

As Introduced

133rd General Assembly

Regular Session

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H. B. No. 560

Representatives Lepore-Hagan, Liston

**Cosponsors: Representatives Kelly, Miranda, Brent, Leland, Sheehy, Weinstein,
West, Galonski, Russo, Boyd, Crossman, O'Brien, Sobecki, Smith, K., Crawley,
Lightbody, Blair, Clites**

A BILL

To amend sections 111.26, 111.44, 124.57, 149.43,	1
302.041, 303.12, 307.96, 519.12, 718.01,	2
3313.77, 3501.01, 3501.05, 3501.051, 3501.11,	3
3501.13, 3501.15, 3501.17, 3501.18, 3501.21,	4
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3501.90, 3503.01, 3503.02, 3503.09, 3503.10,	8
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3504.01, 3504.02, 3504.04, 3504.05, 3505.01,	12
3505.03, 3505.06, 3505.08, 3505.10, 3505.11,	13
3505.12, 3505.16, 3505.17, 3505.18, 3505.181,	14
3505.182, 3505.183, 3505.20, 3505.21, 3505.22,	15
3505.23, 3505.24, 3505.26, 3505.27, 3505.28,	16
3505.30, 3505.31, 3505.32, 3505.331, 3506.01,	17
3506.02, 3506.021, 3506.03, 3506.04, 3506.05,	18
3506.06, 3506.07, 3506.12, 3506.14, 3506.15,	19
3506.19, 3506.21, 3506.23, 3509.01, 3509.021,	20
3509.03, 3509.04, 3509.05, 3509.06, 3509.07,	21
3509.08, 3511.01, 3511.011, 3511.02, 3511.021,	22

3511.03, 3511.04, 3511.05, 3511.051, 3511.08, 23
3511.09, 3511.11, 3511.12, 3511.14, 3511.15, 24
3511.16, 3513.05, 3513.052, 3513.07, 3513.13, 25
3513.15, 3513.17, 3513.18, 3513.191, 3513.192, 26
3513.22, 3513.261, 3513.30, 3513.31, 3513.311, 27
3513.32, 3515.01, 3517.01, 3517.012, 3517.013, 28
3517.08, 3519.05, 3599.02, 3599.06, 3599.07, 29
3599.11, 3599.12, 3599.17, 3599.18, 3599.19, 30
3599.20, 3599.21, 3599.24, 3599.25, 3599.26, 31
3599.27, 3599.28, 3599.29, 3599.31, 3599.33, 32
3599.34, 3599.36, 3599.39, 4109.06, 4301.353, 33
4301.354, and 4507.06; to amend, for the purpose 34
of adopting a new section number as indicated in 35
parentheses, section 3501.012 (3511.06); to 36
enact new sections 3503.111 and 3509.051 and 37
sections 3501.291, 3505.261, and 3505.262; and 38
to repeal sections 111.31, 3501.23, 3501.26, 39
3503.111, 3503.29, 3505.29, 3506.08, 3506.09, 40
3506.10, 3506.11, 3506.13, 3506.18, 3506.22, 41
3509.02, 3509.051, 3509.09, 3509.10, 3511.06, 42
3511.07, 3511.10, 3511.13, 3513.19, 3513.20, 43
3513.21, 3517.014, and 3517.016 of the Revised 44
Code to modify the law governing voter 45
registration and the method of conducting 46
elections. 47

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

Section 1. That sections 111.26, 111.44, 124.57, 149.43, 48
302.041, 303.12, 307.96, 519.12, 718.01, 3313.77, 3501.01, 49

3501.05, 3501.051, 3501.11, 3501.13, 3501.15, 3501.17, 3501.18, 50
3501.21, 3501.22, 3501.221, 3501.27, 3501.28, 3501.29, 3501.30, 51
3501.31, 3501.32, 3501.33, 3501.34, 3501.35, 3501.36, 3501.37, 52
3501.38, 3501.382, 3501.90, 3503.01, 3503.02, 3503.09, 3503.10, 53
3503.11, 3503.12, 3503.13, 3503.14, 3503.15, 3503.16, 3503.19, 54
3503.20, 3503.21, 3503.23, 3503.24, 3503.26, 3503.28, 3503.30, 55
3503.33, 3504.01, 3504.02, 3504.04, 3504.05, 3505.01, 3505.03, 56
3505.06, 3505.08, 3505.10, 3505.11, 3505.12, 3505.16, 3505.17, 57
3505.18, 3505.181, 3505.182, 3505.183, 3505.20, 3505.21, 58
3505.22, 3505.23, 3505.24, 3505.26, 3505.27, 3505.28, 3505.30, 59
3505.31, 3505.32, 3505.331, 3506.01, 3506.02, 3506.021, 3506.03, 60
3506.04, 3506.05, 3506.06, 3506.07, 3506.12, 3506.14, 3506.15, 61
3506.19, 3506.21, 3506.23, 3509.01, 3509.021, 3509.03, 3509.04, 62
3509.05, 3509.06, 3509.07, 3509.08, 3511.01, 3511.011, 3511.02, 63
3511.021, 3511.03, 3511.04, 3511.05, 3511.051, 3511.08, 3511.09, 64
3511.11, 3511.12, 3511.14, 3511.15, 3511.16, 3513.05, 3513.052, 65
3513.07, 3513.13, 3513.15, 3513.17, 3513.18, 3513.191, 3513.192, 66
3513.22, 3513.261, 3513.30, 3513.31, 3513.311, 3513.32, 3515.01, 67
3517.01, 3517.012, 3517.013, 3517.08, 3519.05, 3599.02, 3599.06, 68
3599.07, 3599.11, 3599.12, 3599.17, 3599.18, 3599.19, 3599.20, 69
3599.21, 3599.24, 3599.25, 3599.26, 3599.27, 3599.28, 3599.29, 70
3599.31, 3599.33, 3599.34, 3599.36, 3599.39, 4109.06, 4301.353, 71
4301.354, and 4507.06 be amended; section 3501.012 (3511.06) be 72
amended for the purpose of adopting a new section number as 73
indicated in parentheses; and new sections 3503.111 and 3509.051 74
and sections 3501.291, 3505.261, and 3505.262 of the Revised 75
Code be enacted to read as follows: 76

Sec. 111.26. (A) It is hereby declared to be a public 77
purpose and function of the state to facilitate the conduct of 78
elections by assisting boards of elections in acquiring state 79
capital facilities consisting of ~~voting machines,~~ marking 80

devices, and automatic tabulating equipment certified for use in 81
this state under section 3506.05 of the Revised Code. Those 82
~~voting machines,~~ marking devices, and automatic tabulating 83
equipment are designated as capital facilities under Chapter 84
154. of the Revised Code. The treasurer of state is authorized 85
to issue revenue obligations under section 154.24 of the Revised 86
Code to pay all or part of the cost of those state capital 87
facilities as are designated by law. 88

Boards of elections, due to their responsibilities related 89
to the proper conduct of elections under state law, are 90
designated as state agencies having jurisdiction over those 91
state capital facilities financed in part pursuant to this 92
section and Chapter 154. of the Revised Code. It is hereby 93
determined and declared that ~~voting machines,~~ marking devices, 94
and automatic tabulating equipment financed in part under this 95
section are for the purpose of housing agencies of state 96
government, their functions and equipment. 97

(B) A county shall contribute to the cost of capital 98
facilities authorized under this section as provided below. 99

(C) Any lease of capital facilities authorized by this 100
section, the rentals of which are payable in whole or in part 101
from appropriations made by the general assembly, is governed by 102
Chapter 154. of the Revised Code. Such rentals constitute 103
available receipts as defined in section 154.24 of the Revised 104
Code and may be pledged for the payment of bond service charges 105
as provided in Chapter 154. of the Revised Code. 106

(D) The county voting ~~machine~~ equipment revolving 107
lease/loan fund is hereby created in the state treasury. The 108
fund shall consist of the net proceeds of obligations issued 109
under Chapter 154. of the Revised Code to finance a portion of 110

those state capital facilities described in division (A) of this 111
section, as needed to ensure sufficient moneys to support 112
appropriations from the fund. Lease payments from counties made 113
for those capital facilities financed in part from the fund and 114
interest earnings on the balance in the fund shall be credited 115
to the fund. The fund shall also receive any other authorized 116
transfers of cash. Moneys in the fund shall be used for the 117
purpose of acquiring a portion of additional capital facilities 118
described in division (A) of this section at the request of the 119
applicable board of elections. 120

Participation in the fund by a board of county 121
commissioners shall be voluntary. 122

The secretary of state shall administer the county voting 123
~~machine-equipment~~ revolving lease/loan fund in accordance with 124
this section and shall enter into any lease or other agreement 125
with the department of administrative services, the Ohio public 126
facilities commission, or any board of elections necessary or 127
appropriate to accomplish the purposes of this section. 128

(E) Acquisitions made under this section shall provide not 129
more than fifty per cent of the estimated total cost of a board 130
of county commissioners' purchase of ~~voting machines,~~ marking 131
devices~~7~~ and automatic tabulating equipment. 132

The secretary of state shall adopt rules for the 133
implementation of the acquisition and revolving lease/loan 134
program established under this section, which rules shall 135
require that the secretary of state approve any acquisition of 136
~~voting machines,~~ marking devices~~7~~ and automatic tabulating 137
equipment using money made available under this section. An 138
acquisition for any one board of county commissioners shall not 139
exceed five million dollars and shall be made only for equipment 140

purchased on or after March 31, 2008. Any costs incurred on or 141
after January 1, 2008, may be considered as the county cost 142
percentage for the purpose of an acquisition made under this 143
section. 144

Counties shall lease from the secretary of state the 145
capital facilities financed in part from the county voting 146
~~machine equipment~~ revolving lease/loan fund and may enter into 147
any agreements required under the applicable bond proceedings. 148
~~All voting machines, marking devices, and automatic tabulating~~ 149
equipment purchased through this fund shall remain the property 150
of the state until all payments under the applicable county 151
lease have been made at which time ownership shall transfer to 152
the county. Costs associated with the maintenance, repair, and 153
operation of the ~~voting machines, marking devices, and automatic~~ 154
~~tabulating~~ equipment purchased under this section shall be the 155
responsibility of the participating boards of elections and 156
boards of county commissioners. 157

Such lease may obligate the counties, as using state 158
agencies under Chapter 154. of the Revised Code, to operate the 159
capital facilities for such period of time as may be specified 160
by law and to pay such rent as the secretary of state determines 161
to be appropriate. Notwithstanding any other provision of the 162
Revised Code to the contrary, any county may enter into such a 163
lease, and any such lease is legally sufficient to obligate the 164
county for the term stated in the lease. Any such lease 165
constitutes an agreement described in division (D) of section 166
154.06 of the Revised Code. 167

(F) As used in this section: 168

(1) "Automatic tabulating equipment," and "marking 169
device," ~~and "voting machine"~~ have the same meanings as in 170

section 3506.01 of the Revised Code. 171

(2) "Equipment" has the same meaning as in section 3506.05 172
of the Revised Code. 173

Sec. 111.44. (A) A program participant who is eligible to 174
vote may apply to the board of elections of the county in which 175
the program participant resides to request that the program 176
participant's voter registration record be kept confidential. 177
The program participant shall submit an application to the 178
director of the board of elections, on a form prescribed by the 179
secretary of state, that includes all of the following: 180

(1) The information required under section 3503.14 of the 181
Revised Code to register to vote; 182

(2) The program participant's program participant 183
identification number; 184

(3) If the program participant is currently registered to 185
vote at another address, the address at which the program 186
participant is registered to vote and a statement that, if the 187
program participant is registered in another county or state, 188
the program participant authorizes the director to instruct the 189
appropriate authority to cancel the program participant's 190
existing voter registration; 191

(4) A statement that the program participant understands 192
all of the following: 193

(a) That during the time the program participant chooses 194
to have a confidential voter registration record, the program 195
participant may vote only by ~~absent voter's~~ mail ballots; 196

(b) That the program participant may provide the program 197
participant's program participant identification number instead 198

of the program participant's residence address on an application 199
for ~~absent voter's mail~~ ballots or on an ~~absent voter's ballot~~ 200
identification envelope statement of voter; 201

(c) That casting any ballot in person will reveal the 202
program participant's precinct and residence address to ~~precinct~~ 203
election officials ~~and employees of the board of elections~~ and 204
may reveal the program participant's precinct or residence 205
address to members of the public; 206

(d) That if the program participant signs an election 207
petition, the program participant's residence address will be 208
made available to the public. 209

(B) (1) A program participant who is not currently 210
registered to vote in this state must submit an application 211
under this section not later than the thirtieth day before the 212
day of an election in order to be eligible to vote in that 213
election, as provided in sections 3503.01 and 3503.19 of the 214
Revised Code. 215

(2) A program participant who is currently registered to 216
vote in this state may submit an application under this section 217
at any time to request that the program participant's voter 218
registration record be kept confidential. 219

(C) Upon the receipt by the director of the board of 220
elections of a valid application under division (A) of this 221
section, all of the following shall apply: 222

(1) The director or the deputy director shall contact the 223
secretary of state to confirm that the program participant 224
identification number provided on the application matches the 225
number the secretary of state issued to the program participant. 226

(2) The application shall be treated as the program 227

participant's voter registration form. The form shall be stored 228
in a secure manner, such that only the members of the board of 229
elections, the director, and the deputy director have access to 230
the form and to the residence address contained in the form. 231

(3) The director or the deputy director shall record the 232
program participant's program participant identification number 233
in the statewide voter registration database and the official 234
registration list instead of the program participant's residence 235
address and precinct. 236

(4) If the program participant is currently registered to 237
vote in the county, the director or the deputy director shall do 238
all of the following: 239

(a) Remove the residence address and precinct information 240
from the program participant's voter registration record, the 241
statewide voter registration database, and the official 242
registration list; 243

(b) Remove the program participant's name and registration 244
information from any pollbook, poll list, or signature pollbook 245
in which it appears and from any publicly available registration 246
list in which it appears. 247

(5) If the program participant is currently registered to 248
vote in another county, the director or the deputy director 249
shall notify the board of elections of the county in which the 250
program participant is registered to cancel the program 251
participant's registration. 252

(6) If the program participant is currently registered to 253
vote in another state, the director or the deputy director shall 254
notify the appropriate authority in that state to cancel the 255
program participant's registration. 256

(7) The director or the deputy director shall promptly 257
send an acknowledgment notice to the program participant on a 258
form prescribed by the secretary of state. 259

(D) (1) (a) The residence address or precinct of a program 260
participant who has a confidential voter registration record, as 261
described in this section, shall not appear in the statewide 262
voter registration database or in the official registration 263
list. The program participant's program participant 264
identification number shall appear in place of that information. 265

(b) No information concerning the program participant, 266
including the program participant's name, shall be included in 267
any pollbook, poll list, or signature pollbook. 268

(c) No information concerning the program participant, 269
including the program participant's name, shall be included in 270
the version of the statewide voter registration database that is 271
available to the public or in any version of an official 272
registration list that is available to the public. 273

(2) Notwithstanding any contrary provision of the Revised 274
Code, a program participant who has a confidential voter 275
registration record may vote only by ~~casting absent voter's~~ 276
~~ballots~~ mail. 277

(3) Not later than the forty-fifth day before the day of 278
an election, the secretary of state shall mail a notice to each 279
program participant who has a confidential voter registration 280
record. The notice shall inform the program participant of all 281
of the following: 282

(a) That if the program participant wishes to vote in the 283
election, the program participant should cast ~~absent voter's~~ 284
mail ~~ballots~~ ~~by mail~~; 285

(b) The procedure for the program participant to cast 286
~~absent voter's mail~~ ballots; 287

(c) That casting any ballot in person will reveal the 288
program participant's precinct and residence address to ~~precinct~~ 289
election officials ~~and employees of the board of elections~~ and 290
may reveal the program participant's precinct or residence 291
address to members of the public. 292

(E) (1) A program participant who has a confidential voter 293
registration record and who has had a change of name ~~or~~, change 294
of address, or change of political party affiliation may submit 295
an application under division (A) of this section that includes 296
the program participant's updated information. The director or 297
the deputy director shall treat that application as a notice of 298
change of name ~~or~~, change of address, or change of political 299
party affiliation. 300

(2) If the program participant currently resides in that 301
county, the director or the deputy director shall replace the 302
program participant's existing registration form with the new 303
registration form. 304

(3) If the program participant currently resides in 305
another county in this state, the director or the deputy 306
director shall cancel the program participant's existing 307
registration form and shall transmit the program participant's 308
new registration form to the director of the board of elections 309
of the county in which the elector currently resides, and the 310
new registration form shall be processed in accordance with 311
division (C) of this section. 312

(F) A person who has a confidential voter registration 313
record and who ceases being a program participant or who wishes 314

to cease having a confidential voter registration record shall 315
submit an application, on a form prescribed by the secretary of 316
state, that includes all of the following: 317

(1) The information required under section 3503.14 of the 318
Revised Code to register to vote; 319

(2) The person's program participant identification 320
number; 321

(3) A statement that the person has ceased being a program 322
participant or that the person wishes to cease having a 323
confidential voter registration record; 324

(4) A statement that the director should do one of the 325
following: 326

(a) Treat the person's existing voter registration form in 327
the same manner as other voter registration forms; 328

(b) Cancel the person's voter registration. 329

(G) (1) Upon receiving a valid application under division 330
(F) of this section from a person who wishes the board of 331
elections to treat the person's existing voter registration form 332
in the same manner as other voter registration forms, or upon 333
receiving a notice from the secretary of state under division 334
(B) of section 111.45 of the Revised Code concerning a person 335
who has a confidential voter registration record, the director 336
or the deputy director shall do all of the following: 337

(a) Store the person's voter registration form in the same 338
manner as other voter registration forms; 339

(b) Remove the person's program participant identification 340
number from the person's registration form and from the 341
statewide voter registration database; 342

(c) Ensure that the statewide voter registration database 343
and any poll list, pollbook, or registration list accurately 344
reflect the person's current name and registration information. 345

(2) Notwithstanding any contrary provision of section 346
3503.01 of the Revised Code, if the director receives an 347
application or notice described in division (G) (1) of this 348
section concerning an elector less than thirty days before the 349
day of an election, the elector shall be eligible to vote in 350
that election. 351

(H) Upon receiving a valid application under division (F) 352
of this section from a person who wishes to have the person's 353
voter registration canceled, the director or the deputy director 354
shall cancel the person's voter registration. 355

Sec. 124.57. (A) No officer or employee in the classified 356
service of the state, the several counties, cities, and city 357
school districts of the state, or the civil service townships of 358
the state shall directly or indirectly, orally or by letter, 359
solicit or receive, or be in any manner concerned in soliciting 360
or receiving, any assessment, subscription, or contribution for 361
any political party or for any candidate for public office; nor 362
shall any person solicit directly or indirectly, orally or by 363
letter, or be in any manner concerned in soliciting, any such 364
assessment, contribution, or payment from any officer or 365
employee in the classified service of the state, the several 366
counties, cities, or city school districts of the state, or the 367
civil service townships of the state; nor shall any officer or 368
employee in the classified service of the state, the several 369
counties, cities, and city school districts of the state, or the 370
civil service townships of the state be an officer in any 371
political organization or take part in politics other than to 372

vote as the officer or employee pleases and to express freely 373
political opinions. 374

(B) (1) Nothing in division (A) of this section prohibits 375
an officer or employee described in that division from serving 376
as ~~a precinct~~ an election official under section 3501.22 of the 377
Revised Code. 378

(2) Nothing in division (A) of this section prohibits an 379
employee of OSU extension whose position is transferred from the 380
unclassified civil service to the classified civil service and 381
who also holds the office of president of a city legislative 382
authority from completing the existing term of office as 383
president. 384

Sec. 149.43. (A) As used in this section: 385

(1) "Public record" means records kept by any public 386
office, including, but not limited to, state, county, city, 387
village, township, and school district units, and records 388
pertaining to the delivery of educational services by an 389
alternative school in this state kept by the nonprofit or for- 390
profit entity operating the alternative school pursuant to 391
section 3313.533 of the Revised Code. "Public record" does not 392
mean any of the following: 393

(a) Medical records; 394

(b) Records pertaining to probation and parole 395
proceedings, to proceedings related to the imposition of 396
community control sanctions and post-release control sanctions, 397
or to proceedings related to determinations under section 398
2967.271 of the Revised Code regarding the release or maintained 399
incarceration of an offender to whom that section applies; 400

(c) Records pertaining to actions under section 2151.85 401

and division (C) of section 2919.121 of the Revised Code and to 402
appeals of actions arising under those sections; 403

(d) Records pertaining to adoption proceedings, including 404
the contents of an adoption file maintained by the department of 405
health under sections 3705.12 to 3705.124 of the Revised Code; 406

(e) Information in a record contained in the putative 407
father registry established by section 3107.062 of the Revised 408
Code, regardless of whether the information is held by the 409
department of job and family services or, pursuant to section 410
3111.69 of the Revised Code, the office of child support in the 411
department or a child support enforcement agency; 412

(f) Records specified in division (A) of section 3107.52 413
of the Revised Code; 414

(g) Trial preparation records; 415

(h) Confidential law enforcement investigatory records; 416

(i) Records containing information that is confidential 417
under section 2710.03 or 4112.05 of the Revised Code; 418

(j) DNA records stored in the DNA database pursuant to 419
section 109.573 of the Revised Code; 420

(k) Inmate records released by the department of 421
rehabilitation and correction to the department of youth 422
services or a court of record pursuant to division (E) of 423
section 5120.21 of the Revised Code; 424

(l) Records maintained by the department of youth services 425
pertaining to children in its custody released by the department 426
of youth services to the department of rehabilitation and 427
correction pursuant to section 5139.05 of the Revised Code; 428

(m) Intellectual property records;	429
(n) Donor profile records;	430
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	431 432
(p) Designated public service worker residential and familial information;	433 434
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	435 436 437 438 439
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	440 441
(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, records provided to the board or director, statements made by board members during meetings of the board or by persons participating in the director's review, and all work products of the board or director, and in the case of a child fatality review board, child fatality review data submitted by the board to the department of health or a national child death review database, other than the report prepared pursuant to division (A) of section 307.626 of the Revised Code;	442 443 444 445 446 447 448 449 450 451 452 453
(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that	454 455 456 457

section; 458

(u) Test materials, examinations, or evaluation tools used 459
in an examination for licensure as a nursing home administrator 460
that the board of executives of long-term services and supports 461
administers under section 4751.15 of the Revised Code or 462
contracts under that section with a private or government entity 463
to administer; 464

(v) Records the release of which is prohibited by state or 465
federal law; 466

(w) Proprietary information of or relating to any person 467
that is submitted to or compiled by the Ohio venture capital 468
authority created under section 150.01 of the Revised Code; 469

(x) Financial statements and data any person submits for 470
any purpose to the Ohio housing finance agency or the 471
controlling board in connection with applying for, receiving, or 472
accounting for financial assistance from the agency, and 473
information that identifies any individual who benefits directly 474
or indirectly from financial assistance from the agency; 475

(y) Records listed in section 5101.29 of the Revised Code; 476

(z) Discharges recorded with a county recorder under 477
section 317.24 of the Revised Code, as specified in division (B) 478
(2) of that section; 479

(aa) Usage information including names and addresses of 480
specific residential and commercial customers of a municipally 481
owned or operated public utility; 482

(bb) Records described in division (C) of section 187.04 483
of the Revised Code that are not designated to be made available 484
to the public as provided in that division; 485

(cc) Information and records that are made confidential, 486
privileged, and not subject to disclosure under divisions (B) 487
and (C) of section 2949.221 of the Revised Code; 488

(dd) Personal information, as defined in section 149.45 of 489
the Revised Code; 490

(ee) The confidential name, address, and other personally 491
identifiable information of a program participant in the address 492
confidentiality program established under sections 111.41 to 493
111.47 of the Revised Code, including the contents of any 494
application for ~~absent voter's mail~~ ballots, ~~absent voter's mail~~ 495
ballot identification envelope statement of voter, or 496
provisional ballot affirmation completed by a program 497
participant who has a confidential voter registration record, 498
and records or portions of records pertaining to that program 499
that identify the number of program participants that reside 500
within a precinct, ward, township, municipal corporation, 501
county, or any other geographic area smaller than the state. As 502
used in this division, "confidential address" and "program 503
participant" have the meaning defined in section 111.41 of the 504
Revised Code. 505

(ff) Orders for active military service of an individual 506
serving or with previous service in the armed forces of the 507
United States, including a reserve component, or the Ohio 508
organized militia, except that, such order becomes a public 509
record on the day that is fifteen years after the published date 510
or effective date of the call to order; 511

(gg) The name, address, contact information, or other 512
personal information of an individual who is less than eighteen 513
years of age that is included in any record related to a traffic 514
accident involving a school vehicle in which the individual was 515

an occupant at the time of the accident; 516

(hh) Protected health information, as defined in 45 C.F.R. 517
160.103, that is in a claim for payment for a health care 518
product, service, or procedure, as well as any other health 519
claims data in another document that reveals the identity of an 520
individual who is the subject of the data or could be used to 521
reveal that individual's identity; 522

(ii) Any depiction by photograph, film, videotape, or 523
printed or digital image under either of the following 524
circumstances: 525

(i) The depiction is that of a victim of an offense the 526
release of which would be, to a reasonable person of ordinary 527
sensibilities, an offensive and objectionable intrusion into the 528
victim's expectation of bodily privacy and integrity. 529

(ii) The depiction captures or depicts the victim of a 530
sexually oriented offense, as defined in section 2950.01 of the 531
Revised Code, at the actual occurrence of that offense. 532

(jj) Restricted portions of a body-worn camera or 533
dashboard camera recording; 534

(kk) In the case of a fetal-infant mortality review board 535
acting under sections 3707.70 to 3707.77 of the Revised Code, 536
records, documents, reports, or other information presented to 537
the board or a person abstracting such materials on the board's 538
behalf, statements made by review board members during board 539
meetings, all work products of the board, and data submitted by 540
the board to the department of health or a national infant death 541
review database, other than the report prepared pursuant to 542
section 3707.77 of the Revised Code. 543

(ll) Records, documents, reports, or other information 544

presented to the pregnancy-associated mortality review board 545
established under section 3738.01 of the Revised Code, 546
statements made by board members during board meetings, all work 547
products of the board, and data submitted by the board to the 548
department of health, other than the biennial reports prepared 549
under section 3738.08 of the Revised Code; 550

(mm) Telephone numbers for a victim, as defined in section 551
2930.01 of the Revised Code, a witness to a crime, or a party to 552
a motor vehicle accident subject to the requirements of section 553
5502.11 of the Revised Code that are listed on any law 554
enforcement record or report. 555

A record that is not a public record under division (A) (1) 556
of this section and that, under law, is permanently retained 557
becomes a public record on the day that is seventy-five years 558
after the day on which the record was created, except for any 559
record protected by the attorney-client privilege, a trial 560
preparation record as defined in this section, a statement 561
prohibiting the release of identifying information signed under 562
section 3107.083 of the Revised Code, a denial of release form 563
filed pursuant to section 3107.46 of the Revised Code, or any 564
record that is exempt from release or disclosure under section 565
149.433 of the Revised Code. If the record is a birth 566
certificate and a biological parent's name redaction request 567
form has been accepted under section 3107.391 of the Revised 568
Code, the name of that parent shall be redacted from the birth 569
certificate before it is released under this paragraph. If any 570
other section of the Revised Code establishes a time period for 571
disclosure of a record that conflicts with the time period 572
specified in this section, the time period in the other section 573
prevails. 574

(2) "Confidential law enforcement investigatory record" 575
means any record that pertains to a law enforcement matter of a 576
criminal, quasi-criminal, civil, or administrative nature, but 577
only to the extent that the release of the record would create a 578
high probability of disclosure of any of the following: 579

(a) The identity of a suspect who has not been charged 580
with the offense to which the record pertains, or of an 581
information source or witness to whom confidentiality has been 582
reasonably promised; 583

(b) Information provided by an information source or 584
witness to whom confidentiality has been reasonably promised, 585
which information would reasonably tend to disclose the source's 586
or witness's identity; 587

(c) Specific confidential investigatory techniques or 588
procedures or specific investigatory work product; 589

(d) Information that would endanger the life or physical 590
safety of law enforcement personnel, a crime victim, a witness, 591
or a confidential information source. 592

(3) "Medical record" means any document or combination of 593
documents, except births, deaths, and the fact of admission to 594
or discharge from a hospital, that pertains to the medical 595
history, diagnosis, prognosis, or medical condition of a patient 596
and that is generated and maintained in the process of medical 597
treatment. 598

(4) "Trial preparation record" means any record that 599
contains information that is specifically compiled in reasonable 600
anticipation of, or in defense of, a civil or criminal action or 601
proceeding, including the independent thought processes and 602
personal trial preparation of an attorney. 603

(5) "Intellectual property record" means a record, other
than a financial or administrative record, that is produced or
collected by or for faculty or staff of a state institution of
higher learning in the conduct of or as a result of study or
research on an educational, commercial, scientific, artistic,
technical, or scholarly issue, regardless of whether the study
or research was sponsored by the institution alone or in
conjunction with a governmental body or private concern, and
that has not been publicly released, published, or patented.

(6) "Donor profile record" means all records about donors
or potential donors to a public institution of higher education
except the names and reported addresses of the actual donors and
the date, amount, and conditions of the actual donation.

(7) "Designated public service worker" means a peace
officer, parole officer, probation officer, bailiff, prosecuting
attorney, assistant prosecuting attorney, correctional employee,
county or multicounty corrections officer, community-based
correctional facility employee, youth services employee,
firefighter, EMT, medical director or member of a cooperating
physician advisory board of an emergency medical service
organization, state board of pharmacy employee, investigator of
the bureau of criminal identification and investigation, judge,
magistrate, or federal law enforcement officer.

(8) "Designated public service worker residential and
familial information" means any information that discloses any
of the following about a designated public service worker:

(a) The address of the actual personal residence of a
designated public service worker, except for the following
information:

(i) The address of the actual personal residence of a 633
prosecuting attorney or judge; and 634

(ii) The state or political subdivision in which a 635
designated public service worker resides. 636

(b) Information compiled from referral to or participation 637
in an employee assistance program; 638

(c) The social security number, the residential telephone 639
number, any bank account, debit card, charge card, or credit 640
card number, or the emergency telephone number of, or any 641
medical information pertaining to, a designated public service 642
worker; 643

(d) The name of any beneficiary of employment benefits, 644
including, but not limited to, life insurance benefits, provided 645
to a designated public service worker by the designated public 646
service worker's employer; 647

(e) The identity and amount of any charitable or 648
employment benefit deduction made by the designated public 649
service worker's employer from the designated public service 650
worker's compensation, unless the amount of the deduction is 651
required by state or federal law; 652

(f) The name, the residential address, the name of the 653
employer, the address of the employer, the social security 654
number, the residential telephone number, any bank account, 655
debit card, charge card, or credit card number, or the emergency 656
telephone number of the spouse, a former spouse, or any child of 657
a designated public service worker; 658

(g) A photograph of a peace officer who holds a position 659
or has an assignment that may include undercover or plain 660
clothes positions or assignments as determined by the peace 661

officer's appointing authority. 662

(9) As used in divisions (A) (7) and (15) to (17) of this 663
section: 664

"Peace officer" has the meaning defined in section 109.71 665
of the Revised Code and also includes the superintendent and 666
troopers of the state highway patrol; it does not include the 667
sheriff of a county or a supervisory employee who, in the 668
absence of the sheriff, is authorized to stand in for, exercise 669
the authority of, and perform the duties of the sheriff. 670

"Correctional employee" means any employee of the 671
department of rehabilitation and correction who in the course of 672
performing the employee's job duties has or has had contact with 673
inmates and persons under supervision. 674

"County or multicounty corrections officer" means any 675
corrections officer employed by any county or multicounty 676
correctional facility. 677

"Youth services employee" means any employee of the 678
department of youth services who in the course of performing the 679
employee's job duties has or has had contact with children 680
committed to the custody of the department of youth services. 681

"Firefighter" means any regular, paid or volunteer, member 682
of a lawfully constituted fire department of a municipal 683
corporation, township, fire district, or village. 684

"EMT" means EMTs-basic, EMTs-I, and paramedics that 685
provide emergency medical services for a public emergency 686
medical service organization. "Emergency medical service 687
organization," "EMT-basic," "EMT-I," and "paramedic" have the 688
meanings defined in section 4765.01 of the Revised Code. 689

"Investigator of the bureau of criminal identification and investigation" has the meaning defined in section 2903.11 of the Revised Code. 690
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"Federal law enforcement officer" has the meaning defined in section 9.88 of the Revised Code. 693
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(10) "Information pertaining to the recreational activities of a person under the age of eighteen" means information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following: 695
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(a) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person; 701
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(b) The social security number, birth date, or photographic image of a person under the age of eighteen; 705
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(c) Any medical record, history, or information pertaining to a person under the age of eighteen; 707
708

(d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office. 709
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(11) "Community control sanction" has the meaning defined in section 2929.01 of the Revised Code. 715
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(12) "Post-release control sanction" has the meaning 717

defined in section 2967.01 of the Revised Code. 718

(13) "Redaction" means obscuring or deleting any 719
information that is exempt from the duty to permit public 720
inspection or copying from an item that otherwise meets the 721
definition of a "record" in section 149.011 of the Revised Code. 722

(14) "Designee," "elected official," and "future official" 723
have the meanings defined in section 109.43 of the Revised Code. 724

(15) "Body-worn camera" means a visual and audio recording 725
device worn on the person of a peace officer while the peace 726
officer is engaged in the performance of the peace officer's 727
duties. 728

(16) "Dashboard camera" means a visual and audio recording 729
device mounted on a peace officer's vehicle or vessel that is 730
used while the peace officer is engaged in the performance of 731
the peace officer's duties. 732

(17) "Restricted portions of a body-worn camera or 733
dashboard camera recording" means any visual or audio portion of 734
a body-worn camera or dashboard camera recording that shows, 735
communicates, or discloses any of the following: 736

(a) The image or identity of a child or information that 737
could lead to the identification of a child who is a primary 738
subject of the recording when the law enforcement agency knows 739
or has reason to know the person is a child based on the law 740
enforcement agency's records or the content of the recording; 741

(b) The death of a person or a deceased person's body, 742
unless the death was caused by a peace officer or, subject to 743
division (H)(1) of this section, the consent of the decedent's 744
executor or administrator has been obtained; 745

(c) The death of a peace officer, firefighter, paramedic, 746
or other first responder, occurring while the decedent was 747
engaged in the performance of official duties, unless, subject 748
to division (H) (1) of this section, the consent of the 749
decedent's executor or administrator has been obtained; 750

(d) Grievous bodily harm, unless the injury was effected 751
by a peace officer or, subject to division (H) (1) of this 752
section, the consent of the injured person or the injured 753
person's guardian has been obtained; 754

(e) An act of severe violence against a person that 755
results in serious physical harm to the person, unless the act 756
and injury was effected by a peace officer or, subject to 757
division (H) (1) of this section, the consent of the injured 758
person or the injured person's guardian has been obtained; 759

(f) Grievous bodily harm to a peace officer, firefighter, 760
paramedic, or other first responder, occurring while the injured 761
person was engaged in the performance of official duties, 762
unless, subject to division (H) (1) of this section, the consent 763
of the injured person or the injured person's guardian has been 764
obtained; 765

(g) An act of severe violence resulting in serious 766
physical harm against a peace officer, firefighter, paramedic, 767
or other first responder, occurring while the injured person was 768
engaged in the performance of official duties, unless, subject 769
to division (H) (1) of this section, the consent of the injured 770
person or the injured person's guardian has been obtained; 771

(h) A person's nude body, unless, subject to division (H) 772
(1) of this section, the person's consent has been obtained; 773

(i) Protected health information, the identity of a person 774

in a health care facility who is not the subject of a law 775
enforcement encounter, or any other information in a health care 776
facility that could identify a person who is not the subject of 777
a law enforcement encounter; 778

(j) Information that could identify the alleged victim of 779
a sex offense, menacing by stalking, or domestic violence; 780

(k) Information, that does not constitute a confidential 781
law enforcement investigatory record, that could identify a 782
person who provides sensitive or confidential information to a 783
law enforcement agency when the disclosure of the person's 784
identity or the information provided could reasonably be 785
expected to threaten or endanger the safety or property of the 786
person or another person; 787

(l) Personal information of a person who is not arrested, 788
cited, charged, or issued a written warning by a peace officer; 789

(m) Proprietary police contingency plans or tactics that 790
are intended to prevent crime and maintain public order and 791
safety; 792

(n) A personal conversation unrelated to work between 793
peace officers or between a peace officer and an employee of a 794
law enforcement agency; 795

(o) A conversation between a peace officer and a member of 796
the public that does not concern law enforcement activities; 797

(p) The interior of a residence, unless the interior of a 798
residence is the location of an adversarial encounter with, or a 799
use of force by, a peace officer; 800

(q) Any portion of the interior of a private business that 801
is not open to the public, unless an adversarial encounter with, 802

or a use of force by, a peace officer occurs in that location. 803

As used in division (A) (17) of this section: 804

"Grievous bodily harm" has the same meaning as in section 805
5924.120 of the Revised Code. 806

"Health care facility" has the same meaning as in section 807
1337.11 of the Revised Code. 808

"Protected health information" has the same meaning as in 809
45 C.F.R. 160.103. 810

"Law enforcement agency" has the same meaning as in 811
section 2925.61 of the Revised Code. 812

"Personal information" means any government-issued 813
identification number, date of birth, address, financial 814
information, or criminal justice information from the law 815
enforcement automated data system or similar databases. 816

"Sex offense" has the same meaning as in section 2907.10 817
of the Revised Code. 818

"Firefighter," "paramedic," and "first responder" have the 819
same meanings as in section 4765.01 of the Revised Code. 820

(B) (1) Upon request and subject to division (B) (8) of this 821
section, all public records responsive to the request shall be 822
promptly prepared and made available for inspection to any 823
person at all reasonable times during regular business hours. 824
Subject to division (B) (8) of this section, upon request by any 825
person, a public office or person responsible for public records 826
shall make copies of the requested public record available to 827
the requester at cost and within a reasonable period of time. If 828
a public record contains information that is exempt from the 829
duty to permit public inspection or to copy the public record, 830

the public office or the person responsible for the public 831
record shall make available all of the information within the 832
public record that is not exempt. When making that public record 833
available for public inspection or copying that public record, 834
the public office or the person responsible for the public 835
record shall notify the requester of any redaction or make the 836
redaction plainly visible. A redaction shall be deemed a denial 837
of a request to inspect or copy the redacted information, except 838
if federal or state law authorizes or requires a public office 839
to make the redaction. 840

(2) To facilitate broader access to public records, a 841
public office or the person responsible for public records shall 842
organize and maintain public records in a manner that they can 843
be made available for inspection or copying in accordance with 844
division (B) of this section. A public office also shall have 845
available a copy of its current records retention schedule at a 846
location readily available to the public. If a requester makes 847
an ambiguous or overly broad request or has difficulty in making 848
a request for copies or inspection of public records under this 849
section such that the public office or the person responsible 850
for the requested public record cannot reasonably identify what 851
public records are being requested, the public office or the 852
person responsible for the requested public record may deny the 853
request but shall provide the requester with an opportunity to 854
revise the request by informing the requester of the manner in 855
which records are maintained by the public office and accessed 856
in the ordinary course of the public office's or person's 857
duties. 858

(3) If a request is ultimately denied, in part or in 859
whole, the public office or the person responsible for the 860
requested public record shall provide the requester with an 861

explanation, including legal authority, setting forth why the 862
request was denied. If the initial request was provided in 863
writing, the explanation also shall be provided to the requester 864
in writing. The explanation shall not preclude the public office 865
or the person responsible for the requested public record from 866
relying upon additional reasons or legal authority in defending 867
an action commenced under division (C) of this section. 868

(4) Unless specifically required or authorized by state or 869
federal law or in accordance with division (B) of this section, 870
no public office or person responsible for public records may 871
limit or condition the availability of public records by 872
requiring disclosure of the requester's identity or the intended 873
use of the requested public record. Any requirement that the 874
requester disclose the requester's identity or the intended use 875
of the requested public record constitutes a denial of the 876
request. 877

(5) A public office or person responsible for public 878
records may ask a requester to make the request in writing, may 879
ask for the requester's identity, and may inquire about the 880
intended use of the information requested, but may do so only 881
after disclosing to the requester that a written request is not 882
mandatory, that the requester may decline to reveal the 883
requester's identity or the intended use, and when a written 884
request or disclosure of the identity or intended use would 885
benefit the requester by enhancing the ability of the public 886
office or person responsible for public records to identify, 887
locate, or deliver the public records sought by the requester. 888

(6) If any person requests a copy of a public record in 889
accordance with division (B) of this section, the public office 890
or person responsible for the public record may require that 891

person to pay in advance the cost involved in providing the copy 892
of the public record in accordance with the choice made by the 893
person requesting the copy under this division. The public 894
office or the person responsible for the public record shall 895
permit that person to choose to have the public record 896
duplicated upon paper, upon the same medium upon which the 897
public office or person responsible for the public record keeps 898
it, or upon any other medium upon which the public office or 899
person responsible for the public record determines that it 900
reasonably can be duplicated as an integral part of the normal 901
operations of the public office or person responsible for the 902
public record. When the person requesting the copy makes a 903
choice under this division, the public office or person 904
responsible for the public record shall provide a copy of it in 905
accordance with the choice made by that person. Nothing in this 906
section requires a public office or person responsible for the 907
public record to allow the person requesting a copy of the 908
public record to make the copies of the public record. 909

(7) (a) Upon a request made in accordance with division (B) 910
of this section and subject to division (B) (6) of this section, 911
a public office or person responsible for public records shall 912
transmit a copy of a public record to any person by United 913
States mail or by any other means of delivery or transmission 914
within a reasonable period of time after receiving the request 915
for the copy. The public office or person responsible for the 916
public record may require the person making the request to pay 917
in advance the cost of postage if the copy is transmitted by 918
United States mail or the cost of delivery if the copy is 919
transmitted other than by United States mail, and to pay in 920
advance the costs incurred for other supplies used in the 921
mailing, delivery, or transmission. 922

(b) Any public office may adopt a policy and procedures 923
that it will follow in transmitting, within a reasonable period 924
of time after receiving a request, copies of public records by 925
United States mail or by any other means of delivery or 926
transmission pursuant to division (B) (7) of this section. A 927
public office that adopts a policy and procedures under division 928
(B) (7) of this section shall comply with them in performing its 929
duties under that division. 930

(c) In any policy and procedures adopted under division 931
(B) (7) of this section: 932

(i) A public office may limit the number of records 933
requested by a person that the office will physically deliver by 934
United States mail or by another delivery service to ten per 935
month, unless the person certifies to the office in writing that 936
the person does not intend to use or forward the requested 937
records, or the information contained in them, for commercial 938
purposes; 939

(ii) A public office that chooses to provide some or all 940
of its public records on a web site that is fully accessible to 941
and searchable by members of the public at all times, other than 942
during acts of God outside the public office's control or 943
maintenance, and that charges no fee to search, access, 944
download, or otherwise receive records provided on the web site, 945
may limit to ten per month the number of records requested by a 946
person that the office will deliver in a digital format, unless 947
the requested records are not provided on the web site and 948
unless the person certifies to the office in writing that the 949
person does not intend to use or forward the requested records, 950
or the information contained in them, for commercial purposes. 951

(iii) For purposes of division (B) (7) of this section, 952

"commercial" shall be narrowly construed and does not include 953
reporting or gathering news, reporting or gathering information 954
to assist citizen oversight or understanding of the operation or 955
activities of government, or nonprofit educational research. 956

(8) A public office or person responsible for public 957
records is not required to permit a person who is incarcerated 958
pursuant to a criminal conviction or a juvenile adjudication to 959
inspect or to obtain a copy of any public record concerning a 960
criminal investigation or prosecution or concerning what would 961
be a criminal investigation or prosecution if the subject of the 962
investigation or prosecution were an adult, unless the request 963
to inspect or to obtain a copy of the record is for the purpose 964
of acquiring information that is subject to release as a public 965
record under this section and the judge who imposed the sentence 966
or made the adjudication with respect to the person, or the 967
judge's successor in office, finds that the information sought 968
in the public record is necessary to support what appears to be 969
a justiciable claim of the person. 970

(9) (a) Upon written request made and signed by a 971
journalist, a public office, or person responsible for public 972
records, having custody of the records of the agency employing a 973
specified designated public service worker shall disclose to the 974
journalist the address of the actual personal residence of the 975
designated public service worker and, if the designated public 976
service worker's spouse, former spouse, or child is employed by 977
a public office, the name and address of the employer of the 978
designated public service worker's spouse, former spouse, or 979
child. The request shall include the journalist's name and title 980
and the name and address of the journalist's employer and shall 981
state that disclosure of the information sought would be in the 982
public interest. 983

(b) Division (B) (9) (a) of this section also applies to 984
journalist requests for: 985

(i) Customer information maintained by a municipally owned 986
or operated public utility, other than social security numbers 987
and any private financial information such as credit reports, 988
payment methods, credit card numbers, and bank account 989
information; 990

(ii) Information about minors involved in a school vehicle 991
accident as provided in division (A) (1) (gg) of this section, 992
other than personal information as defined in section 149.45 of 993
the Revised Code. 994

(c) As used in division (B) (9) of this section, 995
"journalist" means a person engaged in, connected with, or 996
employed by any news medium, including a newspaper, magazine, 997
press association, news agency, or wire service, a radio or 998
television station, or a similar medium, for the purpose of 999
gathering, processing, transmitting, compiling, editing, or 1000
disseminating information for the general public. 1001

(10) Upon a request made by a victim, victim's attorney, 1002
or victim's representative, as that term is used in section 1003
2930.02 of the Revised Code, a public office or person 1004
responsible for public records shall transmit a copy of a 1005
depiction of the victim as described in division (A) (1) (gg) of 1006
this section to the victim, victim's attorney, or victim's 1007
representative. 1008

(C) (1) If a person allegedly is aggrieved by the failure 1009
of a public office or the person responsible for public records 1010
to promptly prepare a public record and to make it available to 1011
the person for inspection in accordance with division (B) of 1012

this section or by any other failure of a public office or the 1013
person responsible for public records to comply with an 1014
obligation in accordance with division (B) of this section, the 1015
person allegedly aggrieved may do only one of the following, and 1016
not both: 1017

(a) File a complaint with the clerk of the court of claims 1018
or the clerk of the court of common pleas under section 2743.75 1019
of the Revised Code; 1020

(b) Commence a mandamus action to obtain a judgment that 1021
orders the public office or the person responsible for the 1022
public record to comply with division (B) of this section, that 1023
awards court costs and reasonable attorney's fees to the person 1024
that instituted the mandamus action, and, if applicable, that 1025
includes an order fixing statutory damages under division (C) (2) 1026
of this section. The mandamus action may be commenced in the 1027
court of common pleas of the county in which division (B) of 1028
this section allegedly was not complied with, in the supreme 1029
court pursuant to its original jurisdiction under Section 2 of 1030
Article IV, Ohio Constitution, or in the court of appeals for 1031
the appellate district in which division (B) of this section 1032
allegedly was not complied with pursuant to its original 1033
jurisdiction under Section 3 of Article IV, Ohio Constitution. 1034

(2) If a requester transmits a written request by hand 1035
delivery, electronic submission, or certified mail to inspect or 1036
receive copies of any public record in a manner that fairly 1037
describes the public record or class of public records to the 1038
public office or person responsible for the requested public 1039
records, except as otherwise provided in this section, the 1040
requester shall be entitled to recover the amount of statutory 1041
damages set forth in this division if a court determines that 1042

the public office or the person responsible for public records 1043
failed to comply with an obligation in accordance with division 1044
(B) of this section. 1045

The amount of statutory damages shall be fixed at one 1046
hundred dollars for each business day during which the public 1047
office or person responsible for the requested public records 1048
failed to comply with an obligation in accordance with division 1049
(B) of this section, beginning with the day on which the 1050
requester files a mandamus action to recover statutory damages, 1051
up to a maximum of one thousand dollars. The award of statutory 1052
damages shall not be construed as a penalty, but as compensation 1053
for injury arising from lost use of the requested information. 1054
The existence of this injury shall be conclusively presumed. The 1055
award of statutory damages shall be in addition to all other 1056
remedies authorized by this section. 1057

The court may reduce an award of statutory damages or not 1058
award statutory damages if the court determines both of the 1059
following: 1060

(a) That, based on the ordinary application of statutory 1061
law and case law as it existed at the time of the conduct or 1062
threatened conduct of the public office or person responsible 1063
for the requested public records that allegedly constitutes a 1064
failure to comply with an obligation in accordance with division 1065
(B) of this section and that was the basis of the mandamus 1066
action, a well-informed public office or person responsible for 1067
the requested public records reasonably would believe that the 1068
conduct or threatened conduct of the public office or person 1069
responsible for the requested public records did not constitute 1070
a failure to comply with an obligation in accordance with 1071
division (B) of this section; 1072

(b) That a well-informed public office or person 1073
responsible for the requested public records reasonably would 1074
believe that the conduct or threatened conduct of the public 1075
office or person responsible for the requested public records 1076
would serve the public policy that underlies the authority that 1077
is asserted as permitting that conduct or threatened conduct. 1078

(3) In a mandamus action filed under division (C) (1) of 1079
this section, the following apply: 1080

(a) (i) If the court orders the public office or the person 1081
responsible for the public record to comply with division (B) of 1082
this section, the court shall determine and award to the relator 1083
all court costs, which shall be construed as remedial and not 1084
punitive. 1085

(ii) If the court makes a determination described in 1086
division (C) (3) (b) (iii) of this section, the court shall 1087
determine and award to the relator all court costs, which shall 1088
be construed as remedial and not punitive. 1089

(b) If the court renders a judgment that orders the public 1090
office or the person responsible for the public record to comply 1091
with division (B) of this section or if the court determines any 1092
of the following, the court may award reasonable attorney's fees 1093
to the relator, subject to division (C) (4) of this section: 1094

(i) The public office or the person responsible for the 1095
public records failed to respond affirmatively or negatively to 1096
the public records request in accordance with the time allowed 1097
under division (B) of this section. 1098

(ii) The public office or the person responsible for the 1099
public records promised to permit the relator to inspect or 1100
receive copies of the public records requested within a 1101

specified period of time but failed to fulfill that promise 1102
within that specified period of time. 1103

(iii) The public office or the person responsible for the 1104
public records acted in bad faith when the office or person 1105
voluntarily made the public records available to the relator for 1106
the first time after the relator commenced the mandamus action, 1107
but before the court issued any order concluding whether or not 1108
the public office or person was required to comply with division 1109
(B) of this section. No discovery may be conducted on the issue 1110
of the alleged bad faith of the public office or person 1111
responsible for the public records. This division shall not be 1112
construed as creating a presumption that the public office or 1113
the person responsible for the public records acted in bad faith 1114
when the office or person voluntarily made the public records 1115
available to the relator for the first time after the relator 1116
commenced the mandamus action, but before the court issued any 1117
order described in this division. 1118

(c) The court shall not award attorney's fees to the 1119
relator if the court determines both of the following: 1120

(i) That, based on the ordinary application of statutory 1121
law and case law as it existed at the time of the conduct or 1122
threatened conduct of the public office or person responsible 1123
for the requested public records that allegedly constitutes a 1124
failure to comply with an obligation in accordance with division 1125
(B) of this section and that was the basis of the mandamus 1126
action, a well-informed public office or person responsible for 1127
the requested public records reasonably would believe that the 1128
conduct or threatened conduct of the public office or person 1129
responsible for the requested public records did not constitute 1130
a failure to comply with an obligation in accordance with 1131

division (B) of this section; 1132

(ii) That a well-informed public office or person 1133
responsible for the requested public records reasonably would 1134
believe that the conduct or threatened conduct of the public 1135
office or person responsible for the requested public records 1136
would serve the public policy that underlies the authority that 1137
is asserted as permitting that conduct or threatened conduct. 1138

(4) All of the following apply to any award of reasonable 1139
attorney's fees awarded under division (C) (3) (b) of this 1140
section: 1141

(a) The fees shall be construed as remedial and not 1142
punitive. 1143

(b) The fees awarded shall not exceed the total of the 1144
reasonable attorney's fees incurred before the public record was 1145
made available to the relator and the fees described in division 1146
(C) (4) (c) of this section. 1147

(c) Reasonable attorney's fees shall include reasonable 1148
fees incurred to produce proof of the reasonableness and amount 1149
of the fees and to otherwise litigate entitlement to the fees. 1150

(d) The court may reduce the amount of fees awarded if the 1151
court determines that, given the factual circumstances involved 1152
with the specific public records request, an alternative means 1153
should have been pursued to more effectively and efficiently 1154
resolve the dispute that was subject to the mandamus action 1155
filed under division (C) (1) of this section. 1156

(5) If the court does not issue a writ of mandamus under 1157
division (C) of this section and the court determines at that 1158
time that the bringing of the mandamus action was frivolous 1159
conduct as defined in division (A) of section 2323.51 of the 1160

Revised Code, the court may award to the public office all court 1161
costs, expenses, and reasonable attorney's fees, as determined 1162
by the court. 1163

(D) Chapter 1347. of the Revised Code does not limit the 1164
provisions of this section. 1165

(E) (1) To ensure that all employees of public offices are 1166
appropriately educated about a public office's obligations under 1167
division (B) of this section, all elected officials or their 1168
appropriate designees shall attend training approved by the 1169
attorney general as provided in section 109.43 of the Revised 1170
Code. A future official may satisfy the requirements of this 1171
division by attending the training before taking office, 1172
provided that the future official may not send a designee in the 1173
future official's place. 1174

(2) All public offices shall adopt a public records policy 1175
in compliance with this section for responding to public records 1176
requests. In adopting a public records policy under this 1177
division, a public office may obtain guidance from the model 1178
public records policy developed and provided to the public 1179
office by the attorney general under section 109.43 of the 1180
Revised Code. Except as otherwise provided in this section, the 1181
policy may not limit the number of public records that the 1182
public office will make available to a single person, may not 1183
limit the number of public records that it will make available 1184
during a fixed period of time, and may not establish a fixed 1185
period of time before it will respond to a request for 1186
inspection or copying of public records, unless that period is 1187
less than eight hours. 1188

The public office shall distribute the public records 1189
policy adopted by the public office under this division to the 1190

employee of the public office who is the records custodian or 1191
records manager or otherwise has custody of the records of that 1192
office. The public office shall require that employee to 1193
acknowledge receipt of the copy of the public records policy. 1194
The public office shall create a poster that describes its 1195
public records policy and shall post the poster in a conspicuous 1196
place in the public office and in all locations where the public 1197
office has branch offices. The public office may post its public 1198
records policy on the internet web site of the public office if 1199
the public office maintains an internet web site. A public 1200
office that has established a manual or handbook of its general 1201
policies and procedures for all employees of the public office 1202
shall include the public records policy of the public office in 1203
the manual or handbook. 1204

(F) (1) The bureau of motor vehicles may adopt rules 1205
pursuant to Chapter 119. of the Revised Code to reasonably limit 1206
the number of bulk commercial special extraction requests made 1207
by a person for the same records or for updated records during a 1208
calendar year. The rules may include provisions for charges to 1209
be made for bulk commercial special extraction requests for the 1210
actual cost of the bureau, plus special extraction costs, plus 1211
ten per cent. The bureau may charge for expenses for redacting 1212
information, the release of which is prohibited by law. 1213

(2) As used in division (F) (1) of this section: 1214

(a) "Actual cost" means the cost of depleted supplies, 1215
records storage media costs, actual mailing and alternative 1216
delivery costs, or other transmitting costs, and any direct 1217
equipment operating and maintenance costs, including actual 1218
costs paid to private contractors for copying services. 1219

(b) "Bulk commercial special extraction request" means a 1220

request for copies of a record for information in a format other 1221
than the format already available, or information that cannot be 1222
extracted without examination of all items in a records series, 1223
class of records, or database by a person who intends to use or 1224
forward the copies for surveys, marketing, solicitation, or 1225
resale for commercial purposes. "Bulk commercial special 1226
extraction request" does not include a request by a person who 1227
gives assurance to the bureau that the person making the request 1228
does not intend to use or forward the requested copies for 1229
surveys, marketing, solicitation, or resale for commercial 1230
purposes. 1231

(c) "Commercial" means profit-seeking production, buying, 1232
or selling of any good, service, or other product. 1233

(d) "Special extraction costs" means the cost of the time 1234
spent by the lowest paid employee competent to perform the task, 1235
the actual amount paid to outside private contractors employed 1236
by the bureau, or the actual cost incurred to create computer 1237
programs to make the special extraction. "Special extraction 1238
costs" include any charges paid to a public agency for computer 1239
or records services. 1240

(3) For purposes of divisions (F) (1) and (2) of this 1241
section, "surveys, marketing, solicitation, or resale for 1242
commercial purposes" shall be narrowly construed and does not 1243
include reporting or gathering news, reporting or gathering 1244
information to assist citizen oversight or understanding of the 1245
operation or activities of government, or nonprofit educational 1246
research. 1247

(G) A request by a defendant, counsel of a defendant, or 1248
any agent of a defendant in a criminal action that public 1249
records related to that action be made available under this 1250

section shall be considered a demand for discovery pursuant to 1251
the Criminal Rules, except to the extent that the Criminal Rules 1252
plainly indicate a contrary intent. The defendant, counsel of 1253
the defendant, or agent of the defendant making a request under 1254
this division shall serve a copy of the request on the 1255
prosecuting attorney, director of law, or other chief legal 1256
officer responsible for prosecuting the action. 1257

(H) (1) Any portion of a body-worn camera or dashboard 1258
camera recording described in divisions (A) (17) (b) to (h) of 1259
this section may be released by consent of the subject of the 1260
recording or a representative of that person, as specified in 1261
those divisions, only if either of the following applies: 1262

(a) The recording will not be used in connection with any 1263
probable or pending criminal proceedings; 1264

(b) The recording has been used in connection with a 1265
criminal proceeding that was dismissed or for which a judgment 1266
has been entered pursuant to Rule 32 of the Rules of Criminal 1267
Procedure, and will not be used again in connection with any 1268
probable or pending criminal proceedings. 1269

(2) If a public office denies a request to release a 1270
restricted portion of a body-worn camera or dashboard camera 1271
recording, as defined in division (A) (17) of this section, any 1272
person may file a mandamus action pursuant to this section or a 1273
complaint with the clerk of the court of claims pursuant to 1274
section 2743.75 of the Revised Code, requesting the court to 1275
order the release of all or portions of the recording. If the 1276
court considering the request determines that the filing 1277
articulates by clear and convincing evidence that the public 1278
interest in the recording substantially outweighs privacy 1279
interests and other interests asserted to deny release, the 1280

court shall order the public office to release the recording. 1281

Sec. 302.041. In submitting to the electors of any county 1282
the question of adopting an alternative form of county 1283
government whereby any members of the board of county 1284
commissioners are elected by district, the board of elections 1285
shall submit the question in language substantially as follows: 1286

"Shall the county of _____ adopt the form 1287
of county government known as the county (name of plan) plan 1288
with a board of (number) county commissioners, of which (number) 1289
shall be elected at large and (number) shall be elected by 1290
districts, as provided for in sections 302.01 to 302.24, 1291
inclusive, of the Revised Code, under which form each county 1292
commissioner shall receive annual compensation equal to (number) 1293
per cent of that provided in section 325.10 of the Revised Code? 1294

() For adoption of the county (name of plan) plan. 1295

() Against adoption of the county (name of plan) plan." 1296

The proposition for such alternative form shall establish 1297
the percentage of the annual compensation provided in section 1298
325.10 of the Revised Code which each county commissioner shall 1299
receive as annual compensation in lieu of the amount provided in 1300
section 325.10 of the Revised Code. 1301

If the proposition for the alternative form fails to 1302
divide the county into county commissioner districts, the board 1303
of elections shall divide the county into such districts in the 1304
manner provided in section 302.082 of the Revised Code, within 1305
forty-five days prior to the election on the question of 1306
adopting an alternative form. 1307

At least forty-five days prior to the election thereon the 1308
board of county commissioners shall cause a copy of the 1309

alternative form to be distributed to each elector of the county 1310
so far as may be reasonably possible. The board of elections 1311
shall display a map indicating the boundaries of each county 1312
commissioner district, in a conspicuous place at each ~~polling~~ 1313
~~place at such~~ location where ballots may be cast in person for 1314
the election. Immediately following such election the board of 1315
elections shall file a certificate of the results thereof with 1316
the secretary of state. 1317

Sec. 303.12. (A) (1) Amendments to the zoning resolution 1318
may be initiated by motion of the county rural zoning 1319
commission, by the passage of a resolution by the board of 1320
county commissioners, or by the filing of an application by one 1321
or more of the owners or lessees of property within the area 1322
proposed to be changed or affected by the proposed amendment 1323
with the county rural zoning commission. The board of county 1324
commissioners may require that the owner or lessee of property 1325
filing an application to amend the zoning resolution pay a fee 1326
to defray the cost of advertising, mailing, filing with the 1327
county recorder, and other expenses. If the board of county 1328
commissioners requires such a fee, it shall be required 1329
generally, for each application. The board of county 1330
commissioners, upon the passage of such a resolution, shall 1331
certify it to the county rural zoning commission. 1332

(2) Upon the adoption of a motion by the county rural 1333
zoning commission, the certification of a resolution by the 1334
board of county commissioners to the commission, or the filing 1335
of an application by property owners or lessees as described in 1336
division (A) (1) of this section with the commission, the 1337
commission shall set a date for a public hearing, which date 1338
shall not be less than twenty nor more than forty days from the 1339
date of adoption of such a motion, the date of the certification 1340

of such a resolution, or the date of the filing of such an 1341
application. Notice of the hearing shall be given by the 1342
commission by one publication in one or more newspapers of 1343
general circulation in each township affected by the proposed 1344
amendment at least ten days before the date of the hearing. 1345

(B) If the proposed amendment intends to rezone or 1346
redistrict ten or fewer parcels of land, as listed on the county 1347
auditor's current tax list, written notice of the hearing shall 1348
be mailed by the county rural zoning commission, by first class 1349
mail, at least ten days before the date of the public hearing to 1350
all owners of property within and contiguous to and directly 1351
across the street from the area proposed to be rezoned or 1352
redistricted to the addresses of those owners appearing on the 1353
county auditor's current tax list. The failure of delivery of 1354
that notice shall not invalidate any such amendment. 1355

(C) If the proposed amendment intends to rezone or 1356
redistrict ten or fewer parcels of land as listed on the county 1357
auditor's current tax list, the published and mailed notices 1358
shall set forth the time, date, and place of the public hearing 1359
and include all of the following: 1360

(1) The name of the county rural zoning commission that 1361
will be conducting the hearing; 1362

(2) A statement indicating that the motion, resolution, or 1363
application is an amendment to the zoning resolution; 1364

(3) A list of the addresses of all properties to be 1365
rezoned or redistricted by the proposed amendment and of the 1366
names of owners of these properties, as they appear on the 1367
county auditor's current tax list; 1368

(4) The present zoning classification of property named in 1369

the proposed amendment and the proposed zoning classification of 1370
that property; 1371

(5) The time and place where the motion, resolution, or 1372
application proposing to amend the zoning resolution will be 1373
available for examination for a period of at least ten days 1374
prior to the hearing; 1375

(6) The name of the person responsible for giving notice 1376
of the public hearing by publication, by mail, or by both 1377
publication and mail; 1378

(7) A statement that, after the conclusion of the hearing, 1379
the matter will be submitted to the board of county 1380
commissioners for its action; 1381

(8) Any other information requested by the commission. 1382

(D) If the proposed amendment alters the text of the 1383
zoning resolution, or rezones or redistricts more than ten 1384
parcels of land as listed on the county auditor's current tax 1385
list, the published notice shall set forth the time, date, and 1386
place of the public hearing and include all of the following: 1387

(1) The name of the county rural zoning commission that 1388
will be conducting the hearing on the proposed amendment; 1389

(2) A statement indicating that the motion, application, 1390
or resolution is an amendment to the zoning resolution; 1391

(3) The time and place where the text and maps of the 1392
proposed amendment will be available for examination for a 1393
period of at least ten days prior to the hearing; 1394

(4) The name of the person responsible for giving notice 1395
of the hearing by publication; 1396

(5) A statement that, after the conclusion of the hearing, 1397
the matter will be submitted to the board of county 1398
commissioners for its action; 1399

(6) Any other information requested by the commission. 1400

Hearings shall be held in the county court house or in a 1401
public place designated by the commission. 1402

(E) Within five days after the adoption of the motion 1403
described in division (A) of this section, the certification of 1404
the resolution described in division (A) of this section, or the 1405
filing of the application described in division (A) of this 1406
section, the county rural zoning commission shall transmit a 1407
copy of it together with text and map pertaining to it to the 1408
county or regional planning commission, if there is such a 1409
commission. 1410

The county or regional planning commission shall recommend 1411
the approval or denial of the proposed amendment or the approval 1412
of some modification of it and shall submit its recommendation 1413
to the county rural zoning commission. The recommendation shall 1414
be considered at the public hearing held by the county rural 1415
zoning commission on the proposed amendment. 1416

The county rural zoning commission, within thirty days 1417
after the hearing, shall recommend the approval or denial of the 1418
proposed amendment, or the approval of some modification of it, 1419
and shall submit that recommendation together with the motion, 1420
application, or resolution involved, the text and map pertaining 1421
to the proposed amendment, and the recommendation of the county 1422
or regional planning commission on it to the board of county 1423
commissioners. 1424

The board of county commissioners, upon receipt of that 1425

recommendation, shall set a time for a public hearing on the 1426
proposed amendment, which date shall be not more than thirty 1427
days from the date of the receipt of that recommendation. Notice 1428
of the hearing shall be given by the board by one publication in 1429
one or more newspapers of general circulation in the county, at 1430
least ten days before the date of the hearing. 1431

(F) If the proposed amendment intends to rezone or 1432
redistrict ten or fewer parcels of land as listed on the county 1433
auditor's current tax list, the published notice shall set forth 1434
the time, date, and place of the public hearing and include all 1435
of the following: 1436

(1) The name of the board of county commissioners that 1437
will be conducting the hearing; 1438

(2) A statement indicating that the motion, application, 1439
or resolution is an amendment to the zoning resolution; 1440

(3) A list of the addresses of all properties to be 1441
rezoned or redistricted by the proposed amendment and of the 1442
names of owners of those properties, as they appear on the 1443
county auditor's current tax list; 1444

(4) The present zoning classification of property named in 1445
the proposed amendment and the proposed zoning classification of 1446
that property; 1447

(5) The time and place where the motion, application, or 1448
resolution proposing to amend the zoning resolution will be 1449
available for examination for a period of at least ten days 1450
prior to the hearing; 1451

(6) The name of the person responsible for giving notice 1452
of the hearing by publication, by mail, or by both publication 1453
and mail; 1454

(7) Any other information requested by the board. 1455

(G) If the proposed amendment alters the text of the 1456
zoning resolution, or rezones or redistricts more than ten 1457
parcels of land as listed on the county auditor's current tax 1458
list, the published notice shall set forth the time, date, and 1459
place of the public hearing and include all of the following: 1460

(1) The name of the board of county commissioners that 1461
will be conducting the hearing on the proposed amendment; 1462

(2) A statement indicating that the motion, application, 1463
or resolution is an amendment to the zoning resolution; 1464

(3) The time and place where the text and maps of the 1465
proposed amendment will be available for examination for a 1466
period of at least ten days prior to the hearing; 1467

(4) The name of the person responsible for giving notice 1468
of the hearing by publication; 1469

(5) Any other information requested by the board. 1470

(H) Within twenty days after its public hearing, the board 1471
of county commissioners shall either adopt or deny the 1472
recommendation of the county rural zoning commission or adopt 1473
some modification of it. If the board denies or modifies the 1474
commission's recommendation, a majority vote of the board shall 1475
be required. 1476

The proposed amendment, if adopted by the board, shall 1477
become effective in thirty days after the date of its adoption, 1478
unless, within thirty days after the adoption, there is 1479
presented to the board of county commissioners a petition, 1480
signed by a number of qualified voters residing in the 1481
unincorporated area of the township or part of that 1482

unincorporated area included in the zoning plan equal to not 1483
less than eight per cent of the total vote cast for all 1484
candidates for governor in that area at the most recent general 1485
election at which a governor was elected, requesting the board 1486
to submit the amendment to the electors of that area for 1487
approval or rejection at a special election to be held on the 1488
day of the next primary or general election occurring at least 1489
ninety days after the petition is submitted. Each part of this 1490
petition shall contain the number and the full and correct 1491
title, if any, of the zoning amendment resolution, motion, or 1492
application, furnishing the name by which the amendment is known 1493
and a brief summary of its contents. In addition to meeting the 1494
requirements of this section, each petition shall be governed by 1495
the rules specified in section 3501.38 of the Revised Code. 1496

The form of a petition calling for a zoning referendum and 1497
the statement of the circulator shall be substantially as 1498
follows: 1499

"PETITION FOR ZONING REFERENDUM 1500

(if the proposal is identified by a particular name or number, 1501
or both, these should be inserted here) _____ 1502

A proposal to amend the zoning map of the unincorporated 1503
area of _____ Township, _____ County, 1504
Ohio, adopted _____ (date) _____ (followed by brief 1505
summary of the proposal). 1506

To the Board of County Commissioners of _____ 1507
County, Ohio: 1508

We, the undersigned, being electors residing in the 1509
unincorporated area of _____ Township, included within 1510
the _____ County Zoning Plan, equal to not less than 1511

eight per cent of the total vote cast for all candidates for
governor in the area at the preceding general election at which
a governor was elected, request the Board of County
Commissioners to submit this amendment of the zoning resolution
to the electors of _____ Township residing within the
unincorporated area of the township included in the
_____ County Zoning Resolution, for approval or
rejection at a special election to be held on the day of the
next primary or general election to be held on
_____ (date) _____, pursuant to section 303.12 of the Revised
Code.

