

**As Introduced**

**135th General Assembly**

**Regular Session**

**2023-2024**

**H. B. No. 40**

**Representative Skindell**

**Cosponsors: Representatives Grim, Brent, Denson, Miller, J., Isaacsohn, Somani,  
Forhan, Upchurch, Russo, Miller, A., Weinstein, Brennan, Robinson, Troy**

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**A BILL**

To amend sections 3501.11, 3503.14, 3503.20, 1  
3503.28, and 3509.03 and to enact section 2  
3509.11 of the Revised Code to create a 3  
permanent absent voter list. 4

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

**Section 1.** That sections 3501.11, 3503.14, 3503.20, 5  
3503.28, and 3509.03 be amended and section 3509.11 of the 6  
Revised Code be enacted to read as follows: 7

**Sec. 3501.11.** Each board of elections shall exercise by a 8  
majority vote all powers granted to the board by Title XXXV of 9  
the Revised Code, shall perform all the duties imposed by law, 10  
and shall do all of the following: 11

(A) Establish, define, provide, rearrange, and combine 12  
election precincts; 13

(B) Fix and provide the places for registration and for 14  
holding primaries and elections; 15

(C) Provide for the purchase, preservation, and 16

maintenance of booths, ballot boxes, books, maps, flags, blanks, 17  
cards of instructions, and other forms, papers, and equipment 18  
used in registration, nominations, and elections; 19

(D) Appoint and remove its director, deputy director, and 20  
employees and all registrars, precinct election officials, and 21  
other officers of elections, fill vacancies, and designate the 22  
ward or district and precinct in which each shall serve; 23

(E) Make and issue rules and instructions, not 24  
inconsistent with law or the rules, directives, or advisories 25  
issued by the secretary of state, as it considers necessary for 26  
the guidance of election officers and voters; 27

(F) Advertise and contract for the printing of all ballots 28  
and other supplies used in registrations and elections; 29

(G) Provide for the issuance of all notices, 30  
advertisements, and publications concerning elections, except as 31  
otherwise provided in division (G) of section 3501.17 and 32  
divisions (F) and (G) of section 3505.062 of the Revised Code; 33

(H) Provide for the delivery of ballots, pollbooks, and 34  
other required papers and material to the polling places; 35

(I) Cause the polling places to be suitably provided with 36  
voting machines, marking devices, automatic tabulating 37  
equipment, stalls, and other required supplies. In fulfilling 38  
this duty, each board of a county that uses voting machines, 39  
marking devices, or automatic tabulating equipment shall conduct 40  
a full vote of the board during a public session of the board on 41  
the allocation and distribution of voting machines, marking 42  
devices, and automatic tabulating equipment for each precinct in 43  
the county. 44

(J) Investigate irregularities, nonperformance of duties, 45

or violations of Title XXXV of the Revised Code by election 46  
officers and other persons; administer oaths, issue subpoenas, 47  
summon witnesses, and compel the production of books, papers, 48  
records, and other evidence in connection with any such 49  
investigation; and report the facts to the prosecuting attorney 50  
or the secretary of state; 51

(K) (1) Review, examine, and certify the sufficiency and 52  
validity of petitions and nomination papers, and, after 53  
certification, return to the secretary of state all petitions 54  
and nomination papers that the secretary of state forwarded to 55  
the board; 56

(2) Examine each initiative petition, or a petition filed 57  
under section 307.94 or 307.95 of the Revised Code, received by 58  
the board to determine whether the petition falls within the 59  
scope of authority to enact via initiative and whether the 60  
petition satisfies the statutory prerequisites to place the 61  
issue on the ballot, as described in division (M) of section 62  
3501.38 of the Revised Code. The petition shall be invalid if 63  
any portion of the petition is not within the initiative power. 64

(L) Receive the returns of elections, canvass the returns, 65  
make abstracts of them, and transmit those abstracts to the 66  
proper authorities; 67

