As Passed by the Senate

133rd General Assembly

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Sub. S. B. No. 194

Senator Rulli

Cosponsors: Senators Schaffer, Schuring, Antonio, Blessing, Brenner, Burke, Coley, Craig, Dolan, Eklund, Fedor, Gavarone, Hackett, Hoagland, Hottinger, Huffman, M., Huffman, S., Johnson, Kunze, Lehner, Maharath, Manning, McColley, Obhof, O'Brien, Peterson, Roegner, Sykes, Thomas, Williams, Wilson, Yuko

A BILL

Го	amend sections 3506.01, 3506.04, 3506.05,	1
	3506.06, 3506.07, 3506.10, 3513.041, 3513.05,	2
	3513.262, and 3513.263 and to enact section	3
	3506.16 of the Revised Code to rename the Board	4
	of Voting Machine Examiners as the Board of	5
	Voting Systems Examiners, to require the Board	6
	to approve voter registration systems for use in	7
	Ohio, and to require a board of elections to	8
	decide a protest against a candidate filing by a	9
	particular deadline.	10

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3506.01, 3506.04, 3506.05,	11
3506.06, 3506.07, 3506.10, 3513.041, 3513.05, 3513.262, and	12
3513.263 be amended and section 3506.16 of the Revised Code be	13
enacted to read as follows:	14
Sec. 3506.01. As used in this chapter and Chapters 3501.,	15
3503., 3505., 3509., 3511., 3513., 3515., 3517., 3519., 3521.,	16

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3523., and 3599. of the Revised Code:

- (A) "Marking device" means an apparatus operated by a voter to record the voter's choices through the marking of ballots enabling them to be examined and counted by automatic tabulating equipment.
- (B) "Ballot" means the official election presentation of offices and candidates, including write-in candidates, and of questions and issues, and the means by which votes are recorded.
- (C) "Automatic tabulating equipment" means a machine or electronic device, or interconnected or interrelated machines or electronic devices, that will automatically examine and count votes recorded on ballots. Automatic tabulating equipment may allow for the voter's selections to be indicated by marks made on a paper record by an electronic marking device.
- (D) "Central counting station" means a location, or one of a number of locations, designated by the board of elections for the automatic examining, sorting, or counting of ballots.
- (E) "Voting machines" means mechanical or electronic equipment for the direct recording and tabulation of votes.
- (F) "Direct recording electronic voting machine" means a voting machine that records votes by means of a ballot display provided with mechanical or electro-optical components that can be actuated by the voter, that processes the data by means of a computer program, and that records voting data and ballot images in internal or external memory components. A "direct recording electronic voting machine" produces a tabulation of the voting data stored in a removable memory component and in printed copy.

 "Direct recording electronic voting machine" does not include a voting machine that captures votes by means of a ballot display

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but that transfers those votes onto an optical scan ballot or	46
other paper record for tabulation.	47
(G) "Help America Vote Act of 2002" means the "Help	48
America Vote Act of 2002," Pub. L. No. 107-252, 116 Stat. 1666.	49
America vote Act of 2002, Fub. H. No. 107 202, 110 Stat. 1000.	4.9
(H) "Voter verified paper audit trail" means a physical	50
paper printout on which the voter's ballot choices, as	51
registered by a direct recording electronic voting machine, are	52
recorded. The voter shall be permitted to visually or audibly	53
inspect the contents of the physical paper printout. The	54
physical paper printout shall be securely retained at the	55
polling place until the close of the polls on the day of the	56
election; the secretary of state shall adopt rules under Chapter	57
119. of the Revised Code specifying the manner of storing the	58
physical paper printout at the polling place. After the physical	59
paper printout is produced, but before the voter's ballot is	60
recorded, the voter shall have an opportunity to accept or	61
reject the contents of the printout as matching the voter's	62
ballot choices. If a voter rejects the contents of the physical	63
paper printout, the system that produces the voter verified	64
paper audit trail shall invalidate the printout and permit the	65
voter to recast the voter's ballot. On and after the first	66
federal election that occurs after January 1, 2006, unless	67
required sooner by the Help America Vote Act of 2002, any system	68
that produces a voter verified paper audit trail shall be	69
accessible to disabled voters, including visually impaired	70
voters, in the same manner as the direct recording electronic	71
voting machine that produces it.	72
(I) "Voter registration system" means software and any	73

related equipment used by a board of elections or the secretary_

of state to process, store, organize, maintain, or retrieve

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voter registration records.

Sec. 3506.04. (A) If it is impracticable to supply each 77 election precinct with voting machines or marking devices for 78 use at the next election following the adoption of such 79 equipment, as many shall be supplied for that election and the 80 succeeding elections as it is practicable to procure either by 81 purchase or lease, or by a combination of both, and such 82 equipment may be used in election precincts within the county as 83 the board of elections directs until such time as it is 84 practicable to provide the total number of voting machines or 85 marking devices necessary to supply all precincts within the 86 county, provided that the total number of voting machines or 87 marking devices necessary to supply all precincts shall be 88 procured by purchase or lease, or by a combination of both as 89 soon as practicable after their adoption. 90

- (B) The board of elections shall be charged with the 91 custody of all equipment acquired by the county, and shall see 92 that all such equipment is kept in proper working order and in 93 good repair. The board of county commissioners of any county or 94 the board of elections, upon recommendation of the board of 9.5 elections, may, prior to the adoption of such equipment, acquire 96 by purchase or lease or by loan, for the experimental use in a 97 limited number of precincts, such equipment, and such 98 experimental use shall be valid for all purposes as if such 99 equipment had been formally adopted, provided that such 100 equipment has been approved by the board of voting machine-101 systems examiners for experimental use. 102
- (C) All equipment acquired by any county by any of the methods provided for in this section shall be exempt from levy and taxation.

