

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 41**

**Representative Pelanda**

**Cosponsors: Representatives Becker, Hambley, Seitz, Sprague, Blessing**

---

**A BILL**

To amend sections 3503.24, 3505.181, 3505.183, 1  
3505.20, 3505.21, 3509.06, and 3511.11 and to 2  
enact section 3509.051 of the Revised Code to 3  
modify the law concerning challenges to voter 4  
registrations, the appointment of observers, and 5  
the procedures for processing absent voter's 6  
ballots and for casting absent voter's ballots 7  
in person. 8

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

**Section 1.** That sections 3503.24, 3505.181, 3505.183, 9  
3505.20, 3505.21, 3509.06, and 3511.11 be amended and section 10  
3509.051 of the Revised Code be enacted to read as follows: 11

**Sec. 3503.24.** (A) Application for the correction of any 12  
precinct registration list or a challenge of the right to vote 13  
of any registered elector may be made by any qualified elector 14  
at the office of the board of elections not later than ~~twenty-~~ 15  
~~days prior to the thirtieth day before the day of the election.~~ 16  
The applications or challenges, with the reasons for the 17  
application or challenge, shall be filed with the board in 18

person or by mail on a form prescribed by the secretary of state 19  
and shall be signed under penalty of election falsification. 20

(B) On receiving an application or challenge filed under 21  
this section, the board of elections promptly shall review the 22  
board's records. If the board is able to determine that an 23  
application or challenge should be granted or denied solely on 24  
the basis of the records maintained by the board, the board 25  
immediately shall vote to grant or deny that application or 26  
challenge. 27

If the board is not able to determine whether an 28  
application or challenge should be granted or denied solely on 29  
the basis of the records maintained by the board, the director 30  
shall promptly set a time and date for a hearing before the 31  
board. ~~Except as otherwise provided in division (D) of this~~ 32  
~~section, the~~ The hearing shall be held, and the application or 33  
challenge shall be decided, no later than ten days after the 34  
board receives the application or challenge. The director shall 35  
send written notice to any elector whose right to vote is 36  
challenged and to any person whose name is alleged to have been 37  
omitted from a registration list. The notice shall inform the 38  
person of the time and date of the hearing, and of the person's 39  
right to appear and testify, call witnesses, and be represented 40  
by counsel. The notice shall be sent by first class mail no 41  
later than three days before the day of any scheduled hearing. 42  
Except as otherwise provided in division ~~(E)~~ (D) of this 43  
section, the director shall also provide the person who filed 44  
the application or challenge with such written notice of the 45  
date and time of the hearing. 46

At the request of either party or any member of the board, 47  
the board shall issue subpoenas to witnesses to appear and 48

testify before the board at a hearing held under this section. 49  
All witnesses shall testify under oath. The board shall reach a 50  
decision on all applications and challenges immediately after 51  
hearing. 52

(C) If the board decides that any such person is not 53  
entitled to have the person's name on the registration list, the 54  
person's name shall be removed from the list and the person's 55  
registration forms canceled. If the board decides that the name 56  
of any such person should appear on the registration list, it 57  
shall be added to the list, and the person's registration forms 58  
placed in the proper registration files. All such corrections 59  
and additions shall be made on a copy of the precinct lists, 60  
which shall constitute the poll lists, to be furnished to the 61  
respective precincts with other election supplies on the day 62  
preceding the election, to be used by the election officials in 63  
receiving the signatures of voters and in checking against the 64  
registration forms. 65

~~(D) (1) If an application or challenge for which a hearing 66  
is required to be conducted under division (B) of this section 67  
is filed after the thirtieth day before the day of an election, 68  
the board of elections, in its discretion, may postpone that 69  
hearing and any notifications of that hearing until after the 70  
day of the election. Any hearing postponed under this division 71  
shall be conducted not later than ten days after the day of the 72  
election. 73~~

~~(2) The board of elections shall cause the name of any 74  
registered elector whose registration is challenged and whose 75  
challenge hearing is postponed under division (D) (1) of this 76  
section to be marked in the official registration list and in 77  
the poll list or signature pollbook for that elector's precinct 78~~

~~to indicate that the elector's registration is subject to  
challenge.~~ 79  
80

~~(3) Any elector who is the subject of an application or  
challenge hearing that is postponed under division (D) (1) of  
this section shall be permitted to vote a provisional ballot  
under section 3505.181 of the Revised Code. The validity of a  
provisional ballot cast pursuant to this section shall be  
determined in accordance with section 3505.183 of the Revised  
Code, except that no such provisional ballot shall be counted  
unless the hearing conducted under division (B) of this section  
after the day of the election results in the elector's inclusion  
in the official registration list.~~ 81  
82  
83  
84  
85  
86  
87  
88  
89  
90

~~(E)~~ If an elector who is the subject of an application or  
challenge hearing has a confidential voter registration record,  
as described in section 111.44 of the Revised Code, all of the  
following apply: 91  
92  
93  
94

(1) If the elector's right to vote has been challenged,  
the person who filed the challenge shall not receive notice of  
the date and time of any hearing held concerning the challenge,  
shall not be permitted to attend the hearing, and shall not  
receive notice of the disposition of the challenge. 95  
96  
97  
98  
99

(2) If the elector is the subject of an application for  
the correction of the precinct registration list and the elector  
is not the person who filed the application, the person who  
filed the application shall not receive notice of the date and  
time of any hearing held concerning the application, shall not  
be permitted to attend the hearing, and shall not receive notice  
of the disposition of the application. 100  
101  
102  
103  
104  
105  
106

(3) Notwithstanding section 121.22 of the Revised Code, 107

any hearing held concerning the application or challenge shall 108  
not be open to the public. 109

(4) Any records created as a result of the application or 110  
challenge that include the elector's residence address or 111  
precinct shall not be open to public inspection. 112

**Sec. 3505.181.** (A) All of the following individuals shall 113  
be permitted to cast a provisional ballot at an election: 114

(1) An individual who declares that the individual is a 115  
registered voter in the precinct in which the individual desires 116  
to vote and that the individual is eligible to vote in an 117  
election, but the name of the individual does not appear on the 118  
official list of eligible voters for the precinct or an election 119  
official asserts that the individual is not eligible to vote; 120

(2) An individual who does not have or is unable to 121  
provide to the election officials any of the forms of 122  
identification required under division (A) (1) of section 3505.18 123  
of the Revised Code; 124

(3) An individual whose name in the poll list or signature 125  
pollbook has been marked under section 3509.09 or 3511.13 of the 126  
Revised Code as having requested an absent voter's ballot or a 127  
uniformed services or overseas absent voter's ballot for that 128  
election and who appears to vote at the polling place; 129