(M) Issue certificates of election on forms to be 68  
prescribed by the secretary of state; 69

(N) Make an annual report to the secretary of state, on 70  
the form prescribed by the secretary of state, containing a 71  
statement of the number of voters registered, elections held, 72  
votes cast, appropriations received, expenditures made, and 73  
other data required by the secretary of state; 74

(O) Prepare and submit to the proper appropriating officer	75
a budget estimating the cost of elections for the ensuing fiscal	76
year;	77
(P) Perform other duties as prescribed by law or the	78
rules, directives, or advisories of the secretary of state;	79
(Q) Investigate and determine the residence qualifications	80
of electors;	81
(R) Administer oaths in matters pertaining to the	82
administration of the election laws;	83
(S) Prepare and submit to the secretary of state, whenever	84
the secretary of state requires, a report containing the names	85
and residence addresses of all incumbent county, municipal,	86
township, and board of education officials serving in their	87
respective counties;	88
(T) Establish and maintain a voter registration database	89
of all qualified electors in the county who offer to register;	90
(U) Maintain voter registration records, make reports	91
concerning voter registration as required by the secretary of	92
state, and remove ineligible electors from voter registration	93
lists in accordance with law and directives of the secretary of	94
state;	95
(V) Give approval to ballot language for any local	96
question or issue and transmit the language to the secretary of	97
state for the secretary of state's final approval;	98
(W) Prepare and cause the following notice to be displayed	99
in a prominent location in every polling place:	100
"NOTICE	101

Ohio law prohibits any person from voting or attempting to 102  
vote more than once at the same election. 103

Violators are guilty of a felony of the fourth degree and 104  
shall be imprisoned and additionally may be fined in accordance 105  
with law." 106

(X) In all cases of a tie vote or a disagreement in the 107  
board, if no decision can be arrived at, the director or 108  
chairperson shall submit the matter in controversy, not later 109  
than fourteen days after the tie vote or the disagreement, to 110  
the secretary of state, who shall summarily decide the question, 111  
and the secretary of state's decision shall be final. 112

(Y) Assist each designated agency, deputy registrar of 113  
motor vehicles, public high school and vocational school, public 114  
library, and office of a county treasurer in the implementation 115  
of a program for registering voters at all voter registration 116  
locations as prescribed by the secretary of state. Under this 117  
program, each board of elections shall direct to the appropriate 118  
board of elections any voter registration applications for 119  
persons residing outside the county where the board is located 120  
within five days after receiving the applications. 121

(Z) On any day on which an elector may vote in person at 122  
the office of the board or at another site designated by the 123  
board, consider the board or other designated site a polling 124  
place for that day. All requirements or prohibitions of law that 125  
apply to a polling place shall apply to the office of the board 126  
or other designated site on that day. 127

(AA) Perform any duties with respect to voter registration 128  
and voting by uniformed services and overseas voters that are 129  
delegated to the board by law or by the rules, directives, or 130

advisories of the secretary of state.	131
(BB) Prepare an election administration plan and submit it	132
to the secretary of state not later than seventy-five days	133
before each presidential primary election and not later than one	134
hundred twenty days before each general election held in an	135
even-numbered year. The election administration plan shall be on	136
a template prescribed by the secretary of state and shall	137
include all of the following:	138
(1) Precinct election official recruitment, training, and	139
accountability;	140
(2) Resource allocation;	141
(3) Communication before and on the day of the election;	142
(4) Materials;	143
(5) Contingencies and continuity planning;	144
(6) Security;	145
(7) Voter registration;	146
(8) Absent voting;	147
(9) Polling places and accessibility;	148
(10) Ballot preparation;	149
(11) Pre-election testing;	150
(12) Reconciliation and audits;	151
(13) A master calendar;	152
(14) Any other topic prescribed by the secretary of state.	153
<u>(CC) Establish and maintain a permanent absent voter list</u>	154
<u>of all registered electors in the county who have opted to be</u>	155

