



Lynda J. Jacobsen

*Bill Analysis*  
Legislative Service Commission

## **H.B. 59**

124th General Assembly  
(As Introduced)

**Reps. Schuring, Hagan, Boccieri, Willamowski, Webster, Goodman, Coughlin, Hartnett, Grendell, Faber, Brinkman, Flowers, Kearns, Roman, Patton, Redfern, Jolivet, Collier, Hollister, Manning, Husted, Damschroder, Coates, Olman, Sullivan**

---

### **BILL SUMMARY**

- Requires a person who will be outside of the United States on the day of an election and who is voting an armed service absent voter's ballot to mail that ballot to the director of the board of elections prior to the close of the polls on election day.
- Specifies that, if an armed service absent voter's ballot is received from a voter who will be outside of the United States on election day, the ballot generally must be counted if it is received within the required period, whether or not the ballot is postmarked or contains an illegible postmark.

---

### **CONTENT AND OPERATION**

#### **Existing law**

Existing law requires a voter who receives an armed service absent voter's ballot (1) to answer certain questions on, and to write the voter's signature in a designated place on, the face of an identification envelope into which the ballot must be deposited upon its being marked and (2) to then cause the identification envelope to be placed into the return envelope, sealed in the return envelope, and mailed to the director of the board of elections to whom it is addressed. If the voter will be *outside of the United States* on the day of the election, the voter is required to check a box on the return envelope indicating that fact. To be counted as a valid ballot, a board of elections must receive such a return envelope prior to the 21st day after a presidential primary election or prior to the 11th day after the day of any other election. (Secs. 3511.09 and 3511.11.)

There is no explicit statutory requirement, under existing law, that an armed service absent voter's ballot must be postmarked in order to be counted as a valid

ballot. Section 3511.11 of the Revised Code, however, specifies that an armed service absent voter's ballot received from a voter who will be outside of the United States on election day that is "postmarked or signed after the close of the polls on election day" must not be counted. The Secretary of State has interpreted this to create an implied postmarking requirement, specifying, in Advisory 2000-03, issued on September 15, 2000, that "[a]bsentee ballots voted by military personnel living outside the U.S. must be postmarked by the date of the election . . . ."

**Changes proposed by the bill**

In addition to the existing requirements to which a person voting an armed service absent voter's ballot from outside of the United States must adhere, the bill requires such a voter to mail the return envelope to the director of the board of elections *prior to the close of the polls on election day* (sec. 3511.09). A return envelope that indicates that the voter will be outside of the United States on election day is not required to be postmarked for the ballot contained in it to be valid. If an armed service absent voter's ballot is mailed in a return envelope that indicates that the voter will be outside of the United States on election day, the ballot generally must be counted if it is received prior to the 21st day after a presidential primary election or prior to the 11th day after any other election, *whether or not it is postmarked or contains an illegible postmark*. If, however, as under existing law, the return envelope is postmarked, or the identification envelope in it is signed, after the close of the polls on election day, then the armed service absent voter's ballot must not be counted. (Sec. 3511.11.)

---

**HISTORY**

ACTION	DATE	JOURNAL ENTRY
Introduced	02-01-01	p. 114

h0059-i.124/kl