(4) An individual whose notification of registration has 130  
been returned undelivered to the board of elections and whose 131  
name in the official registration list and in the poll list or 132  
signature pollbook has been marked under division (C) (2) of 133  
section 3503.19 of the Revised Code; 134

(5) An individual who has been successfully challenged 135  
under section 3505.20 or 3513.20 of the Revised Code ~~or whose~~ 136

~~application or challenge hearing has been postponed until after~~ 137  
~~the day of the election under division (D) (1) of section 3503.24~~ 138  
~~of the Revised Code;~~ 139

(6) An individual who changes the individual's name and 140  
remains within the precinct without providing proof of that name 141  
change under division (B) (1) (b) of section 3503.16 of the 142  
Revised Code, moves from one precinct to another within a 143  
county, moves from one precinct to another and changes the 144  
individual's name, or moves from one county to another within 145  
the state, and completes and signs the required forms and 146  
statements under division (B) or (C) of section 3503.16 of the 147  
Revised Code; 148

(7) An individual whose signature, in the opinion of the 149  
precinct officers under section 3505.22 of the Revised Code, is 150  
not that of the person who signed that name in the registration 151  
forms. 152

(B) An individual who is eligible to cast a provisional 153  
ballot under division (A) of this section shall be permitted to 154  
cast a provisional ballot as follows: 155

(1) An election official at the polling place shall notify 156  
the individual that the individual may cast a provisional ballot 157  
in that election. 158

(2) Except as otherwise provided in division (F) of this 159  
section, the individual shall complete and execute a written 160  
affirmation before an election official at the polling place 161  
stating that the individual is both of the following: 162

(a) A registered voter in the precinct in which the 163  
individual desires to vote; 164

(b) Eligible to vote in that election. 165

(3) An election official at the polling place shall 166  
transmit the ballot cast by the individual and the voter 167  
information contained in the written affirmation executed by the 168  
individual under division (B) (2) of this section to an 169  
appropriate local election official for verification under 170  
division (B) (4) of this section. 171

(4) If the appropriate local election official to whom the 172  
ballot or voter or address information is transmitted under 173  
division (B) (3) of this section determines that the individual 174  
is eligible to vote, the individual's provisional ballot shall 175  
be counted as a vote in that election. 176

(5) (a) At the time that an individual casts a provisional 177  
ballot, the appropriate local election official shall give the 178  
individual written information that states that any individual 179  
who casts a provisional ballot will be able to ascertain under 180  
the system established under division (B) (5) (b) of this section 181  
whether the vote was counted, and, if the vote was not counted, 182  
the reason that the vote was not counted. 183

(b) The appropriate state or local election official shall 184  
establish a free access system, in the form of a toll-free 185  
telephone number, that any individual who casts a provisional 186  
ballot may access to discover whether the vote of that 187  
individual was counted, and, if the vote was not counted, the 188  
reason that the vote was not counted. The free access system 189  
established under this division also shall provide to an 190  
individual whose provisional ballot was not counted information 191  
explaining how that individual may contact the board of 192  
elections to register to vote or to resolve problems with the 193  
individual's voter registration. 194

The appropriate state or local election official shall 195

establish and maintain reasonable procedures necessary to 196  
protect the security, confidentiality, and integrity of personal 197  
information collected, stored, or otherwise used by the free 198  
access system established under this division. The system shall 199  
permit an individual only to gain access to information about 200  
the individual's own provisional ballot. 201

(6) If, at the time that an individual casts a provisional 202  
ballot, the individual provides identification in the form of a 203  
current and valid photo identification, a military 204  
identification, or a copy of a current utility bill, bank 205  
statement, government check, paycheck, or other government 206  
document, other than a notice of voter registration mailed by a 207  
board of elections under section 3503.19 of the Revised Code, 208  
that shows the individual's name and current address, or 209  
provides the individual's driver's license or state 210  
identification card number or the last four digits of the 211  
individual's social security number, the individual shall record 212  
the type of identification provided or the driver's license, 213  
state identification card, or social security number information 214  
and include that information on the provisional ballot 215  
affirmation under division (B) (3) of this section. 216

(7) During the seven days after the day of an election, an 217  
individual who casts a provisional ballot because the individual 218  
does not have or is unable to provide to the election officials 219  
any of the required forms of identification or because the 220  
individual has been successfully challenged under section 221  
3505.20 of the Revised Code shall appear at the office of the 222  
board of elections and provide to the board any additional 223  
information necessary to determine the eligibility of the 224  
individual who cast the provisional ballot. 225



(a) For a provisional ballot cast by an individual who 226  
does not have or is unable to provide to the election officials 227  
any of the required forms of identification to be eligible to be 228  
counted, the individual who cast that ballot, within seven days 229  
after the day of the election, shall do either of the following: 230

(i) Provide to the board of elections proof of the 231  
individual's identity in the form of a current and valid photo 232  
identification, a military identification, or a copy of a 233  
current utility bill, bank statement, government check, 234  
paycheck, or other government document, other than a notice of 235  
voter registration mailed by a board of elections under section 236  
3503.19 of the Revised Code, that shows the individual's name 237  
and current address; or 238

(ii) Provide to the board of elections the individual's 239  
driver's license or state identification card number or the last 240  
four digits of the individual's social security number. 241

(b) For a provisional ballot cast by an individual who has 242  
been successfully challenged under section 3505.20 of the 243  
Revised Code to be eligible to be counted, the individual who 244  
cast that ballot, within seven days after the day of that 245  
election, shall provide to the board of elections any 246  
identification or other documentation required to be provided by 247  
the applicable challenge questions asked of that individual 248  
under section 3505.20 of the Revised Code. 249

(c) (1) If an individual declares that the individual is 250  
eligible to vote in a precinct other than the precinct in which 251  
the individual desires to vote, or if, upon review of the 252  
precinct voting location guide using the residential street 253  
address provided by the individual, an election official at the 254  
precinct at which the individual desires to vote determines that 255

the individual is not eligible to vote in that precinct, the 256  
election official shall direct the individual to the precinct 257  
and polling place in which the individual appears to be eligible 258  
to vote, explain that the individual may cast a provisional 259  
ballot at the current location but the ballot or a portion of 260  
the ballot will not be counted if it is cast in the wrong 261  
precinct, and provide the telephone number of the board of 262  
elections in case the individual has additional questions. 263

(2) If the individual refuses to travel to the correct 264  
precinct or to the office of the board of elections to cast a 265  
ballot, the individual shall be permitted to vote a provisional 266  
ballot at that precinct in accordance with division (B) of this 267  
section. If the individual is in the correct polling location 268  
for the precinct in which the individual is registered and 269  
eligible to vote, the election official shall complete and sign, 270  
under penalty of election falsification, a form that includes 271  
all of the following, and attach the form to the individual's 272  
provisional ballot affirmation: 273

