



Ohio Legislative Service Commission

Bill Analysis

Emily E. Wendel

H.B. 250

130th General Assembly
(As Introduced)

Reps. Becker, Lynch, Brenner, J. Adams

BILL SUMMARY

- Requires absent voter's ballots for all electors to be available for use in person at the office of a board of elections beginning on the 17th day before the day of an election, instead of the 35th day before the day of an election, and ending at 6 p.m. on the last Friday before the day of the election.
- Requires generally that absent voter's ballots be available for use other than in person beginning on the 17th day before the day of an election, instead of the 35th day before the day of an election.
- Requires that uniformed services and overseas absent voter's ballots be available for use other than in person beginning on the 45th day before the day of an election, as under current law.

CONTENT AND OPERATION

In-person absent voting

The bill shortens the period during which absent voter's ballots must be available for use in person at the office of a board of elections. Under the bill, absent voter's ballots, including uniformed services and overseas absent voter's ballots, must be available for use in person beginning on the 17th day before the day of an election and ending at 6 p.m. on the last Friday before the day of the election.

The existing statute generally requires absent voter's ballots to be available for use in person beginning on the 35th day before the day of an election, and ending at 6 p.m. on the last Friday before the day of the election. However, under the terms of a federal preliminary injunction, all electors currently may cast absent voter's ballots in person on the Saturday, Sunday, and Monday before Election Day (see **COMMENT**).

Under current law, uniformed services and overseas absent voter's ballots must be ready for use on the 45th day before the day of an election. Existing law allows a uniformed services or overseas absent voter to cast absent voter's ballots in person at the office of the board of elections after the 35th day before an election and not later than the close of the polls on the day of the election.¹

Absent voting other than in person

The bill also reduces the period during which absent voter's ballots must be available for use other than in person. Under the bill, absent voter's ballots, other than uniformed services and overseas absent voter's ballots, must be available for use other than in person beginning on the 17th day before the day of an election. Under current law, those ballots must be available on the 35th day before the day of the election.

The bill does not change the period during which uniformed services and overseas absent voter's ballots must be available for use other than in person. Under continuing law, those ballots must be ready for use on the 45th day before the day of an election.² (Federal law requires uniformed services and overseas absent voter's ballots for a federal election to be available not later than 45 days before that election.)³

COMMENT

A federal court has issued a preliminary injunction requiring that all electors be permitted to cast absent voter's ballots in person on the Saturday, Sunday, and Monday before Election Day. The court found that the existing statute likely violates the Equal Protection clause of the Fourteenth Amendment because it allows uniformed services and overseas absent electors, but not other electors, to cast absent voter's ballots in person on those days. The court has not issued a final ruling, and this issue is still being litigated.⁴

¹ R.C. 3509.01(B)(3), 3509.03 (not in the bill), 3511.02 (not in the bill), and 3511.10.

² R.C. 3509.01(B)(1).

³ 42 U.S.C. 1973ff-1(a)(8).

⁴ *Obama for America v. Husted*, 888 F. Supp. 2d 897 (S.D. Ohio 2012). Affirmed in *Obama for America v. Husted*, 697 F.3d 423 (6th Cir. 2012); stay of ruling denied in *Husted v. Obama for America*, 133 S. Ct. 497 (2012).



HISTORY

ACTION

DATE

Introduced

08-21-13

H0250-I-130.docx/ks

