

EXHIBIT E

HB234 ELECTIONS (WOLPERT, L) To permit a board of elections, in conjunction with a board of education, the governing authority of a community school, or the chief administrator of a nonpublic school, to establish a program permitting certain high school seniors to serve as precinct officers on the day of an election, and to permit a board of elections to establish such a program for home-instructed students who are in the equivalent of the twelfth year of a one through twelve year instructional program; expands absentee voting.

This Act had been signed by the Governor. Page numbers will not correspond with the final printed version, but the languages remain the same.

Passed : October 18, 2005

Signed by the Governor: October 28, 2005

Effective: January 27, 2006

126th General Assembly

Substitute House Bill Number 234

An Act

Representatives: Wolpert, Kearns, C. Evans, D. Evans, Beatty, Miller, Brown, Distel, S. Smith, Widowfield, Trakas, Boccieri, Hood, Allen, D. Stewart, Law, Uecker, Barrett, Book, Calvert, Carano, Cassell, Chandler, Combs, DeBose, Dolan, Domenick, Flowers, Hartnett, Harwood, Healy, Hoops, Hughes, Key, Koziura, Mason, McGregor, Otterman, T. Patton, Perry, Schneider, Seaver, G. Smith, J. Stewart, Ujvagi, White, Williams, Yuko

Senators: Cates, Niehaus, Mumper, Grendell, Clancy, Coughlin, Goodman, Padgett, Austria, Harris

A BILL

To amend sections 3501.17, 3501.22, 3501.27, 3503.16,	1
3509.02, 3509.03, 3509.031, 3509.04, 3509.05,	2
3509.06, 3509.07, 3509.08, 3511.02, 3511.04,	3
3511.09, 3599.12, 3599.21, and 4109.06 and to	4
enact sections 3509.022, 3509.09, and 3511.13 of	5
the Revised Code to permit a board of elections,	6
in conjunction with a board of education, the	7
governing authority of a community school, or the	8
chief administrator of a nonpublic school, to	9

establish a program permitting certain high school 10
 seniors to serve as precinct officers on the day 11
 of an election, and to revise the law governing 12
 absent voter's ballots and armed service absent 13
 voter's ballots. 14

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

Section 1. That sections 3501.17, 3501.22, 3501.27, 3503.16, 15
 3509.02, 3509.03, 3509.031, 3509.04, 3509.05, 3509.06, 3509.07, 16
 3509.08, 3511.02, 3511.04, 3511.09, 3599.12, 3599.21, and 4109.06 17
 be amended and sections 3509.022, 3509.09, and 3511.13 of the 18
 Revised Code be enacted to read as follows: 19

Sec. 3501.17. (A) The expenses of the board of elections 20
 shall be paid from the county treasury, in pursuance of 21
 appropriations by the board of county commissioners, in the same 22
 manner as other county expenses are paid. If the board of county 23
 commissioners fails to appropriate an amount sufficient to provide 24
 for the necessary and proper expenses of the board of elections 25
 pertaining to the conduct of elections, ~~other than expenses for~~ 26
~~employee compensation and benefits incurred in the conduct of~~ 27
~~elections,~~ the board of elections may apply to the court of common 28
 pleas within the county, which shall fix the amount necessary to 29
 be appropriated and the amount shall be appropriated. Payments 30
 shall be made upon vouchers of the board of elections certified to 31
 by its chairperson or acting chairperson and the director or 32
 deputy director, upon warrants of the county auditor. 33

The board of elections shall not incur any obligation 34
 involving the expenditure of money unless there are moneys 35
 sufficient in the funds appropriated therefor to meet the 36
 obligation as required in division (D) of section 5705.41 of the 37
 Revised Code. If the board of elections requests a transfer of 38
 funds from one of its appropriation items to another, the board of 39

vote at any other location or by absent voter's ballot mailed to 452
any other location or address for that particular election. 453

Sec. 3509.02. (A) Any qualified elector ~~who meets any of the~~ 454
~~following qualifications~~ may vote by absent voter's ballots at an 455
election: 456

~~(1) The elector is sixty two years of age or older.~~ 457

~~(2) The elector's employment as a full time fire fighter,~~ 458
~~full time peace officer as defined in division (B) of section~~ 459
~~2935.01 of the Revised Code, or full time provider of emergency~~ 460
~~medical services may prevent the elector from voting at the~~ 461
~~elector's polling place on the day of the election.~~ 462

~~(3) The elector is a member of the organized militia, serving~~ 463
~~on active duty within this state, and will be unable to vote on~~ 464
~~election day on account of that active duty.~~ 465

~~(4) The elector will be absent from the elector's polling~~ 466
~~place on the day of an election because of the elector's entry or~~ 467
~~the entry of a member of the elector's family into a hospital for~~ 468
~~medical or surgical treatment.~~ 469

~~(5) The elector is confined in a jail or workhouse under~~ 470
~~sentence for a misdemeanor or is awaiting trial on a felony or~~ 471
~~misdemeanor charge.~~ 472

