

(126th General Assembly)
(Substitute House Bill Number 234)

AN ACT

To amend sections 3501.17, 3501.22, 3501.27, 3503.16, 3509.02, 3509.03, 3509.031, 3509.04, 3509.05, 3509.06, 3509.07, 3509.08, 3511.02, 3511.04, 3511.09, 3599.12, 3599.21, and 4109.06 and to enact sections 3509.022, 3509.09, and 3511.13 of the Revised Code to permit a board of elections, in conjunction with a board of education, the governing authority of a community school, or the chief administrator of a nonpublic school, to establish a program permitting certain high school seniors to serve as precinct officers on the day of an election, and to revise the law governing absent voter's ballots and armed service absent voter's ballots.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3501.17, 3501.22, 3501.27, 3503.16, 3509.02, 3509.03, 3509.031, 3509.04, 3509.05, 3509.06, 3509.07, 3509.08, 3511.02, 3511.04, 3511.09, 3599.12, 3599.21, and 4109.06 be amended and sections 3509.022, 3509.09, and 3511.13 of the Revised Code be enacted to read as follows:

Sec. 3501.17. (A) The expenses of the board of elections shall be paid from the county treasury, in pursuance of appropriations by the board of county commissioners, in the same manner as other county expenses are paid. If the board of county commissioners fails to appropriate an amount sufficient to provide for the necessary and proper expenses of the board of elections pertaining to the conduct of elections, ~~other than expenses for employee compensation and benefits incurred in the conduct of elections;~~ the board of elections may apply to the court of common pleas within the county, which shall fix the amount necessary to be appropriated and the amount shall be appropriated. Payments shall be made upon vouchers of the board of elections certified to by its chairperson or acting chairperson and the director or deputy director, upon warrants of the county auditor.

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The board of elections shall not incur any obligation involving the expenditure of money unless there are moneys sufficient in the funds appropriated therefor to meet the obligation as required in division (D) of section 5705.41 of the Revised Code. If the board of elections requests a transfer of funds from one of its appropriation items to another, the board of county commissioners shall adopt a resolution providing for the transfer except as otherwise provided in section 5705.40 of the Revised Code. The expenses of the board of elections shall be apportioned among the county and the various subdivisions as provided in this section, and the amount chargeable to each subdivision shall be withheld by the auditor from the moneys payable thereto at the time of the next tax settlement. At the time of submitting budget estimates in each year, the board of elections shall submit to the taxing authority of each subdivision, upon the request of the subdivision, an estimate of the amount to be withheld from the subdivision during the next fiscal year.

(B) Except as otherwise provided in division (F) of this section, the entire compensation of the members of the board of elections and of the director, deputy director, and other employees in the board's offices; the expenditures for the rental, furnishing, and equipping of the office of the board and for the necessary office supplies for the use of the board; the expenditures for the acquisition, repair, care, and custody of the polling places, booths, guardrails, and other equipment for polling places; the cost of pollbooks, tally sheets, maps, flags, ballot boxes, and all other permanent records and equipment; the cost of all elections held in and for the state and county; and all other expenses of the board which are not chargeable to a political subdivision in accordance with this section shall be paid in the same manner as other county expenses are paid.

(C) The compensation of judges and clerks of elections; the cost of renting, moving, heating, and lighting polling places and of placing and removing ballot boxes and other fixtures and equipment thereof; the cost of printing and delivering ballots, cards of instructions, and other election supplies; and all other expenses of conducting primaries and elections in the odd-numbered years shall be charged to the subdivisions in and for which such primaries or elections are held. The charge for each primary or general election in odd-numbered years for each subdivision shall be determined in the following manner: first, the total cost of all chargeable items used in conducting such elections shall be ascertained; second, the total charge shall be divided by the number of precincts participating in such election, in order to fix the cost per precinct; third, the cost per precinct shall be prorated by the board of elections to the subdivisions conducting elections for the

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nomination or election of offices in such precinct; fourth, the total cost for each subdivision shall be determined by adding the charges prorated to it in each precinct within the subdivision.

(D) The entire cost of special elections held on a day other than the day of a primary or general election, both in odd-numbered or in even-numbered years, shall be charged to the subdivision. Where a special election is held on the same day as a primary or general election in an even-numbered year, the subdivision submitting the special election shall be charged only for the cost of ballots and advertising. Where a special election is held on the same day as a primary or general election in an odd-numbered year, the subdivision submitting the special election shall be charged for the cost of ballots and advertising for such special election, in addition to the charges prorated to such subdivision for the election or nomination of candidates in each precinct within the subdivision, as set forth in the preceding paragraph.

(E) Where a special election is held on the day specified by division (E) of section 3501.01 of the Revised Code for the holding of a primary election, for the purpose of submitting to the voters of the state constitutional amendments proposed by the general assembly, and a subdivision conducts a special election on the same day, the entire cost of the special election shall be divided proportionally between the state and the subdivision based upon a ratio determined by the number of issues placed on the ballot by each, except as otherwise provided in division (G) of this section. Such proportional division of cost shall be made only to the extent funds are available for such purpose from amounts appropriated by the general assembly to the secretary of state. If a primary election is also being conducted in the subdivision, the costs shall be apportioned as otherwise provided in this section.

(F) When a precinct is open during a general, primary, or special election solely for the purpose of submitting to the voters a statewide ballot issue, the state shall bear the entire cost of the election in that precinct and shall reimburse the county for all expenses incurred in opening the precinct.

(G) The state shall bear the entire cost of advertising in newspapers statewide ballot issues, explanations of those issues, and arguments for or against those issues, as required by Section 1g of Article II and Section 1 of Article XVI, Ohio Constitution, and any other section of law and shall reimburse the counties for all expenses they incur for such advertising.

(H) The cost of renting, heating, and lighting registration places; the cost of the necessary books, forms, and supplies for the conduct of registration; and the cost of printing and posting precinct registration lists shall be charged to the subdivision in which such registration is held.

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(I) As used in this section, "statewide ballot issue" means any ballot issue, whether proposed by the general assembly or by initiative or referendum, that is submitted to the voters throughout the state.

Sec. 3501.22. (A) On or before the fifteenth day of September in each year, the board of elections by a majority vote shall, after careful examination and investigation as to their qualifications, appoint for each election precinct four ~~competent electors~~, residents of the county in which the precinct is located, as judges. Such electors Except as otherwise provided in division (C) of this section, all judges of election shall be qualified electors. The judges shall constitute the election officers of the precinct. Not more than one-half of the total number of judges shall be members of the same political party. The term of such precinct officers shall be for one year. The board may, at any time, designate any number of election officers, not more than one-half of whom shall be members of the same political party, to perform their duties at any precinct in any election. The board may appoint additional officials, equally divided between the two major political parties, when necessary to expedite voting.

Vacancies for unexpired terms shall be filled by the board. When new precincts have been created, the board shall appoint judges for ~~such~~ those precincts for the unexpired term. Any judge may be summarily removed from office at any time by the board for neglect of duty, malfeasance, or misconduct in office, or for any other good and sufficient reason.

Precinct election officials shall perform all of the duties provided by law for receiving the ballots and supplies, opening and closing the polls, and overseeing the casting of ballots during the time the polls are open, and any other duties required by section 3501.26 of the Revised Code.

A board of elections may designate two precinct election officials as counting officials to count and tally the votes cast and certify the results of the election at each precinct, and perform ~~such~~ other duties as ~~are~~ provided by law. To expedite the counting of votes at each precinct, the board may appoint additional officials, not more than one-half of whom shall be members of the same political party.

The board shall designate one of the precinct election officials who is a member of the dominant political party to serve as a presiding judge, whose duty it is to deliver the returns of the election and all supplies to the office of the board. For these services, the presiding judge shall receive additional compensation in an amount, consistent with section 3501.28 of the Revised Code, determined by the board of elections.

The board shall issue to each precinct election official a certificate of appointment, which the official shall present to the presiding judge at the

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time the polls are opened.

(B) If the board of elections determines that not enough qualified electors in a precinct are available to serve as precinct officers, it may appoint persons to serve as precinct officers at a primary, special, or general election who are at least seventeen years of age and are registered to vote in accordance with section 3503.07 of the Revised Code. ~~No more than two precinct officers in any precinct shall be under eighteen years of age.~~

(C)(1) A board of elections, in conjunction with the board of education of a city, local, or exempted village school district, the governing authority of a community school established under Chapter 3314. of the Revised Code, or the chief administrator of a nonpublic school may establish a program permitting certain high school students to apply and, if appointed by the board of elections, to serve as precinct officers at a primary, special, or general election.