(a) The name or number of the individual's correct 274  
precinct; 275

(b) A statement that the election official instructed the 276  
individual to travel to the correct precinct to vote; 277

(c) A statement that the election official informed the 278  
individual that casting a provisional ballot in the wrong 279  
precinct would result in all or a portion of the votes on the 280  
ballot being rejected; 281

(d) The name or number of the precinct in which the 282  
individual is casting a provisional ballot; and 283

(e) The name of the polling location in which the 284

individual is casting a provisional ballot.	285
(D) The appropriate local election official shall cause	286
voting information to be publicly posted at each polling place	287
on the day of each election.	288
(E) As used in this section and sections 3505.182 and	289
3505.183 of the Revised Code:	290
(1) "Precinct voting location guide" means either of the	291
following:	292
(a) An electronic or paper record that lists the correct	293
precinct and polling place for either each specific residential	294
street address in the county or the range of residential street	295
addresses located in each neighborhood block in the county;	296
(b) Any other method that a board of elections creates	297
that allows a precinct election official or any elector who is	298
at a polling place in that county to determine the correct	299
precinct and polling place of any qualified elector who resides	300
in the county.	301
(2) "Voting information" means all of the following:	302
(a) A sample version of the ballot that will be used for	303
that election;	304
(b) Information regarding the date of the election and the	305
hours during which polling places will be open;	306
(c) Instructions on how to vote, including how to cast a	307
vote and how to cast a provisional ballot;	308
(d) Instructions for mail-in registrants and first-time	309
voters under applicable federal and state laws;	310
(e) General information on voting rights under applicable	311

federal and state laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated;

(f) General information on federal and state laws regarding prohibitions against acts of fraud and misrepresentation.

(F) Nothing in this section or section 3505.183 of the Revised Code is in derogation of section 3505.24 of the Revised Code, which permits a blind, disabled, or illiterate elector to receive assistance in the marking of the elector's ballot by two precinct election officials of different political parties. A blind, disabled, or illiterate elector may receive assistance in marking that elector's provisional ballot and in completing the required affirmation in the same manner as an elector may receive assistance on the day of an election under that section.

**Sec. 3505.183.** (A) When the ballot boxes are delivered to the board of elections from the precincts, the board shall separate the provisional ballot envelopes from the rest of the ballots. Teams of employees of the board consisting of one member of each major political party shall place the sealed provisional ballot envelopes in a secure location within the office of the board. The sealed provisional ballot envelopes shall remain in that secure location until the validity of those ballots is determined under division (B) of this section. While the provisional ballot is stored in that secure location, and prior to the counting of the provisional ballots, if the board receives information regarding the validity of a specific provisional ballot under division (B) of this section, the board may note, on the sealed provisional ballot envelope for that

ballot, whether the ballot is valid and entitled to be counted. 342

(B) (1) To determine whether a provisional ballot is valid 343  
and entitled to be counted, the board shall examine its records 344  
and determine whether the individual who cast the provisional 345  
ballot is registered and eligible to vote in the applicable 346  
election. The board shall examine the information contained in 347  
the written affirmation executed by the individual who cast the 348  
provisional ballot under division (B) (2) of section 3505.181 of 349  
the Revised Code. The following information shall be included in 350  
the written affirmation in order for the provisional ballot to 351  
be eligible to be counted: 352

(a) The individual's printed name, signature, date of 353  
birth, and current address; 354

(b) A statement that the individual is a registered voter 355  
in the precinct in which the provisional ballot is being voted; 356

(c) A statement that the individual is eligible to vote in 357  
the election in which the provisional ballot is being voted. 358

(2) In addition to the information required to be included 359  
in an affirmation under division (B) (1) of this section, in 360  
determining whether a provisional ballot is valid and entitled 361  
to be counted, the board also shall examine any additional 362  
information for determining ballot validity provided by the 363  
provisional voter on the affirmation, provided by the 364  
provisional voter to an election official under section 3505.182 365  
of the Revised Code, or provided to the board of elections 366  
during the seven days after the day of the election under 367  
division (B) (7) of section 3505.181 of the Revised Code, to 368  
assist the board in determining the individual's eligibility to 369  
vote. 370

(3) If, in examining a provisional ballot affirmation and additional information under divisions (B)(1) and (2) of this section and comparing the information required under division (B)(1) of this section with the elector's information in the statewide voter registration database, the board determines that all of the following apply, the provisional ballot envelope shall be opened, and the ballot shall be placed in a ballot box to be counted:

(a) The individual named on the affirmation is properly registered to vote.

(b) The individual named on the affirmation is eligible to cast a ballot in the precinct and for the election in which the individual cast the provisional ballot.

(c) The individual provided all of the information required under division (B)(1) of this section in the affirmation that the individual executed at the time the individual cast the provisional ballot.

(d) The last four digits of the elector's social security number or the elector's driver's license number or state identification card number are not different from the last four digits of the elector's social security number or the elector's driver's license number or state identification card number contained in the statewide voter registration database.

(e) Except as otherwise provided in this division, the month and day of the elector's date of birth are not different from the day and month of the elector's date of birth contained in the statewide voter registration database.

This division does not apply to an elector's provisional ballot if either of the following is true:

(i) The elector's date of birth contained in the statewide voter registration database is January 1, 1800. 400  
401

(ii) The board of elections has found, by a vote of at least three of its members, that the elector has met all other requirements of division (B) (3) of this section. 402  
403  
404

(f) The elector's current address is not different from the elector's address contained in the statewide voter registration database, unless the elector indicated that the elector is casting a provisional ballot because the elector has moved and has not submitted a notice of change of address, as described in division (A) (6) of section 3505.181 of the Revised Code. 405  
406  
407  
408  
409  
410  
411

(g) If applicable, the individual provided any additional information required under division (B) (7) of section 3505.181 of the Revised Code within seven days after the day of the election. 412  
413  
414  
415

~~(h) If applicable, the hearing conducted under division (B) of section 3503.24 of the Revised Code after the day of the election resulted in the individual's inclusion in the official registration list.~~ 416  
417  
418  
419

(4) (a) Except as otherwise provided in division (D) of this section, if, in examining a provisional ballot affirmation and additional information under divisions (B) (1) and (2) of this section and comparing the information required under division (B) (1) of this section with the elector's information in the statewide voter registration database, the board determines that any of the following applies, the provisional ballot envelope shall not be opened, and the ballot shall not be counted: 420  
421  
422  
423  
424  
425  
426  
427  
428

