

As Introduced

131st General Assembly

Regular Session

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H. B. No. 309

Representative Clyde

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

A BILL

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

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

Section 1. That section 3509.05 of the Revised Code be
amended to read as follows:

Sec. 3509.05. (A) When an elector receives an absent
voter's ballot pursuant to the elector's application or request,
the elector shall, before placing any marks on the ballot, note
whether there are any voting marks on it. If there are any
voting marks, the ballot shall be returned immediately to the
board of elections; otherwise, the elector shall cause the
ballot to be marked, folded in a manner that the stub on it and
the indorsements and facsimile signatures of the members of the
board of elections on the back of it are visible, and placed and
sealed within the identification envelope received from the

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

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

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

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

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

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

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

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

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

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

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

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