

**As Introduced**

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**H. B. No. 761**

**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.**

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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 49  
attorney in fact's signature on behalf of an elector shall be 50  
determined in accordance with section 3501.382 of the Revised 51  
Code. 52

If the right of the elector to vote is not then 53  
challenged, or, if being challenged, the elector establishes the 54  
elector's right to vote, the elector shall be allowed to proceed 55  
to use the voting machine. If voting machines are not being used 56  
in that precinct, the precinct election official in charge of 57  
ballots shall then detach the next ballots to be issued to the 58  
elector from Stub B attached to each ballot, leaving Stub A 59  
attached to each ballot, hand the ballots to the elector, and 60  
call the elector's name and the stub number on each of the 61  
ballots. The precinct election official shall enter the stub 62  
numbers opposite the signature of the elector in the pollbook. 63  
The elector shall then retire to one of the voting compartments 64  
to mark the elector's ballots. No mark shall be made on any 65  
ballot which would in any way enable any person to identify the 66  
person who voted the ballot. 67

(C) (1) When an elector or a person who is authorized under 68  
division (C) (1) (a) of section 3509.05 of the Revised Code to do 69  
so delivers the elector's marked absent voter's ballots in a 70  
return envelope to the precinct election officials during the 71  
time that the polls are open, the precinct election officials 72  
shall place the return envelope in a secure container designated 73  
solely for the purpose of collecting marked absent voter's 74  
ballots and shall deliver the container to the board of 75  
elections after the close of the polls along with the sealed 76  
pollbook, poll list, and tally sheet, as described in section 77  
3505.31 of the Revised Code. 78

(2) In a prominent location at or near the entrance to the 79  
polling place, there shall be displayed a sign indicating that 80  
marked absent voter's ballots cast by electors of the county are 81  
accepted at the polling place and that a person is not required 82  
to wait in the voting line in order to deliver those ballots to 83  
the precinct election officials. 84

(3) The precinct election officials shall not require a 85  
person delivering marked absent voter's ballots to sign in or to 86  
complete any form in order to do so. 87

(4) In the area of the polling place in which persons may 88  
deliver marked absent voter's ballots to the precinct election 89  
officials, there shall be prominently displayed a sign 90  
indicating that only absent voter's ballots cast by electors of 91  
the relevant county are accepted and that absent voter's ballots 92  
cast by electors of any other county are not accepted. 93

**Sec. 3505.31.** When the results of the voting in a polling 94  
place on the day of an election have been determined and entered 95  
upon the proper forms and the certifications of those results 96  
have been signed by the precinct officials, those officials, 97  
before leaving the polling place, shall place all ballots that 98  
they have counted in containers provided for that purpose by the 99  
board of elections, and shall seal each container in a manner 100  
that it cannot be opened without breaking the seal or the 101  
material of which the container is made. They shall also seal 102  
the pollbook, poll list or signature pollbook, and tally sheet 103  
in a manner that the data contained in these items cannot be 104  
seen without breaking the seals. On the outside of these items 105  
shall be a plain indication that they are to be filed with the 106  
board. The voting location manager and an employee or appointee 107  
of the board of elections who has taken an oath to uphold the 108

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