elector is unable to sign the elector's name in 28
the poll list or signature pollbook, the elector may make the 29
elector's mark at the place intended for the elector's name, and 30
a precinct election official shall write the name of the elector 31
at the proper place on the poll list or signature pollbook 32
following the elector's mark. The making of such a mark shall be 33
attested by the precinct election official, who shall evidence 34
the same by signing the precinct election official's name on the 35
poll list or signature pollbook as a witness to the mark. 36
Alternatively, if applicable, an attorney in fact acting 37
pursuant to section 3501.382 of the Revised Code may sign the 38
elector's signature in the poll list or signature pollbook in 39
accordance with that section. 40

The elector's signature in the poll list or signature 41
pollbook then shall be compared with the elector's signature on 42
the elector's registration form or a digitized signature list as 43
provided for in section 3503.13 of the Revised Code, and if, in 44
the opinion of a majority of the precinct election officials, 45
the signatures are the signatures of the same person, the 46
election officials shall enter the date of the election on the 47
registration form or shall record the date by other means 48

prescribed by the secretary of state. The validity of an attorney in fact's signature on behalf of an elector shall be determined in accordance with section 3501.382 of the Revised Code.

If the right of the elector to vote is not then challenged, or, if being challenged, the elector establishes the elector's right to vote, the elector shall be allowed to proceed to use the voting machine. If voting machines are not being used in that precinct, the precinct election official in charge of ballots shall then detach the next ballots to be issued to the elector from Stub B attached to each ballot, leaving Stub A attached to each ballot, hand the ballots to the elector, and call the elector's name and the stub number on each of the ballots. The precinct election official shall enter the stub numbers opposite the signature of the elector in the pollbook. The elector shall then retire to one of the voting compartments to mark the elector's ballots. No mark shall be made on any ballot which would in any way enable any person to identify the person who voted the ballot.

(C) (1) When an elector or a person who is authorized under division (C) (1) (a) of section 3509.05 of the Revised Code to do so delivers the elector's marked absent voter's ballots in a return envelope to the precinct election officials during the time that the polls are open, the precinct election officials shall place the return envelope in a secure container designated solely for the purpose of collecting marked absent voter's ballots and shall deliver the container to the board of elections after the close of the polls along with the sealed pollbook, poll list, and tally sheet, as described in section 3505.31 of the Revised Code.

(2) In a prominent location at or near the entrance to the polling place, there shall be displayed a sign indicating that marked absent voter's ballots cast by electors of the county are accepted at the polling place and that a person is not required to wait in the voting line in order to deliver those ballots to the precinct election officials.

(3) The precinct election officials shall not require a person delivering marked absent voter's ballots to sign in or to complete any form in order to do so.

(4) In the area of the polling place in which persons may deliver marked absent voter's ballots to the precinct election officials, there shall be prominently displayed a sign indicating that only absent voter's ballots cast by electors of the relevant county are accepted and that absent voter's ballots cast by electors of any other county are not accepted.

Sec. 3505.31. When the results of the voting in a polling place on the day of an election have been determined and entered upon the proper forms and the certifications of those results have been signed by the precinct officials, those officials, before leaving the polling place, shall place all ballots that they have counted in containers provided for that purpose by the board of elections, and shall seal each container in a manner that it cannot be opened without breaking the seal or the material of which the container is made. They shall also seal the pollbook, poll list or signature pollbook, and tally sheet in a manner that the data contained in these items cannot be seen without breaking the seals. On the outside of these items shall be a plain indication that they are to be filed with the board. The voting location manager and an employee or appointee of the board of elections who has taken an oath to uphold the

laws and constitution of this state, including an oath that the 109
person will promptly and securely perform the duties required 110
under this section and who is a member of a different political 111
party than the voting location manager, shall then deliver to 112
the board the containers of ballots and the sealed pollbook, 113
poll list, and tally sheet, together with all other election 114
reports, materials, and supplies required to be delivered to the 115
board, including the container of marked absent voter's ballots 116
described in division (C) of section 3505.18 of the Revised 117
Code. 118