(i) The individual named on the affirmation is not qualified or is not properly registered to vote.	429 430
(ii) The individual named on the affirmation is not eligible to cast a ballot in the precinct or for the election in which the individual cast the provisional ballot.	431 432 433
(iii) The individual did not provide all of the information required under division (B) (1) of this section in the affirmation that the individual executed at the time the individual cast the provisional ballot.	434 435 436 437
(iv) The individual has already cast a ballot for the election in which the individual cast the provisional ballot.	438 439
(v) If applicable, the individual did not provide any additional information required under division (B) (7) of section 3505.181 of the Revised Code within seven days after the day of the election.	440 441 442 443
<del>(vi) If applicable, the hearing conducted under division (B) of section 3503.24 of the Revised Code after the day of the election did not result in the individual's inclusion in the official registration list.</del>	444 445 446 447
<del>(vii) The individual failed to provide a current and valid photo identification, a military identification, a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, with the voter's name and current address, the individual's driver's license or state identification card number, or the last four digits of the individual's social security number or to execute an affirmation under division (B) of section 3505.181 of the Revised Code.</del>	448 449 450 451 452 453 454 455 456 457



~~(viii)~~ (vii) The last four digits of the elector's social security number or the elector's driver's license number or state identification card number are different from the last four digits of the elector's social security number or the elector's driver's license number or state identification card number contained in the statewide voter registration database.

~~(ix)~~ (viii) Except as otherwise provided in this division, the month and day of the elector's date of birth are different from the day and month of the elector's date of birth contained in the statewide voter registration database.

This division does not apply to an elector's provisional ballot if either of the following is true:

(I) The elector's date of birth contained in the statewide voter registration database is January 1, 1800.

(II) The board of elections has found, by a vote of at least three of its members, that the elector has met all of the requirements of division (B) (3) of this section, other than the requirements of division (B) (3) (e) of this section.

~~(x)~~ (ix) The elector's current address is different from the elector's address contained in the statewide voter registration database, unless the elector indicated that the elector is casting a provisional ballot because the elector has moved and has not submitted a notice of change of address, as described in division (A) (6) of section 3505.181 of the Revised Code.

(b) If, in examining a provisional ballot affirmation and additional information under divisions (B) (1) and (2) of this section and comparing the information required under division (B) (1) of this section with the elector's information in the

statewide voter registration database, the board is unable to 487  
determine either of the following, the provisional ballot 488  
envelope shall not be opened, and the ballot shall not be 489  
counted: 490

(i) Whether the individual named on the affirmation is 491  
qualified or properly registered to vote; 492

(ii) Whether the individual named on the affirmation is 493  
eligible to cast a ballot in the precinct or for the election in 494  
which the individual cast the provisional ballot. 495

(C) For each provisional ballot rejected under division 496  
(B) (4) of this section, the board shall record the name of the 497  
provisional voter who cast the ballot, the identification number 498  
of the provisional ballot envelope, the names of the election 499  
officials who determined the validity of that ballot, the date 500  
and time that the determination was made, and the reason that 501  
the ballot was not counted, unless the board has already 502  
recorded that information in another database. 503

(D) (1) If an individual cast a provisional ballot in a 504  
precinct in which the individual is not registered and eligible 505  
to vote, but in the correct polling location for the precinct in 506  
which the individual is registered and eligible to vote, and the 507  
election official failed to direct the individual to the correct 508  
precinct, the individual's ballot shall be remade under division 509  
(D) (2) of this section. The election official shall be deemed to 510  
have directed the individual to the correct precinct if the 511  
election official correctly completed the form described in 512  
division (C) (2) of section 3505.181 of the Revised Code. 513

(2) A board of elections that remakes a provisional ballot 514  
under division (D) (1) of this section shall remake the 515

provisional ballot on a ballot for the appropriate precinct to 516  
reflect the offices, questions, and issues for which the 517  
individual was eligible to cast a ballot and for which the 518  
individual attempted to cast a provisional ballot. The remade 519  
ballot shall be counted for each office, question, and issue for 520  
which the individual was eligible to vote. 521

(3) If an individual cast a provisional ballot in a 522  
precinct in which the individual is not registered and eligible 523  
to vote and in the incorrect polling location for the precinct 524  
in which the individual is registered and eligible to vote, the 525  
provisional ballot envelope shall not be opened, and the ballot 526  
shall not be counted. 527

(E) Provisional ballots that are rejected under division 528  
(B) (4) of this section shall not be counted but shall be 529  
preserved in their provisional ballot envelopes unopened until 530  
the time provided by section 3505.31 of the Revised Code for the 531  
destruction of all other ballots used at the election for which 532  
ballots were provided, at which time they shall be destroyed. 533

(F) Provisional ballots that the board determines are 534  
eligible to be counted under division (B) (3) or (D) of this 535  
section shall be counted in the same manner as provided for 536  
other ballots under section 3505.27 of the Revised Code. No 537  
provisional ballots shall be counted in a particular county 538  
until the board determines the eligibility to be counted of all 539  
provisional ballots cast in that county under division (B) of 540  
this section for that election. Observers, as provided in 541  
section 3505.21 of the Revised Code, may be present at all times 542  
that the board is determining the eligibility of provisional 543  
ballots to be counted and counting those provisional ballots 544  
determined to be eligible. No person shall recklessly disclose 545

the count or any portion of the count of provisional ballots in 546  
such a manner as to jeopardize the secrecy of any individual 547  
ballot. 548

(G) (1) Except as otherwise provided in division (G) (2) of 549  
this section, nothing in this section shall prevent a board of 550  
elections from examining provisional ballot affirmations and 551  
additional information under divisions (B) (1) and (2) of this 552  
section to determine the eligibility of provisional ballots to 553  
be counted during the ten days after the day of an election. 554

(2) A board of elections shall not examine the provisional 555  
ballot affirmation and additional information under divisions 556  
(B) (1) and (2) of this section of any provisional ballot cast by 557  
an individual who must provide additional information to the 558  
board of elections under division (B) (7) of section 3505.181 of 559  
the Revised Code for the board to determine the individual's 560  
eligibility until the individual provides that information, ~~—~~ 561  
~~until any hearing required to be conducted under section 3503.24~~ 562  
~~of the Revised Code with regard to the provisional voter is~~ 563  
~~held,~~ or until the eleventh day after the day of the election, 564  
whichever is earlier. 565

**Sec. 3505.20.** Any person offering to vote may be 566  
challenged at the polling place by any precinct election 567  
official. If the board of elections has ruled on the question 568  
presented by a challenge prior to election day, its finding and 569  
decision shall be final, and the voting location manager shall 570  
be notified in writing. If the board has not ruled, the question 571  
shall be determined as set forth in this section. If any person 572  
is so challenged as unqualified to vote, the voting location 573  
manager shall tender the person the following oath: "You do 574  
swear or affirm under penalty of election falsification that you 575

will fully and truly answer all of the following questions put 576  
to you concerning your qualifications as an elector at this 577  
election." 578

