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Bill Analysis
Legislative Service Commission

S.B. 13*

124th General Assembly

(As Reported by S. State & Local Government & Veterans Affairs)

Sen. Oelslager

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, regardless of whether 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 to answer certain questions on and to sign the face of an identification envelope into which the ballot must be deposited, and to place the identification envelope into a return envelope and mail it 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. 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 in order for the armed service absent voter's ballot contained in it to be counted as a valid ballot. (Secs. 3511.09 and 3511.11.)

* *This analysis was prepared before the report of the Senate State and Local Government and Veterans Affairs Committee appeared in the Senate Journal. Note that the list of co-sponsors and legislative history may be incomplete.*

There is no explicit statutory requirement that an armed service absent voter's ballot must be postmarked in order to be counted as a valid ballot. But, section 3511.11 of the Revised Code 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 provision as implying a postmarking requirement. The Secretary of State, in Advisory 2000-03, issued on September 15, 2000, stated 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

The bill requires a person voting by an armed service absent voter's ballot, in addition to meeting other requirements, 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 the voter will be outside of the United States on election day is not required to be postmarked in order for the armed service absent voter's ballot to be valid. In addition, if an armed service absent voter's ballot is mailed in a return envelope that indicates 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, such a return envelope is postmarked or the identification envelope in it is signed after the polls close on election day, the armed service absent voter's ballot must not be counted. (Sec. 3511.11.)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	01-30-01	p. 92
Reported, S. State & Local Govt & Veterans Affairs	---	---

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