The board shall carefully preserve all ballots prepared 119
and provided by it for use in an election, whether used or 120
unused, including any electronic images of ballots, for at least 121
eighty-one days after the day of the election, except that, if 122
an election includes the nomination or election of candidates 123
for any of the offices of president, vice-president, 124
presidential elector, member of the senate of the congress of 125
the United States, or member of the house of representatives of 126
the congress of the United States, the board shall carefully 127
preserve all ballots prepared and provided by it for use in that 128
election, whether used or unused, for twenty-two months after 129
the day of the election. If an election is held within that 130
eighty-one-day period, the board shall have authority to 131
transfer those ballots to other containers to preserve them 132
until the eighty-one-day period has expired. After that eighty- 133
one-day period, the ballots shall be disposed of by the board in 134
a manner that the board orders, or where voting machines have 135
been used the counters may be turned back to zero; provided that 136
the secretary of state, within that eighty-one-day period, may 137
order the board to preserve the ballots or any part of the 138
ballots for a longer period of time, in which event the board 139

shall preserve those ballots for that longer period of time. 140

In counties where voting machines are used, if an election 141
is to be held within the eighty-one days immediately following a 142
primary, general, or special election or within any period of 143
time within which the ballots have been ordered preserved by the 144
secretary of state or a court of competent jurisdiction, the 145
board, after giving notice to all interested parties and 146
affording them an opportunity to have a representative present, 147
shall open the compartments of the machines and, without 148
unlocking the machines, shall recanvass the vote cast in them as 149
if a recount were being held. The results shall be certified by 150
the board, and this certification shall be filed in the board's 151
office and retained for the remainder of the period for which 152
ballots must be kept. After preparation of the certificate, the 153
counters may be turned back to zero, and the machines may be 154
used for the election. 155

The board shall carefully preserve the pollbook, poll list 156
or signature pollbook, and tally sheet delivered to it from each 157
polling place until it has completed the official canvass of the 158
election returns from all precincts in which electors were 159
entitled to vote at an election, and has prepared and certified 160
the abstracts of election returns, as required by law. The board 161
shall not break, or permit anyone to break, the seals upon the 162
pollbook, poll list or signature pollbook, and tally sheet, or 163
make, or permit any one to make, any changes or notations in 164
these items, while they are in its custody, except as provided 165
by section 3505.32 of the Revised Code. 166

Pollbooks and poll lists or signature pollbooks of a party 167
primary election delivered to the board from polling places 168
shall be carefully preserved by it for two years after the day 169

of election in which they were used, and shall then be disposed 170
of by the board in a manner that the board orders. 171

Pollbooks, poll lists or signature pollbooks, tally 172
sheets, summary statements, and other records and returns of an 173
election delivered to it from polling places shall be carefully 174
preserved by the board for two years after the day of the 175
election in which they were used, and shall then be disposed of 176
by the board in a manner that the board orders. 177

Sec. 3509.05. (A) When an elector receives an absent 178
voter's ballot pursuant to the elector's application or request, 179
the elector shall, before placing any marks on the ballot, note 180
whether there are any voting marks on it. If there are any 181
voting marks, the ballot shall be returned immediately to the 182
board of elections; otherwise, the elector shall cause the 183
ballot to be marked, folded in a manner that the stub on it and 184
the indorsements and facsimile signatures of the members of the 185
board of elections on the back of it are visible, and placed and 186
sealed within the identification envelope received from the 187
board of elections for that purpose. Then, the elector shall 188
cause the statement of voter on the outside of the 189
identification envelope to be completed and signed, under 190
penalty of election falsification. 191

(B) The elector shall provide one of the following: 192

(1) The elector's Ohio driver's license or state 193
identification card number on the statement of voter on the 194
identification envelope; 195

(2) The last four digits of the elector's social security 196
number on the statement of voter on the identification envelope; 197

(3) A copy of the elector's photo identification in the 198

return envelope with the identification envelope. 199

~~(C)(1)~~ (C) (1) (a) The elector shall mail ~~return~~ the 200
identification envelope to ~~the office of~~ the board of elections 201
in the return envelope by one of the following methods: 202