(A) If the person is challenged as unqualified on the 579  
ground that the person is not a citizen, the precinct election 580  
officials shall put the following questions: 581

(1) Are you a citizen of the United States? 582

(2) Are you a native or naturalized citizen? 583

(3) Where were you born? 584

(4) What official documentation do you possess to prove 585  
your citizenship? Please provide that documentation. 586

If the person offering to vote claims to be a naturalized 587  
citizen of the United States, the person shall, before the vote 588  
is received, produce for inspection of the precinct election 589  
officials a certificate of naturalization and declare under oath 590  
that the person is the identical person named in the 591  
certificate. If the person states under oath that, by reason of 592  
the naturalization of the person's parents or one of them, the 593  
person has become a citizen of the United States, and when or 594  
where the person's parents were naturalized, the certificate of 595  
naturalization need not be produced. If the person is unable to 596  
provide a certificate of naturalization on the day of the 597  
election, the precinct election officials shall provide to the 598  
person, and the person may vote, a provisional ballot under 599  
section 3505.181 of the Revised Code. The provisional ballot 600  
shall not be counted unless it is properly completed and the 601  
board of elections determines that the voter is properly 602  
registered and eligible to vote in the election. 603

(B) If the person is challenged as unqualified on the 604

ground that the person has not resided in this state for thirty 605  
days immediately preceding the election, the precinct election 606  
officials shall put the following questions: 607

(1) Have you resided in this state for thirty days 608  
immediately preceding this election? If so, where have you 609  
resided? 610

(2) Did you properly register to vote? 611

(3) Can you provide some form of identification containing 612  
your current mailing address in this precinct? Please provide 613  
that identification. 614

(4) Have you voted or attempted to vote at any other 615  
location in this or in any other state at this election? 616

(5) Have you applied for an absent voter's ballot in any 617  
state for this election? 618

If the precinct election officials are unable to verify 619  
the person's eligibility to cast a ballot in the election, the 620  
precinct election officials shall provide to the person, and the 621  
person may vote, a provisional ballot under section 3505.181 of 622  
the Revised Code. The provisional ballot shall not be counted 623  
unless it is properly completed and the board of elections 624  
determines that the voter is properly registered and eligible to 625  
vote in the election. 626

(C) If the person is challenged as unqualified on the 627  
ground that the person is not a resident of the precinct where 628  
the person offers to vote, the precinct election officials shall 629  
put the following questions: 630

(1) Do you reside in this precinct? 631

(2) When did you move into this precinct? 632

(3) When you came into this precinct, did you come for a temporary purpose merely or for the purpose of making it your home? 633  
634  
635

(4) What is your current mailing address? 636

(5) Do you have some official identification containing your current address in this precinct? Please provide that identification. 637  
638  
639

(6) Have you voted or attempted to vote at any other location in this or in any other state at this election? 640  
641

(7) Have you applied for any absent voter's ballot in any state for this election? 642  
643

The precinct election officials shall direct an individual who is not in the appropriate polling place to the appropriate polling place. If the individual refuses to go to the appropriate polling place, or if the precinct election officials are unable to verify the person's eligibility to cast a ballot in the election, the precinct election officials shall provide to the person, and the person may vote, a provisional ballot under section 3505.181 of the Revised Code. The provisional ballot shall not be counted unless it is properly completed and the board of elections determines that the voter is properly registered and eligible to vote in the election. 644  
645  
646  
647  
648  
649  
650  
651  
652  
653  
654

(D) If the person is challenged as unqualified on the ground that the person is not of legal voting age, the precinct election officials shall put the following questions: 655  
656  
657

(1) Are you eighteen years of age or more? 658

(2) What is your date of birth? 659

(3) Do you have some official identification verifying 660

your age? Please provide that identification. 661

If the precinct election officials are unable to verify 662  
the person's age and eligibility to cast a ballot in the 663  
election, the precinct election officials shall provide to the 664  
person, and the person may vote, a provisional ballot under 665  
section 3505.181 of the Revised Code. The provisional ballot 666  
shall not be counted unless it is properly completed and the 667  
board of elections determines that the voter is properly 668  
registered and eligible to vote in the election. 669

The voting location manager shall put such other questions 670  
to the person challenged as are necessary to determine the 671  
person's qualifications as an elector at the election. If a 672  
person challenged refuses to answer fully any question put to 673  
the person, is unable to answer the questions as they were 674  
answered on the registration form by the person under whose name 675  
the person offers to vote, or refuses to sign the person's name 676  
or make the person's mark, or if for any other reason a majority 677  
of the precinct election officials believes the person is not 678  
entitled to vote, the precinct election officials shall provide 679  
to the person, and the person may vote, a provisional ballot 680  
under section 3505.181 of the Revised Code. The provisional 681  
ballot shall not be counted unless it is properly completed and 682  
the board of elections determines that the voter is properly 683  
registered and eligible to vote in the election. 684

A qualified citizen who has certified the citizen's 685  
intention to vote for president and vice-president as provided 686  
by Chapter 3504. of the Revised Code shall be eligible to 687  
receive only the ballot containing presidential and vice- 688  
presidential candidates. 689

However, ~~prior to~~ not later than the ~~nineteenth~~ thirtieth 690



day before the day of an election and in accordance with section 691  
3503.24 of the Revised Code, any person qualified to vote may 692  
challenge the right of any other person to be registered as a 693  
voter, or the right to cast an absent voter's ballot, or to make 694  
application for such ballot. Such challenge shall be made in 695  
accordance with section 3503.24 of the Revised Code, and the 696  
board of elections of the county in which the voting residence 697  
of the challenged voter is situated shall make a final 698  
determination relative to the legality of such registration or 699  
application. 700

**Sec. 3505.21.** (A) As used in this section, "during the 701  
casting of the ballots" includes any of the following: 702

(1) Any time during which a board of elections permits an 703  
elector to vote an absent voter's ballot in person at the office 704  
of the board ~~and any;~~ 705

(2) Any time ballots may be cast in a precinct polling 706  
place on the day of an election; 707

(3) Any time during which a board of elections processes 708  
absent voter's ballots before the time for counting those 709  
ballots. 710

(B) At any primary, special, or general election, any 711  
political party supporting candidates to be voted upon at such 712  
election and any group of five or more candidates may appoint to 713  
the board of elections or to any of the precincts in the county 714  
or city one person, a qualified elector, who shall serve as 715  
observer for such party or such candidates during the casting of 716  
the ballots and during the counting of the ballots; provided 717  
that separate observers may be appointed to serve during the 718  
casting and during the counting of the ballots. No candidate, no 719

uniformed peace officer as defined by section 2935.01 of the Revised Code, no uniformed state highway patrol trooper, no uniformed member of any fire department, no uniformed member of the armed services, no uniformed member of the organized militia, no person wearing any other uniform, and no person carrying a firearm or other deadly weapon shall serve as an observer, nor shall any candidate be represented by more than one observer at any one precinct or at the board of elections except that a candidate who is a member of a party controlling committee, as defined in section 3517.03 of the Revised Code, may serve as an observer.