In addition to the requirements established by division (C)(2) of this section, a board of education, governing authority, or chief administrator that establishes a program under this division in conjunction with a board of elections may establish additional criteria that students shall meet to be eligible to participate in that program.

(2)(a) To be eligible to participate in a program established under division (C)(1) of this section, a student shall be a United States citizen, a resident of the county, at least seventeen years of age, and enrolled in the senior year of high school.

(b) Any student applying to participate in a program established under division (C)(1) of this section, as part of the student's application process, shall declare the student's political party affiliation with the board of elections.

(3) No student appointed as a precinct officer pursuant to a program established under division (C)(1) of this section shall be designated as a presiding judge.

(4) Any student participating in a program established under division (C)(1) of this section shall be excused for that student's absence from school on the day of an election at which the student is serving as a precinct officer.

(D) Not more than one precinct officer in any given precinct shall be under eighteen years of age.

Sec. 3501.27. (A) All judges of election shall ~~be qualified electors who have completed~~ complete a program of instruction pursuant to division (B) of this section. No person who has been convicted of a felony; or any violation of the election laws, ~~or~~ who is unable to read and write the English language readily, or who is a candidate for an office to be voted for by the

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voters of the precinct in which ~~he~~ the person is to serve shall serve as an election officer. A person when appointed as an election officer shall receive from the board of elections a certificate of appointment ~~which~~ that may be revoked at any time by the board for good and sufficient reasons. ~~Such~~ The certificate shall be in ~~such~~ the form as the board prescribes and shall specify the precinct, ward, or district in and for which the person to whom it is issued is appointed to serve, the date of appointment, and the expiration of ~~his~~ the person's term of service.

(B) Each board shall establish a program as prescribed by the secretary of state for the instruction of election officers in the rules, procedures, and law relating to elections. In each program, the board shall use training materials prepared by the secretary of state; and may use additional materials prepared by or on behalf of the board. The board may use the services of unpaid volunteers in conducting its program and may reimburse ~~such~~ those volunteers for necessary and actual expenses incurred in participating in the program.

The board shall train each new election officer before the new officer participates in ~~his~~ the first election in that capacity. The board shall instruct election officials who have been trained previously only when the board or secretary of state considers ~~such~~ that instruction necessary, but the board shall reinstruct such persons, other than presiding judges, at least once in every three years and shall reinstruct presiding judges before the primary election in even-numbered years. The board shall schedule any program of instruction within sixty days prior to the election in which the officials to be trained will participate.

(C) The duties of a judge of an election in each polling place shall be performed only by an individual who has successfully completed the requirements of the program, unless such an individual is unavailable after reasonable efforts to obtain such services.

(D) The secretary of state shall establish a program for the instruction of members of boards of elections and employees of boards in the rules, procedures, and law relating to elections. Each member and employee shall complete the training program within six months after ~~his~~ the member's or employee's original appointment or employment, and thereafter; each member and employee shall complete a training program to update their knowledge once every four years or more often as determined by the secretary of state.

(E) The secretary of state shall reimburse each county for the cost of programs established pursuant to division (B) of this section, once ~~he~~ the secretary of state has received an itemized statement of expenses for such

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instruction programs from the county. The itemized statement shall be in a form prescribed by the secretary of state.

Sec. 3503.16. (A) Whenever a registered elector changes the place of residence of that registered elector from one precinct to another within a county or from one county to another, or has a change of name, that registered elector shall report the change by delivering a change of residence or change of name form, whichever is appropriate, as prescribed by the secretary of state under section 3503.14 of the Revised Code to the state or local office of a designated agency, a public high school or vocational school, a public library, the office of the county treasurer, the office of the secretary of state, any office of the registrar or deputy registrar of motor vehicles, or any office of a board of elections in person or by a third person. Any voter registration, change of address, or change of name application, returned by mail, may be sent only to the secretary of state or the board of elections.

A registered elector also may update the registration of that registered elector by filing a change of residence or change of name form on the day of a special, primary, or general election at the polling place in the precinct in which that registered elector resides or at the board of elections or at another site designated by the board.

(B)(1) Any registered elector who moves within a precinct or changes the name of that registered elector and remains within a precinct on or prior to the day of a general, primary, or special election and has not filed a notice of change of residence or change of name, whichever is appropriate, with the board of elections may vote in that election by going to that registered elector's assigned polling place, completing and signing a notice of change of residence or change of name, whichever is appropriate, and casting a ballot.

(2) Any registered elector who moves from one precinct to another within a county or moves from one precinct to another and changes the name of that registered elector on or prior to the day of a general, primary, or special election and has not filed a notice of change of residence or change of name, whichever is appropriate, with the board of elections may vote in that election if that registered elector complies with division (G) of this section or does all of the following:

(a) Appears at anytime during regular business hours on or after the twenty-eighth day prior to the election in which that registered elector wishes to vote, or if the election is held on the day of a presidential primary election, the twenty-fifth day prior to the election, through noon of the Saturday prior to the election or during regular business hours on the

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Monday prior to the election at the office of the board of elections, or appears on the day of the election at either of the following locations:

(i) The polling place in the precinct in which that registered elector resides;

(ii) The location designated by the board of elections, which shall be the office of the board or another appropriate site designated by the board in the county in which that registered elector resides.

(b) Completes and signs, under penalty of election falsification, a notice of change of residence or change of name, whichever is appropriate, and files it with election officials at the polling place, at the office of the board of elections, or at the site designated by the board, whichever is appropriate;

(c) Votes at the polling place, at the office of the board of elections, or at the site designated by the board, whichever is appropriate, by absent voter's ballots using the address to which that registered elector has moved or the name of that registered elector as changed, whichever is appropriate;

(d) Completes and signs, under penalty of election falsification, a statement attesting that that registered elector moved or had a change of name, whichever is appropriate, on or prior to the day of the election, has voted at the polling place in the precinct in which that registered elector resides, at the office of the board of elections, or at the site designated by the board, whichever is appropriate, and will not vote or attempt to vote at any other location for that particular election. The statement required under division (B)(2)(d) of this section ~~may~~ shall be included on the notice of change of residence or change of name, whichever is appropriate, required under division (B)(2)(b) of this section.

(C) Any registered elector who moves from one county to another county within the state on or prior to the day of a general, primary, or special election and has not registered to vote in the county to which that registered elector moved may vote in that election if that registered elector complies with division (G) of this section or does all of the following:

(1) Appears at any time during regular business hours on or after the twenty-eighth day prior to the election in which that registered elector wishes to vote, or if the election is held on the day of a presidential primary election, the twenty-fifth day prior to the election, through noon of the Saturday prior to the election or during regular business hours on the Monday prior to the election at the office of the board of elections, or appears on the day of the election at the location designated by the board of elections, which shall be either the office of the board or another appropriate site designated by the board in the county in which that registered elector resides;

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(2) Completes and signs, under penalty of election falsification, a notice of change of residence and files it with election officials at the board or at the site designated by the board, whichever is appropriate;

(3) Votes at the office of the board of elections or at a site designated by the board by absent voter's ballots using the address to which that registered elector has moved;

(4) Completes and signs, under penalty of election falsification, a statement attesting that that registered elector has moved from one county to another county within the state on or prior to the day of the election, has voted at the office of the board of elections or at the site designated by the board, whichever is appropriate, and will not vote or attempt to vote at any other location for that particular election. The statement required under division (C)(4) of this section ~~may~~ shall be included on the notice of change of residence required under division (C)(2) of this section.

(D) A person who votes by absent voter's ballots pursuant to division (B), (C), or (G) of this section shall not make written application for the ballots pursuant to Chapter 3509. of the Revised Code. Ballots cast pursuant to division (B), (C), or (G) of this section shall be set aside in a special envelope and counted during the official canvass of votes in the manner provided for in sections 3505.32 and 3509.06 of the Revised Code insofar as that manner is applicable. The board shall examine the pollbooks to verify that no ballot was cast at the polls or by absent voter's ballots under Chapter 3509. or 3511. of the Revised Code by an elector who has voted by absent voter's ballots pursuant to division (B), (C), or (G) of this section. Any ballot determined to be insufficient for any of the reasons stated above or stated in section 3509.07 of the Revised Code shall not be counted.

