



Ohio Legislative Service Commission

Final Analysis

Lynda J. Jacobsen

Am. Sub. H.B. 224 129th General Assembly (As Passed by the General Assembly)

- Reps.** Dovilla and Stinziano, Mecklenborg, J. Adams, Rosenberger, Pillich, Thompson, Wachtmann, Grossman, Combs, Murray, Butler, Maag, Uecker, Buchy, Celeste, Gardner, Huffman, Letson, Lundy, Patmon, Sprague, R. Adams, Amstutz, Anielski, Antonio, Ashford, Baker, Balderson, Barnes, Beck, Blair, Blessing, Boose, Boyd, Brenner, Bubp, Budish, Carney, Clyde, Conditt, Damschroder, DeGeeter, Derickson, Driehaus, Duffey, Garland, Gentile, Gerberry, Goyal, Hackett, C. Hagan, R. Hagan, Hall, Hayes, Heard, Henne, Hottinger, Johnson, Kozlowski, Landis, Mallory, Martin, McClain, McGregor, McKenney, Milkovich, Newbold, O'Brien, Peterson, Phillips, Reece, Roegner, Ruhl, Schuring, Sears, Slaby, Stautberg, Stebelton, Sykes, Szollosi, Weddington, Winburn, Young, Yuko, Batchelder
- Sens.** Grendell, Turner, Brown, Jordan, Bacon, Coley, Daniels, Faber, Hite, Hughes, LaRose, Lehner, Manning, Niehaus, Oelslager, Patton, Sawyer, Schaffer, Wagoner, Widener, Wilson

Effective date: October 27, 2011; emergency for Sections 3 and 4 effective July 27, 2011

ACT SUMMARY

Uniformed services and overseas absent voting

- Permits a uniformed services or overseas voter to request absent voter's ballots by electronic mail or through Internet delivery, if such delivery is offered by the board of elections or the Secretary of State.
- Permits a uniformed services or overseas voter to specify that the voter would like to receive absent voter's ballots through the Internet, and requires the board of elections to send those ballots by electronic mail or, if Internet delivery is offered by the board of elections or the Secretary of State, through Internet delivery.¹

* This version updates the effective date of the act.

¹ R.C. 3511.02, 3511.021, and 3511.04.

- Permits a uniformed services or overseas voter to use the declaration accompanying a Federal Write-In Absentee Ballot to apply to register to vote simultaneously with the submission of the Federal Write-In Absentee Ballot.
- Specifies that if the declaration is received later than 30 days before an election, the declaration is to be considered an application to register to vote for all subsequent elections.
- Requires a board of elections to accept the Federal Write-In Absentee Ballot for all elections and for all federal, state, or local offices and for all ballot questions and issues.²
- Permits the Governor directly, or by delegation to the Secretary of State, to prescribe, by emergency order or rule, a special procedure or requirement as may be necessary to facilitate absent voting by absent uniformed services voters or overseas voters who are directly affected by armed conflicts or other emergencies that make substantial compliance with the federal Uniformed Overseas Citizen Absentee Voting Act impossible or impracticable.
- Requires the Secretary of State to take reasonable steps to provide absent uniformed services or overseas voters with timely notice of any such special procedure or requirement.³
- Adds daughters-in-law and sons-in-law to the list of family members who are permitted to request an absent voter's ballot for a uniformed services or overseas voter.⁴
- Expands the list of individuals who are eligible to vote uniformed services and overseas absent voter's ballots in Ohio beyond those required under federal law.⁵
- Specifies that an individual who moves out of Ohio to another country does not lose the person's residence in Ohio for the purpose of voting.⁶
- Permits an American citizen who was born in another country and who has never resided in Ohio to vote in Ohio if the person's parent or legal guardian resided in

² R.C. 3511.14.

³ R.C. 3511.15.

⁴ R.C. 3511.02.

⁵ R.C. 3511.01 and 3511.011.

⁶ R.C. 3503.02.

Ohio for at least 30 days prior to leaving the United States and the person has not established residency in another state.

- Specifies that the voting residence of such a person must be considered to be the last place of residence of the person's parent or guardian immediately before the parent or guardian left the United States.⁷
- Specifies that, if an address that is considered to be the voting residence of such a person ceases to be recognized as a residential address, the board of elections must assign an address to the person for voting purposes.⁸
- Eliminates a provision of existing law establishing a separate application process for members of the organized militia on duty in Ohio to apply for absent voter's ballots, and instead permits them to apply for, and vote, uniformed services and overseas absent voter's ballots.⁹
- Requires a board of elections that receives an application for absent voter's ballots under the general Absent Voting Law to treat the applicant as having applied for uniformed services or overseas absent voter's ballots, if it is apparent to the board that the absent voter is a uniformed services or overseas voter.¹⁰
- Requires a uniformed services or overseas absent voter's ballot to be submitted for mailing not later than 12:01 a.m. at the place where the voter completes the ballot, on the date of the election.¹¹
- Specifies that a uniformed services or overseas absent voter's ballot that is received within 10 days after the election is eligible to be counted if the voter signed the identification envelope by the deadline for mailing, regardless of whether the envelope is postmarked, contains a late postmark, or contains an illegible postmark.
- Eliminates a provision of current law that prohibits a uniformed services or overseas absent voter's ballot that is received after the election from being counted if it is postmarked using a postage meter.¹²

⁷ R.C. 3503.02, 3511.01, 3511.02, and 3511.011.