Street Address Date of
Signature or R.F.D. Township Precinct County Signing

STATEMENT OF CIRCULATOR

I, _____ (name of circulator) _____,
declare under penalty of election falsification that I am an
elector of the state of Ohio and reside at the address appearing
below my signature; that I am the circulator of the foregoing
part petition containing _____ (number) _____ signatures; that I
have witnessed the affixing of every signature; that all signers
were to the best of my knowledge and belief qualified to sign;
and that every signature is to the best of my knowledge and
belief the signature of the person whose signature it purports
to be or of an attorney in fact acting pursuant to section
3501.382 of the Revised Code.

(Signature of circulator)	1540
_____	1541
(Address of circulator's	1542
permanent residence in this	1543
state)	1544
_____	1545
(City, village, or township,	1546
and zip code)	1547
WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A	1548
FELONY OF THE FIFTH <u>FOURTH</u> DEGREE."	1549
No amendment for which such a referendum vote has been	1550
requested shall be put into effect unless a majority of the vote	1551
cast on the issue is in favor of the amendment. Upon	1552
certification by the board of elections that the amendment has	1553
been approved by the voters, it shall take immediate effect.	1554
Within five working days after an amendment's effective	1555
date, the board of county commissioners shall file the text and	1556
maps of the amendment in the office of the county recorder and	1557
with the regional or county planning commission, if one exists.	1558
The failure to file any amendment, or any text and maps,	1559
or duplicates of any of these documents, with the office of the	1560
county recorder or the county or regional planning commission as	1561
required by this section does not invalidate the amendment and	1562
is not grounds for an appeal of any decision of the board of	1563
zoning appeals.	1564
Sec. 307.96. Except as provided by Section 3 of Article X,	1565
Ohio Constitution, a county charter or amendment shall become	1566
effective if it has been approved by the majority of the	1567

electors voting thereon. The charter or amendment shall take 1568
effect on the thirtieth day after approval unless another date 1569
is fixed in the charter or amendment. 1570

No charter or amendment adopted by the electors of any 1571
county shall be held ineffective or void on account of the 1572
insufficiency of the petitions by which such submission of the 1573
resolution was procured, nor shall the rejection of any charter 1574
or amendment submitted to the electors of such county, be held 1575
invalid for such insufficiency. 1576

Any charter or charter amendment proposal that is 1577
submitted to the electors of the county shall be posted in each 1578
~~polling place~~ location where ballots may be cast in person for 1579
the election in some location that is easily accessible to the 1580
electors. 1581

Sec. 519.12. (A) (1) Amendments to the zoning resolution 1582
may be initiated by motion of the township zoning commission, by 1583
the passage of a resolution by the board of township trustees, 1584
or by the filing of an application by one or more of the owners 1585
or lessees of property within the area proposed to be changed or 1586
affected by the proposed amendment with the township zoning 1587
commission. The board of township trustees may require that the 1588
owner or lessee of property filing an application to amend the 1589
zoning resolution pay a fee to defray the cost of advertising, 1590
mailing, filing with the county recorder, and other expenses. If 1591
the board of township trustees requires such a fee, it shall be 1592
required generally, for each application. The board of township 1593
trustees, upon the passage of such a resolution, shall certify 1594
it to the township zoning commission. 1595

(2) Upon the adoption of a motion by the township zoning 1596
commission, the certification of a resolution by the board of 1597

township trustees to the commission, or the filing of an 1598
application by property owners or lessees as described in 1599
division (A)(1) of this section with the commission, the 1600
commission shall set a date for a public hearing, which date 1601
shall not be less than twenty nor more than forty days from the 1602
date of the certification of such a resolution, the date of 1603
adoption of such a motion, or the date of the filing of such an 1604
application. Notice of the hearing shall be given by the 1605
commission by one publication in one or more newspapers of 1606
general circulation in the township at least ten days before the 1607
date of the hearing. 1608

(B) If the proposed amendment intends to rezone or 1609
redistrict ten or fewer parcels of land, as listed on the county 1610
auditor's current tax list, written notice of the hearing shall 1611
be mailed by the township zoning commission, by first class 1612
mail, at least ten days before the date of the public hearing to 1613
all owners of property within and contiguous to and directly 1614
across the street from the area proposed to be rezoned or 1615
redistricted to the addresses of those owners appearing on the 1616
county auditor's current tax list. The failure of delivery of 1617
that notice shall not invalidate any such amendment. 1618

(C) If the proposed amendment intends to rezone or 1619
redistrict ten or fewer parcels of land as listed on the county 1620
auditor's current tax list, the published and mailed notices 1621
shall set forth the time, date, and place of the public hearing 1622
and include all of the following: 1623

(1) The name of the township zoning commission that will 1624
be conducting the hearing; 1625

(2) A statement indicating that the motion, resolution, or 1626
application is an amendment to the zoning resolution; 1627

(3) A list of the addresses of all properties to be 1628
rezoned or redistricted by the proposed amendment and of the 1629
names of owners of those properties, as they appear on the 1630
county auditor's current tax list; 1631

(4) The present zoning classification of property named in 1632
the proposed amendment and the proposed zoning classification of 1633
that property; 1634

(5) The time and place where the motion, resolution, or 1635
application proposing to amend the zoning resolution will be 1636
available for examination for a period of at least ten days 1637
prior to the hearing; 1638

(6) The name of the person responsible for giving notice 1639
of the hearing by publication, by mail, or by both publication 1640
and mail; 1641

(7) A statement that, after the conclusion of the hearing, 1642
the matter will be submitted to the board of township trustees 1643
for its action; 1644

(8) Any other information requested by the commission. 1645

(D) If the proposed amendment alters the text of the 1646
zoning resolution, or rezones or redistricts more than ten 1647
parcels of land as listed on the county auditor's current tax 1648
list, the published notice shall set forth the time, date, and 1649
place of the public hearing and include all of the following: 1650

(1) The name of the township zoning commission that will 1651
be conducting the hearing on the proposed amendment; 1652

(2) A statement indicating that the motion, application, 1653
or resolution is an amendment to the zoning resolution; 1654

(3) The time and place where the text and maps of the 1655

proposed amendment will be available for examination for a 1656
period of at least ten days prior to the hearing; 1657

(4) The name of the person responsible for giving notice 1658
of the hearing by publication; 1659

(5) A statement that, after the conclusion of the hearing, 1660
the matter will be submitted to the board of township trustees 1661
for its action; 1662

(6) Any other information requested by the commission. 1663

(E) (1) (a) Except as provided in division (E) (1) (b) of this 1664
section, within five days after the adoption of the motion 1665
described in division (A) of this section, the certification of 1666
the resolution described in division (A) of this section, or the 1667
filing of the application described in division (A) of this 1668
section, the township zoning commission shall transmit a copy of 1669
it together with text and map pertaining to it to the county or 1670
regional planning commission, if there is such a commission, for 1671
approval, disapproval, or suggestions. 1672

The county or regional planning commission shall recommend 1673
the approval or denial of the proposed amendment or the approval 1674
of some modification of it and shall submit its recommendation 1675
to the township zoning commission. The recommendation shall be 1676
considered at the public hearing held by the township zoning 1677
commission on the proposed amendment. 1678

(b) The township zoning commission of a township that has 1679
adopted a limited home rule government under Chapter 504. of the 1680
Revised Code is not subject to division (E) (1) (a) of this 1681
section but may choose to comply with division (E) (1) (a) of this 1682
section. 1683

(2) The township zoning commission, within thirty days 1684

after the hearing, shall recommend the approval or denial of the 1685
proposed amendment, or the approval of some modification of it, 1686
and submit that recommendation together with the motion, 1687
application, or resolution involved, the text and map pertaining 1688
to the proposed amendment, and the recommendation of the county 1689
or regional planning commission on it to the board of township 1690
trustees. 1691

(3) The board of township trustees, upon receipt of that 1692
recommendation, shall set a time for a public hearing on the 1693
proposed amendment, which date shall not be more than thirty 1694
days from the date of the receipt of that recommendation. Notice 1695
of the hearing shall be given by the board by one publication in 1696
one or more newspapers of general circulation in the township, 1697
at least ten days before the date of the hearing. 1698

(F) If the proposed amendment intends to rezone or 1699
redistrict ten or fewer parcels of land as listed on the county 1700
auditor's current tax list, the published notice shall set forth 1701
the time, date, and place of the public hearing and include all 1702
of the following: 1703

(1) The name of the board of township trustees that will 1704
be conducting the hearing; 1705

(2) A statement indicating that the motion, application, 1706
or resolution is an amendment to the zoning resolution; 1707

(3) A list of the addresses of all properties to be 1708
rezoned or redistricted by the proposed amendment and of the 1709
names of owners of those properties, as they appear on the 1710
county auditor's current tax list; 1711

(4) The present zoning classification of property named in 1712
the proposed amendment and the proposed zoning classification of 1713

that property; 1714

(5) The time and place where the motion, application, or 1715
resolution proposing to amend the zoning resolution will be 1716
available for examination for a period of at least ten days 1717
prior to the hearing; 1718

(6) The name of the person responsible for giving notice 1719
of the hearing by publication, by mail, or by both publication 1720
and mail; 1721

(7) Any other information requested by the board. 1722

(G) If the proposed amendment alters the text of the 1723
zoning resolution, or rezones or redistricts more than ten 1724
parcels of land as listed on the county auditor's current tax 1725
list, the published notice shall set forth the time, date, and 1726
place of the public hearing and include all of the following: 1727

(1) The name of the board of township trustees that will 1728
be conducting the hearing on the proposed amendment; 1729

(2) A statement indicating that the motion, application, 1730
or resolution is an amendment to the zoning resolution; 1731

(3) The time and place where the text and maps of the 1732
proposed amendment will be available for examination for a 1733
period of at least ten days prior to the hearing; 1734

(4) The name of the person responsible for giving notice 1735
of the hearing by publication; 1736

(5) Any other information requested by the board. 1737

(H) Within twenty days after its public hearing, the board 1738
of township trustees shall either adopt or deny the 1739
recommendations of the township zoning commission or adopt some 1740

modification of them. If the board denies or modifies the 1741
commission's recommendations, a majority vote of the board shall 1742
be required. 1743

The proposed amendment, if adopted by the board, shall 1744
become effective in thirty days after the date of its adoption, 1745
unless, within thirty days after the adoption, there is 1746
presented to the board of township trustees a petition, signed 1747
by a number of registered electors residing in the 1748
unincorporated area of the township or part of that 1749
unincorporated area included in the zoning plan equal to not 1750
less than eight per cent of the total vote cast for all 1751
candidates for governor in that area at the most recent general 1752
election at which a governor was elected, requesting the board 1753
of township trustees to submit the amendment to the electors of 1754
that area for approval or rejection at a special election to be 1755
held on the day of the next primary or general election that 1756
occurs at least ninety days after the petition is filed. Each 1757
part of this petition shall contain the number and the full and 1758
correct title, if any, of the zoning amendment resolution, 1759
motion, or application, furnishing the name by which the 1760
amendment is known and a brief summary of its contents. In 1761
addition to meeting the requirements of this section, each 1762
petition shall be governed by the rules specified in section 1763
3501.38 of the Revised Code. 1764

The form of a petition calling for a zoning referendum and 1765
the statement of the circulator shall be substantially as 1766
follows: 1767

"PETITION FOR ZONING REFERENDUM 1768

(if the proposal is identified by a particular name or number, 1769
or both, these should be inserted here) _____ 1770

A proposal to amend the zoning map of the unincorporated
area of _____ Township, _____ County, Ohio,
adopted _____ (date) _____ (followed by brief summary of the
proposal).

To the Board of Township Trustees of _____
Township, _____ County, Ohio:

We, the undersigned, being electors residing in the
unincorporated area of _____ Township,
included within the _____ Township Zoning Plan, equal to
not less than eight per cent of the total vote cast for all
candidates for governor in the area at the preceding general
election at which a governor was elected, request the Board of
Township Trustees to submit this amendment of the zoning
resolution to the electors of _____ Township
residing within the unincorporated area of the township included
in the _____ Township Zoning Resolution, for
approval or rejection at a special election to be held on the
day of the primary or general election to be held on
_____ (date) _____, pursuant to section 519.12 of the Revised
Code.

Street Address	Date of
Signature or R.F.D.	Township Precinct County Signing
_____	_____
_____	_____
_____	_____

STATEMENT OF CIRCULATOR

I, _____ (name of circulator) _____, declare under
penalty of election falsification that I am an elector of the
state of Ohio and reside at the address appearing below my

signature; that I am the circulator of the foregoing part 1800
petition containing _____(number)_____ signatures; that I 1801
have witnessed the affixing of every signature; that all signers 1802
were to the best of my knowledge and belief qualified to sign; 1803
and that every signature is to the best of my knowledge and 1804
belief the signature of the person whose signature it purports 1805
to be or of an attorney in fact acting pursuant to section 1806
3501.382 of the Revised Code. 1807

1808

(Signature of circulator) 1809

1810

(Address of circulator's permanent 1811

residence in this state) 1812

1813

(City, village, or township, 1814

and zip code) 1815

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A 1816
FELONY OF THE ~~FIFTH~~FOURTH DEGREE." 1817

The petition shall be filed with the board of township 1818
trustees and shall be accompanied by an appropriate map of the 1819
area affected by the zoning proposal. Within two weeks after 1820
receiving a petition filed under this section, the board of 1821
township trustees shall certify the petition to the board of 1822
elections. A petition filed under this section shall be 1823
certified to the board of elections not less than ninety days 1824
prior to the election at which the question is to be voted upon. 1825

The board of elections shall determine the sufficiency and 1826

validity of each petition certified to it by a board of township 1827
trustees under this section. If the board of elections 1828
determines that a petition is sufficient and valid, the question 1829
shall be voted upon at a special election to be held on the day 1830
of the next primary or general election that occurs at least 1831
ninety days after the date the petition is filed with the board 1832
of township trustees, regardless of whether any election will be 1833
held to nominate or elect candidates on that day. 1834

No amendment for which such a referendum vote has been 1835
requested shall be put into effect unless a majority of the vote 1836
cast on the issue is in favor of the amendment. Upon 1837
certification by the board of elections that the amendment has 1838
been approved by the voters, it shall take immediate effect. 1839

Within five working days after an amendment's effective 1840
date, the board of township trustees shall file the text and 1841
maps of the amendment in the office of the county recorder and 1842
with the county or regional planning commission, if one exists. 1843

The failure to file any amendment, or any text and maps, 1844
or duplicates of any of these documents, with the office of the 1845
county recorder or the county or regional planning commission as 1846
required by this section does not invalidate the amendment and 1847
is not grounds for an appeal of any decision of the board of 1848
zoning appeals. 1849

Sec. 718.01. Any term used in this chapter that is not 1850
otherwise defined in this chapter has the same meaning as when 1851
used in a comparable context in laws of the United States 1852
relating to federal income taxation or in Title LVIII of the 1853
Revised Code, unless a different meaning is clearly required. 1854
Except as provided in section 718.81 of the Revised Code, if a 1855
term used in this chapter that is not otherwise defined in this 1856

chapter is used in a comparable context in both the laws of the 1857
United States relating to federal income tax and in Title LVII 1858
of the Revised Code and the use is not consistent, then the use 1859
of the term in the laws of the United States relating to federal 1860
income tax shall control over the use of the term in Title LVII 1861
of the Revised Code. 1862

Except as otherwise provided in section 718.81 of the 1863
Revised Code, as used in this chapter: 1864

(A) (1) "Municipal taxable income" means the following: 1865

(a) For a person other than an individual, income 1866
apportioned or situated to the municipal corporation under 1867
section 718.02 of the Revised Code, as applicable, reduced by 1868
any pre-2017 net operating loss carryforward available to the 1869
person for the municipal corporation. 1870

(b) (i) For an individual who is a resident of a municipal 1871
corporation other than a qualified municipal corporation, income 1872
reduced by exempt income to the extent otherwise included in 1873
income, then reduced as provided in division (A) (2) of this 1874
section, and further reduced by any pre-2017 net operating loss 1875
carryforward available to the individual for the municipal 1876
corporation. 1877

(ii) For an individual who is a resident of a qualified 1878
municipal corporation, Ohio adjusted gross income reduced by 1879
income exempted, and increased by deductions excluded, by the 1880
qualified municipal corporation from the qualified municipal 1881
corporation's tax. If a qualified municipal corporation, on or 1882
before December 31, 2013, exempts income earned by individuals 1883
who are not residents of the qualified municipal corporation and 1884
net profit of persons that are not wholly located within the 1885

qualified municipal corporation, such individual or person shall 1886
have no municipal taxable income for the purposes of the tax 1887
levied by the qualified municipal corporation and may be 1888
exempted by the qualified municipal corporation from the 1889
requirements of section 718.03 of the Revised Code. 1890

(c) For an individual who is a nonresident of a municipal 1891
corporation, income reduced by exempt income to the extent 1892
otherwise included in income and then, as applicable, 1893
apportioned or situated to the municipal corporation under 1894
section 718.02 of the Revised Code, then reduced as provided in 1895
division (A)(2) of this section, and further reduced by any pre- 1896
2017 net operating loss carryforward available to the individual 1897
for the municipal corporation. 1898

(2) In computing the municipal taxable income of a 1899
taxpayer who is an individual, the taxpayer may subtract, as 1900
provided in division (A)(1)(b)(i) or (c) of this section, the 1901
amount of the individual's employee business expenses reported 1902
on the individual's form 2106 that the individual deducted for 1903
federal income tax purposes for the taxable year, subject to the 1904
limitation imposed by section 67 of the Internal Revenue Code. 1905
For the municipal corporation in which the taxpayer is a 1906
resident, the taxpayer may deduct all such expenses allowed for 1907
federal income tax purposes. For a municipal corporation in 1908
which the taxpayer is not a resident, the taxpayer may deduct 1909
such expenses only to the extent the expenses are related to the 1910
taxpayer's performance of personal services in that nonresident 1911
municipal corporation. 1912

(B) "Income" means the following: 1913

(1)(a) For residents, all income, salaries, qualifying 1914
wages, commissions, and other compensation from whatever source 1915

earned or received by the resident, including the resident's 1916
distributive share of the net profit of pass-through entities 1917
owned directly or indirectly by the resident and any net profit 1918
of the resident, except as provided in division (D) (5) of this 1919
section. 1920

(b) For the purposes of division (B) (1) (a) of this 1921
section: 1922

(i) Any net operating loss of the resident incurred in the 1923
taxable year and the resident's distributive share of any net 1924
operating loss generated in the same taxable year and 1925
attributable to the resident's ownership interest in a pass- 1926
through entity shall be allowed as a deduction, for that taxable 1927
year and the following five taxable years, against any other net 1928
profit of the resident or the resident's distributive share of 1929
any net profit attributable to the resident's ownership interest 1930
in a pass-through entity until fully utilized, subject to 1931
division (B) (1) (d) of this section; 1932

(ii) The resident's distributive share of the net profit 1933
of each pass-through entity owned directly or indirectly by the 1934
resident shall be calculated without regard to any net operating 1935
loss that is carried forward by that entity from a prior taxable 1936
year and applied to reduce the entity's net profit for the 1937
current taxable year. 1938

(c) Division (B) (1) (b) of this section does not apply with 1939
respect to any net profit or net operating loss attributable to 1940
an ownership interest in an S corporation unless shareholders' 1941
distributive shares of net profits from S corporations are 1942
subject to tax in the municipal corporation as provided in 1943
division (C) (14) (b) or (c) of this section. 1944

(d) Any amount of a net operating loss used to reduce a 1945
taxpayer's net profit for a taxable year shall reduce the amount 1946
of net operating loss that may be carried forward to any 1947
subsequent year for use by that taxpayer. In no event shall the 1948
cumulative deductions for all taxable years with respect to a 1949
taxpayer's net operating loss exceed the original amount of that 1950
net operating loss available to that taxpayer. 1951

(2) In the case of nonresidents, all income, salaries, 1952
qualifying wages, commissions, and other compensation from 1953
whatever source earned or received by the nonresident for work 1954
done, services performed or rendered, or activities conducted in 1955
the municipal corporation, including any net profit of the 1956
nonresident, but excluding the nonresident's distributive share 1957
of the net profit or loss of only pass-through entities owned 1958
directly or indirectly by the nonresident. 1959

(3) For taxpayers that are not individuals, net profit of 1960
the taxpayer; 1961

(4) Lottery, sweepstakes, gambling and sports winnings, 1962
winnings from games of chance, and prizes and awards. If the 1963
taxpayer is a professional gambler for federal income tax 1964
purposes, the taxpayer may deduct related wagering losses and 1965
expenses to the extent authorized under the Internal Revenue 1966
Code and claimed against such winnings. 1967

(C) "Exempt income" means all of the following: 1968

(1) The military pay or allowances of members of the armed 1969
forces of the United States or members of their reserve 1970
components, including the national guard of any state; 1971

(2) (a) Except as provided in division (C) (2) (b) of this 1972
section, intangible income; 1973

(b) A municipal corporation that taxed any type of 1974
intangible income on March 29, 1988, pursuant to Section 3 of 1975
S.B. 238 of the 116th general assembly, may continue to tax that 1976
type of income if a majority of the electors of the municipal 1977
corporation voting on the question of whether to permit the 1978
taxation of that type of intangible income after 1988 voted in 1979
favor thereof at an election held on November 8, 1988. 1980

(3) Social security benefits, railroad retirement 1981
benefits, unemployment compensation, pensions, retirement 1982
benefit payments, payments from annuities, and similar payments 1983
made to an employee or to the beneficiary of an employee under a 1984
retirement program or plan, disability payments received from 1985
private industry or local, state, or federal governments or from 1986
charitable, religious or educational organizations, and the 1987
proceeds of sickness, accident, or liability insurance policies. 1988
As used in division (C) (3) of this section, "unemployment 1989
compensation" does not include supplemental unemployment 1990
compensation described in section 3402(o) (2) of the Internal 1991
Revenue Code. 1992

(4) The income of religious, fraternal, charitable, 1993
scientific, literary, or educational institutions to the extent 1994
such income is derived from tax-exempt real estate, tax-exempt 1995
tangible or intangible property, or tax-exempt activities. 1996

(5) Compensation paid under section 3501.28 or 3501.36 of 1997
the Revised Code to a person serving as ~~a precinct~~ an election 1998
official to the extent that such compensation does not exceed 1999
one thousand dollars for the taxable year. Such compensation in 2000
excess of one thousand dollars for the taxable year may be 2001
subject to taxation by a municipal corporation. A municipal 2002
corporation shall not require the payer of such compensation to 2003

withhold any tax from that compensation.	2004
(6) Dues, contributions, and similar payments received by	2005
charitable, religious, educational, or literary organizations or	2006
labor unions, lodges, and similar organizations;	2007
(7) Alimony and child support received;	2008
(8) Compensation for personal injuries or for damages to	2009
property from insurance proceeds or otherwise, excluding	2010
compensation paid for lost salaries or wages or compensation	2011
from punitive damages;	2012
(9) Income of a public utility when that public utility is	2013
subject to the tax levied under section 5727.24 or 5727.30 of	2014
the Revised Code. Division (C) (9) of this section does not apply	2015
for purposes of Chapter 5745. of the Revised Code.	2016
(10) Gains from involuntary conversions, interest on	2017
federal obligations, items of income subject to a tax levied by	2018
the state and that a municipal corporation is specifically	2019
prohibited by law from taxing, and income of a decedent's estate	2020
during the period of administration except such income from the	2021
operation of a trade or business;	2022
(11) Compensation or allowances excluded from federal	2023
gross income under section 107 of the Internal Revenue Code;	2024
(12) Employee compensation that is not qualifying wages as	2025
defined in division (R) of this section;	2026
(13) Compensation paid to a person employed within the	2027
boundaries of a United States air force base under the	2028
jurisdiction of the United States air force that is used for the	2029
housing of members of the United States air force and is a	2030
center for air force operations, unless the person is subject to	2031

taxation because of residence or domicile. If the compensation 2032
is subject to taxation because of residence or domicile, tax on 2033
such income shall be payable only to the municipal corporation 2034
of residence or domicile. 2035

(14) (a) Except as provided in division (C) (14) (b) or (c) 2036
of this section, an S corporation shareholder's distributive 2037
share of net profits of the S corporation, other than any part 2038
of the distributive share of net profits that represents wages 2039
as defined in section 3121(a) of the Internal Revenue Code or 2040
net earnings from self-employment as defined in section 1402(a) 2041
of the Internal Revenue Code. 2042

(b) If, pursuant to division (H) of former section 718.01 2043
of the Revised Code as it existed before March 11, 2004, a 2044
majority of the electors of a municipal corporation voted in 2045
favor of the question at an election held on November 4, 2003, 2046
the municipal corporation may continue after 2002 to tax an S 2047
corporation shareholder's distributive share of net profits of 2048
an S corporation. 2049

(c) If, on December 6, 2002, a municipal corporation was 2050
imposing, assessing, and collecting a tax on an S corporation 2051
shareholder's distributive share of net profits of the S 2052
corporation to the extent the distributive share would be 2053
allocated or apportioned to this state under divisions (B) (1) 2054
and (2) of section 5733.05 of the Revised Code if the S 2055
corporation were a corporation subject to taxes imposed under 2056
Chapter 5733. of the Revised Code, the municipal corporation may 2057
continue to impose the tax on such distributive shares to the 2058
extent such shares would be so allocated or apportioned to this 2059
state only until December 31, 2004, unless a majority of the 2060
electors of the municipal corporation voting on the question of 2061

continuing to tax such shares after that date voted in favor of 2062
that question at an election held November 2, 2004. If a 2063
majority of those electors voted in favor of the question, the 2064
municipal corporation may continue after December 31, 2004, to 2065
impose the tax on such distributive shares only to the extent 2066
such shares would be so allocated or apportioned to this state. 2067

(d) A municipal corporation shall be deemed to have 2068
elected to tax S corporation shareholders' distributive shares 2069
of net profits of the S corporation in the hands of the 2070
shareholders if a majority of the electors of a municipal 2071
corporation voted in favor of a question at an election held 2072
under division (C) (14) (b) or (c) of this section. The municipal 2073
corporation shall specify by resolution or ordinance that the 2074
tax applies to the distributive share of a shareholder of an S 2075
corporation in the hands of the shareholder of the S 2076
corporation. 2077

(15) To the extent authorized under a resolution or 2078
ordinance adopted by a municipal corporation before January 1, 2079
2016, all or a portion of the income of individuals or a class 2080
of individuals under eighteen years of age. 2081

(16) (a) Except as provided in divisions (C) (16) (b), (c), 2082
and (d) of this section, qualifying wages described in division 2083
(B) (1) or (E) of section 718.011 of the Revised Code to the 2084
extent the qualifying wages are not subject to withholding for 2085
the municipal corporation under either of those divisions. 2086

(b) The exemption provided in division (C) (16) (a) of this 2087
section does not apply with respect to the municipal corporation 2088
in which the employee resided at the time the employee earned 2089
the qualifying wages. 2090

(c) The exemption provided in division (C)(16)(a) of this section does not apply to qualifying wages that an employer elects to withhold under division (D)(2) of section 718.011 of the Revised Code.

(d) The exemption provided in division (C)(16)(a) of this section does not apply to qualifying wages if both of the following conditions apply:

(i) For qualifying wages described in division (B)(1) of section 718.011 of the Revised Code, the employee's employer withholds and remits tax on the qualifying wages to the municipal corporation in which the employee's principal place of work is situated, or, for qualifying wages described in division (E) of section 718.011 of the Revised Code, the employee's employer withholds and remits tax on the qualifying wages to the municipal corporation in which the employer's fixed location is located;

(ii) The employee receives a refund of the tax described in division (C)(16)(d)(i) of this section on the basis of the employee not performing services in that municipal corporation.

(17)(a) Except as provided in division (C)(17)(b) or (c) of this section, compensation that is not qualifying wages paid to a nonresident individual for personal services performed in the municipal corporation on not more than twenty days in a taxable year.

(b) The exemption provided in division (C)(17)(a) of this section does not apply under either of the following circumstances:

(i) The individual's base of operation is located in the municipal corporation.

(ii) The individual is a professional athlete, 2120
professional entertainer, or public figure, and the compensation 2121
is paid for the performance of services in the individual's 2122
capacity as a professional athlete, professional entertainer, or 2123
public figure. For purposes of division (C)(17)(b)(ii) of this 2124
section, "professional athlete," "professional entertainer," and 2125
"public figure" have the same meanings as in section 718.011 of 2126
the Revised Code. 2127

(c) Compensation to which division (C)(17) of this section 2128
applies shall be treated as earned or received at the 2129
individual's base of operation. If the individual does not have 2130
a base of operation, the compensation shall be treated as earned 2131
or received where the individual is domiciled. 2132

(d) For purposes of division (C)(17) of this section, 2133
"base of operation" means the location where an individual owns 2134
or rents an office, storefront, or similar facility to which the 2135
individual regularly reports and at which the individual 2136
regularly performs personal services for compensation. 2137

(18) Compensation paid to a person for personal services 2138
performed for a political subdivision on property owned by the 2139
political subdivision, regardless of whether the compensation is 2140
received by an employee of the subdivision or another person 2141
performing services for the subdivision under a contract with 2142
the subdivision, if the property on which services are performed 2143
is annexed to a municipal corporation pursuant to section 2144
709.023 of the Revised Code on or after March 27, 2013, unless 2145
the person is subject to such taxation because of residence. If 2146
the compensation is subject to taxation because of residence, 2147
municipal income tax shall be payable only to the municipal 2148
corporation of residence. 2149

(19) In the case of a tax administered, collected, and 2150
enforced by a municipal corporation pursuant to an agreement 2151
with the board of directors of a joint economic development 2152
district under section 715.72 of the Revised Code, the net 2153
profits of a business, and the income of the employees of that 2154
business, exempted from the tax under division (Q) of that 2155
section. 2156

(20) All of the following: 2157

(a) Income derived from disaster work conducted in this 2158
state by an out-of-state disaster business during a disaster 2159
response period pursuant to a qualifying solicitation received 2160
by the business; 2161

(b) Income of a qualifying employee described in division 2162
(A) (14) (a) of section 5703.94 of the Revised Code, to the extent 2163
such income is derived from disaster work conducted in this 2164
state by the employee during a disaster response period pursuant 2165
to a qualifying solicitation received by the employee's 2166
employer; 2167

(c) Income of a qualifying employee described in division 2168
(A) (14) (b) of section 5703.94 of the Revised Code, to the extent 2169
such income is derived from disaster work conducted in this 2170
state by the employee during a disaster response period on 2171
critical infrastructure owned or used by the employee's 2172
employer. 2173

(21) Income the taxation of which is prohibited by the 2174
constitution or laws of the United States. 2175

Any item of income that is exempt income of a pass-through 2176
entity under division (C) of this section is exempt income of 2177
each owner of the pass-through entity to the extent of that 2178

owner's distributive or proportionate share of that item of the 2179
entity's income. 2180

(D) (1) "Net profit" for a person who is an individual 2181
means the individual's net profit required to be reported on 2182
schedule C, schedule E, or schedule F reduced by any net 2183
operating loss carried forward. For the purposes of division (D) 2184
(1) of this section, the net operating loss carried forward 2185
shall be calculated and deducted in the same manner as provided 2186
in division (D) (3) of this section. 2187

(2) "Net profit" for a person other than an individual 2188
means adjusted federal taxable income reduced by any net 2189
operating loss incurred by the person in a taxable year 2190
beginning on or after January 1, 2017, subject to the 2191
limitations of division (D) (3) of this section. 2192

(3) (a) The amount of such net operating loss shall be 2193
deducted from net profit to the extent necessary to reduce 2194
municipal taxable income to zero, with any remaining unused 2195
portion of the net operating loss carried forward to not more 2196
than five consecutive taxable years following the taxable year 2197
in which the loss was incurred, but in no case for more years 2198
than necessary for the deduction to be fully utilized. 2199

(b) No person shall use the deduction allowed by division 2200
(D) (3) of this section to offset qualifying wages. 2201

(c) (i) For taxable years beginning in 2018, 2019, 2020, 2202
2021, or 2022, a person may not deduct, for purposes of an 2203
income tax levied by a municipal corporation that levies an 2204
income tax before January 1, 2016, more than fifty per cent of 2205
the amount of the deduction otherwise allowed by division (D) (3) 2206
of this section. 2207

(ii) For taxable years beginning in 2023 or thereafter, a 2208
person may deduct, for purposes of an income tax levied by a 2209
municipal corporation that levies an income tax before January 2210
1, 2016, the full amount allowed by division (D) (3) of this 2211
section without regard to the limitation of division (D) (3) (b) 2212
(i) of this section. 2213

(d) Any pre-2017 net operating loss carryforward deduction 2214
that is available may be utilized before a taxpayer may deduct 2215
any amount pursuant to division (D) (3) of this section. 2216

(e) Nothing in division (D) (3) (c) (i) of this section 2217
precludes a person from carrying forward, for use with respect 2218
to any return filed for a taxable year beginning after 2018, any 2219
amount of net operating loss that was not fully utilized by 2220
operation of division (D) (3) (c) (i) of this section. To the 2221
extent that an amount of net operating loss that was not fully 2222
utilized in one or more taxable years by operation of division 2223
(D) (3) (c) (i) of this section is carried forward for use with 2224
respect to a return filed for a taxable year beginning in 2019, 2225
2020, 2021, or 2022, the limitation described in division (D) (3) 2226
(c) (i) of this section shall apply to the amount carried 2227
forward. 2228

(4) For the purposes of this chapter, and notwithstanding 2229
division (D) (2) of this section, net profit of a disregarded 2230
entity shall not be taxable as against that disregarded entity, 2231
but shall instead be included in the net profit of the owner of 2232
the disregarded entity. 2233

(5) For the purposes of this chapter, and notwithstanding 2234
any other provision of this chapter, the net profit of a 2235
publicly traded partnership that makes the election described in 2236
division (D) (5) of this section shall be taxed as if the 2237

partnership were a C corporation, and shall not be treated as 2238
the net profit or income of any owner of the partnership. 2239

A publicly traded partnership that is treated as a 2240
partnership for federal income tax purposes and that is subject 2241
to tax on its net profits in one or more municipal corporations 2242
in this state may elect to be treated as a C corporation for 2243
municipal income tax purposes. The publicly traded partnership 2244
shall make the election in every municipal corporation in which 2245
the partnership is subject to taxation on its net profits. The 2246
election shall be made on the annual tax return filed in each 2247
such municipal corporation. The publicly traded partnership 2248
shall not be required to file the election with any municipal 2249
corporation in which the partnership is not subject to taxation 2250
on its net profits, but division (D)(5) of this section applies 2251
to all municipal corporations in which an individual owner of 2252
the partnership resides. 2253

(E) "Adjusted federal taxable income," for a person 2254
required to file as a C corporation, or for a person that has 2255
elected to be taxed as a C corporation under division (D)(5) of 2256
this section, means a C corporation's federal taxable income 2257
before net operating losses and special deductions as determined 2258
under the Internal Revenue Code, adjusted as follows: 2259

(1) Deduct intangible income to the extent included in 2260
federal taxable income. The deduction shall be allowed 2261
regardless of whether the intangible income relates to assets 2262
used in a trade or business or assets held for the production of 2263
income. 2264

(2) Add an amount equal to five per cent of intangible 2265
income deducted under division (E)(1) of this section, but 2266
excluding that portion of intangible income directly related to 2267

the sale, exchange, or other disposition of property described 2268
in section 1221 of the Internal Revenue Code; 2269

(3) Add any losses allowed as a deduction in the 2270
computation of federal taxable income if the losses directly 2271
relate to the sale, exchange, or other disposition of an asset 2272
described in section 1221 or 1231 of the Internal Revenue Code; 2273

(4) (a) Except as provided in division (E) (4) (b) of this 2274
section, deduct income and gain included in federal taxable 2275
income to the extent the income and gain directly relate to the 2276
sale, exchange, or other disposition of an asset described in 2277
section 1221 or 1231 of the Internal Revenue Code; 2278

(b) Division (E) (4) (a) of this section does not apply to 2279
the extent the income or gain is income or gain described in 2280
section 1245 or 1250 of the Internal Revenue Code. 2281

(5) Add taxes on or measured by net income allowed as a 2282
deduction in the computation of federal taxable income; 2283

(6) In the case of a real estate investment trust or 2284
regulated investment company, add all amounts with respect to 2285
dividends to, distributions to, or amounts set aside for or 2286
credited to the benefit of investors and allowed as a deduction 2287
in the computation of federal taxable income; 2288

(7) Deduct, to the extent not otherwise deducted or 2289
excluded in computing federal taxable income, any income derived 2290
from a transfer agreement or from the enterprise transferred 2291
under that agreement under section 4313.02 of the Revised Code; 2292

(8) Deduct exempt income to the extent not otherwise 2293
deducted or excluded in computing adjusted federal taxable 2294
income. 2295

(9) Deduct any net profit of a pass-through entity owned 2296
directly or indirectly by the taxpayer and included in the 2297
taxpayer's federal taxable income unless an affiliated group of 2298
corporations includes that net profit in the group's federal 2299
taxable income in accordance with division (E) (3) (b) of section 2300
718.06 of the Revised Code. 2301

(10) Add any loss incurred by a pass-through entity owned 2302
directly or indirectly by the taxpayer and included in the 2303
taxpayer's federal taxable income unless an affiliated group of 2304
corporations includes that loss in the group's federal taxable 2305
income in accordance with division (E) (3) (b) of section 718.06 2306
of the Revised Code. 2307

If the taxpayer is not a C corporation, is not a 2308
disregarded entity that has made the election described in 2309
division (L) (2) of this section, is not a publicly traded 2310
partnership that has made the election described in division (D) 2311
(5) of this section, and is not an individual, the taxpayer 2312
shall compute adjusted federal taxable income under this section 2313
as if the taxpayer were a C corporation, except guaranteed 2314
payments and other similar amounts paid or accrued to a partner, 2315
former partner, shareholder, former shareholder, member, or 2316
former member shall not be allowed as a deductible expense 2317
unless such payments are in consideration for the use of capital 2318
and treated as payment of interest under section 469 of the 2319
Internal Revenue Code or United States treasury regulations. 2320
Amounts paid or accrued to a qualified self-employed retirement 2321
plan with respect to a partner, former partner, shareholder, 2322
former shareholder, member, or former member of the taxpayer, 2323
amounts paid or accrued to or for health insurance for a 2324
partner, former partner, shareholder, former shareholder, 2325
member, or former member, and amounts paid or accrued to or for 2326

life insurance for a partner, former partner, shareholder, 2327
former shareholder, member, or former member shall not be 2328
allowed as a deduction. 2329

Nothing in division (E) of this section shall be construed 2330
as allowing the taxpayer to add or deduct any amount more than 2331
once or shall be construed as allowing any taxpayer to deduct 2332
any amount paid to or accrued for purposes of federal self- 2333
employment tax. 2334

(F) "Schedule C" means internal revenue service schedule C 2335
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 2336
Code. 2337

(G) "Schedule E" means internal revenue service schedule E 2338
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 2339
Code. 2340

(H) "Schedule F" means internal revenue service schedule F 2341
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 2342
Code. 2343

(I) "Internal Revenue Code" has the same meaning as in 2344
section 5747.01 of the Revised Code. 2345

(J) "Resident" means an individual who is domiciled in the 2346
municipal corporation as determined under section 718.012 of the 2347
Revised Code. 2348

(K) "Nonresident" means an individual that is not a 2349
resident. 2350

(L) (1) "Taxpayer" means a person subject to a tax levied 2351
on income by a municipal corporation in accordance with this 2352
chapter. "Taxpayer" does not include a grantor trust or, except 2353
as provided in division (L) (2) (a) of this section, a disregarded 2354

entity. 2355

(2) (a) A single member limited liability company that is a 2356
disregarded entity for federal tax purposes may be a separate 2357
taxpayer from its single member in all Ohio municipal 2358
corporations in which it either filed as a separate taxpayer or 2359
did not file for its taxable year ending in 2003, if all of the 2360
following conditions are met: 2361

(i) The limited liability company's single member is also 2362
a limited liability company. 2363

(ii) The limited liability company and its single member 2364
were formed and doing business in one or more Ohio municipal 2365
corporations for at least five years before January 1, 2004. 2366

(iii) Not later than December 31, 2004, the limited 2367
liability company and its single member each made an election to 2368
be treated as a separate taxpayer under division (L) of this 2369
section as this section existed on December 31, 2004. 2370

(iv) The limited liability company was not formed for the 2371
purpose of evading or reducing Ohio municipal corporation income 2372
tax liability of the limited liability company or its single 2373
member. 2374

(v) The Ohio municipal corporation that was the primary 2375
place of business of the sole member of the limited liability 2376
company consented to the election. 2377

(b) For purposes of division (L) (2) (a) (v) of this section, 2378
a municipal corporation was the primary place of business of a 2379
limited liability company if, for the limited liability 2380
company's taxable year ending in 2003, its income tax liability 2381
was greater in that municipal corporation than in any other 2382
municipal corporation in Ohio, and that tax liability to that 2383

municipal corporation for its taxable year ending in 2003 was at 2384
least four hundred thousand dollars. 2385

(M) "Person" includes individuals, firms, companies, joint 2386
stock companies, business trusts, estates, trusts, partnerships, 2387
limited liability partnerships, limited liability companies, 2388
associations, C corporations, S corporations, governmental 2389
entities, and any other entity. 2390

(N) "Pass-through entity" means a partnership not treated 2391
as an association taxable as a C corporation for federal income 2392
tax purposes, a limited liability company not treated as an 2393
association taxable as a C corporation for federal income tax 2394
purposes, an S corporation, or any other class of entity from 2395
which the income or profits of the entity are given pass-through 2396
treatment for federal income tax purposes. "Pass-through entity" 2397
does not include a trust, estate, grantor of a grantor trust, or 2398
disregarded entity. 2399

(O) "S corporation" means a person that has made an 2400
election under subchapter S of Chapter 1 of Subtitle A of the 2401
Internal Revenue Code for its taxable year. 2402

(P) "Single member limited liability company" means a 2403
limited liability company that has one direct member. 2404

(Q) "Limited liability company" means a limited liability 2405
company formed under Chapter 1705. of the Revised Code or under 2406
the laws of another state. 2407

(R) "Qualifying wages" means wages, as defined in section 2408
3121(a) of the Internal Revenue Code, without regard to any wage 2409
limitations, adjusted as follows: 2410

(1) Deduct the following amounts: 2411

(a) Any amount included in wages if the amount constitutes 2412
compensation attributable to a plan or program described in 2413
section 125 of the Internal Revenue Code. 2414

(b) Any amount included in wages if the amount constitutes 2415
payment on account of a disability related to sickness or an 2416
accident paid by a party unrelated to the employer, agent of an 2417
employer, or other payer. 2418

(c) Any amount attributable to a nonqualified deferred 2419
compensation plan or program described in section 3121(v)(2)(C) 2420
of the Internal Revenue Code if the compensation is included in 2421
wages and the municipal corporation has, by resolution or 2422
ordinance adopted before January 1, 2016, exempted the amount 2423
from withholding and tax. 2424

(d) Any amount included in wages if the amount arises from 2425
the sale, exchange, or other disposition of a stock option, the 2426
exercise of a stock option, or the sale, exchange, or other 2427
disposition of stock purchased under a stock option and the 2428
municipal corporation has, by resolution or ordinance adopted 2429
before January 1, 2016, exempted the amount from withholding and 2430
tax. 2431

(e) Any amount included in wages that is exempt income. 2432

(2) Add the following amounts: 2433

(a) Any amount not included in wages solely because the 2434
employee was employed by the employer before April 1, 1986. 2435

(b) Any amount not included in wages because the amount 2436
arises from the sale, exchange, or other disposition of a stock 2437
option, the exercise of a stock option, or the sale, exchange, 2438
or other disposition of stock purchased under a stock option and 2439
the municipal corporation has not, by resolution or ordinance, 2440

exempted the amount from withholding and tax adopted before 2441
January 1, 2016. Division (R) (2) (b) of this section applies only 2442
to those amounts constituting ordinary income. 2443

(c) Any amount not included in wages if the amount is an 2444
amount described in section 401(k), 403(b), or 457 of the 2445
Internal Revenue Code. Division (R) (2) (c) of this section 2446
applies only to employee contributions and employee deferrals. 2447

(d) Any amount that is supplemental unemployment 2448
compensation benefits described in section 3402(o) (2) of the 2449
Internal Revenue Code and not included in wages. 2450

(e) Any amount received that is treated as self-employment 2451
income for federal tax purposes in accordance with section 2452
1402(a) (8) of the Internal Revenue Code. 2453

(f) Any amount not included in wages if all of the 2454
following apply: 2455

(i) For the taxable year the amount is employee 2456
compensation that is earned outside of the United States and 2457
that either is included in the taxpayer's gross income for 2458
federal income tax purposes or would have been included in the 2459
taxpayer's gross income for such purposes if the taxpayer did 2460
not elect to exclude the income under section 911 of the 2461
Internal Revenue Code; 2462

(ii) For no preceding taxable year did the amount 2463
constitute wages as defined in section 3121(a) of the Internal 2464
Revenue Code; 2465

(iii) For no succeeding taxable year will the amount 2466
constitute wages; and 2467

(iv) For any taxable year the amount has not otherwise 2468

been added to wages pursuant to either division (R) (2) of this 2469
section or section 718.03 of the Revised Code, as that section 2470
existed before the effective date of H.B. 5 of the 130th general 2471
assembly, March 23, 2015. 2472

(S) "Intangible income" means income of any of the 2473
following types: income yield, interest, capital gains, 2474
dividends, or other income arising from the ownership, sale, 2475
exchange, or other disposition of intangible property including, 2476
but not limited to, investments, deposits, money, or credits as 2477
those terms are defined in Chapter 5701. of the Revised Code, 2478
and patents, copyrights, trademarks, tradenames, investments in 2479
real estate investment trusts, investments in regulated 2480
investment companies, and appreciation on deferred compensation. 2481
"Intangible income" does not include prizes, awards, or other 2482
income associated with any lottery winnings, gambling winnings, 2483
or other similar games of chance. 2484

(T) "Taxable year" means the corresponding tax reporting 2485
period as prescribed for the taxpayer under the Internal Revenue 2486
Code. 2487

(U) "Tax administrator" means the individual charged with 2488
direct responsibility for administration of an income tax levied 2489
by a municipal corporation in accordance with this chapter, and 2490
also includes the following: 2491

(1) A municipal corporation acting as the agent of another 2492
municipal corporation; 2493

(2) A person retained by a municipal corporation to 2494
administer a tax levied by the municipal corporation, but only 2495
if the municipal corporation does not compensate the person in 2496
whole or in part on a contingency basis; 2497

(3) The central collection agency or the regional income 2498
tax agency or their successors in interest, or another entity 2499
organized to perform functions similar to those performed by the 2500
central collection agency and the regional income tax agency. 2501

"Tax administrator" does not include the tax commissioner. 2502

(V) "Employer" means a person that is an employer for 2503
federal income tax purposes. 2504

(W) "Employee" means an individual who is an employee for 2505
federal income tax purposes. 2506

(X) "Other payer" means any person, other than an 2507
individual's employer or the employer's agent, that pays an 2508
individual any amount included in the federal gross income of 2509
the individual. "Other payer" includes casino operators and 2510
video lottery terminal sales agents. 2511

(Y) "Calendar quarter" means the three-month period ending 2512
on the last day of March, June, September, or December. 2513

(Z) "Form 2106" means internal revenue service form 2106 2514
filed by a taxpayer pursuant to the Internal Revenue Code. 2515

(AA) "Municipal corporation" includes a joint economic 2516
development district or joint economic development zone that 2517
levies an income tax under section 715.691, 715.70, 715.71, or 2518
715.72 of the Revised Code. 2519

(BB) "Disregarded entity" means a single member limited 2520
liability company, a qualifying subchapter S subsidiary, or 2521
another entity if the company, subsidiary, or entity is a 2522
disregarded entity for federal income tax purposes. 2523

(CC) "Generic form" means an electronic or paper form that 2524
is not prescribed by a particular municipal corporation and that 2525

is designed for reporting taxes withheld by an employer, agent 2526
of an employer, or other payer, estimated municipal income 2527
taxes, or annual municipal income tax liability or for filing a 2528
refund claim. 2529

(DD) "Tax return preparer" means any individual described 2530
in section 7701(a)(36) of the Internal Revenue Code and 26 2531
C.F.R. 301.7701-15. 2532

(EE) "Ohio business gateway" means the online computer 2533
network system, created under section 125.30 of the Revised 2534
Code, that allows persons to electronically file business reply 2535
forms with state agencies and includes any successor electronic 2536
filing and payment system. 2537

(FF) "Local board of tax review" and "board of tax review" 2538
mean the entity created under section 718.11 of the Revised 2539
Code. 2540

(GG) "Net operating loss" means a loss incurred by a 2541
person in the operation of a trade or business. "Net operating 2542
loss" does not include unutilized losses resulting from basis 2543
limitations, at-risk limitations, or passive activity loss 2544
limitations. 2545

(HH) "Casino operator" and "casino facility" have the same 2546
meanings as in section 3772.01 of the Revised Code. 2547

(II) "Video lottery terminal" has the same meaning as in 2548
section 3770.21 of the Revised Code. 2549

(JJ) "Video lottery terminal sales agent" means a lottery 2550
sales agent licensed under Chapter 3770. of the Revised Code to 2551
conduct video lottery terminals on behalf of the state pursuant 2552
to section 3770.21 of the Revised Code. 2553

(KK) "Postal service" means the United States postal service. 2554
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(LL) "Certified mail," "express mail," "United States mail," "postal service," and similar terms include any delivery service authorized pursuant to section 5703.056 of the Revised Code. 2556
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(MM) "Postmark date," "date of postmark," and similar terms include the date recorded and marked in the manner described in division (B) (3) of section 5703.056 of the Revised Code. 2560
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(NN) "Related member" means a person that, with respect to the taxpayer during all or any portion of the taxable year, is either a related entity, a component member as defined in section 1563(b) of the Internal Revenue Code, or a person to or from whom there is attribution of stock ownership in accordance with section 1563(e) of the Internal Revenue Code except, for purposes of determining whether a person is a related member under this division, "twenty per cent" shall be substituted for "5 percent" wherever "5 percent" appears in section 1563(e) of the Internal Revenue Code. 2564
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(OO) "Related entity" means any of the following: 2574

(1) An individual stockholder, or a member of the stockholder's family enumerated in section 318 of the Internal Revenue Code, if the stockholder and the members of the stockholder's family own directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty per cent of the value of the taxpayer's outstanding stock; 2575
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(2) A stockholder, or a stockholder's partnership, estate, trust, or corporation, if the stockholder and the stockholder's 2581
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partnerships, estates, trusts, or corporations own directly, 2583
indirectly, beneficially, or constructively, in the aggregate, 2584
at least fifty per cent of the value of the taxpayer's 2585
outstanding stock; 2586

(3) A corporation, or a party related to the corporation 2587
in a manner that would require an attribution of stock from the 2588
corporation to the party or from the party to the corporation 2589
under division (00) (4) of this section, provided the taxpayer 2590
owns directly, indirectly, beneficially, or constructively, at 2591
least fifty per cent of the value of the corporation's 2592
outstanding stock; 2593

(4) The attribution rules described in section 318 of the 2594
Internal Revenue Code apply for the purpose of determining 2595
whether the ownership requirements in divisions (00) (1) to (3) 2596
of this section have been met. 2597

(PP) (1) "Assessment" means a written finding by the tax 2598
administrator that a person has underpaid municipal income tax, 2599
or owes penalty and interest, or any combination of tax, 2600
penalty, or interest, to the municipal corporation that 2601
commences the person's time limitation for making an appeal to 2602
the local board of tax review pursuant to section 718.11 of the 2603
Revised Code, and has "ASSESSMENT" written in all capital 2604
letters at the top of such finding. 2605

(2) "Assessment" does not include an informal notice 2606
denying a request for refund issued under division (B) (3) of 2607
section 718.19 of the Revised Code, a billing statement 2608
notifying a taxpayer of current or past-due balances owed to the 2609
municipal corporation, a tax administrator's request for 2610
additional information, a notification to the taxpayer of 2611
mathematical errors, or a tax administrator's other written 2612

correspondence to a person or taxpayer that does meet the 2613
criteria prescribed by division (PP)(1) of this section. 2614

(QQ) "Taxpayers' rights and responsibilities" means the 2615
rights provided to taxpayers in sections 718.11, 718.12, 718.19, 2616
718.23, 718.36, 718.37, 718.38, 5717.011, and 5717.03 of the 2617
Revised Code and the responsibilities of taxpayers to file, 2618
report, withhold, remit, and pay municipal income tax and 2619
otherwise comply with Chapter 718. of the Revised Code and 2620
resolutions, ordinances, and rules adopted by a municipal 2621
corporation for the imposition and administration of a municipal 2622
income tax. 2623

(RR) "Qualified municipal corporation" means a municipal 2624
corporation that, by resolution or ordinance adopted on or 2625
before December 31, 2011, adopted Ohio adjusted gross income, as 2626
defined by section 5747.01 of the Revised Code, as the income 2627
subject to tax for the purposes of imposing a municipal income 2628
tax. 2629

(SS)(1) "Pre-2017 net operating loss carryforward" means 2630
any net operating loss incurred in a taxable year beginning 2631
before January 1, 2017, to the extent such loss was permitted, 2632
by a resolution or ordinance of the municipal corporation that 2633
was adopted by the municipal corporation before January 1, 2016, 2634
to be carried forward and utilized to offset income or net 2635
profit generated in such municipal corporation in future taxable 2636
years. 2637

(2) For the purpose of calculating municipal taxable 2638
income, any pre-2017 net operating loss carryforward may be 2639
carried forward to any taxable year, including taxable years 2640
beginning in 2017 or thereafter, for the number of taxable years 2641
provided in the resolution or ordinance or until fully utilized, 2642

whichever is earlier. 2643

(TT) "Small employer" means any employer that had total 2644
revenue of less than five hundred thousand dollars during the 2645
preceding taxable year. For purposes of this division, "total 2646
revenue" means receipts of any type or kind, including, but not 2647
limited to, sales receipts; payments; rents; profits; gains, 2648
dividends, and other investment income; compensation; 2649
commissions; premiums; money; property; grants; contributions; 2650
donations; gifts; program service revenue; patient service 2651
revenue; premiums; fees, including premium fees and service 2652
fees; tuition payments; unrelated business revenue; 2653
reimbursements; any type of payment from a governmental unit, 2654
including grants and other allocations; and any other similar 2655
receipts reported for federal income tax purposes or under 2656
generally accepted accounting principles. "Small employer" does 2657
not include the federal government; any state government, 2658
including any state agency or instrumentality; any political 2659
subdivision; or any entity treated as a government for financial 2660
accounting and reporting purposes. 2661

(UU) "Audit" means the examination of a person or the 2662
inspection of the books, records, memoranda, or accounts of a 2663
person for the purpose of determining liability for a municipal 2664
income tax. 2665

(VV) "Publicly traded partnership" means any partnership, 2666
an interest in which is regularly traded on an established 2667
securities market. A "publicly traded partnership" may have any 2668
number of partners. 2669

(WW) "Tax commissioner" means the tax commissioner 2670
appointed under section 121.03 of the Revised Code. 2671

(XX) "Out-of-state disaster business," "qualifying solicitation," "qualifying employee," "disaster work," "critical infrastructure," and "disaster response period" have the same meanings as in section 5703.94 of the Revised Code.

(YY) "Pension" means a retirement benefit plan, regardless of whether the plan satisfies the qualifications described under section 401(a) of the Internal Revenue Code, including amounts that are taxable under the "Federal Insurance Contributions Act," Chapter 21 of the Internal Revenue Code, excluding employee contributions and elective deferrals, and regardless of whether such amounts are paid in the same taxable year in which the amounts are included in the employee's wages, as defined by section 3121(a) of the Internal Revenue Code.

(ZZ) "Retirement benefit plan" means an arrangement whereby an entity provides benefits to individuals either on or after their termination of service because of retirement or disability. "Retirement benefit plan" does not include wage continuation payments, severance payments, or payments made for accrued personal or vacation time.

Sec. 3313.77. (A) For purposes of this section:

(1) "General public" means members of the community, including both of the following:

(a) Students during nonschool hours;

(b) Employees of a school or school district when not working in the scope of their employment.

