

As Introduced

CORRECTED VERSION

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S. B. No. 293

Senators Gavarone, Brenner

To amend sections 3509.05, 3511.09, and 3511.11 of
the Revised Code to require all marked absent
voter's ballots to be delivered to the board of
elections by the close of the polls on Election
Day in order to be counted.

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

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

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

penalty of election falsification. 21

(B) The elector shall provide one of the following: 22

(1) The elector's Ohio driver's license or state 23
identification card number on the statement of voter on the 24
identification envelope; 25

(2) The last four digits of the elector's social security 26
number on the statement of voter on the identification envelope; 27

(3) A copy of the elector's photo identification in the 28
return envelope with the identification envelope. 29

(C) (1) The elector shall mail the identification envelope 30
to the office of the board of elections in the return envelope, 31
postage prepaid, or the elector may personally deliver it to the 32
office of the board, or the spouse of the elector, the father, 33
mother, father-in-law, mother-in-law, grandfather, grandmother, 34
brother, or sister of the whole or half blood, or the son, 35
daughter, adopting parent, adopted child, stepparent, stepchild, 36
uncle, aunt, nephew, or niece of the elector may deliver it to 37
the office of the board. The return envelope shall be returned 38
by no other person, in no other manner, and to no other 39
location, except as otherwise provided in section 3509.08 of the 40
Revised Code. 41

(2) If the board maintains multiple offices in the county, 42
as permitted under division (C) of section 3501.10 of the 43
Revised Code, the board may designate any of its offices for the 44
return of absent voter's ballots under this section, provided 45
that the board shall designate only one office to which absent 46
voter's ballots shall be returned under this section. 47

(3) (a) The board of elections may place not more than one 48
secure receptacle outside the office of the board, on the 49

property on which the office of the board is located, for the 50
purpose of receiving absent voter's ballots under this section. 51

(b) A secure receptacle shall be open to receive ballots 52
only during the period beginning on the first day after the 53
close of voter registration before the election and ending at 54
seven-thirty p.m. on the day of the election. The receptacle 55
shall be open to receive ballots at all times during that 56
period. 57

(c) A secure receptacle shall be monitored by recorded 58
video surveillance at all times. The video recordings are a 59
public record. The board shall do one of the following: 60

(i) Make the video recordings available for inspection 61
upon request in accordance with section 149.43 of the Revised 62
Code. 63

(ii) Make each day's video recording available to the 64
public on the internet for streaming or download without charge 65
within seventy-two hours after the recording ends and make the 66
video recordings available to the public upon request in 67
accordance with section 149.43 of the Revised Code. 68

(d) Only a bipartisan team of election officials may open 69
a secure receptacle or handle its contents. A bipartisan team of 70
election officials shall collect the contents of each secure 71
receptacle and deliver them to the board for processing at least 72
once each day and at seven-thirty p.m. on the day of the 73
election. If, at seven-thirty p.m. on the day of the election, 74
there are persons waiting in line to deposit absent voter's 75
ballots in a receptacle, those persons shall be permitted to 76
deposit the ballots. 77

(4) (a) During the period beginning on the forty-fifth day 78

before election day and ending on the day after election day, on 79
each day the office of the board of elections is open for 80
business, the board shall report to the secretary of state all 81
of the following information concerning the previous business 82
day: 83

(i) The number of return envelopes purporting to contain 84
absent voter's ballots or uniformed services or overseas absent 85
voter's ballots the board received by personal delivery, other 86
than to a receptacle described in division (C) (3) of this 87
section; 88

(ii) If the board has placed a secure receptacle outside 89
the office of the board under division (C) (3) of this section, 90
the number of return envelopes purporting to contain absent 91
voter's ballots or uniformed services or overseas absent voter's 92
ballots the board received in the receptacle. 93

(b) As soon as practicable after receiving a report under 94
division (C) (4) (a) of this section, the secretary of state shall 95
make the information in the report available to the public on 96
the secretary of state's official web site. 97

~~(D) (1) Except as otherwise provided in division (D) (2) of~~ 98
~~this section, all~~ (D) All envelopes containing marked absent 99
voter's ballots shall be delivered to the office of the board 100
not later than the close of the polls on the day of an election. 101
Absent voter's ballots delivered to the office of the board 102
later than the times specified shall not be counted, but shall 103
be kept by the board in the sealed identification envelopes in 104
which they are delivered, until the time provided by section 105
3505.31 of the Revised Code for the destruction of all other 106
ballots used at the election for which ballots were provided, at 107
which time they shall be destroyed. 108