Sec. 3506.05. (A) As used in this section:	106
(1) "Electronic pollbook" means an electronic list of	107
registered voters for a particular precinct or polling location	108
that may be transported to a polling location.	109
(2) Except when used as part of the phrase "tabulating	110
equipment" or "automatic tabulating equipment," "equipment"	111
means a voting machine, marking device, automatic tabulating	112
equipment, software, or an electronic pollbook, or a voter	113
registration system.	114
(3) "Vendor" means the person that owns, manufactures,	115
distributes, or has the legal right to control the use of	116
equipment, or the person's agent.	117
(B) No voting machine, marking device, automatic	118
tabulating equipment, or software for the purpose of casting or	119
tabulating votes or for communications among systems involved in-	120
the tabulation, storage, or casting of votes, and no electronic	121
pollbook, Except as otherwise provided in division (B) of	122
section 3505.16 of the Revised Code, none of the following shall	123
be purchased, leased, put in use, or continued to be used,	124
except for experimental use as provided in division (B) of	125
section 3506.04 of the Revised Code, unless it, a manual of	126
procedures governing its use, and training materials, service,	127
and other support arrangements have been certified by the	128
secretary of state and unless the any board of elections of each	129
county where that will use the equipment will be used has	130
assured that a demonstration of the use of the equipment has	131
been made available to all interested electors of the county:	132
(1) A voting machine;	133
(2) A marking device;	134

(3) Automatic tabulating equipment;	135
(4) Software used for the purpose of casting or tabulating	136
votes or for communication among systems involved in the	137
tabulation, storage, or casting of votes;	138
(5) An electronic pollbook;	139
(6) A voter registration system. The	140
(C)(1) The secretary of state shall appoint a board of	141
voting machine systems examiners to examine and approve	142
equipment and its related manuals and support arrangements. The	143
(2)(a) The board shall consist of four voting members, who	144
shall be appointed as follows:	145
$\frac{(1)-(i)}{(i)}$ Two members appointed by the secretary of state-;	146
$\frac{(2)-(ii)}{(ii)}$ One member appointed by either the speaker of the	147
house of representatives or the minority leader of the house of	148
representatives, whichever is a member of the opposite political	149
party from the one to which the secretary of state belongs-:	150
$\frac{(3)}{(iii)}$ One member appointed by either the president of	151
the senate or the minority leader of the senate, whichever is a	152
member of the opposite political party from the one to which the	153
secretary of state belongs.	154
(b) The secretary of state also shall appoint a	155
cybersecurity expert, who shall serve as a nonvoting member of	156
the board.	157
(3) In all cases of a tie vote or a disagreement in the	158
board, if no decision can be arrived at, the board shall submit	159
the matter in controversy to the secretary of state, who shall	160
summarily decide the question, and the secretary of state's	161

vendor.

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decision shall be final. Each member of the board shall be a	162
competent and experienced election officer or a person who is	163
knowledgeable about the operation of voting equipment and shall	164
serve during the secretary of state's term. Any vacancy on the	165
board shall be filled in the same manner as the original	166
appointment. The secretary of state shall provide staffing	167
assistance to the board, at the board's request.	168
(4) For the member's service, each member of the board	169
shall receive three hundred dollars per day for each combination	170
of marking device, tabulating equipment, voting machine, or	171
electronic pollbook, or voter registration system examined and	172
reported, but in no event shall a member receive more than six	173
hundred dollars to examine and report on any one marking device,	174
item of tabulating equipment, voting machine, or electronic	175
pollbook, or voter registration system. Each member of the board	176
shall be reimbursed for expenses the member incurs during an	177
examination or during the performance of any related duties that	178
may be required by the secretary of state. Reimbursement of	179
these expenses shall be made in accordance with, and shall not	180
exceed, the rates provided for under section 126.31 of the	181
Revised Code.	182
(5) Neither the secretary of state nor the board, nor any	183
public officer who participates in the authorization,	184
examination, testing, or purchase of equipment, shall have any	185
pecuniary interest in the equipment or any affiliation with the	186

 $\frac{(C)(1)}{(D)(1)}$ A vendor who desires to have the secretary

of state certify equipment shall first submit the equipment, all

current related procedural manuals, and a current description of

all related support arrangements to the board of voting machine-

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<u>systems</u> examiners for examination, testing, and approval. The	192
submission shall be accompanied by a fee of two thousand four	193
hundred dollars and a detailed explanation of the construction	194
and method of operation of the equipment, a full statement of	195
its advantages, and a list of the patents and copyrights used in	196
operations essential to the processes of vote recording and	197
tabulating, vote storage, system security, pollbook storage and	198
security, and other crucial operations of the equipment as may	199
be determined by the board. An additional fee, in an amount to	200
be set by rules promulgated by the board, may be imposed to pay	201
for the costs of alternative testing or testing by persons other	202
than board members, record-keeping, and other extraordinary	203
costs incurred in the examination process. Moneys not used shall	204
be returned to the person or entity submitting the equipment for	205
examination.	206

(2) Fees collected by the secretary of state under this 207 section shall be deposited into the state treasury to the credit 208 of the board of voting machine systems examiners fund, which is 209 hereby created. All moneys credited to this fund shall be used 210 solely for the purpose of paying for the services and expenses 211 of each member of the board or for other expenses incurred 212 relating to the examination, testing, reporting, or 213 certification of equipment, the performance of any related 214 duties as required by the secretary of state, or the 215 reimbursement of any person submitting an examination fee as 216 provided in this chapter. 217

(D)—(E) Within sixty days after the submission of the equipment and payment of the fee, or as soon thereafter as is reasonably practicable, but in any event within not more than ninety days after the submission and payment, the board of voting machine systems examiners shall examine the equipment and

file with the secretary of state a written report on the	223
equipment with its recommendations and, if applicable, its	224
determination or condition of approval regarding whether the	225
equipment, manual, and other related materials or arrangements	226
meet the <u>applicable</u> criteria set forth in sections 3506.07 and	227
3506.10 of the Revised Code—and can be safely used by the voters	228
at elections under the conditions prescribed in Title XXXV of	229
the Revised Code, or a written statement of reasons for which	230
testing requires a longer period. The board may grant temporary	231
approval for the purpose of allowing experimental use of	232
equipment. If the board finds that the equipment meets any the	233
applicable criteria set forth in sections 3506.06, 3506.07, and	234
3506.10 of the Revised Code, can be used safely and, if	235
applicable, can be depended upon to record and count accurately	236
and continuously the votes of electors, and has the capacity to	237
be warranted, maintained, and serviced, it shall approve the	238
equipment and recommend that the secretary of state certify the	239
equipment. The secretary of state shall notify all boards of	240
elections of any such certification. Equipment of the same model	241
and make, if it operates in an identical manner, may then be	242
adopted for use -at-elections .	243