A board of elections may lease or otherwise acquire a site different from the office of the board at which registered electors may vote pursuant to division (B) or (C) of this section.

(E) Upon receiving a change of residence or change of name form, the board of elections shall immediately send the registrant an acknowledgment notice. If the change of residence or change of name form is valid, the board shall update the voter's registration as appropriate. If that form is incomplete, the board shall inform the registrant in the acknowledgment notice specified in this division of the information necessary to complete or update that registrant's registration.

(F) Change of residence and change of name forms shall be available at each polling place, and when these forms are completed, noting changes of residence or name, as appropriate, they shall be filed with election officials at the polling place. Election officials shall return completed forms, together

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with the pollbooks and tally sheets, to the board of elections.

The board of elections shall provide change of residence and change of name forms to the probate court and court of common pleas. The court shall provide the forms to any person eighteen years of age or older who has a change of name by order of the court or who applies for a marriage license. The court shall forward all completed forms to the board of elections within five days after receiving them.

(G) A registered elector who otherwise would qualify to vote under division (B) or (C) of this section but is unable to appear at the office of the board or other location designated by the board on account of personal illness, physical disability, or infirmity, may vote on the day of the election if that registered elector does all of the following:

(1) Makes a written application that includes all of the information required under section 3509.03 of the Revised Code to the appropriate board for an absent voter's ballot on or after the twenty-seventh day prior to the election in which the registered elector wishes to vote through noon of the Saturday prior to that election and requests that the absent voter's ballot be sent to the address to which the registered elector has moved if the registered elector has moved, or to the address of that registered elector who has not moved but has had a change of name;

(2) Declares that the registered elector has moved or had a change of name, whichever is appropriate, and otherwise is qualified to vote under the circumstances described in division (B) or (C) of this section, whichever is appropriate, but that the registered elector is unable to appear at the board or other location designated by the board because of personal illness, physical disability, or infirmity;

(3) Completes and returns along with the completed absent voter's ballot a notice of change of residence indicating the address to which the registered elector has moved, or a notice of change of name, whichever is appropriate;

(4) Completes and signs, under penalty of election falsification, a statement attesting that the registered elector has moved or had a change of name on or prior to the day before the election, has voted by absent voter's ballot because of personal illness, physical disability, or infirmity that prevented the registered elector from appearing at the board or other location designated by the board, and will not vote or attempt to vote at any other location or by absent voter's ballot mailed to any other location or address for that particular election.

Sec. 3509.02. (A) Any qualified elector ~~who meets any of the following qualifications~~ may vote by absent voter's ballots at an election:

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~~(1) The elector is sixty two years of age or older.~~

~~(2) The elector's employment as a full time fire fighter, full time peace officer as defined in division (B) of section 2935.01 of the Revised Code, or full-time provider of emergency medical services may prevent the elector from voting at the elector's polling place on the day of the election.~~

~~(3) The elector is a member of the organized militia, serving on active duty within this state, and will be unable to vote on election day on account of that active duty.~~

~~(4) The elector will be absent from the elector's polling place on the day of an election because of the elector's entry or the entry of a member of the elector's family into a hospital for medical or surgical treatment.~~

~~(5) The elector is confined in a jail or workhouse under sentence for a misdemeanor or is awaiting trial on a felony or misdemeanor charge.~~

~~(6) The elector will be unable to vote on the day of an election on account of observance of the elector's religious belief.~~

~~(7) The elector will be absent from the county in which the elector's voting residence is located on the day of an election.~~

~~(8) The elector has a physical disability, illness, or infirmity.~~

(B) Any qualified elector who is unable to appear at the office of the board of elections or other location designated by the board on account of personal illness, physical disability, or infirmity, and who moves from one precinct to another within a county or, changes his or her the elector's name and moves from one precinct to another within the a county, or moves from one county to another county within the state, on or prior to the day of a general, primary, or special election and has not filed a notice of change of residence or change of name may vote by absent voter's ballots in that election as specified in division (B) or (G) of section 3503.16 of the Revised Code. Any qualified elector who moves from one county to another county within the state on or prior to the day of the election at which the elector offers to vote and has not filed a notice of change of residence may vote by absent voter's ballots at that election as specified in division (C) of section 3503.16 of the Revised Code.

~~(C) The secretary of state, an employee of the secretary of state, a member or employee of the board of elections or any person hired by the board to work at the office of the board temporarily for a specific election, or a polling place official, who is a qualified elector may vote by absent voter's ballots. Application shall be made to the board of elections of the county where his voting residence is situated.~~

Sec. 3509.022. An overseas voter as defined in 42 U.S.C. 1973ff-6, other than an absent uniformed services voter as defined in that statute, may

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apply for an absent voter's ballot as provided in this chapter.

Sec. 3509.03. Except as provided in ~~division (B) or (C) of section 3503.16, section 3509.031; or division (B) of section 3509.08 of the Revised Code,~~ any ~~person~~ qualified elector desiring to vote absent voter's ballots at an election shall make written application for ~~such~~ those ballots to the director of elections of the county in which ~~such person's~~ the elector's voting residence is located. The application need not be in any particular form but shall contain ~~words which, liberally construed, indicate the request for ballots, the election for which such ballots are requested, and, if the request is for primary election ballots, the person's party affiliation. The application for such ballots shall state that the person requesting the ballots is a qualified elector, and the reason for the person's absence from the polls on election day. The application shall include sufficient information to enable the director to determine the precinct in which the applicant's voting residence is located and shall be signed by the applicant. If the applicant desires ballots to be mailed to the applicant, the application shall state the mailing address~~ all of the following:

(A) The elector's name;

(B) The elector's signature;

(C) The address at which the elector is registered to vote;

(D) The elector's date of birth;

(E) One of the following:

(1) The elector's driver's license number;

(2) The last four digits of the elector's social security number;

(3) A copy of the elector's current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the elector.

(F) A statement identifying the election for which absent voter's ballots are requested;

(G) A statement that the person requesting the ballots is a qualified elector;

(H) If the request is for primary election ballots, the elector's party affiliation;

(I) If the elector desires ballots to be mailed to the elector, the address to which those ballots shall be mailed.

A voter who will be outside the United States on the day of any election during a calendar year may use a single federal post card application to apply for absent voter's ballots. ~~Such~~ Those ballots shall be sent to the voter for use at the primary and general elections in that year and any special

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election to be held on the day in that year specified by division (E) of section 3501.01 of the Revised Code for the holding of a primary election, designated by the general assembly for the purpose of submitting constitutional amendments proposed by the general assembly to the voters of the state unless the voter reports a change in the voter's voting status to the board of elections or the voter's intent to vote in any such election in the precinct in this state where ~~he~~ the voter is registered to vote. ~~Such an~~ A single federal postcard application shall be processed by the board of elections pursuant to section 3509.04 of the Revised Code the same as if the voter had applied separately for absent voter's ballots for each election. When mailing absent voter's ballots to a voter who applied for them by single federal post card application, the board shall enclose notification to the voter that the voter must report to the board subsequent changes in the voter's voting status or the voter's subsequent intent to vote in any such election in the precinct in this state where the voter is registered to vote. Such notification shall be in a form prescribed by the secretary of state. As used in this section, "voting status" means the voter's name at the time the voter applied for absent voter's ballots by single federal post card application and the voter's address outside the United States to which the voter requested that ~~such~~ those ballots be sent.

Each application for absent voter's ballots shall be delivered to the director not earlier than the first day of January of the year of the elections for which the absent voter's ballots are requested or not earlier than ninety days before the day of the election at which the ballots are to be voted, whichever is earlier, and not later than twelve noon of the third day before the day of the election at which ~~such~~ the ballots are to be voted, or not later than the close of regular business hours on the day before the day of the election at which the ~~absent voter's~~ ballots are to be voted if the application is delivered in person to the office of the board.