(i) The elector may mail it to the office of the board, 203
postage prepaid, ~~or the~~. 204

(ii) The elector may personally deliver it to the office 205
of the board, ~~or the~~, on the day of the election, to the 206
precinct election officials at a polling place located in the 207
county in which the elector resides. 208

(iii) The spouse of the elector, the father, mother, 209
father-in-law, mother-in-law, grandfather, grandmother, brother, 210
or sister of the whole or half blood, or the son, daughter, 211
adopting parent, adopted child, stepparent, stepchild, uncle, 212
aunt, nephew, or niece of the elector may deliver it to the 213
office of the board or, on the day of the election, to the 214
precinct election officials at a polling place located in the 215
county in which the elector resides. 216

(iv) If the elector requires assistance to vote by reason 217
of a disability, any person of the elector's choice, other than 218
the elector's employer, an agent of the elector's employer, or 219
an officer or agent of the elector's union, may deliver it to 220
the office of the board or, on the day of the election, to the 221
precinct election officials at a polling place located in the 222
county in which the elector resides. ~~The~~ 223

(b) The return envelope shall be returned by no other 224
person, in no other manner, and to no other location, except as 225
otherwise provided in section 3509.08 of the Revised Code. 226

(2) If the board maintains multiple offices in the county, 227

as permitted under division (C) of section 3501.10 of the Revised Code, the board may designate any of its offices for the return of absent voter's ballots under this section, provided that the board shall designate only one office to which absent voter's ballots shall be returned under this section.

(3) (a) The board of elections may place not more than one secure receptacle outside the office of the board, on the property on which the office of the board is located, for the purpose of receiving absent voter's ballots under this section.

(b) A secure receptacle shall be open to receive ballots only during the period beginning on the first day after the close of voter registration before the election and ending at seven-thirty p.m. on the day of the election. The receptacle shall be open to receive ballots at all times during that period.

(c) A secure receptacle shall be monitored by recorded video surveillance at all times. The video recordings are a public record. The board shall do one of the following:

(i) Make the video recordings available for inspection upon request in accordance with section 149.43 of the Revised Code.

(ii) Make each day's video recording available to the public on the internet for streaming or download without charge within seventy-two hours after the recording ends and make the video recordings available to the public upon request in accordance with section 149.43 of the Revised Code.

(d) Only a bipartisan team of election officials may open a secure receptacle or handle its contents. A bipartisan team of election officials shall collect the contents of each secure

receptacle and deliver them to the board for processing at least 257
once each day and at seven-thirty p.m. on the day of the 258
election. If, at seven-thirty p.m. on the day of the election, 259
there are persons waiting in line to deposit absent voter's 260
ballots in a receptacle, those persons shall be permitted to 261
deposit the ballots. 262

(4) (a) During the period beginning on the forty-fifth day 263
before election day and ending on the day after election day, on 264
each day the office of the board of elections is open for 265
business, the board shall report to the secretary of state all 266
of the following information concerning the previous business 267
day: 268

(i) The number of return envelopes purporting to contain 269
absent voter's ballots or uniformed services or overseas absent 270
voter's ballots the board received by personal delivery, other 271
than to a receptacle described in division (C) (3) of this 272
section; 273

(ii) If the board has placed a secure receptacle outside 274
the office of the board under division (C) (3) of this section, 275
the number of return envelopes purporting to contain absent 276
voter's ballots or uniformed services or overseas absent voter's 277
ballots the board received in the receptacle. 278

(b) As soon as practicable after receiving a report under 279
division (C) (4) (a) of this section, the secretary of state shall 280
make the information in the report available to the public on 281
the secretary of state's official web site. 282

(D) Except as otherwise provided in section 3511.11 of the 283
Revised Code, all envelopes containing marked absent voter's 284
ballots shall be delivered to the office of the board or to a 285

polling place in the county not later than the close of the 286
polls on the day of an election. Absent voter's ballots 287
delivered to the office of the board or to a polling place in 288
the county later than the times specified shall not be counted, 289
but shall be kept by the board in the sealed identification 290
envelopes in which they are delivered, until the time provided 291
by section 3505.31 of the Revised Code for the destruction of 292
all other ballots used at the election for which ballots were 293
provided, at which time they shall be destroyed. 294