(E) (F) The vendor shall notify the secretary of state, 244 who shall then notify the board of voting machine systems 245 examiners, of any enhancement and any significant adjustment to 246 the hardware or software that could result in a patent or 247 copyright change or that significantly alters the methods of 248 recording voter intent, system security, voter privacy, 249 retention of the vote, communication of records, and connections 250 between the system and other systems crucial operations of the 251 equipment as determined by the board. The vendor shall provide 252 the secretary of state with an updated operations manual for the 253

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equipment, and the secretary of state shall forward the manual	254
to the board. Upon receiving such a notification and manual, the	255
board may require the vendor to submit the equipment to an	256
examination and test in order for the equipment to remain	257
certified. The board or the secretary of state shall	258
periodically examine, test, and inspect certified equipment to	259
determine continued compliance with the all applicable	260
requirements of this chapter and the initial certification. Any	261
examination, test, or inspection conducted for the purpose of	262
continuing certification of any equipment in which a significant	263
problem has been uncovered or in which a record of continuing	264
problems exists shall be performed pursuant to divisions $\frac{(C)-(D)}{(D)}$	265
and $\frac{(D)-(E)}{(E)}$ of this section, in the same manner as the	266
examination, test, or inspection is performed for initial	267
approval and certification.	268

(F) (G) If, at any time after the certification of 269 equipment, the board of voting machine-systems examiners or the 270 secretary of state is notified by a board of elections of any 271 significant problem with the equipment or determines that the 272 equipment fails to meet the requirements necessary for approval 273 or continued compliance with the all applicable requirements of 274 this chapter, or if the board of voting machine systems 275 examiners determines that there are significant enhancements or 276 adjustments to the hardware or software, or if notice of such 277 enhancements or adjustments has not been given as required by 278 division $\frac{(E)}{(F)}$ (F) of this section, the secretary of state shall 279 notify the users and vendors of that equipment that 280 certification of the equipment may be withdrawn. 281

 $\frac{(G)(1)-(H)(1)}{(F)-(G)}$ The notice given by the secretary of state under division $\frac{(F)-(G)}{(F)}$ of this section shall be in writing and shall specify both of the following:

(a) The reasons why the certification may be withdrawn; 285 (b) The date on which certification will be withdrawn 286 unless the vendor takes satisfactory corrective measures or 287 explains why there are no problems with the equipment or why the 288 enhancements or adjustments to the equipment are not 289 significant. 290 (2) A vendor who receives a notice under division (F) (G) 291 of this section shall, within thirty days after receiving it, 292 submit to the board of voting machine_systems examiners in 293 294 writing a description of the corrective measures taken and the date on which they were taken, or the explanation required under 295 division $\frac{(G)(1)(b)}{(H)(1)(b)}$ of this section. 296 (3) Not later than fifteen days after receiving a written 297 description or explanation under division $\frac{(G)(2)}{(H)(2)}$ of this 298 section from a vendor, the board shall determine whether the 299 corrective measures taken or the explanation is satisfactory to 300 allow continued certification of the equipment, and the 301 secretary of state shall send the vendor a written notice of the 302 board's determination, specifying the reasons for it. If the 303 board has determined that the measures taken or the explanation 304 given is unsatisfactory, the notice shall include the effective 305 date of withdrawal of the certification. This date may be 306 different from the date originally specified in division $\frac{(G)}{(1)}$ 307 $\frac{\text{(b)}}{\text{(H) (1) (b)}}$ of this section. 308 (4) A vendor who receives a notice under division $\frac{(G)}{(3)}$ 309 (H) (3) of this section indicating a decision to withdraw 310 certification may, within thirty days after receiving it, 311 request in writing that the board hold a hearing to reconsider 312 its decision. Any interested party shall be given the 313

opportunity to submit testimony or documentation in support of

or in opposition to the board's recommendation to withdraw	315
certification. Failure of the vendor to take appropriate steps	316
as described in division $\frac{(G)(1)(b)}{(H)(1)(b)}$ or to comply with	317
division $\frac{(G)(2)-(H)(2)}{(H)(2)}$ of this section results in a waiver of	318
the vendor's rights under division $\frac{(G)(4)-(H)(4)}{(G)(4)}$ of this	319
section.	320

 $\frac{H}{I}$ (I) (1) The secretary of state, in consultation with 321 the board of voting machine systems examiners, shall establish, 322 by rule, guidelines for the approval, certification, and 323 324 continued certification of the voting machines, marking devices, tabulating equipment, and electronic pollbooks to be used under 325 Title XXXV of the Revised Code. The guidelines shall establish 326 procedures requiring vendors or computer software developers to 327 place in escrow with an independent escrow agent approved by the 328 secretary of state a copy of all source code and related 329 documentation, together with periodic updates as they become 330 known or available. The secretary of state shall require that 331 the documentation include a system configuration and that the 332 source code include all relevant program statements in low- or 333 high-level languages. As used in this division, "source code" 334 does not include variable codes created for specific elections. 335

(2) Nothing in any rule adopted under division $\frac{(H)}{(I)}$ (I) of 336 this section shall be construed to limit the ability of the 337 secretary of state to follow or adopt, or to preclude the 338 secretary of state from following or adopting, any guidelines 339 proposed by the federal election commission, any entity 340 authorized by the federal election commission to propose 341 guidelines, the election assistance commission, or any entity 342 authorized by the election assistance commission to propose 343 guidelines. 344

(3)(a) Before the initial certification of any direct	345
recording electronic voting machine with a voter verified paper	346
audit trail, and as a condition for the continued certification	347
and use of those machines, the secretary of state shall	348
establish, by rule, standards for the certification of those	349
machines. Those standards shall include, but are not limited to,	350
all of the following:	351
(i) A definition of a voter verified paper audit trail as	352
a paper record of the voter's choices that is verified by the	353
voter prior to the casting of the voter's ballot and that is	354
securely retained by the board of elections;	355
(ii) Requirements that the voter verified paper audit	356
trail shall not be retained by any voter and shall not contain	357
individual voter information;	358
(iii) A prohibition against the production by any direct	359
recording electronic voting machine of anything that legally	360
could be removed by the voter from the polling place, such as a	361
receipt or voter confirmation;	362
(iv) A requirement that paper used in producing a voter	363
verified paper audit trail be sturdy, clean, and resistant to	364
degradation;	365
(v) A requirement that the voter verified paper audit	366
trail shall be capable of being optically scanned for the	367
purpose of conducting a recount or other audit of the voting	368
machine and shall be readable in a manner that makes the voter's	369
ballot choices obvious to the voter without the use of computer	370
or electronic codes;	371
(vi) A requirement, for office-type ballots, that the	372
voter verified paper audit trail include the name of each	373

commission.