(2) "Nonschool hours" means both of the following:

(a) Any time prior to and after regular classroom instruction on a day that school is in session;

(b) Any day that school is not in session, including 2700
weekends, holidays, and vacation breaks. 2701

(3) "Recreational meetings and entertainments" means all 2702
indoor or outdoor games or physical activities, either organized 2703
or unorganized, that are undertaken for exercise, relaxation, 2704
diversion, sport, or pleasure. 2705

(4) "School premises" means all indoor and outdoor 2706
structures, facilities, and land owned, rented, or leased by a 2707
school or school district. 2708

(B) The board of education of any city, exempted village, 2709
or local school district shall, upon request and the payment of 2710
a reasonable fee, subject to such regulation as is adopted by 2711
such board, permit the use of school premises, when not in 2712
actual use for school purposes, for any of the following 2713
purposes: 2714

(1) Giving instructions in any branch of education, 2715
learning, or the arts; 2716

(2) Holding educational, religious, civic, social, or 2717
recreational meetings and entertainments, and for such other 2718
purposes as promote the welfare of the community; provided such 2719
meetings and entertainments shall be nonexclusive and open to 2720
the general public; 2721

(3) Public library purposes, as a station for a public 2722
library, or as reading rooms; 2723

(4) ~~Polling~~ Precinct polling places and voter service and 2724
polling centers, for holding elections and for the registration 2725
of voters, ~~or for holding;~~ 2726

(5) Holding grange or similar meetings. 2727

The board of education of each school district shall adopt 2728
a policy for the use of school premises by the general public, 2729
including a list of all fees to be paid for the use of such 2730
premises and the costs used to determine such fees. Once 2731
adopted, the policy shall remain in effect until formally 2732
amended by the board. A copy of the policy shall be made 2733
available to any resident of the district upon request. 2734

Sec. 3501.01. As used in the sections of the Revised Code 2735
relating to elections and political communications: 2736

(A) "General election" means the election held on the 2737
first Tuesday after the first Monday in each November. 2738

(B) "Regular municipal election" means the election held 2739
on the first Tuesday after the first Monday in November in each 2740
odd-numbered year. 2741

(C) "Regular state election" means the election held on 2742
the first Tuesday after the first Monday in November in each 2743
even-numbered year. 2744

(D) "Special election" means any election other than those 2745
elections defined in other divisions of this section. A special 2746
election may be held only on the first Tuesday after the first 2747
Monday in May, August, or November, or on the day authorized by 2748
a particular municipal or county charter for the holding of a 2749
primary election, except that in any year in which a 2750
presidential primary election is held, no special election shall 2751
be held in May, except as authorized by a municipal or county 2752
charter, but may be held on the third Tuesday after the first 2753
Monday in March. 2754

(E) (1) "Primary" or "primary election" means an election 2755
held for the purpose of nominating persons as candidates of 2756

political parties for election to offices, and for the purpose 2757
of electing persons as members of the controlling committees of 2758
political parties and as delegates and alternates to the 2759
conventions of political parties. Primary elections shall be 2760
held on the first Tuesday after the first Monday in May of each 2761
year except in years in which a presidential primary election is 2762
held. 2763

(2) "Presidential primary election" means a primary 2764
election as defined by division (E) (1) of this section at which 2765
an election is held for the purpose of choosing delegates and 2766
alternates to the national conventions of the major political 2767
parties pursuant to section 3513.12 of the Revised Code. Unless 2768
otherwise specified, presidential primary elections are included 2769
in references to primary elections. In years in which a 2770
presidential primary election is held, all primary elections 2771
shall be held on the third Tuesday after the first Monday in 2772
March except as otherwise authorized by a municipal or county 2773
charter. 2774

(F) "Political party" means any group of voters meeting 2775
the requirements set forth in section 3517.01 of the Revised 2776
Code for the formation and existence of a political party. 2777

(1) "Major political party" means any political party 2778
organized under the laws of this state whose candidate for 2779
governor or nominees for presidential electors received not less 2780
than twenty per cent of the total vote cast for such office at 2781
the most recent regular state election. 2782

(2) "Minor political party" means any political party 2783
organized under the laws of this state that meets either of the 2784
following requirements: 2785

(a) Except as otherwise provided in this division, the
political party's candidate for governor or nominees for
presidential electors received less than twenty per cent but not
less than three per cent of the total vote cast for such office
at the most recent regular state election. A political party
that meets the requirements of this division remains a political
party for a period of four years after meeting those
requirements.

(b) The political party has filed with the secretary of
state, subsequent to its failure to meet the requirements of
division (F)(2)(a) of this section, a petition that meets the
requirements of section 3517.01 of the Revised Code.

A newly formed political party shall be known as a minor
political party until the time of the first election for
governor or president which occurs not less than twelve months
subsequent to the formation of such party, after which election
the status of such party shall be determined by the vote for the
office of governor or president.

~~(G) "Dominant party in a precinct" or "dominant political
party in a precinct" means that political party whose candidate
for election to the office of governor at the most recent
regular state election at which a governor was elected received
more votes than any other person received for election to that
office in such precinct at such election.~~

~~(H)~~ "Candidate" means any qualified person certified in
accordance with the provisions of the Revised Code for placement
on the official ballot of a primary, general, or special
election to be held in this state, or any qualified person who
claims to be a write-in candidate, or who knowingly assents to
being represented as a write-in candidate by another at either a

primary, general, or special election to be held in this state. 2816

~~(I)~~ (H) "Independent candidate" means any candidate who 2817
~~claims is not to be~~ affiliated with a political party, and whose 2818
name has been certified on the office-type ballot at a general 2819
or special election through the filing of a statement of 2820
candidacy and nominating petition, as prescribed in section 2821
3513.257 of the Revised Code. 2822

~~(J)~~ (I) "Nonpartisan candidate" means any candidate whose 2823
name is required, pursuant to section 3505.04 of the Revised 2824
Code, to be listed on the nonpartisan ballot, including all 2825
candidates for judicial office, for member of any board of 2826
education, for municipal or township offices in which primary 2827
elections are not held for nominating candidates by political 2828
parties, and for offices of municipal corporations having 2829
charters that provide for separate ballots for elections for 2830
these offices. 2831

~~(K)~~ (J) "Party candidate" means any candidate who ~~claims~~ 2832
~~to be is~~ a member of a political party and who has been 2833
certified to appear on the office-type ballot at a general or 2834
special election as the nominee of a political party because the 2835
candidate has won the primary election of the candidate's party 2836
for the public office the candidate seeks, has been nominated 2837
under section 3517.012, or is selected by party committee in 2838
accordance with section 3513.31 of the Revised Code. 2839

~~(L)~~ (K) "Officer of a political party" includes, but is 2840
not limited to, any member, elected or appointed, of a 2841
controlling committee, whether representing the territory of the 2842
state, a district therein, a county, township, a city, a ward, a 2843
precinct, or other territory, of a major or minor political 2844
party. 2845

~~(M)~~ (L) "Question or issue" means any question or issue
certified in accordance with the Revised Code for placement on
an official ballot at a general or special election to be held
in this state.

~~(N)~~ (M) "Elector" or "qualified elector" means a person
having the qualifications provided by law to be entitled to
vote.

~~(O)~~ (N) "Voter" means an elector who votes at an election.

~~(P)~~ (O) "Voting residence" means that place of residence
of an elector which shall determine the ~~precinct in candidates,~~
questions, and issues on which the elector may vote.

~~(Q)~~ (P) "Precinct" means a district within a county
established by the board of elections of such county within
which all qualified electors having a voting residence therein
may vote ~~at on the same polling place candidates, questions, and~~
issues.

~~(R)~~ (Q) (1) "~~Polling Precinct polling place~~" means ~~that a~~
place provided for ~~each a~~ precinct at which the electors having
a voting residence in ~~such the~~ precinct may ~~vote cast ballots in~~
person on the day of an election.

~~(S)~~ (2) "Voter service and polling center" means a place
other than a precinct polling place or the office of a board of
elections at which the electors having a voting residence in the
county may cast ballots in person, obtain mail ballots, or
return voted mail ballots.

(3) "Ballot drop box" means a secure box located in a
place other than a precinct polling place, a voter service and
polling center, or the office of a board of elections at which
the electors having a voting residence in the county may deposit

voted mail ballots for delivery to the office of the board 2875
without the payment of postage. 2876

(R) "Board" or "board of elections" means the board of 2877
elections appointed in a county pursuant to section 3501.06 of 2878
the Revised Code. 2879

~~(T)~~(S) "Political subdivision" means a county, township, 2880
city, village, or school district. 2881

~~(U)~~(T) "Election officer" or "election official" means 2882
any of the following: 2883

(1) Secretary of state; 2884

(2) Employees of the secretary of state serving the 2885
division of elections in the capacity of attorney, 2886
administrative officer, administrative assistant, elections 2887
administrator, office manager, or clerical supervisor; 2888

(3) Director of a board of elections; 2889

(4) Deputy director of a board of elections; 2890

(5) Member of a board of elections; 2891

(6) Employees of a board of elections; 2892

(7) ~~Precinct election~~ Election officials appointed under 2893
section 3501.22 of the Revised Code; 2894

(8) Employees appointed by the boards of elections on a 2895
temporary or part-time basis. 2896

~~(V)~~(U) "Acknowledgment notice" means a notice sent by a 2897
board of elections under section 3503.19 of the Revised Code, on 2898
a form prescribed by the secretary of state, informing a person 2899
who has applied to register to vote or to update the person's 2900
voter registration ~~applicant or an applicant, or who wishes to~~ 2901

~~change the applicant's residence or name has had the person's~~ 2902
~~registration updated under section 3503.111 of the Revised Code,~~ 2903
~~of the all of the following:~~ 2904

~~(1) The status of the application registration; the~~ 2905

~~(2) The information necessary to complete or update the~~ 2906
~~application registration, if any; and if~~ 2907

~~(3) If the application registration is complete, the~~ 2908
~~precinct in which the applicant is registered to vote;~~ 2909

~~(4) Any other information required to be included in the~~ 2910
~~acknowledgment notice under section 3503.19 of the Revised Code,~~ 2911
~~as applicable.~~ 2912

~~(W) —~~ (V) "Confirmation notice" means a notice sent by a 2913
board of elections, on a form prescribed by the secretary of 2914
state, by forwardable mail and with return postage prepaid, to a 2915
registered elector to confirm the registered elector's current 2916
address. The notice shall comply with all applicable 2917
requirements of the National Voter Registration Act of 1993. 2918

~~(X) —~~ (W) "Designated agency" means an office or agency in 2919
the state that provides public assistance or that provides 2920
state-funded programs primarily engaged in providing services to 2921
persons with disabilities and that is required by the National 2922
Voter Registration Act of 1993 to implement a program designed 2923
and administered by the secretary of state for registering 2924
voters, or any other public or government office or agency that 2925
implements a program designed and administered by the secretary 2926
of state for registering voters, including the department of job 2927
and family services, the program administered under section 2928
3701.132 of the Revised Code by the department of health, the 2929
department of mental health and addiction services, the 2930

department of developmental disabilities, the opportunities for 2931
Ohioans with disabilities agency, and any other agency the 2932
secretary of state designates. "Designated agency" does not 2933
include public high schools and vocational schools, public 2934
libraries, or the office of a county treasurer. 2935

~~(Y)~~(X) (1) "Help America Vote Act of 2002" means the "Help 2936
America Vote Act of 2002," 52 U.S.C. 20901, et seq. 2937

(2) "National Voter Registration Act of 1993" means the 2938
"National Voter Registration Act of 1993," 107 Stat. 77, ~~42-52~~ 2939
U.S.C.A. ~~1973gg~~ 20501, et seq. 2940

~~(Z)~~(3) "Uniformed and Overseas Citizens Absentee Voting 2941
Act" means the "Uniformed and Overseas Citizens Absentee Voting 2942
Act," 52 U.S.C. 20301, et seq. 2943

(4) "Voting Rights Act of 1965" means the "Voting Rights 2944
Act of 1965," 79 Stat. 437, ~~42-52~~ U.S.C.A. ~~1973-10301~~ et seq., 2945
as amended. 2946

~~(AA)~~(Y) "Photo identification" means a document that 2947
meets each of the following requirements: 2948

(1) It shows the name of the individual to whom it was 2949
issued, which shall conform to the name in the ~~poll list or~~ 2950
~~signature pollbook~~ individual's voter registration record. 2951

(2) It shows the current address of the individual to whom 2952
it was issued, which shall conform to the address in the ~~poll~~ 2953
~~list or signature pollbook~~ individual's voter registration 2954
record, except for a driver's license or a state identification 2955
card issued under section 4507.50 of the Revised Code, which may 2956
show either the current or former address of the individual to 2957
whom it was issued, regardless of whether that address conforms 2958
to the address in the ~~poll list or signature pollbook~~ 2959

individual's voter registration record. 2960

(3) It shows a photograph of the individual to whom it was 2961
issued. 2962

(4) It includes an expiration date that has not passed. 2963

(5) It was issued by the government of the United States 2964
or this state. 2965

(Z) "Active elector" means any elector other than an 2966
elector who has been sent a confirmation notice and has failed 2967
to take any of the actions listed in division (A) (7) of section 2968
3503.21 of the Revised Code subsequent to the mailing of the 2969
confirmation notice. 2970

(AA) "Mail ballot" includes a mail ballot cast under 2971
Chapter 3509. of the Revised Code and a uniformed service or 2972
overseas mail ballot or a federal write-in absentee ballot cast 2973
under Chapter 3511. of the Revised Code. 2974

Sec. 3501.05. The secretary of state shall do all of the 2975
following: 2976

(A) Appoint all members of boards of elections; 2977

(B) Issue instructions by directives and advisories in 2978
accordance with section 3501.053 of the Revised Code to members 2979
of the boards as to the proper methods of conducting elections. 2980

(C) Prepare rules and instructions for the conduct of 2981
elections, including adopting rules to do all of the following: 2982

(1) Provide for uniformity in the conduct of state 2983
elections by mail; 2984

(2) Govern the procedures for conducting elections by 2985
mail. 2986

(D) Publish and furnish to the boards from time to time a sufficient number of indexed copies of all election laws then in force; 2987
2988
2989

(E) Edit and issue all pamphlets concerning proposed laws or amendments required by law to be submitted to the voters; 2990
2991

(F) Prescribe the form of registration cards, blanks, and records; 2992
2993

(G) Determine and prescribe the forms of ballots and the forms of all blanks, cards of instructions, pollbooks, tally sheets, certificates of election, and forms and blanks required by law for use by candidates, committees, and boards; 2994
2995
2996
2997

(H) Prepare the ballot title or statement to be placed on the ballot for any proposed law or amendment to the constitution to be submitted to the voters of the state; 2998
2999
3000

(I) Except as otherwise provided in section 3519.08 of the Revised Code, certify to the several boards the forms of ballots and names of candidates for state offices, and the form and wording of state referendum questions and issues, as they shall appear on the ballot; 3001
3002
3003
3004
3005

(J) Except as otherwise provided in division (I) (2) (b) of section 3501.38 of the Revised Code, give final approval to ballot language for any local question or issue approved and transmitted by boards of elections under section 3501.11 of the Revised Code; 3006
3007
3008
3009
3010

(K) Receive all initiative and referendum petitions on state questions and issues and determine and certify to the sufficiency of those petitions; 3011
3012
3013

(L) Require such reports from the several boards as are 3014

provided by law, or as the secretary of state considers 3015
necessary; 3016

(M) Compel the observance by election officers in the 3017
several counties of the requirements of the election laws; 3018

(N) (1) Except as otherwise provided in division (N) (2) of 3019
this section, investigate the administration of election laws, 3020
frauds, and irregularities in elections in any county, and 3021
report violations of election laws to the attorney general or 3022
prosecuting attorney, or both, for prosecution; 3023

(2) On and after August 24, 1995, report a failure to 3024
comply with or a violation of a provision in sections 3517.08 to 3025
3517.13, 3517.20 to 3517.22, 3599.03, or 3599.031 of the Revised 3026
Code, whenever the secretary of state has or should have 3027
knowledge of a failure to comply with or a violation of a 3028
provision in one of those sections, by filing a complaint with 3029
the Ohio elections commission under section 3517.153 of the 3030
Revised Code. 3031

(O) Make an annual report to the governor containing the 3032
results of elections, the cost of elections in the various 3033
counties, a tabulation of the votes in the several political 3034
subdivisions, and other information and recommendations relative 3035
to elections the secretary of state considers desirable; 3036

(P) Prescribe and distribute to boards of elections a list 3037
of instructions indicating all legal steps necessary to petition 3038
successfully for local option elections under sections 4301.32 3039
to 4301.41, 4303.29, 4305.14, and 4305.15 of the Revised Code; 3040

(Q) Adopt rules pursuant to Chapter 119. of the Revised 3041
Code for the removal by boards of elections of ineligible voters 3042
from the statewide voter registration database and, if 3043

applicable, from the poll list or signature pollbook used in 3044
each precinct, ~~which~~. Those rules shall provide for all of the 3045
~~following:~~ 3046

~~(1) A process for the removal of voters who have changed~~ 3047
~~residence, which shall be uniform, nondiscriminatory, and in~~ 3048
~~compliance with the Voting Rights Act of 1965 and the National~~ 3049
~~Voter Registration Act of 1993, including a program that uses~~ 3050
~~the national change of address service provided by the United~~ 3051
~~States postal system through its licensees;~~ 3052

~~(2) A~~ include rules governing the removal of ineligible 3053
voters under section 3503.111 of the Revised Code, a process for 3054
the removal of ineligible voters under section 3503.21 of the 3055
Revised Code; 3056

~~(3) A,~~ and a uniform system for marking or removing the 3057
name of a voter who is ineligible to vote from the statewide 3058
voter registration database and, if applicable, from the poll 3059
list or signature pollbook used in each precinct and noting the 3060
reason for that mark or removal. 3061

(R) Prescribe a general program for registering voters or 3062
updating voter registration information, such as name and 3063
residence changes, by boards of elections, designated agencies, 3064
offices of deputy registrars of motor vehicles, public high 3065
schools and vocational schools, public libraries, and offices of 3066
county treasurers consistent with the requirements of section 3067
3503.09 of the Revised Code; 3068

(S) Prescribe a program of distribution of voter 3069
registration forms through boards of elections, designated 3070
agencies, offices of the registrar and deputy registrars of 3071
motor vehicles, public high schools and vocational schools, 3072

public libraries, and offices of county treasurers; 3073

(T) To the extent feasible, provide copies, at no cost and 3074
upon request, of the voter registration form in post offices in 3075
this state; 3076

(U) Adopt rules pursuant to section 111.15 of the Revised 3077
Code for the purpose of implementing the program for registering 3078
voters through boards of elections, designated agencies, and the 3079
offices of the registrar and deputy registrars of motor vehicles 3080
consistent with this chapter; 3081

(V) Establish the full-time position of Americans with 3082
Disabilities Act coordinator within the office of the secretary 3083
of state to do all of the following: 3084

(1) Assist the secretary of state with ensuring that ~~there~~ 3085
~~is equal access to polling places for persons with disabilities~~ 3086
have the same access to locations where ballots may be cast in 3087
person as persons without disabilities; 3088

(2) Assist the secretary of state with ensuring that each 3089
voter may cast the voter's ballot in a manner that provides the 3090
same opportunity for access and participation, including privacy 3091
and independence, as for other voters; 3092

(3) Advise the secretary of state in the development of 3093
standards for the certification of ~~voting machines,~~ marking 3094
devices, and automatic tabulating equipment. 3095

(W) Establish and maintain a computerized statewide 3096
database of all legally registered voters under section 3503.15 3097
of the Revised Code that complies with the requirements of the 3098
~~"Help America Vote Act of 2002," Pub. L. No. 107-252, 116 Stat.~~ 3099
~~1666,~~ and provide training in the operation of that system; 3100

(X) Ensure that all directives, advisories, other 3101
instructions, or decisions issued or made during or as a result 3102
of any conference or teleconference call with a board of 3103
elections to discuss the proper methods and procedures for 3104
conducting elections, to answer questions regarding elections, 3105
or to discuss the interpretation of directives, advisories, or 3106
other instructions issued by the secretary of state are posted 3107
on a web site of the office of the secretary of state as soon as 3108
is practicable after the completion of the conference or 3109
teleconference call, but not later than the close of business on 3110
the same day as the conference or teleconference call takes 3111
place. 3112

(Y) Publish a report on a web site of the office of the 3113
secretary of state not later than one month after the completion 3114
of the canvass of the election returns for each primary and 3115
general election, identifying, by county, the number of ~~absent-~~ 3116
~~voter's mail~~ ballots cast and the number of those ballots that 3117
were counted, and the number of provisional ballots cast and the 3118
number of those ballots that were counted, for that election. 3119
The secretary of state shall maintain the information on the web 3120
site in an archive format for each subsequent election. 3121

(Z) Conduct voter education outlining voter 3122
identification, ~~absent voters mail~~ ballot, provisional ballot, 3123
and other voting requirements; 3124

(AA) Establish a procedure by which a registered elector 3125
may make available to a board of elections a more recent 3126
signature to be used in the ~~poll list or signature pollbook~~ 3127
~~produced by the board of elections of the county in which the~~ 3128
~~elector resides~~ elector's voter registration record; 3129

(BB) Disseminate information, which may include all or 3130

part of the official explanations and arguments, by means of 3131
direct mail or other written publication, broadcast, or other 3132
means or combination of means, as directed by the Ohio ballot 3133
board under division (F) of section 3505.062 of the Revised 3134
Code, in order to inform the voters as fully as possible 3135
concerning each proposed constitutional amendment, proposed law, 3136
or referendum; 3137

(CC) Be the single state office responsible for the 3138
implementation of the "Uniformed and Overseas Citizens Absentee 3139
Voting Act," ~~Pub. L. No. 99-410, 100 Stat. 924, 42 U.S.C.~~ 3140
~~1973ff, et seq., as amended,~~ in this state. The secretary of 3141
state may delegate to the boards of elections responsibilities 3142
for the implementation of that act, including responsibilities 3143
arising from amendments to that act made by the "Military and 3144
Overseas Voter Empowerment Act," Subtitle H of the "National 3145
Defense Authorization Act for Fiscal Year 2010," Pub. L. No. 3146
111-84, 123 Stat. 3190. 3147

(DD) Adopt rules, under Chapter 119. of the Revised Code, 3148
to establish procedures and standards for determining when a 3149
board of elections shall be placed under the official oversight 3150
of the secretary of state, placing a board of elections under 3151
the official oversight of the secretary of state, a board that 3152
is under official oversight to transition out of official 3153
oversight, and the secretary of state to supervise a board of 3154
elections that is under official oversight of the secretary of 3155
state. 3156

(EE) Perform other duties required by law. 3157

Whenever a primary election is held under section 3513.32 3158
of the Revised Code or a special election is held under section 3159
3521.03 of the Revised Code to fill a vacancy in the office of 3160

representative to congress, the secretary of state shall 3161
establish a deadline, notwithstanding any other deadline 3162
required under the Revised Code, by which any or all of the 3163
following shall occur: the filing of a declaration of candidacy 3164
and petitions or a statement of candidacy and nominating 3165
petition together with the applicable filing fee; the filing of 3166
protests against the candidacy of any person filing a 3167
declaration of candidacy or nominating petition; the filing of a 3168
declaration of intent to be a write-in candidate; the filing of 3169
campaign finance reports; the preparation of, and the making of 3170
corrections or challenges to, precinct voter registration lists; 3171
the sending of ballots; the receipt of applications for ~~absent-~~ 3172
~~voter's ballots or uniformed services or overseas absent voter's~~ 3173
~~mail~~ ballots; the supplying of election materials ~~to precincts~~ 3174
by boards of elections to locations where ballots may be cast in 3175
person; the holding of hearings by boards of elections to 3176
consider challenges to the right of a person to appear on a 3177
voter registration list; and the scheduling of programs to 3178
instruct or reinstruct election officers. 3179

In the performance of the secretary of state's duties as 3180
the chief election officer, the secretary of state may 3181
administer oaths, issue subpoenas, summon witnesses, compel the 3182
production of books, papers, records, and other evidence, and 3183
fix the time and place for hearing any matters relating to the 3184
administration and enforcement of the election laws. 3185

In any controversy involving or arising out of the 3186
adoption of registration or the appropriation of funds for 3187
registration, the secretary of state may, through the attorney 3188
general, bring an action in the name of the state in the court 3189
of common pleas of the county where the cause of action arose or 3190
in an adjoining county, to adjudicate the question. 3191

In any action involving the laws in Title XXXV of the
Revised Code wherein the interpretation of those laws is in
issue in such a manner that the result of the action will affect
the lawful duties of the secretary of state or of any board of
elections, the secretary of state may, on the secretary of
state's motion, be made a party.

The secretary of state may apply to any court that is
hearing a case in which the secretary of state is a party, for a
change of venue as a substantive right, and the change of venue
shall be allowed, and the case removed to the court of common
pleas of an adjoining county named in the application or, if
there are cases pending in more than one jurisdiction that
involve the same or similar issues, the court of common pleas of
Franklin county.

Public high schools and vocational schools, public
libraries, and the office of a county treasurer shall implement
voter registration programs as directed by the secretary of
state pursuant to this section.

~~The secretary of state may mail unsolicited applications
for absent voter's ballots to individuals only for a general
election and only if the general assembly has made an
appropriation for that particular mailing. Under no other
circumstance shall a public office, or a public official or
employee who is acting in an official capacity, mail unsolicited
applications for absent voter's ballots to any individuals.~~

Sec. 3501.051. (A) Notwithstanding any other section of
the Revised Code, the secretary of state may authorize, ~~in one
or more precincts~~ in one or more counties, a program allowing
individuals under the age of eighteen to enter ~~the polling place~~
a location where ballots may be cast in person and vote in a

simulated election held at the same time as a general election. 3222
Any individual working in or supervising at a simulated election 3223
may enter the ~~polling place~~ location and remain within it during 3224
the entire period the ~~polls are~~ location is open. 3225

(B) A program established under division (A) of this 3226
section shall require all of the following: 3227

(1) That the duties imposed on ~~precinct~~ election officials 3228
and peace officers under section 3501.33 of the Revised Code be 3229
performed by those officials and officers in regard to simulated 3230
elections and all activities related to simulated elections; 3231

(2) That volunteers provide the personnel necessary to 3232
conduct the simulated election, except that employees of the 3233
secretary of state, employees or members of boards of elections, 3234
and ~~precinct~~ election officials may aid in operating the program 3235
to the extent permitted by the secretary of state; 3236

(3) That individuals under the age of fourteen be 3237
accompanied to the simulated election by an individual eighteen 3238
years of age or over; 3239

(4) Any other requirements the secretary of state 3240
considers necessary for the orderly administration of the 3241
election process. 3242

Sec. 3501.11. Each board of elections shall exercise by a 3243
majority vote all powers granted to the board by Title XXXV of 3244
the Revised Code, shall perform all the duties imposed by law, 3245
and shall do all of the following: 3246

(A) Establish, define, provide, rearrange, and combine 3247
election precincts; 3248

(B) Fix and provide the places for registration and for 3249

~~holding primaries and elections casting ballots in person;~~ 3250

(C) Provide for the purchase, preservation, and 3251
maintenance of booths, ballot boxes, books, maps, flags, blanks, 3252
cards of instructions, and other forms, papers, and equipment 3253
used in registration, nominations, and elections; 3254

(D) Appoint and remove its director, deputy director, and 3255
employees and all registrars, ~~precinct and~~ election officials, 3256
~~and other officers of elections,~~ fill vacancies, and designate 3257
the ~~ward or district and precinct~~ location in which each shall 3258
serve; 3259

(E) Make and issue rules and instructions, not 3260
inconsistent with law or the rules, directives, or advisories 3261
issued by the secretary of state, as it considers necessary for 3262
the guidance of election officers and voters; 3263

(F) Advertise and contract for the printing of all ballots 3264
and other supplies used in registrations and elections; 3265

(G) Provide for the issuance of all notices, 3266
advertisements, and publications concerning elections, except as 3267
otherwise provided in division (G) of section 3501.17 and 3268
divisions (F) and (G) of section 3505.062 of the Revised Code; 3269

(H) Provide for the delivery of ballots, pollbooks, and 3270
other required papers and material to the ~~polling places~~ 3271
locations where ballots may be cast in person; 3272

(I) Cause the ~~polling places~~ locations where ballots may 3273
be cast in person to be suitably provided with ~~voting machines,~~ 3274
marking devices, automatic tabulating equipment, stalls, and 3275
other required supplies. In fulfilling this duty, each board of 3276
a county that uses ~~voting machines,~~ marking devices, or 3277
automatic tabulating equipment shall conduct a full vote of the 3278

board during a public session of the board on the allocation and 3279
distribution of ~~voting machines~~, marking devices, and automatic 3280
tabulating equipment for each ~~precinct~~ such location in the 3281
county. 3282

(J) Investigate irregularities, nonperformance of duties, 3283
or violations of Title XXXV of the Revised Code by election 3284
officers and other persons; administer oaths, issue subpoenas, 3285
summon witnesses, and compel the production of books, papers, 3286
records, and other evidence in connection with any such 3287
investigation; and report the facts to the prosecuting attorney 3288
or the secretary of state; 3289

(K) (1) Review, examine, and certify the sufficiency and 3290
validity of petitions and nomination papers, and, after 3291
certification, return to the secretary of state all petitions 3292
and nomination papers that the secretary of state forwarded to 3293
the board; 3294

(2) Examine each initiative petition, or a petition filed 3295
under section 307.94 or 307.95 of the Revised Code, received by 3296
the board to determine whether the petition falls within the 3297
scope of authority to enact via initiative and whether the 3298
petition satisfies the statutory prerequisites to place the 3299
issue on the ballot, as described in division (M) of section 3300
3501.38 of the Revised Code. The petition shall be invalid if 3301
any portion of the petition is not within the initiative power. 3302

(L) Receive the returns of elections, canvass the returns, 3303
make abstracts of them, and transmit those abstracts to the 3304
proper authorities; 3305

(M) Issue certificates of election on forms to be 3306
prescribed by the secretary of state; 3307

(N) Make an annual report to the secretary of state, on 3308
the form prescribed by the secretary of state, containing a 3309
statement of the number of voters registered, elections held, 3310
votes cast, appropriations received, expenditures made, and 3311
other data required by the secretary of state; 3312

(O) Prepare and submit to the proper appropriating officer 3313
a budget estimating the cost of elections for the ensuing fiscal 3314
year; 3315

(P) Perform other duties as prescribed by law or the 3316
rules, directives, or advisories of the secretary of state; 3317

(Q) Investigate and determine the residence qualifications 3318
of electors; 3319

(R) Administer oaths in matters pertaining to the 3320
administration of the election laws; 3321

(S) Prepare and submit to the secretary of state, whenever 3322
the secretary of state requires, a report containing the names 3323
and residence addresses of all incumbent county, municipal, 3324
township, and board of education officials serving in their 3325
respective counties; 3326

(T) Establish and maintain a voter registration database 3327
of all qualified electors in the county who offer to register; 3328

(U) Maintain voter registration records, make reports 3329
concerning voter registration as required by the secretary of 3330
state, and remove ineligible electors from voter registration 3331
lists in accordance with law and directives of the secretary of 3332
state; 3333

(V) Give approval to ballot language for any local 3334
question or issue and transmit the language to the secretary of 3335

state for the secretary of state's final approval; 3336

(W) Prepare and cause the following notice to be displayed 3337
in a prominent location in every ~~polling place~~location where 3338
ballots may be cast in person: 3339

"NOTICE 3340

Ohio law prohibits any person from voting or attempting to 3341
vote more than once at the same election. 3342

Violators are guilty of a felony of the fourth degree and 3343
shall be imprisoned and additionally may be fined in accordance 3344
with law." 3345

(X) In all cases of a tie vote or a disagreement in the 3346
board, if no decision can be arrived at, the director or 3347
chairperson shall submit the matter in controversy, not later 3348
than fourteen days after the tie vote or the disagreement, to 3349
the secretary of state, who shall summarily decide the question, 3350
and the secretary of state's decision shall be final. 3351

(Y) Assist each designated agency, deputy registrar of 3352
motor vehicles, public high school and vocational school, public 3353
library, and office of a county treasurer in the implementation 3354
of a program for registering voters at all voter registration 3355
locations as prescribed by the secretary of state. Under this 3356
program, each board of elections shall direct to the appropriate 3357
board of elections any voter registration applications for 3358
persons residing outside the county where the board is located 3359
within five days after receiving the applications. 3360

~~(Z) On any day on which an elector may vote in person at~~ 3361
~~the office of the board or at another site designated by the~~ 3362
~~board, consider the board or other designated site a polling~~ 3363
~~place for that day. All requirements or prohibitions of law that~~ 3364

~~apply to a polling place shall apply to the office of the board-~~ 3365
~~or other designated site on that day.~~ 3366

~~(AA)~~ Perform any duties with respect to voter registration 3367
and voting by uniformed services and overseas voters that are 3368
delegated to the board by law or by the rules, directives, or 3369
advisories of the secretary of state. 3370

Sec. 3501.13. (A) The director of the board of elections 3371
shall keep a full and true record of the proceedings of the 3372
board and of all moneys received and expended; file and preserve 3373
in the board's office all orders and records pertaining to the 3374
administration of registrations, primaries, and elections; 3375
receive and have the custody of all books, papers, and property 3376
belonging to the board; and perform other duties in connection 3377
with the office of director and the proper conduct of elections 3378
as the board determines. 3379

(B) Before entering upon the duties of the office, the 3380
director shall subscribe to an oath that the director will 3381
support the Constitution of the United States and the Ohio 3382
Constitution, perform all the duties of the office to the best 3383
of the director's ability, enforce the election laws, and 3384
preserve all records, documents, and other property pertaining 3385
to the conduct of elections placed in the director's custody. 3386

(C) The director may administer oaths to persons required 3387
by law to file certificates or other papers with the board, to 3388
~~precinct~~ election officials, to witnesses who are called to 3389
testify before the board, and to voters filling out blanks at 3390
the board's offices. Except as otherwise provided by state or 3391
federal law, the records of the board and papers and books filed 3392
in its office are public records and open to inspection under 3393
such reasonable regulations as shall be established by the 3394

board. The following notice shall be posted in a prominent place
at each board office:

"Except as otherwise provided by state or federal law,
records filed in this office of the board of elections are open
to public inspection during normal office hours, pursuant to the
following reasonable regulations: (the board shall here list its
regulations). Whoever prohibits any person from inspecting the
public records of this board is subject to the penalties of
section 3599.161 of the Revised Code."

(D) Upon receipt of a written declaration of intent to
retire as provided for in section 145.38 of the Revised Code,
the director shall provide a copy to each member of the board of
elections.

Sec. 3501.15. No person shall serve as a member, director,
deputy director, or employee of the board of elections who is a
candidate for any office to be filled at an election, except the
office of delegate or alternate to a convention, member of the
board of directors of a county agricultural society,
presidential elector, or a member of a party committee. No
person who is a candidate for an office or position to be voted
for by the electors of a ~~precinct~~ county, except for a candidate
for county central committee who is not opposed by any other
candidate in that election ~~and precinct~~, shall serve as a
~~precinct~~ an election officer official in said precinct that
county.

Sec. 3501.17. (A) The expenses of the board of elections
shall be paid from the county treasury, in pursuance of
appropriations by the board of county commissioners, in the same
manner as other county expenses are paid. If the board of county
commissioners fails to appropriate an amount sufficient to

provide for the necessary and proper expenses of the board of 3425
elections pertaining to the conduct of elections, the board of 3426
elections may apply to the court of common pleas within the 3427
county, which shall fix the amount necessary to be appropriated 3428
and the amount shall be appropriated. Payments shall be made 3429
upon vouchers of the board of elections certified to by its 3430
chairperson or acting chairperson and the director or deputy 3431
director, upon warrants of the county auditor. 3432

The board of elections shall not incur any obligation 3433
involving the expenditure of money unless there are moneys 3434
sufficient in the funds appropriated therefor to meet the 3435
obligation. If the board of elections requests a transfer of 3436
funds from one of its appropriation items to another, the board 3437
of county commissioners shall adopt a resolution providing for 3438
the transfer except as otherwise provided in section 5705.40 of 3439
the Revised Code. The expenses of the board of elections shall 3440
be apportioned among the county and the various subdivisions as 3441
provided in this section, and the amount chargeable to each 3442
subdivision shall be paid as provided in division (J) of this 3443
section or withheld by the county auditor from the moneys 3444
payable thereto at the time of the next tax settlement. At the 3445
time of submitting budget estimates in each year, the board of 3446
elections shall submit to the taxing authority of each 3447
subdivision, upon the request of the subdivision, an estimate of 3448
the amount to be paid or withheld from the subdivision during 3449
the current or next fiscal year. 3450

A board of township trustees may, by resolution, request 3451
that the county auditor withhold expenses charged to the 3452
township from a specified township fund that is to be credited 3453
with revenue at a tax settlement. The resolution shall specify 3454
the tax levy ballot issue, the date of the election on the levy 3455

issue, and the township fund from which the expenses the board 3456
of elections incurs related to that ballot issue shall be 3457
withheld. 3458

(B) Except as otherwise provided in division (F) of this 3459
section, the compensation of the members of the board of 3460
elections and of the director, deputy director, and regular 3461
employees in the board's offices, other than compensation for 3462
overtime worked; the expenditures for the rental, furnishing, 3463
and equipping of the office of the board and for the necessary 3464
office supplies for the use of the board; the expenditures for 3465
the acquisition, repair, care, and custody of ~~the precinct~~ 3466
polling places, voter service and polling centers, ballot drop 3467
boxes, booths, guardrails, and other equipment used for polling 3468
places casting ballots in person; the cost of tally sheets, 3469
maps, flags, ballot boxes, and all other permanent records and 3470
equipment; the cost of all elections held in and for the state 3471
and county; and all other expenses of the board which are not 3472
chargeable to a political subdivision in accordance with this 3473
section shall be paid in the same manner as other county 3474
expenses are paid. 3475

(C) The compensation of ~~precinct~~ election officials and 3476
intermittent employees in the board's offices; the cost of 3477
renting, moving, heating, and lighting precinct polling places 3478
and voter service and polling centers, of placing and removing 3479
ballot drop boxes, and of placing and removing ballot boxes and 3480
other fixtures and equipment thereof used for casting ballots in 3481
person, including voting machines, marking devices, and 3482
automatic tabulating equipment; the cost of printing and 3483
delivering ballots, cards of instructions, registration lists 3484
required under section 3503.23 of the Revised Code, and other 3485
election supplies, ~~including the supplies required to comply~~ 3486

~~with division (H) of section 3506.01 of the Revised Code; the~~ 3487
cost of contractors engaged by the board to prepare, program, 3488
test, and operate ~~voting machines,~~ marking devices, and 3489
automatic tabulating equipment; and all other expenses of 3490
conducting primaries and elections in the odd-numbered years 3491
shall be charged to the subdivisions in and for which such 3492
primaries or elections are held. The charge for each primary or 3493
general election in odd-numbered years for each subdivision 3494
shall be determined in the following manner: first, the total 3495
cost of all chargeable items used in conducting such elections 3496
shall be ascertained; second, the total charge shall be divided 3497
by the number of precincts participating in such election, in 3498
order to fix the cost per precinct; third, the cost per precinct 3499
shall be prorated by the board of elections to the subdivisions 3500
conducting elections for the nomination or election of offices 3501
in such precinct; fourth, the total cost for each subdivision 3502
shall be determined by adding the charges prorated to it in each 3503
precinct within the subdivision. 3504

(D) The entire cost of special elections held on a day 3505
other than the day of a primary or general election, both in 3506
odd-numbered or in even-numbered years, shall be charged to the 3507
subdivision. Where a special election is held on the same day as 3508
a primary or general election in an even-numbered year, the 3509
subdivision submitting the special election shall be charged 3510
only for the cost of ballots and advertising. Where a special 3511
election is held on the same day as a primary or general 3512
election in an odd-numbered year, the subdivision submitting the 3513
special election shall be charged for the cost of ballots and 3514
advertising for such special election, in addition to the 3515
charges prorated to such subdivision for the election or 3516
nomination of candidates in each precinct within the 3517

subdivision, as set forth in the preceding paragraph. 3518

(E) Where a special election is held on the day specified 3519
by division (E) of section 3501.01 of the Revised Code for the 3520
holding of a primary election, for the purpose of submitting to 3521
the voters of the state constitutional amendments proposed by 3522
the general assembly, and a subdivision conducts a special 3523
election on the same day, the entire cost of the special 3524
election shall be divided proportionally between the state and 3525
the subdivision based upon a ratio determined by the number of 3526
issues placed on the ballot by each, except as otherwise 3527
provided in division (G) of this section. Such proportional 3528
division of cost shall be made only to the extent funds are 3529
available for such purpose from amounts appropriated by the 3530
general assembly to the secretary of state. If a primary 3531
election is also being conducted in the subdivision, the costs 3532
shall be apportioned as otherwise provided in this section. 3533

(F) When ~~the ballot for a precinct is open during a~~ 3534
~~general, primary, or special election solely for the purpose of~~ 3535
~~submitting to the voters contains only~~ a statewide ballot issue, 3536
the state shall bear the entire cost of the election in that 3537
precinct and shall reimburse the county for all expenses 3538
incurred in ~~opening~~ conducting the election in the precinct. 3539

(G) (1) The state shall bear the entire cost of advertising 3540
in newspapers statewide ballot issues, explanations of those 3541
issues, and arguments for or against those issues, as required 3542
by Section 1g of Article II and Section 1 of Article XVI, Ohio 3543
Constitution, and any other section of law. Appropriations made 3544
to the controlling board shall be used to reimburse the 3545
secretary of state for all expenses the secretary of state 3546
incurs for such advertising under division (G) of section 3547

3505.062 of the Revised Code. 3548

(2) There is hereby created in the state treasury the 3549
statewide ballot advertising fund. The fund shall receive 3550
transfers approved by the controlling board, and shall be used 3551
by the secretary of state to pay the costs of advertising state 3552
ballot issues as required under division (G)(1) of this section. 3553
Any such transfers may be requested from and approved by the 3554
controlling board prior to placing the advertising, in order to 3555
facilitate timely provision of the required advertising. 3556

(H) The cost of renting, heating, and lighting 3557
registration places; the cost of the necessary books, forms, and 3558
supplies for the conduct of registration; and the cost of 3559
printing and posting precinct registration lists shall be 3560
charged to the subdivision in which such registration is held. 3561

(I)(1)(a) At the request of a majority of the members of 3562
the board of elections, the board of county commissioners may, 3563
by resolution, establish an elections revenue fund. Except as 3564
otherwise provided in this division and in division (I)(2) of 3565
this section, the purpose of the fund shall be to accumulate 3566
revenue withheld by or paid to the county under this section for 3567
the payment of any expense related to the duties of the board of 3568
elections specified in section 3501.11 of the Revised Code, upon 3569
approval of a majority of the members of the board of elections. 3570
The fund shall not accumulate any revenue withheld by or paid to 3571
the county under this section for the compensation of the 3572
members of the board of elections or of the director, deputy 3573
director, or other regular employees in the board's offices, 3574
other than compensation for overtime worked. 3575

(b) Notwithstanding sections 5705.14, 5705.15, and 5705.16 3576
of the Revised Code, the board of county commissioners may, by 3577

resolution, transfer money to the elections revenue fund from 3578
any other fund of the political subdivision from which such 3579
payments lawfully may be made. Following an affirmative vote of 3580
a majority of the members of the board of elections, the board 3581
of county commissioners may, by resolution, rescind an elections 3582
revenue fund established under this division. If an elections 3583
revenue fund is rescinded, money that has accumulated in the 3584
fund shall be transferred to the county general fund. 3585

(2) (a) The board of county commissioners of a county that 3586
receives a payment from a political subdivision under division 3587
(J) of this section shall, by resolution, establish a special 3588
elections fund. The purpose of the fund shall be to accumulate 3589
revenue paid to the county by political subdivisions under 3590
division (J) of this section for the cost of preparing for and 3591
conducting special elections. 3592

(b) If both of the following apply, the board of county 3593
commissioners may, by resolution, rescind the special elections 3594
fund and transfer any remaining money in the fund to the county 3595
general fund or to the elections revenue fund: 3596

(i) All notifications and payments required under division 3597
(J) (3) of this section have been made. 3598

(ii) The county has not received any payments from 3599
political subdivisions under division (J) (2) of this section for 3600
a future special election. 3601

(J) (1) Not less than fifteen business days before the 3602
deadline for submitting a question or issue for placement on the 3603
ballot at a special election, the board of elections shall 3604
prepare and file with the board of county commissioners and the 3605
office of the secretary of state the estimated cost, based on 3606

the factors enumerated in this section, for preparing for and 3607
conducting an election on one question or issue, one nomination 3608
for office, or one election to office in each precinct in the 3609
county at that special election and shall divide that cost by 3610
the number of registered voters in the county. 3611

(2) The board of elections shall provide to a political 3612
subdivision seeking to submit a question or issue, a nomination 3613
for office, or an election to office for placement on the ballot 3614
at a special election with the estimated cost for preparing for 3615
and conducting that election, which shall be calculated either 3616
by multiplying the number of registered voters in the political 3617
subdivision with the cost calculated under division (J) (1) of 3618
this section or by multiplying the cost per precinct with the 3619
number or precincts in the political subdivision. A political 3620
subdivision submitting a question or issue, a nomination for 3621
office, or an election to office for placement on the ballot at 3622
that special election shall pay to the county special elections 3623
fund sixty-five per cent of the estimated cost of the election 3624
not less than ten business days after the deadline for 3625
submitting a question or issue for placement on the ballot for 3626
that special election. 3627

(3) Not later than sixty days after the date of a special 3628
election, the board of elections shall provide to each political 3629
subdivision the true and accurate cost for the question or 3630
issue, nomination for office, or election to office that the 3631
subdivision submitted to the voters on the special election 3632
ballots. If the board of elections determines that a subdivision 3633
paid less for the cost of preparing and conducting a special 3634
election under division (J) (2) of this section than the actual 3635
cost calculated under this division, the subdivision shall remit 3636
to the county special elections fund the difference between the 3637

payment made under division (J) (2) of this section and the final 3638
cost calculated under this division within thirty days after 3639
being notified of the final cost. If the board of elections 3640
determines that a subdivision paid more for the cost of 3641
preparing and conducting a special election under division (J) 3642
(2) of this section than the actual cost calculated under this 3643
division, the board of elections promptly shall notify the board 3644
of county commissioners of that difference. The board of county 3645
commissioners shall remit from the county special elections fund 3646
to the political subdivision the difference between the payment 3647
made under division (J) (2) of this section and the final cost 3648
calculated under this division within thirty days after 3649
receiving that notification. 3650

(K) As used in this section: 3651

(1) "Political subdivision" and "subdivision" mean any 3652
board of county commissioners, board of township trustees, 3653
legislative authority of a municipal corporation, board of 3654
education, or any other board, commission, district, or 3655
authority that is empowered to levy taxes or permitted to 3656
receive the proceeds of a tax levy, regardless of whether the 3657
entity receives tax settlement moneys as described in division 3658
(A) of this section; 3659

(2) "Statewide ballot issue" means any ballot issue, 3660
whether proposed by the general assembly or by initiative or 3661
referendum, that is submitted to the voters throughout the 3662
state. 3663

Sec. 3501.18. (A) Subject to section 3501.291 of the 3664
Revised Code: 3665

(1) The board of elections may divide a political 3666

subdivision within its jurisdiction into precincts, establish, 3667
define, divide, rearrange, and combine the several election 3668
precincts within its jurisdiction, and change the location of 3669
the precinct polling place for each precinct when it is 3670
necessary to maintain the requirements as to the number of 3671
voters in a precinct and to provide for the convenience of the 3672
voters and the proper conduct of elections. No change in the 3673
number of precincts or in precinct boundaries shall be made 3674
during the twenty-five days immediately preceding a primary or 3675
general election or between the first day of January and the day 3676
on which the members of county central committees are elected in 3677
the years in which those committees are elected. Except as 3678
otherwise provided in division (C) of this section, each 3679
precinct shall contain a number of electors, not to exceed one 3680
thousand four hundred, that the board of elections determines to 3681
be a reasonable number after taking into consideration the type 3682
and amount of available equipment, prior voter turnout, the size 3683
and location of each selected precinct polling place, available 3684
parking, availability of an adequate number of ~~poll workers~~ 3685
election officials, and handicap accessibility and other 3686
accessibility to the precinct polling place. 3687

(2) If the board changes the boundaries of a precinct 3688
after the filing of a local option election petition pursuant to 3689
sections 4301.32 to 4301.41, 4303.29, or 4305.14 of the Revised 3690
Code that calls for a local option election to be held in that 3691
precinct, the local option election shall be held in the area 3692
that constituted the precinct at the time the local option 3693
petition was filed, regardless of the change in the boundaries. 3694

(3) If the board changes the boundaries of a precinct in 3695
order to meet the requirements of division (B) (1) of this 3696
section in a manner that causes a member of a county central 3697

committee to no longer qualify as a representative of an 3698
election precinct in the county, of a ward of a city in the 3699
county, or of a township in the county, the member shall 3700
continue to represent the precinct, ward, or township for the 3701
remainder of the member's term, regardless of the change in 3702
boundaries. 3703

(4) In an emergency, the board may provide more than one 3704
precinct polling place in a precinct. In order to provide for 3705
the convenience of the voters, the board may locate precinct 3706
polling places for voting or registration outside the boundaries 3707
of precincts, provided that the nearest public school or public 3708
building shall be used if the board determines it to be 3709
available and suitable for use as a precinct polling place. 3710
Except in an emergency, no change in the number or location of 3711
the precinct polling places in a precinct shall be made during 3712
the twenty-five days immediately preceding a primary or general 3713
election. 3714

~~Electors who have failed to respond within thirty days to~~ 3715
~~any confirmation notice are not active electors~~ shall not be 3716
counted in determining the size of any precinct under this 3717
section. 3718

(B) (1) Except as otherwise provided in division (B) (2) of 3719
this section, a board of elections shall determine all precinct 3720
boundaries using geographical units used by the United States 3721
department of commerce, bureau of the census, in reporting the 3722
decennial census of Ohio. 3723

(2) The board of elections may apply to the secretary of 3724
state for a waiver from the requirement of division (B) (1) of 3725
this section when it is not feasible to comply with that 3726
requirement because of unusual physical boundaries or 3727

residential development practices that would cause unusual 3728
hardship for voters. The board shall identify the affected 3729
precincts and census units, explain the reason for the waiver 3730
request, and include a map illustrating where the census units 3731
will be split because of the requested waiver. If the secretary 3732
of state approves the waiver and so notifies the board of 3733
elections in writing, the board may change a precinct boundary 3734
as necessary under this section, notwithstanding the requirement 3735
in division (B)(1) of this section. 3736

(C) The board of elections may apply to the secretary of 3737
state for a waiver from the requirement of division (A) of this 3738
section regarding the number of electors in a precinct when the 3739
use of geographical units used by the United States department 3740
of commerce, bureau of the census, will cause a precinct to 3741
contain more than one thousand four hundred electors. The board 3742
shall identify the affected precincts and census units, explain 3743
the reason for the waiver request, and include a map 3744
illustrating where census units will be split because of the 3745
requested waiver. If the secretary of state approves the waiver 3746
and so notifies the board of elections in writing, the board may 3747
change a precinct boundary as necessary to meet the requirements 3748
of division (B)(1) of this section. 3749

Sec. 3501.21. When the board of elections considers it 3750
necessary to change, divide, or combine any precinct~~or,~~ to 3751
relocate a precinct polling place, or to eliminate a precinct 3752
polling place as permitted or required under section 3501.291 of 3753
the Revised Code, it shall notify, prior to the next election, 3754
each of the registrants in the precinct of the change by mail. 3755
~~On and after August 1, 2000, when~~ When the board changes the 3756
boundaries of any precinct, it shall notify the secretary of 3757
state of the change not later than forty-five days after making 3758

the change.

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Sec. 3501.22. (A) ~~(1)~~ Subject to section 3501.291 of the
Revised Code:

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(1)(a) Except as otherwise provided in division (A) (2) of
this section, on or before the fifteenth day of September in
each year, the board of elections by a majority vote shall,
after careful examination and investigation as to their
qualifications, appoint for each election precinct four
residents of the county in which the precinct is located, as
~~precinct~~ election officials to assist the board in conducting
elections in the precinct. Except as otherwise provided in
division (C) of this section, all ~~precinct~~ election officials
shall be qualified electors. The ~~precinct~~ election officials
shall constitute the election officers of the precinct. Not more
than one-half of the total number of ~~precinct~~ election officials
shall be members of the same political party. The term of such
~~precinct officers~~ election officials shall be for one year. The
board may, at any time, designate any number of election
~~officers~~ officials, not more than one-half of whom shall be
members of the same political party, to perform their duties at
any precinct polling place or any voter service and polling
center or at the office of the board in any election. ~~The~~

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(b)(i) Except as otherwise provided in division (A) (1) (b)
(iii) of this section, the board may appoint additional election
officials, equally divided between the two major political
parties, when necessary to expedite ~~voting~~ the conduct of an
election. ~~If~~

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(ii) If the board of elections determines that four
~~precinct~~ election officials are not required ~~in~~ for a precinct
for a special election, the board of elections may select two of

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the precinct's election ~~officers~~ officials, who are not members 3789
of the same political party, to serve as the ~~precinct~~ election 3790
officials for that precinct in that special election. 3791

(iii) The board of elections shall not appoint more than 3792
four election officials for a precinct to serve at a precinct 3793
polling place for a special election at which no candidates are 3794
to be elected or for a primary election at which only one party 3795
primary is to be held for the nomination of candidates for 3796
municipal office. In the case of a primary election at which 3797
only one party primary is to be held for the nomination of 3798
candidates for municipal office, the election officials shall be 3799
equally divided between the two major political parties. 3800

(c) Vacancies for unexpired terms shall be filled by the 3801
board. When new precincts have been created, the board shall 3802
appoint ~~precinct~~ election officials for those precincts for the 3803
unexpired term. Any ~~precinct~~ election official appointed under 3804
this section may be summarily removed from office at any time by 3805
the board for neglect of duty, malfeasance, or misconduct in 3806
office or for any other good and sufficient reason. 3807

~~Precinct election~~ (d) Election officials shall perform all 3808
of the duties provided by law for receiving the ballots and 3809
supplies for a precinct polling place, a voter service and 3810
polling center, or the office of the board, opening and closing 3811
the polls precinct polling place, the voter service and polling 3812
center, or the office of the board, and overseeing the casting 3813
of ballots during the time the ~~polls are~~ location is open, and 3814
any other duties ~~required provided by section 3501.26 of the~~ 3815
~~Revised Code law.~~ 3816

(e) A board of elections may designate two ~~precinct~~ 3817
election officials for a precinct as counting officials to count 3818

and tally the votes cast and certify the results of the election 3819
~~at each in the precinct~~, and perform other duties as provided by 3820
law. To expedite the counting of votes ~~at in~~ each precinct, the 3821
board may appoint additional officials, not more than one-half 3822
of whom shall be members of the same political party. 3823

(f) Except as otherwise provided in division (A) (2) of 3824
this section, the board shall designate one of the ~~precinct~~ 3825
election officials ~~who is a member of the dominant political~~ 3826
~~party for a precinct~~ to serve as ~~a the~~ voting location manager 3827
of the precinct polling place, whose duty it is to deliver the 3828
returns of the election and all supplies to the office of the 3829
board. The voting location manager shall be a member of the 3830
political party whose candidate for election to the office of 3831
governor at the most recent regular state election at which a 3832
governor was elected received more votes than any other person 3833
received for election to that office in that precinct at that 3834
election. For these services, the voting location manager shall 3835
receive additional compensation in an amount, consistent with 3836
section 3501.28 of the Revised Code, determined by the board of 3837
elections. 3838

(g) The board shall designate an election official as the 3839
voting location manager of a voter service and polling center or 3840
of the area of the office of the board where ballots may be cast 3841
in person, whose duty it is to deliver voted ballots and all 3842
supplies to the appropriate area of the office of the board. The 3843
voting location manager shall be a member of the political party 3844
whose candidate for election to the office of governor at the 3845
most recent regular state election at which a governor was 3846
elected received more votes than any other person received for 3847
election to that office in that county at that election. For 3848
these services, the voting location manager shall receive 3849

additional compensation in an amount, consistent with section 3850
3501.28 of the Revised Code, determined by the board of 3851
elections. 3852

(h) The board shall issue to each ~~precinct~~-election 3853
official a certificate of appointment, ~~which the~~. An election 3854
official shall present the election official's certificate of 3855
appointment to the voting location manager at the time the ~~polls~~ 3856
~~are opened~~ election official begins the election official's 3857
duties at that location. 3858

(2) If the board of elections, by a vote of at least three 3859
members of the board, opts to have a single voting location 3860
serve as the precinct polling place for more than one precinct, 3861
the board may do any of the following: 3862

(a) Designate a single voting location manager for the 3863
voting location. The voting location manager shall be a member 3864
of the political party whose candidate received the highest 3865
number of votes for governor at the most recent general election 3866
for that office in the precincts whose polling places are 3867
located at the applicable voting location, when tallying the 3868
combined vote for governor in all such precincts. 3869

(b) Combine the pollbooks for those precincts to create a 3870
single pollbook for the voting location; 3871

(c) If electronic pollbooks are being used in the voting 3872
location, as described in section 3506.021 of the Revised Code, 3873
appoint not less than two ~~precinct~~-election officials for each 3874
precinct, so long as the board approves the decision to reduce 3875
the number of ~~precinct~~-election officials by the affirmative 3876
vote of at least three of its members. 3877

(B) If the board of elections determines that not enough 3878

qualified electors in ~~a precinct~~ the county are available to 3879
serve as ~~precinct officers~~ election officials, it may appoint 3880
persons to serve as ~~precinct officers~~ election officials at a 3881
primary, special, or general election who are at least seventeen 3882
years of age and are registered to vote in accordance with 3883
section 3503.07 of the Revised Code. 3884

(C) (1) A board of elections, in conjunction with the board 3885
of education of a city, local, or exempted village school 3886
district, the governing authority of a community school 3887
established under Chapter 3314. of the Revised Code, or the 3888
chief administrator of a nonpublic school may establish a 3889
program permitting certain high school students to apply and, if 3890
appointed by the board of elections, to serve as ~~precinct~~ 3891
~~officers~~ election officials at a primary, special, or general 3892
election. 3893

In addition to the requirements established by division 3894
(C) (2) of this section, a board of education, governing 3895
authority, or chief administrator that establishes a program 3896
under this division in conjunction with a board of elections may 3897
establish additional criteria that students shall meet to be 3898
eligible to participate in that program. 3899

(2) (a) To be eligible to participate in a program 3900
established under division (C) (1) of this section, a student 3901
shall be a United States citizen, a resident of the county, at 3902
least seventeen years of age, and enrolled in the senior year of 3903
high school. 3904

(b) Any student applying to participate in a program 3905
established under division (C) (1) of this section, ~~as part of~~ 3906
~~the student's application process,~~ who is not a registered 3907
elector shall declare the student's political party affiliation 3908

~~with to~~ the board of elections. 3909

(3) No student appointed as ~~a precinct officer~~ an election
official pursuant to a program established under division (C) (1) 3910
of this section shall be designated as a voting location 3911
manager. 3912
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(4) Any student participating in a program established 3914
under division (C) (1) of this section shall be excused for that 3915
student's absence from school on the day of an election at which 3916
the student is serving as ~~a~~ an election official at a precinct
officer polling place. 3917
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(D) In any precinct with six or more ~~precinct officers~~ 3919
election officials, up to two students participating in a 3920
program established under division (C) (1) of this section who 3921
are under eighteen years of age may serve as ~~precinct officers~~ 3922
election officials. Not more than one ~~precinct officer~~ election
official in any given precinct with fewer than six ~~precinct~~ 3923
~~officers~~ election officials shall be under eighteen years of 3924
age. 3925
3926

Sec. 3501.221. (A) (1) To encourage voting, a board of 3927
elections may appoint persons who are fluent in a non-English 3928
language to serve as interpreters to assist voters ~~in certain~~ 3929
election precincts at precinct polling places, voter service and 3930
polling centers, or the office of the board. ~~If~~ 3931

(2) Subject to section 3501.291 of the Revised Code, if 3932
the board determines that the number of non-English-speaking 3933
electors in a precinct indicates a need for an interpreter and 3934
provision of an interpreter is feasible and practical in terms 3935
of the number of such electors, the board may appoint an 3936
interpreter for ~~such the precinct~~ polling place in the same 3937

manner as other ~~precinct~~-election officials are appointed. ~~A-~~ 3938
~~person-~~ 3939

(3) If the board determines that the number of non- 3940
English-speaking electors in the county indicates a need for 3941
interpreters and provision of interpreters is feasible and 3942
practical in terms of the number of those electors, the board 3943
may appoint one or more interpreters to serve at each voter 3944
service and polling center and at the office of the board in the 3945
same manner as other election officials are appointed. 3946

(4) An interpreter appointed pursuant to this section may 3947
only provide to voters such assistance in ~~the~~-a non-English 3948
language as may be provided by election officials to English 3949
speaking voters. All requirements relating to the qualifications 3950
of election officials apply to persons appointed under this 3951
section. Interpreters shall complete a program of instruction as 3952
provided in section 3501.27 of the Revised Code and shall be 3953
compensated in the manner and amount as provided by section 3954
3501.28 of the Revised Code for other election officials. A 3955
person appointed pursuant to this section may also serve as-a- 3956
~~precinct election officer~~ an election official; such person 3957
shall be compensated as though ~~he~~ the person served only in the 3958
capacity of an election official, and ~~he~~ the person need not 3959
undergo a program of instruction a second time for the same 3960
election unless required by the board. 3961

(B) No person appointed under division (A) of this 3962
section, while performing the duties of such office, shall: 3963

(1) Wear any badge, sign, or other insignia or thing 3964
indicating a preference for any candidate or for any question 3965
submitted; 3966

(2) Influence or attempt to influence any voter to vote 3967
for or against any candidate or issue submitted at such 3968
election. 3969

(C) Whoever violates division (B) of this section is 3970
guilty of a misdemeanor of the first degree. 3971

Sec. 3501.27. (A) All ~~precinct~~-election officials 3972
appointed under section 3501.22 of the Revised Code shall 3973
complete a program of instruction pursuant to division (B) of 3974
this section. No person who has been convicted of a felony or 3975
any violation of the election laws, who is unable to read and 3976
write the English language readily, or who is a candidate for an 3977
office to be voted for by the voters of the ~~precinct~~-county in 3978
which the person is to serve shall serve as an election ~~officer~~- 3979
official. A person when appointed as an election ~~officer~~- 3980
official shall receive from the board of elections a certificate 3981
of appointment that may be revoked at any time by the board for 3982
good and sufficient reasons. The certificate shall be in the 3983
form the board prescribes and shall specify the ~~precinct, ward,~~ 3984
~~or district in and for~~ location at which the person to whom it 3985
is issued is appointed to serve, the date of appointment, and 3986
the expiration of the person's term of service. 3987

(B) Each board shall establish a program as prescribed by 3988
the secretary of state for the instruction of election ~~officers~~- 3989
officials in the rules, procedures, and law relating to 3990
elections. In each program, the board shall use training 3991
materials prepared by the secretary of state and may use 3992
additional materials prepared by or on behalf of the board. The 3993
board may use the services of unpaid volunteers in conducting 3994
its program and may reimburse those volunteers for necessary and 3995
actual expenses incurred in participating in the program. 3996

The board shall train each new election ~~officer~~official 3997
before the new ~~officer~~official participates in the first 3998
election in that capacity. The board shall instruct election 3999
officials who have been trained previously only when the board 4000
or secretary of state considers that instruction necessary, but 4001
the board shall reinstruct such persons, other than voting 4002
location managers, at least once in every three years and shall 4003
reinstruct voting location managers before the primary election 4004
in even-numbered years. The board shall schedule any program of 4005
instruction within sixty days prior to the election in which the 4006
officials to be trained will participate. 4007

(C) The duties of ~~a precinct an~~ election official ~~in each~~ 4008
~~polling place~~ shall be performed only by an individual who has 4009
successfully completed the requirements of the program, unless 4010
such an individual is unavailable after reasonable efforts to 4011
obtain such services. 4012

(D) The secretary of state shall establish a program for 4013
the instruction of members of boards of elections and employees 4014
of boards in the rules, procedures, and law relating to 4015
elections. Each member and employee shall complete the training 4016
program within six months after the member's or employee's 4017
original appointment or employment, and thereafter each member 4018
and employee shall complete a training program to update their 4019
knowledge once every four years or more often as determined by 4020
the secretary of state. 4021

(E) The secretary of state shall reimburse each county for 4022
the cost of programs established pursuant to division (B) of 4023
this section, once the secretary of state has received an 4024
itemized statement of expenses for such instruction programs 4025
from the county. The itemized statement shall be in a form 4026

prescribed by the secretary of state.

