

As Passed by the Senate

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Am. S. B. No. 293

Senators Gavarone, Brenner

**Cosponsors: Senators Cirino, Cutrona, O'Brien, Reynolds, Roegner, Timken,
Wilkin, Wilson**

To amend section 3509.05 of the Revised Code to 1
modify the deadlines governing the return of 2
absent voter's ballots. 3

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

Section 1. That section 3509.05 of the Revised Code be 4
amended to read as follows: 5

Sec. 3509.05. (A) When an elector receives an absent 6
voter's ballot pursuant to the elector's application or request, 7
the elector shall, before placing any marks on the ballot, note 8
whether there are any voting marks on it. If there are any 9
voting marks, the ballot shall be returned immediately to the 10
board of elections; otherwise, the elector shall cause the 11
ballot to be marked, folded in a manner that the stub on it and 12
the indorsements and facsimile signatures of the members of the 13
board of elections on the back of it are visible, and placed and 14
sealed within the identification envelope received from the 15
board of elections for that purpose. Then, the elector shall 16
cause the statement of voter on the outside of the 17
identification envelope to be completed and signed, under 18
penalty of election falsification. 19

- (B) The elector shall provide one of the following: 20
- (1) The elector's Ohio driver's license or state 21
identification card number on the statement of voter on the 22
identification envelope; 23
- (2) The last four digits of the elector's social security 24
number on the statement of voter on the identification envelope; 25
- (3) A copy of the elector's photo identification in the 26
return envelope with the identification envelope. 27
- (C) (1) The elector shall mail the identification envelope 28
to the office of the board of elections in the return envelope, 29
postage prepaid, or the elector may personally deliver it to the 30
office of the board, or the spouse of the elector, the father, 31
mother, father-in-law, mother-in-law, grandfather, grandmother, 32
brother, or sister of the whole or half blood, or the son, 33
daughter, adopting parent, adopted child, stepparent, stepchild, 34
uncle, aunt, nephew, or niece of the elector may deliver it to 35
the office of the board. The return envelope shall be returned 36
by no other person, in no other manner, and to no other 37
location, except as otherwise provided in section 3509.08 of the 38
Revised Code. 39
- (2) If the board maintains multiple offices in the county, 40
as permitted under division (C) of section 3501.10 of the 41
Revised Code, the board may designate any of its offices for the 42
return of absent voter's ballots under this section, provided 43
that the board shall designate only one office to which absent 44
voter's ballots shall be returned under this section. 45
- (3) (a) The board of elections may place not more than one 46
secure receptacle outside the office of the board, on the 47
property on which the office of the board is located, for the 48

purpose of receiving absent voter's ballots under this section. 49

(b) A secure receptacle shall be open to receive ballots 50
only during the period beginning on the first day after the 51
close of voter registration before the election and ending at 52
seven-thirty p.m. on the day of the election. The receptacle 53
shall be open to receive ballots at all times during that 54
period. 55

(c) A secure receptacle shall be monitored by recorded 56
video surveillance at all times. The video recordings are a 57
public record. The board shall do one of the following: 58

(i) Make the video recordings available for inspection 59
upon request in accordance with section 149.43 of the Revised 60
Code. 61

(ii) Make each day's video recording available to the 62
public on the internet for streaming or download without charge 63
within seventy-two hours after the recording ends and make the 64
video recordings available to the public upon request in 65
accordance with section 149.43 of the Revised Code. 66

(d) Only a bipartisan team of election officials may open 67
a secure receptacle or handle its contents. A bipartisan team of 68
election officials shall collect the contents of each secure 69
receptacle and deliver them to the board for processing at least 70
once each day and at seven-thirty p.m. on the day of the 71
election. If, at seven-thirty p.m. on the day of the election, 72
there are persons waiting in line to deposit absent voter's 73
ballots in a receptacle, those persons shall be permitted to 74
deposit the ballots. 75

(4) (a) During the period beginning on the forty-fifth day 76
before election day and ending on the day after election day, on 77

each day the office of the board of elections is open for 78
business, the board shall report to the secretary of state all 79
of the following information concerning the previous business 80
day: 81

(i) The number of return envelopes purporting to contain 82
absent voter's ballots or uniformed services or overseas absent 83
voter's ballots the board received by personal delivery, other 84
than to a receptacle described in division (C) (3) of this 85
section; 86

(ii) If the board has placed a secure receptacle outside 87
the office of the board under division (C) (3) of this section, 88
the number of return envelopes purporting to contain absent 89
voter's ballots or uniformed services or overseas absent voter's 90
ballots the board received in the receptacle. 91

(b) As soon as practicable after receiving a report under 92
division (C) (4) (a) of this section, the secretary of state shall 93
make the information in the report available to the public on 94
the secretary of state's official web site. 95

~~(D) (1) (D)~~ Except as otherwise provided in ~~division (D) (2)~~ 96
~~of this section~~ 3511.11 of the Revised Code, all envelopes 97
containing marked absent voter's ballots shall be delivered to 98
the office of the board not later than the close of the polls on 99
the day of an election. Absent voter's ballots delivered to the 100
office of the board later than the times specified shall not be 101
counted, but shall be kept by the board in the sealed 102
identification envelopes in which they are delivered, until the 103
time provided by section 3505.31 of the Revised Code for the 104
destruction of all other ballots used at the election for which 105
ballots were provided, at which time they shall be destroyed. 106

~~(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.~~

Section 2. That existing section 3509.05 of the Revised Code is hereby repealed.