⁸ R.C. 3503.02.

⁹ R.C. 3509.021, 3509.03, 3509.04, and 3511.01, and repeal of R.C. 3509.031.

¹⁰ R.C. 3509.10.

¹¹ R.C. 3511.09.

¹² R.C. 3511.11.

- Requires the board of elections of each county to prepare an election notice for each precinct, at least 100 days before the day of a regularly scheduled election, that identifies the ballot questions and issues and all federal, state, and local offices that the board expects to be on the ballot at that election.
- Requires the election notice to contain instructions on how a uniformed services or overseas absent voter may indicate on the federal write-in absentee ballot the voter's choice for each office and issue expected to appear on the ballot.
- Permits a uniformed services or overseas voter to request a copy of the election notice, and requires a board of elections that receives such a request to send the notice by facsimile transmission, electronic mail, or regular mail, as the voter requests.
- Requires the board of elections to update the election notice with the certified candidates for each office and the ballot questions and issues as soon as the form of the ballot is certified, and requires the board to make that notice publicly available.
- Requires a board of elections that maintains an Internet web site to make the election notice and updated versions of the election notice regularly available on that web site.¹³

Online voter registration

- Repeals a provision of Am. Sub. H.B. 194 of the 129th General Assembly that would have permitted individuals to register to vote or update their voter registration information online through the Internet.¹⁴

Use of Social Security number for election purposes

- Requires an individual who uses the individual's Social Security number for election purposes to provide the last four digits of that number, instead of the full nine digits, as required by Am. Sub. H.B. 194 of the 129th General Assembly.¹⁵

¹³ R.C. 3511.16.

¹⁴ Repeal of R.C. 3503.20.

¹⁵ R.C. 3503.14, 3503.19, 3503.28, 3505.18, 3505.183, 3509.021, 3509.03, 3509.04, 3509.05, 3511.02, 3511.05, and 3511.09.

- Declares an emergency with respect to the prior provision, to ensure that voters are not disenfranchised by a temporary change from four digits to nine digits due to the interaction between Am. Sub. H.B. 194 and this act.¹⁶
- Specifies that any part of a Social Security number of an elector or an applicant for voter registration is not a public record.¹⁷

Process for casting a provisional ballot without identification

- Eliminates a provision of Am. Sub. H.B. 194 of the 129th General Assembly that would have permitted a voter who does not have identification at the polling place to provide identification to the board of elections before the close of the polls.
- Requires a provisional voter to provide identification, or one of the following, at the time the person casts a provisional ballot, for that ballot to be eligible to be counted: the last four digits of the elector's Social Security number, the elector's driver's license number, or the elector's state identification card number.¹⁸
- Eliminates a provision of Am. Sub. H.B. 194 of the 129th General Assembly that would have required a provisional voter's Social Security number to be verified with the Bureau of Motor Vehicles, and instead requires the board of elections to compare the information received from the provisional voter with the voter's information statewide voter registration database.¹⁹

Required fields on absent voting ballot envelopes

- Prohibits an absent voter's ballot from being accepted or counted, if the identification envelope statement of voter does not contain the voter's printed name.²⁰

Technical corrections

- Eliminates a reference to an elector voting a provisional ballot because the election officials determine that the elector is not affiliated with the political party whose ballot the elector wishes to vote, since Am. Sub. H.B. 194 of the 129th General

¹⁶ Sections 3 and 4 of the act.

¹⁷ R.C. 3501.13.

¹⁸ R.C. 3505.18 and 3505.183.

¹⁹ R.C. 3505.18 and 3505.183.

²⁰ R.C. 3509.07.

Assembly repealed the provisions of law permitting an elector to be challenged based on party affiliation.²¹

- Corrects two sections of law that specify the deadline for requesting an absent voter's ballot in person to reflect the deadline recently established in Am. Sub. H.B. 194 of the 129th General Assembly.²²
- Updates several sections of the Revised Code to reflect the versions of those sections recently enacted by Am. Sub. H.B. 194 of the 129th General Assembly.²³

HISTORY

ACTION	DATE
Introduced	05-11-11
Reported, H. State Government and Elections	06-15-11
Passed House (96-0)	06-23-11
Reported, S. State & Local Gov't & Veterans Affairs	07-13-11
Passed Senate (29-0)	07-13-11
House concurred in Senate amendments (92-0)	07-13-11

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²¹ R.C. 3505.181.

²² R.C. 3509.03 and 3511.02.

²³ R.C. 3511.02, 3511.04, and 3511.14.