Sec. 3501.28. (A) As used in this section:

(1) "Fair Labor Standards Act" or "Act" means the "Fair Labor Standards Act of 1938," 52 Stat. 1062, 29 U.S.C.A. 201, as amended.

(2) "Full election day" means the period of time between the opening of the polls on the day of an election and the completion of the procedures contained in section ~~3501.26~~ 3505.26 of the Revised Code.

(3) "Services" means services at each general, primary, or special election.

(B) Beginning with calendar year 2004, each ~~precinct~~ election official in a county who is appointed under section 3501.22 of the Revised Code shall be paid for the official's services at the same hourly rate, which shall be not less than the minimum hourly rate established by the Fair Labor Standards Act and, if the election official serves at a precinct polling place, a voter service and polling center, or the office of the board on the day of the election, not more than ninety-five dollars ~~per diem~~ for that full election day.

(C) The secretary of state shall establish, by rule adopted under section 111.15 of the Revised Code, the maximum amount of ~~per diem~~ compensation that may be paid to ~~precinct~~ election officials who serve at a precinct polling place, a voter service and polling center, or the office of the board on the day of an election for that full election day under this section each time the Fair Labor Standards Act is amended to increase the minimum hourly rate established by the act. Upon learning of such an increase, the secretary of state shall

determine by what percentage the minimum hourly rate has been 4056
increased under the act and establish a new maximum amount ~~of~~ 4057
~~per diem compensation that precinct election officials may be~~ 4058
~~paid under this section~~ that is increased by the same percentage 4059
that the minimum hourly rate has been increased under the act. 4060

(D) (1) (a) No board of elections shall increase the pay of 4061
~~a precinct~~ an election official under this section during a 4062
calendar year unless the board has given written notice of the 4063
proposed increase to the board of county commissioners not later 4064
than the first day of October of the preceding calendar year. 4065

(b) Except as otherwise provided in division (D) (2) of 4066
this section, a board of elections may increase the pay of ~~a~~ 4067
~~precinct~~ an election official during a calendar year by up to, 4068
but not exceeding, nine per cent over the compensation paid to ~~a~~ 4069
~~precinct~~ an election official in the county where the board is 4070
located during the previous calendar year, if the compensation 4071
so paid during the previous calendar year was eighty-five 4072
dollars or less per diem. 4073

(c) Except as otherwise provided in division (D) (2) of 4074
this section, a board of elections may increase the pay of ~~a~~ 4075
~~precinct~~ an election official during a calendar year by up to, 4076
but not exceeding, four and one-half per cent over the 4077
compensation paid to ~~a precinct~~ an election official in the 4078
county where the board is located during the previous calendar 4079
year, if the compensation so paid during the previous calendar 4080
year was more than eighty-five but less than ninety-five dollars 4081
per diem. 4082

(2) The board of county commissioners may review and 4083
comment upon a proposed increase and may enter into a written 4084
agreement with a board of elections to permit an increase in the 4085

compensation paid to ~~precinct~~ election officials for their 4086
services during a calendar year that is greater than the 4087
applicable percentage limitation described in division (E) (1) (b) 4088
or (c) of this section. 4089

(E) No ~~precinct~~ election official who works at a precinct 4090
polling place, a voter service and polling center, or the office 4091
of the board of elections on the day of an election for less 4092
than the full election day shall be paid for that day the 4093
maximum amount allowed under this section or the maximum amount 4094
as set by the board of elections, whichever is less. 4095

(F) (1) Except as otherwise provided in divisions (F) (4) to 4096
(6) of this section, any employee of the state or of any 4097
political subdivision of the state may serve as ~~a precinct~~ an 4098
election official on the day of an election without loss of the 4099
employee's regular compensation for that day as follows: 4100

(a) For employees of a county office, department, 4101
commission, board, or other entity, or of a court of common 4102
pleas, county court, or county-operated municipal court, as 4103
defined in section 1901.03 of the Revised Code, the employee's 4104
appointing authority may permit leave with pay for this service 4105
in accordance with a resolution setting forth the terms and 4106
conditions for that leave passed by the board of county 4107
commissioners. 4108

(b) For all other employees of a political subdivision of 4109
the state, leave with pay for this service shall be subject to 4110
the terms and conditions set forth in an ordinance or a 4111
resolution passed by the legislative authority of the applicable 4112
political subdivision. 4113

(c) For state employees, leave with pay for this service 4114

shall be subject to the terms and conditions set forth by the 4115
head of the state agency, as defined in section 1.60 of the 4116
Revised Code, by which the person is employed. 4117

(2) Any terms and conditions set forth by a board of 4118
county commissioners, legislative authority of a political 4119
subdivision, or head of a state agency under division ~~(G)(1)~~ (F) 4120
(1) of this section shall include a standard procedure for 4121
deciding which employees are permitted to receive leave with pay 4122
if multiple employees of an entity or court described in 4123
division ~~(G)(1)(a)~~ (F)(1)(a) of this section, of an entity of a 4124
political subdivision described in division ~~(G)(1)(b)~~ (F)(1)(b) 4125
of this section, or of a state agency as defined in section 1.60 4126
of the Revised Code apply to serve as ~~a precinct~~ an election 4127
official on the day of an election. This procedure shall be 4128
applied uniformly to all similarly situated employees. 4129

(3) Any employee who is eligible for leave with pay under 4130
division ~~(G)(1)~~ (F)(1) of this section shall receive, in 4131
addition to the employee's regular compensation, the 4132
compensation paid to the ~~precinct~~ election official under 4133
division (B) or (C) of this section. 4134

(4) Division (F)(1) of this section does not apply to 4135
either of the following: 4136

(a) Election officials; 4137

(b) Public school teachers. 4138

(5) Nothing in division (F)(1) of this section supersedes 4139
or negates any provision of a collective bargaining agreement in 4140
effect under Chapter 4117. of the Revised Code. 4141

(6) If a board of county commissioners, legislative 4142
authority of a political subdivision, or head of a state agency 4143

fails to set forth any terms and conditions under division (F) 4144
(1) of this section, an employee of an entity or court described 4145
in division (F) (1) (a) of this section, of an entity of a 4146
political subdivision described in division (F) (1) (b) of this 4147
section, or of a state agency as defined in section 1.60 of the 4148
Revised Code may use personal leave, vacation leave, or 4149
compensatory time, or take unpaid leave, to serve as ~~a precinct~~ 4150
an election official on the day of an election. 4151

(G) The board of elections may withhold the compensation 4152
of any ~~precinct~~ election official appointed under section 4153
3501.22 of the Revised Code for failure to obey the instructions 4154
of the board or to comply with the law relating to the duties of 4155
~~a precinct~~ an election official. Any payment ~~a precinct~~ an 4156
election official is entitled to receive under section 3501.36 4157
of the Revised Code is in addition to the compensation the 4158
official is entitled to receive under this section. 4159

Sec. 3501.29. (A) The Subject to section 3501.291 of the 4160
Revised Code, on the day of each election, the board of 4161
elections shall provide for each precinct a precinct polling 4162
place and provide adequate facilities at each precinct polling 4163
place for conducting the election. ~~The board shall provide a~~ 4164
~~sufficient number of screened or curtained voting compartments~~ 4165
~~to which electors may retire and conveniently mark their~~ 4166
~~ballots, protected from the observation of others. Each voting~~ 4167
~~compartment shall be provided at all times with writing~~ 4168
~~implements, instructions how to vote, and other necessary~~ 4169
~~conveniences for marking the ballot. The voting location manager~~ 4170
~~shall ensure that the voting compartments at all times are~~ 4171
~~adequately lighted and contain the necessary supplies.~~ 4172

(B) The board of elections shall provide voter service and 4173

polling centers in the county, at which electors may cast 4174
ballots in person, obtain mail ballots, or return voted mail 4175
ballots, in addition to the ballot drop boxes and the office of 4176
the board. The board shall provide those voter service and 4177
polling centers as follows: 4178

(1) If, as of the ninetieth day before the day of the 4179
election, there are at least two hundred fifty thousand active 4180
electors in the county, the board shall provide voter service 4181
and polling centers as follows: 4182

(a) During the period beginning on the fifteenth day 4183
before the day of the election and ending on the fifth day 4184
before the day of the election, at least one voter service and 4185
polling center for each seventy-five thousand active electors in 4186
the county; 4187

(b) During the period beginning on the fourth day before 4188
the day of the election and ending on the second day before the 4189
day of the election, at least one voter service and polling 4190
center for each twenty thousand active electors in the county; 4191

(c) During the period beginning on the day before the day 4192
of the election and ending on the day of the election, at least 4193
one voter service and polling center for each twelve thousand 4194
five hundred active electors in the county. 4195

(2) If, as of the ninetieth day before the day of the 4196
election, there are at least thirty-seven thousand five hundred 4197
active electors in the county, but fewer than two hundred fifty 4198
thousand active electors in the county, the board shall provide 4199
voter service and polling centers as follows: 4200

(a) During the period beginning on the fifteenth day 4201
before the day of the election and ending on the fifth day 4202

before the day of the election, at least one voter service and 4203
polling center for each seventy-five thousand active electors in 4204
the county, provided that the board shall provide at least one 4205
voter service and polling center during that period; 4206

(b) During the period beginning on the fourth day before 4207
the day of the election and ending on the day before the day of 4208
the election, at least one voter service and polling center for 4209
each twenty thousand active electors in the county; 4210

(c) On the day of the election, at least one voter service 4211
and polling center for each twelve thousand five hundred active 4212
electors in the county. 4213

(3) If, as of the ninetieth day before the day of the 4214
election, there are at least ten thousand active electors in the 4215
county, but fewer than thirty-seven thousand five hundred active 4216
electors in the county, the board shall provide voter service 4217
and polling centers as follows: 4218

(a) During the period beginning on the fifteenth day 4219
before the day of the election and ending on the day before the 4220
day of the election, at least one voter service and polling 4221
center; 4222

(b) On the day of the election, at least three voter 4223
service and polling centers. 4224

(4) If, as of the ninetieth day before the day of the 4225
election, there are fewer than ten thousand active electors in 4226
the county, the board shall provide at least one voter service 4227
and polling center during the period beginning on the fifteenth 4228
day before the day of the election and ending on the day of the 4229
election. 4230

(C) During the period beginning on the fifteenth day 4231

before the day of the election and ending on the day of the 4232
election, the board of elections shall provide secure ballot 4233
drop boxes in the county, in which electors may deposit voted 4234
mail ballots without the payment of postage twenty-four hours a 4235
day during the period beginning fifteen days before the day of 4236
the election and ending at seven-thirty p.m. on the day of the 4237
election, in addition to the voter service and polling centers 4238
and the office of the board, as follows: 4239

(1) If, as of the ninetieth day before the day of the 4240
election, there are at least two hundred fifty thousand active 4241
electors in the county, the board shall provide at least one 4242
ballot drop box for each twelve thousand five hundred active 4243
electors in the county. 4244

(2) If, as of the ninetieth day before the day of the 4245
election, there are at least thirty-seven thousand five hundred 4246
active electors in the county, but fewer than two hundred fifty 4247
thousand active electors in the county, the board shall provide 4248
at least one ballot drop box for each fifteen thousand active 4249
electors in the county. 4250

(3) If, as of the ninetieth day before the day of the 4251
election, there are at least fifteen thousand active electors in 4252
the county, but fewer than thirty-seven thousand five hundred 4253
active electors in the county, the board shall provide at least 4254
two ballot drop boxes. 4255

(4) If, as of the ninetieth day before the day of the 4256
election, there are fewer than fifteen thousand active electors 4257
in the county, the board shall provide at least one ballot drop 4258
box. 4259

(D) During the period beginning on the fifteenth day 4260

before the day of the election and ending on the day of the 4261
election, the board of elections shall permit electors to cast 4262
ballots in person, obtain mail ballots, or return voted mail 4263
ballots at the office of the board. 4264

(E) (1) The board shall utilize, in so far as practicable, 4265
rooms in public schools and other public buildings, or other 4266
space on the property of those buildings, for precinct polling 4267
places, voter service and polling centers, and ballot drop 4268
boxes. Upon application of the board of elections, the authority 4269
which has the control of any building or grounds supported by 4270
taxation under the laws of this state, shall make available the 4271
necessary space therein for the purpose of holding elections and 4272
adequate space for the storage of voting-machines equipment, 4273
without charge for the use thereof. A reasonable sum may be paid 4274
for necessary janitorial service. ~~When-~~ 4275

(2) When precinct polling places, voter service and 4276
polling centers, and ballot drop boxes are established in 4277
private buildings or on private property, the board may pay a 4278
reasonable rental therefor, and also the cost of liability 4279
insurance covering the premises when used for election purposes, 4280
or the board may purchase a single liability policy covering the 4281
board and the owners of the premises when used for election 4282
purposes. ~~When-~~ 4283

(3) When removable buildings are supplied by the board, 4284
they shall be constructed under the contract let to the lowest 4285
and best bidder, and the board shall observe all ordinances and 4286
regulations then in force as to safety. The board shall remove 4287
all such buildings from streets and other public places within 4288
thirty days after an election, unless another election is to be 4289
held within ninety days. 4290

~~(B) (1)~~ (F) (1) Except as otherwise provided in division (F)
(2) of this section, the board shall ensure all of the following
apply to every precinct polling place, voter service and polling
center, and ballot drop box and to the office of the board:

(a) That ~~polling places are~~ it is free of barriers that
would impede ingress and egress of handicapped persons;

(b) That the minimum number of special parking locations,
also known as handicapped parking spaces or disability parking
spaces, for handicapped persons are designated at ~~each polling~~
the place in accordance with 28 C.F.R. Part 36, Appendix A, and
in compliance with division (E) of section 4511.69 of the
Revised Code;

(c) That ~~the entrances of polling places are~~ its entrance
is level or are is provided with a nonskid ramp that meets the
requirements of the "Americans with Disabilities Act of 1990,"
104 Stat. 327, 42 U.S.C. 12101;

(d) That its doors are a minimum of thirty-two inches
wide.

~~(2) Notwithstanding division (B) (1) (a), (c), or (d) of~~
~~this section, certain polling places may be specifically~~
~~exempted by the~~ (a) The secretary of state may exempt a place
from one or more requirements of division (F) (1) of this section
upon certification by a board of elections that a good faith,
but unsuccessful, effort has been made to modify, or change the
location of, ~~such polling places~~ that place.

~~(C) (b)~~ At any precinct polling place or voter service and
polling center or at the office of a board that is exempted from
compliance by the secretary of state, the board of elections
shall permit any handicapped elector who travels to that

~~elector's polling place, but who is unable to enter the polling-~~ 4320
~~place, to vote—cast ballots in person, obtain mail ballots, or~~ 4321
~~return voted mail ballots, as applicable,~~ with the assistance of 4322
two ~~polling place—election~~ officials of different major 4323
political parties, either in the vehicle that conveyed that 4324
elector to the ~~polling place,~~ or ~~to receive and cast that~~ 4325
~~elector's ballot at the door of the polling place.~~ 4326

~~(D) (3)~~ The secretary of state shall: 4327

~~(1) (a)~~ Work with other state agencies to facilitate the 4328
distribution of information and technical assistance to boards 4329
of elections to meet the requirements of division ~~(B) (F)~~ of 4330
this section; 4331

~~(2) (b)~~ Work with organizations that represent or provide 4332
services to handicapped, disabled, or elderly citizens to effect 4333
a wide dissemination of information about the availability of 4334
~~absentee voting, voting in the voter's vehicle or at the door of~~ 4335
~~the polling place, or other election services to handicapped,~~ 4336
disabled, or elderly citizens. 4337

~~(E) (4)~~ Before the day of an election, the director of the 4338
board of elections of each county shall sign a statement 4339
verifying that each ~~polling~~ place that will be used in that 4340
county at that election meets the requirements of division ~~(B)~~ 4341
~~(1) (b) (F) (1) (b)~~ of this section. The signed statement shall be 4342
sent to the secretary of state by certified mail or 4343
electronically. 4344

~~(F) (5)~~ As used in division (F) of this section, 4345
"handicapped" means having lost the use of one or both legs, one 4346
or both arms, or any combination thereof, or being blind or so 4347
severely disabled as to be unable to move about without the aid 4348

of crutches or a wheelchair.

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Sec. 3501.291. Notwithstanding any contrary provision of
Title XXXV of the Revised Code:

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(A) A board of elections may decide to permanently
discontinue providing precinct polling places for all elections
held in the county. A board shall not make such a decision
during the ninety days immediately preceding an election.

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(B) Not later than thirty days after all of the final
results of a general election held in an even numbered year have
been certified, the secretary of state shall determine the
percentage of ballots cast in this state in that election that
were cast in person at precinct polling places and shall certify
that percentage to the boards of elections. After the first such
election for which the secretary of state certifies that less
than fifty per cent of the ballots cast in this state were cast
in person at precinct polling places, no board of elections
shall provide precinct polling places for any election, and the
secretary of state shall cease making that certification for
subsequent elections.

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Sec. 3501.30. (A) The board of elections shall provide all
of the following for each ~~polling place~~ the location where
ballots may be cast in person:

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(1) A sufficient number of screened or curtained voting
compartments to which electors may retire and conveniently mark
their ballots, protected from the observation of others. Each
voting compartment shall be provided at all times with writing
implements, instructions how to vote, and other necessary
conveniences for marking the ballot. The voting location manager
shall ensure that the voting compartments at all times are

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adequately lighted and contain the necessary supplies.

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(2) The necessary ballot box, official ballots, cards of
instructions, registration forms, pollbooks or poll lists, tally
sheets, forms on which to make summary statements, writing
implements, paper, and all other supplies necessary for casting
and counting the ballots and recording the results of the voting
~~at the polling place, as applicable.~~ The pollbooks or poll lists
shall have certificates appropriately printed on them for the
signatures of all the ~~precinct election~~ officials, by which they
shall certify that, to the best of their knowledge and belief,
the pollbooks or poll lists correctly show the names of all
electors who voted ~~in the polling place at that location~~ at the
election indicated in the pollbooks or poll lists.

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~~All of the following shall be included among the supplies
provided to each polling place:~~

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~~(1) A.~~

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(3) For a precinct polling place, a large map of each
appropriate precinct, which shall be displayed prominently to
assist persons who desire to register or vote on election day.
Each map shall show all streets within the precinct and contain
identifying symbols of the precinct in bold print.

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~~(2)-(4)~~ Any materials, postings, or instructions required
to comply with state or federal laws, including all of the
following:

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(a) A sample version of the ballot that will be used for
the election;

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(b) Information regarding the date of the election and the
hours during which locations where ballots may be cast in person
will be open;

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(c) Instructions on how to vote, including how to cast a 4407
vote and how to cast a provisional ballot; 4408

(d) General information on voting rights under applicable 4409
federal and state laws, including information on the right of an 4410
individual to cast a provisional ballot and instructions on how 4411
to contact the board of elections or the secretary of state if 4412
those rights are alleged to have been violated; 4413

(e) General information on federal and state laws 4414
regarding prohibitions against acts of fraud and 4415
misrepresentation. 4416

~~(3)-(5)~~ A flag of the United States approximately two and 4417
one-half feet in length along the top, which shall be displayed 4418
outside the entrance to the ~~polling place~~ location during the 4419
time it is open ~~for voting~~; 4420

~~(4)-(6)~~ (a) Two or more small flags of the United States 4421
approximately fifteen inches in length along the top, which 4422
shall be placed at a distance of one hundred feet from the 4423
~~polling place~~ entrance to the location on the thoroughfares or 4424
walkways leading to the ~~polling place~~ location, to mark the 4425
distance within which persons other than election officials, 4426
observers, police officers, and electors waiting to ~~mark,~~ 4427
~~marking, or casting their cast, request, or deliver~~ ballots 4428
shall not loiter, congregate, or engage in any kind of election 4429
campaigning. Where small flags cannot reasonably be placed one 4430
hundred feet from the ~~polling place~~ entrance to the location, 4431
the ~~voting location manager board~~ shall place the flags as near 4432
to one hundred feet from the entrance to the ~~polling place~~ 4433
location as is physically possible. Police officers and all 4434
election officials shall see that this prohibition against 4435
loitering and congregating is enforced. 4436

(b) When the period of time during which the ~~polling place~~
~~location~~ is open ~~for voting~~ expires, all of the flags described
in ~~this~~ division (A) (6) (a) of this section shall be taken into
the ~~polling place~~ location and shall be returned to the board
together with all other election supplies required to be
delivered to the board.

(B) The board of elections shall follow the instructions
and advisories of the secretary of state in the production and
use of ~~polling place~~ election supplies.

Sec. 3501.31. (A) The board of elections shall mail to
each ~~precinct~~ election official appointed under section 3501.22
of the Revised Code notice of the date, hours, and place ~~of~~
~~holding each election in the official's respective precinct~~ at
which it desires the official to serve. Each of such officials
shall notify the board immediately upon receipt of such notice
of any inability to serve.

~~The~~ (B) An election official designated as a voting
location manager under section 3501.22 of the Revised Code shall
call at the office of the board at such time ~~before the day of~~
~~the election, not earlier than the tenth day before the day of~~
~~the election,~~ as the board designates to obtain the ballots,
pollbooks, registration forms and lists, and other material to
be used in the ~~official's polling place on election day~~ location
at which the official is to serve.

The board may also provide for the delivery of such
materials to ~~polling places~~ a location in a municipal
corporation by members of the police department of such
municipal corporation; or the board may provide for the delivery
of such materials to the voting location manager not earlier
than the tenth day before the ~~election~~ materials are to be used,

in any manner it finds to be advisable.

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(C) On election the first day the precinct on which an
election officials shall punctually attend the polling place
one-half hour before the time fixed for opening the polls. Each
of official is scheduled to serve before an election, the
precinct election officials official shall thereupon make and
subscribe to a statement which shall be as follows:

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"State of Ohio

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County of _____

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I do solemnly swear under the penalty of perjury that I
will support the ~~constitution~~ Constitution of the United States
of America and the ~~constitution~~ Constitution of the ~~state~~ State
of Ohio and its laws; that I have not been convicted of a felony
or any violation of the election laws; that I will discharge to
the best of my ability the duties of ~~precinct an election~~
official ~~in and for precinct~~ _____ ~~in the~~
_____ (township) or (ward and city or village) _____
_____ in the county of _____, ~~in~~
for the election to be held on the _____ day of
_____, _____, as required by law and the rules and
instructions of the board of elections of said county; and that
I will endeavor to prevent fraud in such election, and will
report immediately to said board any violations of the election
laws which come to my attention, and will not disclose any
information as to how any elector voted which is gained by me in
the discharge of my official duties.

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(~~Signatures~~ Signature of precinct-election-officials official)" 4499

(D) ~~If any of the other precinct an election officials~~
official is absent from a location at that the time the election
official is scheduled to serve at the location, the voting
location manager, with the concurrence of a majority of the
~~precinct~~ election officials present, shall appoint a qualified
elector who is a member of the same political party as the
political party of which such absent ~~precinct~~ election official
is a member to fill the vacancy until the board appoints a
person to fill such vacancy and the person so appointed reports
for duty ~~at the polling place~~. The voting location manager shall
promptly notify the board of such vacancy by telephone or
otherwise. ~~The~~

(E) ~~The~~ voting location manager ~~also~~ shall assign the
~~precinct~~ election officials to their respective duties and shall
have general charge of the precinct polling place or voter
service and polling center or of the area of the office of the
board where ballots may be cast in person.

Sec. 3501.32. (A) ~~Except~~ Subject to section 3501.291 of
the Revised Code and except as otherwise provided in division
(B) of this section, on the day of ~~the an election the polls,~~
every precinct polling place and voter service and polling
center and the office of the board of elections shall be opened
by proclamation by the voting location manager, or in the
manager's absence by a voting location manager chosen by the
~~precinct~~ election officials, at six-thirty a.m. and shall be

closed by proclamation at seven-thirty p.m. unless there are 4525
voters waiting in line to cast their ballots or deliver voted 4526
mail ballots, in which case the ~~polls~~ location shall be kept 4527
open until such waiting voters have voted or delivered their 4528
voted mail ballots. 4529

(B) On the day of ~~the~~ an election, any precinct polling 4530
place located on an island not connected to the mainland by a 4531
highway or a bridge may close earlier than seven-thirty p.m. if 4532
all registered voters in the precinct have voted. When a 4533
precinct polling place closes under division (B) of this section 4534
the voting location manager shall immediately notify the board 4535
of elections of the closing. 4536

Sec. 3501.33. All ~~precinct~~ election officials shall 4537
enforce peace and good order in and about the place of 4538
registration or election. They shall especially keep the place 4539
of access of the electors to ~~the~~ every polling place, voter 4540
service and polling center, and ballot drop box and to the 4541
office of the board of elections open and unobstructed and 4542
prevent and stop any improper practices or attempts tending to 4543
obstruct, intimidate, or interfere with any elector in 4544
registering or voting. They shall protect observers against 4545
molestation and violence in the performance of their duties, and 4546
may eject ~~from the polling place~~ any observer for violation of 4547
any provision of Title XXXV of the Revised Code. They shall 4548
prevent riots, violence, tumult, or disorder. In the discharge 4549
of these duties, they may call upon the sheriff, police, or 4550
other peace officers to aid them in enforcing the law. They may 4551
order the arrest of any person violating Title XXXV of the 4552
Revised Code, but such an arrest shall not prevent the person 4553
from registering or voting if the person is entitled to do so. 4554
The sheriff, all constables, police officers, and other officers 4555

of the peace shall immediately obey and aid in the enforcement 4556
of any lawful order made by the ~~precinct~~-election officials in 4557
the enforcement of Title XXXV of the Revised Code. 4558

Sec. 3501.34. The officer or authority having command of 4559
the police force of any municipal corporation or the sheriff of 4560
any county, on requisition of the board of elections or the 4561
secretary of state, shall promptly detail for service such force 4562
as the board or the secretary of state considers necessary at 4563
the polling place in any precinct of such polling place, voter 4564
service and polling center, ballot drop box, or office of a 4565
board of elections located in the municipal corporation or 4566
county ~~such force as the board or secretary of state considers~~ 4567
~~necessary~~. On every day of election such officer or authority 4568
shall have a special force in readiness for any emergency and 4569
for assignment to duty in the precinct polling ~~places~~place, 4570
voter service and polling center, ballot drop box location, or 4571
office of a board of elections. At least one ~~policeman~~-police 4572
officer shall be assigned to duty ~~in~~-for each precinct on each 4573
day of an election, when requested by the board or the secretary 4574
of state. Such police officer shall have access at all times to 4575
~~the~~-any polling place, voter service and polling center, ballot 4576
drop box location, or office of a board of elections and ~~he~~- 4577
shall promptly place under arrest any person found violating any 4578
provisions of Title XXXV of the Revised Code. 4579

Sec. 3501.35. (A) During the time that ballots may be cast 4580
in person for an election and during the counting of the 4581
ballots, no person shall do any of the following: 4582

(1) Loiter, congregate, or engage in any kind of election 4583
campaigning within the area between the ~~polling place~~-entrance 4584
to a location where ballots may be cast in person and the small 4585

flags of the United States placed on the thoroughfares and 4586
walkways leading to the ~~polling place~~ entrance to the location, 4587
and if the line of electors waiting to ~~vote~~ enter the location 4588
extends beyond those small flags, within ten feet of any elector 4589
in that line; 4590

(2) In any manner hinder or delay an elector in reaching 4591
or leaving a precinct polling place, a voter service and polling 4592
center, a ballot drop box, or the place fixed for casting the 4593
elector's office of the board of elections ~~ballot~~; 4594

(3) Give, tender, or exhibit any ballot or ticket to any 4595
person other than the elector's own ballot to ~~the precinct~~ an 4596
election ~~officials~~ official within the area between the ~~polling~~ 4597
~~place~~ entrance to a location where ballots may be cast in person 4598
and the small flags of the United States placed on the 4599
thoroughfares and walkways leading to the ~~polling~~ entrance to 4600
that place, and if the line of electors waiting to vote extends 4601
beyond those small flags, within ten feet of any elector in that 4602
line; 4603

(4) Exhibit any ticket or ballot which the elector intends 4604
to cast; 4605

(5) Solicit or in any manner attempt to influence any 4606
elector in casting the elector's vote. 4607

(B) (1) Except as otherwise provided in division (B) (2) of 4608
this section and division (C) of section 3503.23 of the Revised 4609
Code, no person who is not an election official, employee, 4610
observer, or police officer shall be allowed to enter ~~the~~ 4611
~~polling place~~ a location where ballots may be cast in person 4612
during the ~~election~~ time that ballots may be cast there, except 4613
for the purpose of ~~voting or~~ requesting or delivering ballots, 4614

assisting another person to ~~vote as provided in section 3505.24~~
~~of the Revised Code~~ request or deliver ballots, registering to
vote or updating the person's registration, or otherwise
conducting official business with the board of elections.

(2) Notwithstanding any provision of this section to the
contrary, a journalist shall be allowed reasonable access to a
~~polling place~~ location where ballots may be cast in person
during ~~an election~~ the time that ballots may be cast there. As
used in this division, "journalist" ~~has the same meaning as in~~
~~division (B) (2) of section 2923.129 of the Revised Code~~ means a
person engaged in, connected with, or employed by any news
medium, including a newspaper, magazine, press association, news
agency, or wire service, a radio or television station, or a
similar medium, for the purpose of gathering, processing,
transmitting, compiling, editing, or disseminating information
for the general public.

(C) No more electors shall be allowed to approach the
voting shelves at any time than there are voting shelves
provided.

(D) The ~~precinct~~ election officials and the police officer
shall strictly enforce the observance of this section.

Sec. 3501.36. Each ~~precinct~~ election official who ~~before~~
~~the day of an election in his precinct~~ obtains ballots,
pollbooks, or other materials to be used in ~~his polling place on~~
~~the day of such election~~ a location where ballots may be cast in
person, and delivers such materials to his polling that place on
~~the day of such election~~ as required by section 3501.31 of the
Revised Code and the orders of the board of elections, and each
~~precinct~~ election official who delivers such materials ~~and, the~~
returns and records of an election, or voted mail ballots from

~~the a precinct polling place, a voter service and polling~~ 4645
~~center, or a ballot drop box~~ to the office of the board ~~after an~~ 4646
~~election, as required by section 3505.31 of the Revised Code and~~ 4647
~~of elections under~~ the orders of the board, may receive, in 4648
addition to the compensation provided under section 3501.28 of 4649
the Revised Code, a sum not to exceed five dollars for each trip 4650
to ~~the a precinct polling place, a voter service and polling~~ 4651
~~center, or a ballot drop box~~ and five dollars for each trip from 4652
~~the polling place such a location~~ to the office of the board, 4653
plus mileage for each trip at the rate provided by rules 4654
governing travel adopted by the office of budget and management 4655
in accordance with Chapter 119. of the Revised Code. 4656

Sec. 3501.37. After each election, the ~~precinct~~ election 4657
officials ~~of each precinct, except when the board of elections~~ 4658
~~assumes the duty,~~ shall see that the movable booths and other 4659
equipment are returned for safekeeping to the ~~fiscal officer of~~ 4660
~~the township or to the clerk or auditor of the municipal~~ 4661
~~corporation in which the precinct is situated. The fiscal~~ 4662
~~officer, clerk, or auditor shall have booths and equipment on~~ 4663
~~hand and in place at the polling places in each precinct before~~ 4664
~~the time for opening the polls on election days, and for this~~ 4665
~~service the board may allow the necessary expenses incurred. In~~ 4666
~~cities, this duty shall devolve on office of~~ the board. 4667

Sec. 3501.38. All declarations of candidacy, nominating 4668
petitions, or other petitions presented to or filed with the 4669
secretary of state or a board of elections or with any other 4670
public office for the purpose of becoming a candidate for any 4671
nomination or office or for the holding of an election on any 4672
issue shall, in addition to meeting the other specific 4673
requirements prescribed in the sections of the Revised Code 4674
relating to them, be governed by the following rules: 4675

(A) Only electors qualified to vote on the candidacy or
issue which is the subject of the petition shall sign a
petition. Each signer shall be a registered elector pursuant to
section 3503.01 of the Revised Code. The facts of qualification
shall be determined as of the date when the petition is filed.

(B) Signatures shall be affixed in ink. Each signer may
also print the signer's name, so as to clearly identify the
signer's signature.

(C) Each signer shall place on the petition after the
signer's name the date of signing and the location of the
signer's voting residence, including the street and number if in
a municipal corporation or the rural route number, post office
address, or township if outside a municipal corporation. The
voting address given on the petition shall be the address
appearing in the registration records at the board of elections.

(D) Except as otherwise provided in section 3501.382 of
the Revised Code, no person shall write any name other than the
person's own on any petition. Except as otherwise provided in
section 3501.382 of the Revised Code, no person may authorize
another to sign for the person. If a petition contains the
signature of an elector two or more times, only the first
signature shall be counted.

(E) (1) On each petition paper, the circulator shall
indicate the number of signatures contained on it, and shall
sign a statement made under penalty of election falsification
that the circulator witnessed the affixing of every signature,
that all signers were to the best of the circulator's knowledge
and belief qualified to sign, and that every signature is to the
best of the circulator's knowledge and belief the signature of
the person whose signature it purports to be or of an attorney

in fact acting pursuant to section 3501.382 of the Revised Code. 4706
On the circulator's statement for a declaration of candidacy or 4707
nominating petition for a person seeking to become a statewide 4708
candidate or for a statewide initiative or a statewide 4709
referendum petition, the circulator shall identify the 4710
circulator's name, the address of the circulator's permanent 4711
residence, and the name and address of the person employing the 4712
circulator to circulate the petition, if any. 4713

(2) As used in division (E) of this section, "statewide 4714
candidate" means the joint candidates for the offices of 4715
governor and lieutenant governor or a candidate for the office 4716
of secretary of state, auditor of state, treasurer of state, or 4717
attorney general. 4718

(F) Except as otherwise provided in section 3501.382 of 4719
the Revised Code, if a circulator knowingly permits an 4720
unqualified person to sign a petition paper or permits a person 4721
to write a name other than the person's own on a petition paper, 4722
that petition paper is invalid; otherwise, the signature of a 4723
person not qualified to sign shall be rejected but shall not 4724
invalidate the other valid signatures on the paper. 4725

(G) The circulator of a petition may, before filing it in 4726
a public office, strike from it any signature the circulator 4727
does not wish to present as a part of the petition. 4728

(H) Any signer of a petition or an attorney in fact acting 4729
pursuant to section 3501.382 of the Revised Code on behalf of a 4730
signer may remove the signer's signature from that petition at 4731
any time before the petition is filed in a public office by 4732
striking the signer's name from the petition; no signature may 4733
be removed after the petition is filed in any public office. 4734

(I) (1) No alterations, corrections, or additions may be 4735
made to a petition after it is filed in a public office. 4736

(2) (a) No declaration of candidacy, nominating petition, 4737
or other petition for the purpose of becoming a candidate may be 4738
withdrawn after it is filed in a public office. Nothing in this 4739
division prohibits a person from withdrawing as a candidate as 4740
otherwise provided by law. 4741

(b) No petition presented to or filed with the secretary 4742
of state, a board of elections, or any other public office for 4743
the purpose of the holding of an election on any question or 4744
issue may be resubmitted after it is withdrawn from a public 4745
office or rejected as containing insufficient signatures. 4746
Nothing in this division prevents a question or issue petition 4747
from being withdrawn by the filing of a written notice of the 4748
withdrawal by a majority of the members of the petitioning 4749
committee with the same public office with which the petition 4750
was filed prior to the sixtieth day before the election at which 4751
the question or issue is scheduled to appear on the ballot. 4752

(J) All declarations of candidacy, nominating petitions, 4753
or other petitions under this section shall be accompanied by 4754
the following statement in boldface capital letters: WHOEVER 4755
COMMITTS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE 4756
~~FIFTH-FOURTH~~ DEGREE. 4757

(K) All separate petition papers shall be filed at the 4758
same time, as one instrument. 4759

(L) If a board of elections distributes for use a petition 4760
form for a declaration of candidacy, nominating petition, or any 4761
type of question or issue petition that does not satisfy the 4762
requirements of law as of the date of that distribution, the 4763

board shall not invalidate the petition on the basis that the 4764
petition form does not satisfy the requirements of law, if the 4765
petition otherwise is valid. Division (L) of this section 4766
applies only if the candidate received the petition from the 4767
board within ninety days of when the petition is required to be 4768
filed. 4769

(M) (1) Upon receiving an initiative petition, or a 4770
petition filed under section 307.94 or 307.95 of the Revised 4771
Code, concerning a ballot issue that is to be submitted to the 4772
electors of a county or municipal political subdivision, the 4773
board of elections shall examine the petition to determine: 4774

(a) Whether the petition falls within the scope of a 4775
municipal political subdivision's authority to enact via 4776
initiative, including, if applicable, the limitations placed by 4777
Sections 3 and 7 of Article XVIII of the Ohio Constitution on 4778
the authority of municipal corporations to adopt local police, 4779
sanitary, and other similar regulations as are not in conflict 4780
with general laws, and whether the petition satisfies the 4781
statutory prerequisites to place the issue on the ballot. The 4782
petition shall be invalid if any portion of the petition is not 4783
within the initiative power; or 4784

(b) Whether the petition falls within the scope of a 4785
county's authority to enact via initiative, including whether 4786
the petition conforms to the requirements set forth in Section 3 4787
of Article X of the Ohio Constitution, including the exercise of 4788
only those powers that have vested in, and the performance of 4789
all duties imposed upon counties and county officers by law, and 4790
whether the petition satisfies the statutory prerequisites to 4791
place the issue on the ballot. The finding of the board shall be 4792
subject to challenge by a protest filed pursuant to division (B) 4793

of section 307.95 of the Revised Code. 4794

(2) After making a determination under division (M)(1)(a) 4795
or (b) of this section, the board of elections shall promptly 4796
transmit a copy of the petition and a notice of the board's 4797
determination to the office of the secretary of state. Notice of 4798
the board's determination shall be given to the petitioners and 4799
the political subdivision. 4800

(3) If multiple substantially similar initiative petitions 4801
are submitted to multiple boards of elections and the 4802
determinations of the boards under division (M)(1)(a) or (b) of 4803
this section concerning those petitions differ, the secretary of 4804
state shall make a single determination under division (M)(1)(a) 4805
or (b) of this section that shall apply to each such initiative 4806
petition. 4807

Sec. 3501.382. (A)(1) A registered voter who, by reason of 4808
disability, is unable to physically sign the voter's name as a 4809
candidate, signer, or circulator on a declaration of candidacy 4810
and petition, nominating petition, other petition, or other 4811
document under Title XXXV of the Revised Code may authorize a 4812
legally competent resident of this state who is eighteen years 4813
of age or older as an attorney in fact to sign that voter's name 4814
to the petition or other election document, at the voter's 4815
direction and in the voter's presence, in accordance with either 4816
of the following procedures: 4817

(a) The voter may file with the board of elections of the 4818
voter's county of residence a notarized form that includes or 4819
has attached all of the following: 4820

(i) The name of the voter who is authorizing an attorney 4821
in fact to sign petitions or other election documents on that 4822

voter's behalf, at the voter's direction and in the voter's 4823
presence; 4824

(ii) An attestation of the voter that the voter, by reason 4825
of disability, is unable to sign physically petitions or other 4826
election documents and that the voter desires the attorney in 4827
fact to sign them on the voter's behalf, at the direction of the 4828
voter and in the voter's presence; 4829

(iii) The name, residence address, date of birth, and, if 4830
applicable, Ohio supreme court registration number of the 4831
attorney in fact authorized to sign on the voter's behalf, at 4832
the voter's direction and in the voter's presence. A photocopy 4833
of the attorney in fact's driver's license or state 4834
identification card issued under section 4507.50 of the Revised 4835
Code shall be attached to the notarized form. 4836

(iv) The form of the signature that the attorney in fact 4837
will use in signing petitions or other election documents on the 4838
voter's behalf, at the voter's direction and in the voter's 4839
presence. 4840

(b) The voter may acknowledge, before an election 4841
official, and file with the board of elections of the voter's 4842
county of residence a form that includes or has attached all of 4843
the following: 4844

(i) The name of the voter who is authorizing an attorney 4845
in fact to sign petitions or other election documents on that 4846
voter's behalf, at the voter's direction and in the voter's 4847
presence; 4848

(ii) An attestation of the voter that the voter, by reason 4849
of disability, is physically unable to sign petitions or other 4850
election documents and that the voter desires the attorney in 4851

fact to sign them on the voter's behalf, at the direction of the 4852
voter and in the voter's presence; 4853

(iii) An attestation from a licensed physician that the 4854
voter is disabled and, by reason of that disability, is 4855
physically unable to sign petitions or other election documents; 4856

(iv) The name, residence address, date of birth, and, if 4857
applicable, Ohio supreme court registration number of the 4858
attorney in fact authorized to sign on the voter's behalf, at 4859
the voter's direction and in the voter's presence. A photocopy 4860
of the attorney in fact's driver's license or state 4861
identification card issued under section 4507.50 of the Revised 4862
Code shall be attached to the notarized form. 4863

(v) The form of the signature that the attorney in fact 4864
will use in signing petitions or other election documents on the 4865
voter's behalf, at the voter's direction and in the voter's 4866
presence. 4867

(2) In addition to performing customary notarial acts with 4868
respect to the power of attorney form described in division (A) 4869
(1)(a) of this section, the notary public shall acknowledge that 4870
the voter in question affirmed in the presence of the notary 4871
public the information listed in divisions (A)(1)(a)(i), (ii), 4872
and (iii) of this section. A notary public shall not perform any 4873
notarial acts with respect to such a power of attorney form 4874
unless the voter first gives such an affirmation. Only a notary 4875
public satisfying the requirements of section 147.01 of the 4876
Revised Code may perform notarial acts with respect to such a 4877
power of attorney form. 4878

(B) A board of elections that receives a form under 4879
division (A)(1) of this section from a voter shall do both of 4880

the following: 4881

(1) Use the signature provided in accordance with division 4882
(A) (1) (a) (iv) or (A) (1) (b) (v) of this section for the purpose of 4883
verifying the voter's signature on all declarations of candidacy 4884
and petitions, nominating petitions, other petitions, or other 4885
documents signed by that voter under Title XXXV of the Revised 4886
Code; 4887

(2) Cause the ~~poll list or signature pollbook for the~~ 4888
~~relevant precinct voter's registration record~~ to identify the 4889
voter in question as having authorized an attorney in fact to 4890
sign petitions or other election documents on the voter's 4891
behalf, at the voter's direction and in the voter's presence. 4892

(C) Notwithstanding division (D) of section 3501.38 or any 4893
other provision of the Revised Code to the contrary, an attorney 4894
in fact authorized to sign petitions or other election documents 4895
on a disabled voter's behalf, at the direction of and in the 4896
presence of that voter, in accordance with division (A) of this 4897
section may sign that voter's name to any petition or other 4898
election document under Title XXXV of the Revised Code after the 4899
power of attorney has been filed with the board of elections in 4900
accordance with division (A) (1) of this section. The signature 4901
shall be deemed to be that of the disabled voter, and the voter 4902
shall be deemed to be the signer. 4903

(D) (1) Notwithstanding division (F) of section 3501.38 or 4904
any other provision of the Revised Code to the contrary, the 4905
circulator of a petition may knowingly permit an attorney in 4906
fact to sign the petition on a disabled voter's behalf, at the 4907
direction of and in the presence of that voter, in accordance 4908
with division (A) (1) of this section. 4909

(2) Notwithstanding division (F) of section 3501.38 or any 4910
other provision of the Revised Code to the contrary, no petition 4911
paper shall be invalidated on the ground that the circulator 4912
knowingly permitted an attorney in fact to write a name other 4913
than the attorney in fact's own name on a petition paper, if 4914
that attorney in fact signed the petition on a disabled voter's 4915
behalf, at the direction of and in the presence of that voter, 4916
in accordance with division (C) of this section. 4917

(E) The secretary of state shall prescribe the form and 4918
content of the form for the power of attorney prescribed under 4919
division (A)(1) of this section and also shall prescribe the 4920
form and content of a distinct form to revoke such a power of 4921
attorney. 4922

(F) As used in this section, "unable to physically sign" 4923
means that the person with a disability cannot comply with the 4924
provisions of section 3501.011 of the Revised Code. A person is 4925
not "unable to physically sign" if the person is able to comply 4926
with section 3501.011 through reasonable accommodation, 4927
including the use of assistive technology or augmentative 4928
devices. 4929

Sec. 3501.90. (A) As used in this section: 4930

(1) "Harassment in violation of the election law" means 4931
either of the following: 4932

(a) Any of the following types of conduct ~~in or about a~~ 4933
~~polling place or a place of registration or election:~~ 4934
~~obstructing~~ 4935

(i) Obstructing access of an elector to a precinct polling 4936
place, a voter service and polling center, a ballot drop box, 4937
the office of a board of elections, or any other place of voter 4938

registration; another 4939

(ii) Another improper practice or attempt tending to 4940
obstruct, intimidate, or interfere with an elector in 4941
registering or voting ~~at a place of registration or election;~~ 4942
~~molesting~~ 4943

(iii) Molesting or otherwise engaging in violence against 4944
observers in the performance of their duties at a precinct 4945
~~polling place of registration or election, a voter service and~~ 4946
~~polling center, or the office of a board of elections or at any~~ 4947
~~other place of voter registration; or participating~~ 4948

(iv) Participating in a riot, violence, tumult, or 4949
disorder in and about a precinct polling place, a voter service 4950
and polling center, a ballot drop box, the office of a board of 4951
elections, or any other place of voter registration ~~or election.~~ 4952

(b) A violation of division (A) (1), (2), (3), or (5) or 4953
division (B) of section 3501.35 of the Revised Code. 4954

(2) "Person" has the same meaning as in division (C) of 4955
section 1.59 of the Revised Code and also includes any 4956
organization that is not otherwise covered by that division. 4957

(3) "Trier of fact" means the jury or, in a nonjury 4958
action, the court. 4959

(B) An elector who has experienced harassment in violation 4960
of the election law has a cause of action against each person 4961
that committed the harassment in violation of the election law. 4962
In any civil action based on this cause of action, the elector 4963
may seek a declaratory judgment, an injunction, or other 4964
appropriate equitable relief. The civil action may be commenced 4965
by an elector who has experienced harassment in violation of the 4966
election law either alone or as a party to a class action under 4967

Civil Rule 23. 4968

(C) (1) In addition to the equitable relief authorized by 4969
division (B) of this section, an elector who has experienced 4970
harassment in violation of the election law may be entitled to 4971
relief under division (C) (2) or (3) of this section. 4972

(2) If the harassment in violation of the election law 4973
involved intentional or reckless threatening or causing of 4974
bodily harm to the elector while the elector was attempting to 4975
register to vote, to obtain ~~an absent voter's a~~ ballot, or to 4976
vote, the elector may seek, in a civil action based on the cause 4977
of action created by division (B) of this section, monetary 4978
damages as prescribed in this division. The civil action may be 4979
commenced by the elector who has experienced harassment in 4980
violation of the election law either alone or as a party to a 4981
class action under Civil Rule 23. Upon proof by a preponderance 4982
of the evidence in the civil action that the harassment in 4983
violation of the election law involved intentional or reckless 4984
threatening or causing of bodily harm to the elector, the trier 4985
of fact shall award the elector the greater of three times of 4986
the amount of the elector's actual damages or one thousand 4987
dollars. The court also shall award a prevailing elector 4988
reasonable attorney's fees and court costs. 4989

(3) Whether a civil action on the cause of action created 4990
by division (B) of this section is commenced by an elector who 4991
has experienced harassment in violation of the election law 4992
alone or as a party to a class action under Civil Rule 23, if 4993
the defendant in the action is an organization that has 4994
previously been determined in a court of this state to have 4995
engaged in harassment in violation of the election law, the 4996
elector may seek an order of the court granting any of the 4997

following forms of relief upon proof by a preponderance of the 4998
evidence: 4999

(a) Divestiture of the organization's interest in any 5000
enterprise or in any real property; 5001

(b) Reasonable restrictions upon the future activities or 5002
investments of the organization, including, but not limited to, 5003
prohibiting the organization from engaging in any harassment in 5004
violation of the election law; 5005

(c) The dissolution or reorganization of the organization; 5006

(d) The suspension or revocation of any license, permit, 5007
or prior approval granted to the organization by any state 5008
agency; 5009

(e) The revocation of the organization's authorization to 5010
do business in this state if the organization is a foreign 5011
corporation or other form of foreign entity. 5012

(D) It shall not be a defense in a civil action based on 5013
the cause of action created by division (B) of this section, 5014
whether commenced by an elector who has experienced harassment 5015
in violation of the election law alone or as a party to a class 5016
action under Civil Rule 23, that no criminal prosecution was 5017
commenced or conviction obtained in connection with the conduct 5018
alleged to be the basis of the civil action. 5019

(E) In a civil action based on the cause of action created 5020
by division (B) of this section, whether commenced by an elector 5021
who has experienced harassment in violation of the election law 5022
alone or as a party to a class action under Civil Rule 23, the 5023
elector may name as defendants each individual who engaged in 5024
conduct constituting harassment in violation of the election law 5025
as well as any person that employs, sponsors, or uses as an 5026

agent any such individual or that has organized a common scheme 5027
to cause harassment in violation of the election law. 5028

Sec. 3503.01. (A) Every citizen of the United States who 5029
is of the age of eighteen years or over and who has been a 5030
resident of the state thirty days immediately preceding the 5031
election at which the citizen offers to vote, is a resident of 5032
the county and precinct in which the citizen offers to vote, and 5033
has been registered to vote for thirty days, has the 5034
qualifications of an elector and may vote at all elections in 5035
the precinct in which the citizen resides. 5036

(B) When only a portion of a precinct is included within 5037
the boundaries of an election district, the board of elections 5038
may assign the electors residing in such portion of a precinct 5039
to the nearest precinct or portion of a precinct within the 5040
boundaries of such election district for the purpose of voting 5041
at any special election held in such district. In any election 5042
in which only a part of the electors in a precinct is qualified 5043
to vote, the board may assign voters in such part to an 5044
adjoining precinct. Such assignment may be made to an adjoining 5045
precinct in another county with the consent and approval of the 5046
board of elections of such other county if the number of voters 5047
assigned to vote in a precinct in another county is two hundred 5048
or less. 5049

~~The~~ Subject to section 3501.291 of the Revised Code, the 5050
board shall notify all such electors so assigned, at least ten 5051
days prior to the holding of any such election, of the location 5052
of the precinct polling place where they are entitled to vote at 5053
such election. 5054

As used in division (B) of this section, "election 5055
district" means a school district, municipal corporation, 5056

township, or other political subdivision that includes territory 5057
in more than one precinct or any other district or authority 5058
that includes territory in more than one precinct and that is 5059
authorized by law to place an issue on the ballot at a special 5060
election. 5061

Sec. 3503.02. All registrars and ~~precinct~~-election 5062
officials, in determining the residence of a person offering to 5063
register or vote, shall be governed by the following rules: 5064

(A) That place shall be considered the residence of a 5065
person in which the person's habitation is fixed and to which, 5066
whenever the person is absent, the person has the intention of 5067
returning. 5068

(B) A person shall not be considered to have lost the 5069
person's residence who leaves the person's home and goes into 5070
another state or county of this state, for temporary purposes 5071
only, with the intention of returning. 5072

(C) A person shall not be considered to have gained a 5073
residence in any county of this state into which the person 5074
comes for temporary purposes only, without the intention of 5075
making such county the permanent place of abode. 5076

(D) The place where the family of a married person resides 5077
shall be considered to be the person's place of residence; 5078
except that when the spouses have separated and live apart, the 5079
place where such a spouse resides the length of time required to 5080
entitle a person to vote shall be considered to be the spouse's 5081
place of residence. 5082

(E) If a person removes to another state with the 5083
intention of making such state the person's residence, the 5084
person shall be considered to have lost the person's residence 5085

in this state. 5086

(F) Except as otherwise provided in division (G) of this 5087
section, if a person removes from this state and continuously 5088
resides outside this state for a period of four years or more, 5089
the person shall be considered to have lost the person's 5090
residence in this state, notwithstanding the fact that the 5091
person may entertain an intention to return at some future 5092
period. 5093

(G) (1) If a person removes from this state to engage in 5094
the services of the United States government, the person shall 5095
not be considered to have lost the person's residence in this 5096
state, and likewise should the person enter the employment of 5097
the state, the place where such person resided at the time of 5098
the person's removal shall be considered to be the person's 5099
place of residence. 5100

(2) If a person removes from this state to a location 5101
outside of the United States and the person does not become a 5102
resident of another state, the person shall not be considered to 5103
have lost the person's residence in this state. The place where 5104
the person resided at the time of the person's removal shall be 5105
considered to be the person's place of residence. 5106

(3) If a person is eligible to vote in this state under 5107
division (D) (2) of section 3511.011 of the Revised Code, the 5108
place where the person's parent or legal guardian resided in 5109
this state prior to that parent or legal guardian's removal to a 5110
location outside of the United States shall be considered to be 5111
the person's place of residence. 5112

(4) If an address that is considered to be a person's 5113
place of residence under division (G) of this section ceases to 5114

be a recognized residential address, the board of elections 5115
shall assign an address to the applicable person for voting 5116
purposes. 5117

(H) If a person goes into another state and while there 5118
exercises the right of a citizen by voting, the person shall be 5119
considered to have lost the person's residence in this state. 5120

(I) If a person does not have a fixed place of habitation, 5121
but has a shelter or other location at which the person has been 5122
a consistent or regular inhabitant and to which the person has 5123
the intention of returning, that shelter or other location shall 5124
be deemed the person's residence for the purpose of registering 5125
to vote. 5126

Sec. 3503.09. (A) (1) The secretary of state shall adopt 5127
rules for the electronic transmission by boards of elections, 5128
designated agencies, offices of deputy registrars of motor 5129
vehicles, public high schools and vocational schools, public 5130
libraries, and offices of county treasurers, where applicable, 5131
of change of name-and, change of residence-changes, and change 5132
of political party affiliation forms for voter registration 5133
~~records in the statewide voter registration database.~~ 5134

(2) The secretary of state shall adopt rules for the 5135
purpose of improving the speed of processing new voter 5136
registrations that permit information from a voter registration 5137
application received by a designated agency or an office of 5138
deputy registrar of motor vehicles to be made available 5139
electronically, in addition to requiring the original voter 5140
registration application to be transmitted to the applicable 5141
board of elections under division (E) (2) of section 3503.10 or 5142
section 3503.11 of the Revised Code. 5143

(B) Rules adopted under division (A) of this section shall 5144
do all of the following: 5145

(1) Prohibit any direct electronic connection between a 5146
designated agency, office of deputy registrar of motor vehicles, 5147
public high school or vocational school, public library, or 5148
office of a county treasurer and the statewide voter 5149
registration database; 5150

(2) Require any updated voter registration information to 5151
be verified by the secretary of state or a board of elections 5152
before the information is added to the statewide voter 5153
registration database for the purpose of modifying an existing 5154
voter registration; 5155

(3) Require each designated agency or office of deputy 5156
registrar of motor vehicles that transmits voter registration 5157
information electronically to transmit an identifier for data 5158
relating to each new voter registration that shall be used by 5159
the secretary of state or a board of elections to match the 5160
electronic data to the original voter registration application. 5161

Sec. 3503.10. (A) Each designated agency shall designate 5162
one person within that agency to serve as coordinator for the 5163
voter registration program within the agency and its 5164
departments, divisions, and programs. The designated person 5165
shall be trained under a program designed by the secretary of 5166
state and shall be responsible for administering all aspects of 5167
the voter registration program for that agency as prescribed by 5168
the secretary of state. The designated person shall receive no 5169
additional compensation for performing such duties. 5170

(B) Every designated agency, public high school and 5171
vocational school, public library, and office of a county 5172

treasurer shall provide in each of its offices or locations 5173
voter registration applications and assistance in the 5174
registration of persons qualified to register to vote, in 5175
accordance with this chapter. 5176

(C) Every designated agency shall distribute to its 5177
applicants, prior to or in conjunction with distributing a voter 5178
registration application, a form prescribed by the secretary of 5179
state that includes all of the following: 5180

(1) The question, "Do you want to register to vote or 5181
update your current voter registration?"--followed by boxes for 5182
the applicant to indicate whether the applicant would like to 5183
register or decline to register to vote, and the statement, 5184
highlighted in bold print, "If you do not check either box, you 5185
will be considered to have decided not to register to vote at 5186
this time."; 5187

(2) If the agency provides public assistance, the 5188
statement, "Applying to register or declining to register to 5189
vote will not affect the amount of assistance that you will be 5190
provided by this agency."; 5191

(3) The statement, "If you would like help in filling out 5192
the voter registration application form, we will help you. The 5193
decision whether to seek or accept help is yours. You may fill 5194
out the application form in private."; 5195

(4) The statement, "If you believe that someone has 5196
interfered with your right to register or to decline to register 5197
to vote, your right to privacy in deciding whether to register 5198
or in applying to register to vote, or your right to choose your 5199
own political party or other political preference, you may file 5200
a complaint with the prosecuting attorney of your county or with 5201

the secretary of state," with the address and telephone number 5202
for each such official's office. 5203

(D) Each designated agency shall distribute a voter 5204
registration form prescribed by the secretary of state to each 5205
applicant with each application for service or assistance, and 5206
with each written application or form for recertification, 5207
renewal, or change of address. 5208

(E) Each designated agency shall do all of the following: 5209

(1) Have employees trained to administer the voter 5210
registration program in order to provide to each applicant who 5211
wishes to register to vote and who accepts assistance, the same 5212
degree of assistance with regard to completion of the voter 5213
registration application as is provided by the agency with 5214
regard to the completion of its own form; 5215

(2) Accept completed voter registration applications, 5216
voter registration change of residence forms, ~~and~~ voter 5217
registration change of name forms, and voter registration change 5218
of political party affiliation forms, regardless of whether the 5219
application or form was distributed by the designated agency, 5220
for transmittal to the office of the board of elections in the 5221
county in which the agency is located. Each designated agency 5222
and the appropriate board of elections shall establish a method 5223
by which the voter registration applications and other voter 5224
registration forms are transmitted to that board of elections 5225
within five days after being accepted by the agency. 5226

(3) If the designated agency is one that is primarily 5227
engaged in providing services to persons with disabilities under 5228
a state-funded program, and that agency provides services to a 5229
person with disabilities at a person's home, provide the 5230

services described in divisions (E) (1) and (2) of this section 5231
at the person's home; 5232

(4) Keep as confidential, except as required by the 5233
secretary of state for record-keeping purposes, the identity of 5234
an agency through which a person registered to vote or updated 5235
the person's voter registration records, and information 5236
relating to a declination to register to vote made in connection 5237
with a voter registration application issued by a designated 5238
agency. 5239

(F) The secretary of state shall prepare and transmit 5240
written instructions on the implementation of the voter 5241
registration program within each designated agency, public high 5242
school and vocational school, public library, and office of a 5243
county treasurer. The instructions shall include directions as 5244
follows: 5245

(1) That each person designated to assist with voter 5246
registration maintain strict neutrality with respect to a 5247
person's political philosophies, a person's right to register or 5248
decline to register, and any other matter that may influence a 5249
person's decision to register or not register to vote; 5250

(2) That each person designated to assist with voter 5251
registration not seek to influence a person's decision to 5252
register or not register to vote, not display or demonstrate any 5253
political preference or party allegiance, and not make any 5254
statement to a person or take any action the purpose or effect 5255
of which is to lead a person to believe that a decision to 5256
register or not register has any bearing on the availability of 5257
services or benefits offered, on the grade in a particular class 5258
in school, or on credit for a particular class in school; 5259

(3) Regarding when and how to assist a person in 5260
completing the voter registration application, what to do with 5261
the completed voter registration application or voter 5262
registration update form, and when the application must be 5263
transmitted to the appropriate board of elections; 5264

(4) Regarding what records must be kept by the agency and 5265
where and when those records should be transmitted to satisfy 5266
reporting requirements imposed on the secretary of state under 5267
the National Voter Registration Act of 1993; 5268

(5) Regarding whom to contact to obtain answers to 5269
questions about voter registration forms and procedures. 5270

(G) If the voter registration activity is part of an in- 5271
class voter registration program in a public high school or 5272
vocational school, whether prescribed by the secretary of state 5273
or independent of the secretary of state, the board of education 5274
shall do all of the following: 5275

(1) Establish a schedule of school days and hours during 5276
these days when the person designated to assist with voter 5277
registration shall provide voter registration assistance; 5278

(2) Designate a person to assist with voter registration 5279
from the public high school's or vocational school's staff; 5280

(3) Make voter registration applications and materials 5281
available, as outlined in the voter registration program 5282
established by the secretary of state pursuant to section 5283
3501.05 of the Revised Code; 5284

(4) Distribute the statement, "applying to register or 5285
declining to register to vote, or registering as affiliated with 5286
a particular political party or registering to vote and 5287
remaining unaffiliated, will not affect or be a condition of 5288

your receiving a particular grade in or credit for a school 5289
course or class, participating in a curricular or 5290
extracurricular activity, receiving a benefit or privilege, or 5291
participating in a program or activity otherwise available to 5292
pupils enrolled in this school district's schools."; 5293

(5) Establish a method by which the voter registration 5294
application and other voter registration forms are transmitted 5295
to the board of elections within five days after being accepted 5296
by the public high school or vocational school. 5297

(H) Any person employed by the designated agency, public 5298
high school or vocational school, public library, or office of a 5299
county treasurer may be designated to assist with voter 5300
registration pursuant to this section. The designated agency, 5301
public high school or vocational school, public library, or 5302
office of a county treasurer shall provide the designated 5303
person, and make available such space as may be necessary, 5304
without charge to the county or state. 5305

(I) The secretary of state shall prepare and cause to be 5306
displayed in a prominent location in each designated agency a 5307
notice that identifies the person designated to assist with 5308
voter registration, the nature of that person's duties, and 5309
where and when that person is available for assisting in the 5310
registration of voters. 5311

A designated agency may furnish additional supplies and 5312
services to disseminate information to increase public awareness 5313
of the existence of a person designated to assist with voter 5314
registration in every designated agency. 5315

(J) This section does not limit any authority a board of 5316
education, superintendent, or principal has to allow, sponsor, 5317

or promote voluntary election registration programs within a 5318
high school or vocational school, including programs in which 5319
pupils serve as persons designated to assist with voter 5320
registration, provided that no pupil is required to participate. 5321

(K) Each public library and office of the county treasurer 5322
shall establish a method by which voter registration forms are 5323
transmitted to the board of elections within five days after 5324
being accepted by the public library or office of the county 5325
treasurer. 5326

(L) The department of job and family services and its 5327
departments, divisions, and programs shall limit administration 5328
of the aspects of the voter registration program for the 5329
department to the requirements prescribed by the secretary of 5330
state and the requirements of this section and the National 5331
Voter Registration Act of 1993. 5332