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candidate selected by the voter; 374 (vii) A requirement, for questions and issues ballots, 375 that the voter verified paper audit trail include the title of 376 the question or issue, the name of the entity that placed the 377 question or issue on the ballot, and the voter's ballot 378 selection on that question or issue, but not the entire text of 379 the question or issue. 380 (b) The secretary of state, by rule adopted under Chapter 381 382 119. of the Revised Code, may waive the requirement under division $\frac{\text{(H) (3) (a) (v)}}{\text{(I) (3) (a) (v)}}$ of this section, if the 383 secretary of state determines that the requirement is cost 384 385 prohibitive. (4)(a) Except as otherwise provided in divisions (H)(4)(b) 386 (I) (4) (b) and (c) of this section, any voting machine, marking-387 device, or automatic tabulating equipment used in this state 388 shall meet, as a condition of continued certification and use, 389 the voting system standards adopted by the federal election 390 commission in 2002 or the voluntary voting system guidelines 391 most recently adopted by the federal election assistance 392 commission. A voting machine, marking device, or automatic 393 tabulating equipment Equipment initially certified or acquired 394

(b) Division (H)(4)(a) (I)(4)(a) of this section does not

apply to any voting machine, marking device, or automatic

tabulating equipment that the federal election assistance

commission does not certify as part of its testing and

certification program.

on or after December 1, 2008, also shall have the most recent

federal certification number issued by the election assistance

(c) A county that acquires additional voting machines,	403
marking devices, or automatic tabulating equipment on or after	404
December 1, 2008, shall not be considered to have acquired those	405
machines, devices, or equipment on or after December 1, 2008,	406
for the purpose of division $\frac{H}{H}$ $\frac{A}{A}$ $\frac{A}{A}$ $\frac{A}{A}$ of this section	407
if all of the following apply:	408
(i) The voting machines, marking devices, or automatic	409
tabulating equipment acquired are the same as the machines,	410
devices, or equipment currently used in that county.	411
(ii) The acquisition of the voting machines, marking	412
devices, or automatic tabulating equipment does not replace or	413
change the primary voting system used in that county.	414
(iii) The acquisition of the voting machines, marking	415
devices, or automatic tabulating equipment is for the purpose of	416
replacing inoperable machines, devices, or equipment or for the	417
purpose of providing additional machines, devices, or equipment	418
required to meet the allocation requirements established	419
pursuant to division (I) of section 3501.11 of the Revised Code.	420
Sec. 3506.06. No marking device shall be approved by the	421
board of voting machine systems examiners or certified by the	422
secretary of state, or be purchased, rented, or otherwise	423
acquired, or used, unless it fulfills the following	424
requirements:	425
(A) It shall permit and require voting in absolute	426
secrecy, and shall be so constructed that no person can see or	427
know for whom any other elector has voted or is voting, except	428
an elector who is assisting a voter as prescribed by section	429
3505.24 of the Revised Code.	430
(B) It shall permit each elector to vote at any election	431

for all persons and offices for whom and for which the elector	432
is lawfully entitled to vote, whether or not the name of any	433
such person appears on a ballot as a candidate; to vote for as	434
many persons for an office as the elector is entitled to vote	435
for; and to vote for or against any question upon which the	436
elector is entitled to vote.	437
(C) It shall permit each elector to write in the names of	438
persons for whom the elector desires to vote, whose names do not	439
appear upon the ballot, if such write-in candidates are	440
permitted by law.	441
(D) It shall permit each elector, at all presidential	442
elections, by one mark to vote for candidates of one party for	443
president, vice president, and presidential electors.	444
(E) It shall be durably constructed of material of good	445
quality in a neat and workerlike manner, and in form that shall	446
make it safely transportable.	447
(F) It shall be so constructed that a voter may readily	448
learn the method of operating it and may expeditiously cast the	449
voter's vote for all candidates of the voter's choice.	450
(G) It shall not provide to a voter any type of receipt or	451
voter confirmation that the voter legally may retain after	452
leaving the polling place.	453
Sec. 3506.07. No automatic tabulating equipment shall be	454
approved by the board of voting <pre>machine_systems</pre> examiners or	455
certified by the secretary of state, or be purchased, rented, or	456
otherwise acquired, or used, unless it has been or is capable of	457
being manufactured for use and distribution beyond a prototype	458
and can be set by election officials, to examine ballots and to	459

count votes accurately for each candidate, question, and issue,

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excluding any ballots marked contrary to the instructions	461
printed on such ballots, provided that such equipment shall not	462
be required to count write-in votes or the votes on any ballots	463
that have been voted other than at the regular polling place on	464
election day.	465
Sec. 3506.10. No voting machine shall be approved by the	466
board of voting machine systems examiners or certified by the	467
secretary of state, or be purchased, rented, or otherwise	468
acquired, or used, except when specifically allowed for	469
experimental use, as provided in section 3506.04 of the Revised	470
Code, unless it fulfills the following requirements:	471
(A) It shall permit and require voting in absolute	472
secrecy, and shall be so constructed that no person can see or	473
know for whom any other elector has voted or is voting, except	474
an elector who is assisting a voter as prescribed by section	475
3505.24 of the Revised Code.	476
(B) It shall permit each elector to vote at any election	477
for all persons and offices for whom and for which the elector	478
is lawfully entitled to vote, whether or not the name of any	479
such person appears on a ballot label as a candidate; to vote	480
for as many persons for an office as the elector is entitled to	481
vote for; and to vote for or against any question upon which the	482
elector is entitled to vote.	483
(C) It shall preclude each elector from voting for any	484
candidate or upon any question for whom or upon which the	485
elector is not entitled to vote, from voting for more persons	486

for any office than the elector is entitled to vote for, and

question more than once.