(C) Any political party or group of candidates appointing observers shall notify the board of elections of the names and addresses of its appointees and the precincts at which they shall serve or that they will serve at the board of elections. Notification of observers appointed to serve on the day of an election shall take place not less than eleven days before the day of the election on forms prescribed by the secretary of state and may be amended by filing an amendment with the board of elections at any time until four p.m. of the day before the election. Notification of observers appointed to serve at the office of the board during the time absent voter's ballots may be cast in person or during the time in which the board processes absent voter's ballots before the time for counting those ballots shall take place not less than eleven days before absent voter's ballots are required to be ready for use pursuant to section 3509.01 of the Revised Code on forms prescribed by the secretary of state and may be amended by filing an amendment with the board of elections at any time until four p.m. of the day before the observer is appointed to serve. The observer serving on behalf of a political party shall be appointed in

writing by the chairperson and secretary of the respective 751  
controlling party committee. Observers serving for any five or 752  
more candidates shall have their certificates signed by those 753  
candidates. Observers appointed to a precinct may file their 754  
certificates of appointment with the voting location manager of 755  
the precinct at the meeting on the evening prior to the 756  
election, or with the voting location manager of the precinct on 757  
the day of the election. Observers appointed to the office of 758  
the board to observe the casting of absent voter's ballots in 759  
person prior to the day of the election or the processing of 760  
absent voter's ballots before the time for counting those 761  
ballots may file their certificates with the director of the 762  
board of elections the day before or on the day that the 763  
observers are scheduled to serve at the office of the board. 764

Upon the filing of a certificate, the person named as 765  
observer in the certificate shall be permitted to be in and 766  
about the applicable polling place during the casting of the 767  
ballots and shall be permitted to watch every proceeding of the 768  
precinct election officials from the time of the opening until 769  
the closing of the polls. The observer also may inspect the 770  
counting of all ballots in the polling place or board of 771  
elections from the time of the closing of the polls until the 772  
counting is completed and the final returns are certified and 773  
signed. Observers appointed to serve at the board of elections 774  
on the day of an election under this section may observe at the 775  
board of elections and may observe at any precinct in the 776  
county. The precinct election officials shall protect such 777  
observers in all of the rights and privileges granted to them by 778  
Title XXXV of the Revised Code. 779

(D) No persons other than the precinct election officials, 780  
the observers, a police officer, other persons who are detailed 781

to any precinct on request of the board of elections, or the 782  
secretary of state or the secretary of state's legal 783  
representative shall be admitted to the polling place, or any 784  
room in which a board of elections is counting ballots, after 785  
the closing of the polls until the counting, certifying, and 786  
signing of the final returns of each election have been 787  
completed. 788

(E) Not later than four p.m. of the twentieth day prior to 789  
an election at which questions are to be submitted to a vote of 790  
the people, any committee that in good faith advocates or 791  
opposes a measure may file a petition with the board of any 792  
county asking that the petitioners be recognized as the 793  
committee entitled to appoint observers to the count at the 794  
election. If more than one committee alleging themselves to 795  
advocate or oppose the same measure file such a petition, the 796  
board shall decide and announce by registered mail to each 797  
committee not less than twelve days immediately preceding the 798  
election which committee is recognized as being entitled to 799  
appoint observers. The decision shall not be final, but any 800  
aggrieved party may institute mandamus proceedings in the court 801  
of common pleas of the county in which the board has 802  
jurisdiction to compel the precinct election officials to accept 803  
the appointees of such aggrieved party. Any such recognized 804  
committee may appoint an observer to the count in each precinct. 805  
Committees appointing observers shall notify the board of 806  
elections of the names and addresses of its appointees and the 807  
precincts at which they shall serve. Notification shall take 808  
place not less than eleven days before the election on forms 809  
prescribed by the secretary of state and may be amended by 810  
filing an amendment with the board of elections at any time 811  
until four p.m. on the day before the election. A person so 812

appointed shall file the person's certificate of appointment 813  
with the voting location manager in the precinct in which the 814  
person has been appointed to serve. Observers shall file their 815  
certificates before the polls are closed. In no case shall more 816  
than six observers be appointed for any one election in any one 817  
precinct. If more than three questions are to be voted on, the 818  
committees which have appointed observers may agree upon not to 819  
exceed six observers, and the precinct election officials shall 820  
appoint such observers. If such committees fail to agree, the 821  
precinct election officials shall appoint six observers from the 822  
appointees so certified, in such manner that each side of the 823  
several questions shall be represented. 824

(F) No person shall serve as an observer at any precinct 825  
or at the board of elections unless the board of elections of 826  
the county in which such observer is to serve has first been 827  
notified of the name, address, and location at which such 828  
observer is to serve. Notification to the board of elections 829  
shall be given by the political party, group of candidates, or 830  
committee appointing such observer as prescribed in this 831  
section. No such observers shall receive any compensation from 832  
the county, municipal corporation, or township, and they shall 833  
take the following oath, to be administered by one of the 834  
precinct election officials: 835

"You do solemnly swear that you will faithfully and 836  
impartially discharge the duties as an official observer, 837  
assigned by law; that you will not cause any delay to persons 838  
offering to vote; and that you will not disclose or communicate 839  
to any person how any elector has voted at such election." 840

Sec. 3509.051. Notwithstanding section 3509.05 or any 841  
other provision of the Revised Code to the contrary, all of the 842

following shall apply to the casting of absent voter's ballots 843  
in person: 844

(A) The absent voter shall provide identification to the 845  
election officials in the same manner as a voter who casts a 846  
ballot in person on the day of an election is required to 847  
provide identification under section 3505.18 of the Revised 848  
Code. 849

(B) The absent voter shall not be required to complete a 850  
statement of voter on an absent voter's ballot identification 851  
envelope. 852

(C) The board of elections shall provide a signature book 853  
to be signed by absent voters who are casting their ballots in 854  
person. 855

(D) No person other than a precinct election official 856  
shall be permitted to challenge the right to vote of an absent 857  
voter who is casting a ballot in person. A precinct election 858  
official may challenge the right to vote of an absent voter who 859  
is casting a ballot in person in the same manner as a precinct 860  
election official may challenge the right to vote of an elector 861  
on the day of an election under section 3505.20 or 3513.19 of 862  
the Revised Code. 863

(E) No absent voter may receive a replacement ballot after 864  
the voter's absent voter's ballot has been scanned or entered 865  
into automatic tabulating equipment. 866