Sec. 3509.031. (A) Any qualified elector who is a member of the organized militia called to active duty within the state of ~~Ohio~~ and who will be unable to vote on election day on account of ~~such~~ that active duty may make written application for absent voter's ballots to the director of elections for the county in which ~~his~~ the elector's voting residence is located. The elector may personally deliver ~~such~~ the application to the director or may mail it, send it by facsimile machine, or otherwise send it to the director. ~~Such~~ The application need not be in any particular form but shall contain ~~the applicant's signature. The application need only contain words which, liberally construed, indicate the request for ballots, the election for which such ballots are requested and, if the request is for primary election ballots,~~

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~~the party affiliation of the applicant. The applicant should indicate that the applicant is a qualified elector, and that the applicant is a member of the organized militia serving on active duty within the state of Ohio. Sufficient information should be included to enable the director to determine the precinct in which his voting residence is located. If the applicant desires that such ballots be mailed to him, the application shall state the address to which they shall be mailed. If the applicant desires that the absent voter's ballots be sent to the applicant by facsimile machine, the application shall state all of the following:~~

~~(1) The elector's name;~~

~~(2) The elector's signature;~~

~~(3) The address at which the elector is registered to vote;~~

~~(4) The elector's date of birth;~~

~~(5) One of the following:~~

~~(a) The elector's driver's license number;~~

~~(b) The last four digits of the elector's social security number;~~

~~(c) A copy of the elector's current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the elector.~~

~~(6) A statement identifying the election for which absent voter's ballots are requested;~~

~~(7) A statement that the person requesting the ballots is a qualified elector;~~

~~(8) A statement that the elector is a member of the organized militia serving on active duty within the state;~~

~~(9) If the request is for primary election ballots, the elector's party affiliation;~~

~~(10) If the elector desires ballots to be mailed to the elector, the address to which those ballots shall be mailed;~~

~~(11) If the elector desires ballots to be sent to the elector by facsimile machine, the telephone number to which they shall be so sent.~~

~~(B) Application to have such absent voter's ballots mailed or sent by facsimile machine to such person a qualified elector who is a member of the organized militia called to active duty within the state and who will be unable to vote on election day on account of that active duty may be made by the spouse of the militia member, or the father, mother, father-in-law, mother-in-law, grandfather, grandmother, brother or sister of the whole blood or half blood, son, daughter, adopting parent, adopted child, stepparent, stepchild, uncle, aunt, nephew, or niece of such person the~~

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militia member. The application shall be in writing upon a blank form furnished only by the director. The form of the application shall be prescribed by the secretary of state. The director shall furnish ~~such that~~ blank form to any of the relatives specified in this ~~section, division~~ desiring to make ~~such the~~ application, only upon the request of such a relative in person at the office of the board or upon the written request of such a relative mailed to the office of the board. ~~Such~~ The application, subscribed and sworn to by ~~such the~~ applicant, shall contain all of the following:

~~(A) Full~~ (1) The full name of person the elector for whom ballots are requested;

~~(B) Statement~~ (2) A statement that such person is a qualified elector ~~and that such person has a residence in the county and information as to the location of such voting residence;~~

~~(C) Statement that such person~~ (3) The address at which the elector is registered to vote;

(4) The elector's date of birth;

(5) One of the following:

(a) The elector's driver's license number;

(b) The last four digits of the elector's social security number;

(c) A copy of the elector's current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the elector.

(6) A statement identifying the election for which absent voter's ballots are requested;

(7) A statement that the elector is a member of the organized militia serving on active duty within the state of Ohio;

~~(D) Statement~~ (8) If the request is for primary election ballots, the elector's party affiliation;

(9) A statement that the applicant bears a relationship to such person the elector as specified in division (B) of this section;

~~(E) Election for which ballots are requested, and, if for a primary election, party affiliation of persons for whom ballots are requested;~~

~~(F) Address~~ (10) The address to which ballots shall be mailed or telephone number to which ballots shall be sent by facsimile machine;

~~(G) Signature~~ (11) The signature and address of the person making the application.

(C) Applications to have absent voter's ballots mailed or sent by facsimile machine shall not be valid if dated, postmarked, or received by the director prior to the ninetieth day before the day of the election for which

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ballots are requested or if delivered to ~~such~~ the director later than twelve noon of the third day preceding the day of such election. If, after the ninetieth day and before four p.m. of the day before the day of an election, a valid application for absent voter's ballots is delivered to the director of elections at the office of the board by a militia member making ~~such~~ application in ~~his~~ the militia member's own behalf, the director shall forthwith deliver to ~~such~~ the militia member all absent voter's ballots then ready for use, together with an identification envelope. ~~Such~~ The militia member shall then vote ~~such~~ the absent voter's ballots in the manner provided in section 3509.05 of the Revised Code.

Sec. 3509.04. (A) If a director of a board of elections receives an application for absent voter's ballots that does not contain all of the required information, the director promptly shall notify the applicant of the additional information required to be provided by the applicant to complete that application.

(B) Upon receipt by the director of elections of an application for absent voter's ballots that contain all of the required information, as provided by sections 3509.03 and 3509.031; and division (G) of section 3503.16; of the Revised Code, the director, if the director finds that the applicant is a qualified elector and is entitled to vote absent voter's ballots as applied for in the application, shall deliver to the applicant in person or mail directly to the applicant by special delivery mail, air mail, or regular mail, postage prepaid, proper absent voter's ballots. The director shall give proper absent voter's ballots to any qualified elector who presents self to vote at the office of the board of elections or at another location designated by the board as provided in division (B) or (C) of section 3503.16 of the Revised Code. The director shall give, deliver, or mail with the ballots an unsealed identification envelope upon the face of which shall be printed a form substantially as follows:

"Identification Envelope Statement of Voter

I, ~~the undersigned voter~~(Name of voter), declare under penalty of election falsification that the within ballot or ballots contained no voting marks of any kind when I received them, and I caused the ballot or ballots to be marked, enclosed in the identification envelope, and sealed in that envelope.

My voting residence in Ohio is

.....
(Street and Number, if any, or Rural Route and Number)
of (City, Village, or Township) Ohio, which is in Ward
..... Precinct in that city, village, or township.

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~~.....I am a qualified elector of the state of Ohio. (Applicant must check the true statement concerning the applicant's reason for voting by absent voter's ballots)~~

~~.....I shall be absent from the county on the day of the election.~~

~~.....I shall be outside the United States on the day of the election. (Applicants who check this statement must also check the appropriate box on the enclosed return envelope to indicate that they will be outside the United States.)~~

~~.....I shall be absent from my polling place on the day of the election due to my entry or the entry of a member of my family into a hospital for medical or surgical treatment.~~

~~.....I shall be absent from my polling place on the day of the election due to physical illness, disability, or infirmity.~~

~~.....My employment as a full-time fire fighter, peace officer, or provider of emergency medical services may prevent me from voting at my polling place on the day of the election.~~

~~.....I shall be absent from my polling place on the day of the election because I am on active duty with the organized militia in the state of Ohio.~~

~~.....I shall be unable to vote on election day because of observance of my religious belief.~~

~~.....I am the secretary of state.~~

~~.....I am an employee of the secretary of state.~~

~~.....I am a member of the board of elections.~~

~~.....I am an employee of or person temporarily hired by the board of elections.~~

~~.....I am a polling place official.~~

~~.....I shall be absent from my polling place on the day of the election due to my confinement in a jail or workhouse under sentence for a misdemeanor or awaiting trial on a felony or misdemeanor.~~

~~.....I am sixty-two years of age or older.~~

~~.....I moved from one precinct to another in the same county or from one county to another on or prior to the day of an election and did not file a notice of change of residence.~~

~~.....I changed my name on or prior to the day of an election and did not file a notice of change of name.~~

The primary election ballots, if any, within this envelope are primary election ballots of the Party.

Ballots contained ~~herein~~ within this envelope are to be voted at the (general, special, or primary) election to be held on the

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..... day of,

My date of birth is (Month and Day), (Year).

(Voter must provide one of the following:)

My driver's license number is (Driver's license number).

The last four digits of my Social Security Number are (Last four digits of Social Security Number).

..... In lieu of providing a driver's license number or the last four digits of my Social Security Number, I am enclosing a copy of one of the following in the return envelope in which this identification envelope will be mailed: a current and valid photo identification or a current utility bill, bank statement, government check, paycheck, or other government document that shows my name and address.

I hereby declare, under penalty of election falsification, that the statements above are true, as I verily believe.