~~(6) The elector will be unable to vote on the day of an~~ 473
~~election on account of observance of the elector's religious~~ 474
~~belief.~~ 475

~~(7) The elector will be absent from the county in which the~~ 476
~~elector's voting residence is located on the day of an election.~~ 477

~~(8) The elector has a physical disability, illness, or~~ 478

infirmity. 479

(B) Any qualified elector who is unable to appear at the 480
office of the board of elections or other location designated by 481
the board on account of personal illness, physical disability, or 482
infirmity, and who moves from one precinct to another within a 483
county or, changes ~~his or her~~ the elector's name and moves from 484
one precinct to another within ~~the~~ a county, or moves from one 485
county to another county within the state, on or prior to the day 486
of a general, primary, or special election and has not filed a 487
notice of change of residence or change of name may vote by absent 488
voter's ballots in that election as specified in division ~~(B) or~~ 489
(G) of section 3503.16 of the Revised Code. ~~Any qualified elector~~ 490
~~who moves from one county to another county within the state on or~~ 491
~~prior to the day of the election at which the elector offers to~~ 492
~~vote and has not filed a notice of change of residence may vote by~~ 493
~~absent voter's ballots at that election as specified in division~~ 494
~~(C) of section 3503.16 of the Revised Code.~~ 495

~~(C) The secretary of state, an employee of the secretary of~~ 496
~~state, a member or employee of the board of elections or any~~ 497
~~person hired by the board to work at the office of the board~~ 498
~~temporarily for a specific election, or a polling place official,~~ 499
~~who is a qualified elector may vote by absent voter's ballots.~~ 500
~~Application shall be made to the board of elections of the county~~ 501
~~where his voting residence is situated.~~ 502

Sec. 3509.022. An overseas voter as defined in 42 U.S.C. 503
1973ff-6, other than an absent uniformed services voter as defined 504
in that statute, may apply for an absent voter's ballot as 505
provided in this chapter. 506

Sec. 3509.03. Except as provided in ~~division (B) or (C) of~~ 507
~~section 3503.16, section 3509.031, or division (B) of section~~ 508
~~3509.08 of the Revised Code,~~ any person qualified elector desiring 509
to vote absent voter's ballots at an election shall make written 510

~~application for such those ballots to the director of elections of~~ 511
~~the county in which such person's the elector's voting residence~~ 512
~~is located. The application need not be in any particular form but~~ 513
~~shall contain words which, liberally construed, indicate the~~ 514
~~request for ballots, the election for which such ballots are~~ 515
~~requested, and, if the request is for primary election ballots,~~ 516
~~the person's party affiliation. The application for such ballots~~ 517
~~shall state that the person requesting the ballots is a qualified~~ 518
~~elector, and the reason for the person's absence from the polls on~~ 519
~~election day. The application shall include sufficient information~~ 520
~~to enable the director to determine the precinct in which the~~ 521
~~applicant's voting residence is located and shall be signed by the~~ 522
~~applicant. If the applicant desires ballots to be mailed to the~~ 523
~~applicant, the application shall state the mailing address all of~~ 524
~~the following:~~ 525

(A) The elector's name; 526

(B) The elector's signature; 527

(C) The address at which the elector is registered to vote; 528

(D) The elector's date of birth; 529

(E) One of the following: 530

(1) The elector's driver's license number; 531

(2) The last four digits of the elector's social security 532
number; 533

(3) A copy of the elector's current and valid photo 534
identification or a copy of a current utility bill, bank 535
statement, government check, paycheck, or other government 536
document that shows the name and address of the elector. 537

(F) A statement identifying the election for which absent voter's ballots are requested; 538
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(G) A statement that the person requesting the ballots is a qualified elector; 540
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(H) If the request is for primary election ballots, the elector's party affiliation; 542
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(I) If the elector desires ballots to be mailed to the elector, the address to which those ballots shall be mailed. 544
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A voter who will be outside the United States on the day of any election during a calendar year may use a single federal post card application to apply for absent voter's ballots. ~~Such~~Those ballots shall be sent to the voter for use at the primary and general elections in that year and any special election to be held on the day in that year specified by division (E) of section 3501.01 of the Revised Code for the holding of a primary election, designated by the general assembly for the purpose of submitting constitutional amendments proposed by the general assembly to the voters of the state unless the voter reports a change in the voter's voting status to the board of elections or the voter's intent to vote in any such election in the precinct in this state where ~~he~~the voter is registered to vote. ~~Such an~~A single federal postcard application shall be processed by the board of elections pursuant to section 3509.04 of the Revised Code the same as if the voter had applied separately for absent voter's ballots for each election. When mailing absent voter's ballots to a voter who applied for them by single federal post card application, the board shall enclose notification to the voter that the voter must report to the board subsequent changes in the voter's voting status or the voter's subsequent intent to vote in any such election in the precinct in this state where the voter is registered to vote. Such notification shall be in a form prescribed by the secretary of state. As used in this section,

"voting status" means the voter's name at the time the voter applied for absent voter's ballots by single federal post card application and the voter's address outside the United States to which the voter requested that ~~such~~those ballots be sent.

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

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