



Lynda J. Jacobsen

Bill Analysis
Legislative Service Commission

S.B. 196

123rd General Assembly
(As Passed by the Senate)

Sens. Watts, Schafrath, Shoemaker, Spada, Drake, Latta, Mallory, Prentiss, Hagan, Herington, Espy, Latell, Wachtmann, Kearns, DiDonato, Fingerhut

BILL SUMMARY

- Permits any qualified elector to vote by absent voter's ballots at an election.
- Eliminates the qualifications that electors are required to meet under current law in order to vote by absent voter's ballots.

CONTENT AND OPERATION

Existing law

Under existing law, any qualified elector who meets any of the following qualifications is permitted to vote by absent voter's ballots (secs. 3509.02(A) and 3509.08(A) and (B)(1)):

- 62 years of age or older;
- Employment as a full-time firefighter, full-time peace officer, or full-time provider of emergency medical services, that may prevent the elector from voting at the elector's polling place on the day of an election;
- A member of the organized militia serving on active duty within Ohio and unable to vote on election day due to that active duty;
- Absence from the polling place on the day of an election because of the entry of the elector or a member of the elector's family into a hospital for surgical or medical treatment;

- Confinement in a jail or workhouse under sentence for a misdemeanor or while awaiting trial on a felony or misdemeanor charge;
- Unable to vote on election day due to observance of the elector's religious belief;
- Absence from the county in which the elector's voting residence is located on the day of an election;
- Physical disability, illness, or infirmity.

Existing law also provides that the Secretary of State, an employee of the Secretary of State, a member or employee of a board of elections, a person hired by a board of elections to work at the board's office temporarily for a specific election, or a polling place official, who is a qualified elector is permitted to vote by absent voter's ballots (sec. 3509.02(C)).

When applying in writing to the "director of elections" of the elector's county of residence to vote by absent voter's ballots, an elector is required, among other things, to *state the reason for the elector's absence from the polls* on election day (sec. 3509.03, first paragraph). The director of elections is required to provide to the elector an identification envelope with the requested absent voter's ballots, which the elector must complete and sign. The *identification statement* on the envelope also lists the previously described qualifications under which an elector may vote absent voter's ballots and requires the elector to identify which qualification applies. The penalty for falsifying any information contained in the identification statement is imprisonment for not more than six months, a fine of not more than \$1,000, or both (the offense of "election falsification"). (Sec. 3509.04.)

Changes proposed by the bill

The bill eliminates the categories of electors permitted by existing law to vote by absent voter's ballots, instead permitting *any qualified elector* to vote by absent voter's ballots (sec. 3509.02(A) and (C)). Additionally, since the bill eliminates the previously listed qualifications for voting by absent voter's ballots, the existing requirement that the application for voting by absent voter's ballots include a statement of the reason for the elector's absence from the polls on election day is also repealed by the bill (sec. 3509.03, first paragraph).

Although an elector will continue to be required to complete and sign an identification statement on the identification envelope provided with the absent voter's ballots, under the bill, the identification statement no longer includes the list of the categories of electors currently permitted to vote by those ballots.

Electors voting by absent voter's ballots under the bill are not required to identify any qualification to vote by those ballots. (Sec. 3509.04.)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced Reported, S. State & Local Government	10-19-99	p. 1083
& Veterans Affairs	04-11-00	p. 1581
Passed Senate (32-0)	04-12-00	p. 1604

S0196-PS.123/jc