from voting for any candidates for the same office or upon any

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(D) It shall permit each voter to deposit, write in, or	490
affix, upon devices provided for that purpose, ballots	491
containing the names of persons for whom the voter desires to	492
vote, whose names do not appear upon the voting machine. Those	493
devices shall be susceptible of identification as to party	494
affiliations when used at a primary election.	495
(E) It shall permit each elector to change the elector's	496
vote for any candidate or upon any question appearing upon the	497
ballot labels, up to the time the elector starts to register the	498
elector's vote.	499
(F) It shall permit each elector, at all presidential	500
elections, by one device to vote for candidates of one party for	501
president, vice-president, and presidential electors.	502
(G) It shall be capable of adjustment by election officers	503
so as to permit each elector, at a primary election, to vote	504
only for the candidates of the party with which the elector has	505
declared the elector's affiliation and shall preclude the	506
elector from voting for any candidate seeking nomination by any	507
other political party; and to vote for the candidates for	508
nonpartisan nomination or election.	509
(H) It shall have separate voting devices for candidates	510
and questions, which shall be arranged in separate rows or	511
columns. It shall be so arranged that one or more adjacent rows	512
or columns may be assigned to the candidates of each political	513
party at primary elections.	514
(I) It shall have a counter, or other device, the register	515
of which is visible from the outside of the machine, and which	516

will show at any time during the voting the total number of

electors who have voted; and also a protective counter, or other

device, the register of which cannot be reset, which will record	519
the cumulative total number of movements of the internal	520
counters.	521
(J) It shall be provided with locks and seals by the use	522
of which, immediately after the polls are closed or the	523
operation of the machine for an election is completed, no	524
further changes to the internal counters can be allowed.	525
(K) It shall have the capacity to contain the names of	526
candidates constituting the tickets of at least five political	527
parties, and independent groups and such number of questions not	528
exceeding fifteen as the secretary of state shall specify.	529
(L) It shall be durably constructed of material of good	530
quality in a neat and workerlike manner, and in form that shall	531
make it safely transportable.	532
(M) It shall be so constructed that a voter may readily	533
learn the method of operating it, may expeditiously cast a vote	534
for all candidates of the voter's choice, and when operated	535
properly shall register and record correctly and accurately	536
every vote cast.	537
(N) It shall be provided with a screen, hood, or curtain,	538
which will conceal the voter while voting. During the voting, it	539
shall preclude every person from seeing or knowing the number of	540
votes registered for any candidate or question and from	541
tampering with any of the internal counters.	542
(O) It shall not provide to a voter any type of receipt or	543
voter confirmation that the voter legally may retain after	544
leaving the polling place.	545
(P) On and after the first federal election that occurs	546
after January 1, 2006, unless required sooner by the Help	547

America Vote Act of 2002, if the voting machine is a direct	548
recording electronic voting machine, it shall include a voter	549
verified paper audit trail.	550

Before any voting machine is purchased, rented, or 551 otherwise acquired, or used, the person or corporation owning or 552 manufacturing that machine or having the legal right to control 553 the use of that machine shall give an adequate guarantee in 554 writing and post a bond in an amount sufficient to cover the 555 cost of any recount or new election resulting from or directly 556 related to the use or malfunction of the equipment, accompanied 557 by satisfactory surety, all as determined by the secretary of 558 state, with the board of county commissioners, guaranteeing and 559 securing that those machines have been and continue to be 560 certified by the secretary of state in accordance with section 561 3506.05 of the Revised Code, comply fully with the requirements 562 of this section, and will correctly, accurately, and 563 continuously register and record every vote cast, and further 564 quaranteeing those machines against defects in workership and 565 materials for a period of five years from the date of their 566 acquisition. 567

Sec. 3506.16. (A) The secretary of state shall adopt

standards for the security and integrity of voter registration

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systems. Except as otherwise provided in division (B) of this

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section, no voter registration system shall be approved by the

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board of voting systems examiners, certified by the secretary of

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state, or acquired by the secretary of state or a board of

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elections, unless it meets those standards.

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(B) Notwithstanding any contrary provision of this

chapter, a county that used a voter registration system before

the effective date of this section may continue to use that

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system	until	the o	county	acqui	ires	a new	vot	er	regis	stration	. 5	78
system,	which	shai	- ll meet	the	requ	iremer	nts	of	this	chapter.	5	579

Sec. 3513.041. A write-in space shall be provided on the 580 ballot for every office, except in an election for which the 581 board of elections has received no valid declarations of intent 582 to be a write-in candidate under this section. Write-in votes 583 shall not be counted for any candidate who has not filed a 584 declaration of intent to be a write-in candidate pursuant to 585 this section. A qualified person who has filed a declaration of 586 intent may receive write-in votes at either a primary or general 587 election. Any candidate shall file a declaration of intent to be 588 a write-in candidate before four p.m. of the seventy-second day 589 preceding the election at which such candidacy is to be 590 considered. If the election is to be determined by electors of a 591 county or a district or subdivision within the county, such 592 declaration shall be filed with the board of elections of that 593 county. If the election is to be determined by electors of a 594 subdivision located in more than one county, such declaration 595 shall be filed with the board of elections of the county in 596 which the major portion of the population of such subdivision is 597 located. If the election is to be determined by electors of a 598 district comprised of more than one county but less than all of 599 the counties of the state, such declaration shall be filed with 600 the board of elections of the most populous county in such 601 district. Any candidate for an office to be voted upon by 602 electors throughout the entire state shall file a declaration of 603 intent to be a write-in candidate with the secretary of state 604 before four p.m. of the seventy-second day preceding the 605 election at which such candidacy is to be considered. In 606 addition, candidates for president and vice-president of the 607 United States shall also file with the secretary of state by 608

that seventy-second day a slate of presidential electors	609
sufficient in number to satisfy the requirements of the United	610
States constitution.	611

