



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Abby McMahon

Sub. H.B. 41

132nd General Assembly

(As Reported by H. Government Accountability and Oversight)

Reps. Pelanda, Becker, Hambley, Seitz, Sprague, Blessing

BILL SUMMARY

- Decreases the number of days that a qualified elector can apply to correct a precinct registration list or challenge a registered elector's right to vote by ten days.
- Decreases the number of days that a qualified elector can challenge a person's right to be registered as a voter, or the right to apply for or cast an absent voter's ballot by 11 days.
- Removes the provision allowing a challenged voter's hearing to be postponed until after the election if the voter is challenged after the 30th day before an election because a voter can no longer be challenged after the 30th day.
- Removes the provision allowing a challenged voter whose hearing was postponed until after the election to cast a provisional ballot because a hearing can no longer be postponed.
- Adds to the time considered to be "during the casting of the ballots" to include any time during which a board of elections processes absent voter's ballots before the time for counting those ballots.
- Requires certain procedures when casting absent voter's ballots in person, including requiring the voter to provide identification (1) in the same manner as a voter casting a ballot on the day of an election or (2) by submitting a completed written application for an absent voter's ballot.

CONTENT AND OPERATION

Challenge an elector's right to vote

The bill decreases the number of days that a qualified elector can apply to correct a precinct registration list or challenge a registered elector's right to vote at a board of elections by ten days. Under the bill, the application to correct or right to vote challenge must be filed no later than the 30th day before an election instead of the 20th day. The bill also decreases the number of days that a qualified elector can challenge a person's right to be registered as a voter, or the right to apply or cast an absent voter's ballot, by 11 days. Under the bill, right to be registered or cast absent voter's ballots challenges must be filed no later than the 30th day before an election instead of the 19th day.

Current law allows a board of elections to postpone a challenged voter's hearing until after the election if the challenge is filed after the 30th day before an election. Under the bill, a challenge can no longer be made after the 30th day before an election and, therefore, the option for the board to postpone a hearing has been removed. Because the bill no longer allows for a hearing to be postponed, the bill also removes the requirement to mark whose hearing is postponed in the official registration list and in the poll list or signature pollbook for that elector's precinct, and the requirement to allow a voter whose hearing is postponed to cast a provisional ballot.¹

Casting absent voter's ballots in person

Requirements when casting absent voter's ballots in person

Notwithstanding any provisions to the contrary, the bill creates the following requirements when casting absent voter's ballots in person (commonly referred to as "early in-person voting"):

- Absent voter must provide identification (1) in the same manner as a voter who casts a ballot in person on the day of an election or (2) by submitting a completed written application for an absent voter's ballot;
- Absent voter will not be required to complete a statement of voter on an absent voter's ballot identification envelope;
- The board of elections must provide a signature book for absent voters who are casting their ballots in person to sign;

¹ R.C. 3503.24 and 3505.20; conforming changes in R.C. 3505.181, and 3505.183.



- No person other than a precinct official can challenge the right to vote of an absent voter who is casting a ballot in person;
- Absent voter may receive a replacement ballot after the voter's ballot has been scanned or entered into the automatic tabulating equipment.²

Processing absent voters ballots

The bill adds to the time considered to be "during the casting of the ballots" to include any time during which a board of elections *processes* absent voter's ballots before the time for counting those ballots. Under continuing law, any time during which a board of elections permits an elector to cast absent voter's ballots in person at the office of the board and any time ballots may be cast in a precinct polling place on the day of the election are also considered to be "during the casting of the ballots."³

The bill allows an absent voter's ballot to be processed before the time for counting those ballots. The bill also allows the board of elections to determine whether absent voter's ballots are processed in each precinct, at the office of the board, or at some other location designated by the board. The bill defines processing an absent voter's ballot as any of the following:

- Examining the identification envelope statement of voter to verify that the absent voter's ballot is eligible to be counted;
- Opening the identification envelope if the absent voter's ballot is eligible to be counted;
- Determining the validity of the absent voter's ballot;
- Preparing and sorting the absent voter's ballot for scanning by automatic tabulating equipment;
- Scanning the absent voter's ballot by automatic tabulating equipment if the equipment permits a ballot to be scanned without tabulating or counting the votes on the ballot.⁴

² R.C. 3509.051.

³ R.C. 3505.21.

⁴ R.C. 3509.06; conforming change in R.C. 3511.11.

HISTORY

ACTION

DATE

Introduced

02-07-17

Reported, H. Gov't Accountability & Oversight

04-26-17

H0041-RH-132.docx/ks