<u>placed on the permanent absent voter list, including written</u>	156
<u>applications to be removed from the permanent absent voter list.</u>	157
<b>Sec. 3503.14.</b> (A) The secretary of state shall prescribe	158
the form and content of the registration, change of residence,	159
and change of name forms used in this state. The forms shall	160
meet the requirements of the National Voter Registration Act of	161
1993 and shall include spaces for all of the following:	162
(1) The voter's name;	163
(2) The voter's address;	164
(3) The current date;	165
(4) The voter's date of birth;	166
(5) The voter to provide at least one of the following	167
forms of identification:	168
(a) The voter's Ohio driver's license or state	169
identification card number;	170
(b) The last four digits of the voter's social security	171
number.	172
(6) <u>A box that the voter can mark in the affirmative to</u>	173
<u>request to be placed on the permanent absent voter list under</u>	174
<u>section 3509.11 of the Revised Code;</u>	175
<u>(7) The voter's signature.</u>	176
The registration form shall include a space on which the	177
person registering an applicant shall sign the person's name and	178
provide the person's address and a space on which the person	179
registering an applicant shall name the employer who is	180
employing that person to register the applicant.	181
Except for forms prescribed by the secretary of state	182

under section 3503.11 of the Revised Code, the secretary of 183  
state shall permit boards of elections to produce forms that 184  
have subdivided spaces for each individual alphanumeric 185  
character of the information provided by the voter so as to 186  
accommodate the electronic reading and conversion of the voter's 187  
information to data and the subsequent electronic transfer of 188  
that data to the statewide voter registration database 189  
established under section 3503.15 of the Revised Code. 190

(B) None of the following persons who are registering an 191  
applicant in the course of that official's or employee's normal 192  
duties shall sign the person's name, provide the person's 193  
address, or name the employer who is employing the person to 194  
register an applicant on a form prepared under this section: 195

- (1) An election official; 196
- (2) A county treasurer; 197
- (3) A deputy registrar of motor vehicles; 198
- (4) An employee of a designated agency; 199
- (5) An employee of a public high school; 200
- (6) An employee of a public vocational school; 201
- (7) An employee of a public library; 202
- (8) An employee of the office of a county treasurer; 203
- (9) An employee of the bureau of motor vehicles; 204
- (10) An employee of a deputy registrar of motor vehicles; 205
- (11) An employee of an election official. 206

(C) Except as provided in section 3501.382 of the Revised 207  
Code, any applicant who is unable to sign the applicant's own 208



name shall make an "X," if possible, which shall be certified by 209  
the signing of the name of the applicant by the person filling 210  
out the form, who shall add the person's own signature. If an 211  
applicant is unable to make an "X," the applicant shall indicate 212  
in some manner that the applicant desires to register to vote or 213  
to change the applicant's name or residence. The person 214  
registering the applicant shall sign the form and attest that 215  
the applicant indicated that the applicant desired to register 216  
to vote or to change the applicant's name or residence. 217

(D) No registration, change of residence, or change of 218  
name form shall be rejected solely on the basis that a person 219  
registering an applicant failed to sign the person's name or 220  
failed to name the employer who is employing that person to 221  
register the applicant as required under division (A) of this 222  
section. 223

(E) A voter registration application submitted online 224  
through the internet pursuant to section 3503.20 of the Revised 225  
Code is not required to contain a signature to be considered 226  
valid. The signature obtained under division (B) of that section 227  
shall be considered the applicant's signature for all election 228  
and signature-matching purposes. 229

(F) As used in this section, "registering an applicant" 230  
includes any effort, for compensation, to provide voter 231  
registration forms or to assist persons in completing or 232  
returning those forms. 233

**Sec. 3503.20.** (A) The secretary of state shall establish a 234  
secure online voter registration system. The system shall 235  
provide for all of the following: 236