.....
(Signature of Voter)

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE."

The director shall mail with the ballots and the unsealed identification envelope ~~that the director mails~~ an unsealed return envelope upon the face of which shall be printed the official title and post-office address of ~~such the~~ the director. In the upper left corner on the face of ~~such the return~~ the return envelope, several blank lines shall be printed upon which the voter may write the voter's name and return address, and beneath these lines there shall be printed a box beside the words "check if out-of-country." The voter shall check this box if the voter will be outside the United States on the day of the election. The return envelope shall be of such size that the identification envelope can be conveniently placed within it for returning ~~such the~~ the identification envelope to the director.

Sec. 3509.05. (A) When an elector receives an absent voter's ballot; pursuant to his the elector's application or request ~~therefor, is received by the elector, he~~ the elector shall, before placing any marks ~~thereon on the ballot,~~ note whether there are any voting marks ~~on the ballot it. In the event~~ thereon on the ballot. If there are any voting marks, the ballot shall be returned immediately to the board of elections; otherwise ~~he, the elector~~ the elector shall cause the ballot to be marked, folded in ~~such a~~ such a manner that the stub ~~thereon on it~~ thereon on it and the indorsements and facsimile signatures of the members of the board of elections on the back ~~thereof of it~~ thereof 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 cause the statement of voter on the outside

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of the identification envelope to be completed and signed, under penalty of election falsification.

If the elector does not provide the elector's driver's license number or the last four digits of the elector's social security number on the statement of voter on the identification envelope, the elector also shall include in the return envelope with the identification envelope a copy of the elector's current valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the elector.

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

Each elector who will be outside the United States on the day of the election shall check the box on the return envelope indicating this fact.

When absent voter's ballots are delivered to an elector at the office of the board, the elector may retire to a voting compartment provided by the board and there mark the ballots. Thereupon ~~he~~, the elector shall fold them, place them in the identification envelope provided, seal the ~~identification~~ envelope, fill in and sign the statement ~~thereon~~ on the envelope under penalty of election falsification, and deliver the envelope to the director of the board.

Except as otherwise provided in divisions (B) and (C) of this section, all other envelopes containing marked absent voter's ballots; shall be delivered to the director not later than the close of the polls on the day of an election. Absent voter's ballots delivered to the director later than the times specified shall not be counted, but shall be kept by the board in the sealed identification envelopes in which they are delivered to the director, until the time provided by section 3505.31 of the Revised Code for the destruction of all other ballots used at the election for which ballots were provided, at which time they shall be destroyed.

(B) Except as otherwise provided in division (C) of this section, any return envelope that indicates that the voter will be outside the United States on the day of the election shall be delivered to the director prior to the eleventh day after the election. Ballots delivered in such envelopes that are

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received after the close of the polls on election day through the tenth day thereafter shall be counted on the eleventh day at the board of elections in the manner provided in divisions (C) and (D) of section 3509.06 of the Revised Code. Any such ballots that are signed or postmarked after the close of the polls on the day of the election or that are received by the director later than the tenth 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.

(C) In any year in which a presidential primary election is held, any return envelope that indicates that the voter will be outside the United States on the day of the presidential primary election shall be delivered to the director prior to the twenty-first day after that election. Ballots delivered in such envelopes that are received after the close of the polls on election day through the twentieth day thereafter shall be counted on the twenty-first day at the board of elections in the manner provided in divisions (C) and (D) of section 3509.06 of the Revised Code. Any such ballots that are signed or postmarked after the close of the polls on the day of that election or that are received by the director later than the twentieth day following that 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.

Sec. 3509.06. (A) The board of elections shall determine whether absent voter's ballots shall be counted in each precinct, at the office of the board, or at some other location designated by the board, and shall proceed accordingly under division (B) or (C) of this section.

(B) When the board of elections determines that absent voter's ballots shall be counted in each precinct, the director shall deliver to the presiding judge of each precinct on election day identification envelopes purporting to contain absent voter's ballots of electors whose voting residence appears from the statement of voter on the outside of each of ~~such~~ those envelopes, to be located in such presiding judge's precinct, and which were received by the director not later than the close of the polls on election day. The director shall deliver to such presiding judge a list containing the name and voting residence of each person whose voting residence is in such precinct to whom absent voter's ballots were mailed.

(C) When the board of elections determines that absent voter's ballots shall be counted at the office of the board of elections or at another location designated by the board, special election judges shall be appointed by the board for that purpose having the same authority as is exercised by precinct judges. The votes so cast shall be added to the vote totals by the board, and the ~~absentee~~ absent voter's ballots shall be preserved separately by the

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board, in the same manner and for the same length of time as provided by section 3505.31 of the Revised Code.

(D) Each of the identification envelopes purporting to contain absent voter's ballots delivered to the presiding judge of the precinct or the special judge appointed by the board of elections shall be handled as follows: ~~The judge shall announce the name of the elector who appears to have signed the statement of voter on the outside of such envelope. In counties in which absent voter's ballots are counted in each precinct, election officials shall compare the signature of the elector on the outside of such the identification envelope shall be compared with the signature of such that elector on his the elector's registration form and verify that the absent voter's ballot is eligible to be counted under section 3509.07 of the Revised Code. Any appointed challenger or any~~ of the precinct officials may challenge the right of the elector named on such the identification envelope to vote such the absent voter's ballots upon the ground that the signature on ~~such the~~ envelope is not the same as the signature on such the registration form, or upon any other of the grounds upon which the right of persons to vote may be lawfully challenged. If no such challenge is made, or if such a challenge is made and not sustained, the presiding judge shall open the envelope without defacing the statement of voter and without mutilating the ballots ~~therein in it~~, and shall remove the ballots contained ~~therein in it~~ and proceed to count them.

The name of each person voting who is entitled to vote only an absent voter's presidential ballot shall be entered in a pollbook or poll list or signature pollbook followed by the words "Absentee Presidential Ballot." The name of each person voting an absent voter's ballot, other than such persons entitled to vote only a presidential ballot, shall be entered in the pollbook or poll list or signature pollbook and ~~his the~~ person's registration card marked to indicate that ~~he the~~ person has voted.

The date of such election shall also be entered on the elector's registration form. If any such challenge is made and sustained, the identification envelope of such elector shall not be opened ~~and~~, shall be endorsed "Not Counted" with the reasons ~~therefor~~ the ballots were not counted, and shall be delivered to the board.

(E) Special election judges or employees or members of the board of elections shall not disclose the count or any portion of the count of absent voter's ballots prior to the time of the closing of the polling places. No person shall recklessly disclose the count or any portion of the count of absent voter's ballots in such a manner as to jeopardize the secrecy of any individual ballot.

Sec. 3509.07. If election officials find that the statement accompanying

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an absent voter's ballot or absent voter's presidential ballot is insufficient, that the signatures do not correspond with the person's registration signature, that the applicant is not a qualified elector in the precinct, that the ballot envelope contains more than one ballot of any one kind, or any voted ballot that the elector is not entitled to vote, ~~or~~ that Stub A is detached from the absent voter's ballot or absent voter's presidential ballot, or that the elector has not included with the elector's ballot any identification required under section 3509.05 or 3511.09 of the Revised Code, the vote shall not be accepted or counted. The vote of any absent voter may be challenged for cause in the same manner as other votes are challenged, and the election officials shall determine the legality of that ballot. Every ballot not counted shall be ~~indorsed~~ endorsed on its back "Not Counted" with the reasons the ballot was not counted, and shall be enclosed and returned to or retained by the board of elections along with the contested ballots.

Sec. 3509.08. (A) Any qualified elector, who, on account of the elector's own personal illness, physical disability, or infirmity, or on account of the elector's confinement in a jail or workhouse under sentence for a misdemeanor or awaiting trial on a felony or misdemeanor, will be unable to travel from the elector's home or place of confinement to the voting booth in the elector's precinct on the day of any general, special, or primary election may make application in writing for an absent voter's ballot to the director of the board of elections of the elector's county ~~stating~~. The application shall include all of the information required under section 3509.03 of the Revised Code and shall state the nature of the elector's illness, physical disability, or infirmity, or the fact that the elector is confined in a jail or workhouse and the elector's resultant inability to travel to the election booth in the elector's precinct on election day. The application shall not be valid if it is delivered to the ~~clerk~~ director before the ninetieth day or after twelve noon of the third day before the day of the election at which ~~such ballots are~~ the ballot is to be voted.

