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Bill Analysis
Legislative Service Commission

H.B. 336

125th General Assembly
(As Introduced)

Reps. Brown, Bocchieri, Latta, Seaver, Book, Beatty, Strahorn, S. Patton, Driehaus, Redfern, Distel, Allen, Sykes, Perry, Ujvagi, Barrett, Key, Olman, Price

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

General procedure

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).

Under this general procedure, the director of elections must deliver absent voter's ballots to qualified electors in person or by special delivery mail, air mail, or regular mail (sec. 3509.04).

Additional procedures

Existing law provides two additional procedures for voting by absent voter's ballots for certain voters. One additional procedure applies to voters who will be unable to travel to the voting booth in their precinct on election day on account of personal illness, physical disability, or infirmity, or on account of confinement in a jail or workhouse under sentence for a misdemeanor or awaiting trial on a felony or misdemeanor. Generally, upon application, an absent voter's ballot may be mailed to such an elector at the person's voting residence or place of confinement, or the board of elections may designate two board employees, one from each major political party, for the purpose of delivering the ballot to the elector and returning it to the board. Disabled or confined electors who are unable

to mark a ballot due to physical infirmity also may receive assistance in marking the ballot from those board employees. (Sec. 3509.08(A).)

The second additional procedure applies to qualified electors who are unable to travel to the voting booth in their precinct on election day because of being confined in a hospital as a result of an accident or unforeseeable medical emergency. An absent voter's ballot generally must be delivered to such an applicant via a family member (if requested), or by two board employees as described above, or by mail. (Sec. 3509.08(B)(1).)

Changes proposed by the bill

General procedure

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.)

Additional procedures

The bill generally retains the additional procedures for voting by absent voter's ballots available to electors who will be unable to travel to the voting booth in their precinct on election day on account of personal illness, physical disability, or infirmity, on account of confinement in a jail or workhouse under sentence for a misdemeanor or awaiting trial on a felony or misdemeanor, or on account of being confined in a hospital as a result of an accident or unforeseeable medical emergency. A ballot may be delivered to such a voter as described under "**Existing law: Additional procedures**," above with assistance being provided to the voter who is unable to mark the ballot due to physical infirmity. But, under the bill, in addition to these procedures, such a voter who needs no assistance to vote or to return absent voter's ballots to the board of elections may apply for absent voter's ballots under the "**General procedure**" as modified by the bill instead of applying for them under the applicable additional procedure. (Sec. 3509.08(C).)

HISTORY

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