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# OHIO LEGISLATIVE SERVICE COMMISSION

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135<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsor:** Rep. Skindell

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### SUMMARY

- Creates a permanent absent voter list in each county, maintained by the board of elections.
- Requires boards of elections to mail absent voter ballot applications to each person on the permanent absent voter list no later than 45 days before the close of voter registration for each election.
- Permits an elector to request to be on the permanent absent voter list via written application, or by checking the appropriate box when registering to vote or requesting an absent voter ballot application, and permits an elector to request to be removed from the permanent absent voter list.
- Requires the Secretary of State to include information on the permanent absent voter list in the Secretary's informational brochure regarding voter registration.

### DETAILED ANALYSIS

#### Permanent absent voter list

The bill requires the board of elections of each county to establish and maintain a permanent absent voter list, including those who have applied to be on the list, and those who have applied to be removed from the list.<sup>1</sup> Not later than 45 days before the close of voter registration for each election, the board of elections must mail an absent voter ballot application to each elector listed on the board's permanent absent voter list.<sup>2</sup> Voter registration

<sup>1</sup> R.C. 3501.11(CC).

<sup>2</sup> R.C. 3509.11(D).

closes 30 days before an election, meaning that the board must mail the applications at least 75 days before each election.<sup>3</sup>

An absent voter's ballot application that is mailed to a voter on the permanent absent voter list is not considered an "unsolicited application" for the purposes of elections laws that prohibit the Secretary of State and boards of elections from mailing unsolicited applications for absent voter's ballots.<sup>4</sup>

An elector may request to be placed on the permanent absent voter list by any of the following methods:

- Completing a written application prescribed by the Secretary of State and returning the application to the appropriate board of elections;
- Marking the box on a voter registration form, change of name form, or change of address form, which the bill requires to be included in those forms;
- Checking the box when registering to vote or updating voter registration on the online voter registration system, which the bill requires to be included in the system (the box must include the language "By clicking the box below, I request to be placed on the permanent absent voter list under Section 3509.11 of the Revised Code."); and
- Marking the box provided on the application for an absent voter's ballot, which the bill requires to be on the application.<sup>5</sup>

An elector may be removed from the list as well, either by submitting in writing a request to be removed from the list, on a form prescribed by the Secretary of State, to the appropriate board of elections, or if the voter's registration is canceled.<sup>6</sup>

The permanent absent voter list is in addition to the authority that exists under continuing law to request absent voters ballots for each election. Under continuing law, for each election, an elector may apply for an absent voter's ballot via written application to the elector's county board of elections. The application must be made no earlier than January 1 of the year in which the election is being held, or no earlier than 90 days before the election, whichever is earliest, and no later than the close of business on the seventh day before the election.<sup>7</sup> If the elector is qualified, the board must send to the elector the ballots, an unsealed identification envelope, and an unsealed return envelope.<sup>8</sup> The absent voter's ballot must be

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<sup>3</sup> R.C. 3503.01, not in the bill.

<sup>4</sup> R.C. 3509.11(D) and R.C. 111.31 and 3501.05, not in the bill.

<sup>5</sup> R.C. 3503.14, 3503.20, 3509.03, and 3509.11(A) and (B).

<sup>6</sup> R.C. 3509.11(C).

<sup>7</sup> R.C. 3509.03.

<sup>8</sup> R.C. 3509.04, not in the bill.

delivered before the close of polls on election day or postmarked the day before an election and arrive at the board of elections by the fourth day after election day.<sup>9</sup>

In addition, the bill requires the Secretary of State, in the informational brochure about voter registration the Secretary must provide under continuing law, to include information about the process to request to be placed on the permanent absent voter list when completing a voter registration form.<sup>10</sup>

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## HISTORY

Action	Date
Introduced	02-15-23

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ANHB0040IN-135/ts

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<sup>9</sup> R.C. 3509.05, not in the bill.

<sup>10</sup> R.C. 3503.28(A)(7).