

As Passed by the House

128th General Assembly

Regular Session

2009-2010

Am. Sub. H. B. No. 260

Representatives Stewart, Heard

**Cosponsors: Representatives Book, Domenick, Dyer, Foley, Garland,
Letson, Okey, Skindell, Weddington, Williams, B., Yuko, Belcher, Bolon,
Boyd, Brown, Celeste, Chandler, DeBose, Driehaus, Fende, Garrison, Hagan,
Harris, Harwood, Koziura, Mallory, Murray, Newcomb, Patten, Phillips, Pillich,
Pryor, Szollosi, Ujvagi, Williams, S., Winburn, Yates**

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Revised Code to revise the Election Law.	61
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 133.06, 133.18, 302.03, 302.09,	63
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Sec. 3507.02. Except as otherwise provided in this section, 14598
if a board of elections conducts an election by mail, the board 14599
shall mail an absent voter's ballot application on or before the 14600
forty-fifth day before the day of the election, to each qualified 14601
elector of the county who is entitled to vote on the office, 14602
question, or issue certified for placement on the ballot. A board 14603
of elections shall not mail an absent voter's ballot application 14604
to an elector under this section if the elector has previously 14605
submitted an application for annual absent voter's ballot for that 14606
year and instead shall mail absent voter's ballots for the 14607
election by mail to such an elector. 14608

14609

Sec. 3507.03. If a board of elections conducts an election by 14610
mail, the board shall open its office from 6:30 a.m. until 7:30 14611
p.m. on the day of the election to allow qualified voters to vote 14612
in person and to receive completed absent voter's ballots. The 14613
board shall place a notice at all polling places in the 14614
jurisdiction in which the election by mail is being conducted that 14615
were used at the last regular state election stating the location 14616
of the office of the board of elections, that absent voter's 14617
ballots may be delivered to the office of the board of elections, 14618
and that absent voter's ballots may be cast in person at the 14619
office of the board of elections from 6:30 a.m. until 7:30 p.m. No 14620
other polling places shall be open on the day of the election 14621
conducted as an election by mail. 14622

Sec. 3509.01. (A) The board of elections of each county shall 14623
provide absent voter's ballots for use at every primary and 14624
general election, or special election to be held on the day 14625
specified by division (E) of section 3501.01 of the Revised Code 14626
for the holding of a primary election, designated by the general 14627

assembly for the purpose of submitting constitutional amendments 14628
 proposed by the general assembly to the voters of the state. Those 14629
 ballots shall be the same size, shall be printed on the same kind 14630
 of paper, and shall be in the same form as has been approved for 14631
 use at the election for which those ballots are to be voted+ 14632
~~except that, in counties using marking devices, ballot cards may~~ 14633
~~be used for absent voter's ballots, and those absent voters shall~~ 14634
~~be instructed to record the vote in the manner provided on the~~ 14635
~~ballot cards. In counties where punch card ballots are used, those~~ 14636
~~absent voters shall be instructed to examine their marked ballot~~ 14637
~~cards and to remove any chads that remain partially attached to~~ 14638
~~them before returning them to election officials. The secretary of~~ 14639
~~state shall prescribe uniform standards for absent voter's ballot~~ 14640
~~materials, forms, and content. The boards of elections shall~~ 14641
~~adhere to the standards prescribed by the secretary of state in~~ 14642
~~preparing absent voter's ballots under this chapter.~~ 14643

(B) The rotation of names of candidates and questions and 14644
issues shall be substantially complied with on absent voter's 14645
ballots, within the limitation of time allotted. Those ballots 14646
shall be designated as "Absent Voter's Ballots," and Except as 14647
otherwise provided in division (D) of this section, those ballots 14648
shall be printed and ready for use as follows: 14649

(1) For overseas voters and absent uniformed services voters 14650
eligible to vote under the "Uniformed and Overseas Citizens 14651
Absentee Voting Act," Pub. L. No. 99-410, 100 Stat. 924, 42 U.S.C. 14652
1973ff, et seq., as amended, ballots shall be printed and ready 14653
for use on the ~~thirty-fifth~~ forty-fifth day before the day of the 14654
election, ~~except that those ballots shall be printed and ready for~~ 14655
~~use on the twenty-fifth day before the day of a presidential~~ 14656
~~primary election;~~ 14657

(2) For all voters, other than overseas voters and absent 14658
uniformed services voters, who are applying to vote absent voter's 14659

ballots, ballots shall be printed and ready for use beginning on 14660
the twenty-eighth day before the day of the election and shall 14661
continue to be available for use through noon on the last Monday 14662
before the day of the election. 14663

(C) Absent voter's ballots provided for use at a general or 14664
primary election, or special election to be held on the day 14665
specified by division (E) of section 3501.01 of the Revised Code 14666
for the holding of a primary election, designated by the general 14667
assembly for the purpose of submitting constitutional amendments 14668
proposed by the general assembly to the voters of the state, shall 14669
include only those questions, issues, and candidacies that have 14670
been lawfully ordered submitted to the electors voting at that 14671
election. 14672

(D) Absent voter's ballots for special elections held on days 14673
other than the day on which general or primary elections are held 14674
shall be ready for use as many days before the day of the election 14675
as reasonably possible under the laws governing the holding of 14676
that special election. 14677

(E) A copy of the absent voter's ballots shall be forwarded 14678
by the director of the board in each county to the secretary of 14679
state at least twenty-five days before the election. 14680

~~As used in this section, "chad" and "punch card ballot" have~~ 14681
~~the same meanings as in section 3506.16 of the Revised Code.~~ 14682

Sec. 3509.02. (A) Any qualified elector may vote by absent 14683
voter's ballots at an election. 14684

(B) Any qualified elector who is unable to appear at the 14685
office of the board of elections or, if pursuant to division (C) 14686
of section 3501.10 of the Revised Code the board has designated 14687
~~another location~~ one or more other locations in the county at 14688
which registered electors may vote, at ~~that~~ such other location ~~on~~ 14689