# Ohio Legislative Service Commission

## Bill Analysis

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# H.B. 224

129th General Assembly
(As Introduced)

**Reps.** Dovilla and Stinziano, Mecklenborg, J. Adams, Rosenberger, Pillich, Thompson, Wachtmann, Grossman, Combs, Murray, Butler, Maag, Uecker

## BILL SUMMARY

- 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 Director of 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.

- 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.

- 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.

- 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.

- 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.

## CONTENT AND OPERATION

### Uniformed services and overseas voters request and receive ballots online

The bill 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. Electronic mail or Internet requests are in addition to the various ways in which a uniformed services or overseas voter may request absent voter's ballots under current law. Currently, those ballots may be requested in person, by mail, by facsimile machine, through specified close family members, or "electronically." Current law, however, does not specify what constitutes an electronic request. Thus, the bill clarifies current law by permitting an e-mail or Internet request for ballots, rather than an "electronic" request.[1]

The bill also allows a uniformed services or overseas absent voter to specify that they would like to receive their ballots through the Internet. The elector may provide the elector's electronic mail address in order for the ballots to be sent by electronic mail. And, if a board of elections or the Secretary of State offers ballots through Internet delivery, the elector may provide the elector's Internet contact information to receive those ballots.[2] If a uniformed services or overseas voter requests that ballots be sent by electronic mail, the Director of the board of elections must send the ballots to the absent voter in that manner. And, if the board of elections or the Secretary of State offers other Internet delivery of ballots, they must be sent to the uniformed services or overseas absent voter through the Internet delivery system.[3]

### Federal Write-In Absentee Ballot as voter registration form and absent voter's ballot

The bill 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, if the declaration is received not later than 30 days before the day of the election. (The Ohio Constitution requires a person to be registered to vote 30 days before an election.) If the declaration is received after that date, the declaration is to be considered an application to register to vote for all subsequent elections.[4]

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[1] R.C. 3511.02 and 3511.021.

[2] R.C. 3511.02.

[3] R.C. 3511.02 and 3511.04.

[4] R.C. 3511.14(B).

## Use of Federal Write-In Absentee Ballot for state and local elections

Under the bill, a board of elections must 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. Federal election law only requires the ballot to be used for federal elections. The bill expands this provision to require the ballot to be accepted for all state and local elections as well as federal elections.[5]

## Election procedures for voters in armed conflicts or other emergencies

If an international, national, state, or local emergency or other situation arises that makes substantial compliance with the federal law governing absentee ballots for uniformed services or overseas voters impossible or impracticable, as confirmed by any of the following, the Governor directly, or by delegation to the Secretary of State, may prescribe, by emergency order or rule, a special procedure or requirement as may be necessary to facilitate absent voting by those absent uniformed services voters or overseas voters directly affected who are eligible to vote in this state:

- The existence of armed conflict involving United States armed forces or the mobilization of those forces, including Ohio national guard and reserve component members of this state;
- The occurrence of a natural disaster;
- The existence of a state of emergency, civil unrest, war, or other exigency in a foreign country; or
- An official declaration by the Governor that a state of emergency exists.

In such case, the Secretary of State shall take reasonable steps to provide absent uniformed services or overseas voters with timely notice of any special procedure or requirement prescribed for voting.[6]

## Persons eligible to request ballots for uniformed services or overseas voters

The bill 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. Under continuing law, the following family members of a uniformed services or overseas voter may request absent voter's ballots on the person's behalf:

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[5] R.C. 3511.14(A).

[6] R.C. 3511.15.

spouse, father, mother, father-in-law, mother-in-law, grandfather, grandmother, brother or sister of the whole blood or half blood, son, daughter, adopting parent, adopted child, stepparent, stepchild, uncle, aunt, nephew, or niece.[7]

## HISTORY

| ACTION | DATE |
| --- | --- |
| Introduced | 05-11-11 |

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[7] R.C. 3511.02(C).