



Ohio Legislative Service Commission

Bill Analysis

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Sub. S.B. 205

130th General Assembly
(As Passed by the Senate)

Sens. Coley, Seitz, Burke, Eklund, Jordan, Uecker

BILL SUMMARY

- Permits the Secretary of State to mail unsolicited applications for absent voter's ballots only for a general election and only if the General Assembly has made an appropriation for that particular mailing.
- Prohibits any other public official or employee who is acting in an official capacity, and any public office, from mailing any unsolicited applications for absent voter's ballots.
- Permits the Secretary of State to send unsolicited applications for absent voter's ballots for elections in 2014, regardless of whether the General Assembly has made an appropriation for that purpose.
- 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 filling out any portion of an absent voter's ballot application, or from filling out any portion of an absent voter's ballot or absent voter's ballot identification envelope, on behalf of a voter.
- Allows the Secretary of State or a board of elections to preprint an applicant's name and address on an application for absent voter's ballots before mailing that application to the applicant.
- Permits a board of elections to preprint an elector's name and address on an absent voter's ballot identification envelope before mailing the ballots to the elector.

- 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 is incomplete, 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.
- Specifies the circumstances under which an absent voter's ballot identification envelope must be considered incomplete.

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:¹

- The applications may be mailed only for a general election.
- The applications may be mailed only if the General Assembly has made an appropriation for that particular mailing.

Under no other circumstance may a public official or employee who is acting in an official capacity or any public office mail unsolicited applications for absent voter's ballots to any individuals.²

For 2014, the bill makes an exception to this general rule. Under the bill, the Secretary of State may mail unsolicited applications for absent voter's ballots to individuals for elections occurring in 2014, regardless of whether the General Assembly has made an appropriation for that purpose.³

Return postage

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

¹ R.C. 3501.05.

² R.C. 3501.05.

³ Section 3 of the bill.



- An application for absent voter's ballots;⁴
- Absent voter's ballots;⁵
- A federal post card application or another application for uniformed services or overseas absent voter's ballots;⁶
- Uniformed services or overseas absent voter's ballots.⁷

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.⁸

Completion of absent voter's ballots and applications

The bill generally prohibits an election official from filling out any portion of an absent voter's ballot application, or from filling out any portion of an absent voter's ballot or absent voter's ballot identification envelope, on behalf of a voter. However, the bill permits the Secretary of State or a board of elections to preprint an applicant's name and address on an application for absent voter's ballots before mailing that application to an applicant. And, the bill allows a board to preprint an elector's name and address on an absent voter's ballot identification envelope before mailing the ballots to the elector.⁹ The bill also makes an exception 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 is incomplete. 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.

⁴ R.C. 3509.03.

⁵ R.C. 3509.04.

⁶ R.C. 3511.02.

⁷ R.C. 3511.04.

⁸ R.C. 3509.05, not in the bill.

⁹ R.C. 3509.03, 3509.04, 3511.02, 3511.05(E), and 3511.10.



Under the bill, an absent voter's ballot identification envelope must be considered incomplete if it does not include all of the following:

- The voter's name;
- The voter's residence address;
- The voter's date of birth;
- The voter's signature; and
- One of the following forms of identification, which the bill does not change:
 - The voter's driver's license number;
 - The last four digits of the voter's Social Security number; or
 - A copy of a current and valid photo identification, a military identification, or a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of voter registration mailed by a board of elections, that shows the voter's name and address.

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.¹⁰

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

¹⁰ R.C. 3509.06(D) and 3509.07.

(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.

Under current law, electors may receive assistance in the same manner only at a polling place on the day of an election.¹¹

HISTORY

ACTION	DATE
Introduced	10-10-13
Reported, S. State Gov't Oversight & Reform	11-06-13
Passed Senate (22-11)	11-06-13

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¹¹ R.C. 3505.24.