A board of elections shall not accept for filing the 612 declaration of intent to be a write-in candidate of a person 613 seeking to become a candidate if that person, for the same 614 election, has already filed a declaration of candidacy, a 615 declaration of intent to be a write-in candidate, or a 616 nominating petition, or has become a candidate through party 617 nomination at a primary election or by the filling of a vacancy 618 under section 3513.30 or 3513.31 of the Revised Code, for any 619 federal, state, or county office, if the declaration of intent 620 to be a write-in candidate is for a state or county office, or 621 for any municipal or township office, for member of a city, 622 local, or exempted village board of education, or for member of 623 a governing board of an educational service center, if the 624 declaration of intent to be a write-in candidate is for a 625 municipal or township office, or for member of a city, local, or 626 exempted village board of education, or for member of a 627 governing board of an educational service center. 628

No person shall file a declaration of intent to be a 629 write-in candidate for the office of governor unless the 630 declaration also shows the intent of another person to be a 631 write-in candidate for the office of lieutenant governor. No 632 person shall file a declaration of intent to be a write-in 633 candidate for the office of lieutenant governor unless the 634 declaration also shows the intent of another person to be a 635 write-in candidate for the office of governor. No person shall 636 file a declaration of intent to be a write-in candidate for the 637 office of governor or lieutenant governor if the person has 638 previously filed a declaration of intent to be a write-in 639

candidate to the office of governor or lieutenant governor at	640
the same primary or general election. A write-in vote for the	641
two candidates who file such a declaration shall be counted as a	642
vote for them as joint candidates for the offices of governor	643
and lieutenant governor.	644

The secretary of state shall not accept for filing the 645 declaration of intent to be a write-in candidate of a person for 646 the office of governor unless the declaration also shows the 647 intent of another person to be a write-in candidate for the 648 office of lieutenant governor, shall not accept for filing the 649 declaration of intent to be a write-in candidate of a person for 650 the office of lieutenant governor unless the declaration also 651 shows the intent of another person to be a write-in candidate 652 for the office of governor, and shall not accept for filing the 653 declaration of intent to be a write-in candidate of a person to 654 the office of governor or lieutenant governor if that person, 655 for the same election, has already filed a declaration of 656 candidacy, a declaration of intent to be a write-in candidate, 657 or a nominating petition, or has become a candidate through 658 party nomination at a primary election or by the filling of a 659 vacancy under section 3513.30 or 3513.31 of the Revised Code, 660 for any other state office or any federal or county office. 661

Protests against the candidacy of any person filing a 662 declaration of intent to be a write-in candidate may be filed by 663 any qualified elector who is eligible to vote in the election at 664 which the candidacy is to be considered. The protest shall be in 665 writing and shall be filed not later than four p.m. of the 666 sixty-seventh day before the day of the election. The protest 667 shall be filed with the board of elections election officials 668 with which whom the declaration of intent to be a write-in 669 candidate was filed. Upon the filing of the protest, the board 670

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<u>election officials</u> with which whom it is filed shall promptly	671
fix the time for hearing it and shall proceed in regard to the	672
hearing in the same manner as for hearings set for protests	673
filed under section 3513.05 of the Revised Code. At the time	674
fixed, the board <u>election officials</u> shall hear the protest and	675
shall determine the validity or invalidity of the declaration of	676
intent to be a write-in candidate not later than the fifty-	677
seventh day before the day of the election. If the board finds	678
election officials find that the candidate is not an elector of	679
the state, district, county, or political subdivision in which	680
the candidate seeks election to office or has not fully complied	681
with the requirements of Title XXXV of the Revised Code in	682
regard to the candidate's candidacy, the candidate's declaration	683
of intent to be a write-in candidate shall be determined to be	684
invalid and shall be rejected; otherwise, it shall be determined	685
to be valid. The determination of the board <u>election officials</u>	686
is final.	687

The secretary of state shall prescribe the form of the declaration of intent to be a write-in candidate.

Sec. 3513.05. Each person desiring to become a candidate 690 for a party nomination at a primary election or for election to 691 an office or position to be voted for at a primary election, 692 except persons desiring to become joint candidates for the 693 offices of governor and lieutenant governor and except as 694 otherwise provided in section 3513.051 of the Revised Code, 695 shall, not later than four p.m. of the ninetieth day before the 696 day of the primary election, file a declaration of candidacy and 697 petition and pay the fees required under divisions (A) and (B) 698 of section 3513.10 of the Revised Code. The declaration of 699 candidacy and all separate petition papers shall be filed at the 700 same time as one instrument. When the offices are to be voted 701

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for at a primary election, persons desiring to become joint	702
candidates for the offices of governor and lieutenant governor	703
shall, not later than four p.m. of the ninetieth day before the	704
day of the primary election, comply with section 3513.04 of the	705
Revised Code. The prospective joint candidates' declaration of	706
candidacy and all separate petition papers of candidacies shall	707
be filed at the same time as one instrument. The secretary of	708
state or a board of elections shall not accept for filing a	709
declaration of candidacy and petition of a person seeking to	710
become a candidate if that person, for the same election, has	711
already filed a declaration of candidacy or a declaration of	712
intent to be a write-in candidate, or has become a candidate by	713
the filling of a vacancy under section 3513.30 of the Revised	714
Code for any federal, state, or county office, if the	715
declaration of candidacy is for a state or county office, or for	716
any municipal or township office, if the declaration of	717
candidacy is for a municipal or township office.	718

If the declaration of candidacy declares a candidacy which is to be submitted to electors throughout the entire state, the petition, including a petition for joint candidates for the offices of governor and lieutenant governor, shall be signed by at least one thousand qualified electors who are members of the same political party as the candidate or joint candidates, and the declaration of candidacy and petition shall be filed with the secretary of state; provided that the secretary of state shall not accept or file any such petition appearing on its face to contain signatures of more than three thousand electors.

Except as otherwise provided in this paragraph, if the declaration of candidacy is of one that is to be submitted only to electors within a district, political subdivision, or portion thereof, the petition shall be signed by not less than fifty

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qualified electors who are members of the same political party	73
as the political party of which the candidate is a member. If	73
the declaration of candidacy is for party nomination as a	73
candidate for member of the legislative authority of a municipal	73
corporation elected by ward, the petition shall be signed by not	73
less than twenty-five qualified electors who are members of the	73
political party of which the candidate is a member.	73

No such petition, except the petition for a candidacy that is to be submitted to electors throughout the entire state, shall be accepted for filing if it appears to contain on its face signatures of more than three times the minimum number of signatures. When a petition of a candidate has been accepted for filing by a board of elections, the petition shall not be deemed invalid if, upon verification of signatures contained in the petition, the board of elections finds the number of signatures accepted exceeds three times the minimum number of signatures required. A board of elections may discontinue verifying signatures on petitions when the number of verified signatures equals the minimum required number of qualified signatures.