The ~~absentee ballots~~ absent voter's ballot may be mailed directly to the applicant at the applicant's voting residence or place of confinement as stated in the applicant's application, or the board may designate two board employees belonging to the two major political parties; for the purpose of delivering the ~~ballots~~ ballot to the disabled or confined elector and returning ~~them~~ it to the board, unless the applicant is confined to a public or private institution within the county, in which case the board shall designate two such employees for the purpose of delivering the ~~ballots~~ ballot to the disabled or confined elector and returning ~~them~~ it to the board. In all other instances, the ~~ballots~~ ballot shall be returned to the office of the board in the

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manner prescribed in section 3509.05 of the Revised Code.

Any disabled or confined elector who declares to the two employees that the elector is unable to mark the elector's ballot by reason of physical infirmity, ~~and such physical infirmity that~~ is apparent to the employees to be sufficient to incapacitate the voter from marking ~~his~~ the elector's ballot properly, may receive, upon request, ~~receive~~ the assistance of the two employees in marking the elector's ballot, and they shall thereafter give no information in regard to this matter. Such assistance shall not be rendered for any other cause.

When two board employees deliver ~~ballots~~ a ballot to a disabled or confined elector, each of the employees shall be present when the ~~ballots are~~ ballot is delivered, when assistance is given, and when the ~~ballots are~~ ballot is returned to the office of the board, and shall subscribe to the declaration on the identification envelope.

The secretary of state shall prescribe the form of application for absent voter's ballots under this division ~~(A) of this section~~.

~~Chapter 3509. of the Revised Code~~ This chapter applies to disabled and confined absent voter's ballots except as otherwise provided in this section.

(B)(1) Any qualified elector who is unable to travel to the voting booth in the elector's precinct on the day of any general, special, or primary election because of being confined in a hospital as a result of an accident or unforeseeable medical emergency occurring before the election, may apply to the director of the board of elections of the county where the elector is a qualified elector to vote in the election by absent voter's ballot. This application shall be made in writing, shall include all of the information required under section 3509.03 of the Revised Code, and shall be delivered to the director not later than three p.m. on the day of the election. The application shall indicate the hospital where the applicant is confined, the date of the applicant's admission to the hospital, and the offices for which the applicant is qualified to vote, ~~and, if the applicant is requesting to vote in a primary election, the applicant's party affiliation~~. The applicant may also request that a member of the applicant's family, as listed in section 3509.05 of the Revised Code, deliver the absent voter's ballot to the applicant. The director, after establishing to the director's satisfaction the validity of the circumstances claimed by the applicant, shall supply an absent voter's ballot to be delivered to the applicant. When the applicant is in a hospital in the county where the applicant is a qualified elector and no request is made for a member of the family to deliver the ballot, the director shall arrange for the delivery of an absent voter's ballot to the applicant, and for its return to the office of the board, by two employees according to the procedures

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prescribed in division (A) of this section. When the applicant is in a hospital outside the county where the applicant is a qualified elector and no request is made for a member of the family to deliver the ballot, the director shall arrange for the delivery of an absent voter's ballot to the applicant by mail, and the ballot shall be returned to the office of the board in the manner prescribed in section 3509.05 of the Revised Code.

(2) Any qualified elector who is eligible to vote under division (B) or (C) of section 3503.16 of the Revised Code but is unable to do so because of the circumstances described in division (B)(1) of this section may vote in accordance with division (B)(1) of this section if that qualified elector states in the application for absent voter's ballots that that qualified elector moved or had a change of name under the circumstances described in division (B) or (C) of section 3503.16 of the Revised Code and if that qualified elector complies with divisions (G)(1) to (4) of section 3503.16 of the Revised Code.

(C) Any qualified elector described in division (A) or (B)(1) of this section who needs no assistance to vote or to return absent voter's ballots to the board of elections may apply for absent voter's ballots under section 3509.03 of the Revised Code instead of applying for them under this section.

Sec. 3509.09. (A) The poll list or signature pollbook for each precinct shall identify each registered elector in that precinct who has requested an absent voter's ballot for that election.

(B)(1) If a registered elector appears to vote in that precinct and that elector has requested an absent voter's ballot for that election but the director has not received a sealed identification envelope purporting to contain that elector's voted absent voter's ballots for that election, the elector shall be permitted to cast a ballot, generally in the manner prescribed in division (B) of section 3503.16 of the Revised Code, in that precinct on the day of that election.

(2) If a registered elector appears to vote in that precinct and that elector has requested an absent voter's ballot for that election and the director has received a sealed identification envelope purporting to contain that elector's voted absent voter's ballots for that election, the elector shall be permitted to cast a ballot, generally in the manner prescribed in division (B) of section 3503.16 of the Revised Code, in that precinct on the day of that election.

(C)(1) In counting absent voter's ballots under section 3509.06 of the Revised Code, the board of elections or the precinct election officials shall compare the poll list or the signature pollbook for each precinct with the name of each elector in that precinct from whom the director has received a

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sealed identification envelope purporting to contain that elector's voted absent voter's ballots for that election. Except as otherwise provided in division (C)(2) of this section, if the board of elections determines that an elector who cast a ballot, generally in the manner prescribed in division (B) of section 3503.16 of the Revised Code, in the precinct on the day of the election also returned a sealed identification envelope for that election, the absent voter's ballot in the sealed identification envelope shall be counted, and the ballot cast in the precinct on the day of the election shall not be counted.

(2) The board of elections shall count the ballot cast in the precinct on the day of the election, instead of the absent voter's ballot in the returned sealed identification envelope of an elector, if both of the following apply:

(a) The board of elections determines that the signature of the elector on the outside of the identification envelope in which the absent voter's ballots are enclosed does not match the signature of the elector on the elector's registration form:

(b) The elector cast a ballot, generally in the manner prescribed in division (B) of section 3503.16 of the Revised Code, in the precinct on the day of the election.

If the board of elections counts the ballot cast in the precinct on the day of the election under this division, the identification envelope of that elector shall not be opened, and the ballot within that envelope shall not be counted. The identification envelope shall be endorsed "Not Counted" with the reason the ballot was not counted.

Sec. 3511.02. ~~Any~~ Notwithstanding any section of the Revised Code to the contrary ~~notwithstanding~~, whenever any person applies for registration as a voter on a form adopted in accordance with federal regulations relating to the "Uniformed and Overseas Citizens Absentee Voting Act," 100 Stat. 924, 42 U.S.C.A. 1973ff (1986), this application shall be sufficient for voter registration and as a request for an ~~absentee~~ absent voter's ballot. Armed service absent voter's ballots may be obtained by any person meeting the requirements of section 3511.01 of the Revised Code by applying to the director of the board of elections of the county in which the person's voting residence is located, in one of the following ways:

(A) That person may make written application for ~~such~~ those ballots. The person may personally deliver the application to the director or may mail it, send it by facsimile machine, or otherwise send it to the director. The application need not be in any particular form but shall contain ~~the applicant's signature. The application need only contain words that, liberally construed, indicate the request for ballots; the election for which such~~

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~~ballots are requested, and, if the request is for primary election ballots, the person's party affiliation; that the person is serving in the armed forces of the United States or is the spouse or dependent of a person serving in the armed forces of the United States; and the length of residence in the state immediately preceding the commencement of service, or immediately preceding the date of leaving to be with or near the service member, as the case may be, and sufficient information to enable the director to determine the precinct in which the residence is located. If the person desires that such ballots be mailed to the person, the application shall state the address to which they shall be mailed. If the person desires that such ballots be sent to the person by facsimile machine, the application shall state all of the following information:~~

(1) The elector's name;

(2) The elector's signature;

(3) The address at which the elector is registered to vote;

(4) The elector's date of birth;

(5) One of the following:

(a) The elector's driver's license number;

(b) The last four digits of the elector's social security number;

(c) A copy of the elector's current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the elector.