Sec. 3503.11. When any person applies for a driver's 5333
license, commercial driver's license, a state of Ohio 5334
identification card issued under section 4507.50 of the Revised 5335
Code, or motorcycle operator's license or endorsement, or the 5336
renewal or duplicate of any license or endorsement under Chapter 5337
4506. or 4507. of the Revised Code, the registrar of motor 5338
vehicles or deputy registrar shall offer the applicant the 5339
opportunity to register to vote or to update the applicant's 5340
voter registration. The registrar of motor vehicles or deputy 5341
registrar also shall make available to all other customers voter 5342
registration applications and change of residence ~~and~~, change of 5343
name, and change of political party affiliation forms, but is 5344
not required to offer assistance to these customers in 5345
completing a voter registration application or other form. 5346

The deputy registrar shall send any registration 5347

application or any change of residence~~or~~, change of name, and 5348
change of political party affiliation form that was completed 5349
and submitted in paper form to the deputy registrar to the board 5350
of elections of the county in which the office of the deputy 5351
registrar is located, within five days after accepting the 5352
application or other form. The registrar shall send any 5353
completed registration application received at the bureau of 5354
motor vehicles headquarters location and any completed change of 5355
residence~~or~~, change of name, or change of political party 5356
affiliation form processed electronically in systems or programs 5357
operated and maintained by the bureau of motor vehicles to the 5358
secretary of state within five days after accepting the 5359
application or other form. 5360

The registrar shall collect from each deputy registrar 5361
through the reports filed under division (J) of section 4503.03 5362
of the Revised Code and transmit to the secretary of state 5363
information on the number of voter registration applications and 5364
change of residence~~or~~, change of name, or change of political 5365
party affiliation forms completed or declined, and any 5366
additional information required by the secretary of state to 5367
comply with the National Voter Registration Act of 1993. No 5368
information relating to an applicant's decision to decline to 5369
register or update the applicant's voter registration at the 5370
office of the registrar or deputy registrar may be used for any 5371
purpose other than voter registration record-keeping required by 5372
the secretary of state, and all such information shall be kept 5373
confidential. 5374

The secretary of state shall prescribe voter registration 5375
applications and change of residence~~and~~, change of name, and 5376
change of political party affiliation forms for use by the 5377
bureau of motor vehicles. The bureau of motor vehicles shall 5378

supply all of its deputy registrars with a sufficient number of 5379
voter registration applications and change of residence ~~and,~~ 5380
change of name, and change of political party affiliation forms. 5381

Sec. 3503.111. (A) Each month, the secretary of state 5382
shall send the information in the statewide voter registration 5383
database to the national change of address service provided by 5384
the United States postal system through its licensees and 5385
request that service to provide the secretary of state with a 5386
list of any registered electors who have had a permanent change 5387
of residence address within the past month. The secretary of 5388
state promptly shall transmit the information concerning each 5389
elector who has had a permanent change of residence address 5390
electronically to the appropriate board of elections. 5391

(B) (1) When a board of elections receives information 5392
concerning a registered elector under division (A) of this 5393
section and determines that the elector is eligible to update 5394
the elector's registration, except as provided in division (C) 5395
of this section, the board promptly shall update the elector's 5396
registration and send the elector an acknowledgment notice under 5397
section 3503.19 of the Revised Code. The electronic record 5398
transmitted to the board under this section shall be considered 5399
the elector's voter registration form. 5400

(2) If an elector whose registration has been updated 5401
under division (B) (1) of this section declines to have the 5402
elector's registration updated, the board shall correct the 5403
elector's registration to reflect the name, address, and 5404
signature that it contained before the board updated the 5405
elector's registration under this section. 5406

(3) If a person who is not eligible to update the person's 5407
voter registration nonetheless has the person's registration 5408

updated under this section, the person shall not be considered 5409
to knowingly update or attempt to update the person's 5410
registration in violation of section 3599.11 of the Revised Code 5411
based solely on the person's failure to decline to have the 5412
person's registration updated. 5413

(C) When a board of elections receives information 5414
concerning an elector under division (A) of this section and 5415
determines that the elector has had a permanent change of 5416
residence address to a location outside this state, the board 5417
shall send the elector a confirmation notice at the address at 5418
which the elector is registered to vote in this state. The board 5419
shall not send that notice during the ninety days immediately 5420
preceding a primary or general election for federal office. 5421

(D) The secretary of state may prescribe additional 5422
procedures to identify and send confirmation notices to electors 5423
who appear to have moved or had a change of name. Any procedures 5424
to identify and send confirmation notices to electors who appear 5425
to have moved to a location outside this state shall be 5426
completed not later than ninety days before the day of any 5427
primary or general election for federal office. 5428

(E) All procedures for maintaining the statewide voter 5429
registration database implemented under this section shall be 5430
uniform and nondiscriminatory and shall comply with the Voting 5431
Rights Act of 1965, the National Voter Registration Act of 1993, 5432
and all other applicable federal laws. 5433

Sec. 3503.12. All registrations shall be carefully 5434
checked, and in case any person is found to have ~~registered~~ more 5435
~~than once~~ one registration form, the additional all registration 5436
forms other than the most recent registration form shall be 5437
canceled by the board of elections. 5438

Six weeks prior to the day of a special, primary, or 5439
general election, the board shall publish notices in one or more 5440
newspapers of general circulation advertising the places, dates, 5441
times, methods of registration, and voter qualifications for 5442
registration. 5443

The board shall ~~establish a schedule or program to assure~~ 5444
to the extent reasonably possible that, ~~on or before November 1,~~ 5445
~~1980,~~ all registration places shall be free of barriers that 5446
would impede the ingress and egress of handicapped persons. 5447
Entrances shall be level or shall be provided with a nonskid 5448
ramp of not over eight per cent gradient, and doors shall be a 5449
minimum of thirty-two inches wide. Registration places located 5450
at precinct polling places shall, however, comply with the 5451
requirements of section 3501.29 of the Revised Code for the 5452
elimination of barriers. 5453

As used in this section, "handicapped" means having lost 5454
the use of one or both legs, one or both arms, or any 5455
combination thereof, or being blind or so severely disabled as 5456
to be unable to move about without the aid of crutches or a 5457
wheelchair. 5458

Sec. 3503.13. (A) Except as otherwise provided in section 5459
111.44 of the Revised Code or by state or federal law, 5460
registration forms ~~submitted by applicants~~ and the statewide 5461
voter registration database established under section 3503.15 of 5462
the Revised Code shall be open to public inspection at all times 5463
when the office of the board of elections is open for business, 5464
under such regulations as the board adopts, provided that no 5465
person shall be permitted to inspect voter registration forms 5466
except in the presence of an employee of the board. 5467

(B) A board of elections may use a legible digitized 5468

signature list of voter signatures, copied from the signatures 5469
on the registration forms in a form and manner prescribed by the 5470
secretary of state, provided that the board includes the 5471
required voter registration information in the statewide voter 5472
registration database established under section 3503.15 of the 5473
Revised Code, and provided that the ~~precinct~~ election officials 5474
have computer printouts at the ~~polls~~ locations where ballots may 5475
be cast in person prepared in the manner required under section 5476
3503.23 of the Revised Code. 5477

Sec. 3503.14. (A) The secretary of state shall prescribe 5478
the form and content of the registration, change of residence, 5479
~~and change of name,~~ and change of political party affiliation 5480
forms used in this state. The forms shall meet the requirements 5481
of the National Voter Registration Act of 1993 and shall include 5482
spaces for all of the following: 5483

- (1) The voter's name; 5484
- (2) The voter's address; 5485
- (3) The current date; 5486
- (4) The voter's date of birth; 5487
- (5) The voter to provide one or more of the following: 5488
 - (a) The voter's driver's license number, if any; 5489
 - (b) The last four digits of the voter's social security 5490
number, if any; 5491

(c) A copy of a current and valid photo identification, a 5492
copy of a military identification, or a copy of a current 5493
utility bill, bank statement, government check, paycheck, or 5494
other government document, other than ~~a~~ an acknowledgment notice 5495
~~of voter registration~~ mailed by a board of elections under 5496

section 3503.19 of the Revised Code, that shows the voter's name 5497
and address. 5498

(6) The voter's telephone number, if the voter wishes to 5499
provide it; 5500

(7) The voter's electronic mail address, if the voter 5501
wishes to provide it; 5502

(8) The voter's signature. 5503

~~The registration form shall include a space on which the~~ 5504
~~person registering an applicant shall sign the person's name and~~ 5505
~~provide the person's address and a space on which the person~~ 5506
~~registering an applicant shall name the employer who is~~ 5507
~~employing that person to register the applicant~~ 5508

(B) The registration form shall include a list of the 5509
political parties that are recognized in this state at the time 5510
the form is printed, accompanied by boxes for the applicant to 5511
check to select a party with which the applicant wishes to be 5512
affiliated. The form also shall include a space for the 5513
applicant to write the name of a recognized political party that 5514
is not listed on the form, if the applicant wishes to be 5515
affiliated with that party, and a box for the applicant to check 5516
to indicate that the applicant does not wish to be affiliated 5517
with a political party. The form shall instruct the applicant to 5518
select or write the name of only one recognized political party 5519
and shall state that the applicant is not required to select a 5520
political party. If the applicant does not select or write the 5521
name of a recognized political party with which the applicant 5522
wishes to be affiliated, or if the applicant indicates that the 5523
applicant does not wish to be affiliated with a political party, 5524
the applicant, upon registration, shall not be affiliated with 5525

any political party. 5526

(C) Except for forms prescribed by the secretary of state 5527
under section 3503.11 of the Revised Code, the secretary of 5528
state shall permit boards of elections to produce forms that 5529
have subdivided spaces for each individual alphanumeric 5530
character of the information provided by the voter so as to 5531
accommodate the electronic reading and conversion of the voter's 5532
information to data and the subsequent electronic transfer of 5533
that data to the statewide voter registration database 5534
established under section 3503.15 of the Revised Code. 5535

~~(B) None of the following persons who are registering an 5536
applicant in the course of that official's or employee's normal 5537
duties shall sign the person's name, provide the person's 5538
address, or name the employer who is employing the person to 5539
register an applicant on a form prepared under this section. 5540~~

~~(1) An election official, 5541~~

~~(2) A county treasurer, 5542~~

~~(3) A deputy registrar of motor vehicles, 5543~~

~~(4) An employee of a designated agency, 5544~~

~~(5) An employee of a public high school, 5545~~

~~(6) An employee of a public vocational school, 5546~~

~~(7) An employee of a public library, 5547~~

~~(8) An employee of the office of a county treasurer, 5548~~

~~(9) An employee of the bureau of motor vehicles, 5549~~

~~(10) An employee of a deputy registrar of motor vehicles, 5550~~

~~(11) An employee of an election official. 5551~~

~~(C)~~ (D) Except as provided in section 3501.382 of the
Revised Code, any applicant who is unable to sign the
applicant's own name shall make an "X," if possible, which shall
be certified by the signing of the name of the applicant by the
person filling out the form, who shall add the person's own
signature. If an applicant is unable to make an "X," the
applicant shall indicate in some manner that the applicant
desires to register to vote or to change the applicant's name
~~or, residence, or political party affiliation.~~ The person
~~registering the applicant filling out the form~~ shall sign the
form and attest that the applicant indicated that the applicant
desired to register to vote or to change the applicant's name
~~or, residence, or political party affiliation.~~

~~(D) No registration, change of residence, or change of
name form shall be rejected solely on the basis that a person
registering an applicant failed to sign the person's name or
failed to name the employer who is employing that person to
register the applicant as required under division (A) of this
section.~~

(E) A voter registration application submitted online
through the internet pursuant to section 3503.20 of the Revised
Code is not required to contain a signature to be considered
valid. The signature obtained under division (B) of that section
shall be considered the applicant's signature for all election
and signature-matching purposes.

~~(F) As used in this section, "registering an applicant"
includes any effort, for compensation, to provide voter
registration forms or to assist persons in completing or
returning those forms.~~

Sec. 3503.15. (A) (1) The secretary of state shall

establish and maintain a statewide voter registration database 5582
that shall be administered by the office of the secretary of 5583
state and made continuously available to each board of elections 5584
and to other agencies as authorized by law. 5585

(2) (a) State agencies, including, but not limited to, the 5586
department of health, the bureau of motor vehicles, the 5587
department of job and family services, the department of 5588
medicaid, and the department of rehabilitation and corrections, 5589
shall provide any information and data to the secretary of state 5590
that is collected in the course of normal business and that is 5591
necessary to register to vote, to update an elector's 5592
registration, or to maintain the statewide voter registration 5593
database established pursuant to this section, except where 5594
prohibited by federal law or regulation. The department of 5595
health, the bureau of motor vehicles, the department of job and 5596
family services, the department of medicaid, and the department 5597
of rehabilitation and corrections shall provide that information 5598
and data to the secretary of state not later than the last day 5599
of each month. The secretary of state shall ensure that any 5600
information or data provided to the secretary of state that is 5601
confidential in the possession of the entity providing the data 5602
remains confidential while in the possession of the secretary of 5603
state. No public office, and no public official or employee, 5604
shall sell that information or data or use that information or 5605
data for profit. 5606

(b) Information provided under this division for 5607
maintenance of the statewide voter registration database shall 5608
not be used to update the name ~~or~~, address, or political party 5609
affiliation of a registered elector. ~~The~~ Except for cases in 5610
which an elector's registration is updated under section 5611
3503.111 of the Revised Code, the name ~~or~~, address, or political 5612

party affiliation of a registered elector shall only be updated 5613
as a result of the elector's actions in filing a notice of 5614
change of name, ~~change of address, or both~~ political party 5615
affiliation, as applicable. 5616

(c) A board of elections shall contact a registered 5617
elector pursuant to the rules adopted under division (D) (7) of 5618
this section to verify the accuracy of the information in the 5619
statewide voter registration database regarding that elector if 5620
that information does not conform with information provided 5621
under division (A) (2) (a) of this section and the discrepancy 5622
would affect the elector's eligibility to cast a regular ballot. 5623

(3) (a) The secretary of state shall enter into agreements 5624
to share information or data that is in the possession of the 5625
secretary of state with other states or groups of states, as the 5626
secretary of state considers necessary, in order to maintain the 5627
statewide voter registration database established pursuant to 5628
this section. Except as otherwise provided in division (A) (3) (b) 5629
of this section, the secretary of state shall ensure that any 5630
information or data provided to the secretary of state that is 5631
confidential in the possession of the state providing the data 5632
remains confidential while in the possession of the secretary of 5633
state. 5634

(b) The secretary of state may provide such otherwise 5635
confidential information or data to persons or organizations 5636
that are engaging in legitimate governmental purposes related to 5637
the maintenance of the statewide voter registration database. 5638
The secretary of state shall adopt rules pursuant to Chapter 5639
119. of the Revised Code identifying the persons or 5640
organizations who may receive that information or data. The 5641
secretary of state shall not share that information or data with 5642

a person or organization not identified in those rules. The 5643
secretary of state shall ensure that a person or organization 5644
that receives confidential information or data under this 5645
division keeps the information or data confidential in the 5646
person's or organization's possession by, at a minimum, entering 5647
into a confidentiality agreement with the person or 5648
organization. Any confidentiality agreement entered into under 5649
this division shall include a requirement that the person or 5650
organization submit to the jurisdiction of this state in the 5651
event that the person or organization breaches the agreement. 5652

(4) No person or entity that receives information or data 5653
under division (A) (3) of this section shall sell the information 5654
or data or use the information or data for profit. 5655

(5) The secretary of state shall regularly transmit to the 5656
boards of elections, to the extent permitted by state and 5657
federal law, the information and data the secretary of state 5658
receives under divisions (A) (2) and (3) of this section that is 5659
necessary to do the following, in order to ensure that the 5660
accuracy of the statewide voter registration database is 5661
maintained on a regular basis in accordance with applicable 5662
state and federal law: 5663

(a) Require the boards of elections to maintain the 5664
database in a manner that ensures that the name of each 5665
registered elector appears in the database, that only 5666
individuals who are not registered or eligible to vote are 5667
removed from the database, and that duplicate registrations are 5668
eliminated from the database; 5669

(b) Require the boards of elections to make a reasonable 5670
effort to remove individuals who are not eligible to vote from 5671
the database; 5672

(c) Establish safeguards to ensure that eligible electors 5673
are not removed in error from the database. 5674

(B) The statewide voter registration database established 5675
under this section shall be the official list of registered 5676
~~voters~~electors for all elections conducted in this state. 5677

(C) The statewide voter registration database established 5678
under this section shall, at a minimum, include all of the 5679
following: 5680

(1) An electronic network that connects all board of 5681
elections offices with the office of the secretary of state and 5682
with the offices of all other boards of elections; 5683

(2) A computer program that harmonizes the records 5684
contained in the database with records maintained by each board 5685
of elections; 5686

(3) An interactive computer program that allows access to 5687
the records contained in the database by each board of elections 5688
and by any persons authorized by the secretary of state to add, 5689
delete, modify, or print database records, and to conduct 5690
updates of the database; 5691

(4) A search program capable of verifying registered 5692
~~voters~~electors and their registration information by name, 5693
driver's license number, birth date, social security number, or 5694
current address; 5695

(5) Safeguards and components to ensure that the 5696
integrity, security, and confidentiality of the voter 5697
registration information is maintained; 5698

(6) Methods to retain canceled voter registration records 5699
for not less than five years after they are canceled and to 5700

record the reason for their cancellation. 5701

(D) The secretary of state shall adopt rules pursuant to 5702
Chapter 119. of the Revised Code doing all of the following: 5703

(1) Specifying the manner in which existing voter 5704
registration records maintained by boards of elections shall be 5705
converted to electronic files for inclusion in the statewide 5706
voter registration database; 5707

(2) Establishing a uniform method for entering voter 5708
registration records into the statewide voter registration 5709
database on an expedited basis, but not less than once per day, 5710
if new registration information is received; 5711

(3) Establishing a uniform method for purging canceled 5712
voter registration records from the statewide voter registration 5713
database in accordance with section 3503.21 of the Revised Code; 5714

(4) Specifying the persons authorized to add, delete, 5715
modify, or print records contained in the statewide voter 5716
registration database and to make updates of that database; 5717

(5) Establishing a process for annually auditing the 5718
information contained in the statewide voter registration 5719
database; 5720

(6) Establishing, by mutual agreement with the bureau of 5721
motor vehicles, the content and format of the information and 5722
data the bureau of motor vehicles shall provide to the secretary 5723
of state under division (A) (2) (a) of this section and the 5724
frequency with which the bureau shall provide that information 5725
and data; 5726

(7) Establishing a uniform method for addressing instances 5727
in which records contained in the statewide voter registration 5728

database do not conform with records maintained by an agency, 5729
state, or group of states described in division (A) (2) (a) or (3) 5730
(a) of this section. That method shall prohibit an elector's 5731
voter registration from being canceled on the sole basis that 5732
the information in the registration record does not conform to 5733
records maintained by such an agency. 5734

(E) A board of elections promptly shall purge ~~a voter's~~ an 5735
elector's name and voter registration information from the 5736
statewide voter registration database in accordance with the 5737
rules adopted by the secretary of state under division (D) (3) of 5738
this section after the cancellation of ~~a voter's~~ an elector's 5739
registration under section 3503.21 of the Revised Code. 5740

(F) The secretary of state shall provide training in the 5741
operation of the statewide voter registration database to each 5742
board of elections and to any persons authorized by the 5743
secretary of state to add, delete, modify, or print database 5744
records, and to conduct updates of the database. 5745

(G) (1) The statewide voter registration database 5746
established under this section shall be made available on a web 5747
site of the office of the secretary of state as follows: 5748

(a) Except as otherwise provided in division (G) (1) (b) of 5749
this section, the following information from the statewide voter 5750
registration database regarding a registered ~~voter~~ elector shall 5751
be made available on the web site: 5752

(i) The ~~voter's~~ elector's name; 5753

(ii) The ~~voter's~~ elector's address; 5754

(iii) The ~~voter's~~ elector's precinct number; 5755

(iv) The elector's political party affiliation, if any; 5756

(v) The ~~voter's~~ elector's voting history; 5757

(vi) Whether the elector is an active elector. 5758

(b) During the thirty days before the day of a primary or 5759
general election, the web site interface of the statewide voter 5760
registration database shall permit a voter to search for the 5761
~~polling location~~ locations at which that voter may cast a ballot 5762
in person, obtain mail ballots, or return voted mail ballots. 5763

(2) The secretary of state shall establish, by rule 5764
adopted under Chapter 119. of the Revised Code, a process for 5765
boards of elections to notify the secretary of state of changes 5766
in the availability or locations of precinct polling places, 5767
voter service and polling centers, ballot drop boxes, or the 5768
office of the board for the purpose of updating the information 5769
made available on the secretary of state's web site under 5770
division (G) (1) (b) of this section. Those rules shall require a 5771
board of elections, during the thirty days before the day of a 5772
primary or general election, to notify the secretary of state 5773
within one business day of any such change ~~to the location of a~~ 5774
~~precinct polling place~~ within the county. 5775

(3) During the thirty days before the day of a primary or 5776
general election, not later than one business day after 5777
receiving a notification from a county pursuant to division (G) 5778
(2) of this section ~~that the location of a precinct polling~~ 5779
~~place has changed~~, the secretary of state shall update that 5780
information on the secretary of state's web site for the purpose 5781
of division (G) (1) (b) of this section. 5782

(H) The secretary of state shall conduct an annual review 5783
of the statewide voter registration database as follows: 5784

(1) The secretary of state shall compare the information 5785

in the statewide voter registration database with the 5786
information the secretary of state obtains from the bureau of 5787
motor vehicles under division (A) (2) of this section to identify 5788
any person who does all of the following, in the following 5789
order: 5790

(a) Submits documentation to the bureau of motor vehicles 5791
that indicates that the person is not a United States citizen; 5792

(b) Registers to vote, submits a voter registration change 5793
of residence ~~or, change of name, or change of political party~~ 5794
affiliation form, or votes in this state; 5795

(c) Submits documentation to the bureau of motor vehicles 5796
that indicates that the person is not a United States citizen. 5797

(2) The secretary of state shall send a written notice to 5798
each person identified under division (H) (1) of this section, 5799
instructing the person either to confirm that the person is a 5800
United States citizen or to submit a completed voter 5801
registration cancellation form to the secretary of state. The 5802
secretary of state shall include a blank voter registration 5803
cancellation form with the notice. If the person fails to 5804
respond to the secretary of state in the manner described in 5805
division (H) (3) or (4) of this section not later than thirty 5806
days after the notice was sent, the secretary of state promptly 5807
shall send the person a second notice and form. 5808

(3) If, not later than sixty days after the first notice 5809
was sent, a person who is sent a notice under division (H) (2) of 5810
this section responds to the secretary of state, confirming that 5811
the person is a United States citizen, the secretary of state 5812
shall take no action concerning the person's voter registration. 5813

(4) If, not later than sixty days after the first notice 5814

was sent, a person who receives a notice under division (H) (2) 5815
of this section sends a completed voter registration 5816
cancellation form to the secretary of state, the secretary of 5817
state shall instruct the board of elections of the county in 5818
which the person is registered to cancel the person's 5819
registration. 5820

(5) If a person who was sent a second notice under 5821
division (H) (2) of this section fails to respond to the 5822
secretary of state in the manner described in division (H) (3) or 5823
(4) of this section not later than thirty days after the second 5824
notice was sent, the secretary of state shall refer the matter 5825
to the attorney general for further investigation and possible 5826
prosecution under section 3599.11, 3599.12, 3599.13, or any 5827
other applicable section of the Revised Code. If, after the 5828
thirtieth day after the second notice was sent, the person sends 5829
a completed voter registration cancellation form to the 5830
secretary of state, the secretary of state shall instruct the 5831
board of elections of the county in which the person is 5832
registered to cancel the person's registration and shall notify 5833
the attorney general of the cancellation. 5834

(6) The secretary of state shall not conduct the review 5835
described in division (H) of this section during the ninety days 5836
immediately preceding a primary or general election for federal 5837
office. 5838

Sec. 3503.16. (A) ~~Except as otherwise provided in division~~ 5839
~~(E) of section 111.44 of the Revised Code, whenever~~ Whenever a 5840
registered elector changes the place of residence of that 5841
registered elector from one precinct to another within a county 5842
or from one county to another, ~~or~~ has a change of name, or 5843
wishes to change the elector's political party affiliation, that 5844

registered elector shall report the change by ~~delivering a~~ 5845
~~change of residence or change of name form, whichever is~~ 5846
~~appropriate, as prescribed by the secretary of state under~~ 5847
~~section 3503.14 of the Revised Code to the state or local office~~ 5848
~~of a designated agency, a public high school or vocational~~ 5849
~~school, a public library, the office of the county treasurer,~~ 5850
~~the office of the secretary of state, any office of the~~ 5851
~~registrar or deputy registrar of motor vehicles, or any office~~ 5852
~~of a board of elections in person or by a third person. Any~~ 5853
~~voter registration, change of address, or change of name~~ 5854
~~application, returned by mail, may be sent only to the secretary~~ 5855
~~of state or the board of elections.~~ 5856

~~A registered elector also may update the registration of~~ 5857
~~that registered elector by filing a change of residence or~~ 5858
~~change of name form on the day of a special, primary, or general~~ 5859
~~election at the polling place in the precinct in which that~~ 5860
~~registered elector resides or at the board of elections or at~~ 5861
~~another site designated by the board~~ one of the methods 5862
described in section 3503.19 of the Revised Code. 5863

(B) (1) (a) Any registered elector who moves within a 5864
precinct on or prior to the day of a general, primary, or 5865
special election and has not ~~filed a notice of~~ reported the 5866
~~change of residence with the board of elections in accordance~~ 5867
with section 3503.19 of the Revised Code, and any registered 5868
elector who wishes to change the elector's political party 5869
affiliation on or prior to the day of a primary election and has 5870
not reported the change of political party affiliation in 5871
accordance with that section, may vote in that election by going 5872
to that registered elector's assigned precinct polling place, a 5873
voter service and polling center, or the office of the board of 5874
elections, completing and signing a notice of change of 5875

residence or change of political party affiliation, as 5876
applicable, and casting a regular ballot in person or by 5877
submitting a signed notice of change of residence, showing 5878
identification in the form of a current and valid photo 5879
identification, a military identification, or a copy of a 5880
current utility bill, bank statement, government check, 5881
paycheck, or other government document, other than a notice of 5882
voter registration mailed by a board of elections under section 5883
3503.19 of the Revised Code, that shows the name and current 5884
address of the elector, or change of political party 5885
affiliation, as applicable, with the elector's application for 5886
mail ballots under section 3509.03 of the Revised Code and 5887
casting a ballot mail ballots. 5888

(b) Any (i) Except as otherwise provided in division (B) 5889
(1) (b) (ii) of this section, any registered elector who changes 5890
the name of that registered elector and remains within a 5891
precinct on or prior to the day of a general, primary, or 5892
special election and has not filed a notice of reported the 5893
change of name with the board of elections in accordance with 5894
section 3503.19 of the Revised Code may vote in that election by 5895
going to that registered elector's assigned precinct polling 5896
place, a voter service and polling center, or the office of the 5897
board of elections, completing and signing a notice of a change 5898
of name, and casting a provisional ballot under section 3505.181 5899
of the Revised Code. If the registered 5900

(ii) An elector described in division (B) (1) (b) (i) of this 5901
section may cast a regular ballot in person if the elector 5902
provides to the precinct election officials a signed notice of 5903
change of name and proof of a legal name change, such as a 5904
marriage license or court order that includes the elector's 5905
current and prior names. Such an elector may cast a regular mail 5906

ballot if the elector submits a signed notice of change of name 5907
and proof of a legal name change, such as a marriage license or 5908
court order that includes the elector's current and prior names, 5909
~~the elector may complete and sign a notice of change of name and~~ 5910
~~cast a regular ballot~~with the elector's application for mail 5911
ballots under section 3509.03 of the Revised Code. 5912

(2) Any registered elector who moves from one precinct to 5913
another within a county or moves from one precinct to another 5914
and changes the name of that registered elector on or prior to 5915
the day of a general, primary, or special election and has not 5916
~~filed a notice of~~reported the change of residence or change of 5917
name, whichever is appropriate, in accordance with the board of 5918
~~elections~~section 3503.19 of the Revised Code may vote in that 5919
election if that registered elector complies with division ~~(G)~~ 5920
(E) of this section or does all of the following: 5921

(a) Appears at ~~anytime during regular business hours on or~~ 5922
~~after the twenty eighth day prior to the election in which that~~ 5923
~~registered elector wishes to vote or, if the election is held on~~ 5924
~~the day of a presidential primary election, the twenty fifth day~~ 5925
~~prior to the election, through noon of the Saturday prior to the~~ 5926
~~election at the office of the board of elections, appears at any~~ 5927
~~time during regular business hours on the Monday prior to the~~ 5928
~~election at the office of the board of elections, or appears on~~ 5929
~~the day of the election at either of the following locations:~~ 5930

~~(i) The polling place for the precinct in which that~~ 5931
~~registered elector resides;~~ 5932

~~(ii) The office of the board of elections or, if pursuant~~ 5933
~~to division (C) of section 3501.10 of the Revised Code the board~~ 5934
~~has designated another location in the county at which~~ 5935
~~registered electors may vote, at that other location instead of~~ 5936

~~the office of the board of elections. the precinct polling place~~ 5937
~~for the precinct in which the elector resides, a voter service~~ 5938
~~and polling center, or the office of the board of elections;~~ 5939

(b) Completes and signs, under penalty of election 5940
falsification, the written affirmation on the provisional ballot 5941
envelope, which shall serve as a notice of change of residence 5942
or change of name, whichever is appropriate; 5943

(c) Votes a provisional ballot under section 3505.181 of 5944
the Revised Code ~~at the polling place, at the office of the~~ 5945
~~board of elections, or, if pursuant to division (C) of section~~ 5946
~~3501.10 of the Revised Code the board has designated another~~ 5947
~~location in the county at which registered electors may vote, at~~ 5948
~~that other location instead of the office of the board of~~ 5949
~~elections, whichever is appropriate,~~ using the address to which 5950
that registered elector has moved or the name of that registered 5951
elector as changed, whichever is appropriate; 5952

~~(d) Completes and signs, under penalty of election~~ 5953
~~falsification, a statement attesting that that registered~~ 5954
~~elector moved or had a change of name, whichever is appropriate,~~ 5955
~~on or prior to the day of the election, has voted a provisional~~ 5956
~~ballot at the polling place for the precinct in which that~~ 5957
~~registered elector resides, at the office of the board of~~ 5958
~~elections, or, if pursuant to division (C) of section 3501.10 of~~ 5959
~~the Revised Code the board has designated another location in~~ 5960
~~the county at which registered electors may vote, at that other~~ 5961
~~location instead of the office of the board of elections,~~ 5962
~~whichever is appropriate, and will not vote or attempt to vote~~ 5963
~~at any other location for that particular election.~~ 5964

(C) Any registered elector who moves from one county to 5965
another county within the state on or prior to the day of a 5966

general, primary, or special election and has not ~~registered to~~ 5967
~~vote in the county to which that registered elector moved~~ 5968
reported the change of residence in accordance with section 5969
3503.19 of the Revised Code may vote in that election if that 5970
registered elector complies with division ~~(G)~~ (E) of this 5971
section or does all of the following: 5972

(1) ~~Appears at any time during regular business hours on~~ 5973
~~or after the twenty eighth day prior to the election in which~~ 5974
~~that registered elector wishes to vote or, if the election is~~ 5975
~~held on the day of a presidential primary election, the twenty~~ 5976
~~fifth day prior to the election, through noon of the Saturday~~ 5977
~~prior to the election at the office of the board of elections~~ 5978
~~or, if pursuant to division (C) of section 3501.10 of the~~ 5979
~~Revised Code the board has designated another location in the~~ 5980
~~county at which registered electors may vote, at that other~~ 5981
~~location instead of the office of the board of elections,~~ 5982
~~appears during regular business hours on the Monday prior to the~~ 5983
~~election at the office of the board of elections or, if pursuant~~ 5984
~~to division (C) of section 3501.10 of the Revised Code the board~~ 5985
~~has designated another location in the county at which~~ 5986
~~registered electors may vote, at that other location instead of~~ 5987
~~the office of the board of elections, or appears on the day of~~ 5988
~~the election at the office of the board of elections or, if~~ 5989
~~pursuant to division (C) of section 3501.10 of the Revised Code~~ 5990
~~the board has designated another location in the county at which~~ 5991
~~registered electors may vote, at that other location instead of~~ 5992
a voter service and polling center or the office of the board of 5993
elections; 5994

(2) Completes and signs, under penalty of election 5995
falsification, the written affirmation on the provisional ballot 5996
envelope, which shall serve as a notice of change of residence; 5997

(3) Votes a provisional ballot under section 3505.181 of 5998
the Revised Code ~~at the office of the board of elections or, if~~ 5999
~~pursuant to division (C) of section 3501.10 of the Revised Code~~ 6000
~~the board has designated another location in the county at which~~ 6001
~~registered electors may vote, at that other location instead of~~ 6002
~~the office of the board of elections, using the address to which~~ 6003
~~that registered elector has moved.~~ 6004

~~(4) Completes and signs, under penalty of election~~ 6005
~~falsification, a statement attesting that that registered~~ 6006
~~elector has moved from one county to another county within the~~ 6007
~~state on or prior to the day of the election, has voted at the~~ 6008
~~office of the board of elections or, if pursuant to division (C)~~ 6009
~~of section 3501.10 of the Revised Code the board has designated~~ 6010
~~another location in the county at which registered electors may~~ 6011
~~vote, at that other location instead of the office of the board~~ 6012
~~of elections, and will not vote or attempt to vote at any other~~ 6013
~~location for that particular election.~~ 6014

(D) ~~A person who votes by absent voter's ballots pursuant~~ 6015
~~to division (G) of this section shall not make written~~ 6016
~~application for the ballots pursuant to Chapter 3509. of the~~ 6017
~~Revised Code. Ballots cast pursuant to division (G) (E) of this~~ 6018
section shall be set aside in a special envelope and counted 6019
during the official canvass of votes in the manner provided for 6020
in sections 3505.32 and 3509.06 of the Revised Code insofar as 6021
that manner is applicable. ~~The board shall examine the pollbooks~~ 6022
~~to verify that no ballot was cast at the polls or by absent~~ 6023
~~voter's ballots under Chapter 3509. or 3511. of the Revised Code~~ 6024
~~by an elector who has voted by absent voter's ballots pursuant~~ 6025
~~to division (G) of this section. Any ballot determined to be~~ 6026
~~insufficient for any of the reasons stated above or stated in~~ 6027
~~section 3509.07 of the Revised Code shall not be counted.~~ 6028

~~Subject to division (C) of section 3501.10 of the Revised Code, a board of elections may lease or otherwise acquire a site different from the office of the board at which registered electors may vote pursuant to division (B) or (C) of this section.~~ 6029 6030 6031 6032 6033

~~(E) Upon receiving a notice of change of residence or change of name, the board of elections shall immediately send the registrant an acknowledgment notice. If the change of residence or change of name notice is valid, the board shall update the voter's registration as appropriate. If that form is incomplete, the board shall inform the registrant in the acknowledgment notice specified in this division of the information necessary to complete or update that registrant's registration.~~ 6034 6035 6036 6037 6038 6039 6040 6041 6042

~~(F) Change of residence and change of name forms shall be available at each polling place, and when these forms are completed, noting changes of residence or name, as appropriate, they shall be filed with election officials at the polling place. Election officials shall return completed forms, together with the pollbooks and tally sheets, to the board of elections.~~ 6043 6044 6045 6046 6047 6048

~~The board of elections shall provide change of residence and change of name forms to the probate court and court of common pleas. The court shall provide the forms to any person eighteen years of age or older who has a change of name by order of the court or who applies for a marriage license. The court shall forward all completed forms to the board of elections within five days after receiving them.~~ 6049 6050 6051 6052 6053 6054 6055

~~(G) A registered elector who otherwise would qualify to vote under division (B) or (C) of this section but is unable to appear at the office of the board of elections or, if pursuant~~ 6056 6057 6058

~~to division (C) of section 3501.10 of the Revised Code the board~~ 6059
~~has designated another location in the county at which~~ 6060
~~registered electors may vote, at that other location, cast~~ 6061
~~ballots in person~~ on account of personal illness, physical 6062
disability, or infirmity, may apply to the board of elections to 6063
~~vote on the day of the election if that registered elector does~~ 6064
~~all of the following:~~ 6065

~~(1) Makes a written application that includes all of the~~ 6066
~~information required by mail ballots under section 3509.03 or~~ 6067
~~3509.08 of the Revised Code to the appropriate board for an~~ 6068
~~absent voter's ballot on or after the twenty-seventh day prior~~ 6069
~~to the election in which the registered elector wishes to vote~~ 6070
~~through noon of the Saturday prior to that election and requests~~ 6071
~~that the absent voter's ballot be sent to the address to which~~ 6072
~~the registered elector has moved if the registered elector has~~ 6073
~~moved, or to the address of that registered elector who has not~~ 6074
~~moved but has had a change of name;~~ 6075

~~(2) Declares that the registered elector has moved or had~~ 6076
~~a change of name, whichever is appropriate, and otherwise is~~ 6077
~~qualified to vote under the circumstances described in division~~ 6078
~~(B) or (C) of this section, whichever is appropriate, but that~~ 6079
~~the registered elector is unable to appear at the board of~~ 6080
~~elections because of personal illness, physical disability, or~~ 6081
~~infirmity;~~ 6082

~~(3) Completes and returns along with the completed absent~~ 6083
~~voter's ballot. The elector shall include with the elector's~~ 6084
~~application submitted under section 3509.03 or 3509.08 of the~~ 6085
~~Revised Code a notice of change of residence indicating the~~ 6086
address to which the registered elector has moved, or a notice 6087
of change of name, whichever is appropriate; 6088

~~(4) Completes and signs, under penalty of election~~ 6089
~~falsification, and a statement signed under penalty of election~~ 6090
~~falsification,~~ attesting that the registered elector has moved 6091
or had a change of name on or prior to the day before the 6092
election, ~~has voted~~ wishes to vote by absent voter's ballot-mail 6093
ballots because of personal illness, physical disability, or 6094
infirmity that ~~prevented~~ prevents the registered elector from 6095
~~appearing at the board of elections casting ballots in person,~~ 6096
and will not vote or attempt to vote ~~at any other location or by~~ 6097
~~absent voter's ballot mailed to any other location or address~~ 6098
another ballot for that particular election. 6099

Sec. 3503.19. (A) ~~Persons~~ (1) Except as otherwise provided 6100
in division (E) of section 111.44 of the Revised Code, persons 6101
qualified to register or to change their registration because of 6102
a change of address ~~or,~~ change of name, or change of political 6103
party affiliation may register or change their registration ~~in~~ 6104
by doing any of the following: 6105

(a) Submitting a voter registration, change of address, 6106
change of name, or change of political party affiliation form in 6107
person or through another person at any state or local office of 6108
a designated agency, at the office of the registrar or any 6109
deputy registrar of motor vehicles, at a public high school or 6110
vocational school, at a public library, at the office of a 6111
county treasurer, or at a branch office established by the board 6112
of elections, ~~or in;~~ 6113

(b) Submitting a voter registration, change of address, 6114
change of name, or change of political party affiliation form in 6115
person or through another person at a probate court or a court 6116
of common pleas. The board of elections shall provide the forms 6117
to the courts, and the courts shall provide the forms to any 6118

person eighteen years of age or older who has a change of name 6119
by order of the court or who applies for a marriage license. 6120

(c) Submitting a voter registration, change of address, 6121
change of name, or change of political party affiliation form in 6122
person, through another person, or by mail at the office of the 6123
secretary of state or at the office of a ~~any~~ board of elections. 6124
~~A registered elector may also change the elector's registration~~ 6125
~~on election day;~~ 6126

(d) Having the elector's registration updated under 6127
section 3503.111 of the Revised Code; 6128

(e) Submitting an application through the online voter 6129
registration system under section 3503.20 of the Revised Code; 6130

(f) Submitting a voter registration, change of address, 6131
change of name, or change of political party affiliation form in 6132
person to the election officials at any ~~polling place~~ location 6133
~~where the elector is eligible to vote, in the manner provided~~ 6134
~~under section 3503.16 of the Revised Code~~ ballots may be cast in 6135
person. Voter registration, change of address, change of name, 6136
and change of political party affiliation forms shall be 6137
available at each such location, and the election officials 6138
shall return all completed forms to the board of elections. 6139

(g) In the case of a person who is eligible to vote as a 6140
uniformed services voter or an overseas voter in accordance with 6141
the Uniformed and Overseas Citizens Absentee Voting Act, 6142
returning the person's completed voter registration, change of 6143
address, change of name, or change of political party 6144
affiliation form electronically to the office of the secretary 6145
of state or to the board of elections of the county in which the 6146
person's voting residence is located pursuant to section 6147

3503.191 of the Revised Code. 6148

(2) Any state or local office of a designated agency, the 6149
office of the registrar or any deputy registrar of motor 6150
vehicles, a public high school or vocational school, a public 6151
library, a probate court or court of common pleas, or the office 6152
of a county treasurer shall transmit any voter registration 6153
application or change of registration form that it receives to 6154
the board of elections of the county in which the state or local 6155
office is located, within five days after receiving the voter 6156
registration application or change of registration form. 6157

(3) An otherwise valid voter registration application that 6158
is returned to the appropriate office other than by mail must be 6159
received by a state or local office of a designated agency, the 6160
office of the registrar or any deputy registrar of motor 6161
vehicles, a public high school or vocational school, a public 6162
library, the office of a county treasurer, a probate court or 6163
court of common pleas, the office of the secretary of state, or 6164
the office of a board of elections no later than the thirtieth 6165
day preceding a primary, special, or general election for the 6166
person to qualify as an elector eligible to vote at that 6167
election. An otherwise valid registration application received 6168
after that day entitles the elector to vote at all subsequent 6169
elections. 6170

(4) Any state or local office of a designated agency, the 6171
office of the registrar or any deputy registrar of motor 6172
vehicles, a public high school or vocational school, a public 6173
library, a probate court or court of common pleas, or the office 6174
of a county treasurer shall date stamp a registration 6175
application or change of name ~~or,~~ change of address, or change 6176
of political party affiliation form it receives using a date 6177

stamp that does not disclose the identity of the state or local 6178
office that receives the registration. 6179

(5) Voter registration applications, if otherwise valid, 6180
that are returned by mail to the office of the secretary of 6181
state or to the office of a board of elections must be 6182
postmarked no later than the thirtieth day preceding a primary, 6183
special, or general election in order for the person to qualify 6184
as an elector eligible to vote at that election. If an otherwise 6185
valid voter registration application that is returned by mail 6186
does not bear a postmark or a legible postmark, the registration 6187
shall be valid for that election if received by the office of 6188
the secretary of state or the office of a board of elections no 6189
later than twenty-five days preceding any special, primary, or 6190
general election. 6191

(B) (1) Any person may apply in person, by telephone, by 6192
mail, or through another person for voter registration forms to 6193
the office of the secretary of state or the office of a board of 6194
elections. An individual who is eligible to vote as a uniformed 6195
services voter or an overseas voter in accordance with ~~42 U.S.C.~~ 6196
~~1973ff-6~~ the Uniformed and Overseas Citizens Absentee Voting Act 6197
also may apply for voter registration forms by electronic means 6198
to the office of the secretary of state or to the board of 6199
elections of the county in which the person's voting residence 6200
is located pursuant to section 3503.191 of the Revised Code. 6201

~~(2) (a) An applicant may return the applicant's completed~~ 6202
~~registration form in person or by mail to any state or local~~ 6203
~~office of a designated agency, to a public high school or~~ 6204
~~vocational school, to a public library, to the office of a~~ 6205
~~county treasurer, to the office of the secretary of state, or to~~ 6206
~~the office of a board of elections. An applicant who is eligible~~ 6207

~~to vote as a uniformed services voter or an overseas voter in~~ 6208
~~accordance with 42 U.S.C. 1973ff-6 also may return the~~ 6209
~~applicant's completed voter registration form electronically to~~ 6210
~~the office of the secretary of state or to the board of~~ 6211
~~elections of the county in which the person's voting residence~~ 6212
~~is located pursuant to section 3503.191 of the Revised Code.~~ 6213

~~(b) Subject to division (B) (2) (c) of this section, an~~ 6214
~~applicant may return the applicant's completed registration form~~ 6215
~~through another person to any board of elections or the office~~ 6216
~~of the secretary of state.~~ 6217

~~(c) A person who receives compensation for registering a~~ 6218
~~voter shall return any registration form entrusted to that~~ 6219
~~person by an applicant to any board of elections or to the~~ 6220
~~office of the secretary of state.~~ 6221

~~(d) If a board of elections or the office of the secretary~~ 6222
~~of state receives a registration form under division (B) (2) (b) -~~ 6223
~~or (c) of this section before the thirtieth day before an~~ 6224
~~election, the board or the office of the secretary of state, as~~ 6225
~~applicable, shall forward the registration to the board of~~ 6226
~~elections of the county in which the applicant is seeking to~~ 6227
~~register to vote within ten-eight days after receiving the~~ 6228
~~application. If a board of elections or the office of the~~ 6229
~~secretary of state receives a registration form under division~~ 6230
~~(B) (2) (b) or (c) of this section on or after the thirtieth day~~ 6231
~~before an election, the board or the office of the secretary of~~ 6232
~~state, as applicable, shall forward the registration to the~~ 6233
~~board of elections of the county in which the applicant is~~ 6234
~~seeking to register to vote within thirty days after that~~ 6235
~~election.~~ 6236

(C) (1) (a) A board of elections that receives a voter 6237

registration-application, change of address, change of name, or 6238
change of political party affiliation form and is satisfied as 6239
to the truth of the statements made in the ~~registration~~-form 6240
shall register the ~~applicant~~-person or update the person's 6241
registration, as applicable, not later than twenty business days 6242
after receiving the application, unless that application is 6243
received during the thirty days immediately preceding the day of 6244
an election. The board shall promptly ~~notify~~-send the applicant- 6245
~~in writing of each elector an acknowledgment notice that~~ 6246
includes all of the following: 6247

~~(a)~~-(i) The applicant's registration fact that the elector 6248
has been registered to vote or had the elector's registration 6249
updated, as applicable; 6250

~~(b)~~-(ii) The political party, if any, with which the 6251
elector is registered as affiliated; 6252

(iii) The precinct in which the applicant is to vote 6253
elector resides; 6254

~~(c)~~-(iv) In bold type as follows: 6255

"Voters must ~~bring~~-provide identification ~~to the polls~~ 6256
when voting in person in order to verify identity. 6257
Identification may include a current and valid photo 6258
identification, a military identification, or a copy of a 6259
current utility bill, bank statement, government check, 6260
paycheck, or other government document, other than this 6261
notification, that shows the voter's name and current address. 6262
Voters who do not have or cannot provide one of these documents 6263
will still be able to vote in person by casting a provisional 6264
ballot or to vote by mail. ~~Voters who do not have any of the~~ 6265
~~above forms of identification, including a social security~~ 6266

~~number, will still be able to vote by signing an affirmation- 6267~~
~~swearing to the voter's identity under penalty of election 6268~~
~~falsification and by casting a provisional ballot." 6269~~

(v) If the elector had the elector's registration updated 6270
under section 3503.111 of the Revised Code, the process to 6271
decline the update or to submit corrected registration 6272
information by signing and returning the notice to the secretary 6273
of state or the board of elections and a statement that if the 6274
elector declines to have the elector's registration updated, 6275
that fact will remain confidential and will only be used for 6276
voter registration purposes. 6277

(b) The notification-acknowledgment notice shall be sent 6278
by nonforwardable mail. If the mail is returned to the board, it 6279
shall investigate and cause the ~~notification-acknowledgment~~ 6280
notice to be delivered to the correct address. 6281

(c) If the board of elections receives a voter 6282
registration, change of address, change of name, or change of 6283
political party affiliation form that is incomplete, the board 6284
shall send the person an acknowledgment notice informing the 6285
person of the information necessary to complete or update the 6286
person's registration. 6287

(2) If, after investigating as required under division (C) 6288
(1) (b) of this section, the board is unable to verify the 6289
~~voter's-elector's~~ correct address, it shall cause the ~~voter's-~~ 6290
elector's name in the official registration list and in the poll 6291
list or signature pollbook to be marked to indicate that the 6292
~~voter's notification-elector's~~ acknowledgment notice was 6293
returned to the board. 6294

At the first election at which a ~~voter~~ an elector whose 6295

name has been so marked ~~appears~~ offers to vote, the ~~voter~~ 6296
elector shall be required to ~~provide identification to the~~ 6297
~~election officials and to vote by provisional ballot under~~ 6298
section 3505.181 of the Revised Code. If the provisional ballot 6299
is counted pursuant to ~~division (B) (3) of~~ section 3505.183 of 6300
the Revised Code, the board shall correct that ~~voter's~~ elector's 6301
registration, if needed, and shall remove the indication that 6302
the ~~voter's notification~~ elector's acknowledgment notice was 6303
returned from that ~~voter's~~ elector's name on the official 6304
registration list and on the poll list or signature pollbook. If 6305
the provisional ballot is not counted pursuant to division (B) 6306
(4) (a) (i), ~~(v), or (vi)~~ of section 3505.183 of the Revised Code, 6307
the ~~voter's~~ elector's registration shall be canceled. The board 6308
shall notify the voter by United States mail of the 6309
cancellation. 6310

(3) If ~~a~~ an acknowledgment notice of the disposition of 6311
concerning an otherwise valid registration application is sent 6312
by nonforwardable mail and is returned undelivered, the person 6313
shall be registered as provided in division (C) (2) of this 6314
section and sent a confirmation notice ~~by forwardable mail. If~~ 6315
~~the person fails to respond to the confirmation notice, update~~ 6316
~~the person's registration, or vote by provisional ballot as~~ 6317
~~provided in division (C) (2) of this section in any election~~ 6318
~~during the period of two federal elections subsequent to the~~ 6319
~~mailing of the confirmation notice, the person's registration~~ 6320
~~shall be canceled.~~ 6321

Sec. 3503.20. (A) The secretary of state shall establish a 6322
secure online voter registration system. The system shall 6323
provide for all of the following: 6324

(1) An applicant to submit a voter registration 6325

application to the secretary of state online through the 6326
internet; 6327

(2) The online applicant to be registered to vote, if all 6328
of the following apply: 6329

(a) The application contains all of the following 6330
information: 6331

(i) The applicant's name; 6332

(ii) The applicant's address; 6333

(iii) The applicant's date of birth; 6334

(iv) The last four digits of the applicant's social 6335
security number; 6336

(v) The applicant's Ohio driver's license number or the 6337
number of the applicant's state identification card issued under 6338
section 4507.50 of the Revised Code. 6339

(b) The applicant's name, address, and date of birth, the 6340
last four digits of the applicant's social security number, and 6341
the applicant's Ohio driver's license number or the number of 6342
the applicant's state identification card as they are provided 6343
in the application are not inconsistent with the information on 6344
file with the bureau of motor vehicles; 6345

(c) The applicant is a United States citizen, will have 6346
lived in this state for thirty days immediately preceding the 6347
next election, will be at least eighteen years of age on or 6348
before the day of the next general election, and is otherwise 6349
eligible to register to vote; 6350

(d) The applicant attests to the truth and accuracy of the 6351
information submitted in the online application under penalty of 6352

election falsification.

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(3) The application shall include spaces for the applicant
to provide the applicant's telephone number and electronic mail
address, if the applicant wishes to do so.

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(4) The application shall include a list of the political
parties that are currently recognized in this state and allow
the applicant to select not more than one party with which the
applicant wishes to be affiliated. The application also shall
include a means by which the applicant may indicate that the
applicant does not wish to be affiliated with a political party.
The application shall state that the applicant is not required
to select a political party. If the applicant does not select a
political party, or if the applicant indicates that the
applicant does not wish to be affiliated with a political party,
the applicant, upon registration, shall not be affiliated with
any political party.

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(B) If an individual registers to vote or a registered
elector updates the elector's name, address, or ~~both~~ political
party affiliation under this section, the secretary of state
shall obtain an electronic copy of the applicant's or elector's
signature that is on file with the bureau of motor vehicles.
That electronic signature shall be used as the applicant's or
elector's signature on voter registration records, for all
election and signature-matching purposes.

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(C) The secretary of state shall employ whatever security
measures the secretary of state considers necessary to ensure
the integrity and accuracy of voter registration information
submitted electronically pursuant to this section. Errors in
processing voter registration applications in the online system
shall not prevent an applicant from becoming registered or from

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voting. 6383

(D) The online voter registration application established 6384
under division (A) of this section shall include the following 6385
language: 6386

"By clicking the box below, I affirm all of the following 6387
under penalty of election falsification, which is a felony of 6388
the fifth degree: 6389

(1) I am the person whose name and identifying information 6390
is provided on this form, and I desire to register to vote, or 6391
update my voter registration, in the State of Ohio. 6392

(2) All of the information I have provided on this form is 6393
true and correct as of the date I am submitting this form. 6394

(3) I am a United States citizen. 6395

(4) I will have lived in Ohio for thirty days immediately 6396
preceding the next election. 6397

(5) I will be at least eighteen years of age on or before 6398
the day of the next general election. 6399

(6) I authorize the Bureau of Motor Vehicles to transmit 6400
to the Ohio Secretary of State my signature that is on file with 6401
the Bureau of Motor Vehicles, and I understand and agree that 6402
the signature transmitted by the Bureau of Motor Vehicles will 6403
be used by the Secretary of State to validate this electronic 6404
voter registration application as if I had signed this form 6405
personally." 6406

In order to register to vote or update a voter 6407
registration under division (A) of this section, an applicant or 6408
elector shall be required to mark the box in the online voter 6409
registration application that appears in conjunction with the 6410

previous statement.

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~~(E) The online voter registration process established~~
~~under division (A) of this section shall be in operation and~~
~~available for use by individuals who wish to register to vote or~~
~~update their voter registration information online not earlier~~
~~than January 1, 2017.~~ During the period beginning on the first
day after the close of voter registration before an election and
ending on the day of the election, the online voter registration
system shall display a notice indicating that the applicant will
not be registered to vote for the purposes of that election.

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(F) Notwithstanding section 1.50 of the Revised Code, if
any provision of this section or of division (E) of section
3503.14 of the Revised Code is held invalid, or if the
application of any provision of this section or of that division
to any person or circumstance is held invalid, then this section
and that division cease to operate.

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Sec. 3503.21. (A) The registration of a registered elector
shall be canceled upon the occurrence of any of the following:

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(1) The filing by a registered elector of a written
request with a board of elections or the secretary of state, on
a form prescribed by the secretary of state and signed by the
elector, that the registration be canceled. The filing of such a
request does not prohibit an otherwise qualified elector from
reregistering to vote at any time.

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(2) The filing of a notice of the death of a registered
elector as provided in section 3503.18 of the Revised Code;

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(3) The filing with the board of elections of a certified
copy of the death certificate of a registered elector by the
deceased elector's spouse, parent, or child, by the

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administrator of the deceased elector's estate, or by the 6440
executor of the deceased elector's will; 6441

(4) The conviction of the registered elector of a felony 6442
under the laws of this state, any other state, or the United 6443
States as provided in section 2961.01 of the Revised Code; 6444

(5) The adjudication of incompetency of the registered 6445
elector for the purpose of voting as provided in section 6446
5122.301 of the Revised Code; 6447

(6) The change of residence of the registered elector to a 6448
location outside the county of registration, in accordance with 6449
~~division (B) of this section 3503.33 of the Revised Code;~~ 6450

(7) (a) The failure of the registered elector, after having 6451
been mailed a confirmation notice, to do ~~either one or more of~~ 6452
the following at least once during a period of four consecutive 6453
years, which period shall include two federal general elections: 6454

~~(a) (i) Respond to such a confirmation notice and vote at~~ 6455
~~least once during a period of four consecutive years, which~~ 6456
~~period shall include two general federal elections;~~ 6457

~~(b) (ii) Update the elector's registration and vote at~~ 6458
~~least once during a period of four consecutive years, which~~ 6459
~~period shall include two general federal elections;~~ 6460

(iii) Have the elector's registration updated under 6461
section 3503.111 of the Revised Code; 6462

(iv) Vote in an election. 6463

(b) The registration of a registered elector described in 6464
division (A) (7) (a) of this section shall be canceled not later 6465
than one hundred twenty days after the date of the second 6466
federal general election occurring after the elector is mailed a 6467

confirmation notice or not later than one hundred twenty days 6468
after the expiration of the four-year period described in that 6469
division, whichever is later, provided that the registration 6470
shall not be canceled during the ninety days immediately 6471
preceding a federal primary or general election. 6472

(8) The receipt by the board of elections of a 6473
cancellation notice or request pursuant to section 111.44 of the 6474
Revised Code. 6475

~~(B)(1) The secretary of state shall prescribe procedures~~ 6476
~~to identify and cancel the registration in a prior county of~~ 6477
~~residence of any registrant who changes the registrant's voting~~ 6478
~~residence to a location outside the registrant's current county~~ 6479
~~of registration. Any procedures prescribed in this division~~ 6480
~~shall be uniform and nondiscriminatory, and shall comply with~~ 6481
~~the Voting Rights Act of 1965. The secretary of state may~~ 6482
~~prescribe procedures under this division that include the use of~~ 6483
~~the national change of address service provided by the United~~ 6484
~~States postal system through its licensees. Any program so~~ 6485
~~prescribed shall be completed not later than ninety days prior~~ 6486
~~to the date of any primary or general election for federal~~ 6487
~~office.~~ 6488

~~(2) The registration of any elector identified as having~~ 6489
~~changed the elector's voting residence to a location outside the~~ 6490
~~elector's current county of registration shall not be canceled~~ 6491
~~unless the registrant is sent a confirmation notice on a form~~ 6492
~~prescribed by the secretary of state and the registrant fails to~~ 6493
~~respond to the confirmation notice or otherwise update the~~ 6494
~~registration and fails to vote in any election during the period~~ 6495
~~of two federal elections subsequent to the mailing of the~~ 6496
~~confirmation notice.~~ 6497

~~(C)~~ The registration of a registered elector shall not be 6498
canceled except as provided in this section, section 111.44 of 6499
the Revised Code, division (Q) of section 3501.05 of the Revised 6500
Code, division (C) (2) of section 3503.19 of the Revised Code, or 6501
division (C) of section 3503.24 of the Revised Code. 6502

~~(D) Boards of elections shall send their voter-~~ 6503
~~registration information to the secretary of state as required-~~ 6504
~~under section 3503.15 of the Revised Code. The secretary of-~~ 6505
~~state may prescribe by rule adopted pursuant to section 111.15-~~ 6506
~~of the Revised Code the format in which the boards of elections-~~ 6507
~~must send that information to the secretary of state. In the~~ 6508
~~first quarter of each year, the secretary of state shall send-~~ 6509
~~the information to the national change of address service-~~ 6510
~~described in division (B) of this section and request that-~~ 6511
~~service to provide the secretary of state with a list of any-~~ 6512
~~voters sent by the secretary of state who have moved within the-~~ 6513
~~last twelve months. The secretary of state shall transmit to-~~ 6514
~~each appropriate board of elections whatever lists the secretary-~~ 6515
~~of state receives from that service. The board shall send a-~~ 6516
~~notice to each person on the list transmitted by the secretary-~~ 6517
~~of state requesting confirmation of the person's change of-~~ 6518
~~address, together with a postage prepaid, preaddressed return-~~ 6519
~~envelope containing a form on which the voter may verify or-~~ 6520
~~correct the change of address information.~~ 6521

~~(E) The registration of a registered elector described in~~ 6522
~~division (A) (7) or (B) (2) of this section shall be canceled not-~~ 6523
~~later than one hundred twenty days after the date of the second-~~ 6524
~~general federal election in which the elector fails to vote or-~~ 6525
~~not later than one hundred twenty days after the expiration of-~~ 6526
~~the four year period in which the elector fails to vote or-~~ 6527
~~respond to a confirmation notice, whichever is later.~~ 6528

~~(F) (1)~~ (C) (1) When a registration is canceled pursuant to 6529
division (A) (2) or (3) of this section, the applicable board of 6530
elections shall send a written notice, on a form prescribed by 6531
the secretary of state, to the address at which the elector was 6532
registered, informing the recipient that the elector's 6533
registration has been canceled, of the reason for the 6534
cancellation, and that if the cancellation was made in error, 6535
the elector may contact the board of elections to correct the 6536
error. 6537

(2) If the elector's registration is canceled pursuant to 6538
division (A) (2) or (3) of this section in error, it shall be 6539
restored and treated as though it were never canceled. 6540

Sec. 3503.23. (A) Fourteen days before an election, the 6541
board of elections shall cause to be prepared from the statewide 6542
voter registration database established under section 3503.15 of 6543
the Revised Code a complete and official registration list for 6544
each precinct, containing the names, addresses, and political 6545
party ~~whose ballot the elector voted in the most recent primary~~ 6546
~~election within the current year and the immediately preceding~~ 6547
~~two calendar years,~~ affiliations of all qualified registered 6548
~~voters~~ electors in the precinct, except as otherwise provided in 6549
section 111.44 of the Revised Code. ~~All~~ 6550

An elector's political party affiliation shall be 6551
determined based on the elector's registration form or most 6552
recent change of political party affiliation form. If the 6553
elector was registered before the effective date of this 6554
amendment, the elector's registration form shall be considered 6555
to indicate an affiliation with the political party whose ballot 6556
the elector voted at the most recent primary election within the 6557
year of that effective date and the immediately preceding two 6558

calendar years.

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All the names, insofar as practicable, shall be arranged
in alphabetical order. The lists may be prepared either in sheet
form on one side of the paper or in electronic form, at the
discretion of the board. Each precinct list shall be headed
"Register of Voters," and under the heading shall be indicated
the district or ward and precinct.

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Appended to each precinct list shall be attached the names
of the members of the board and the name of the director. A
sufficient number of such lists shall be provided for
distribution to the candidates, political parties, or organized
groups that apply for them. The board shall have each precinct
list available at the board for viewing by the public during
normal business hours. The board shall ensure that, by the
opening of ~~the polls~~ a location where ballots may be cast in
person on the a given day of a general or primary election, each
~~precinct the location~~ has a paper copy of the registration list
~~of voters in that precinct who are eligible to cast ballots at~~
that location.