(1) An applicant to submit a voter registration 237

application to the secretary of state online through the	238
internet;	239
(2) The online applicant to be registered to vote, if all	240
of the following apply:	241
(a) The application contains all of the following	242
information:	243
(i) The applicant's name;	244
(ii) The applicant's address;	245
(iii) The applicant's date of birth;	246
(iv) The last four digits of the applicant's social	247
security number;	248
(v) The applicant's Ohio driver's license number or the	249
number of the applicant's state identification card issued under	250
section 4507.50 of the Revised Code.	251
(b) The applicant's name, address, and date of birth, the	252
last four digits of the applicant's social security number, and	253
the applicant's Ohio driver's license number or the number of	254
the applicant's state identification card as they are provided	255
in the application are not inconsistent with the information on	256
file with the bureau of motor vehicles;	257
(c) The applicant is a United States citizen, will have	258
lived in this state for thirty days immediately preceding the	259
next election, will be at least eighteen years of age on or	260
before the day of the next general election, and is otherwise	261
eligible to register to vote;	262
(d) The applicant attests to the truth and accuracy of the	263
information submitted in the online application under penalty of	264

election falsification. 265

(B) If an individual registers to vote or a registered 266  
elector updates the elector's name, address, or both under this 267  
section, the secretary of state shall obtain an electronic copy 268  
of the applicant's or elector's signature that is on file with 269  
the bureau of motor vehicles. That electronic signature shall be 270  
used as the applicant's or elector's signature on voter 271  
registration records, for all election and signature-matching 272  
purposes. 273

(C) The secretary of state shall employ whatever security 274  
measures the secretary of state considers necessary to ensure 275  
the integrity and accuracy of voter registration information 276  
submitted electronically pursuant to this section. Errors in 277  
processing voter registration applications in the online system 278  
shall not prevent an applicant from becoming registered or from 279  
voting. 280

(D) The online voter registration application under 281  
division (A) of this section shall include the following 282  
language: 283

"By clicking the box below, I request to be placed on the 284  
permanent absent voter list under section 3509.11 of the Revised 285  
Code." 286

In order to be placed on the permanent absent voter list 287  
under this section, an applicant or elector shall be required to 288  
mark the box in the online voter registration application that 289  
appears in conjunction with the previous statement. 290

(E) The online voter registration application established 291  
under division (A) of this section shall include the following 292  
language: 293

"By clicking the box below, I affirm all of the following 294  
under penalty of election falsification, which is a felony of 295  
the fifth degree: 296

(1) I am the person whose name and identifying information 297  
is provided on this form, and I desire to register to vote, or 298  
update my voter registration, in the State of Ohio. 299

(2) All of the information I have provided on this form is 300  
true and correct as of the date I am submitting this form. 301

(3) I am a United States citizen. 302

(4) I will have lived in Ohio for thirty days immediately 303  
preceding the next election. 304

(5) I will be at least eighteen years of age on or before 305  
the day of the next general election. 306

(6) I authorize the Bureau of Motor Vehicles to transmit 307  
to the Ohio Secretary of State my signature that is on file with 308  
the Bureau of Motor Vehicles, and I understand and agree that 309  
the signature transmitted by the Bureau of Motor Vehicles will 310  
be used by the Secretary of State to validate this electronic 311  
voter registration application as if I had signed this form 312  
personally." 313

In order to register to vote or update a voter 314  
registration under division (A) of this section, an applicant or 315  
elector shall be required to mark the box in the online voter 316  
registration application that appears in conjunction with the 317  
previous statement. 318

~~(E)~~ (F) The online voter registration process established 319  
under division (A) of this section shall be in operation and 320  
available for use by individuals who wish to register to vote or 321

update their voter registration information online not earlier 322  
than January 1, 2017. During the period beginning on the first 323  
day after the close of voter registration before an election and 324  
ending on the day of the election, the online voter registration 325  
system shall display a notice indicating that the applicant will 326  
not be registered to vote for the purposes of that election. 327

