

As Introduced

**132nd General Assembly
Regular Session
2017-2018**

S. B. No. 328

Senator LaRose

A BILL

To amend sections 3509.04, 3509.05, and 3511.04 of 1
the Revised Code and to amend Section 395.20 of 2
Am. Sub. H.B. 49 of the 132nd General Assembly, 3
as subsequently amended, to require boards of 4
elections to prepay postage for the return of 5
completed absent voter's ballots, to require the 6
Secretary of State to reimburse the boards of 7
elections for the prepaid postage, and to make 8
an appropriation. 9

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

Section 1. That sections 3509.04, 3509.05, and 3511.04 of 10
the Revised Code be amended to read as follows: 11

Sec. 3509.04. (A) If a director of a board of elections 12
receives an application for absent voter's ballots that does not 13
contain all of the required information, the director promptly 14
shall notify the applicant of the additional information 15
required to be provided by the applicant to complete that 16
application. 17

(B) Upon receipt by the director of elections of an 18
application for absent voter's ballots that contains all of the 19

required information, as provided by section 3509.03 and 20
division (G) of section 3503.16 of the Revised Code, the 21
director, if the director finds that the applicant is a 22
qualified elector, shall deliver to the applicant in person or 23
mail directly to the applicant by special delivery mail, air 24
mail, or regular mail, postage prepaid, proper absent voter's 25
ballots. The director shall deliver or mail with the ballots an 26
unsealed identification envelope upon the face of which shall be 27
printed a form substantially as follows: 28

"Identification Envelope Statement of Voter 29

I,(Name of voter), declare under 30
penalty of election falsification that the within ballot or 31
ballots contained no voting marks of any kind when I received 32
them, and I caused the ballot or ballots to be marked, enclosed 33
in the identification envelope, and sealed in that envelope. 34

My voting residence in Ohio is 35

..... 36

(Street and Number, if any, or Rural Route and Number) 37

of (City, Village, or Township) 38

Ohio, which is in Ward Precinct 39

in that city, village, or township. 40

If I have a confidential voter registration record, I am 41
providing my program participant identification number instead 42
of my residence address: 43

The primary election ballots, if any, within this envelope 44
are primary election ballots of the Party. 45

Ballots contained within this envelope are to be voted at 46
the (general, special, or primary) election to be 47

held on the	day	48
of	,	49
My date of birth is	(Month and	50
Day),	(Year).	51
(Voter must provide one of the following:)		52
My driver's license number is	(Driver's	53
license number).		54
The last four digits of my Social Security Number		55
are	(Last four digits of Social Security	56
Number).		57
..... In lieu of providing a driver's license number or		58
the last four digits of my Social Security Number, I am		59
enclosing a copy of one of the following in the return envelope		60
in which this identification envelope will be mailed: a current		61
and valid photo identification, a military identification, or a		62
current utility bill, bank statement, government check,		63
paycheck, or other government document, other than a notice of		64
voter registration mailed by a board of elections, that shows my		65
name and address.		66
I hereby declare, under penalty of election falsification,		67
that the statements above are true, as I verily believe.		68
.....	(Signature of Voter)	69
WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF		70
THE FIFTH DEGREE."		71
The director shall mail with the ballots and the unsealed		72
identification envelope an unsealed return envelope upon the		73
face of which shall be printed the official title and post-		74
office address of the director. In the upper left corner on the		75

face of the return envelope, several blank lines shall be 76
printed upon which the voter may write the voter's name and 77
return address. The return envelope shall be of such size that 78
the identification envelope can be conveniently placed within it 79
for returning the identification envelope to the director. 80

A board of elections ~~that mails or otherwise delivers~~ 81
~~absent voter's ballots to an elector under this section~~ shall 82
~~not~~ prepay the return postage for ~~these~~ absent voter's ballots 83
mailed or otherwise delivered to an elector under this section, 84
unless, under 39 U.S.C. 3406, no postage payment is required. 85
The secretary of state shall reimburse a board for the expense 86
to prepay the return postage. 87