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(B) ~~On the day of~~ During the time that ballots may be cast
for a general or primary election, precinct the election
officials shall do both of the following:

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(1) ~~By the time the polls open, conspicuously~~
Conspicuously post and display at the polling place each
location where ballots may be cast in person one copy of the
registration list of voters ~~in that precinct who are eligible to~~
cast ballots at that location in an area of the polling place
location that is easily accessible;

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(2) ~~At 11 a.m. and 4 p.m. place~~ Place a mark, on the

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~~official registration list posted at the polling place,~~ before 6588
the name of those registered voters who have voted. 6589

(C) Notwithstanding division (B) of section 3501.35 of the 6590
Revised Code, any person may enter ~~the polling place~~ a location 6591
where ballots may be cast in person for the sole purpose of 6592
reviewing the official registration list posted in accordance 6593
with division (B) of this section, provided that the person does 6594
not engage in conduct that would constitute harassment in 6595
violation of the election law, as defined in section 3501.90 of 6596
the Revised Code. 6597

Sec. 3503.24. (A) Application for the correction of any 6598
precinct registration list or a challenge of the right to vote 6599
of any registered elector may be made by any qualified elector 6600
at the office of the board of elections not later than the 6601
thirtieth day before the day of the election. The applications 6602
or challenges, with the reasons for the application or 6603
challenge, shall be filed with the board in person or by mail on 6604
a form prescribed by the secretary of state. The form shall 6605
include the applicant's or challenger's address and voting 6606
precinct and shall be signed under penalty of election 6607
falsification. 6608

(B) On receiving an application or challenge filed under 6609
this section, the board of elections promptly shall review the 6610
board's records. If the board is able to determine that an 6611
application or challenge should be granted or denied solely on 6612
the basis of the records maintained by the board, the board 6613
immediately shall vote to grant or deny that application or 6614
challenge. 6615

If the board is not able to determine whether an 6616
application or challenge should be granted or denied solely on 6617

the basis of the records maintained by the board, the director 6618
shall promptly set a time and date for a hearing before the 6619
board. The hearing shall be held, and the application or 6620
challenge shall be decided, no later than ten days after the 6621
board receives the application or challenge. The director shall 6622
send written notice to any elector whose right to vote is 6623
challenged and to any person whose name is alleged to have been 6624
omitted from a registration list. The notice shall inform the 6625
person of the time and date of the hearing, and of the person's 6626
right to appear and testify, call witnesses, and be represented 6627
by counsel. The notice shall be sent by first class mail no 6628
later than three days before the day of any scheduled hearing. 6629
Except as otherwise provided in division (D) of this section, 6630
the director shall also provide the person who filed the 6631
application or challenge with such written notice of the date 6632
and time of the hearing. 6633

At the request of either party or any member of the board, 6634
the board shall issue subpoenas to witnesses to appear and 6635
testify before the board at a hearing held under this section. 6636
All witnesses shall testify under oath. The board shall reach a 6637
decision on all applications and challenges immediately after 6638
hearing. 6639

(C) If the board decides that any such person is not 6640
entitled to have the person's name on the registration list, the 6641
person's name shall be removed from the list and the person's 6642
registration forms canceled. If the board decides that the name 6643
of any such person should appear on the registration list, it 6644
shall be added to the list, and the person's registration forms 6645
placed in the proper registration files. All such corrections 6646
and additions shall be made on a copy of the precinct lists, 6647
which shall constitute the poll lists, to be furnished to the 6648

~~respective precincts~~ locations where ballots may be cast in 6649
person, along with other election supplies ~~on the day preceding~~ 6650
~~the election,~~ to be used by the election officials in receiving 6651
the signatures of voters and in checking against the 6652
registration forms. 6653

(D) If an elector who is the subject of an application or 6654
challenge hearing has a confidential voter registration record, 6655
as described in section 111.44 of the Revised Code, all of the 6656
following apply: 6657

(1) If the elector's right to vote has been challenged, 6658
the person who filed the challenge shall not receive notice of 6659
the date and time of any hearing held concerning the challenge, 6660
shall not be permitted to attend the hearing, and shall not 6661
receive notice of the disposition of the challenge. 6662

(2) If the elector is the subject of an application for 6663
the correction of the precinct registration list and the elector 6664
is not the person who filed the application, the person who 6665
filed the application shall not receive notice of the date and 6666
time of any hearing held concerning the application, shall not 6667
be permitted to attend the hearing, and shall not receive notice 6668
of the disposition of the application. 6669

(3) Notwithstanding section 121.22 of the Revised Code, 6670
any hearing held concerning the application or challenge shall 6671
not be open to the public. 6672

(4) Any records created as a result of the application or 6673
challenge that include the elector's residence address or 6674
precinct shall not be open to public inspection. 6675

Sec. 3503.26. (A) All registration forms and lists, when 6676
not in official use by the registrars or ~~precinct~~ election 6677

officials, shall be in the possession of the board of elections. 6678
Names and addresses of electors may be copied from the 6679
registration lists only in the office of the board when it is 6680
open for business; but no such copying shall be permitted during 6681
the period of time commencing twenty-one days before an election 6682
and ending on the eleventh day after an election if such copying 6683
will, in the opinion of the board, interfere with the necessary 6684
work of the board. Except as provided in section 111.44 of the 6685
Revised Code, the board shall keep in convenient form and 6686
available for public inspection a correct set of the 6687
registration lists of all precincts in the county. 6688

(B) Notwithstanding division (A) of this section, and 6689
except as provided in section 111.44 of the Revised Code, the 6690
board of elections shall maintain and make available for public 6691
inspection and copying at a reasonable cost all records 6692
concerning the implementation of programs and activities 6693
conducted for the purpose of ensuring the accuracy and currency 6694
of voter registration lists, including the names and addresses 6695
of all registered electors sent confirmation notices and whether 6696
or not the elector responded to the confirmation notice. The 6697
board shall maintain all records described in this division for 6698
a period of two years. 6699

Sec. 3503.28. (A) The secretary of state shall develop an 6700
information brochure regarding voter registration. The brochure 6701
shall include, but is not limited to, all of the following 6702
information: 6703

(1) The applicable deadlines for registering to vote or 6704
for returning an applicant's completed registration form; 6705

~~(2) The applicable deadline for returning an applicant's~~ 6706
~~completed registration form if the person returning the form is~~ 6707

~~being compensated for registering voters;~~

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~~(3) The locations to which a person may return an
applicant's completed registration form;~~

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~~(4) The location to which a person who is compensated for
registering voters may return an applicant's completed
registration form;~~

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~~(5) The registration and affirmation requirements
applicable to persons who are compensated for registering voters
under section 3503.29 of the Revised Code;~~

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~~(6)~~ (3) A notice, which shall be written in bold type,
stating as follows:

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"Voters must ~~bring~~ provide identification ~~to the polls~~
when casting ballots in person in order to verify identity.
Identification may include a current and valid photo
identification, a military identification, or a copy of a
current utility bill, bank statement, government check,
paycheck, or other government document, other than a voter
registration notification sent by a board of elections, that
shows the voter's name and current address. Voters who do not
have or cannot provide one of these documents will still be able
to vote by casting a provisional ballot in person or by casting
a mail ballot. ~~Voters who do not have any of the above forms of~~
~~identification, including a social security number, will still~~
~~be able to vote by signing an affirmation swearing to the~~
~~voter's identity under penalty of election falsification and by~~
~~casting a provisional ballot."~~

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(B) Except as otherwise provided in division (D) of this
section, a board of elections, designated agency, public high
school, public vocational school, public library, office of a

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county treasurer, or deputy registrar of motor vehicles shall 6737
distribute a copy of the brochure developed under division (A) 6738
of this section to any person who requests more than two voter 6739
registration forms at one time. 6740

(C) (1) The secretary of state shall provide the 6741
information required to be included in the brochure developed 6742
under division (A) of this section to any person who prints a 6743
voter registration form that is made available on a web site of 6744
the office of the secretary of state. 6745

(2) If a board of elections operates and maintains a web 6746
site, the board shall provide the information required to be 6747
included in the brochure developed under division (A) of this 6748
section to any person who prints a voter registration form that 6749
is made available on that web site. 6750

(D) A board of elections shall not be required to 6751
distribute a copy of a brochure under division (B) of this 6752
section to any of the following officials or employees who are 6753
requesting more than two voter registration forms at one time in 6754
the course of the official's or employee's normal duties: 6755

(1) An election official; 6756

(2) A county treasurer; 6757

(3) A deputy registrar of motor vehicles; 6758

(4) An employee of a designated agency; 6759

(5) An employee of a public high school; 6760

(6) An employee of a public vocational school; 6761

(7) An employee of a public library; 6762

(8) An employee of the office of a county treasurer; 6763

(9) An employee of the bureau of motor vehicles; 6764

(10) An employee of a deputy registrar of motor vehicles; 6765

(11) An employee of an election official. 6766

~~(E) As used in this section, "registering voters" includes~~ 6767
~~any effort, for compensation, to provide voter registration~~ 6768
~~forms or to assist persons in completing or returning those~~ 6769
~~forms.~~ 6770

Sec. 3503.30. (A) When by mistake a qualified elector has 6771
caused ~~himself~~the elector to be registered in a precinct which 6772
was not ~~his~~the elector's place of residence, the board of 6773
elections, on full and satisfactory proof that such error was 6774
committed by mistake, may, on ~~his~~the elector's personal 6775
application and proof of ~~his~~the elector's true residence, 6776
correct ~~his~~the elector's registration form. The board may 6777
correct all errors occurring in the registration of electors 6778
when it finds that the errors subject to correction were not of 6779
fraudulent intent. 6780

(B) When by mistake a qualified elector has been 6781
registered under section 3503.111 of the Revised Code in a 6782
precinct that is not the elector's place of residence, the board 6783
of elections, upon application of the elector and proof of the 6784
elector's true residence, shall correct the elector's 6785
registration form. If the elector casts a provisional ballot 6786
because the elector's registration has been updated erroneously 6787
under that section, the elector's provisional ballot shall be 6788
eligible to be counted, as described in division (E) of section 6789
3505.183 of the Revised Code. 6790

Sec. 3503.33. (A) If an elector applying for registration 6791
is already registered in another state or in another county 6792

within this state, the elector shall declare this fact ~~to the~~ 6793
~~registration officer and shall sign on the registration form,~~ 6794
which shall operate as an authorization to cancel the previous 6795
~~registration on a form prescribed by the secretary of state.~~ 6796

(B) When the board of elections updates an elector's 6797
registration under section 3503.111 of the Revised Code, if the 6798
board is aware of the elector's previous residence address and 6799
that address is located in another state or in another county 6800
within this state, the board shall create a notice to cancel the 6801
previous registration for the purpose of complying with division 6802
(C) of this section. 6803

(C) The ~~director of the~~ board of elections shall mail all 6804
~~such~~ authorizations and notices described in division (A) or (B) 6805
of this section to the board of elections or comparable agency 6806
of the proper state and county. In the case of a notice 6807
described in division (B) of this section, the board shall 6808
include with the notice a copy of the elector's most recent 6809
registration form. Upon the receipt of this authorization from 6810
the forwarding county, the director of a board of elections in 6811
Ohio, upon a comparison of the elector's signature with the 6812
elector's signature as it appears on the registration files, 6813
shall remove the elector's registration from the files, and 6814
place it with the cancellation authorization in a separate file 6815
which shall be kept for a period of two calendar years. The 6816
board shall notify the elector at the present address ~~as~~ shown 6817
on the cancellation authorization or notice that ~~his~~ the 6818
elector's prior registration has been canceled. 6819

(D) If, after the cancellation of an elector's prior 6820
registration under division (C) of this section, the board of 6821
elections that sent the notice under division (B) of this 6822

section receives a declination to update the elector's 6823
registration under section 3503.111 of the Revised Code, the 6824
board shall notify the board of elections or comparable agency 6825
to which the board sent the notice under division (B) of this 6826
section to restore the elector's previous registration and treat 6827
it as though it were never canceled. 6828

Sec. 3504.01. Each citizen of the United States who, on 6829
the day of the succeeding presidential election, will be 6830
eighteen years of age or over, who has moved the citizen's 6831
residence from this state not more than ninety days prior to the 6832
day of such presidential election, who has not registered to 6833
vote in the state to which that citizen has moved that citizen's 6834
residence, and who, because of that citizen's removal from this 6835
state, is not entitled to vote for the offices of president and 6836
vice-president or for presidential and vice-presidential 6837
electors in the state of that citizen's current residence may be 6838
entitled to vote in this state, in the precinct in which that 6839
citizen's voting residence was located at the time the citizen 6840
moved from this state, for presidential and vice-presidential 6841
electors but for no other offices if the citizen meets all of 6842
the following conditions: 6843

(A) The citizen otherwise possesses the substantive 6844
qualifications to vote in this state, except the requirements of 6845
residence and registration. 6846

(B) The citizen complies with sections 3504.01 to 3504.06 6847
of the Revised Code. 6848

(C) The citizen completes ~~a certificate of intent~~ an 6849
application to vote in a presidential election under section 6850
3504.02 of the Revised Code under penalty of election 6851
falsification. 6852

Sec. 3504.02. (A) Any citizen who desires to vote in a 6853
presidential election under this chapter shall, not later than 6854
four p.m. of the thirtieth day prior to the date of the 6855
presidential election, complete ~~a certificate of intent~~ an 6856
application to vote for presidential and vice-presidential 6857
electors. The ~~certificate of intent~~ application shall be 6858
completed in duplicate on a form prescribed by the secretary of 6859
state ~~that~~ and may be obtained and filed personally in the 6860
office of the board of elections of the county in which such 6861
person last resided before removal from this state, or mailed to 6862
such board of elections. 6863

(B) Immediately following the spaces on the ~~certificate~~ 6864
application for inserting information as requested by the 6865
secretary of state, the following statement shall be printed: "I 6866
declare under penalty of election falsification that the 6867
statements herein contained are true to the best of my knowledge 6868
and belief; that I am legally qualified to vote; that I am not 6869
registered to vote in any other state; and that I have not voted 6870
in an election in any other state since removing myself from the 6871
state of Ohio. 6872

Signature of applicant 6873
6874

Date 6875
6876

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A 6877
FELONY OF THE ~~FIFTH~~ FOURTH DEGREE." 6878

(C) If the applicant has a confidential voter registration 6879
record, as described in section 111.44 of the Revised Code, the 6880
applicant may include the applicant's program participant 6881

identification number instead of the applicant's residence 6882
address or precinct in the ~~certificate of intent~~ application. 6883

Sec. 3504.04. (A) ~~Except as provided in division (B) of~~ 6884
~~this section, on or~~ Not later than the fourteenth day before the 6885
day of a presidential election day, the director of the board of 6886
elections shall send a presidential mail ballot to each former 6887
resident who has submitted a valid application under section 6888
3504.02 of the Revised Code and shall deliver to the polling 6889
~~place each location where ballots may be cast in person~~ a list 6890
of persons who have ~~filed certificates of intent to vote as~~ 6891
~~former resident voters~~ submitted valid applications under that 6892
section and who appear, from their voting ~~address~~ addresses, 6893
entitled to vote cast ballots in person at such polling place 6894
that location. ~~Those persons whose names appear on the list of~~ 6895
~~former resident voters, and who have otherwise complied with~~ 6896
~~sections 3504.01 to 3504.06 of the Revised Code, Such a person~~ 6897
shall then be entitled to vote only for presidential and vice- 6898
presidential electors ~~only~~ either by casting a presidential 6899
ballot in person at their the person's precinct polling place on 6900
~~election day or by absent voter's ballots,~~ at a voter service 6901
and polling center, or at the office of the board, or by 6902
returning a voted presidential mail ballot in accordance with 6903
section 3509.05 of the Revised Code. ~~Such voter who votes at~~ 6904
~~that voter's polling place on election day~~ If the person casts a 6905
presidential ballot in person, the person shall sign that 6906
~~voter's person's name~~ in the poll book or poll list followed by, 6907
"Former Resident's Presidential Ballot." ~~Qualified former~~ 6908
~~residents shall be entitled to cast absent voter's ballots for~~ 6909
~~presidential and vice-presidential electors.~~ 6910

(B) The list of persons described in division (A) of this 6911
section shall not include any person who has a confidential 6912

voter registration record, as described in section 111.44 of the
Revised Code. Such a person may vote for presidential and vice-
presidential electors only by casting ~~absent voter's mail~~
ballots.

Sec. 3504.05. The director of the board of elections shall
forward copies of all ~~certificates of intent applications~~
received from former residents to the secretary of state no
later than the twenty-fifth day prior to the day of the election
in which such former resident desires to vote. Upon receipt of
such ~~certificate applications~~, the secretary of state shall
immediately notify the chief elections officer of the state of
each applicant's prior residence of the fact that such applicant
has ~~declared his intention applied~~ to vote for presidential and
vice-presidential electors in this state.

Sec. 3505.01. (A) (1) Except as otherwise provided in
section 3519.08 of the Revised Code, on the seventieth day
before the day of the next general election, the secretary of
state shall certify to the board of elections of each county the
forms of the official ballots to be used at that general
election, together with the names of the candidates to be
printed on those ballots whose candidacy is to be submitted to
the electors of the entire state. On the seventieth day before a
special election to be held on the day specified by division (E)
of section 3501.01 of the Revised Code for the holding of a
primary election, designated by the general assembly for the
purpose of submitting to the voters of the state constitutional
amendments proposed by the general assembly, the secretary of
state shall certify to the board of elections of each county the
forms of the official ballots to be used at that election.

(2) The board of the most populous county in each district

comprised of more than one county but less than all of the 6943
counties of the state, in which there are candidates whose 6944
candidacies are to be submitted to the electors of that 6945
district, shall, on the seventieth day before the day of the 6946
next general election, certify to the board of each county in 6947
the district the names of those candidates to be printed on such 6948
ballots. 6949

(3) The board of a county in which the major portion of a 6950
subdivision, located in more than one county, is located shall, 6951
on the seventieth day before the day of the next general 6952
election, certify to the board of each county in which other 6953
portions of that subdivision are located the names of candidates 6954
whose candidacies are to be submitted to the electors of that 6955
subdivision, to be printed on such ballots. 6956

(B) If, subsequently to the seventieth day before and 6957
prior to the ~~tenth~~ thirtieth day before the day of a general 6958
election, a certificate is filed with the secretary of state to 6959
fill a vacancy caused by the death of a candidate, the secretary 6960
of state shall forthwith make a supplemental certification to 6961
the board of each county amending and correcting the secretary 6962
of state's original certification provided for in the first 6963
paragraph of this section. If, within that time, such a 6964
certificate is filed with the board of the most populous county 6965
in a district comprised of more than one county but less than 6966
all of the counties of the state, or with the board of a county 6967
in which the major portion of the population of a subdivision, 6968
located in more than one county, is located, the board with 6969
which the certificate is filed shall forthwith make a 6970
supplemental certification to the board of each county in the 6971
district or to the board of each county in which other portions 6972
of the subdivision are located, amending and correcting its 6973

original certification provided for in division (A) (2) or (3) of 6974
this section. If, at the time such supplemental certification is 6975
received by a board, ballots carrying the name of the deceased 6976
candidate have been printed, the board shall cause strips of 6977
paper bearing the name of the candidate certified to fill the 6978
vacancy to be printed and pasted on ~~those~~ the ballots that have 6979
not yet been sent to electors so as to cover the name of the 6980
deceased candidate, except that ~~in voting places for ballots to~~ 6981
be cast using marking devices, the board shall cause strips of 6982
paper bearing the revised list of candidates for the office, 6983
after certification of a candidate to fill the vacancy, to be 6984
printed and pasted on the ballot cards so as to cover the names 6985
of candidates shown prior to the new certification, before such 6986
ballots are delivered to electors. 6987

Sec. 3505.03. On the office type ballot shall be printed 6988
the names of all candidates for election to offices, except 6989
judicial offices, who were nominated at the most recent primary 6990
election as candidates of a political party or who were 6991
nominated in accordance with section 3513.02 of the Revised 6992
Code, and the names of all candidates for election to offices 6993
who were nominated by nominating petitions, except candidates 6994
for judicial offices, for member of the state board of 6995
education, for member of a board of education, for municipal 6996
offices, and for township offices. 6997

The face of the ballot below the stub shall be 6998
substantially in the following form: 6999

"OFFICIAL OFFICE TYPE BALLOT 7000

(A) To vote for a candidate record your vote in the manner 7001
provided next to the name of such candidate. 7002

(B) If you tear, soil, deface, or erroneously mark this 7003
ballot, return it to the ~~precinct~~-election ~~officers~~-officials 7004
or, if you cannot return it, notify the ~~precinct~~-election 7005
~~officers~~ officials, and obtain another ballot." 7006

The order in which the offices shall be listed on the 7007
ballot shall be prescribed by, and certified to each board of 7008
elections by, the secretary of state; provided that for state, 7009
district, and county offices the order from top to bottom shall 7010
be as follows: governor and lieutenant governor, attorney 7011
general, auditor of state, secretary of state, treasurer of 7012
state, United States senator, representative to congress, state 7013
senator, state representative, county commissioner, county 7014
auditor, prosecuting attorney, clerk of the court of common 7015
pleas, sheriff, county recorder, county treasurer, county 7016
engineer, and coroner. The offices of governor and lieutenant 7017
governor shall be printed on the ballot in a manner that 7018
requires a voter to cast one vote jointly for the candidates who 7019
have been nominated by the same political party or petition. 7020

The names of all candidates for an office shall be 7021
arranged in a group under the title of that office, and, except 7022
for ~~absentee-mail~~ ballots or when the number of candidates for a 7023
particular office is the same as the number of candidates to be 7024
elected for that office, shall be rotated from one precinct to 7025
another. On ~~absentee-mail~~ ballots, the names of all candidates 7026
for an office shall be arranged in a group under the title of 7027
that office and shall be so alternated that each name shall 7028
appear, insofar as may be reasonably possible, substantially an 7029
equal number of times at the beginning, at the end, and in each 7030
intermediate place, if any, of the group in which such name 7031
belongs, unless the number of candidates for a particular office 7032
is the same as the number of candidates to be elected for that 7033

office. 7034

The method of printing the ballots to meet the rotation 7035
requirement of this section shall be as follows: the least 7036
common multiple of the number of names in each of the several 7037
groups of candidates shall be used, and the number of changes 7038
made in the printer's forms in printing the ballots shall 7039
correspond with that multiple. The board of elections shall 7040
number all precincts in regular serial sequence. In the first 7041
precinct, the names of the candidates in each group shall be 7042
listed in alphabetical order. In each succeeding precinct, the 7043
name in each group that is listed first in the preceding 7044
precinct shall be listed last, and the name of each candidate 7045
shall be moved up one place. ~~In each precinct using paper~~ 7046
~~ballots, the~~ The printed ballots shall then be assembled in 7047
tablets. 7048

Under the name of each candidate nominated at a primary 7049
election, nominated by petition under section 3517.012 of the 7050
Revised Code, or certified by a party committee to fill a 7051
vacancy under section 3513.31 of the Revised Code shall be 7052
printed, in less prominent type face than that in which the 7053
candidate's name is printed, the name of the political party by 7054
which the candidate was nominated or certified. Under the name 7055
of each candidate appearing on the ballot who filed a nominating 7056
petition and requested a ballot designation as a nonparty 7057
candidate under section 3513.257 of the Revised Code shall be 7058
printed, in less prominent type face than that in which the 7059
candidate's name is printed, the designation of "nonparty 7060
candidate." Under the name of each candidate appearing on the 7061
ballot who filed a nominating petition and requested a ballot 7062
designation as an other-party candidate under section 3513.257 7063
of the Revised Code shall be printed, in less prominent type 7064

face than that in which the candidate's name is printed, the 7065
designation of "other-party candidate." No designation shall 7066
appear under the name of a candidate appearing on the ballot who 7067
filed a nominating petition and requested that no ballot 7068
designation appear under the candidate's name under section 7069
3513.257 of the Revised Code, or who filed a nominating petition 7070
and failed to request a ballot designation either as a nonparty 7071
candidate or as an other-party candidate under that section. 7072

Except as provided in this section, no words, 7073
designations, or emblems descriptive of a candidate or the 7074
candidate's political affiliation, or indicative of the method 7075
by which the candidate was nominated or certified, shall be 7076
printed under or after a candidate's name that is printed on the 7077
ballot. 7078

Sec. 3505.06. (A) On the questions and issues ballot shall 7079
be printed all questions and issues to be submitted at any one 7080
election together with the percentage of affirmative votes 7081
necessary for passage as required by law. Such ballot shall have 7082
printed across the top thereof, and below the stubs, "Official 7083
Questions and Issues Ballot." 7084

(B) (1) Questions and issues shall be grouped together on 7085
the ballot from top to bottom as provided in division (B) (1) of 7086
this section, except as otherwise provided in division (B) (2) of 7087
this section. State questions and issues shall always appear as 7088
the top group of questions and issues. In calendar year 1997, 7089
the following questions and issues shall be grouped together on 7090
the ballot, in the following order from top to bottom, after the 7091
state questions and issues: 7092

(a) County questions and issues; 7093

(b) Municipal questions and issues; 7094

(c) Township questions and issues; 7095

(d) School or other district questions and issues. 7096

In each succeeding calendar year after 1997, each group of 7097
questions and issues described in division (B)(1)(a) to (d) of 7098
this section shall be moved down one place on the ballot except 7099
that the group that was last on the ballot during the 7100
immediately preceding calendar year shall appear at the top of 7101
the ballot after the state questions and issues. The rotation 7102
shall be performed only once each calendar year, beginning with 7103
the first election held during the calendar year. The rotation 7104
of groups of questions and issues shall be performed during each 7105
calendar year as required by division (B)(1) of this section, 7106
even if no questions and issues from any one or more such groups 7107
appear on the ballot at any particular election held during that 7108
calendar year. 7109

(2) Questions and issues shall be grouped together on the 7110
ballot, from top to bottom, in the following order when it is 7111
not practicable to group them together as required by division 7112
(B)(1) of this section because of the type of voting machines 7113
used by the board of elections: state questions and issues, 7114
county questions and issues, municipal questions and issues, 7115
township questions and issues, and school or other district 7116
questions and issues. The particular order in which each of a 7117
group of state questions or issues is placed on the ballot shall 7118
be determined by, and certified to each board of elections by, 7119
the secretary of state. 7120

(3) Failure of the board of elections to rotate questions 7121
and issues as required by division (B)(1) of this section does 7122

not affect the validity of the election at which the failure 7123
occurred, and is not grounds for contesting an election under 7124
section 3515.08 of the Revised Code. 7125

(C) The particular order in which each of a group of 7126
county, municipal, township, or school district questions or 7127
issues is placed on the ballot shall be determined by the board 7128
providing the ballots. 7129

(D) The printed matter pertaining to each question or 7130
issue on the ballot shall be enclosed at the top and bottom 7131
thereof by a heavy horizontal line across the width of the 7132
ballot. Immediately below such top line shall be printed a brief 7133
title descriptive of the question or issue below it, such as 7134
"Proposed Constitutional Amendment," "Proposed Bond Issue," 7135
"Proposed Annexation of Territory," "Proposed Increase in Tax 7136
Rate," or such other brief title as will be descriptive of the 7137
question or issue to which it pertains, together with a brief 7138
statement of the percentage of affirmative votes necessary for 7139
passage, such as "A sixty-five per cent affirmative vote is 7140
necessary for passage," "A majority vote is necessary for 7141
passage," or such other brief statement as will be descriptive 7142
of the percentage of affirmative votes required. 7143

(E) The questions and issues ballot need not contain the 7144
full text of the proposal to be voted upon. A condensed text 7145
that will properly describe the question, issue, or an amendment 7146
proposed by other than the general assembly shall be used as 7147
prepared and certified by the secretary of state for state-wide 7148
questions or issues or by the board for local questions or 7149
issues. If other than a full text is used, the full text of the 7150
proposed question, issue, or amendment together with the 7151
percentage of affirmative votes necessary for passage as 7152

required by law shall be posted in each ~~polling place location~~ 7153
where ballots may be cast in person in some spot that is easily 7154
accessible to the voters. 7155

(F) Each question and issue appearing on the questions and 7156
issues ballot may be consecutively numbered. The question or 7157
issue determined to appear at the top of the ballot may be 7158
designated on the face thereof by the Arabic numeral "1" and all 7159
questions and issues placed below on the ballot shall be 7160
consecutively numbered. Such numeral shall be placed below the 7161
heavy top horizontal line enclosing such question or issue and 7162
to the left of the brief title thereof. 7163

Sec. 3505.08. (A) Ballots shall be provided by the board 7164
of elections for all general and special elections. The ballots 7165
shall be printed with black ink on No. 2 white book paper fifty 7166
pounds in weight per ream assuming such ream to consist of five 7167
hundred sheets of such paper twenty-five by thirty-eight inches 7168
in size. Each ballot shall have attached at the top two stubs, 7169
each of the width of the ballot and not less than one-half inch 7170
in length, except that, if the board of elections has an 7171
alternate method to account for the ballots that the secretary 7172
of state has authorized, each ballot may have only one stub that 7173
shall be the width of the ballot and not less than one-half inch 7174
in length. In the case of ballots with two stubs, the stubs 7175
shall be separated from the ballot and from each other by 7176
perforated lines. The top stub shall be known as Stub B and 7177
shall have printed on its face "Stub B." The other stub shall be 7178
known as Stub A and shall have printed on its face "Stub A." 7179
Each stub shall also have printed on its face "Consecutive 7180
Number _____" 7181

Each ballot of each kind of ballot provided for use in 7182

each precinct shall be numbered consecutively beginning with 7183
number 1 by printing such number upon both of the stubs attached 7184
to the ballot. On ballots bearing the names of candidates, each 7185
candidate's name shall be printed in twelve point boldface upper 7186
case type in an enclosed rectangular space, and an enclosed 7187
blank rectangular space shall be provided at the left of the 7188
candidate's name. The name of the political party of a candidate 7189
nominated at a primary election, nominated by petition under 7190
section 3517.012 of the Revised Code, or certified by a party 7191
committee shall be printed in ten point lightface upper and 7192
lower case type and shall be separated by a two point blank 7193
space. The name of each candidate shall be indented one space 7194
within the enclosed rectangular space, and the name of the 7195
political party shall be indented two spaces within the enclosed 7196
rectangular space. 7197

The title of each office on the ballots shall be printed 7198
in twelve point boldface upper and lower case type in a separate 7199
enclosed rectangular space. A four point rule shall separate the 7200
name of a candidate or a group of candidates for the same office 7201
from the title of the office next appearing below on the ballot; 7202
a two point rule shall separate the title of the office from the 7203
names of candidates; and a one point rule shall separate names 7204
of candidates. Headings shall be printed in display Roman type. 7205
When the names of several candidates are grouped together as 7206
candidates for the same office, there shall be printed on the 7207
ballots immediately below the title of the office and within the 7208
separate rectangular space in which the title is printed "Vote 7209
for not more than _____," in six point boldface upper and 7210
lower case filling the blank space with that number which will 7211
indicate the number of persons who may be lawfully elected to 7212
the office. 7213

Columns on ballots shall be separated from each other by a 7214
heavy vertical border or solid line at least one-eighth of an 7215
inch wide, and a similar vertical border or line shall enclose 7216
the left and right side of ballots. Ballots shall be trimmed 7217
along the sides close to such lines. 7218

The ballots provided for by this section shall be 7219
comprised of four kinds of ballots designated as follows: office 7220
type ballot; nonpartisan ballot; questions and issues ballot; 7221
and presidential ballot. 7222

On the back of each office type ballot shall be printed 7223
"Official Office Type Ballot;" on the back of each nonpartisan 7224
ballot shall be printed "Official Nonpartisan Ballot;" on the 7225
back of each questions and issues ballot shall be printed 7226
"Official Questions and Issues Ballot;" and on the back of each 7227
presidential ballot shall be printed "Official Presidential 7228
Ballot." At the end of every ballot also shall be printed the 7229
date of the election at which the ballot is used and the 7230
facsimile signatures of the members of the board of the county 7231
in which the ballot is used. For the purpose of identifying the 7232
kind of ballot, the back of every ballot may be numbered in the 7233
order the board shall determine. The numbers shall be printed in 7234
not less than thirty-six point type above the words "Official 7235
Office Type Ballot," "Official Nonpartisan Ballot," "Official 7236
Questions and Issues Ballot," or "Official Presidential Ballot," 7237
as the case may be. A ballot box bearing corresponding numbers 7238
shall be furnished for each ~~precinct~~ location where ballots may 7239
be cast in person in which the above-described numbered ballots 7240
are used. 7241

On the back of every ballot used, there shall be a solid 7242
black line printed opposite the blank rectangular space that is 7243

used to mark the choice of the voter. This line shall be printed 7244
wide enough so that the mark in the blank rectangular space will 7245
not be visible from the back side of the ballot. 7246

Sample ballots may be printed by the board of elections 7247
for all general elections. The ballots shall be printed on 7248
colored paper, and "Sample Ballot" shall be plainly printed in 7249
boldface type on the face of each ballot. In counties of less 7250
than one hundred thousand population, the board may print not 7251
more than five hundred sample ballots; in all other counties, it 7252
may print not more than one thousand sample ballots. The sample 7253
ballots shall not be distributed by a political party or a 7254
candidate, nor shall a political party or candidate cause their 7255
title or name to be imprinted on sample ballots. 7256

(B) Notwithstanding division (A) of this section, in 7257
approving the form of an official ballot, the secretary of state 7258
may authorize the use of fonts, type face settings, and ballot 7259
formats other than those prescribed in that division. 7260

Sec. 3505.10. (A) On the presidential ballot below the 7261
stubs at the top of the face of the ballot shall be printed 7262
"Official Presidential Ballot" centered between the side edges 7263
of the ballot. Below "Official Presidential Ballot" shall be 7264
printed a heavy line centered between the side edges of the 7265
ballot. Below the line shall be printed "Instruction to Voters" 7266
centered between the side edges of the ballot, and below those 7267
words shall be printed the following instructions: 7268

"(1) To vote for the candidates for president and vice- 7269
president whose names are printed below, record your vote in the 7270
manner provided next to the names of such candidates. That 7271
recording of the vote will be counted as a vote for each of the 7272
candidates for presidential elector whose names have been 7273

certified to the secretary of state and who are members of the 7274
same political party as the nominees for president and vice- 7275
president. A recording of the vote for independent candidates 7276
for president and vice-president shall be counted as a vote for 7277
the presidential electors filed by such candidates with the 7278
secretary of state. 7279

(2) To vote for candidates for president and vice- 7280
president in the blank space below, record your vote in the 7281
manner provided and write the names of your choice for president 7282
and vice-president under the respective headings provided for 7283
those offices. Such write-in will be counted as a vote for the 7284
candidates' presidential electors whose names have been properly 7285
certified to the secretary of state. 7286

(3) If you tear, soil, deface, or erroneously mark this 7287
ballot, return it to the ~~precinct-election officers~~officials 7288
or, if you cannot return it, notify the ~~precinct-election~~ 7289
~~officers~~officials, and obtain another ballot." 7290

(B) Below those instructions to the voter shall be printed 7291
a single vertical column of enclosed rectangular spaces equal in 7292
number to the number of presidential candidates plus one 7293
additional space for write-in candidates. Each of those 7294
rectangular spaces shall be enclosed by a heavy line along each 7295
of its four sides, and such spaces shall be separated from each 7296
other by one-half inch of open space. 7297

In each of those enclosed rectangular spaces, except the 7298
space provided for write-in candidates, shall be printed the 7299
names of the candidates for president and vice-president 7300
certified to the secretary of state or nominated in one of the 7301
following manners: 7302

(1) Nominated by the national convention of a political party to which delegates and alternates were elected in this state at the next preceding primary election. A political party certifying candidates so nominated shall certify the names of those candidates to the secretary of state on or before the ninetieth day before the day of the general election.

(2) Nominated by nominating petition in accordance with section 3513.257 of the Revised Code. Such a petition shall be filed on or before the ninetieth day before the day of the general election to provide sufficient time to verify the sufficiency and accuracy of signatures on it.

(3) Certified to the secretary of state for placement on the presidential ballot by authorized officials of a minor political party that has held a state or national convention for the purpose of choosing those candidates or that may, without a convention, certify those candidates in accordance with the procedure authorized by its party rules. The officials shall certify the names of those candidates to the secretary of state on or before the ninetieth day before the day of the general election. The certification shall be accompanied by a designation of a sufficient number of presidential electors to satisfy the requirements of law.

The names of candidates for electors of president and vice-president shall not be placed on the ballot, but shall be certified to the secretary of state as required by sections 3513.11 and 3513.257 of the Revised Code. A vote for any candidates for president and vice-president shall be a vote for the electors of those candidates whose names have been certified to the secretary of state.

(C) The arrangement of the printing in each of the

enclosed rectangular spaces shall be substantially as follows: 7333
Near the top and centered within the rectangular space shall be 7334
printed "For President" in ten-point boldface upper and lower 7335
case type. Below "For President" shall be printed the name of 7336
the candidate for president in twelve-point boldface upper case 7337
type. Below the name of the candidate for president shall be 7338
printed the name of the political party by which that candidate 7339
for president was nominated in eight-point lightface upper and 7340
lower case type. Below the name of such political party shall be 7341
printed "For Vice-President" in ten-point boldface upper and 7342
lower case type. Below "For Vice-President" shall be printed the 7343
name of the candidate for vice-president in twelve-point 7344
boldface upper case type. Below the name of the candidate for 7345
vice-president shall be printed the name of the political party 7346
by which that candidate for vice-president was nominated in 7347
eight-point lightface upper and lower case type. Except for 7348
candidates nominated by petition under section 3517.012 of the 7349
Revised Code, no political identification or name of any 7350
political party shall be printed below the names of presidential 7351
and vice-presidential candidates nominated by petition. 7352

The rectangular spaces on the ballot described in this 7353
section shall be rotated and printed as provided in section 7354
3505.03 of the Revised Code. 7355

Sec. 3505.11. (A) The Subject to section 3501.291 of the 7356
Revised Code, the ballots to be used in a precinct polling 7357
place, with the stubs attached, shall be bound into tablets for 7358
each precinct, which tablets shall contain at least one per cent 7359
more ballots than the total registration in the precinct, except 7360
as otherwise provided in division (B) of this section. Upon the 7361
covers of the tablets shall be written, printed, or stamped the 7362
designation of the precinct for which the ballots have been 7363

prepared. All official ballots shall be printed uniformly upon 7364
the same kind and quality of paper and shall be of the same 7365
shape, size, and type. 7366

Electors who ~~have failed to respond within thirty days to~~ 7367
~~any confirmation notice~~ are not active electors shall not be 7368
counted in determining the number of ballots to be printed under 7369
this section. 7370

(B) (1) ~~A~~ Subject to section 3501.291 of the Revised Code, 7371
a board of elections may choose to provide ballots on demand for 7372
a precinct polling place. If a board so chooses, the board shall 7373
have prepared for each precinct at least five per cent more 7374
ballots for an election than the number specified below for that 7375
kind of election: 7376

(a) For a primary election or a special election held on 7377
the day of a primary election, the total number of electors in 7378
that precinct who voted in the primary election held four years 7379
previously; 7380

(b) For a general election or a special election held on 7381
the day of a general election, the total number of electors in 7382
that precinct who voted in the general election held four years 7383
previously; 7384

(c) For a special election held at any time other than on 7385
the day of a primary or general election, the total number of 7386
electors in that precinct who voted in the most recent primary 7387
or general election, whichever of those elections occurred in 7388
the precinct most recently. 7389

(2) If, after the board complies with the requirements of 7390
division (B) (1) of this section, the election officials of a 7391
precinct determine that the precinct will not have enough 7392

ballots to enable all the qualified electors in the precinct who 7393
wish to vote at a particular election to do so, the officials 7394
shall request that the board provide additional ballots, and the 7395
board shall provide enough additional ballots, to that precinct 7396
in a timely manner so that all qualified electors in that 7397
precinct who wish to vote at that election may do so. 7398

Sec. 3505.12. The board of elections shall cause to be 7399
printed in English in twelve-point type on paper or cardboard 7400
instructions as issued by the secretary of state for the 7401
guidance of electors in marking their ballots. Such instructions 7402
shall inform the voters as to how to prepare the ballots for 7403
voting, how to obtain a new ballot in case of accidentally 7404
spoiling one, and, in a smaller type, a summary of the important 7405
sections of the penal law relating to crimes against the 7406
elective franchise. The ~~precinct~~ election officials shall cause 7407
one or more such cards of instructions to be posted immediately 7408
in front of or on ~~the polling place~~ each location where ballots 7409
may be cast in person and in each voting shelf ~~one or more of~~ 7410
~~such cards of instructions.~~ 7411

Sec. 3505.16. Before the opening of ~~the polls~~ a location 7412
where ballots may be cast in person, the package of supplies and 7413
the ballot box shall be opened in the presence of the ~~precinct~~ 7414
election officials. The ballot box, the package of ballots, 7415
registration forms, and other supplies shall at all times be in 7416
full sight of the observers, and no ballot box or unused ballots 7417
during the balloting or counting shall be removed or screened 7418
from their full sight until ~~the counting has been closed and the~~ 7419
~~final returns completed and the certificate signed by the judges~~ 7420
all procedures for closing the location for the day have been 7421
completed. 7422

Sec. 3505.17. If by accident or casualty the ballots or 7423
other required papers, lists, or supplies are lost or destroyed, 7424
or in case none are delivered at ~~the polling place~~ a location 7425
where ballots may be cast in person, or if during the time the 7426
~~polls are~~ location is open additional ballots or supplies are 7427
required, the board of elections, upon requisition by telephone 7428
or in writing and signed by a majority of the ~~precinct~~ election 7429
officials of the ~~precinct~~ location stating why such additional 7430
supplies are needed, shall supply them as speedily as possible. 7431

Sec. 3505.18. (A) (1) When an elector appears ~~in a polling~~ 7432
~~place to vote~~ cast ballots in person at a precinct polling 7433
place, a voter service and polling center, or the office of the 7434
board of elections, the elector shall announce to the ~~precinct~~ 7435
election officials the elector's full name and current address 7436
and provide proof of the elector's identity in the form of a 7437
current and valid photo identification, a military 7438
identification, or a copy of a current utility bill, bank 7439
statement, government check, paycheck, or other government 7440
document, other than ~~a~~ an acknowledgment notice of voter 7441
~~registration~~ mailed by a board of elections under section 7442
3503.19 of the Revised Code, that shows the name and current 7443
address of the elector. 7444

(2) If an elector does not have or is unable to provide to 7445
the ~~precinct~~ election officials any of the forms of 7446
identification required under division (A) (1) of this section, 7447
the elector may vote and return mail ballots sent to the elector 7448
under section 3509.01 of the Revised Code, request mail ballots 7449
at a voter service and polling center or the office of the 7450
board, or cast a provisional ballot under section 3505.181 of 7451
the Revised Code ~~and do either of the following:~~ 7452

~~(a) Write the elector's driver's license or state
identification card number or the last four digits of the
elector's social security number on the provisional ballot
envelope; or~~ 7453
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~~(b) Appear at the office of the board of elections not
later than the seventh day after the day of the election and
provide the identification required under division (A) (1) of
this section, the elector's driver's license or state
identification card number, or the last four digits of the
elector's social security number at any location where ballots
may be cast in person.~~ 7457
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~~(B) (3) After the elector has announced the elector's full
name and current address and provided any of the forms of
identification required under division (A) (1) of this section,
the elector shall write-sign the elector's ~~name and address~~
signature at the proper place in the poll list or signature
pollbook provided for the purpose, except that if, for any
reason, an elector is unable to write-sign the elector's ~~name~~
~~and current address~~ signature in the poll list or signature
pollbook, the elector may make the elector's mark at the place
intended for the elector's ~~name~~ signature, and ~~a precinct~~ an
election official shall write the name of the elector at the
proper place on the poll list or signature pollbook following
the elector's mark. The making of such a mark shall be attested
by the ~~precinct~~ election official, who shall evidence the same
by signing the ~~precinct~~ election official's ~~name~~ signature on
the poll list or signature pollbook as a witness to the mark.
Alternatively, if applicable, an attorney in fact acting
pursuant to section 3501.382 of the Revised Code may sign the
elector's signature in the poll list or signature pollbook in
accordance with that section.~~ 7464
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(4) The elector's signature in the poll list or signature pollbook then shall be compared with the elector's signature on the elector's registration form or a digitized signature list as provided for in section 3503.13 of the Revised Code, and if, in the opinion of a majority of the ~~precinct~~ election officials, the signatures are the signatures of the same person, the election officials shall enter the date of the election on the registration form or shall record the date by other means prescribed by the secretary of state. The validity of an attorney in fact's signature on behalf of an elector shall be determined in accordance with section 3501.382 of the Revised Code.

(5) If the right of the elector to vote is not then challenged, or, if being challenged, the elector establishes the elector's right to vote, the elector shall be allowed to proceed to ~~use the voting machine vote~~. If ~~voting machines paper ballots with stubs~~ are ~~not~~ being used in that ~~precinct location~~, the ~~precinct~~ election official in charge of ballots shall then detach the next ballots to be issued to the elector from Stub B attached to each ballot, leaving Stub A attached to each ballot, hand the ballots to the elector, and call the elector's name and the stub number on each of the ballots. The ~~precinct~~ election official shall enter the stub numbers opposite the signature of the elector in the pollbook. The elector shall then retire to one of the voting compartments to mark the elector's ballots. No mark shall be made on any ballot which would in any way enable any person to identify the person who voted the ballot.

(B) When a person returns voted mail ballots to the election officials at a precinct polling place or a voter service and polling center located in the county in which the voter resides, the election officials shall secure the mail

ballots in a separate container from the ballots being cast in 7515
person at that location and shall deliver the mail ballots to 7516
the office of the board in accordance with section 3505.26 of 7517
the Revised Code. 7518

Sec. 3505.181. (A) All of the following individuals shall 7519
be permitted to cast a provisional ballot at an election at any 7520
location where ballots may be cast in person: 7521

(1) An individual who declares that the individual is a 7522
registered voter in the precinct in which the individual desires 7523
to vote and that the individual is eligible to vote in an 7524
election, but the name of the individual does not appear on the 7525
official list of eligible voters for the precinct or an election 7526
official asserts that the individual is not eligible to vote; 7527

(2) An individual who does not have or is unable to 7528
provide to the election officials any of the forms of 7529
identification required under division (A)(1) of section 3505.18 7530
of the Revised Code to cast a ballot in person and who does not 7531
cast mail ballots instead; 7532

~~(3) An individual whose name in the poll list or signature~~ 7533
~~pollbook has been marked under section 3509.09 or 3511.13 of the~~ 7534
~~Revised Code as having requested an absent voter's ballot or a~~ 7535
~~uniformed services or overseas absent voter's ballot for that~~ 7536
~~election and who appears to vote at the polling place;~~ 7537

~~(4) An individual whose notification of registration name~~ 7538
~~in the poll list or signature pollbook has been marked because~~ 7539
~~the individual's acknowledgment notice has been returned~~ 7540
~~undelivered to the board of elections and whose name in the~~ 7541
~~official registration list and in the poll list or signature~~ 7542
~~pollbook has been marked under division (C)(2) of section~~ 7543

~~3503.19 of the Revised Code;~~ 7544

~~(5)~~ (4) An individual who has been successfully challenged 7545
under section 3505.20 ~~or 3513.20~~ of the Revised Code; 7546

~~(6)~~ (5) An individual who changes the individual's name 7547
and remains within the precinct without providing proof of that 7548
name change under division (B) (1) (b) of section 3503.16 of the 7549
Revised Code, moves from one precinct to another within a 7550
county, moves from one precinct to another and changes the 7551
individual's name, or moves from one county to another within 7552
the state, and completes and signs the required forms and 7553
statements under division (B) or (C) of section 3503.16 of the 7554
Revised Code; 7555

~~(7)~~ (6) An individual whose signature, in the opinion of 7556
the precinct officers under section 3505.22 of the Revised Code, 7557
is not that of the person who signed that name in the 7558
registration forms. 7559

(B) An individual who is eligible to cast a provisional 7560
ballot under division (A) of this section shall be permitted to 7561
cast a provisional ballot as follows: 7562

(1) An election official ~~at the polling place~~ shall notify 7563
the individual that the individual may cast a provisional ballot 7564
in that election. 7565

(2) Except as otherwise provided in division ~~(F)~~ (E) of 7566
this section, the individual shall complete and execute a 7567
written affirmation before an election official ~~at the polling~~ 7568
~~place~~ stating that the individual is both of the following: 7569

(a) A registered voter in the precinct in which the 7570
individual desires to vote; 7571

(b) Eligible to vote in that election.

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(3) An election official ~~at the polling place shall~~
transmit the ballot cast by the individual and the voter
information contained in the written affirmation executed by the
individual under division (B) (2) of this section to ~~an~~
~~appropriate local election official~~ the board of elections for
verification under division (B) (4) of this section.

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(4) If the ~~appropriate local election official to whom the~~
~~ballot or voter or address information is transmitted under~~
~~division (B) (3) of this section~~ board of elections determines
that the individual is eligible to vote, the individual's
provisional ballot shall be counted as a vote in that election.

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(5) ~~(a)~~ At the time that an individual casts a provisional
ballot, the ~~appropriate local election official~~ shall give the
individual written ~~information that states that any~~ instructions
for the individual who casts a provisional ballot will be able
~~to ascertain under the system established under division (B) (5)~~
~~(b) of this section whether the vote was counted, and, if the~~
~~vote was not counted, the reason that the vote was not counted~~
the status of the individual's provisional ballot using the
tracking number printed on or affixed to the provisional ballot
envelope, as described in section 3509.051 of the Revised Code.

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~~(b) The appropriate state or local election official shall~~
~~establish a free access system, in the form of a toll free~~
~~telephone number, that any individual who casts a provisional~~
~~ballot may access to discover whether the vote of that~~
~~individual was counted, and, if the vote was not counted, the~~
~~reason that the vote was not counted. The free access system~~
~~established under this division also shall provide to an~~
~~individual whose provisional ballot was not counted information~~

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~~explaining how that individual may contact the board of
elections to register to vote or to resolve problems with the
individual's voter registration.~~

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~~The appropriate state or local election official shall
establish and maintain reasonable procedures necessary to
protect the security, confidentiality, and integrity of personal
information collected, stored, or otherwise used by the free
access system established under this division. The system shall
permit an individual only to gain access to information about
the individual's own provisional ballot.~~

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~~(6) If, at the time that an individual casts a provisional
ballot, the individual provides identification in the form of a
current and valid photo identification, a military
identification, or a copy of 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 under section 3503.19 of the Revised Code,
that shows the individual's name and current address, or
provides the individual's driver's license or state
identification card number or the last four digits of the
individual's social security number, the individual shall record
the type of identification provided or the driver's license,
state identification card, or social security number information
and include that information on the provisional ballot
affirmation under division (B) (3) of this section.~~

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~~(7) During the seven~~ten~~ days after the day of an
election, an individual who casts a provisional ballot because
the individual does not have or is unable to provide to the
election officials any of the required forms of identification
or because the individual has been successfully challenged under~~

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section 3505.20 of the Revised Code shall appear at the office 7632
of the board of elections and provide to the board ~~any~~ 7633
~~additional information necessary to determine the eligibility of~~ 7634
~~the individual who cast the provisional ballot.~~ 7635

~~(a) For a provisional ballot cast by an individual who~~ 7636
~~does not have or is unable to provide to the election officials~~ 7637
~~any of the required forms of identification to be eligible to be~~ 7638
~~counted, the individual who cast that ballot, within seven days~~ 7639
~~after the day of the election, shall do either of the following:~~ 7640

~~(i) Provide to the board of elections proof of the~~ 7641
~~individual's identity in the form of a current and valid photo~~ 7642
~~identification, a military identification, or a copy of a~~ 7643
~~current utility bill, bank statement, government check,~~ 7644
~~paycheck, or other government document, other than a notice of~~ 7645
~~voter registration mailed by a board of elections under section~~ 7646
~~3503.19 of the Revised Code, that shows the individual's name~~ 7647
~~and current address; or~~ 7648

~~(ii) Provide to the board of elections the individual's~~ 7649
~~driver's license or state identification card number or the last~~ 7650
~~four digits of the individual's social security number.~~ 7651

~~(b) For a provisional ballot cast by an individual who has~~ 7652
~~been successfully challenged under section 3505.20 of the~~ 7653
~~Revised Code to be eligible to be counted, the individual who~~ 7654
~~cast that ballot, within seven days after the day of that~~ 7655
~~election, shall provide to the board of elections any~~ 7656
~~identification or other documentation required to be provided by~~ 7657
~~the applicable challenge questions asked of that individual~~ 7658
~~under section 3505.20 of the Revised Code.~~ 7659

~~(C) (1) If an individual declares that the individual is~~ 7660

~~eligible requests~~ to vote in a precinct other than the precinct 7661
in which the individual ~~desires appears to be eligible~~ to vote, 7662
~~or if, upon based on an election official's~~ review of the 7663
precinct voting location guide using the residential street 7664
address provided by the individual, ~~an election official at the~~ 7665
~~precinct at which the individual desires to vote determines that~~ 7666
~~the individual is not eligible to vote in that precinct, the~~ 7667
election official shall direct the individual to vote in the 7668
precinct and polling place in which the individual appears to be 7669
eligible to vote, explain that the individual may cast a 7670
provisional ballot ~~at the current location in the precinct in~~ 7671
which the individual requests to vote but the ballot or a 7672
portion of the ballot will not be counted if it is cast in the 7673
wrong precinct, and provide the telephone number of the board of 7674
elections in case the individual has additional questions. 7675

(2) If the individual refuses to ~~travel to vote in the~~ 7676
~~correct precinct or to the office of the board of elections to~~ 7677
~~cast a ballot~~, the individual shall be permitted to vote a 7678
provisional ballot ~~at that~~ in the precinct in which the 7679
individual requests to vote in accordance with division (B) of 7680
this section. If the individual is in ~~the correct polling a~~ 7681
~~location for in which ballots may be cast in~~ the precinct in 7682
which the individual is registered and eligible to vote, the 7683
election official shall complete and sign, under penalty of 7684
election falsification, a form that includes all of the 7685
following, and attach the form to the individual's provisional 7686
ballot affirmation: 7687

(a) The name or number of the individual's correct 7688
precinct; 7689

(b) A statement that the election official instructed the 7690

individual to ~~travel to~~ vote in the correct precinct ~~to vote~~; 7691

(c) A statement that the election official informed the 7692
individual that casting a provisional ballot in the wrong 7693
precinct would result in all or a portion of the votes on the 7694
ballot being rejected; 7695

(d) The name or number of the precinct in which the 7696
individual is casting a provisional ballot; and 7697

(e) The name of the ~~polling~~ location in which the 7698
individual is casting a provisional ballot. 7699

~~(D) The appropriate local election official shall cause~~ 7700
~~voting information to be publicly posted at each polling place~~ 7701
~~on the day of each election.~~ 7702

~~(E) As used in this section and sections 3505.182 and~~ 7703
~~3505.183 of the Revised Code.~~ 7704

~~(1),~~ "Precinct precinct voting location guide" means 7705
either of the following: 7706

~~(a) An~~ (1) Subject to section 3501.291 of the Revised 7707
Code, an electronic or paper record that lists the correct 7708
precinct and precinct polling place for either each specific 7709
residential street address in the county or the range of 7710
residential street addresses located in each neighborhood block 7711
in the county; 7712

~~(b) Any~~ (2) Subject to section 3501.291 of the Revised 7713
Code, any other method that a board of elections creates that 7714
allows ~~a precinct~~ an election official or any elector who is at 7715
a ~~polling place~~ location where ballots may be cast in person in 7716
that county to determine the correct precinct and precinct 7717
polling place of any qualified elector who resides in the 7718

county. 7719

~~(2) "Voting information" means all of the following:~~ 7720

~~(a) A sample version of the ballot that will be used for~~ 7721
~~that election;~~ 7722

~~(b) Information regarding the date of the election and the~~ 7723
~~hours during which polling places will be open;~~ 7724

~~(c) Instructions on how to vote, including how to cast a~~ 7725
~~vote and how to cast a provisional ballot;~~ 7726

~~(d) Instructions for mail in registrants and first time~~ 7727
~~voters under applicable federal and state laws;~~ 7728

~~(e) General information on voting rights under applicable~~ 7729
~~federal and state laws, including information on the right of an~~ 7730
~~individual to cast a provisional ballot and instructions on how~~ 7731
~~to contact the appropriate officials if these rights are alleged~~ 7732
~~to have been violated;~~ 7733

~~(f) General information on federal and state laws~~ 7734
~~regarding prohibitions against acts of fraud and~~ 7735
~~misrepresentation.~~ 7736

~~(F)~~ (E) Nothing in this section or section 3505.183 of the 7737
Revised Code is in derogation of section 3505.24 of the Revised 7738
Code, which permits a blind, disabled, or illiterate elector to 7739
receive assistance in the marking of the elector's ballot by two 7740
~~precinct~~ election officials of different political parties. A 7741
blind, disabled, or illiterate elector may receive assistance in 7742
marking that elector's provisional ballot and in completing the 7743
required affirmation in the same manner as an elector may 7744
receive assistance ~~on the day of an election~~ under that section. 7745

Sec. 3505.182. Each individual who casts a provisional 7746

ballot under section 3505.181 of the Revised Code shall execute 7747
a written affirmation. The form of the written affirmation shall 7748
be printed upon the face of the provisional ballot envelope and 7749
shall be as follows: 7750

"Provisional Ballot Affirmation 7751

(A) Clearly print your full name: _____ 7752

(B) Write your date of birth: _____ 7753

(C) (1) Write your current address: _____ 7754

_____ 7755

(2) Have you moved without updating your voter 7756
registration?: 7757

Yes _____ No _____ 7758

If yes, write your former address: _____ 7759

_____ 7760

Failure to provide your former address will not cause your 7761
provisional ballot to be rejected. 7762

(D) Provide one of the following forms of identification 7763
(optional): 7764

(1) Write your full Ohio driver's license or state 7765
identification card number: _____ 7766

(2) Write the last four digits of your Social Security 7767
number: _____ 7768

(3) If you ~~did not write your full Ohio driver's license~~ 7769
~~or state identification card number or the last four digits of~~ 7770
~~your Social Security number, you must show~~ showed one of the 7771
following forms of identification to the ~~precinct~~ election 7772

official. ~~If you do not, check one of the following boxes~~ 7773
~~affirming the type of identification you showed to the precinct-~~ 7774
~~election official, the board of elections will conclude that you~~ 7775
~~did not show identification to your precinct election official-~~ 7776
~~and that you must show identification at the board of elections-~~ 7777
~~during the seven days after the election for your vote to be~~ 7778
~~eligible to be counted.~~ 7779

_____ A form of photo identification that was issued by 7780
the United States government or the State of Ohio, that contains 7781
your name and current address (or your former address if the 7782
identification is an Ohio driver's license or state 7783
identification card), and that has an expiration date that has 7784
not passed; 7785

_____ A military identification card; or 7786

_____ A current utility bill, bank statement, government 7787
check, paycheck, or other government document, other than a 7788
notice of voter registration mailed by a board of elections, 7789
that contains your name and current address. 7790

~~(4) If you fail to provide identification at this time,~~ 7791
~~you must go to the board of elections on or before the seventh-~~ 7792
~~day following this election to provide a qualifying form of-~~ 7793
~~identification in order for this ballot to count.~~ 7794

(E) Provide your telephone number: _____ (optional) 7795

(F) Provide your email address: _____ (optional) 7796

(G) If your right to vote has been challenged, you must 7797
provide any required additional information to the board of 7798
elections on or before the ~~seventh~~-tenth day following this 7799
election. 7800

~~(F)~~ (H) Sign and date the following statement:

I solemnly swear or affirm that I am a citizen of the United States; that I will be at least 18 years of age at the time of the general election; that I have lived in this state for 30 days immediately preceding this election in which I am voting this ballot; that I am a registered voter in the precinct in which I am voting this provisional ballot; and that I am eligible to vote in the election in which I am voting this provisional ballot.

I understand that, if the information I provide on this provisional ballot affirmation is not fully completed and correct, if the board of elections determines that I am not registered to vote, a resident of this precinct, or eligible to vote in this election, or if the board of elections determines that I have already voted in this election, my provisional ballot will not be counted. I understand that, if I am not currently registered to vote or if I am not registered at my current address or under my current name, this form will serve as an application to register to vote or update my registration for future elections, as long as I provide all of the information required to register to vote or update my registration. I further understand that knowingly providing false information is a violation of law and subjects me to possible criminal prosecution.

I hereby declare, under penalty of election falsification, that the above statements are true and correct to the best of my knowledge and belief.

Signature of Voter

Date

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A
FELONY OF THE ~~FIFTH~~ FOURTH DEGREE."

In addition to any information required to be included on
the written affirmation, an individual casting a provisional
ballot may provide additional information to the election
official to assist the board of elections in determining the
individual's eligibility to vote in that election, including the
date and location at which the individual registered to vote, if
known.

If the individual provided all of the information required
under section 3503.14 of the Revised Code to register to vote or
to update the individual's registration on the provisional
ballot affirmation, the board of elections shall consider the
individual's provisional ballot affirmation to also serve as a
notice of change of name, change of residence, or both, or as a
voter registration form, as applicable, for that individual only
for the purposes of future elections.

Sec. 3505.183. (A) When ~~the ballot boxes~~ voted ballots are
delivered to the board of elections from the ~~precincts~~ other
locations where ballots may be cast in person, the ~~board~~
election officials shall separate the provisional ballot
envelopes from the rest of the ballots. ~~Teams of employees of~~
~~the board consisting of one member of each major political party~~
~~shall place the sealed provisional ballot envelopes and store~~
~~them in a the secure location within the office of the board~~
ballot storage room described in section 3505.262 of the Revised
Code. The sealed provisional ballot envelopes shall remain in

that ~~secure location room~~ until the validity of those ballots is 7859
determined under division (B) of this section. While the 7860
provisional ballot is stored in that ~~secure location room~~, and 7861
prior to the counting of the provisional ballots, if the board 7862
receives information regarding the validity of a specific 7863
provisional ballot under division (B) of this section, the board 7864
may note, on the sealed provisional ballot envelope for that 7865
ballot, whether the ballot is valid and entitled to be counted. 7866

(B) (1) To determine whether a provisional ballot is valid 7867
and entitled to be counted, the board shall examine its records 7868
and determine whether the individual who cast the provisional 7869
ballot is registered and eligible to vote in the applicable 7870
election. The board shall examine the information contained in 7871
the written affirmation executed by the individual who cast the 7872
provisional ballot under division (B) (2) of section 3505.181 of 7873
the Revised Code. The following information shall be included in 7874
the written affirmation or in an addendum filed under division 7875
(H) (1) of this section in order for the provisional ballot to be 7876
eligible to be counted: 7877

(a) The individual's printed name, signature, date of 7878
birth, and current address; 7879

(b) A statement that the individual is a registered voter 7880
in the precinct in which the provisional ballot is being voted; 7881

(c) A statement that the individual is eligible to vote in 7882
the election in which the provisional ballot is being voted. 7883

(2) In addition to the information required to be included 7884
in an affirmation or an addendum under division (B) (1) of this 7885
section, in determining whether a provisional ballot is valid 7886
and entitled to be counted, the board also shall examine any 7887

additional information for determining ballot validity provided 7888
by the provisional voter on the affirmation, provided by the 7889
provisional voter to an election official under section 3505.182 7890
of the Revised Code, or provided to the board of elections 7891
during the ~~seven-ten~~ days after the day of the election ~~under~~ 7892
~~division (B) (7) of section 3505.181 of the Revised Code,~~ to 7893
assist the board in determining the individual's eligibility to 7894
vote. 7895

(3) If, in examining a provisional ballot affirmation, any 7896
addendum filed under division (H) (1) of this section, and 7897
additional information under divisions (B) (1) and (2) of this 7898
section and comparing the information required under division 7899
(B) (1) of this section with the elector's information in the 7900
statewide voter registration database, the board determines that 7901
all of the following apply, the provisional ballot envelope 7902
shall be opened, and the ballot shall be placed in a ballot box 7903
to be counted: 7904

(a) The individual ~~named on the affirmation who cast the~~ 7905
provisional ballot is properly registered to vote. 7906

(b) ~~The~~ Except as otherwise provided in divisions (D) and 7907
(E) of this section, the individual ~~named on the affirmation who~~ 7908
cast the provisional ballot is eligible to cast a ballot in the 7909
precinct and for the election in which the individual cast the 7910
provisional ballot. 7911

(c) The individual provided all of the information 7912
required under division (B) (1) of this section in the 7913
affirmation that the individual executed at the time the 7914
individual cast the provisional ballot or in an addendum filed 7915
under division (H) (1) of this section. 7916

(d) The last four digits of the elector's social security number or the elector's driver's license number or state identification card number, if provided, are not different from the last four digits of the elector's social security number or the elector's driver's license number or state identification card number contained in the statewide voter registration database.