~~(F)~~ (G) Notwithstanding section 1.50 of the Revised Code, 328  
if any provision of this section or of division (E) of section 329  
3503.14 of the Revised Code is held invalid, or if the 330  
application of any provision of this section or of that division 331  
to any person or circumstance is held invalid, then this section 332  
and that division cease to operate. 333

**Sec. 3503.28.** (A) The secretary of state shall develop an 334  
information brochure regarding voter registration. The brochure 335  
shall include, but is not limited to, all of the following 336  
information: 337

(1) The applicable deadlines for registering to vote or 338  
for returning an applicant's completed registration form; 339

(2) The applicable deadline for returning an applicant's 340  
completed registration form if the person returning the form is 341  
being compensated for registering voters; 342

(3) The locations to which a person may return an 343  
applicant's completed registration form; 344

(4) The location to which a person who is compensated for 345  
registering voters may return an applicant's completed 346  
registration form; 347

(5) The registration and affirmation requirements 348  
applicable to persons who are compensated for registering voters 349  
under section 3503.29 of the Revised Code; 350

(6) A notice, which shall be written in bold type, stating 351  
as follows: 352

"Voters must bring photo identification to the polls in 353  
order to verify identity. Voters who do not provide photo 354  
identification will still be able to vote by casting a 355  
provisional ballot." 356

(7) The process to request to be placed on the permanent 357  
absent voter list when completing a voter registration form. 358

(B) Except as otherwise provided in division (D) of this 359  
section, a board of elections, designated agency, public high 360  
school, public vocational school, public library, office of a 361  
county treasurer, or deputy registrar of motor vehicles shall 362  
distribute a copy of the brochure developed under division (A) 363  
of this section to any person who requests more than two voter 364  
registration forms at one time. 365

(C) (1) The secretary of state shall provide the 366  
information required to be included in the brochure developed 367  
under division (A) of this section to any person who prints a 368  
voter registration form that is made available on a web site of 369  
the office of the secretary of state. 370

(2) If a board of elections operates and maintains a web 371  
site, the board shall provide the information required to be 372  
included in the brochure developed under division (A) of this 373  
section to any person who prints a voter registration form that 374  
is made available on that web site. 375

(D) A board of elections shall not be required to 376  
distribute a copy of a brochure under division (B) of this 377  
section to any of the following officials or employees who are 378  
requesting more than two voter registration forms at one time in 379

the course of the official's or employee's normal duties:	380
(1) An election official;	381
(2) A county treasurer;	382
(3) A deputy registrar of motor vehicles;	383
(4) An employee of a designated agency;	384
(5) An employee of a public high school;	385
(6) An employee of a public vocational school;	386
(7) An employee of a public library;	387
(8) An employee of the office of a county treasurer;	388
(9) An employee of the bureau of motor vehicles;	389
(10) An employee of a deputy registrar of motor vehicles;	390
(11) An employee of an election official.	391
(E) As used in this section, "registering voters" includes	392
any effort, for compensation, to provide voter registration	393
forms or to assist persons in completing or returning those	394
forms.	395
<b>Sec. 3509.03.</b> (A) Except as otherwise provided in sections	396
3509.051, 3511.02, and 3511.021 of the Revised Code, any	397
qualified elector desiring to vote absent voter's ballots at an	398
election shall deliver a written application for those ballots,	399
either in person or by mail, to the board of elections of the	400
county in which the elector's voting residence is located.	401
(B) Except as otherwise permitted under section 3511.02 of	402
the Revised Code and under division (C) of this section, the	403
application shall be on a form prescribed by the secretary of	404
state and shall contain all of the following:	405

