



# Ohio Legislative Service Commission

## Bill Analysis

Lynda J. Jacobsen

### S.B. 205

130th General Assembly  
(As Introduced)

Sens. Coley, Seitz

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## BILL SUMMARY

- Permits the Secretary of State to mail unsolicited applications for absent voter's ballots only in even-numbered years and only if the General Assembly has made an appropriation for that purpose.
- Prohibits any other public official or employee, and any public office, from mailing any unsolicited applications for absent voter's ballots.
- Prohibits a board of elections from prepaying the return postage for any application for absent voter's ballots and for any absent voter's ballots that it delivers to an elector.
- Generally prohibits an election official from completing any portion of an absent voter's ballot application, or from completing any portion of an absent voter's ballot or absent voter's ballot identification envelope, on behalf of a voter.
- Permits a disabled or illiterate elector to receive assistance in the marking of the voter's ballot and the completion of the absent voter's ballot identification envelope.
- Allows a person's right to vote to be challenged on the ground that the identification statement of voter has not been completed, and specifies that, if the election officials find that the statement accompanying an absent voter's ballot is *incomplete* or insufficient, the vote must not be accepted or counted.

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## CONTENT AND OPERATION

### Postage and mailing of absent voter's ballots and applications

#### Unsolicited applications for absent voter's ballots

The bill permits the Secretary of State to mail unsolicited applications for absent voter's ballots to individuals only under the following circumstances:<sup>1</sup>

- The applications may be mailed only in an even-numbered year.
- The applications may be mailed only if the General Assembly has made an appropriation for that purpose.

Under no other circumstance may a public official or employee or any public office mail any unsolicited applications for absent voter's ballots to individuals.<sup>2</sup>

#### Return postage

The bill prohibits a board of elections from prepaying the return postage when it delivers any of the following to an elector:

- An application for absent voter's ballots;<sup>3</sup>
- Absent voter's ballots;<sup>4</sup>
- A federal post card application or another application for uniformed services or overseas absent voter's ballots;<sup>5</sup>
- Uniformed services or overseas absent voter's ballots.<sup>6</sup>

Continuing law requires absent voter's ballots that are returned by mail to be sent postage prepaid, but does not include any language specifying who is responsible for prepaying that postage.<sup>7</sup>

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<sup>1</sup> R.C. 3501.05.

<sup>2</sup> R.C. 3501.05.

<sup>3</sup> R.C. 3509.03.

<sup>4</sup> R.C. 3509.04.

<sup>5</sup> R.C. 3511.02.

<sup>6</sup> R.C. 3511.04.

<sup>7</sup> R.C. 3509.05—not in the bill.



## **Completion of absent voter's ballots and applications**

The bill generally prohibits an election official from completing any portion of an absent voter's ballot application, or from completing any portion of an absent voter's ballot or absent voter's ballot identification envelope, on behalf of a voter.<sup>8</sup> The bill makes an exception, however, for assistance provided to a disabled or illiterate elector (see "**Assistance for disabled or illiterate electors casting absent voter's ballots,**" below).

## **Rejection of absent voter's ballots with incomplete identification envelopes**

The bill allows a person's right to vote to be challenged on the ground that the identification statement of voter has not been completed. If the election officials find that the statement accompanying an absent voter's ballot is *incomplete* or insufficient, the vote must not be accepted or counted.

Continuing law permits an absent voter's right to vote to be challenged on the ground that the signature on the envelope is not the same as the signature on the registration form or upon any of the other grounds for which the right of persons to vote may be lawfully challenged. If the election officials find that the statement accompanying the ballot is insufficient, the vote must not be accepted or counted.<sup>9</sup>

## **Assistance for disabled or illiterate electors casting absent voter's ballots**

The bill expands the provision of current law that permits a disabled elector to receive assistance in casting the elector's ballot. Under the bill, an elector who does both of the following may be accompanied in the voting booth and aided by any person of the elector's choice, other than the elector's employer, an agent of the elector's employer, or an officer or agent of the elector's union, if any:

(1) Appears to vote on the day of an election or appears at the office of the board of elections to cast absent voter's ballots in person; and

(2) Declares to the presiding judge of elections or to the election official who is accepting applications to cast absent voter's ballots in person that the elector is unable to mark the elector's ballot by reason of blindness, disability, or illiteracy.

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<sup>8</sup> R.C. 3509.03, 3509.04, 3511.02, 3511.05(E), and 3511.10.

<sup>9</sup> R.C. 3509.06(D) and 3509.07.



Under current law, electors may receive assistance in the same manner only at a polling place on the day of an election.<sup>10</sup>

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## HISTORY

ACTION	DATE
Introduced	10-10-13

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<sup>10</sup> R.C. 3505.24.