~~(2) (a) Except as otherwise provided in division (D) (2) (b) of this section, any return envelope that is postmarked prior to the day of the election shall be delivered to the director prior to the fifth day after the election. Ballots delivered in envelopes postmarked prior to the day of the election that are received after the close of the polls on election day through the fourth day thereafter shall be counted on the fifth day at the board of elections in the manner provided in divisions (C) and (D) of section 3509.06 of the Revised Code or in the manner provided in division (E) of that section, as applicable. Any such ballots that are received by the director later than the fourth day following the election shall not be counted, but shall be kept by the board in the sealed identification envelopes as provided in division (A) of this section.~~

~~(b) Division (D) (2) (a) of this section shall not apply to any mail that is postmarked using a postage evidencing system, including a postage meter, as defined in 39 C.F.R. 501.1.~~

Sec. 3511.09. (A) Upon receiving uniformed services or overseas absent voter's ballots, the elector shall cause the questions on the face of the identification envelope to be answered, and, by writing the elector's usual signature in the proper place on the identification envelope, the elector shall declare under penalty of election falsification that the answers to those questions are true and correct to the best of the elector's knowledge and belief. Then, the elector shall note whether there are any voting marks on the ballot. If there are any voting marks, the ballot shall be returned immediately to the board of elections; otherwise, the elector shall cause the ballot to be marked, folded separately so as to conceal the markings on it, deposited in the identification envelope, and securely sealed in the identification envelope. The elector

shall sign the identification envelope ~~not later than the close~~ 140
~~of the polls on the day of the election. The elector,~~ then 141
shall cause the identification envelope to be placed within the 142
return envelope, sealed in the return envelope, and mailed to 143
the board of elections to which it is addressed. 144

(B) The elector shall provide one of the following: 145

(1) The elector's Ohio driver's license or state 146
identification card number on the statement of voter on the 147
identification envelope; 148

(2) The last four digits of the elector's social security 149
number on the statement of voter on the identification envelope; 150

(3) A copy of the elector's photo identification in the 151
return envelope with the identification envelope. 152

(C) Every uniformed services or overseas absent voter's 153
ballot identification envelope shall be accompanied by the 154
following statement in boldface capital letters: WHOEVER COMMITS 155
ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH 156
DEGREE. 157

(D) The elector shall cause the uniformed services or 158
overseas absent voter's ballots to be returned to the office of 159
the board of elections ~~in a manner as~~ described in ~~division~~ 160
divisions (C) and (D) of section 3509.05 of the Revised Code, 161
provided that the elector shall not be required to prepay the 162
postage on the return envelope if, under 39 U.S.C. 3406, no 163
postage is required. 164

Sec. 3511.11. ~~(A) Uniformed services or overseas absent~~ 165
voter's ballots ~~delivered to the office of the board of~~ 166
~~elections not later than the close of the polls on election day~~ 167
shall be delivered to the office of the board, processed, and 168

counted in the manner provided in ~~section~~ sections 3509.05 and 169
3509.06 of the Revised Code. 170

~~(B) A return envelope is not required to be postmarked in~~ 171
~~order for a uniformed services or overseas absent voter's ballot~~ 172
~~contained in it to be valid. Except as otherwise provided in~~ 173
~~this division, whether or not the return envelope containing the~~ 174
~~ballot is postmarked, contains a late postmark, or contains an~~ 175
~~illegible postmark, a uniformed services or overseas absent~~ 176
~~voter's ballot that is received by mail after the close of the~~ 177
~~polls on election day through the fourth day after the election~~ 178
~~day shall be processed and counted on the fifth day after the~~ 179
~~election day at the office of the board of elections in the~~ 180
~~manner provided in section 3509.06 of the Revised Code if the~~ 181
~~voter signed the identification envelope by the close of the~~ 182
~~polls on election day. However, if a return envelope containing~~ 183
~~a uniformed services or overseas absent voter's ballot is so~~ 184
~~received, but the identification envelope in it is signed after~~ 185
~~the close of the polls on election day, the uniformed services~~ 186
~~or overseas absent voter's ballot shall not be counted.~~ 187

~~(C) The following types of uniformed services or overseas~~ 188
~~absent voter's ballots shall not be counted:~~ 189

~~(1) Uniformed services or overseas absent voter's ballots~~ 190
~~that are received by the board of elections after the close of~~ 191
~~the polls on the day of the election, and that contain an~~ 192
~~identification envelope that is signed after the close of the~~ 193
~~polls on election day;~~ 194

~~(2) Uniformed services or overseas absent voter's ballots~~ 195
~~that are received after the fourth day following the election.~~ 196

~~The uncounted ballots shall be preserved in their~~ 197

~~identification envelopes unopened until the time provided by~~ 198
~~section 3505.31 of the Revised Code for the destruction of all~~ 199
~~other ballots used at the election for which ballots were~~ 200
~~provided, at which time they shall be destroyed.~~ 201

Section 2. That existing sections 3509.05, 3511.09, and 202
3511.11 of the Revised Code are hereby repealed. 203