Except as otherwise provided in this section and in 88
sections 3505.24 and 3509.08 of the Revised Code, an election 89
official shall not fill out any portion of an identification 90
envelope statement of voter or an absent voter's ballot on 91
behalf of an elector. A board of elections may preprint only an 92
elector's name and address on an identification envelope 93
statement of voter before mailing absent voter's ballots to the 94
elector, except that if the elector has a confidential voter 95
registration record, as described in section 111.44 of the 96
Revised Code, the board of elections shall not preprint the 97
elector's address on the identification envelope statement of 98
voter. 99

Sec. 3509.05. (A) When an elector receives an absent 100
voter's ballot pursuant to the elector's application or request, 101
the elector shall, before placing any marks on the ballot, note 102
whether there are any voting marks on it. If there are any 103
voting marks, the ballot shall be returned immediately to the 104
board of elections; otherwise, the elector shall cause the 105

ballot to be marked, folded in a manner that the stub on it and 106
the indorsements and facsimile signatures of the members of the 107
board of elections on the back of it are visible, and placed and 108
sealed within the identification envelope received from the 109
director of elections for that purpose. Then, the elector shall 110
cause the statement of voter on the outside of the 111
identification envelope to be completed and signed, under 112
penalty of election falsification. 113

If the elector does not provide the elector's driver's 114
license number or the last four digits of the elector's social 115
security number on the statement of voter on the identification 116
envelope, the elector also shall include in the return envelope 117
with the identification envelope a copy of the elector's current 118
valid photo identification, a copy of a military identification, 119
or a copy of a current utility bill, bank statement, government 120
check, paycheck, or other government document, other than a 121
notice of voter registration mailed by a board of elections 122
under section 3503.19 of the Revised Code, that shows the name 123
and address of the elector. 124

The elector shall mail the identification envelope to the 125
director from whom it was received in the return envelope, ~~7~~ 126
~~postage prepaid,~~ or the elector may personally deliver it to the 127
director, or the spouse of the elector, the father, mother, 128
father-in-law, mother-in-law, grandfather, grandmother, brother, 129
or sister of the whole or half blood, or the son, daughter, 130
adopting parent, adopted child, stepparent, stepchild, uncle, 131
aunt, nephew, or niece of the elector may deliver it to the 132
director. The return envelope shall be transmitted to the 133
director in no other manner, except as provided in section 134
3509.08 of the Revised Code. 135

When absent voter's ballots are delivered to an elector at 136
the office of the board, the elector may retire to a voting 137
compartment provided by the board and there mark the ballots. 138
Thereupon, the elector shall fold them, place them in the 139
identification envelope provided, seal the envelope, fill in and 140
sign the statement on the envelope under penalty of election 141
falsification, and deliver the envelope to the director of the 142
board. 143

Except as otherwise provided in division (B) of this 144
section, all other envelopes containing marked absent voter's 145
ballots shall be delivered to the director not later than the 146
close of the polls on the day of an election. Absent voter's 147
ballots delivered to the director later than the times specified 148
shall not be counted, but shall be kept by the board in the 149
sealed identification envelopes in which they are delivered to 150
the director, until the time provided by section 3505.31 of the 151
Revised Code for the destruction of all other ballots used at 152
the election for which ballots were provided, at which time they 153
shall be destroyed. 154

(B) (1) Except as otherwise provided in division (B) (2) of 155
this section, any return envelope that is postmarked prior to 156
the day of the election shall be delivered to the director prior 157
to the eleventh day after the election. Ballots delivered in 158
envelopes postmarked prior to the day of the election that are 159
received after the close of the polls on election day through 160
the tenth day thereafter shall be counted on the eleventh day at 161
the board of elections in the manner provided in divisions (C) 162
and (D) of section 3509.06 of the Revised Code or in the manner 163
provided in division (E) of that section, as applicable. Any 164
such ballots that are received by the director later than the 165
tenth day following the election shall not be counted, but shall 166

be kept by the board in the sealed identification envelopes as 167
provided in division (A) of this section. 168