Sec. 3511.09. (A) Upon receiving uniformed services or 295
overseas absent voter's ballots, the elector shall cause the 296
questions on the face of the identification envelope to be 297
answered, and, by writing the elector's usual signature in the 298
proper place on the identification envelope, the elector shall 299
declare under penalty of election falsification that the answers 300
to those questions are true and correct to the best of the 301
elector's knowledge and belief. Then, the elector shall note 302
whether there are any voting marks on the ballot. If there are 303
any voting marks, the ballot shall be returned immediately to 304
the board of elections; otherwise, the elector shall cause the 305
ballot to be marked, folded separately so as to conceal the 306
markings on it, deposited in the identification envelope, and 307
securely sealed in the identification envelope. The elector 308
shall sign the identification envelope not later than the close 309
of the polls on the day of the election. The elector then shall 310
cause the identification envelope to be placed within the return 311
envelope, sealed in the return envelope, and mailed to the board 312
of elections to which it is addressed. 313

(B) The elector shall provide one of the following: 314

(1) The elector's Ohio driver's license or state 315

identification card number on the statement of voter on the 316
identification envelope; 317

(2) The last four digits of the elector's social security 318
number on the statement of voter on the identification envelope; 319

(3) A copy of the elector's photo identification in the 320
return envelope with the identification envelope. 321

(C) Every uniformed services or overseas absent voter's 322
ballot identification envelope shall be accompanied by the 323
following statement in boldface capital letters: WHOEVER COMMITS 324
ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH 325
DEGREE. 326

(D) The elector shall cause the uniformed services or 327
overseas absent voter's ballots to be returned ~~to the office of~~ 328
~~the board of elections~~ in a manner described in division (C) of 329
section 3509.05 of the Revised Code, provided that the elector 330
shall not be required to prepay the postage on the return 331
envelope if, under 39 U.S.C. 3406, no postage is required. 332

Sec. 3511.11. (A) Uniformed services or overseas absent 333
voter's ballots delivered to the office of the board of 334
elections not later than the close of the polls on election day 335
shall be processed and counted in the manner provided in section 336
3509.06 of the Revised Code. 337

(B) A return envelope is not required to be postmarked in 338
order for a uniformed services or overseas absent voter's ballot 339
contained in it to be valid. Except as otherwise provided in 340
this division, whether or not the return envelope containing the 341
ballot is postmarked, contains a late postmark, or contains an 342
illegible postmark, a uniformed services or overseas absent 343
voter's ballot that is received by mail after the close of the 344

polls on election day through the fourth day after the election 345
day shall be processed and counted on the fifth day after the 346
election day at the office of the board of elections in the 347
manner provided in section 3509.06 of the Revised Code if the 348
voter signed the identification envelope by the close of the 349
polls on election day. However, if a return envelope containing 350
a uniformed services or overseas absent voter's ballot is so 351
received, but the identification envelope in it is signed after 352
the close of the polls on election day, the uniformed services 353
or overseas absent voter's ballot shall not be counted. 354

(C) The following types of uniformed services or overseas 355
absent voter's ballots shall not be counted: 356

(1) Uniformed services or overseas absent voter's ballots 357
that are received by the board of elections by mail after the 358
close of the polls on the day of the election, and that contain 359
an identification envelope that is signed after the close of the 360
polls on election day; 361

(2) Uniformed services or overseas absent voter's ballots 362
that are received by mail after the fourth day following the 363
election. 364

The uncounted ballots shall be preserved in their 365
identification envelopes unopened until the time provided by 366
section 3505.31 of the Revised Code for the destruction of all 367
other ballots used at the election for which ballots were 368
provided, at which time they shall be destroyed. 369

Section 2. That existing sections 3505.18, 3505.31, 370
3509.05, 3511.09, and 3511.11 of the Revised Code are hereby 371
repealed. 372