(6) A statement identifying the election for which absent voter's ballots are requested;

(7) A statement that the person requesting the ballots is a qualified elector;

(8) A statement that the elector is an absent uniformed services voter as defined in 42 U.S.C. 1973ff-6;

(9) A statement of the elector's length of residence in the state immediately preceding the commencement of service or immediately preceding the date of leaving to be with or near the service member, whichever is applicable;

(10) If the request is for primary election ballots, the elector's party affiliation;

(11) If the elector desires ballots to be mailed to the elector, the address to which those ballots shall be mailed;

(12) If the elector desires ballots to be sent to the elector by facsimile machine, the telephone number to which they shall be so sent.

(B) A voter or any relative of a voter listed in division ~~(B)~~(C) of this

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section may use a single federal post card application to apply for armed service absent voter's ballots for use at the primary and general elections in a given year and any special election to be held on the day in that year specified by division (E) of section 3501.01 of the Revised Code for the holding of a primary election, designated by the general assembly for the purpose of submitting constitutional amendments proposed by the general assembly to the voters of the state. ~~Such an~~ A single federal postcard application shall be processed by the board of elections pursuant to section 3511.04 of the Revised Code the same as if the voter had applied separately for armed service absent voter's ballots for each election.

~~(B)(C)~~ Application to have such armed service absent voter's ballots mailed or sent by facsimile machine to such a person may be made by the spouse when the person is a service member, or by the father, mother, father-in-law, mother-in-law, grandfather, grandmother, brother or sister of the whole blood or half blood, son, daughter, adopting parent, adopted child, stepparent, stepchild, uncle, aunt, nephew, or niece of such a person. ~~Such~~ The application shall be in writing upon a blank form furnished only by the director or on a single federal post card as provided in division ~~(A)(B)~~ of this section. The form of ~~such the~~ application shall be prescribed by the secretary of state. The director shall furnish ~~such that~~ blank form to any of the relatives specified in this ~~section,~~ division desiring to make ~~such the~~ application, only upon the request of such a relative made in person at the office of the board or upon the written request of such a relative mailed to the office of the board. ~~Such~~ The application, subscribed and sworn to by ~~such the~~ applicant, shall contain all of the following:

(1) ~~Full~~ The full name of ~~person the~~ elector for whom ballots are requested;

(2) ~~Statement~~ A statement that ~~such person the~~ elector is ~~serving in the armed forces of the United States or that such person is a spouse or dependent of a person serving in the armed forces of the United States who resides outside this state for the purpose of being with or near such service member~~ an absent uniformed services voter as defined in 42 U.S.C. 1973ff-6;

(3) ~~Statement that such person has a residence in the county, and information as to the precinct in which it is located and~~ The address at which the elector is registered to vote;

(4) A statement identifying the elector's length of residence in the state immediately preceding the commencement of service, or immediately preceding the date of leaving to be with or near a service member, as the case may be;

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~~(4) Statement~~ (5) The elector's date of birth;

(6) One of the following:

(a) The elector's driver's license number;

(b) The last four digits of the elector's social security number;

(c) A copy of the elector's current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the elector.

(7) A statement identifying the election for which absent voter's ballots are requested;

(8) A statement that the person requesting the ballots is a qualified elector;

(9) If the request is for primary election ballots, the elector's party affiliation;

(10) A statement that the applicant bears a relationship to such person the elector as specified in division (C) of this section;

~~(5) Election for which ballots are requested, and, if for a primary election, party affiliation of persons for whom ballots are requested;~~

~~(6) Address~~ (11) The address to which ballots shall be mailed or the telephone number to which ballots shall be sent by facsimile machine;

~~(7) Signature~~ (12) The signature and address of the person making the application.

Each application for armed service absent voter's ballots shall be delivered to the director not earlier than the first day of January of the year of the elections for which the armed service absent voter's ballots are requested or not earlier than ninety days before the day of the election at which the ballots are to be voted, whichever is earlier, and not later than twelve noon of the third day preceding the day of the election, or not later than the close of regular business hours on the day before the day of the election at which ~~such~~ those ballots are to be voted if the application is delivered in person to the office of the board.

~~(C)(D)~~ If the voter for whom the application is made is entitled to vote for presidential and vice-presidential electors only, the applicant shall submit to the director in addition to the requirements of divisions (A) ~~and~~, (B), ~~and~~ (C) of this section, a statement to the effect that the voter is qualified to vote for presidential and vice-presidential electors and for no other offices.

Sec. 3511.04. ~~No~~ (A) If a director of a board of elections receives an application for armed service absent voter's ballots that does not contain all of the required information, the director promptly shall notify the applicant

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of the additional information required to be provided by the applicant to complete that application.

(B) Not later than the twenty-fifth day before the day of each presidential primary election and not later than the thirty-fifth day before the day of each general or other primary election, and at the earliest possible time before the day of a special election held on a day other than the day on which a general or primary election is held, the director of the board of elections shall mail or send by facsimile machine armed service absent voter's ballots then ready for use as provided for in section 3511.03 of the Revised Code and for which the director has received valid applications prior to ~~such~~ that time. Thereafter, and until twelve noon of the third day preceding the day of election, the director shall promptly, upon receipt of valid applications ~~therefor~~ for them, mail or send by facsimile machine to the proper persons all armed service absent voter's ballots then ready for use.

If, after the sixtieth day before the day of a general or primary election, any other question, issue, or candidacy is lawfully ordered submitted to the electors voting at ~~such~~ the general or primary election, the board shall promptly provide a separate official issue, special election, or other election ballot for submitting ~~such~~ the question, issue, or candidacy to ~~such~~ those electors, and the director shall promptly mail or send by facsimile machine each such separate ballot to each person to whom the director has previously mailed or sent by facsimile machine other armed service absent voter's ballots.

In mailing armed service absent voter's ballots, the director shall use the fastest mail service available, but the director shall not mail them by certified mail.

Sec. 3511.09. Upon receiving armed service 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 then shall cause the identification envelope to be placed within the return envelope, sealed in the return envelope, and mailed to the director of the board of

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elections to whom it is addressed. If the elector does not provide the elector's driver's license number or the last four digits of the elector's social security number on the statement of voter on the identification envelope, the elector also shall include in the return envelope with the identification envelope a copy of the elector's current valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the elector. Each elector who will be outside the United States on the day of the election shall check the box on the return envelope indicating this fact and shall mail the return envelope to the director prior to the close of the polls on election day.

Every armed services absent voter's ballot identification envelope shall be accompanied by the following statement in boldface capital letters: **WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.**

Sec. 3511.13. (A) The poll list or signature pollbook for each precinct shall identify each registered elector in that precinct who has requested an armed services absent voter's ballot for that election;

(B)(1) If a registered elector appears to vote in that precinct and that elector has requested an armed service absent voter's ballot for that election but the director has not received a sealed identification envelope purporting to contain that elector's voted armed service absent voter's ballots for that election, the elector shall be permitted to cast a ballot, generally in the manner prescribed in division (B) of section 3503.16 of the Revised Code, in that precinct on the day of that election.

(2) If a registered elector appears to vote in that precinct and that elector has requested an armed service absent voter's ballot for that election and the director has received a sealed identification envelope purporting to contain that elector's voted armed service absent voter's ballots for that election, the elector shall be permitted to cast a ballot, generally in the manner prescribed in division (B) of section 3503.16 of the Revised Code, in that precinct on the day of that election.

(C)(1) In counting armed service absent voter's ballots under section 3511.11 of the Revised Code, the board of elections or the precinct election officials shall compare the poll list or the signature pollbook for each precinct with the name of each elector in that precinct from whom the director has received a sealed identification envelope purporting to contain that elector's voted armed service absent voter's ballots for that election. Except as otherwise provided in division (C)(2) of this section, if the board of elections determines that an elector who cast a ballot, generally in the

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manner prescribed in division (B) of section 3503.16 of the Revised Code, in the precinct on the day of the election also returned a sealed identification envelope for that election, the armed service absent voter's ballot in the sealed identification envelope shall be counted, and the ballot cast in the precinct on the day of the election shall not be counted.

(2) The board of elections shall count the ballot cast in the precinct on the day of the election, instead of the armed service absent voter's ballot, of an elector from whom the director has received an identification envelope purporting to contain that elector's voted armed service absent voter's ballots, if both of the following apply:

(a) The board of elections determines that the signature of the elector on the outside of the identification envelope in which the armed service absent voter's ballots are enclosed does not match the signature of the elector on the elector's registration form;

(b) The elector cast a ballot, generally in the manner prescribed in division (B) of section 3503.16 of the Revised Code, in the precinct on the day of the election.