If the declaration of candidacy declares a candidacy for party nomination or for election as a candidate of a minor party, the minimum number of signatures on such petition is one-half the minimum number provided in this section, except that, when the candidacy is one for election as a member of the state central committee or the county central committee of a political party, the minimum number shall be the same for a minor party as for a major party.

If a declaration of candidacy is one for election as a 760 member of the state central committee or the county central 761 committee of a political party, the petition shall be signed by 762

five qualified electors of the district, county, ward, township,
or precinct within which electors may vote for such candidate.
The electors signing such petition shall be members of the same
political party as the political party of which the candidate is
a member.

For purposes of signing or circulating a petition of candidacy for party nomination or election, an elector is considered to be a member of a political party if the elector voted in that party's primary election within the preceding two calendar years, or if the elector did not vote in any other party's primary election within the preceding two calendar years.

If the declaration of candidacy is of one that is to be submitted only to electors within a county, or within a district or subdivision or part thereof smaller than a county, the petition shall be filed with the board of elections of the county. If the declaration of candidacy is of one that is to be submitted only to electors of a district or subdivision or part thereof that is situated in more than one county, the petition shall be filed with the board of elections of the county within which the major portion of the population thereof, as ascertained by the next preceding federal census, is located.

A petition shall consist of separate petition papers, each of which shall contain signatures of electors of only one county. Petitions or separate petition papers containing signatures of electors of more than one county shall not thereby be declared invalid. In case petitions or separate petition papers containing signatures of electors of more than one county are filed, the board shall determine the county from which the majority of signatures came, and only signatures from such

county	shall	be	counted.	Signatures	from	any	other	county	shall	793
be inva	alid.									794

Each separate petition paper shall be circulated by one 795 person only, who shall be the candidate or a joint candidate or 796 a member of the same political party as the candidate or joint 797 candidates, and each separate petition paper shall be governed 798 by the rules set forth in section 3501.38 of the Revised Code. 799

The secretary of state shall promptly transmit to each 800 801 board such separate petition papers of each petition accompanying a declaration of candidacy filed with the secretary 802 of state as purport to contain signatures of electors of the 803 county of such board. The board of the most populous county of a 804 district shall promptly transmit to each board within such 805 district such separate petition papers of each petition 806 accompanying a declaration of candidacy filed with it as purport 807 to contain signatures of electors of the county of each such 808 board. The board of a county within which the major portion of 809 the population of a subdivision, situated in more than one 810 county, is located, shall promptly transmit to the board of each 811 other county within which a portion of such subdivision is 812 located such separate petition papers of each petition 813 accompanying a declaration of candidacy filed with it as purport 814 to contain signatures of electors of the portion of such 815 subdivision in the county of each such board. 816

All petition papers so transmitted to a board and all

petitions accompanying declarations of candidacy filed with a

board shall, under proper regulations, be open to public

inspection until four p.m. of the eightieth day before the day

of the next primary election. Each board shall, not later than

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the seventy-eighth day before the day of that primary election,

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examine and determine the validity or invalidity of the	823
signatures on the petition papers so transmitted to or filed	824
with it and shall return to the secretary of state all petition	825
papers transmitted to it by the secretary of state, together	826
with its certification of its determination as to the validity	827
or invalidity of signatures thereon, and shall return to each	828
other board all petition papers transmitted to it by such board,	829
together with its certification of its determination as to the	830
validity or invalidity of the signatures thereon. All other	831
matters affecting the validity or invalidity of such petition	832
papers shall be determined by the secretary of state or the	833
poard with whom such petition papers were filed.	834

Protests against the candidacy of any person filing a 835 declaration of candidacy for party nomination or for election to 836 an office or position, as provided in this section, may be filed 837 by any qualified elector who is a member of the same political 838 party as the candidate and who is eligible to vote at the 839 primary election for the candidate whose declaration of 840 candidacy the elector objects to, or by the controlling 841 committee of that political party. The protest shall be in 842 writing, and shall be filed not later than four p.m. of the 843 seventy-fourth day before the day of the primary election. The 844 protest shall be filed with the election officials with whom the 845 declaration of candidacy and petition was filed. Upon the filing 846 of the protest, the election officials with whom it is filed 847 shall promptly fix the time for hearing it, and shall forthwith 848 mail notice of the filing of the protest and the time fixed for 849 hearing to the person whose candidacy is so protested. They 850 shall also forthwith mail notice of the time fixed for such 851 hearing to the person who filed the protest. At the time fixed, 852 such election officials shall hear the protest and shall 853

determine the validity or invalidity of the declaration of	854
candidacy and petition not later than the sixty-fourth day	855
before the day of the primary election. If they find that such	856
candidate is not an elector of the state, district, county, or	857
political subdivision in which the candidate seeks a party	858
nomination or election to an office or position, or has not	859
fully complied with this chapter, the candidate's declaration of	860
candidacy and petition shall be determined to be invalid and	861
shall be rejected; otherwise, it shall be determined to be	862
valid. That determination shall be final.	863

A protest against the candidacy of any persons filing a 864 declaration of candidacy for joint party nomination to the 865 offices of governor and lieutenant governor shall be filed, 866 heard, and determined in the same manner as a protest against 867 the candidacy of any person filing a declaration of candidacy 868 singly.

The secretary of state shall, on the seventieth day before
the day of a primary election, certify to each board in the
871
state the forms of the official ballots to be used at the
primary election, together with the names of the candidates to
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be printed on the ballots whose nomination or election is to be
determined by electors throughout the entire state and who filed
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valid declarations of candidacy and petitions.

The board of the most populous county in a district 877 comprised of more than one county but less than all of the 878 counties of the state shall, on the seventieth day before the 879 day of a primary election, certify to the board of each county 880 in the district the names of the candidates to be printed on the 881 official ballots to be used at the primary election, whose 882 nomination or election is to be determined only by electors 883

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within the district and who filed valid declarations of candidacy and petitions.