(2) Division (B)(1) of this section shall not apply to any 169
mail that is postmarked using a postage evidencing system, 170
including a postage meter, as defined in 39 C.F.R. 501.1. 171

Sec. 3511.04. (A) If a director of a board of elections 172
receives an application for uniformed services or overseas 173
absent voter's ballots that does not contain all of the required 174
information, the director promptly shall notify the applicant of 175
the additional information required to be provided by the 176
applicant to complete that application. 177

(B) Not later than the forty-fifth day before the day of 178
each general or primary election, and at the earliest possible 179
time before the day of a special election held on a day other 180
than the day on which a general or primary election is held, the 181
director of the board of elections shall mail, send by facsimile 182
machine, send by electronic mail, send through internet delivery 183
if such delivery is offered by the board of elections or the 184
secretary of state, or otherwise send uniformed services or 185
overseas absent voter's ballots then ready for use as provided 186
for in section 3511.03 of the Revised Code and for which the 187
director has received valid applications prior to that time. 188
Thereafter, and until twelve noon of the third day preceding the 189
day of election, the director shall promptly, upon receipt of 190
valid applications for them, mail, send by facsimile machine, 191
send by electronic mail, send through internet delivery if such 192
delivery is offered by the board of elections or the secretary 193
of state, or otherwise send to the proper persons all uniformed 194
services or overseas absent voter's ballots then ready for use. 195

If, after the seventieth day before the day of a general 196

or primary election, any other question, issue, or candidacy is 197
lawfully ordered submitted to the electors voting at the general 198
or primary election, the board shall promptly provide a separate 199
official issue, special election, or other election ballot for 200
submitting the question, issue, or candidacy to those electors, 201
and the director shall promptly mail, send by facsimile machine, 202
send by electronic mail, send through internet delivery if such 203
delivery is offered by the board of elections or the secretary 204
of state, or otherwise send each such separate ballot to each 205
person to whom the director has previously mailed or sent other 206
uniformed services or overseas absent voter's ballots. 207

A board of elections ~~that mails or otherwise delivers~~ 208
~~uniformed services or overseas absent voter's ballots to an~~ 209
~~elector under this section shall not prepay the return postage~~ 210
~~for those uniformed services or overseas absent voter's ballots~~ 211
mailed or otherwise delivered under this section, unless, under 212
39 U.S.C. 3406, no postage payment is required. The secretary of 213
state shall reimburse a board for the expense to prepay the 214
return postage. In mailing uniformed services or overseas absent 215
voter's ballots, the director shall use the fastest mail service 216
available, but the director shall not mail them by certified 217
mail. 218

Section 2. That existing sections 3509.04, 3509.05, and 219
3511.04 of the Revised Code are hereby repealed. 220

Section 3. That Section 395.20 of Am. Sub. H.B. 49 of the 221
132nd General Assembly, as amended by Am. Sub. S.B. 8 of the 222
132nd General Assembly, be amended to read as follows: 223

Sec. 395.20. CITIZEN EDUCATION PRECINCT ELECTION OFFICIAL 224
TRAINING 225

At the end of FY 2017, an amount equal to the unexpended, 226
unencumbered portion of appropriation item 050602, Citizen 227
Education (Fund 4140) is hereby reappropriated in fiscal year 228
2018 for the same purpose. 229

The foregoing appropriation item 050631, Precinct Election 230
Official Training, shall be used to reimburse county boards of 231
elections for precinct election official (PEO) training pursuant 232
to section 3501.27 of the Revised Code. At the end of fiscal 233
year 2018, an amount equal to the unexpended, unencumbered 234
portion of the foregoing appropriation item 050631, Precinct 235
Election Official Training, is hereby reappropriated in fiscal 236
year 2019 for the same purpose. 237