If the board of elections counts the ballot cast in the precinct on the day of the election under this division, the identification envelope of that elector shall not be opened, and the ballot within that envelope shall not be counted. The identification envelope shall be endorsed "Not Counted" with the reason the ballot was not counted.

Sec. 3599.12. (A) No person shall do any of the following:

(1) Vote or attempt to vote in any primary, special, or general election in a precinct in which that person is not a legally qualified elector;

(2) Vote or attempt to vote more than once at the same election by any means, including voting or attempting to vote both by absent voter's ballots under division ~~(B), (C), or~~ (G) of section 3503.16 of the Revised Code and by regular ballot at the polls at the same election, or voting or attempting to vote both by absent voter's ballots under division ~~(B), (C), or~~ (G) of section 3503.16 of the Revised Code and by absent voter's ballots under Chapter 3509. or armed service absent voter's ballots under Chapter 3511. of the Revised Code at the same election;

(3) Impersonate or sign the name of another person, real or fictitious, living or dead, and vote or attempt to vote as that other person in any such election;

(4) Cast a ballot at any such election after objection has been made and sustained to that person's vote;

(5) Knowingly vote or attempt to vote a ballot other than the official ballot.

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(B) Whoever violates division (A) of this section is guilty of a felony of the fourth degree.

Sec. 3599.21. (A) No person shall knowingly do any of the following:

(1) Impersonate another, or make a false representation in order to obtain an absent voter's ballot;

(2) Aid or abet a person to vote an absent voter's ballot illegally;

(3) If the person is an election official, open, destroy, steal, mark, or mutilate any absent voter's ballot;

(4) Aid or abet another person to open, destroy, steal, mark, or mutilate any absent voter's ballot after the ballot has been voted;

(5) Delay the delivery of any such ballot with a view to preventing its arrival in time to be counted;

(6) Hinder or attempt to hinder the delivery or counting of such absent voter's ballot;

(7) Fail to forward to the appropriate election official an absent voter's ballot application entrusted to that person to so forward;

(8) Fail to forward to the appropriate election official an absent voter's ballot application entrusted to that person to so forward within such a time period that the failure to so forward the application disenfranchises the voter with respect to a particular election;

(9) Except as authorized under Chapters 3509. and 3511. of the Revised Code, possess the absent voter's ballot of another.

(B)(1) Subject to division (B)(2) of this section, no person who receives compensation for soliciting persons to apply to vote by absent voter's ballots shall fail to forward to the appropriate election official an absent voter's ballot application entrusted to that person to so forward within ten days after that application is completed.

(2) No person who receives compensation for soliciting persons to apply to vote by absent voter's ballots shall fail to forward to the appropriate election official an absent voter's ballot application entrusted to that person to so forward within such a time period that the failure to so forward the application disenfranchises the voter with respect to a particular election.

(C) Whoever violates division (A) or (B) of this section is guilty of a felony of the fourth degree.

(D) As used in this section, "person who receives compensation for soliciting persons to apply to vote by absent voter's ballots" includes any effort, for compensation, to provide absent voter's ballot applications or to assist persons in completing those applications or returning them to the director of the board of elections of the county in which the applicant's voting residence is located.

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Sec. 4109.06. (A) This chapter does not apply to the following:

(1) Minors who are students working on any properly guarded machines in the manual training department of any school when the work is performed under the personal supervision of an instructor;

(2) Students participating in a vocational program approved by the Ohio department of education;

(3) A minor participating in a play, pageant, or concert produced by an outdoor historical drama corporation, a professional traveling theatrical production, a professional concert tour, or a personal appearance tour as a professional motion picture star, or as an actor or performer in motion pictures or in radio or television productions in accordance with the rules adopted pursuant to division (A) of section 4109.05 of the Revised Code;

(4) The participation, without remuneration of a minor and with the consent of a parent or guardian, in a performance given by a church, school, or academy, or at a concert or entertainment given solely for charitable purposes, or by a charitable or religious institution;

(5) ~~To minors~~ Minors who are employed by their parents in occupations other than occupations prohibited by rule adopted under this chapter;

(6) Minors engaged in the delivery of newspapers to the consumer;

(7) Minors who have received a high school diploma or a certificate of attendance from an accredited secondary school or a certificate of high school equivalence;

(8) Minors who are currently heads of households or are parents contributing to the support of their children;

(9) Minors engaged in lawn mowing, snow shoveling, and other related employment;

(10) Minors employed in agricultural employment in connection with farms operated by their parents, grandparents, or guardians where they are members of the guardians' household. Minors are not exempt from this chapter if they reside in agricultural labor camps as defined in section 3733.41 of the Revised Code;

(11) Students participating in a program to serve as precinct officers as authorized by section 3501.22 of the Revised Code.

(B) Sections 4109.02, 4109.08, 4109.09, and 4109.11 of the Revised Code do not apply to the following:

(1) Minors who work in a sheltered workshop operated by a county board of mental retardation;

(2) Minors performing services for a nonprofit organization where the minor receives no compensation, except for any expenses incurred by the minor or except for meals provided to the minor;

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(3) Minors who are employed in agricultural employment and who do not reside in agricultural labor camps.

(C) Division (D) of section 4109.07 of the Revised Code does not apply to minors who have their employment hours established as follows:

(1) A minor adjudicated to be an unruly child or delinquent child who, as a result of the adjudication, is placed on probation may either file a petition in the juvenile court in whose jurisdiction the minor resides, or apply to the superintendent or to the chief administrative officer who issued the minor's age and schooling certificate pursuant to section 3331.01 of the Revised Code, alleging the restrictions on the hours of employment described in division (D) of section 4109.07 of the Revised Code will cause a substantial hardship or are not in the minor's best interests. Upon receipt of a petition or application, the court, the superintendent, or the chief administrative officer, as appropriate, shall consult with the person required to supervise the minor on probation. If after ~~such~~ that consultation, the court, the superintendent, or the chief administrative officer finds the minor has failed to show the restrictions will result in a substantial hardship or that the restrictions are not in the minor's best interests, the court, the superintendent, or the chief administrative officer shall uphold the restrictions. If after ~~such~~ that consultation, the court, the superintendent, or the chief administrative officer finds the minor has shown the restricted hours will cause a substantial hardship or are not in the minor's best interests, the court, the superintendent, or the chief administrative officer shall establish differing hours of employment for the minor and notify the minor and the minor's employer of ~~such~~ those hours, which shall be binding in lieu of the restrictions on the hours of employment described in division (D) of section 4109.07 of the Revised Code.

(2) Any minor to whom division (C)(1) of this section does not apply may either file a petition in the juvenile court in whose jurisdiction the person resides, or apply to the superintendent or to the chief administrative officer who issued the minor's age and schooling certificate pursuant to section 3331.01 of the Revised Code, alleging the restrictions on the hours of employment described in division (D) of section 4109.07 of the Revised Code will cause a substantial hardship or are not in the minor's best interests.

If, as a result of a petition or application, the court, the superintendent, or the chief administrative officer, as appropriate, finds the minor has failed to show such restrictions will result in a substantial hardship or that the restrictions are not in the minor's best interests, the court, the superintendent, or the chief administrative officer shall uphold the restrictions. If the court,

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the superintendent, or the chief administrative officer finds the minor has shown the restricted hours will cause a substantial hardship or are not in the minor's best interests, the court, the superintendent, or the chief administrative officer shall establish the hours of employment for the minor and shall notify the minor and the minor's employer of ~~such~~ those hours.

(D) As used in this section, "certificate of high school equivalence" means a statement issued by the state board of education or an equivalent agency of another state that the holder ~~thereof~~ of the statement has achieved the equivalent of a high school education as measured by scores obtained on the tests of general educational development published by the American council on education.

SECTION 2. That existing sections 3501.17, 3501.22, 3501.27, 3503.16, 3509.02, 3509.03, 3509.031, 3509.04, 3509.05, 3509.06, 3509.07, 3509.08, 3511.02, 3511.04, 3511.09, 3599.12, 3599.21, and 4109.06 of the Revised Code are hereby repealed.

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SECTION 3. Section 3501.22 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 99 and Am. H.B. 215 of the 121st General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

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The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the
____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____