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Bill Analysis
Legislative Service Commission

H.B. 140

124th General Assembly
(As Introduced)

Reps. Rhine, Allen, Redfern, D. Miller, Key, DePiero, Boccieri, Patton, Strahorn, Flannery, Perry, Seaver, Carano, Barrett, Woodard, Coates, Wilson

BILL SUMMARY

- Adds to the list of legal holidays for which state, county, and township government and nonteaching school employees are entitled to holiday pay, and on which schools may be dismissed, the first Tuesday after the first Monday in November in each even-numbered year, known as a general election day.
- Requires polls to be open on the day of an election from 5:30 a.m. through 9:00 p.m.
- 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

State holidays

Existing law

Under existing law, the following days are *legal holidays*, for which state, county, township, and nonteaching school employees generally are entitled to eight hours of *holiday pay*, and on which boards of education may dismiss the schools under their control (secs. 1.14, 124.19, 325.19, 511.10, 3313.63, and 3319.087):

- January 1, known as New Year's Day
- The third Monday in January, known as Martin Luther King Day

- The third Monday in February, known as Washington-Lincoln Day
- The day designated by federal law for the commemoration of Memorial Day
- July 4, known as Independence Day
- The first Monday in September, known as Labor Day
- The second Monday in October, known as Columbus Day
- November 11, known as Veteran's Day
- The fourth Thursday in November, known as Thanksgiving Day
- December 25, known as Christmas Day
- Any day appointed and recommended by the Governor or the President of the United States as a holiday

Existing law also specifies that the first Tuesday after the first Monday in November of *each year*, between the hours of 12:00 p.m. and 5:30 p.m., Eastern Standard Time, is a legal holiday. State, county, township, and nonteaching school employees are not entitled, however, to holiday pay for that 5½ hour period on what is commonly referred to as "general election" day. (Sec. 5.20.)

Changes proposed by the bill

The bill adds to the listed legal holidays the first Tuesday after the first Monday in November in *each even-numbered year*, known as a general election day. Thus, on that day, state, county, township, and nonteaching school employees will be entitled to eight hours of holiday pay, and boards of education may dismiss the schools under their control. The first Tuesday after the first Monday in *each odd-numbered year*, between the hours of 12:00 p.m. and 5:30 p.m., Eastern Standard Time, remains a legal holiday (without holiday pay) under the bill. (Secs. 1.14, 5.20, 124.19, 325.19, 511.10, 3313.63, and 3319.087.)

Poll hours

Under existing law, polls generally are open on the day of an election from 6:30 a.m. through 7:30 p.m. If there are voters in line to cast their ballots at 7:30 p.m., the polls must be kept open until the waiting voters have voted. Any polling place located on an island not connected to the mainland by a highway or a bridge is permitted to close earlier than 7:30 p.m. if all registered voters in that precinct have voted. (Sec. 3501.32.)

The bill changes the hours that the polls generally must be open on the day of an election, requiring the polls to be opened at 5:30 a.m. and closed at 9:00 p.m., subject to the "waiting voters" exception mentioned above. A polling place located on an island not connected to the mainland by a highway or bridge is permitted to close earlier than 9:00 p.m., if all registered voters in that precinct have voted. (Sec. 3501.32.)

Qualifications for absent voter's ballots

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 fire-fighter, 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 (sec. 3509.04).

Existing law incorrectly identifies the penalty for falsifying any information contained in the identification statement (the offense of "election falsification") as imprisonment for not more than six months, a fine of not more than \$1,000, or both. Election falsification, under existing law, is a felony of the fifth degree. (Secs. 3509.04; 3599.36--not in the bill.)

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.)

The bill also changes the incorrect reference to the penalty for election falsification to reflect existing law's "felony of the fifth degree" status of that offense (sec. 3509.04).

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	03-06-01	p. 209

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