(1) The elector's name;	406
(2) The elector's signature;	407
(3) The address at which the elector is registered to vote;	408 409
(4) The elector's date of birth;	410
(5) One of the following:	411
(a) The elector's Ohio driver's license or state identification card number;	412 413
(b) The last four digits of the elector's social security number;	414 415
(c) A copy of the elector's photo identification.	416
(6) A statement identifying the election for which absent voter's ballots are requested;	417 418
(7) A statement that the person requesting the ballots is a qualified elector;	419 420
(8) <u>A box that the voter can mark in the affirmative to request to be placed on the permanent absent voter list under section 3509.11 of the Revised Code;</u>	421 422 423
<u>(9)</u> If the request is for primary election ballots, the elector's party affiliation;	424 425
<del>(9)</del> <u>(10)</u> If the elector desires ballots to be mailed to the elector, the address to which those ballots shall be mailed.	426 427
(C) If the elector has a confidential voter registration record, as described in section 111.44 of the Revised Code, the elector may provide the elector's program participant identification number instead of the address at which the	428 429 430 431



elector is registered to vote. 432

(D) Except as otherwise provided in division (A) of 433  
section 3509.051 and in division (B) of section 3509.08 of the 434  
Revised Code, an application to receive absent voter's ballots 435  
shall be delivered to the office of the board not earlier than 436  
the first day of January of the year of the elections for which 437  
the absent voter's ballots are requested or not earlier than 438  
ninety days before the day of the election at which the ballots 439  
are to be voted, whichever is earlier, and not later than the 440  
close of business on the seventh day before the day of the 441  
election at which the ballots are to be voted. 442

(E) Except as permitted under section 111.31 of the 443  
Revised Code, no public office, and no public official or 444  
employee who is acting in an official capacity, shall do either 445  
of the following: 446

(1) Prepay the return postage for an application for 447  
absent voter's ballots; 448

(2) Mail or otherwise deliver an unsolicited application 449  
for absent voter's ballots to any person. 450

(F) Except as otherwise provided in this section and in 451  
sections 3505.24 and 3509.08 of the Revised Code, an election 452  
official shall not fill out any portion of an application for 453  
absent voter's ballots on behalf of an applicant. The secretary 454  
of state or a board of elections may preprint only an 455  
applicant's name and address on an application for absent 456  
voter's ballots before mailing that application to the 457  
applicant, except that if the applicant has a confidential voter 458  
registration record, the secretary of state or a board of 459  
elections shall not preprint the applicant's address on the 460

application. 461

Sec. 3509.11. (A) An elector may request to be placed on 462  
the permanent absent voter list maintained by boards of 463  
elections in accordance with this section. 464

(B) A voter registration applicant or elector may request 465  
to be placed on the permanent absent voter list by doing any of 466  
the following: 467

(1) Completing a written application, prescribed by the 468  
secretary of state, to be placed on the permanent absent voter 469  
list and returning the completed application to the board of 470  
elections of the county in which the elector is registered to 471  
vote; 472

(2) Marking the box in the affirmative provided on a voter 473  
registration form or change of name or change of address form 474  
that indicates the applicant or elector wishes to be placed on 475  
the permanent absent voter list; 476

(3) Checking the box provided when registering to vote or 477  
updating the elector's voter registration on the online voter 478  
registration system that indicates the applicant or elector 479  
wishes to be placed on the permanent absent voter list; 480

(4) Marking the box provided on an application for an 481  
absent voter's ballot that indicates the voter wishes to be 482  
placed on the permanent absent voter list. 483

(C) An elector may be removed from the permanent absent 484  
voter list if either of the following occur: 485

(1) The elector submits in writing, on a form prescribed 486  
by the secretary of state, to the appropriate board of elections 487  
a request to be removed from the permanent absent voter list. 488

(2) The elector's voter registration is canceled under 489  
section 3503.21 of the Revised Code. 490

(D) Each board of elections shall mail an absent voter 491  
ballot application for an election to each elector listed on the 492  
board's permanent absent voter list not later than forty-five 493  
days before the close of voter registration for that election. 494  
An absent voter ballot application mailed under this section is 495  
not considered an unsolicited application for absent voter's 496  
ballots. 497

**Section 2.** That existing sections 3501.11, 3503.14, 498  
3503.20, 3503.28, and 3509.03 of the Revised Code are hereby 499  
repealed. 500