

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 309**

**Representative Clyde**

**Cosponsors: Representatives Lepore-Hagan, Fedor, Smith, K., Antonio, Phillips,  
Ramos**

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**A BILL**

To amend section 3509.05 of the Revised Code to  
eliminate the requirement that absent voter's  
ballots received during the ten days after the  
day of an election contain a postmark and to  
specify circumstances under which those ballots  
must not be counted.

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

**Section 1.** That section 3509.05 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

director of elections for that purpose. Then, the elector shall 19  
cause the statement of voter on the outside of the 20  
identification envelope to be completed and signed, under 21  
penalty of election falsification. 22

If the elector does not provide the elector's driver's 23  
license number or the last four digits of the elector's social 24  
security number on the statement of voter on the identification 25  
envelope, the elector also shall include in the return envelope 26  
with the identification envelope a copy of the elector's current 27  
valid photo identification, a copy of a military identification, 28  
or a copy of a current utility bill, bank statement, government 29  
check, paycheck, or other government document, other than a 30  
notice of voter registration mailed by a board of elections 31  
under section 3503.19 of the Revised Code, that shows the name 32  
and address of the elector. 33

The elector shall mail the identification envelope to the 34  
director from whom it was received in the return envelope, 35  
postage prepaid, or the elector may personally deliver it to the 36  
director, or the spouse of the elector, the father, mother, 37  
father-in-law, mother-in-law, grandfather, grandmother, brother, 38  
or sister of the whole or half blood, or the son, daughter, 39  
adopting parent, adopted child, stepparent, stepchild, uncle, 40  
aunt, nephew, or niece of the elector may deliver it to the 41  
director. The return envelope shall be transmitted to the 42  
director in no other manner, except as provided in section 43  
3509.08 of the Revised Code. 44

When absent voter's ballots are delivered to an elector at 45  
the office of the board, the elector may retire to a voting 46  
compartment provided by the board and there mark the ballots. 47  
Thereupon, the elector shall fold them, place them in the 48

identification envelope provided, seal the envelope, fill in and 49  
sign the statement on the envelope under penalty of election 50  
falsification, and deliver the envelope to the director of the 51  
board. 52

Except as otherwise provided in division (B) of this 53  
section, all other envelopes containing marked absent voter's 54  
ballots shall be delivered to the director not later than the 55  
close of the polls on the day of an election. A return envelope 56  
is not required to be postmarked in order for the absent voter's 57  
ballots contained in it to be valid. Absent voter's ballots 58  
delivered to the director later than the times specified shall 59  
not be counted, but shall be kept by the board in the sealed 60  
identification envelopes in which they are delivered to the 61  
director, until the time provided by section 3505.31 of the 62  
Revised Code for the destruction of all other ballots used at 63  
the election for which ballots were provided, at which time they 64  
shall be destroyed. 65

(B) (1) Except as otherwise provided in division (B) (2) of 66  
this section, ~~any return envelope that is postmarked prior to~~ 67  
~~the day of the election shall be delivered to the director prior~~ 68  
~~to the eleventh day after the election. Ballots delivered in~~ 69  
~~envelopes postmarked prior to the day of the election~~ ballots 70  
that are received via the United States postal service after the 71  
close of the polls on election day through the tenth day 72  
thereafter shall be counted on the eleventh day at the board of 73  
elections in the manner provided in divisions (C) and (D) of 74  
section 3509.06 of the Revised Code. ~~Any such ballots that are~~ 75  
~~received by the director later than the tenth day following the~~ 76  
~~election shall not be counted, but shall be kept by the board in~~ 77  
~~the sealed identification envelopes as provided in division (A)~~ 78  
~~of this section.~~ 79

~~(2) Division (B)(1) of this section shall not apply to any~~ 80  
~~mail that~~ If either of the following apply concerning absent 81  
voter's ballots that are received after the close of the polls 82  
on election day through the tenth day thereafter, those ballots 83  
shall not be counted: 84

(a) The return envelope is legibly postmarked using a 85  
~~postage evidencing system, including a postage meter, as defined~~ 86  
~~in 39 C.F.R. 501.1~~ on or after the day of the election. 87

(b) The identification envelope statement of voter is 88  
signed on or after the day of the election. 89

(c) Absent voter's ballots that are received by the 90  
director later than the tenth day following the election shall 91  
not be counted, but shall be kept by the board in the sealed 92  
identification envelopes as provided in division (A) of this 93  
section. 94

**Section 2.** That existing section 3509.05 of the Revised 95  
Code is hereby repealed. 96