**Sec. 3509.06.** (A) The board of elections shall determine 867  
whether absent voter's ballots shall be processed and counted in 868  
each precinct, at the office of the board, or at some other 869  
location designated by the board, and shall proceed accordingly 870  
under division (B), (C), or (E) of this section, as applicable. 871

(B) (1) Except as otherwise provided in division (B) (2) of 872  
this section, when the board of elections determines that absent 873  
voter's ballots shall be processed and counted in each precinct, 874  
the director shall deliver to the voting location manager of 875  
each precinct on election day identification envelopes 876  
purporting to contain absent voter's ballots of electors whose 877  
voting residence appears from the statement of voter on the 878  
outside of each of those envelopes, to be located in that 879  
manager's precinct, and which were received by the director not 880  
later than the close of the polls on election day. The director 881  
shall deliver to the voting location manager a list containing 882  
the name and voting residence of each person whose voting 883  
residence is in such precinct to whom absent voter's ballots 884  
were mailed. 885

(2) The director shall not deliver to the voting location 886  
manager identification envelopes cast by electors who provided a 887  
program participant identification number instead of a residence 888  
address on the identification envelope and shall not inform the 889  
voting location manager of the names and voting residences of 890  
persons who have confidential voter registration records. Those 891  
identification envelopes shall be examined and processed as 892  
described in division (E) of this section. 893

(C) When the board of elections determines that absent 894  
voter's ballots shall be processed and counted at the office of 895  
the board of elections or at another location designated by the 896  
board, special election officials shall be appointed by the 897  
board for that purpose having the same authority as is exercised 898  
by precinct election officials. The votes so cast shall be added 899  
to the vote totals by the board, and the absent voter's ballots 900  
shall be preserved separately by the board, in the same manner 901  
and for the same length of time as provided by section 3505.31 902

of the Revised Code. 903

(D) Each of the identification envelopes purporting to 904  
contain absent voter's ballots delivered to the voting location 905  
manager of the precinct or the special election official 906  
appointed by the board of elections shall be handled as follows: 907

(1) The election officials shall compare the signature of 908  
the elector on the outside of the identification envelope with 909  
the signature of that elector on the elector's registration form 910  
and verify that the absent voter's ballot is eligible to be 911  
counted under section 3509.07 of the Revised Code. 912

(2) (a) Any of the precinct officials may challenge the 913  
right of the elector named on the identification envelope to 914  
vote the absent voter's ballots upon the ground that the 915  
signature on the envelope is not the same as the signature on 916  
the registration form, that the identification envelope 917  
statement of voter is incomplete, or upon any other of the 918  
grounds upon which the right of persons to vote may be lawfully 919  
challenged. 920

(b) If the elector's name does not appear in the pollbook 921  
or poll list or signature pollbook, the precinct officials shall 922  
deliver the absent voter's ballots to the director of the board 923  
of elections to be examined and processed in the manner 924  
described in division (E) of this section. 925

(3) (a) An identification envelope statement of voter shall 926  
be considered incomplete if it does not include all of the 927  
following: 928

(i) The voter's name; 929

(ii) The voter's residence address or, if the voter has a 930  
confidential voter registration record, as described in section 931



111.44 of the Revised Code, the voter's program participant	932
identification number;	933
(iii) The voter's date of birth. The requirements of this	934
division are satisfied if the voter provided a date of birth and	935
any of the following is true:	936
(I) The month and day of the voter's date of birth on the	937
identification envelope statement of voter are not different	938
from the month and day of the voter's date of birth contained in	939
the statewide voter registration database.	940
(II) The voter's date of birth contained in the statewide	941
voter registration database is January 1, 1800.	942
(III) The board of elections has found, by a vote of at	943
least three of its members, that the voter has met the	944
requirements of divisions (D) (3) (a) (i), (ii), (iv), and (v) of	945
this section.	946
(iv) The voter's signature; and	947
(v) One of the following forms of identification:	948
(I) The voter's driver's license number;	949
(II) The last four digits of the voter's social security	950
number; or	951
(III) A copy of a current and valid photo identification,	952
a military identification, or a current utility bill, bank	953
statement, government check, paycheck, or other government	954
document, other than a notice of voter registration mailed by a	955
board of elections, that shows the voter's name and address.	956
(b) If the election officials find that the identification	957
envelope statement of voter is incomplete or that the	958

information contained in that statement does not conform to the 959  
information contained in the statewide voter registration 960  
database concerning the voter, the election officials shall mail 961  
a written notice to the voter, informing the voter of the nature 962  
of the defect. The notice shall inform the voter that in order 963  
for the voter's ballot to be counted, the voter must provide the 964  
necessary information to the board of elections in writing and 965  
on a form prescribed by the secretary of state not later than 966  
the seventh day after the day of the election. The voter may 967  
deliver the form to the office of the board in person or by 968  
mail. If the voter provides the necessary information to the 969  
board of elections not later than the seventh day after the day 970  
of the election and the ballot is not successfully challenged on 971  
another basis, the voter's ballot shall be processed and counted 972  
in accordance with this section. 973

(4) If no such challenge is made, or if such a challenge 974  
is made and not sustained, the voting location manager shall 975  
open the envelope without defacing the statement of voter and 976  
without mutilating the ballots in it, and shall remove the 977  
ballots contained in it and proceed to count them. 978

(5) (a) Except as otherwise provided in division (D) (5) (b) 979  
of this section, the name of each person voting who is entitled 980  
to vote only an absent voter's presidential ballot shall be 981  
entered in a pollbook or poll list or signature pollbook 982  
followed by the words "Absentee Presidential Ballot." The name 983  
of each person voting an absent voter's ballot, other than such 984  
persons entitled to vote only a presidential ballot, shall be 985  
entered in the pollbook or poll list or signature pollbook and 986  
the person's registration card marked to indicate that the 987  
person has voted. 988

(b) If the person voting has a confidential voter 989  
registration record, the person's registration card shall be 990  
marked to indicate that the person has voted, but the person's 991  
name shall not be entered in the pollbook or poll list or 992  
signature pollbook. 993

(6) The date of such election shall also be entered on the 994  
elector's registration form. If any such challenge is made and 995  
sustained, the identification envelope of such elector shall not 996  
be opened, shall be endorsed "Not Counted" with the reasons the 997  
ballots were not counted, and shall be delivered to the board. 998

(E) (1) When the board of elections receives absent voter's 999  
ballots from an elector who has provided a program participant 1000  
identification number instead of a residence address on the 1001  
identification envelope statement of voter, the director and the 1002  
deputy director personally shall examine and process the 1003  
identification envelope statement of voter in the manner 1004  
prescribed in division (D) of this section. 1005