(e) Except as otherwise provided in this division, the month and day of the elector's date of birth are not different from the day and month of the elector's date of birth contained in the statewide voter registration database.

This division does not apply to an elector's provisional ballot if either of the following is true:

(i) The elector's date of birth contained in the statewide voter registration database is January 1, 1800.

(ii) The board of elections has found, by a vote of at least three of its members, that the elector has met all other requirements of division (B) (3) of this section.

(f) The elector's current address is not different from the elector's address contained in the statewide voter registration database, unless the elector indicated that the elector is casting a provisional ballot because the elector has moved and has not submitted a notice of change of address, as described in division ~~(A) (6)~~ (A) (5) of section 3505.181 of the Revised Code, and except as otherwise provided in division (E) of this section.

(g) If applicable, the individual provided any additional information required ~~under division (B) (7) of section 3505.181 of the Revised Code~~ within ~~seven~~ ten days after the day of the

election. 7946

(4) (a) Except as otherwise provided in ~~division~~ divisions 7947
(D) and (E) of this section, if, in examining a provisional 7948
ballot affirmation, any addendum, and additional information 7949
under divisions (B) (1) and (2) of this section and comparing the 7950
information required under division (B) (1) of this section with 7951
the elector's information in the statewide voter registration 7952
database, the board determines that any of the following 7953
applies, the provisional ballot envelope shall not be opened, 7954
and the ballot shall not be counted: 7955

(i) The individual ~~named on the affirmation who cast the~~ 7956
provisional ballot is not qualified or is not properly 7957
registered to vote. 7958

(ii) The individual ~~named on the affirmation who cast the~~ 7959
provisional ballot is not eligible to cast a ballot in the 7960
precinct or for the election in which the individual cast the 7961
provisional ballot. 7962

(iii) The individual did not provide all of the 7963
information required under division (B) (1) of this section in 7964
the affirmation that the individual executed at the time the 7965
individual cast the provisional ballot or in an addendum filed 7966
under division (H) (1) of this section. 7967

(iv) The individual has already cast a regular ballot in 7968
person or returned a voted mail ballot for the election in which 7969
the individual cast the provisional ballot. 7970

(v) If applicable, the individual did not provide any 7971
additional information required ~~under division (B) (7) of section~~ 7972
~~3505.181 of the Revised Code~~ within ~~seven~~ ten days after the day 7973
of the election. 7974

~~(vi) The individual failed to provide a current and valid photo identification, a military identification, a copy of 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 under section 3503.19 of the Revised Code, with the voter's name and current address, the individual's driver's license or state identification card number, or the last four digits of the individual's social security number or to execute an affirmation under division (B) of section 3505.181 of the Revised Code.~~ 7975
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~~(vii)~~ The last four digits of the elector's social security number or the elector's driver's license number or state identification card number, if provided, are different from the last four digits of the elector's social security number or the elector's driver's license number or state identification card number contained in the statewide voter registration database. 7985
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~~(viii)~~ ~~(vii)~~ Except as otherwise provided in this division, the month and day of the elector's date of birth are different from the day and month of the elector's date of birth contained in the statewide voter registration database. 7992
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This division does not apply to an elector's provisional ballot if either of the following is true: 7996
7997

(I) The elector's date of birth contained in the statewide voter registration database is January 1, 1800. 7998
7999

(II) The board of elections has found, by a vote of at least three of its members, that the elector has met all of the requirements of division (B) (3) of this section, other than the requirements of division (B) (3) (e) of this section. 8000
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~~(ix)~~ (viii) The elector's current address is different 8004
from the elector's address contained in the statewide voter 8005
registration database, unless the elector indicated that the 8006
elector is casting a provisional ballot because the elector has 8007
moved and has not submitted a notice of change of address, as 8008
described in division ~~(A) (6)~~ (A) (5) of section 3505.181 of the 8009
Revised Code. 8010

(b) If, in examining a provisional ballot affirmation, any 8011
addendum, and additional information under divisions (B) (1) and 8012
(2) of this section and comparing the information required under 8013
division (B) (1) of this section with the elector's information 8014
in the statewide voter registration database, the board is 8015
unable to determine either of the following, the provisional 8016
ballot envelope shall not be opened, and the ballot shall not be 8017
counted: 8018

(i) Whether the individual ~~named on the affirmation who~~ 8019
cast the provisional ballot is qualified or properly registered 8020
to vote; 8021

(ii) Whether the individual ~~named on the affirmation who~~ 8022
cast the provisional ballot is eligible to cast a ballot in the 8023
precinct or for the election in which the individual cast the 8024
provisional ballot. 8025

(C) For each provisional ballot rejected under division 8026
(B) (4) of this section, the board shall record the name of the 8027
provisional voter who cast the ballot, the ~~identification~~ 8028
tracking number of the provisional ballot envelope, the names of 8029
the election officials who determined the validity of that 8030
ballot, the date and time that the determination was made, and 8031
the reason that the ballot was not counted, ~~unless the board has~~ 8032
~~already recorded~~ and make that information available ~~in another~~ 8033

~~database the electronic ballot tracking system described in~~ 8034
~~section 3509.051 of the Revised Code.~~ 8035

(D) (1) If an individual cast a provisional ballot in a 8036
precinct in which the individual is not registered and eligible 8037
to vote, but in ~~the correct polling a location where ballots may~~ 8038
~~be cast in person~~ for the precinct in which the individual is 8039
registered and eligible to vote, and the election official 8040
failed to direct the individual to vote in the correct precinct, 8041
the individual's ballot shall be remade under division (D) (2) of 8042
this section. The election official shall be deemed to have 8043
directed the individual to vote in the correct precinct if the 8044
election official correctly completed the form described in 8045
division (C) (2) of section 3505.181 of the Revised Code. 8046

(2) A board of elections that remakes a provisional ballot 8047
under division (D) (1) of this section shall remake the 8048
provisional ballot on a ballot for the appropriate precinct to 8049
reflect the offices, questions, and issues for which the 8050
individual was eligible to cast a ballot and for which the 8051
individual attempted to cast a provisional ballot. The remade 8052
ballot shall be counted for each office, question, and issue for 8053
which the individual was eligible to vote. 8054

(3) ~~If Except as otherwise provided in division (E) (2) of~~ 8055
~~this section, if~~ an individual cast a provisional ballot in a 8056
precinct in which the individual is not registered and eligible 8057
to vote and in ~~the incorrect polling a location where ballots~~ 8058
~~could not be cast in person~~ for the precinct in which the 8059
individual is registered and eligible to vote, the provisional 8060
ballot envelope shall not be opened, and the ballot shall not be 8061
counted. 8062

~~(E) Provisional~~ (1) If the board determines that a 8063

provisional ballot is not eligible to be counted under this 8064
section because the individual's address provided on the 8065
provisional ballot affirmation is different from the address 8066
contained in the statewide voter registration database, and both 8067
of the following are true, the board shall correct the 8068
individual's voter registration record to reflect the address 8069
provided in the provisional ballot affirmation, and the 8070
provisional ballot nonetheless shall be eligible to be counted: 8071

(a) The individual's voter registration was most recently 8072
updated under section 3503.111 of the Revised Code and not at 8073
the request of the individual or using information the 8074
individual submitted to the board of elections or the secretary 8075
of state. 8076

(b) The individual's voter registration correctly 8077
reflected the individual's address, as provided on the 8078
provisional ballot affirmation, immediately before that update 8079
occurred. 8080

(2) If an individual who cast a provisional ballot that is 8081
eligible to be counted under division (E)(1) of this section 8082
cast that ballot in the precinct indicated by the individual's 8083
voter registration record as updated under section 3503.111 of 8084
the Revised Code, and not in the precinct in which the 8085
individual resides, the board shall remake the provisional 8086
ballot on a ballot for the precinct in which the individual 8087
resides to reflect the offices, questions, and issues for which 8088
the individual was eligible to cast a ballot and for which the 8089
individual attempted to cast a provisional ballot. The remake 8090
ballot shall be counted for each office, question, and issue for 8091
which the individual was eligible to vote. 8092

(F) Provisional ballots that are rejected under division 8093

(B) (4) of this section shall not be counted but shall be 8094
preserved in their provisional ballot envelopes unopened until 8095
the time provided by section 3505.31 of the Revised Code for the 8096
destruction of all other ballots used at the election for which 8097
ballots were provided, at which time they shall be destroyed. 8098

~~(F)~~ (G) Provisional ballots that the board determines are 8099
eligible to be counted under ~~division (B) (3) or (D) of this~~ 8100
section shall be counted in the same manner as provided for 8101
other ballots under section 3505.27 of the Revised Code on or 8102
after the eleventh day after the day of the election. No 8103
provisional ballots shall be counted in a particular county 8104
until the board determines the eligibility to be counted of all 8105
provisional ballots cast in that county under ~~division (B) of~~ 8106
this section for that election. Observers, as provided in 8107
section 3505.21 of the Revised Code, may be present at all times 8108
that the board is determining the eligibility of provisional 8109
ballots to be counted and counting those provisional ballots 8110
determined to be eligible. No person shall recklessly disclose 8111
the count or any portion of the count of provisional ballots in 8112
such a manner as to jeopardize the secrecy of any individual 8113
ballot. 8114

~~(G) (1) Except as otherwise provided in (H) (1) (a) Subject~~ 8115
~~to division (G) (2) (H) (2) of this section, nothing in this~~ 8116
~~section shall prevent a the board of elections from examining~~ 8117
~~shall examine a provisional ballot affirmations affirmation and~~ 8118
additional information provided under ~~divisions (B) (1) and (2)~~ 8119
~~of this section to determine the eligibility of provisional~~ 8120
~~ballots to be counted during the ten days after the day of an~~ 8121
~~election promptly after the provisional ballot arrives at the~~ 8122
office of the board. 8123

(b) If the board determines that a provisional ballot 8124
affirmation is incomplete or that the information or signature 8125
in the affirmation does not match the information or signature 8126
in the elector's voter registration record, then not later than 8127
two days after the day of the election, the board shall notify 8128
the individual who cast the provisional ballot that in order for 8129
the individual's ballot to be counted, the individual must file 8130
an addendum containing the missing information or a correct 8131
signature, as applicable. The board shall make the notification 8132
by mail, electronic mail, or text message or by another method 8133
approved by the secretary of state. 8134

(c) The individual shall file the addendum containing the 8135
information or signature with the board in person or by mail to 8136
the office of the board, on a form prescribed by the secretary 8137
of state, not later than the tenth day after the day of the 8138
election. The addendum shall contain or be accompanied by one of 8139
the following: 8140

(i) The individual's driver's license or state 8141
identification card number; 8142

(ii) The last four digits of the individual's social 8143
security number; 8144

(iii) A copy of a current and valid photo identification, 8145
a copy of a military identification, or a copy of a current 8146
utility bill, bank statement, government check, paycheck, or 8147
other government document, other than an acknowledgment notice 8148
mailed by a board of elections under section 3503.19 of the 8149
Revised Code, that shows the individual's name and address. 8150

(2) A-The board of elections shall not examine the 8151
provisional ballot affirmation and additional information under 8152

~~divisions (B) (1) and (2) of this section of any make a final~~ 8153
~~determination of whether a provisional ballot cast by an~~ 8154
~~individual who must provide additional information to the board~~ 8155
~~of elections under division (B) (7) of section 3505.181 of the~~ 8156
~~Revised Code for the board to determine the individual's~~ 8157
~~eligibility until the individual provides that information or is~~ 8158
~~eligible to be counted or, if applicable, open the provisional~~ 8159
~~ballot envelope until the eleventh day after the day of the~~ 8160
~~election, whichever is earlier.~~ 8161

(I) The board of elections may use computer software to 8162
determine whether the signature on a provisional ballot 8163
affirmation or addendum appears to match the signature in a 8164
voter registration record. If the software determines that a 8165
signature on a provisional ballot affirmation does not appear to 8166
match the signature in a voter registration record, the election 8167
officials personally shall determine whether those signatures 8168
match. 8169

Sec. 3505.20. ~~Any~~ (A) (1) Except as otherwise provided in 8170
division (A) (2) of this section, any person offering to vote may 8171
be challenged at the polling place by any precinct election 8172
official. If 8173

(2) If the board of elections has ruled on the question 8174
presented by a challenge prior to election day, its finding and 8175
decision shall be final, and the voting location manager shall 8176
be notified in writing. If the board has not ruled, the question 8177
shall be determined as set forth in this section. 8178

(B) If any person is so challenged under division (A) (1) 8179
of this section as unqualified to vote, the voting location 8180
manager shall tender the person the following oath: "You do 8181
swear or affirm under penalty of election falsification that you 8182

will fully and truly answer all of the following questions put 8183
to you concerning your qualifications as an elector at this 8184
election." 8185

~~(A)-(C) (1) If the person is challenged under division (A)~~ 8186
~~(1) of this section as unqualified on the ground that the person~~ 8187
is not a citizen, the ~~precinct~~ election officials shall put the 8188
following ~~questions:~~ 8189

~~(1) question: Are you a citizen of the United States?~~ 8190

~~(2) Are you a native or naturalized citizen?~~ 8191

~~(3) Where were you born?~~ 8192

~~(4) What official documentation do you possess to prove~~ 8193
~~your citizenship? Please provide that documentation.~~ 8194

If the person offering to vote ~~claims to be a naturalized~~ 8195
~~citizen of the United States, the person shall, before the vote~~ 8196
~~is received, produce for inspection of the precinct election~~ 8197
~~officials a certificate of naturalization and declare under oath~~ 8198
~~that the person is the identical person named in the~~ 8199
~~certificate. If the person states under oath that, by reason of~~ 8200
~~the naturalization of the person's parents or one of them, the~~ 8201
~~person has become~~is a citizen of the United States, ~~and when or~~ 8202
~~where the person's parents were naturalized, the certificate of~~ 8203
~~naturalization need not be produced. If the person is unable to~~ 8204
~~provide a certificate of naturalization on the day of the~~ 8205
~~election, the precinct election officials shall provide to~~ 8206
permit the person, ~~and the person may to vote, a provisional~~ 8207
~~ballot under section 3505.181 of the Revised Code. The~~ 8208
~~provisional ballot shall not be counted unless it is properly~~ 8209
~~completed and the board of elections determines that the voter~~ 8210
~~is properly registered and eligible to vote in the election.~~ 8211

~~(B)~~ (2) If the person is challenged under division (A) (1)
of this section as unqualified on the ground that the person has
not resided in this state for thirty days immediately preceding
the election, the ~~precinct~~ election officials shall put the
following questions:

~~(1)~~ (a) Have you resided in this state for thirty days
immediately preceding this election? If so, where have you
resided?

~~(2)~~ (b) Did you properly register to vote?

~~(3)~~ (c) Can you provide some form of identification
containing your current mailing address in this precinct? Please
provide that identification.

~~(4)~~ (d) Have you voted or attempted to vote at any other
location or in any other manner in this or in any other state at
this election?

~~(5)~~ (e) Have you applied for an absent voter's ballot in
any state for this election?

If the ~~precinct~~ election officials are unable to verify
the person's eligibility to cast a ballot in the election, the
~~precinct~~ election officials shall provide to the person, and the
person may vote, a provisional ballot under section 3505.181 of
the Revised Code. The provisional ballot shall not be counted
unless it is properly completed and the board of elections
determines that the voter is properly registered and eligible to
vote in the election.

~~(C)~~ (3) If the person is challenged under division (A) (1)
of this section as unqualified on the ground that the person is
not a resident of the precinct ~~where~~ whose ballot the person
offers to vote, the ~~precinct~~ election officials shall put the

following questions: 8241

~~(1)~~ (a) Do you reside in this precinct? 8242

~~(2)~~ (b) When did you move into this precinct? 8243

~~(3)~~ (c) When you came into this precinct, did you come for 8244
a temporary purpose merely or for the purpose of making it your 8245
home? 8246

~~(4)~~ (d) What is your current mailing address? 8247

~~(5)~~ (e) Do you have some official identification 8248
containing your current address in this precinct? Please provide 8249
that identification. 8250

~~(6)~~ (f) Have you voted or attempted to vote at any other 8251
location or in any other manner in this or in any other state at 8252
this election? 8253

~~(7)~~ (g) Have you applied for any absent voter's ballot in 8254
any state for this election? 8255

~~The precinct~~ If the individual is in a precinct polling 8256
place that is not the appropriate precinct polling place, the 8257
election officials shall direct ~~an~~ the individual ~~who is not in~~ 8258
~~the appropriate polling place to the appropriate precinct~~ 8259
polling place, to a voter service and polling center, or to the 8260
office of the board of elections. If the individual refuses to 8261
go to the appropriate precinct polling place, to a voter service 8262
and polling center, or to the office of the board, or if the 8263
~~precinct~~ election officials are unable to verify the person's 8264
eligibility to cast a ballot in the election, the ~~precinct~~ 8265
election officials shall provide to the person, and the person 8266
may vote, a provisional ballot under section 3505.181 of the 8267
Revised Code. The provisional ballot shall not be counted unless 8268

it is properly completed and the board of elections determines 8269
that the voter is properly registered and eligible to vote in 8270
the election. 8271

~~(D)~~ (4) If the person is challenged as unqualified on the 8272
ground that the person is not of legal voting age, the ~~precinct~~ 8273
election officials shall put the following questions: 8274

~~(1)~~ (a) Are you eighteen years of age or more? 8275

~~(2)~~ (b) What is your date of birth? 8276

~~(3)~~ (c) Do you have some official identification verifying 8277
your age? Please provide that identification. 8278

If the ~~precinct~~ election officials are unable to verify 8279
the person's age and eligibility to cast a ballot in the 8280
election, the ~~precinct~~ election officials shall provide to the 8281
person, and the person may vote, a provisional ballot under 8282
section 3505.181 of the Revised Code. The provisional ballot 8283
shall not be counted unless it is properly completed and the 8284
board of elections determines that the voter is properly 8285
registered and eligible to vote in the election. 8286

(D) The voting location manager shall put such other 8287
questions to the person challenged under division (A) (1) of this 8288
section as are necessary to determine the person's 8289
qualifications as an elector at the election. If a person 8290
challenged refuses to answer fully any question put to the 8291
person, is unable to answer the questions as they were answered 8292
on the registration form by the person under whose name the 8293
person offers to vote, or refuses to sign the person's ~~name~~ 8294
signature or make the person's mark, or if for any other reason 8295
a majority of the ~~precinct~~ election officials believes the 8296
person is not entitled to vote, the ~~precinct~~ election officials 8297

shall provide to the person, and the person may vote, a 8298
provisional ballot under section 3505.181 of the Revised Code. 8299
The provisional ballot shall not be counted unless it is 8300
properly completed and the board of elections determines that 8301
the voter is properly registered and eligible to vote in the 8302
election. 8303

(E) A qualified citizen who has certified the citizen's 8304
intention to vote for president and vice-president as provided 8305
by Chapter 3504. of the Revised Code shall be eligible to 8306
receive only the ballot containing presidential and vice- 8307
presidential candidates. 8308

~~However, not later than the thirtieth day before the day~~ 8309
~~of an election and in accordance with section 3503.24 of the~~ 8310
~~Revised Code, any person qualified to vote may challenge the~~ 8311
~~right of any other person to be registered as a voter, or the~~ 8312
~~right to cast an absent voter's ballot, or to make application~~ 8313
~~for such ballot. Such challenge shall be made in accordance with~~ 8314
~~section 3503.24 of the Revised Code, and the board of elections~~ 8315
~~of the county in which the voting residence of the challenged~~ 8316
~~voter is situated shall make a final determination relative to~~ 8317
~~the legality of such registration or application.~~ 8318

Sec. 3505.21. (A) As used in this section: 8319

(1) "During the casting of the ballots" includes any ~~of~~ 8320
~~the following:~~ 8321

~~(a) Any time during which a board of elections permits an~~ 8322
~~elector to vote an absent voter's ballot~~ ballots may be cast in 8323
~~person at the office of the board;~~ 8324

~~(b) Any time ballots may be cast in a precinct polling~~ 8325
~~place on the day of for an election;~~ 8326

~~(c) Any time during which a board of elections processes~~ 8327
~~absent voter's ballots before the time for counting those~~ 8328
~~ballots.~~ 8329

(2) "During the counting of the ballots" includes any time 8330
during which the election officials examine mail ballots and 8331
provisional ballots before the time for counting those ballots, 8332
count and tally ballots, make the official canvass of election 8333
returns, or conduct an audit of the official results of an 8334
election. 8335

(B) (1) At any primary, special, or general election, the 8336
county executive committee of any political party supporting 8337
candidates to be voted upon at such election or, if the election 8338
is a primary election, participating in the election, and any 8339
group of five or more candidates may appoint to the board of 8340
elections or to any of the precincts in the county or city one 8341
person, a qualified elector, who shall to serve as an observer 8342
for such party or such candidates during the casting of the 8343
ballots at any time at any location where ballots may be cast in 8344
person and at any time at the office of the board of elections 8345
during the counting of the ballots; provided that separate 8346
observers may be appointed to serve during the casting and 8347
during the counting of the ballots. No political party or group 8348
of candidates shall be represented by more than one observer at 8349
any location at any time. 8350

(2) None of the following persons shall serve as an 8351
observer: 8352

(a) A candidate, no other than a candidate who is a member 8353
of a party controlling committee, as defined in section 3517.03 8354
of the Revised Code; 8355

(b) A uniformed peace officer, as defined by section 8356
2935.01 of the Revised Code, ~~no;~~ 8357

(c) A uniformed state highway patrol trooper, ~~no;~~ 8358

(d) A uniformed member of any fire department, ~~no;~~ 8359

(e) A uniformed member of the armed services, ~~no;~~ 8360

(f) A uniformed member of the organized militia, ~~no;~~ 8361

(g) A person wearing any other uniform, ~~and no;~~ 8362

(h) A person carrying a firearm or other deadly weapon 8363
~~shall serve as an observer, nor shall any candidate be~~ 8364
~~represented by more than one observer at any one precinct or at~~ 8365
~~the board of elections except that a candidate who is a member~~ 8366
~~of a party controlling committee, as defined in section 3517.03~~ 8367
~~of the Revised Code, may serve as an observer.~~ 8368

(C) Any political party or group of candidates appointing 8369
observers shall notify the board of elections of the names and 8370
addresses of its appointees and the precincts times and 8371
locations at which they shall serve ~~or that they will serve at~~ 8372
~~the board of elections.~~ Notification of observers appointed to 8373
~~serve on the day of an election~~ shall take place not less than 8374
eleven days before the day ~~of the election on which they have~~ 8375
been appointed to serve on forms prescribed by the secretary of 8376
state and may be amended by filing an amendment with the board 8377
of elections at any time until four p.m. of the day before the 8378
election day the observer is appointed to serve. ~~Notification of~~ 8379
~~observers appointed to serve at the office of the board during~~ 8380
~~the time absent voter's ballots may be cast in person or during~~ 8381
~~the time in which the board processes absent voter's ballots~~ 8382
~~before the time for counting those ballots shall take place not~~ 8383
~~less than eleven days before absent voter's ballots are required~~ 8384

~~to be ready for use pursuant to section 3509.01 of the Revised~~ 8385
~~Code on forms prescribed by the secretary of state and may be~~ 8386
~~amended by filing an amendment with the board of elections at~~ 8387
~~any time until four p.m. of the day before the observer is~~ 8388
~~appointed to serve.~~ The observer serving on behalf of a 8389
political party shall be appointed in writing by the chairperson 8390
and secretary of the respective controlling party committee. 8391
Observers serving for any five or more candidates shall have 8392
their certificates signed by those candidates. Observers 8393
appointed to a ~~precinct~~ observe the casting of the ballots may 8394
file their certificates of appointment with the voting location 8395
manager ~~of the precinct at the meeting on the evening prior to~~ 8396
~~the election, or with the voting location manager of the~~ 8397
~~precinct on the day before or on the day of the election~~ 8398
observers are scheduled to serve. Observers appointed to the 8399
office of the board to observe the casting counting of ~~absent-~~ 8400
~~voter's the~~ ballots in person prior to the day of the election 8401
~~or the processing of absent voter's ballots before the time for~~ 8402
~~counting those ballots~~ may file their certificates with the 8403
director of the board of elections the day before or on the day 8404
that the observers are scheduled to serve ~~at the office of the~~ 8405
~~board.~~ 8406

Upon the filing of a certificate, the person named as 8407
observer in the certificate shall be permitted to be in and 8408
about the applicable ~~polling place~~ location during the ~~casting~~ 8409
~~of the time that~~ ballots ~~and may be cast in person,~~ shall be 8410
permitted to watch every proceeding of the ~~precinct~~ election 8411
officials ~~from the during that time of the opening until the~~ 8412
~~closing of the polls. The observer also, and, if applicable,~~ may 8413
inspect the counting of all ballots in the ~~polling place or~~ 8414
~~board of elections from the time of the closing of the polls~~ 8415

~~until the counting is completed and the final returns are~~ 8416
~~certified and signed until all procedures for closing the~~ 8417
~~location for the day have been completed. Observers appointed to~~ 8418
~~serve at the board of elections on the day of an election under~~ 8419
~~this section may observe at the board of elections and may~~ 8420
~~observe at any precinct in the county. The precinct election~~ 8421
officials shall protect such observers in all of the rights and 8422
privileges granted to them by Title XXXV of the Revised Code. 8423

(D) No persons other than the ~~precinct~~ election officials, 8424
the observers, a police officer, other persons who are detailed 8425
to any ~~precinct location~~ on request of the board of elections, 8426
or the secretary of state or the secretary of state's legal 8427
representative shall be admitted to ~~the polling place any~~ 8428
location where ballots may be cast in person, or any room in 8429
which a board of elections is counting ballots, after the 8430
closing of the polls until the counting, certifying, and signing 8431
of the final returns of each election have been completed. 8432

(E) (1) Not later than four p.m. of the ~~twentieth thirtieth~~ 8433
day prior to an election at which questions are to be submitted 8434
to a vote of the people, any committee that in good faith 8435
advocates or opposes a measure may file a petition with the 8436
board of any county asking that the petitioners be recognized as 8437
the committee entitled to appoint observers ~~to the count at for~~ 8438
the election. If more than one committee alleging themselves to 8439
advocate or oppose the same measure file such a petition, the 8440
board shall decide and announce by registered mail to each 8441
committee not less than ~~twelve twenty-two~~ days immediately 8442
preceding the election which committee is recognized as being 8443
entitled to appoint observers. The decision shall not be final, 8444
but any aggrieved party may institute mandamus proceedings in 8445
the court of common pleas of the county in which the board has 8446

jurisdiction to compel the ~~precinct~~-election officials to accept
the appointees of such aggrieved party. ~~Any-~~

(2) Subject to division (E) (3) of this section, any such
recognized committee may appoint ~~an observer to the count in~~
~~each precinct observers under this section in the same manner as~~
a group of candidates. ~~Committees appointing observers shall~~
~~notify the board of elections of the names and addresses of its~~
~~appointees and the precincts at which they shall serve.~~
~~Notification shall take place not less than eleven days before~~
~~the election on forms prescribed by the secretary of state and~~
~~may be amended by filing an amendment with the board of~~
~~elections at any time until four p.m. on the day before the~~
~~election. A person so appointed shall file the person's~~
~~certificate of appointment with the voting location manager in~~
~~the precinct in which the person has been appointed to serve.~~
~~Observers shall file their certificates before the polls are~~
~~closed. In-~~

(3) In no case shall more than six observers be appointed
by committees recognized under division (E) (1) of this section
for any one election in any one precinct location at one time.
If more than three questions are to be voted on, the committees
which have appointed observers may agree upon not to exceed six
observers, and the ~~precinct~~-election officials shall appoint
such observers. If such committees fail to agree, the ~~precinct~~-
election officials shall appoint six observers from the
appointees so certified, in such manner that each side of the
several questions shall be represented.

(F) No person shall serve as an observer at any precinct
or at the board of elections unless the board of elections of
the county in which such observer is to serve has first been

notified of the observer's name, and address, and the time and 8477
location at which such observer is to serve. Notification to the 8478
board of elections shall be given by the political party, group 8479
of candidates, or committee appointing such observer as 8480
prescribed in this section. No such observers shall receive any 8481
compensation from the county, municipal corporation, or 8482
township, and they shall take the following oath, to be 8483
administered by one of the precinct election officials: 8484

"You do solemnly swear that you will faithfully and 8485
impartially discharge the duties as an official observer, 8486
assigned by law; that you will not cause any delay to persons 8487
offering to vote; and that you will not disclose or communicate 8488
to any person how any elector has voted at such election." 8489

Sec. 3505.22. If any ~~precinct officer~~ election official 8490
has reason to believe that a person is impersonating an elector, 8491
that person, before being given a ballot, shall be questioned as 8492
to the person's right to vote, and shall be required to sign the 8493
person's ~~name~~ signature or make the person's mark in ink on a 8494
card to be provided. If, in the opinion of a majority of the 8495
~~precinct officers~~ election officials, the signature is not that 8496
of the person who signed the name in the registration forms, 8497
that person shall be permitted to cast a provisional ballot 8498
under section 3505.181 of the Revised Code. 8499

Sec. 3505.23. (A) (1) Except as otherwise provided in this 8500
section, no voter shall be allowed to occupy a voting 8501
compartment or use a ~~voting machine~~ marking device more than ten 8502
minutes when all the voting compartments or ~~machines~~ marking 8503
devices are in use and voters are waiting to occupy or use them. 8504
The ten-minute time limit shall not apply to any person who 8505
requires the use of a disabled-accessible ~~voting machine~~ marking 8506

device as required under the "Help America Vote Act of 2002,"
~~116 Stat. 1704, 42 U.S.C. 15481.~~

(2) Except as otherwise provided by section 3505.24 of the
Revised Code, no voter shall occupy a voting compartment or
~~machine~~ use a marking device with another person or speak to
anyone, nor shall anyone speak to the voter, while the voter is
in a voting compartment or ~~machine~~ using a marking device.

~~In precincts that do not use voting machines the following
procedure shall be followed:~~

(B) If a voter tears, soils, defaces, or erroneously marks
a ballot the voter may return it to the ~~precinct~~ election
officials and a second ballot shall be issued to the voter.
Before returning a torn, soiled, defaced, or erroneously marked
ballot, the voter shall fold it so as to conceal any marks the
voter made upon it, but the voter shall not remove Stub A
therefrom. If the voter tears, soils, defaces, or erroneously
marks such second ballot, the voter may return it to the
~~precinct~~ election officials, and a third ballot shall be issued
to the voter. In no case shall more than three ballots be issued
to a voter. Upon receiving a returned torn, soiled, defaced, or
erroneously marked ballot the ~~precinct~~ election officials shall
detach Stub A therefrom, write "Defaced" on the back of such
ballot, and place the stub and the ballot in the separate
containers provided therefor.

(C) (1) No elector shall leave the ~~polling place location~~
until the elector returns to the ~~precinct~~ election officials
every ballot issued to the elector with Stub A on each ballot
attached thereto, regardless of whether the elector has or has
not placed any marks upon the ballot.

(2) Before leaving the voting compartment, the voter shall 8536
fold each ballot marked by the voter so that no part of the face 8537
of the ballot is visible, and so that the printing thereon 8538
indicating the kind of ballot it is and the facsimile signatures 8539
of the members of the board of elections are visible. The voter 8540
shall then leave the voting compartment, deliver the voter's 8541
ballots, and state the voter's name to the ~~precinct~~-election 8542
official having charge of the ballot box, who shall announce the 8543
name, detach Stub A from each ballot, and announce the number on 8544
the stubs. The ~~precinct~~-election officials in charge of the poll 8545
lists or poll books shall check to ascertain whether the number 8546
so announced is the number on Stub B of the ballots issued to 8547
such voter, and if no discrepancy appears to exist, the ~~precinct~~- 8548
election official in charge of the ballot box shall, in the 8549
presence of the voter, deposit each such ballot in the ballot 8550
box and shall place Stub A from each ballot in the container 8551
provided therefor. The voter shall then immediately leave the 8552
~~polling place location~~. 8553

(3) No ballot delivered by a voter to the ~~precinct~~- 8554
election official in charge of the ballot box with Stub A 8555
detached therefrom, and only ballots provided in accordance with 8556
Title XXXV of the Revised Code, shall be voted or deposited in 8557
the ballot box. 8558

(D) (1) In marking a presidential ballot, the voter shall 8559
record the vote in the manner provided on the ballot next to the 8560
names of the candidates for the offices of president and vice- 8561
president. Such ballot shall be considered and counted as a vote 8562
for each of the candidates for election as presidential elector 8563
whose names were certified to the secretary of state by the 8564
political party of such nominees for president and vice- 8565
president. 8566

(2) In marking an office type ballot or nonpartisan ballot, the voter shall record the vote in the manner provided on the ballot next to the name of each candidate for whom the voter desires to vote.

(3) In marking a primary election ballot, the voter shall record the vote in the manner provided on the ballot next to the name of each candidate for whom the voter desires to vote. If the voter desires to vote for the nomination of a person whose name is not printed on the primary election ballot, the voter may do so by writing such person's name on the ballot in the proper place provided for such purpose.

(4) In marking a questions and issues ballot, the voter shall record the vote in the manner provided on the ballot at the left or at the right of "YES" or "NO" or other words of similar import which are printed on the ballot to enable the voter to indicate how the voter votes in connection with each question or issue upon which the voter desires to vote.

(5) In marking any ballot on which a blank space has been provided wherein an elector may write in the name of a person for whom the elector desires to vote, the elector shall write such person's name in such blank space and on no other place on the ballot. Unless specific provision is made by statute, no blank space shall be provided on a ballot for write-in votes, and any names written on a ballot other than in a blank space provided therefor shall not be counted or recorded.

Sec. 3505.24. (A) (1) Notwithstanding any provision of the Revised Code to the contrary, any 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: 8597

~~(A) (a) Appears to vote on the day of an election or~~ 8598
~~appears at the office of the board of elections to cast absent-~~ 8599
~~voter's ballots in person; and~~ 8600

~~(B) (b) Declares to the presiding judge of elections or to~~ 8601
~~the election official who is accepting applications to cast~~ 8602
~~absent voter's ballots in person~~ voting location manager that 8603
the elector is unable to mark the elector's ballot by reason of 8604
blindness, disability, or illiteracy. 8605

(2) The elector also may request and receive assistance in 8606
the marking of the elector's ballot from two election officials 8607
of different political parties. ~~Any~~ 8608

(B) Any person providing assistance in the marking of an 8609
elector's ballot under this section shall thereafter provide no 8610
information in regard to the marking of that ballot. 8611

(C) Any election official may require a declaration of 8612
inability to be made by the elector under oath before the 8613
election official. Assistance shall not be rendered for causes 8614
other than those specified in this section, and no candidate 8615
whose name appears on the ballot shall assist any person in 8616
marking that person's ballot. 8617

Sec. 3505.26. (A) (1) At the time for closing the polls the 8618
close of voting for the day at a location where ballots may be 8619
cast in person, the voting location manager shall by 8620
proclamation announce that ~~the polls are voting has~~ closed. 8621

(2) The ~~precinct~~ election officials shall then in the 8622
presence of observers proceed as follows: 8623

~~(A) (a)~~ Count the number of electors who voted at that 8624

location that day, as shown on the pollbooks; 8625

~~(B)~~ (b) Count the unused ballots without removing stubs; 8626

~~(C)~~ (c) Count the soiled and defaced ballots; 8627

~~(D)~~ (d) Insert the totals of divisions (A) (2) (a), ~~(B) (b),~~ 8628
and ~~(C) (c)~~ of this section on the report forms provided 8629
therefor in the pollbook; 8630

~~(E)~~ (e) Count the voted ballots. If the number of voted 8631
ballots exceeds the number of voters whose names appear upon the 8632
pollbooks, the voting location manager shall enter on the 8633
pollbooks an explanation of that discrepancy, and that 8634
explanation, if agreed to, shall be subscribed to by all of the 8635
~~precinct~~ election officials. Any ~~precinct~~ election official 8636
having a different explanation shall enter it in the pollbooks 8637
and subscribe to it. 8638

~~(F)~~ (f) Put the unused ballots with stubs attached, and 8639
soiled and defaced ballots with stubs attached, in the envelopes 8640
or containers provided therefor, and certify the number, ~~and~~. 8641

(B) (1) If the location is a precinct polling place, the 8642
election officials then shall proceed, in the presence of 8643
observers, to count and tally the votes in the manner prescribed 8644
by section 3505.27 of the Revised Code and certify the result of 8645
the election to the board of elections. 8646

(2) From the time the ballot box is opened and the count 8647
of ballots begun until the ballots are counted and certificates 8648
of votes cast are made out, signed, certified and given to the 8649
voting location manager for delivery to the office of the board, 8650
the election officials in each precinct shall not separate, nor 8651
shall an election official leave the precinct polling place 8652
except from unavoidable necessity. In cases of illness or 8653

unavoidable necessity, the board may substitute another 8654
qualified person for any election official so incapacitated. 8655

(3) When the election officials have ascertained the 8656
results of the ballots cast at the precinct polling place, the 8657
election officials shall prepare and certify a summary statement 8658
embodying the results, in duplicate, on forms provided by the 8659
board of elections. 8660

(4) Immediately after preparing and certifying the summary 8661
statement, the election officials shall do all of the following: 8662

(a) (i) Place all of the regular ballots cast in person at 8663
the precinct polling place in a locked case that is secured with 8664
a numbered seal; 8665

(ii) Place any provisional ballots cast at the precinct 8666
polling place in a separate locked case that is secured with a 8667
numbered seal and ensure that the case is labeled as containing 8668
provisional ballots; 8669

(iii) Place any voted mail ballots returned to the 8670
election officials at the precinct polling place in a separate 8671
locked case that is secured with a numbered seal and ensure that 8672
the case is labeled as containing mail ballots. 8673

(b) Place all work sheets the election officials prepared 8674
inside the pollbook, poll list, or signature pollbook, seal it 8675
in a manner that the data cannot be seen without breaking the 8676
seal, and indicate plainly on the outside of the container that 8677
it is to be filed with the board. 8678

(c) Post one copy of the summary statement on the front of 8679
the precinct polling place and place the other copy in a sealed 8680
envelope for delivery to the board. 8681

(5) The voting location manager and an employee or 8682
appointee of the board of elections who has taken an oath to 8683
uphold the laws and constitution of this state, including an 8684
oath that the person will promptly and securely perform the 8685
duties required under this section and who is a member of a 8686
different political party than the voting location manager, then 8687
shall deliver the ballot cases, the pollbook, the summary 8688
statement, and all other election reports, materials, and 8689
supplies to the office of the board. The voting location manager 8690
and the board employee or appointee shall deposit the ballot 8691
cases in the secure ballot storage room described in section 8692
3505.262 of the Revised Code. 8693

(C) (1) If the location is a voter service and polling 8694
center, the election officials then shall, in the presence of 8695
observers, do all of the following: 8696

(a) Place all of the regular ballots cast in person at the 8697
voter service and polling center in a locked case that is 8698
secured with a numbered seal; 8699

(b) Place any provisional ballots cast at the voter 8700
service and polling center in a separate locked case that is 8701
secured with a numbered seal and ensure that the case is labeled 8702
as containing provisional ballots; 8703

(c) Place any voted mail ballots returned to the election 8704
officials at the voter service and polling center in a separate 8705
locked case that is secured with a numbered seal and ensure that 8706
the case is labeled as containing mail ballots. 8707

(2) The voting location manager and another election 8708
official who is not a member of the same political party 8709
immediately shall transport the ballot cases to the office of 8710

the board and deposit them in the secure ballot storage room 8711
described in section 3505.262 of the Revised Code. 8712

(D) (1) If the location is the office of the board, the 8713
election officials shall, in the presence of observers, do all 8714
of the following: 8715

(a) Place all of the regular ballots cast in person at the 8716
office of the board in a locked case that is secured with a 8717
numbered seal; 8718

(b) Place any provisional ballots cast at the office of 8719
the board in a separate locked case that is secured with a 8720
numbered seal and ensure that the case is labeled as containing 8721
provisional ballots; 8722

(c) Place any voted mail ballots returned in person to the 8723
election officials at the office of the board in a locked case 8724
that is secured with a numbered seal along with any other mail 8725
ballots that have been returned to the board. 8726

(2) The voting location manager and another election 8727
official who is not a member of the same political party 8728
immediately shall deposit the ballot cases in the secure ballot 8729
storage room described in section 3505.262 of the Revised Code. 8730

Sec. 3505.261. (A) Subject to division (B) of this 8731
section, each day on which electors may deposit voted mail 8732
ballots in a ballot drop box, at a time prescribed by the 8733
secretary of state, two election officials who are not members 8734
of the same political party shall remove all of the ballots 8735
deposited in the ballot drop box, place them in a locked case 8736
that is secured with a numbered seal, and immediately transport 8737
the case to the office of the board of elections and deposit it 8738
in the secure ballot storage room described in section 3505.262 8739

of the Revised Code.

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(B) On the day of the election, the election officials
shall remove the ballots deposited in the ballot drop box and
close the ballot drop box to any further deposits promptly at
seven-thirty p.m., except that if there are persons waiting in
line to deposit voted mail ballots at that time, those persons
shall be permitted to deposit the voted mail ballots in the
ballot drop box.

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Sec. 3505.262. (A) The board of elections shall maintain a
secure ballot storage room at the office of the board. During
the casting of the ballots and during the counting of the
ballots, the board shall keep all voted ballots for that
election that have been delivered to the office of the board in
the secure ballot storage room. The election officials may
remove voted ballots from the secure ballot storage room only as
necessary to examine, process, or count them.

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(B) The board shall permit only election officials to
enter the secure ballot storage room, and shall permit election
officials to enter the room only for the purpose of depositing
voted ballots, removing them as permitted under division (A) of
this section, and replacing them.

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(C) The interior of the secure ballot storage room shall
be monitored by video surveillance at all times while ballots
are stored in the room. The board shall maintain all such video
surveillance recordings in a secure manner for at least two
years after the day of the election and shall make the
recordings available to the secretary of state or to a law
enforcement agency upon request.

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(D) As used in this section:

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(1) "During the casting of the ballots" and "during the counting of the ballots" have the same meanings as in section 3505.21 of the Revised Code. 8769
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(2) To "process" a ballot has the same meaning as in section 3505.27 of the Revised Code. 8772
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(3) "Law enforcement agency" means a police department, the office of a sheriff, the state highway patrol, a county prosecuting attorney, or a federal, state, or local governmental body that enforces criminal laws and that has employees who have a statutory power of arrest. 8774
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Sec. 3505.27. (A) (1) The election officials may process ballots cast in person before seven-thirty p.m. on the day of the election, but the election officials shall not tabulate or count the votes on those ballots before that time. As used in this section, processing a ballot means preparing and sorting a ballot for scanning and scanning it by automatic tabulating equipment, so long as the equipment permits a ballot to be scanned without tabulating or counting the votes on the ballots scanned. 8779
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(2) No election official or observer shall disclose the count or any portion of the count of any ballots before seven-thirty p.m. on the day of the election. No person shall recklessly disclose the count or any portion of the count of any ballots in such a manner as to jeopardize the secrecy of any individual ballot. 8788
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(B) Except as permitted under section 3505.26 of the Revised Code with respect to a precinct polling place, all ballots shall be counted and tallied at the office of the board of elections. 8794
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(C) Unless otherwise ordered by the secretary of state or 8798
the board of elections, the counting and tallying of ballots 8799
shall be conducted according to procedures prescribed by the 8800
board of elections that assure an accurate count of all votes 8801
cast and that include all of the following: 8802

~~(A) (1)~~ The counting and tallying of ballots ~~at the~~ 8803
~~appropriate office, as designated by the board,~~ in the full view 8804
of members of the board and observers; 8805

~~(B) (2)~~ The recording on a worksheet or other appropriate 8806
document of the number of votes cast for each candidate and the 8807
number of votes cast for and against each question or issue; 8808

~~(C) (3)~~ The periodic reporting to the public and the 8809
office of the secretary of state of the number of votes cast for 8810
each candidate and the number of votes cast for and against each 8811
question or issue as tallied at the time of the report; 8812

~~(D) (4)~~ An examination and verification by the appropriate 8813
authority, as designated by the board, of the ~~votes so tallied~~ 8814
~~and recorded in the pollbook under section 3505.26 of the~~ 8815
~~Revised Code~~ number of electors who cast ballots. 8816

(D) The board shall prescribe additional procedures as 8817
necessary to assure an accurate count of all votes cast. These 8818
procedures shall be followed until all of the ballots that are 8819
required to be counted on the day of the election ~~after the~~ 8820
~~close of the polls~~ have been counted. 8821

~~All work sheets that are prepared at the polling locations~~ 8822
~~shall be preserved and placed inside the pollbook and returned~~ 8823
~~to the board.~~ 8824

(E) If there is any disagreement as to how a ballot should 8825
be counted, it shall be submitted to the members of the board 8826

for a decision on whether or to what extent the ballot should be 8827
counted. If three of the members do not agree as to how any part 8828
of the ballot shall be counted, only that part of the ballot on 8829
which three of the members do agree shall be counted. A notation 8830
shall be made upon the ballot indicating what part has not been 8831
counted, and the ballot shall be placed in an envelope marked 8832
"Disputed Ballots." 8833

(F) When the election officials who are counting ballots 8834
at the office of the board have determined the results of the 8835
voting in a precinct, entered the results upon the proper forms, 8836
and certified the results, the election officials shall place 8837
all ballots that they have counted in a locked case that is 8838
secured with a numbered seal. They shall also seal the pollbook, 8839
poll list or signature pollbook, and tally sheet of electors who 8840
cast ballots in a manner that the data contained in these items 8841
the list cannot be seen without breaking the seal. Two election 8842
officials who are not members of the same political party 8843
immediately shall deposit the ballot case in the secure ballot 8844
storage room described in section 3505.262 of the Revised Code. 8845

Sec. 3505.28. No ballot shall be counted which is marked 8846
contrary to law, except that no ballot shall be rejected for any 8847
technical error unless it is impossible to determine the voter's 8848
choice. If two or more ballots are found folded together among 8849
the ballots removed from a ballot box, they shall be deemed to 8850
be fraudulent. Such ballots shall not be counted. They shall be 8851
marked "Fraudulent" and shall be placed in an envelope indorsed 8852
"Not Counted" with the reasons therefor, and such envelope shall 8853
be delivered to the board of elections together with other 8854
uncounted ballots. 8855

No ballot shall be rejected because of being marked with 8856

ink or by any writing instrument other than ~~one of the pencils~~
~~provided by the board of elections~~ a pencil.

Sec. 3505.30. ~~When the results of the ballots have been~~
~~ascertained, such results shall be embodied in a summary~~
~~statement to be prepared by the precinct election officials in~~
~~duplicate, on forms provided by the board of elections. One copy~~
~~shall be certified by the precinct election officials and posted~~
~~on the front of the polling place, and one copy, similarly~~
~~certified, shall be transmitted without delay to the board in a~~
~~sealed envelope along with the other returns of the election.~~
~~The board shall, immediately~~ Immediately ~~upon receipt of such~~
~~receiving the relevant summary statements from the election~~
~~officials containing the results of the ballots cast in a~~
~~precinct, the board of elections shall compile and prepare an~~
unofficial count and upon its completion shall transmit prepaid,
immediately by telephone, facsimile machine, or other
telecommunications device, the results of such unofficial count
to the secretary of state, or to the board of the most populous
county of the district which is authorized to canvass the
returns. Such count, in no event, shall be made later than
twelve noon on the day following the election. The board shall
also, at the same time, certify the results thereof to the
secretary of state by certified mail. The board shall remain in
session from ~~the time of the opening of the polls~~ seven-thirty
p.m. on the day of the election, continuously, until the results
of the election are received ~~from~~ concerning every precinct in
the county and such results are communicated to the secretary of
state.

Sec. 3505.31. ~~When the results of the voting in a polling~~
~~place on the day of an election have been determined and entered~~
~~upon the proper forms and the certifications of those results~~

~~have been signed by the precinct officials, those officials, 8888~~
~~before leaving the polling place, shall place all ballots that 8889~~
~~they have counted in containers provided for that purpose by the 8890~~
~~board of elections, and shall seal each container in a manner 8891~~
~~that it cannot be opened without breaking the seal or the 8892~~
~~material of which the container is made. They shall also seal 8893~~
~~the pollbook, poll list or signature pollbook, and tally sheet 8894~~
~~in a manner that the data contained in these items cannot be 8895~~
~~seen without breaking the seals. On the outside of these items 8896~~
~~shall be a plain indication that they are to be filed with the 8897~~
~~board. The voting location manager and an employee or appointee 8898~~
~~of the board of elections who has taken an oath to uphold the 8899~~
~~laws and constitution of this state, including an oath that the 8900~~
~~person will promptly and securely perform the duties required 8901~~
~~under this section and who is a member of a different political 8902~~
~~party than the voting location manager, shall then deliver to 8903~~
~~the board the containers of ballots and the sealed pollbook, 8904~~
~~poll list, and tally sheet, together with all other election 8905~~
~~reports, materials, and supplies required to be delivered to the 8906~~
~~board. 8907~~

The board shall carefully preserve all ballots prepared 8908
and provided by it for use in an election, whether used or 8909
unused, for sixty days after the day of the election, except 8910
that, if an election includes the nomination or election of 8911
candidates for any of the offices of president, vice-president, 8912
presidential elector, member of the senate of the congress of 8913
the United States, or member of the house of representatives of 8914
the congress of the United States, the board shall carefully 8915
preserve all ballots prepared and provided by it for use in that 8916
election, whether used or unused, for twenty-two months after 8917
the day of the election. If an election is held within that 8918

sixty-day period, the board shall have authority to transfer 8919
those ballots to other containers to preserve them until the 8920
sixty-day period has expired. After that sixty-day period, the 8921
ballots shall be disposed of by the board in a manner that the 8922
board orders, ~~or where voting machines have been used the~~ 8923
~~counters may be turned back to zero;~~ provided that the secretary 8924
of state, within that sixty-day period, may order the board to 8925
preserve the ballots or any part of the ballots for a longer 8926
period of time, in which event the board shall preserve those 8927
ballots for that longer period of time. 8928

~~In counties where voting machines are used, if an election~~ 8929
~~is to be held within the sixty days immediately following a~~ 8930
~~primary, general, or special election or within any period of~~ 8931
~~time within which the ballots have been ordered preserved by the~~ 8932
~~secretary of state or a court of competent jurisdiction, the~~ 8933
~~board, after giving notice to all interested parties and~~ 8934
~~affording them an opportunity to have a representative present,~~ 8935
~~shall open the compartments of the machines and, without~~ 8936
~~unlocking the machines, shall recanvass the vote cast in them as~~ 8937
~~if a recount were being held. The results shall be certified by~~ 8938
~~the board, and this certification shall be filed in the board's~~ 8939
~~office and retained for the remainder of the period for which~~ 8940
~~ballots must be kept. After preparation of the certificate, the~~ 8941
~~counters may be turned back to zero, and the machines may be~~ 8942
~~used for the election.~~ 8943

The board shall carefully preserve the ~~pollbook~~ pollbooks, 8944
~~poll list or lists,~~ signature ~~pollbook~~ pollbooks, and tally 8945
~~sheet delivered to it from each polling place~~ sheets until it 8946
has completed the official canvass of the election returns from 8947
all precincts in which electors were entitled to vote at an 8948
election, and has prepared and certified the abstracts of 8949

election returns, as required by law. The board shall not break, 8950
or permit anyone to break, the seals upon the ~~pollbook~~ 8951
pollbooks, poll ~~list or lists~~, signature ~~pollbook~~ pollbooks, and 8952
or tally ~~sheet sheets~~, or make, or permit ~~any one~~ anyone to 8953
make, any changes or notations in these items, while they are in 8954
its custody, except as provided by section 3505.32 of the 8955
Revised Code. 8956

Pollbooks and poll lists or signature pollbooks of a party 8957
primary election ~~delivered to the board from polling places~~ 8958
shall be carefully preserved by ~~it~~ the board for two years after 8959
the day of election in which they were used, and shall then be 8960
disposed of by the board in a manner that the board orders. 8961

Pollbooks, poll lists or signature pollbooks, tally 8962
sheets, summary statements, and other records and returns of an 8963
election ~~delivered to it from polling places~~ shall be carefully 8964
preserved by the board for two years after the day of the 8965
election in which they were used, and shall then be disposed of 8966
by the board in a manner that the board orders. 8967

Sec. 3505.32. (A) Except as otherwise provided in division 8968
(D) of this section, not earlier than the eleventh day or later 8969
than the fifteenth day after a general or special election, the 8970
board of elections shall begin to canvass the election returns 8971
from the precincts in which electors were entitled to vote at 8972
that election. It shall continue the canvass daily until it is 8973
completed and the results of the voting in that election in each 8974
of the precincts are determined. 8975

The board shall complete the canvass not later than the 8976
twenty-first day after the day of the election. Eighty-one days 8977
after the day of the election, the canvass of election returns 8978
shall be deemed final, and no amendments to the canvass may be 8979

made after that date. The secretary of state may specify an 8980
earlier date upon which the canvass of election returns shall be 8981
deemed final, and after which amendments to the final canvass 8982
may not be made, if so required by federal law. 8983

(B) The county executive committee of each political 8984
party, each committee designated in a petition nominating an 8985
independent or nonpartisan candidate for election at an 8986
election, each committee designated in a petition to represent 8987
the petitioners pursuant to which a question or issue was 8988
submitted at an election, and any committee opposing a question 8989
or issue submitted at an election that was permitted by section 8990
3505.21 of the Revised Code to have a qualified elector serve as 8991
an observer during the counting of the ballots ~~at each polling-~~ 8992
~~place~~ at an election may designate a qualified elector who may 8993
be present and may observe the making of the official canvass. 8994
Each candidate in a primary election also may observe the making 8995
of the official canvass. 8996

(C) The board shall first open all envelopes containing 8997
uncounted ballots and shall count and tally them. 8998

In connection with its investigation of any apparent or 8999
suspected error or defect in the election returns ~~from a polling-~~ 9000
~~place~~, the board may cause subpoenas to be issued and served 9001
requiring the attendance before it of the election officials ~~of~~ 9002
~~that polling place~~, and it may examine them under oath regarding 9003
the manner in which the votes were cast and counted ~~in that~~ 9004
~~polling place~~, or the manner in which the returns were prepared 9005
and certified, or as to any other matters bearing upon the 9006
voting and the counting of the votes ~~in that polling place~~ at 9007
that election. 9008

Finally, the board shall open the sealed container 9009

containing the ballots that were counted ~~in the polling place~~ at 9010
the election and count those ballots, during the official 9011
canvass, in the presence of all of the members of the board and 9012
any other persons who are entitled to witness the official 9013
canvass. 9014

(D) Prior to the tenth day after a primary, general, or 9015
special election, the board may examine the pollbooks, poll 9016
lists, and tally sheets ~~received from each polling place~~ for its 9017
files and may compare the results of the voting in any ~~polling~~ 9018
~~place precinct~~ with the summary ~~statement~~ statements received 9019
~~from for the polling place precinct~~. If the board finds that any 9020
of these records or any portion of them is missing, or that they 9021
are incomplete, not properly certified, or ambiguous, or that 9022
the results of the voting in the ~~polling place precinct~~ as shown 9023
on the summary ~~statement from statements for the polling place~~ 9024
~~precinct~~ are different from the results of the voting in the 9025
~~polling place precinct~~ as shown by the ~~pollbook~~ pollbooks, poll 9026
~~list lists~~, or tally ~~sheet sheets~~ from the ~~polling place~~ 9027
~~precinct~~, or that there is any other defect in the records, the 9028
board may make whatever changes to the ~~pollbook~~ pollbooks, poll 9029
~~list lists~~, or tally ~~sheet sheets~~ it determines to be proper in 9030
order to correct the errors or defects. 9031

Sec. 3505.331. (A) After declaring the official results of 9032
a general election ~~or of a primary election held in an even~~ 9033
~~numbered year~~, as described in section 3505.33 of the Revised 9034
Code, the board of elections shall audit those results in 9035
accordance with this section. Except as otherwise provided in 9036
this division, the board shall begin the audit not earlier than 9037
six days after it declares the official results and shall 9038
complete the audit not later than the twenty-first day after it 9039
declares the official results. If the board conducts a recount, 9040

the board shall begin the audit immediately after the board 9041
certifies the results of the recount and shall complete the 9042
audit not later than the fourteenth day after it certifies the 9043
results of the recount. 9044

(B) The board shall conduct the audit in accordance with 9045
procedures prescribed by the secretary of state, which shall 9046
include all of the following: 9047

(1) (a) Except as otherwise provided in division (B) (1) (b) 9048
of this section, a requirement that the board audit not less 9049
than three contested races, questions, or issues, as directed by 9050
the secretary of state. If fewer than three contested races, 9051
questions, or issues appear on the ballot at the election, then 9052
the board shall audit every contested race, question, and issue. 9053
In any election, every contested race, question, or issue shall 9054
be eligible to be audited. 9055

(b) If the board ordered a countywide recount of the 9056
results of a race, question, or issue under section 3515.011 of 9057
the Revised Code, the recount shall be considered an audit for 9058
purposes of meeting the requirement that the board audit not 9059
less than three contested races, questions, or issues. 9060

(2) A requirement that every ballot that was included in 9061
the canvass of the election returns be eligible to be audited, 9062
including regular ballots cast ~~on the day of the election in~~ 9063
person, absent voter's mail ballots, and provisional ballots. 9064

~~(3) Either a provision allowing the board to choose one of~~ 9065
~~the following protocols to use in conducting the audit or a~~ 9066
~~provision requiring the board to use a protocol selected by the~~ 9067
~~secretary of state from the following protocols in conducting~~ 9068
~~the audit:~~ 9069

~~(a)~~ A requirement that the board use a risk-limiting audit 9070
protocol, which shall use statistical methods to limit to 9071
acceptable levels the risk of certifying an incorrect outcome 9072
for a particular race, question, or issue. The protocol shall 9073
require bipartisan teams of election officials to physically 9074
examine and hand count randomly sampled ballots and to continue 9075
the hand counting until the results of the hand count provide 9076
sufficiently strong evidence that a hand count of all of the 9077
ballots would confirm the election result declared under section 9078
3505.33 of the Revised Code or until all of the ballots have 9079
been hand counted, whichever occurs first. 9080

~~(b)(i) A percentage-based audit protocol, which shall~~ 9081
~~require bipartisan teams of election officials to physically~~ 9082
~~examine and hand count a number of randomly sampled ballots~~ 9083
~~equal to a given percentage of the total number of ballots cast~~ 9084
~~in the county at that election, as prescribed by the secretary~~ 9085
~~of state. After the election officials complete the initial~~ 9086
~~audit, the board shall calculate, as a percentage, the accuracy~~ 9087
~~rate of each audited race, question, or issue by dividing the~~ 9088
~~sum of any discrepancies for the race, question, or issue~~ 9089
~~discovered during the audit by the total number of ballots~~ 9090
~~audited for the race, question, or issue and subtracting the~~ 9091
~~resulting number from one.~~ 9092

~~(ii) If the accuracy rate for an audited race, question,~~ 9093
~~or issue is less than the acceptable accuracy rate prescribed by~~ 9094
~~the secretary of state, the board shall escalate the audit of~~ 9095
~~that race, question, or issue by requiring bipartisan teams of~~ 9096
~~election officials to physically examine and hand count a second~~ 9097
~~set of randomly sampled ballots equal to a given percentage of~~ 9098
~~the total number of ballots cast in the county at that election,~~ 9099
~~as prescribed by the secretary of state. The second set of~~ 9100

~~ballots shall not include any ballots that were included in the~~ 9101
~~first set of audited ballots. After the election officials have~~ 9102
~~counted the second set of ballots, the board shall calculate the~~ 9103
~~combined accuracy rate for both audited sets of ballots for that~~ 9104
~~race, question, or issue.~~ 9105

~~(c) Another audit protocol approved by the secretary of~~ 9106
~~state.~~ 9107

(C) The board shall give public notice of the times and 9108
places for preparing for and conducting the audit in accordance 9109
with section 121.22 of the Revised Code. At all times while the 9110
board prepares for and conducts the audit, the board shall 9111
permit observers appointed under section 3505.21 of the Revised 9112
Code. 9113

No person other than a member of the board or a designated 9114
employee of the board shall be permitted to handle a ballot. 9115

(D) (1) Not later than five days after completing the 9116
audit, the board shall certify the results of the audit to the 9117
secretary of state in the form and by the method prescribed by 9118
the secretary of state. The secretary of state shall make the 9119
results of the audit available to the public on the secretary of 9120
state's official web site. 9121

~~(2) If the board conducted a percentage-based audit and~~ 9122
~~was required to escalate the audit of a race, question, or issue~~ 9123
~~under division (B) (3) (b) (ii) of this section, and the combined~~ 9124
~~accuracy rate for that race, question, or issue is less than the~~ 9125
~~acceptable combined accuracy rate prescribed by the secretary of~~ 9126
~~state, the secretary of state may require the board to order~~ 9127
~~bipartisan teams of election officials to physically examine and~~ 9128
~~hand count all ballots cast for that race, question, or issue.~~ 9129

~~The requirements of division (C) of this section apply to any~~ 9130
~~full hand count conducted under this division.~~ 9131

~~(3) If the results of the completed audit or the results~~ 9132
~~of any full hand count ordered under division (D) (2) of this~~ 9133
~~section indicate that the canvass or the previously declared~~ 9134
official election results must be amended, the board promptly 9135
shall amend the canvass or issue an amended declaration of the 9136
official results, as applicable. 9137

(E) The secretary of state shall, in accordance with 9138
directives issued by the secretary of state, reimburse boards of 9139
elections for costs incurred to conduct an audit under this 9140
section. 9141

~~(F) As used in this section:~~ 9142

~~(1) "Ballot" means either a paper ballot or the relevant~~ 9143
~~entry on a voter verified paper audit trail.~~ 9144

~~(2) "Voter verified paper audit trail" has the same~~ 9145
~~meaning as in section 3506.01 of the Revised Code.~~ 9146

Sec. 3506.01. As used in this chapter and Chapters 3501., 9147
3503., 3505., 3509., 3511., 3513., 3515., 3517., 3519., 3521., 9148
3523., and 3599. of the Revised Code: 9149

(A) "Marking device" means an apparatus operated by a 9150
voter to record the voter's choices through the marking of 9151
ballots enabling them to be examined and counted by automatic 9152
tabulating equipment. 9153

(B) "Ballot" means a paper containing the official 9154
election presentation of offices and candidates, including 9155
write-in candidates, and of questions and issues, and ~~the means~~ 9156
~~by on~~ which votes are recorded. 9157

(C) "Automatic tabulating equipment" means a machine or 9158
electronic device, or interconnected or interrelated machines or 9159
electronic devices, that will automatically examine and count 9160
votes recorded on ballots. Automatic tabulating equipment may 9161
allow for the voter's selections to be indicated by marks made 9162
on a paper record by an electronic marking device. 9163

~~(D) "Central counting station" means a location, or one of~~ 9164
~~a number of locations, designated by the board of elections for~~ 9165
~~the automatic examining, sorting, or counting of ballots.~~ 9166

~~(E) "Voting machines" means mechanical or electronic~~ 9167
~~equipment for the direct recording and tabulation of votes.~~ 9168