BOARD OF VOTING MACHINE EXAMINERS 238

The foregoing appropriation item 050610, Board of Voting 239
Machine Examiners, shall be used to pay for the services and 240
expenses of the members of the Board of Voting Machine 241
Examiners, and for other expenses that are authorized to be paid 242
from the Board of Voting Machine Examiners Fund (Fund 4S80) 243
created in section 3506.05 of the Revised Code. Moneys not used 244
shall be returned to the person or entity submitting equipment 245
for examination. If it is determined by the Secretary of State 246
that additional appropriation amounts are necessary, the 247
Secretary of State may request that the Director of Budget and 248
Management approve such amounts. Such amounts are hereby 249
appropriated. 250

BUSINESS SERVICES OPERATING EXPENSES 251

A portion of the foregoing appropriation item 050603, 252
Business Services Operating Expenses, shall be used in each 253
fiscal year to pay the costs associated with the use of space in 254

Department of Administrative Services facilities at the State of	255
Ohio Computer Center.	256
HOLDING ACCOUNT FUND GROUP	257
The foregoing appropriation items 050605, Uniform	258
Commercial Code Refunds, and 050606, Corporate/Business Filing	259
Refunds, shall be used to hold revenues until they are directed	260
to the appropriate accounts or until they are refunded. If it is	261
determined by the Secretary of State that additional	262
appropriation amounts are necessary, the Secretary of State may	263
request that the Director of Budget and Management approve such	264
amounts. Such amounts are hereby appropriated.	265
MISCELLANEOUS FEDERAL GRANTS	266
Appropriation item 050624, Miscellaneous Federal Grants,	267
shall be used to support programs that are supported by federal	268
grants deposited into the Miscellaneous Federal Grants Fund	269
(Fund 3FM0) pursuant to Section 111.28 of the Revised Code.	270
ADDRESS CONFIDENTIALITY PROGRAM	271
Upon the request of the Secretary of State, the Director	272
of Budget and Management may transfer up to \$50,000 per fiscal	273
year in cash from the Business Services Operating Expenses Fund	274
(Fund 5990) to the Address Confidentiality Program Fund (Fund	275
5SN0).	276
LITIGATION RELATED EXPENSES	277
Upon the request of the Secretary of State, the Director	278
of Budget and Management may transfer cash and appropriation	279
from any fund and appropriation item used by the Secretary of	280
State to Litigation Related Expenses Fund (Fund 5QE0)	281
appropriation item 050625, Litigation Related Expenses, or	282

Business Services Operating Expenses Fund (Fund 5990) 283
appropriation item 050628, Litigation Related Expenses. The 284
amounts transferred shall be used to pay for any expenses 285
related to lawsuits or legal proceedings against the Secretary 286
of State. 287

ABSENT VOTER'S BALLOT APPLICATION MAILING 288

Notwithstanding Division (B) of Section 111.31 of the 289
Revised Code, upon the request of the Secretary of State, the 290
Controlling Board shall approve cash transfers from the 291
Controlling Board Emergency Purposes/Contingencies Fund (Fund 292
5KM0) to the Absent Voter's Ballot Application Mailing Fund 293
(Fund 5RG0) to be used by the Secretary of State to pay the 294
costs of printing and mailing unsolicited applications, and all 295
associated return postage costs, for absent voters' ballots for 296
the general election to be held in November 2018. Such amounts 297
are hereby appropriated. 298

BALLOT ADVERTISING COSTS 299

Notwithstanding Division (G) of Section 3501.17 of the 300
Revised Code, upon requests submitted by the Secretary of State, 301
the Controlling Board may approve transfers from the Controlling 302
Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the 303
Statewide Ballot Advertising Fund (Fund 5FH0) in order to pay 304
for the cost of public notices associated with statewide ballot 305
initiatives. 306

Section 4. That existing Section 395.20 of Am. Sub. H.B. 307
49 of the 132nd General Assembly, as amended by Am. Sub. S.B. 8 308
of the 132nd General Assembly, is hereby repealed. 309