(2) If the director and the deputy director find that the 1006  
identification envelope statement of voter is incomplete or that 1007  
the information contained in that statement does not conform to 1008  
the information contained in the statewide voter registration 1009  
database concerning the voter or to the information contained in 1010  
the voter's confidential voter registration record, the director 1011  
and the deputy director shall mail a written notice to the voter 1012  
informing the voter of the nature of the defect. The notice 1013  
shall inform the voter that in order for the voter's ballot to 1014  
be counted the voter must provide the necessary information to 1015  
the board of elections in writing and on a form prescribed by 1016  
the secretary of state not later than the seventh day after the 1017  
day of the election. The voter may deliver the form to the 1018

office of the board in person or by mail. If the voter provides 1019  
the necessary information to the board of elections not later 1020  
than the seventh day after the day of the election and the 1021  
ballot is not successfully challenged on another basis, the 1022  
voter's ballot shall be counted in accordance with this section. 1023

(3) The director or the deputy director may challenge the 1024  
ballot on the ground that the signature on the envelope is not 1025  
the same as the signature on the registration form, that the 1026  
identification envelope statement of voter is incomplete, or 1027  
upon any other of the grounds upon which the right of persons to 1028  
vote may be lawfully challenged. If such a challenge is made, 1029  
the board of elections shall decide whether to sustain the 1030  
challenge. 1031

(4) If neither the director nor the deputy director 1032  
challenges the ballot, or if such a challenge is made and not 1033  
sustained, the director and the deputy director shall open the 1034  
envelope without defacing the statement of voter and without 1035  
mutilating the ballots in it, shall remove the ballots contained 1036  
in it, and shall transmit the ballots to the election officials 1037  
to be counted with other absent voter's ballots from that 1038  
precinct. 1039

(F) The board of elections may process absent voter's 1040  
ballots before the time for counting those ballots, but the 1041  
board shall not tabulate or count the votes on those ballots 1042  
before that time. As used in this section and section 3511.11 of 1043  
the Revised Code, processing an absent voter's ballot means any 1044  
of the following: 1045

(1) Examining the identification envelope statement of 1046  
voter in order to verify that the absent voter's ballot is 1047  
eligible to be counted under section 3509.07 of the Revised 1048

<u>Code;</u>	1049
<u>(2) Opening the identification envelope, if the absent voter's ballot is eligible to be counted;</u>	1050 1051
<u>(3) Determining the validity of the absent voter's ballot under section 3509.07 of the Revised Code;</u>	1052 1053
<u>(4) Preparing and sorting the absent voter's ballot for scanning by automatic tabulating equipment;</u>	1054 1055
<u>(5) Scanning the absent voter's ballot by automatic tabulating equipment, if the equipment used by the board of elections permits an absent voter's ballot to be scanned without tabulating or counting the votes on the ballots scanned.</u>	1056 1057 1058 1059
<u>(G) Special election officials, employees or members of the board of elections, or observers 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.</u>	1060 1061 1062 1063 1064 1065 1066
<del>(G)</del> <u>(H) (1) Except as otherwise provided in division <del>(G)</del> (H) (2) of this section, observers may be appointed under section 3505.21 of the Revised Code to witness the examination and opening of identification envelopes and the <u>processing and</u> counting of absent voters' ballots under this section.</u>	1067 1068 1069 1070 1071
<u>(2) Observers shall not be permitted to witness the examination and opening of identification envelopes returned by, and the <u>processing and</u> counting of absent voter's ballots cast by, electors who have confidential voter registration records in a manner that would permit the observers to learn the identities or residence addresses of those electors.</u>	1072 1073 1074 1075 1076 1077

**Sec. 3511.11.** (A) Upon receipt of any return envelope 1078  
bearing the designation "Official Election Uniformed Services or 1079  
Overseas Absent Voter's Ballot" prior to the eleventh day after 1080  
the day of any election, the director of the board of elections 1081  
shall open it but shall not open the identification envelope 1082  
contained in it. If, upon so opening the return envelope, the 1083  
director finds ballots in it that are not enclosed in and 1084  
properly sealed in the identification envelope, the director 1085  
shall not look at the markings upon the ballots and shall 1086  
promptly place them in the identification envelope and promptly 1087  
seal it. If, upon so opening the return envelope, the director 1088  
finds that ballots are enclosed in the identification envelope 1089  
but that it is not properly sealed, the director shall not look 1090  
at the markings upon the ballots and shall promptly seal the 1091  
identification envelope. 1092

(B) Uniformed services or overseas absent voter's ballots 1093  
delivered to the director not later than the close of the polls 1094  
on election day shall be processed and counted in the manner 1095  
provided in section 3509.06 of the Revised Code. 1096

(C) A return envelope is not required to be postmarked in 1097  
order for a uniformed services or overseas absent voter's ballot 1098  
contained in it to be valid. Except as otherwise provided in 1099  
this division, whether or not the return envelope containing the 1100  
ballot is postmarked, contains a late postmark, or contains an 1101  
illegible postmark, a uniformed services or overseas absent 1102  
voter's ballot that is received after the close of the polls on 1103  
election day through the tenth day after the election day shall 1104  
be processed and counted on the eleventh day after the election 1105  
day at the office of the board of elections in the manner 1106  
provided in ~~divisions (C) and (D) of~~ section 3509.06 of the 1107  
Revised Code ~~or in the manner provided in division (E) of that~~ 1108

~~section, as applicable,~~ if the voter signed the identification 1109  
envelope by the time specified in section 3511.09 of the Revised 1110  
Code. However, if a return envelope containing a uniformed 1111  
services or overseas absent voter's ballot is so received and so 1112  
indicates, but the identification envelope in it is signed after 1113  
the close of the polls on election day, the uniformed services 1114  
or overseas absent voter's ballot shall not be counted. 1115

(D) The following types of uniformed services or overseas 1116  
absent voter's ballots shall not be counted: 1117

(1) Uniformed services or overseas absent voter's ballots 1118  
contained in return envelopes that bear the designation 1119  
"Official Election Uniformed Services or Overseas Absent Voter's 1120  
Ballots," that are received by the director after the close of 1121  
the polls on the day of the election, and that contain an 1122  
identification envelope that is signed after the time specified 1123  
in section 3511.09 of the Revised Code; 1124

(2) Uniformed services or overseas absent voter's ballots 1125  
contained in return envelopes that bear that designation and 1126  
that are received after the tenth day following the election. 1127

The uncounted ballots shall be preserved in their 1128  
identification envelopes unopened until the time provided by 1129  
section 3505.31 of the Revised Code for the destruction of all 1130  
other ballots used at the election for which ballots were 1131  
provided, at which time they shall be destroyed. 1132

**Section 2.** That existing sections 3503.24, 3505.181, 1133  
3505.183, 3505.20, 3505.21, 3509.06, and 3511.11 of the Revised 1134  
Code are hereby repealed. 1135