The board of a county within which the major portion of 886 the population of a subdivision smaller than the county and 887 situated in more than one county is located shall, on the 888 seventieth day before the day of a primary election, certify to 889 the board of each county in which a portion of that subdivision 890 is located the names of the candidates to be printed on the 891 official ballots to be used at the primary election, whose 892 nomination or election is to be determined only by electors 893 within that subdivision and who filed valid declarations of 894 candidacy and petitions. 895

Sec. 3513.262. The nominating petitions of all candidates required to be filed before four p.m. of the day before the day of the primary election immediately preceding the general election shall be processed as follows:

If such petition is filed with the secretary of state, the 900 secretary of state shall, not later than the fifteenth day of 901 June following the filing of such petition, or if the primary 902 election was a presidential primary election, not later than the 903 end of the sixth week after the day of that election, transmit 904 to each board such separate petition papers as purport to 905 contain signatures of electors of the county of such board. If 906 such petition is filed with the board of the most populous 907 county of a district or of a county in which the major portion 908 of the population of a subdivision is located, such board shall, 909 not later than the fifteenth day of June, or if the primary 910 election was a presidential primary election, not later than the 911 end of the sixth week after the day of that election, transmit 912 to each board within such district such separate petition papers 913

of	the p	etitio	n as	purport	to	contain	signatures	of	electors	of	914
the	coun	nty of	such	board.							915

All petition papers so transmitted to a board and all 916 nominating petitions filed with a board shall, under proper 917 regulations, be open to public inspection from the fifteenth day 918 of June until four p.m. of the thirtieth day of that month, or 919 if the primary election was a presidential primary election, 920 from the end of the sixth week after the election until four 921 p.m. of the end of the seventh week after the election. Each 922 923 board shall, not later than the next fifteenth day of July, or if the primary election was a presidential primary election, not 924 later than the end of the tenth week after the day of that 925 election, examine and determine the sufficiency of the 926 signatures on the petition papers transmitted to or filed with 927 it, and the validity of the petitions filed with it, and shall 928 return to the secretary of state all petition papers transmitted 929 to it by the secretary of state, together with its certification 930 of its determination as to the validity or invalidity of 931 signatures thereon, and shall return to each other board all 932 petition papers transmitted to it by such other board, as 933 provided in this section, together with its certification of its 934 determination as to the validity or invalidity of signatures 935 thereon. A signature on a nominating petition is not valid if it 936 is dated more than one year before the date the nominating 937 petition was filed. All other matters affecting the validity or 938 invalidity of such petition papers shall be determined by the 939 secretary of state or the board with whom such petition papers 940 were filed. 941

Written protests against nominating petitions may be filed 942 by any qualified elector eligible to vote for the candidate 943 whose nominating petition the elector objects to, not later than 944

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four p.m. of the thirtieth day of July, or if the primary	945
election was a presidential primary election, not later than the	946
end of the twelfth week after the day of that election. Such	947
protests shall be filed with the election officials with whom	948
the nominating petition was filed. Upon the filing of such	949
protest, the election officials with whom it is filed shall	950
promptly fix the time and place for hearing it, and shall	951
forthwith mail notice of the filing of such protest and the time	952
and place for hearing it to the person whose nomination is	953
protested. They shall also forthwith mail notice of the time and	954
place fixed for the hearing to the person who filed the protest.	955
At the time fixed, such election officials shall hear the	956
protest and shall determine the validity or invalidity of the	957
petition not later than the tenth day after the deadline to file	958
a protest against the petition. Such determination shall be	959
final.	960

A protest against the nominating petition filed by joint candidates for the offices of governor and lieutenant governor shall be filed, heard, and determined in the same manner as a protest against the nominating petition of a candidate who files individually.

Sec. 3513.263. The nominating petitions of all candidates 966 required to be filed before four p.m. of the ninetieth day 967 before the day of the general election, shall be processed as 968 follows:

If such petition is filed with the secretary of state, the 970 secretary of state shall promptly transmit to each board such 971 separate petition papers as purports to contain signatures of 972 electors of the county of such board. 973

If such petition is filed with the board of a county in

which the major portion of the population of a subdivision is 975 located, such board shall promptly transmit to the board of each 976 county in which other portions of such subdivision are located 977 such separate petition papers of the petition as purport to 978 contain signatures of electors of such county. 979

All petition papers so transmitted to a board of 980 elections, and all nominating petitions filed with a board of 981 elections shall, under proper regulation, be open to public 982 inspection until four p.m. of the eightieth day before the day 983 984 of such general election. Each board shall, not later than the seventy-eighth day before the day of such general election 985 examine and determine the sufficiency of the signatures on the 986 petition papers transmitted to or filed with it and the validity 987 or invalidity of petitions filed with it, and shall return to 988 each other board all petition papers transmitted to it by such 989 other board, together with its certification of its 990 determination as to the validity or invalidity of signatures 991 thereon. A signature on a nominating petition is not valid if it 992 993 is dated more than one year before the date the nominating petition was filed. All other matters affecting the validity or 994 995 invalidity of such petition papers shall be determined by the board with whom such petition papers were filed. 996

Written protests against such nominating petitions may be 997 998 filed by any qualified elector eligible to vote for the candidate whose nominating petition the elector objects to, not 999 later than the seventy-fourth day before the general election. 1000 Such protests shall be filed with the election officials with 1001 whom the nominating petition was filed. Upon the filing of such 1002 protests, the election officials with whom it is filed shall 1003 promptly fix the time and place for hearing it, and shall 1004 forthwith mail notice of the filing of such protest and the time 1005

and place for hearing it to the person whose nomination is	1006
protested. They shall also forthwith mail notice of the time and	1007
place fixed for the hearing to the person who filed the protest.	1008
At the time and place fixed, such election officials shall hear	1009
the protest and shall determine the validity or invalidity of	1010
the petition not later than the sixty-fourth day before the day	1011
of the general election. Such determination shall be final.	1012
Section 2. That existing sections 3506.01, 3506.04,	1013
3506.05, 3506.06, 3506.07, 3506.10, 3513.041, 3513.05, 3513.262,	1014
and 3513.263 of the Revised Code are hereby repealed.	1015