~~(F) "Direct recording electronic voting machine" means a~~ 9169
~~voting machine that records votes by means of a ballot display~~ 9170
~~provided with mechanical or electro-optical components that can~~ 9171
~~be actuated by the voter, that processes the data by means of a~~ 9172
~~computer program, and that records voting data and ballot images~~ 9173
~~in internal or external memory components. A "direct recording~~ 9174
~~electronic voting machine" produces a tabulation of the voting~~ 9175
~~data stored in a removable memory component and in printed copy.~~ 9176
~~"Direct recording electronic voting machine" does not include a~~ 9177
~~voting machine that captures votes by means of a ballot display~~ 9178
~~but that transfers those votes onto an optical scan ballot or~~ 9179
~~other paper record for tabulation.~~ 9180

~~(G) "Help America Vote Act of 2002" means the "Help~~ 9181
~~America Vote Act of 2002," Pub. L. No. 107-252, 116 Stat. 1666.~~ 9182

~~(H) "Voter verified paper audit trail" means a physical~~ 9183
~~paper printout on which the voter's ballot choices, as~~ 9184
~~registered by a direct recording electronic voting machine, are~~ 9185
~~recorded. The voter shall be permitted to visually or audibly~~ 9186

~~inspect the contents of the physical paper printout. The~~ 9187
~~physical paper printout shall be securely retained at the~~ 9188
~~polling place until the close of the polls on the day of the~~ 9189
~~election; the secretary of state shall adopt rules under Chapter~~ 9190
~~119. of the Revised Code specifying the manner of storing the~~ 9191
~~physical paper printout at the polling place. After the physical~~ 9192
~~paper printout is produced, but before the voter's ballot is~~ 9193
~~recorded, the voter shall have an opportunity to accept or~~ 9194
~~reject the contents of the printout as matching the voter's~~ 9195
~~ballot choices. If a voter rejects the contents of the physical~~ 9196
~~paper printout, the system that produces the voter verified~~ 9197
~~paper audit trail shall invalidate the printout and permit the~~ 9198
~~voter to recast the voter's ballot. On and after the first~~ 9199
~~federal election that occurs after January 1, 2006, unless~~ 9200
~~required sooner by the Help America Vote Act of 2002, any system~~ 9201
~~that produces a voter verified paper audit trail shall be~~ 9202
~~accessible to disabled voters, including visually impaired~~ 9203
~~voters, in the same manner as the direct recording electronic~~ 9204
~~voting machine that produces it."~~ 9205
Electronic pollbook" means a 9205
portable electronic list of registered electors for a particular 9206
precinct or county. 9207

Sec. 3506.02. ~~Voting machines, marking~~ Marking devices, 9208
and automatic tabulating equipment may be adopted for use in 9209
elections in any county in the following manner: 9210

(A) By the board of elections; 9211

(B) By the board of county commissioners of such county on 9212
the recommendation of the board of elections; 9213

(C) By the affirmative vote of a majority of the electors 9214
of such county voting upon the question of the adoption of such 9215
equipment in such county. 9216

If a petition signed by electors equal in number to two 9217
per cent of the total votes cast in the county for the office of 9218
governor at the most recent general election for that office is 9219
filed with the board of elections, such board shall submit to 9220
the electors of such county at the next general election 9221
occurring not less than ninety days thereafter the question 9222
"Shall ~~voting machines, marking devices,~~ and automatic 9223
tabulating equipment be adopted in the county of 9224
_____?" Upon the filing of such petition, the 9225
board of elections shall forthwith notify the board of county 9226
commissioners, and the board of county commissioners shall 9227
forthwith determine whether it would prefer to purchase or lease 9228
such equipment in whole or in part for cash and if so whether it 9229
will be necessary or advisable to issue bonds to provide funds 9230
for the purchase of such equipment, if adopted. If the board of 9231
county commissioners determines that it is necessary or 9232
advisable to issue bonds therefor, it shall by resolution 9233
provide for the submission on the same ballot, but as a separate 9234
issue, the question of issuing such bonds. The question of 9235
issuing such bonds shall be submitted as required by division 9236
(A) of section 3506.03 of the Revised Code. 9237

Sec. 3506.021. (A) A board of elections may adopt the use 9238
of any electronic pollbook that has been certified for use in 9239
this state in accordance with section 3506.05 of the Revised 9240
Code, instead of using poll lists or signature pollbooks. A 9241
board of elections that opts to use electronic pollbooks shall 9242
notify the secretary of state of that decision. 9243

(B) The secretary of state shall provide each board of 9244
elections that adopts the use of electronic pollbooks under 9245
division (A) of this section with rules, instructions, 9246
directives, and advisories regarding the examination, testing, 9247

and use of electronic pollbooks, including rules regarding the 9248
sealing of the information in those pollbooks as required under 9249
~~section~~ sections 3505.26 and 3505.31 of the Revised Code. 9250

~~(C) As used in this section, "electronic pollbook" has the 9251~~
~~same meaning as in section 3506.05 of the Revised Code. 9252~~

Sec. 3506.03. Upon the adoption of ~~voting machines,~~ 9253
marking devices⁷ and automatic tabulating equipment either by 9254
the action of the board of elections or by the board of county 9255
commissioners, on the recommendation of the board of elections 9256
or by the affirmative vote of a majority of the electors voting 9257
on the question of the adoption of such equipment, such board of 9258
county commissioners shall acquire the equipment by any one or 9259
by any combination of the following methods: 9260

(A) By purchasing in whole or in part such equipment and 9261
paying the purchase price therefor in cash; or out of the 9262
proceeds of the issuance and sale of bonds, provided the 9263
question of issuing bonds for such purpose was submitted to the 9264
vote of the electors of the county pursuant to section 133.18 of 9265
the Revised Code and provided the issuance of such bonds was 9266
approved; 9267

(B) By purchasing in whole or in part such equipment and 9268
paying the purchase price in a series of consecutive annual 9269
approximately equal installments the number of which shall not 9270
exceed the estimated number of years of usefulness of such 9271
equipment, as determined by the fiscal officer of the county and 9272
by issuing to the seller negotiable promissory notes of the 9273
county, evidencing the annual installments to become due, 9274
specifying the terms of purchase, and bearing interest at a rate 9275
not exceeding the rate determined as provided in section 9.95 of 9276
the Revised Code, which notes shall be public obligations as 9277

defined in division (GG)(2) of section 133.01 of the Revised 9278
Code and shall not be subject to Chapter 133. of the Revised 9279
Code, provided the legislation authorizing the issuance of such 9280
notes shall make provision for levying and collecting annually 9281
by taxation amounts sufficient to pay the interest on such notes 9282
and to provide for the payment of the principal thereof when 9283
due, and provided that the amounts of such tax so levied each 9284
year may be reduced by the amount by which revenues available 9285
for appropriation for the payment of the expenses of conducting 9286
elections are appropriated for, and applied to, the payment of 9287
such interest and principal of such notes; 9288

(C) By leasing such equipment in whole or in part under 9289
contract of lease which shall provide for the rental, and also 9290
may provide for an option to purchase them or parts of them at a 9291
fixed price with the rentals paid to be applied to the purchase 9292
price, and payments under such contracts of lease may be made by 9293
the county out of funds of the county not otherwise 9294
appropriated; or which may be appropriated by the board of 9295
county commissioners, out of funds appropriated by the board of 9296
county commissioners to the board of elections for the costs and 9297
expenses of elections, with the approval of the board of 9298
elections; or out of the funds the board of county commissioners 9299
is authorized to provide by a levy and collection thereof 9300
annually by taxation. 9301

Sec. 3506.04. (A) If it is impracticable to supply each 9302
~~election precinct location where ballots may be cast in person~~ 9303
with ~~voting machines or~~ marking devices for use at the next 9304
election following the adoption of such equipment, as many shall 9305
be supplied for that election and the succeeding elections as it 9306
is practicable to procure either by purchase or lease, or by a 9307
combination of both, and such equipment may be used in ~~election~~ 9308

~~precincts~~ locations within the county as the board of elections 9309
directs until such time as it is practicable to provide the 9310
total number of ~~voting machines or~~ marking devices necessary to 9311
supply all ~~precincts~~ locations within the county, provided that 9312
the total number of ~~voting machines or~~ marking devices necessary 9313
to supply all ~~precincts~~ locations shall be procured by purchase 9314
or lease, or by a combination of both as soon as practicable 9315
after their adoption. 9316

(B) The board of elections shall be charged with the 9317
custody of all equipment acquired by the county, and shall see 9318
that all such equipment is kept in proper working order and in 9319
good repair. The board of county commissioners of any county or 9320
the board of elections, upon recommendation of the board of 9321
elections, may, prior to the adoption of such equipment, acquire 9322
by purchase or lease or by loan, for the experimental use in a 9323
limited number of precincts, such equipment, and such 9324
experimental use shall be valid for all purposes as if such 9325
equipment had been formally adopted, provided that such 9326
equipment has been approved by the board of voting ~~machine~~ 9327
equipment examiners for experimental use. 9328

(C) All equipment acquired by any county by any of the 9329
methods provided for in this section shall be exempt from levy 9330
and taxation. 9331

Sec. 3506.05. (A) As used in this section: 9332

(1) ~~"Electronic pollbook" means an electronic list of~~ 9333
~~registered voters for a particular precinct or polling location~~ 9334
~~that may be transported to a polling location.~~ 9335

~~(2)~~ Except when used as part of the phrase "tabulating 9336
equipment" or "automatic tabulating equipment," "equipment" 9337

means a ~~voting machine~~, marking device, automatic tabulating 9338
equipment, software, or an electronic pollbook. 9339

~~(3)~~ (2) "Vendor" means the person that owns, manufactures, 9340
distributes, or has the legal right to control the use of 9341
equipment, or the person's agent. 9342

(B) No ~~voting machine~~, marking device, automatic 9343
tabulating equipment, or software for the purpose of casting or 9344
tabulating votes or for communications among systems involved in 9345
the tabulation, ~~storage~~, or casting of votes, and no electronic 9346
pollbook, shall be purchased, leased, put in use, or continued 9347
to be used, except for experimental use as provided in division 9348
(B) of section 3506.04 of the Revised Code, unless it, a manual 9349
of procedures governing its use, and training materials, 9350
service, and other support arrangements have been certified by 9351
the secretary of state and unless the board of elections of each 9352
county where the equipment will be used has assured that a 9353
demonstration of the use of the equipment has been made 9354
available to all interested electors. The secretary of state 9355
shall appoint a board of voting ~~machine~~ equipment examiners to 9356
examine and approve equipment and its related manuals and 9357
support arrangements. The board shall consist of four members, 9358
who shall be appointed as follows: 9359

(1) Two members appointed by the secretary of state-; 9360

(2) One member appointed by either the speaker of the 9361
house of representatives or the minority leader of the house of 9362
representatives, whichever is a member of the opposite political 9363
party from the one to which the secretary of state belongs-; 9364

(3) One member appointed by either the president of the 9365
senate or the minority leader of the senate, whichever is a 9366

member of the opposite political party from the one to which the 9367
secretary of state belongs. 9368

In all cases of a tie vote or a disagreement in the board, 9369
if no decision can be arrived at, the board shall submit the 9370
matter in controversy to the secretary of state, who shall 9371
summarily decide the question, and the secretary of state's 9372
decision shall be final. Each member of the board shall be a 9373
competent and experienced election officer or a person who is 9374
knowledgeable about the operation of voting equipment and shall 9375
serve during the secretary of state's term. Any vacancy on the 9376
board shall be filled in the same manner as the original 9377
appointment. The secretary of state shall provide staffing 9378
assistance to the board, at the board's request. 9379

For the member's service, each member of the board shall 9380
receive three hundred dollars per day for each combination of 9381
marking device, tabulating equipment, ~~voting machine,~~ or 9382
electronic pollbook examined and reported, but in no event shall 9383
a member receive more than six hundred dollars to examine and 9384
report on any one marking device, item of tabulating equipment, 9385
~~voting machine,~~ or electronic pollbook. Each member of the board 9386
shall be reimbursed for expenses the member incurs during an 9387
examination or during the performance of any related duties that 9388
may be required by the secretary of state. Reimbursement of 9389
these expenses shall be made in accordance with, and shall not 9390
exceed, the rates provided for under section 126.31 of the 9391
Revised Code. 9392

Neither the secretary of state nor the board, nor any 9393
public officer who participates in the authorization, 9394
examination, testing, or purchase of equipment, shall have any 9395
pecuniary interest in the equipment or any affiliation with the 9396

vendor. 9397

(C) (1) A vendor who desires to have the secretary of state 9398
certify equipment shall first submit the equipment, all current 9399
related procedural manuals, and a current description of all 9400
related support arrangements to the board of voting ~~machine-~~ 9401
equipment examiners for examination, testing, and approval. The 9402
submission shall be accompanied by a fee of two thousand four 9403
hundred dollars and a detailed explanation of the construction 9404
and method of operation of the equipment, a full statement of 9405
its advantages, and a list of the patents and copyrights used in 9406
operations essential to the processes of vote recording and 9407
tabulating, ~~vote storage,~~ system security, pollbook storage and 9408
security, and other crucial operations of the equipment as may 9409
be determined by the board. An additional fee, in an amount to 9410
be set by rules promulgated by the board, may be imposed to pay 9411
for the costs of alternative testing or testing by persons other 9412
than board members, record-keeping, and other extraordinary 9413
costs incurred in the examination process. Moneys not used shall 9414
be returned to the person or entity submitting the equipment for 9415
examination. 9416

(2) Fees collected by the secretary of state under this 9417
section shall be deposited into the state treasury to the credit 9418
of the board of voting ~~machine-~~equipment examiners fund, which 9419
is hereby created. All moneys credited to this fund shall be 9420
used solely for the purpose of paying for the services and 9421
expenses of each member of the board or for other expenses 9422
incurred relating to the examination, testing, reporting, or 9423
certification of equipment, the performance of any related 9424
duties as required by the secretary of state, or the 9425
reimbursement of any person submitting an examination fee as 9426
provided in this chapter. 9427

(D) Within sixty days after the submission of the 9428
equipment and payment of the fee, or as soon thereafter as is 9429
reasonably practicable, but in any event within not more than 9430
ninety days after the submission and payment, the board of 9431
voting ~~machine~~-equipment examiners shall examine the equipment 9432
and file with the secretary of state a written report on the 9433
equipment with its recommendations and, if applicable, its 9434
determination or condition of approval regarding whether the 9435
equipment, manual, and other related materials or arrangements 9436
meet the criteria set forth in ~~sections~~-section 3506.07 and- 9437
~~3506.10~~ of the Revised Code and can be safely used by the voters 9438
at elections under the conditions prescribed in Title XXXV of 9439
the Revised Code, or a written statement of reasons for which 9440
testing requires a longer period. The board may grant temporary 9441
approval for the purpose of allowing experimental use of 9442
equipment. If the board finds that the equipment meets any 9443
applicable criteria set forth in sections 3506.06, 3506.07, and 9444
3506.10 of the Revised Code, can be used safely and, if 9445
applicable, can be depended upon to record and count accurately 9446
and continuously the votes of electors, and has the capacity to 9447
be warranted, maintained, and serviced, it shall approve the 9448
equipment and recommend that the secretary of state certify the 9449
equipment. The secretary of state shall notify all boards of 9450
elections of any such certification. Equipment of the same model 9451
and make, if it operates in an identical manner, may then be 9452
adopted for use at elections. 9453

(E) The vendor shall notify the secretary of state, who 9454
shall then notify the board of voting ~~machine~~-equipment 9455
examiners, of any enhancement and any significant adjustment to 9456
the hardware or software that could result in a patent or 9457
copyright change or that significantly alters the methods of 9458

recording voter intent, system security, voter privacy, 9459
~~retention of the vote,~~ communication of records, and connections 9460
between the system and other systems. The vendor shall provide 9461
the secretary of state with an updated operations manual for the 9462
equipment, and the secretary of state shall forward the manual 9463
to the board. Upon receiving such a notification and manual, the 9464
board may require the vendor to submit the equipment to an 9465
examination and test in order for the equipment to remain 9466
certified. The board or the secretary of state shall 9467
periodically examine, test, and inspect certified equipment to 9468
determine continued compliance with the requirements of this 9469
chapter and the initial certification. Any examination, test, or 9470
inspection conducted for the purpose of continuing certification 9471
of any equipment in which a significant problem has been 9472
uncovered or in which a record of continuing problems exists 9473
shall be performed pursuant to divisions (C) and (D) of this 9474
section, in the same manner as the examination, test, or 9475
inspection is performed for initial approval and certification. 9476

(F) If, at any time after the certification of equipment, 9477
the board of voting ~~machine-equipment~~ examiners or the secretary 9478
of state is notified by a board of elections of any significant 9479
problem with the equipment or determines that the equipment 9480
fails to meet the requirements necessary for approval or 9481
continued compliance with the requirements of this chapter, or 9482
if the board of voting ~~machine-equipment~~ examiners determines 9483
that there are significant enhancements or adjustments to the 9484
hardware or software, or if notice of such enhancements or 9485
adjustments has not been given as required by division (E) of 9486
this section, the secretary of state shall notify the users and 9487
vendors of that equipment that certification of the equipment 9488
may be withdrawn. 9489

(G) (1) The notice given by the secretary of state under 9490
division (F) of this section shall be in writing and shall 9491
specify both of the following: 9492

(a) The reasons why the certification may be withdrawn; 9493

(b) The date on which certification will be withdrawn 9494
unless the vendor takes satisfactory corrective measures or 9495
explains why there are no problems with the equipment or why the 9496
enhancements or adjustments to the equipment are not 9497
significant. 9498

(2) A vendor who receives a notice under division (F) of 9499
this section shall, within thirty days after receiving it, 9500
submit to the board of voting ~~machine~~-equipment examiners in 9501
writing a description of the corrective measures taken and the 9502
date on which they were taken, or the explanation required under 9503
division (G) (1) (b) of this section. 9504

(3) Not later than fifteen days after receiving a written 9505
description or explanation under division (G) (2) of this section 9506
from a vendor, the board shall determine whether the corrective 9507
measures taken or the explanation is satisfactory to allow 9508
continued certification of the equipment, and the secretary of 9509
state shall send the vendor a written notice of the board's 9510
determination, specifying the reasons for it. If the board has 9511
determined that the measures taken or the explanation given is 9512
unsatisfactory, the notice shall include the effective date of 9513
withdrawal of the certification. This date may be different from 9514
the date originally specified in division (G) (1) (b) of this 9515
section. 9516

(4) A vendor who receives a notice under division (G) (3) 9517
of this section indicating a decision to withdraw certification 9518

may, within thirty days after receiving it, request in writing 9519
that the board hold a hearing to reconsider its decision. Any 9520
interested party shall be given the opportunity to submit 9521
testimony or documentation in support of or in opposition to the 9522
board's recommendation to withdraw certification. Failure of the 9523
vendor to take appropriate steps as described in division (G)(1) 9524
(b) or to comply with division (G)(2) of this section results in 9525
a waiver of the vendor's rights under division (G)(4) of this 9526
section. 9527

(H)(1) The secretary of state, in consultation with the 9528
board of voting ~~machine equipment~~ examiners, shall establish, by 9529
rule, guidelines for the approval, certification, and continued 9530
certification of the ~~voting machines~~, marking devices, 9531
tabulating equipment, and electronic pollbooks to be used under 9532
Title XXXV of the Revised Code. The guidelines shall establish 9533
procedures requiring vendors or computer software developers to 9534
place in escrow with an independent escrow agent approved by the 9535
secretary of state a copy of all source code and related 9536
documentation, together with periodic updates as they become 9537
known or available. The secretary of state shall require that 9538
the documentation include a system configuration and that the 9539
source code include all relevant program statements in low- or 9540
high-level languages. As used in this division, "source code" 9541
does not include variable codes created for specific elections. 9542

(2) Nothing in any rule adopted under division (H) of this 9543
section shall be construed to limit the ability of the secretary 9544
of state to follow or adopt, or to preclude the secretary of 9545
state from following or adopting, any guidelines proposed by the 9546
federal election commission, any entity authorized by the 9547
federal election commission to propose guidelines, the election 9548
assistance commission, or any entity authorized by the election 9549

assistance commission to propose guidelines.

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~~(3) (a) Before the initial certification of any direct recording electronic voting machine with a voter verified paper audit trail, and as a condition for the continued certification and use of those machines, the secretary of state shall establish, by rule, standards for the certification of those machines. Those standards shall include, but are not limited to, all of the following:~~

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~~(i) A definition of a voter verified paper audit trail as a paper record of the voter's choices that is verified by the voter prior to the casting of the voter's ballot and that is securely retained by the board of elections;~~

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~~(ii) Requirements that the voter verified paper audit trail shall not be retained by any voter and shall not contain individual voter information;~~

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~~(iii) A prohibition against the production by any direct recording electronic voting machine of anything that legally could be removed by the voter from the polling place, such as a receipt or voter confirmation;~~

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~~(iv) A requirement that paper used in producing a voter verified paper audit trail be sturdy, clean, and resistant to degradation;~~

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~~(v) A requirement that the voter verified paper audit trail shall be capable of being optically scanned for the purpose of conducting a recount or other audit of the voting machine and shall be readable in a manner that makes the voter's ballot choices obvious to the voter without the use of computer or electronic codes;~~

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~~(vi) A requirement, for office-type ballots, that the~~

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~~voter verified paper audit trail include the name of each~~ 9579
~~candidate selected by the voter;~~ 9580

~~(vii) A requirement, for questions and issues ballots,~~ 9581
~~that the voter verified paper audit trail include the title of~~ 9582
~~the question or issue, the name of the entity that placed the~~ 9583
~~question or issue on the ballot, and the voter's ballot~~ 9584
~~selection on that question or issue, but not the entire text of~~ 9585
~~the question or issue.~~ 9586

~~(b) The secretary of state, by rule adopted under Chapter~~ 9587
~~119. of the Revised Code, may waive the requirement under~~ 9588
~~division (H) (3) (a) (v) of this section, if the secretary of state~~ 9589
~~determines that the requirement is cost prohibitive.~~ 9590

~~(4) (a) Except as otherwise provided in divisions (H) (4) (b)~~ 9591
~~(H) (3) (b) and (c) of this section, any voting machine, marking~~ 9592
~~device, or automatic tabulating equipment used in this state~~ 9593
~~shall meet, as a condition of continued certification and use,~~ 9594
~~the voting system standards adopted by the federal election~~ 9595
~~commission in 2002 or the voluntary voting system guidelines~~ 9596
~~most recently adopted by the federal election assistance~~ 9597
~~commission. A voting machine, marking device, or automatic~~ 9598
~~tabulating equipment initially certified or acquired on or after~~ 9599
~~December 1, 2008, also shall have the most recent federal~~ 9600
~~certification number issued by the election assistance~~ 9601
~~commission.~~ 9602

~~(b) Division (H) (4) (a)~~ (H) (3) (a) of this section does not 9603
apply to any ~~voting machine, marking device,~~ or automatic 9604
tabulating equipment that the federal election assistance 9605
commission does not certify as part of its testing and 9606
certification program. 9607

(c) A county that acquires additional ~~voting machines,~~ 9608
marking devices~~,~~ or automatic tabulating equipment on or after 9609
December 1, 2008, shall not be considered to have acquired those 9610
~~machines,~~ devices~~,~~ or equipment on or after December 1, 2008, 9611
for the purpose of division ~~(H) (4) (a)~~ (H) (3) (a) of this section 9612
if all of the following apply: 9613

(i) The ~~voting machines,~~ marking devices~~,~~ or automatic 9614
tabulating equipment acquired are the same as the ~~machines,~~ 9615
devices~~,~~ or equipment currently used in that county. 9616

(ii) The acquisition of the ~~voting machines,~~ marking 9617
devices~~,~~ or automatic tabulating equipment does not replace or 9618
change the primary voting system used in that county. 9619

(iii) The acquisition of the ~~voting machines,~~ marking 9620
devices~~,~~ or automatic tabulating equipment is for the purpose of 9621
replacing inoperable ~~machines,~~ devices~~,~~ or equipment or for the 9622
purpose of providing additional ~~machines,~~ devices~~,~~ or equipment 9623
required to meet the allocation requirements established 9624
pursuant to division (I) of section 3501.11 of the Revised Code. 9625

Sec. 3506.06. No marking device shall be approved by the 9626
board of voting ~~machine equipment~~ examiners or certified by the 9627
secretary of state, or be purchased, rented, or otherwise 9628
acquired, or used, unless it fulfills the following 9629
requirements: 9630

(A) It shall permit and require voting in absolute 9631
secrecy, and shall be so constructed that no person can see or 9632
know for whom any other elector has voted or is voting, except 9633
an elector who is assisting a voter as prescribed by section 9634
3505.24 of the Revised Code. 9635

(B) It shall permit each elector to vote at any election 9636

for all persons and offices for whom and for which the elector 9637
is lawfully entitled to vote, whether or not the name of any 9638
such person appears on a ballot as a candidate; to vote for as 9639
many persons for an office as the elector is entitled to vote 9640
for; and to vote for or against any question upon which the 9641
elector is entitled to vote. 9642

(C) It shall permit each elector to write in the names of 9643
persons for whom the elector desires to vote, whose names do not 9644
appear upon the ballot, if such write-in candidates are 9645
permitted by law. 9646

(D) It shall permit each elector, at all presidential 9647
elections, by one mark to vote for candidates of one party for 9648
president, vice president, and presidential electors. 9649

(E) It shall be durably constructed of material of good 9650
quality in a neat and workerlike manner, and in form that shall 9651
make it safely transportable. 9652

(F) It shall be so constructed that a voter may readily 9653
learn the method of operating it and may expeditiously cast the 9654
voter's vote for all candidates of the voter's choice. 9655

(G) It shall not provide to a voter any type of receipt or 9656
voter confirmation that the voter legally may retain after 9657
leaving the polling place. 9658

Sec. 3506.07. No automatic tabulating equipment shall be 9659
approved by the board of voting ~~machine~~-equipment examiners or 9660
certified by the secretary of state, or be purchased, rented, or 9661
otherwise acquired, or used, unless it has been or is capable of 9662
being manufactured for use and distribution beyond a prototype 9663
and can be set by election officials, to examine ballots and to 9664
count votes accurately for each candidate, question, and issue, 9665

excluding any ballots marked contrary to the instructions 9666
printed on such ballots, provided that such equipment shall not 9667
be required to count write-in votes ~~or the votes on any ballots~~ 9668
~~that have been voted other than at the regular polling place on~~ 9669
~~election day.~~ 9670

Sec. 3506.12. In counties where marking devices, ~~automatic~~ 9671
~~tabulating equipment, voting machines, or any combination of~~ 9672
~~these~~ are in use or are to be used, both of the board of 9673
elections following shall apply: 9674

(A) ~~May~~ The board of elections may combine, rearrange, and 9675
enlarge precincts; but the board shall arrange for a sufficient 9676
number of ~~these marking~~ devices to accommodate the number of 9677
electors ~~in assigned to each precinct~~ polling place as 9678
determined by the number of votes cast in that precinct at the 9679
most recent election for the office of governor, taking into 9680
consideration the size and location of each selected precinct 9681
polling place, available parking, handicap accessibility and 9682
other accessibility to the precinct polling place, and the 9683
number of candidates and issues to be voted on. Notwithstanding 9684
section 3501.22 of the Revised Code, the board may appoint more 9685
than four ~~precinct officers to election officials for each~~ 9686
precinct at a precinct polling place if this is made necessary 9687
by the number of ~~voting machines marking devices~~ to be used ~~in~~ 9688
~~that precinct at that location.~~ 9689

(B) ~~Except as otherwise provided in this division, shall~~ 9690
~~establish one or more counting stations to receive voted ballots~~ 9691
~~and other precinct election supplies after the polling precincts~~ 9692
~~are closed. Those stations shall be under the supervision and~~ 9693
~~direction of the board of elections. Processing and counting of~~ 9694
~~voted ballots, and the preparation of summary sheets, shall be~~ 9695

~~done in the presence of observers approved by the board. A~~ 9696
~~certified copy of the summary sheet for the precinct shall be~~ 9697
~~posted at each counting station immediately after completion of~~ 9698
~~the summary sheet.~~ The board of elections shall arrange for a 9699
sufficient number of marking devices in each voter service and 9700
polling center and at the office of the board to accommodate the 9701
number of electors in the county as determined by the number of 9702
votes cast in the county at the most recent election for the 9703
office of governor, taking into consideration the size and 9704
location of each selected voter service and polling center and 9705
of the office of the board, available parking, handicap 9706
accessibility and other accessibility to the location, and the 9707
number of candidates and issues to be voted on. 9708

Sec. 3506.14. (A) Prior to each election, the board of 9709
elections shall test and audit the variable codes applicable to 9710
that election to verify the accuracy of any computer program 9711
that will be used for tallying the ~~ballot cards~~ ballots for ~~each~~ 9712
~~precinct in which an~~ the ~~election will be held.~~ 9713

(B) Prior to the start of the count of the ballots, the 9714
board of elections shall have the ~~voting machine or~~ automatic 9715
tabulating equipment tested to ascertain that it will accurately 9716
count the votes cast for all offices and on all questions and 9717
issues. Public notice of the time and place of the test shall be 9718
given by proclamation or posting as in the case of notice of 9719
elections. The test shall be conducted by processing a pre- 9720
audited group of ballots so marked as to record a predetermined 9721
number of valid votes for each candidate and on each question 9722
and issue, and shall include for each office one or more ballots 9723
that have votes in excess of the number allowed by law in order 9724
to test the ability of the automatic tabulating equipment to 9725
reject those votes. In that test a different number of valid 9726

votes shall be assigned to each candidate for an office, and for 9727
and against each question and issue. If an error is detected, 9728
the cause for the error shall be ascertained and corrected and 9729
an errorless count shall be made and certified to by the board 9730
before the count is started. The tabulating equipment shall pass 9731
the same test at the beginning and conclusion of the election 9732
day count before the election returns are approved as official. 9733
On completion of the election day count, the programs, test 9734
materials, and ballots shall be sealed and retained as provided 9735
for paper ballots in section 3505.31 of the Revised Code. 9736

Sec. 3506.15. The secretary of state shall provide each 9737
board of elections with rules, instructions, directives, and 9738
advisories regarding the examination, testing, and use of ~~the~~ 9739
~~voting machine~~ marking devices and automatic tabulating 9740
equipment, the assignment of duties of booth officials, the 9741
procedure for casting a vote on the ~~machine~~ devices, and how the 9742
vote shall be tallied and reported to the board, and with other 9743
rules, instructions, directives, and advisories the secretary of 9744
state finds necessary to ensure the adequate care and custody of 9745
~~voting~~ marking devices and automatic tabulating equipment, and 9746
the accurate registering, counting, and canvassing of the votes 9747
as required by this chapter. The boards of elections shall be 9748
charged with the responsibility of providing for the adequate 9749
instruction of voters and election officials in the proper use 9750
of ~~the voting machine and~~ marking devices and automatic 9751
tabulating equipment. 9752

The secretary of state's rules, instructions, directives, 9753
and advisories provided under this section shall comply, insofar 9754
as practicable, with this chapter. The provisions of Title XXXV 9755
of the Revised Code, not inconsistent with the provisions 9756
relating to ~~voting machines~~ marking devices, apply in any county 9757

using ~~a voting machine~~ marking devices. 9758

Sec. 3506.19. ~~On and after the first federal election that~~ 9759
~~occurs after January 1, 2006, unless required sooner by the Help~~ 9760
~~America Vote Act of 2002, each polling location~~ The board of 9761
elections shall have available for use at ~~all elections~~ each 9762
location where ballots may be cast in person for an election at 9763
least one ~~direct recording electronic voting machine or marking~~ 9764
device that is accessible for individuals with disabilities, 9765
including nonvisual accessibility for the blind and visually 9766
impaired, in a manner that provides the same opportunity for 9767
access and participation, including privacy and independence, as 9768
for other voters. 9769

Sec. 3506.21. (A) As used in this section, "optical scan 9770
ballot" means a ballot that is marked manually by using a 9771
specified writing instrument, and not by using a marking device, 9772
to fill in a designated position to record a voter's candidate, 9773
question, or issue choice and that can be scanned and 9774
electronically read in order to tabulate the vote. 9775

(B) (1) In addition to marks that can be scanned and 9776
electronically read by automatic tabulating equipment, any of 9777
the following marks, if a majority of those marks are made in a 9778
consistent manner throughout an optical scan ballot, shall be 9779
counted as a valid vote: 9780

(a) A candidate, question, or issue choice that has been 9781
circled by the voter; 9782

(b) An oval beside the candidate, question, or issue 9783
choice that has been circled by the voter; 9784

(c) An oval beside the candidate, question, or issue 9785
choice that has been marked by the voter with an "x," a check 9786

mark, or other recognizable mark; 9787

(d) A candidate, question, or issue choice that has been 9788
marked with a writing instrument that cannot be recognized by 9789
automatic tabulating equipment. 9790

(2) Marks made on an optical scan ballot in accordance 9791
with division (B)(1) of this section shall be counted as valid 9792
votes only if that optical scan ballot contains no marks that 9793
can be scanned and electronically read by automatic tabulating 9794
equipment. 9795

(3) If automatic tabulating equipment detects that more 9796
marks were made on an optical scan ballot for a particular 9797
office, question, or issue than the number of selections that a 9798
voter is allowed by law to make for that office, question, or 9799
issue, the voter's ballot shall be invalidated for that office, 9800
question, or issue. The ballot shall not be invalidated for any 9801
other office, question, or issue for which the automatic 9802
tabulating equipment detects a vote to have been cast, in 9803
accordance with the law. 9804

(C) The secretary of state may adopt rules under Chapter 9805
119. of the Revised Code to authorize additional types of 9806
optical scan ballots and to specify the types of marks on those 9807
ballots that shall be counted as a valid vote to ensure 9808
consistency in the counting of ballots throughout the state. 9809

~~(D) (1) A board of elections of a county that uses optical~~ 9810
~~scan ballots and automatic tabulating equipment as the primary~~ 9811
~~voting system for the county shall not tabulate the unofficial~~ 9812
~~results of optical scan ballots voted on election day at a~~ 9813
~~central location.~~ 9814

~~(2) A board of elections that provides for the tabulation~~ 9815

at each precinct of voted ballots, and then, at a central 9816
location, combines those precinct ballot totals with ballot 9817
totals from other precincts, including optical scan ballots 9818
voted by absent voters, shall not be considered to be tabulating 9819
the unofficial results of optical scan ballots at a central 9820
location for the purpose of division (D)(1) of this section. 9821

Sec. 3506.23. ~~A voting machine~~ No marking device and no 9822
automatic tabulating equipment shall ~~not~~ be connected to the 9823
internet. 9824

Sec. 3509.01. (A) The board of elections of each county 9825
shall provide ~~absent voter's mail~~ ballots for use at every 9826
primary and general election, or special election to be held on 9827
the day specified by division (E) of section 3501.01 of the 9828
Revised Code for the holding of a primary election, designated 9829
by the general assembly for the purpose of submitting 9830
constitutional amendments proposed by the general assembly to 9831
the voters of the state. Those ballots shall be the same size, 9832
shall be printed on the same kind of paper, and shall be in the 9833
same form as has been approved for use in person at the election 9834
for which those ballots are to be voted; except that, in 9835
counties using marking devices, ballot cards may be used for 9836
~~absent voter's mail~~ ballots, and ~~those absent voters~~ casting 9837
mail ballots shall be instructed to record the vote in the 9838
manner provided on the ballot cards. 9839

(B) The rotation of names of candidates and questions and 9840
issues shall be substantially complied with on ~~absent voter's~~ 9841
mail ballots, within the limitation of time allotted. Those 9842
ballots shall be designated as "~~Absent Voter's Mail~~ Ballots." 9843
Except as otherwise provided in division (D) of this section, 9844
the board of elections shall deliver those ballots ~~shall be~~ 9845

~~printed and ready for use as follows:~~

(1) ~~For~~ Not later than the forty-sixth day before the day
of the election, and thereafter upon request, the board shall
mail uniformed services and overseas voters and absent uniformed
services voters eligible to vote under mail ballots to each
elector of the county who has applied for those ballots, in
accordance with the Uniformed and Overseas Citizens Absentee
Voting Act, Pub. L. No. 99-410, 100 Stat. 924, 42 U.S.C. 1973ff,
et seq., as amended, ballots shall be printed and ready for use
other than in person on the forty-sixth day before the day of
the election.

(2) ~~For all voters, other than overseas voters and absent~~
~~uniformed services voters, who are applying to vote absent~~
~~voter's ballots other than in person, ballots shall be printed~~
~~and ready for use on the first day after the close of voter~~
~~registration before the election~~ Except as otherwise provided in
divisions (B) (3) and (4) of this section, not earlier than the
twentieth day before the day of the election and not later than
the fourteenth day before the day of the election, the board
shall mail ballots by special delivery mail, air mail, or
regular mail, postage prepaid, to each elector of the county who
is an active elector as of the twenty-first day before the day
of the election and who has not applied to receive ballots in
another manner as of that day.

(3) ~~For all voters who are applying to vote absent voter's~~
~~ballots in person, ballots shall be printed and ready for use~~
~~beginning on the first day after the close of voter registration~~
~~before the election.~~

~~If, at the time for the close of in-person absent voting~~
~~on a particular day, there are voters waiting in line to cast~~

their ballots, the in-person absent voting location shall be 9876
kept open until such waiting voters have cast their absent- 9877
voter's ballots. If the board determines that an elector of the 9878
county who is an active elector as of the twenty-first day 9879
before the day of the election and who has not applied to 9880
receive ballots in another manner as of that day does not 9881
receive daily mail service from the United States postal 9882
service, the board shall send mail ballots to that elector by 9883
special delivery mail, air mail, or regular mail, postage 9884
prepaid, not earlier than the twentieth day before the day of 9885
the election and not later than the eighteenth day before the 9886
day of the election. 9887

(4) If an elector has submitted a valid application under 9888
section 3509.03 or 3509.08 of the Revised Code to receive mail 9889
ballots at an address that is outside this state, the board 9890
shall send the appropriate ballots to that elector by special 9891
delivery mail, air mail, or regular mail, postage prepaid, not 9892
earlier than the twenty-ninth day before the day of the election 9893
and not later than the fourteenth day before the day of the 9894
election. 9895

(C) ~~Absent voter's Mail~~ ballots provided for use at a 9896
general or primary election, or special election to be held on 9897
the day specified by division (E) of section 3501.01 of the 9898
Revised Code for the holding of a primary election, designated 9899
by the general assembly for the purpose of submitting 9900
constitutional amendments proposed by the general assembly to 9901
the voters of the state, shall include only those questions, 9902
issues, and candidacies that have been lawfully ordered 9903
submitted to the electors voting at that election. 9904

(D) If the laws governing the holding of a special 9905

election on a day other than the day on which a primary or 9906
general election is held make it impossible for ~~absent voter's~~ 9907
mail ballots to be printed and ~~ready for use sent~~ by the 9908
deadlines established in division (B) of this section, ~~absent~~ 9909
~~voter's~~ mail ballots for those special elections shall be ~~ready~~ 9910
~~for use sent~~ as many days before the day of the election as 9911
reasonably possible under the laws governing the holding of that 9912
special election. 9913

(E) A copy of the ~~absent voter's~~ mail ballots shall be 9914
forwarded by the director of the board in each county to the 9915
secretary of state at least ~~twenty-five~~ fifty-six days before 9916
the election. 9917

Sec. 3509.021. All identification envelopes containing 9918
~~absent voter's~~ mail ballots for former resident voters who are 9919
entitled to vote for presidential and vice-presidential electors 9920
only, shall have printed or stamped thereon the words, 9921
"Presidential Ballot." 9922

Sec. 3509.03. (A) ~~Except as provided in division (B) of~~ 9923
~~section 3509.08 of the Revised Code, any qualified elector~~ 9924
~~desiring to vote absent voter's ballots at an election shall~~ 9925
~~make~~ Any of the following electors may submit a written 9926
application for ~~these~~ mail ballots under this section to the 9927
~~director board~~ of elections of the county in which the elector's 9928
voting residence is located. 9929

(1) An elector who is not an active elector; 9930

(2) An elector who wishes to have the elector's mail 9931
ballots sent to an address other than the elector's current 9932
residence address; 9933

(3) An elector who has moved within a precinct and has not 9934

submitted a notice of change of address not later than the 9935
thirtieth day before the day of the election; 9936

(4) An elector who has had a change of name, has remained 9937
within a precinct, has not submitted a notice of change of name 9938
not later than the thirtieth day before the day of the election, 9939
and provides proof of a legal name change in accordance with 9940
division (B) (1) (b) of section 3503.16 of the Revised Code; 9941

(5) An elector who wishes to cast the primary election 9942
ballot of a political party with which the elector is not 9943
currently registered as affiliated and has not submitted a 9944
notice of change of political party affiliation not later than 9945
the thirtieth day before the day of the primary election; 9946

(6) An elector who would qualify to cast a provisional 9947
ballot under division (B) or (C) of section 3503.16 of the 9948
Revised Code but is unable to cast ballots in person on account 9949
of personal illness, physical disability, or infirmity, as 9950
permitted under division (E) of that section; 9951

(7) An elector who is requesting replacement ballots 9952
because the ballots sent to the elector were destroyed, spoiled, 9953
or lost or because the elector did not receive those ballots. 9954

(B) Except as otherwise provided in division (C) of this 9955
section, the application need not be in any particular form but 9956
shall contain all of the following: 9957

(1) The elector's name; 9958

(2) The elector's signature; 9959

(3) The elector's current residence ~~address at which the~~ 9960
~~elector is registered to vote;~~ 9961

(4) The address at which the elector wishes to receive 9962

mail ballots, if that address is different from the elector's 9963
current residence address; 9964

(5) The elector's date of birth; 9965

~~(5) One of the following:~~ 9966

~~(a) The elector's driver's license number;~~ 9967

~~(b) The last four digits of the elector's social security~~ 9968
~~number;~~ 9969

~~(c) A copy of the elector's current and valid photo~~ 9970
~~identification, a copy of a military identification, or a copy~~ 9971
~~of a current utility bill, bank statement, government check,~~ 9972
~~paycheck, or other government document, other than a notice of~~ 9973
~~voter registration mailed by a board of elections under section~~ 9974
~~3503.19 of the Revised Code, that shows the name and address of~~ 9975
~~the elector.~~ 9976

(6) A statement identifying the election for which ~~absent~~ 9977
~~voter's~~ mail ballots are requested; 9978

~~(7)-(8)~~ (8) A statement that the person requesting the ballots 9979
is a qualified elector; 9980

~~(8)-(9)~~ (9) If the request is for primary election ballots, 9981
~~the elector's~~ one of the following: 9982

(a) The political party affiliation with which the elector 9983
is registered as affiliated; 9984

~~(9) If the elector desires ballots to be mailed to the~~ 9985
~~elector, the address to which those ballots shall be mailed~~ 9986

(b) A statement that the elector wishes to vote only for 9987
the questions and issues appearing on the ballot in a special 9988
election held on the day of the primary election. 9989

(C) If the elector has a confidential voter registration record, as described in section 111.44 of the Revised Code, the elector may provide the elector's program participant identification number instead of the elector's current residence address at which the elector is registered to vote.

(D) ~~Each~~ An application for mail ballots may be delivered to the office of the board of elections or to a voter service and polling center located in the county. An application for ~~absent voter's mail~~ ballots shall be delivered ~~to the director~~ not earlier than the first day of January of the year of the elections for which the ~~absent voter's mail~~ ballots are requested or not earlier than ninety days before the day of the election at which the ballots are to be voted, whichever is earlier, ~~and~~. If the elector is requesting to receive mail ballots by mail, the application shall be delivered to the office of the board or to a voter service and polling center not later than twelve noon of the third day before the day of the election at which the ballots are to be voted, or not later than six p.m. on the last Friday before the day of the election at which the ballots are to be voted if the application is delivered in person to the office of the board.

(E) ~~A board of elections that mails an absent voter's ballot application to an elector under this section shall not prepay the return postage for that application.~~

~~(F)~~ Except as otherwise provided in this section and in sections 3505.24 and 3509.08 of the Revised Code, an election official shall not fill out any portion of an application for ~~absent voter's mail~~ ballots on behalf of an applicant. The secretary of state or a board of elections may preprint only an applicant's name and address on an application for ~~absent~~

~~voter's mail~~ ballots before ~~mailing~~ providing that application 10020
to the applicant, except that if the applicant has a 10021
confidential voter registration record, the secretary of state 10022
or a board of elections shall not preprint the applicant's 10023
address on the application. 10024

(F) If the election officials receive an application for 10025
mail ballots that does not contain all of the required 10026
information, the election officials promptly shall notify the 10027
applicant of the additional information required to be provided 10028
by the applicant to complete that application. 10029

(G) (1) Except as provided in division (G) (2) of this 10030
section, if the election officials receive an application for 10031
mail ballots that contains all of the required information and 10032
the election officials find that the applicant is a qualified 10033
elector, the election officials shall provide mail ballots to 10034
the elector. If the elector is requesting to receive mail 10035
ballots by mail, the board shall send mail ballots to the 10036
applicant by special delivery mail, air mail, or regular mail, 10037
postage prepaid, and in accordance with section 3509.04 of the 10038
Revised Code. If the elector is requesting to receive mail 10039
ballots in person at the office of the board or at a voter 10040
service and polling center, the election officials shall provide 10041
mail ballots to the elector in person, in accordance with 10042
section 3509.04 of the Revised Code. 10043

(2) If the elector has previously been provided mail 10044
ballots for the election, the election officials shall do all of 10045
the following before providing additional mail ballots to the 10046
elector: 10047

(a) Verify that the elector has not voted and returned any 10048
previous mail ballots to the board of elections for the election 10049

and has not cast a ballot in person for the election; 10050

(b) If the elector has the elector's previous mail 10051
ballots, request the elector to surrender those ballots to the 10052
election officials, who shall retain the ballots and mark them 10053
as void; 10054

(c) Note in the appropriate pollbook or list of electors 10055
that the elector has requested replacement ballots; 10056

(d) Clearly mark the identification envelope as containing 10057
replacement ballots. 10058

(H) If a board of elections receives an application for 10059
mail ballots under this section and it is apparent to the board 10060
that the applicant is a uniformed services voter or overseas 10061
voter, as defined in section 3511.01 of the Revised Code, the 10062
board shall consider that applicant to have applied for 10063
uniformed services or overseas mail ballots under Chapter 3511. 10064
of the Revised Code and shall provide those ballots to that 10065
voter in accordance with the timelines and procedures applicable 10066
to uniformed services and overseas voters. 10067

Sec. 3509.04. ~~(A) If a director of a board of elections~~ 10068
~~receives an application for absent voter's ballots that does not~~ 10069
~~contain all of the required information, the director promptly~~ 10070
~~shall notify the applicant of the additional information~~ 10071
~~required to be provided by the applicant to complete that~~ 10072
~~application.~~ 10073

~~(B) Upon receipt by the director of elections of an~~ 10074
~~application for absent voter's ballots that contains all of the~~ 10075
~~required information, as provided by section 3509.03 and~~ 10076
~~division (G) of section 3503.16 of the Revised Code, the~~ 10077
~~director, if the director finds that the applicant is a~~ 10078

~~qualified elector, shall deliver to the applicant in person or~~ 10079
~~mail directly to the applicant by special delivery mail, air~~ 10080
~~mail, or regular mail, postage prepaid, proper absent voter's~~ 10081
~~ballots. The director~~ When the election officials deliver mail 10082
ballots to an elector, the election officials shall deliver or 10083
mail include with the ballots an unsealed identification 10084
envelope upon the face of which shall be printed a form 10085
substantially as follows: 10086

"Identification Envelope Statement of Voter 10087

I, _____ (Name of voter), declare under 10088
penalty of election falsification that the within ballot or 10089
ballots contained no voting marks of any kind when I received 10090
them, and I caused the ballot or ballots to be marked, enclosed 10091
in the identification envelope, and sealed in that envelope. 10092

My voting residence in Ohio is 10093

_____ 10094

(Street and Number, if any, or Rural Route and Number) 10095

of _____ (City, Village, or Township) 10096

Ohio, ~~which is in Ward~~ _____ ~~Precinct~~ _____ 10097

~~in that city, village, or township.~~ 10098

If I have a confidential voter registration record, I am 10099
providing my program participant identification number instead 10100
of my residence address: _____ 10101

The primary election ballots, if any, within this envelope 10102
are primary election ballots of the _____ Party. 10103

Ballots contained within this envelope are to be voted at 10104
the _____ (general, special, or primary) election to be 10105
held on the _____ day of 10106

_____, _____ 10107

My date of birth is _____ (Month and Day), 10108
_____ (Year). 10109

~~(Voter must provide one of the following:)~~ 10110

~~My driver's license number is _____ (Driver's~~ 10111
~~license number).~~ 10112

~~The last four digits of my Social Security Number are~~ 10113
~~_____ (Last four digits of Social Security Number).~~ 10114

~~_____ In lieu of providing a driver's license number or~~ 10115
~~the last four digits of my Social Security Number, I am~~ 10116
~~enclosing a copy of one of the following in the return envelope~~ 10117
~~in which this identification envelope will be mailed: a current~~ 10118
~~and valid photo identification, a military identification, or a~~ 10119
~~current utility bill, bank statement, government check,~~ 10120
~~paycheck, or other government document, other than a notice of~~ 10121
~~voter registration mailed by a board of elections, that shows my~~ 10122
~~name and address. My telephone number is: _____ (optional)~~ 10123

My email address is: _____ (optional) 10124

I hereby declare, under penalty of election falsification, 10125
that the statements above are true, as I verily believe. 10126

_____ (Signature of Voter) 10127

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF 10128
THE ~~FIFTH~~ FOURTH DEGREE." 10129

(B) The director election officials shall mail deliver 10130
with the ballots and the unsealed identification envelope an 10131
unsealed return envelope, return postage prepaid, upon the face 10132
of which shall be printed the official title and post-office 10133

address of the ~~director~~office of the board. In the upper left 10134
corner on the face of the return envelope, several blank lines 10135
shall be printed upon which the voter may write the voter's name 10136
and return address. The return envelope shall be of such size 10137
that the identification envelope can be conveniently placed 10138
within it for returning the identification envelope ~~to the~~ 10139
~~director~~. 10140

~~A board of elections that mails or otherwise delivers~~ 10141
~~absent voter's ballots to an elector under this section shall~~ 10142
~~not prepay the return postage for those ballots.~~ 10143

(C) Except as otherwise provided in this section and in 10144
~~sections 3505.24 and section 3509.08~~ of the Revised Code, an 10145
election official shall not fill out any portion of an 10146
identification envelope statement of voter or ~~an absent voter's~~ 10147
a ballot on behalf of an elector. ~~A board of elections~~ An 10148
election official may preprint only an elector's name and 10149
address on an identification envelope statement of voter before 10150
~~mailing absent voter's~~ delivering ballots to the elector, except 10151
that if the elector has a confidential voter registration 10152
record, as described in section 111.44 of the Revised Code, the 10153
~~board of elections~~ election officials shall not preprint the 10154
elector's address on the identification envelope statement of 10155
voter. 10156

(D) The election officials shall include with the mail 10157
ballots instructions for the voter to ascertain the status of 10158
the voter's mail ballots using the tracking number printed on or 10159
affixed to the identification envelope, as described in section 10160
3509.051 of the Revised Code. 10161

Sec. 3509.05. (A) When an elector receives ~~an absent~~ 10162
~~voter's a mail~~ ballot pursuant to the elector's application or 10163

request, the elector shall, before placing any marks on the 10164
ballot, note whether there are any voting marks on it. If there 10165
are any voting marks, the ballot shall be returned immediately 10166
to the ~~board of elections~~ election officials; otherwise, the 10167
elector shall cause the ballot to be marked, folded in a manner 10168
that the stub on it and the indorsements and facsimile 10169
signatures of the members of the board of elections on the back 10170
of it are visible, and placed and sealed within the 10171
identification envelope received from the ~~director of elections~~ 10172
election officials for that purpose. Then, the elector shall 10173
cause the statement of voter on the outside of the 10174
identification envelope to be completed and signed, under 10175
penalty of election falsification. 10176

~~If the elector does not provide the elector's driver's~~ 10177
~~license number or the last four digits of the elector's social~~ 10178
~~security number on the statement of voter on the identification~~ 10179
~~envelope, the elector also shall include in the return envelope~~ 10180
~~with the identification envelope a copy of the elector's current~~ 10181
~~valid photo identification, a copy of a military identification,~~ 10182
~~or a copy of a current utility bill, bank statement, government~~ 10183
~~check, paycheck, or other government document, other than a~~ 10184
~~notice of voter registration mailed by a board of elections~~ 10185
~~under section 3503.19 of the Revised Code, that shows the name~~ 10186
~~and address of the elector.~~ 10187

~~The~~ (B) Except as provided in section 3509.08 of the 10188
Revised Code, an elector shall return the elector's voted mail 10189
ballots in the identification envelope and the return envelope 10190
by one of the following methods: 10191

(1) Mailing the identification envelope to the ~~director~~ 10192
office of the board of elections from ~~whom~~ which it was received 10193

in the return envelope, ~~postage prepaid, or the elector may~~ 10194
~~personally deliver it;~~ 10195

(2) Personally delivering the identification envelope in 10196
the return envelope, or having another person deliver the 10197
identification envelope in the return envelope, to the director, 10198
~~or the spouse of the elector, the father, mother, father-in-law,~~ 10199
~~mother-in-law, grandfather, grandmother, brother, or sister of~~ 10200
~~the whole or half blood, or the son, daughter, adopting parent,~~ 10201
~~adopted child, stepparent, stepchild, uncle, aunt, nephew, or~~ 10202
~~niece of the elector may deliver it to the director. The return~~ 10203
~~envelope shall be transmitted to the director in no other~~ 10204
~~manner, except as provided in section 3509.08 of the Revised~~ 10205
~~Code.~~ 10206

~~When absent voter's ballots are delivered to an elector at~~ 10207
~~the office of the board, the elector may retire to a voting~~ 10208
~~compartment provided by the board and there mark the ballots.~~ 10209
~~Thereupon, the elector shall fold them, place them in the~~ 10210
~~identification envelope provided, seal the envelope, fill in and~~ 10211
~~sign the statement on the envelope under penalty of election~~ 10212
~~falsification, and deliver the envelope to the director of the~~ 10213
~~board.~~ 10214

~~Except as otherwise provided in division (B) of this~~ 10215
~~section, all other envelopes containing marked absent voter's~~ 10216
~~ballots shall be delivered to the director not later than the~~ 10217
~~close of the polls on the day of an election. Absent voter's~~ 10218
~~ballots delivered to the director later than the times specified~~ 10219
~~shall not be counted, but shall be kept by the board in the~~ 10220
~~sealed identification envelopes in which they are delivered to~~ 10221
~~the director, until the time provided by section 3505.31 of the~~ 10222
~~Revised Code for the destruction of all other ballots used at~~ 10223

~~the election for which ballots were provided, at which time they shall be destroyed.~~ 10224
10225

~~(B) (1) Except as otherwise provided in division (B) (2) of this section, any return envelope that is postmarked prior to the day of the election shall be delivered to the director prior to the eleventh day after the election. Ballots delivered in envelopes postmarked prior to the day of the election that are received after the close of the polls on election day through the tenth day thereafter shall be counted on the eleventh day at the board of elections in the manner provided in divisions (C) and (D) of section 3509.06 of the Revised Code or in the manner provided in division (E) of that section, as applicable. Any such ballots that are received by the director later than the tenth day following the election shall not be counted, but shall be kept by the board in the sealed identification envelopes as provided in division (A) of this section.~~ 10226
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~~(2) Division (B) (1) of this section shall not apply to any mail that is postmarked using a postage evidencing system, including a postage meter, as defined in 39 C.F.R. 501.1, office of the board of elections from which it was received, to a voter service and polling center in the county, or to a ballot drop box in the county or, subject to section 3501.291 of the Revised Code, to any precinct polling place in the county. A person who receives an elector's ballots for the purpose of delivering them under this division shall deliver those ballots not later than two days after receiving them or not later than seven-thirty p.m. on the day of the election, whichever is earlier.~~ 10240
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(C) (1) Except as otherwise provided in division (C) (2) of this section, voted mail ballots shall be delivered to the office of the board of elections, to a voter service and polling 10251
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center in the county, to a ballot drop box in the county, or to 10254
a precinct polling place in the county not later than seven- 10255
thirty p.m. on the day of the election. 10256

(2) An elector's mail ballots shall be considered to have 10257
been delivered to the office of the board of elections, to a 10258
voter service and polling center, to a ballot drop box, or to a 10259
precinct polling place not later than seven-thirty p.m. on the 10260
day of the election if the elector or a person designated by the 10261
elector was waiting in line to deliver the ballots at that 10262
location as of that time. 10263

(D) Mail ballots delivered later than the deadline 10264
specified by division (C) of this section shall not be counted, 10265
but shall be kept by the board in the sealed identification 10266
envelopes in which they are delivered, until the time provided 10267
by section 3505.31 of the Revised Code for the destruction of 10268
all other ballots used at that election, at which time they 10269
shall be destroyed. 10270

Sec. 3509.051. (A) The board of elections shall establish 10271
an electronic ballot tracking system. The system shall allow the 10272
election officials to record the status of mail ballots and 10273
provisional ballots using a unique tracking number printed on, 10274
or affixed to, the identification envelope or provisional ballot 10275
envelope, as applicable, whenever the election officials do any 10276
of the following: 10277

(1) Receive the ballots at the office of the board; 10278

(2) Determine that an identification envelope statement of 10279
voter or a provisional ballot affirmation is incomplete or that 10280
the signature on the statement or affirmation does not match the 10281
signature in the elector's voter registration record. The 10282

election officials shall record in the system the reason the 10283
statement or affirmation is incomplete. 10284

(3) Determine that the voter has filed an addendum with 10285
the required information or corrected signature after being 10286
notified that the statement or affirmation is incomplete or that 10287
the signature on the statement or affirmation does not match the 10288
signature in the elector's voter registration record; 10289

(4) Determine that the ballots are eligible to be counted; 10290

(5) Determine that the ballots are ineligible to be 10291
counted. The election officials shall record in the system the 10292
reason the ballots are ineligible to be counted. 10293

(6) Count the ballots. 10294

(B) (1) The electronic ballot tracking system shall permit 10295
a voter to ascertain the status of the voter's ballots at any 10296
time using the tracking number on the board's official web site 10297
or on the secretary of state's official web site. If the 10298
electronic ballot tracking system is available on the board's 10299
official web site, the secretary of state shall include a link 10300
to the system on the secretary of state's official web site. The 10301
system also shall be accessible to voters via a toll-free 10302
telephone number. 10303

(2) The system shall provide to an individual whose ballot 10304
was not counted information explaining how the individual may 10305
contact the board of elections to register to vote or to resolve 10306
problems with the individual's voter registration. 10307

(C) The secretary of state and the board of elections 10308
shall establish and maintain reasonable procedures necessary to 10309
protect the security, confidentiality, and integrity of 10310
confidential personal information that is collected, stored, or 10311

otherwise used by the electronic ballot tracking system. The 10312
system shall permit an individual only to gain access to 10313
information about the individual's own ballot. To the extent 10314
practicable, the procedures shall protect the security and 10315
integrity of the process and protect the privacy of the identity 10316
and personal data of the person. 10317

Sec. 3509.06. ~~(A) The board of elections shall determine~~ 10318
~~whether absent voter's ballots shall be processed and counted in~~ 10319
~~each precinct, at the office of the board, or at some other~~ 10320
~~location designated by the board, and shall proceed accordingly~~ 10321
~~under division (B), (C), or (E) of this section, as applicable.~~ 10322

~~(B) (1) Except as otherwise provided in division (B) (2) of~~ 10323
~~this section, when the board of elections determines that absent~~ 10324
~~voter's ballots shall be processed and counted in each precinct,~~ 10325
~~the director shall deliver to the voting location manager of~~ 10326
~~each precinct on election day identification envelopes~~ 10327
~~purporting to contain absent voter's ballots of electors whose~~ 10328
~~voting residence appears from the statement of voter on the~~ 10329
~~outside of each of those envelopes, to be located in that~~ 10330
~~manager's precinct, and which were received by the director not~~ 10331
~~later than the close of the polls on election day. The director~~ 10332
~~shall deliver to the voting location manager a list containing~~ 10333
~~the name and voting residence of each person whose voting~~ 10334
~~residence is in such precinct to whom absent voter's ballots~~ 10335
~~were mailed.~~ 10336

~~(2) The director shall not deliver to the voting location~~ 10337
~~manager identification envelopes cast by electors who provided a~~ 10338
~~program participant identification number instead of a residence~~ 10339
~~address on the identification envelope and shall not inform the~~ 10340
~~voting location manager of the names and voting residences of~~ 10341

~~persons who have confidential voter registration records. Those~~ 10342
~~identification envelopes shall be examined and processed as~~ 10343
~~described in division (E) of this section.~~ 10344

~~(C) When the board of elections determines that absent~~ 10345
~~voter's ballots shall be processed and counted at the office of~~ 10346
~~the board of elections or at another location designated by the~~ 10347
~~board, special election officials shall be appointed by the~~ 10348
~~board for that purpose having the same authority as is exercised~~ 10349
~~by precinct election officials. The votes so cast shall be added~~ 10350
~~to the vote totals by the board, and the absent voter's ballots~~ 10351
~~shall be preserved separately by the board, in the same manner~~ 10352
~~and for the same length of time as provided by section 3505.31~~ 10353
~~of the Revised Code.~~ 10354

~~(D) Each of the identification envelopes envelope~~ 10355
~~purporting to contain absent voter's mail ballots delivered to~~ 10356
~~the voting location manager of the precinct or the special~~ 10357
~~election official appointed by the board of elections shall be~~ 10358
~~handled as follows:~~ 10359

(1) The election officials shall compare the signature of 10360
the elector on the outside of the identification envelope with 10361
the signature of that elector on the elector's registration form 10362
and verify that the ~~absent voter's~~ ballot is eligible to be 10363
counted under section 3509.07 of the Revised Code. 10364

(2) (a) Any of the ~~precinct election~~ officials may 10365
challenge the right of the elector named on the identification 10366
envelope to vote the ~~absent voter's~~ ballots upon the ground that 10367
the signature on the envelope ~~is does not the same as match~~ the 10368
signature ~~on the in the elector's voter registration form~~ 10369
record, that the identification envelope statement of voter is 10370
incomplete, or upon any other of the grounds upon which the 10371

right of persons to vote may be lawfully challenged. The board 10372
of elections may use computer software to determine whether the 10373
signature on an identification envelope appears to match the 10374
signature in a voter registration record. If the software 10375
determines that a signature on an identification envelope does 10376
not appear to match the signature in a voter registration 10377
record, the election officials personally shall determine 10378
whether those signatures match. 10379

(b) If the elector's name does not appear in the pollbook 10380
or poll list or signature pollbook, the ~~precinct~~ election 10381
officials shall deliver the ~~absent voter's~~ ballots to the 10382
director of the board of elections to be examined and processed 10383
in the manner described in division ~~(E)~~ (B) of this section. 10384

(3) (a) An identification envelope statement of voter shall 10385
be considered incomplete if it does not include all of the 10386
following: 10387

(i) The voter's name; 10388

(ii) The voter's residence address or, if the voter has a 10389
confidential voter registration record, as described in section 10390
111.44 of the Revised Code, the voter's program participant 10391
identification number; 10392

(iii) The voter's date of birth. The requirements of this 10393
division are satisfied if the voter provided a date of birth and 10394
any of the following is true: 10395

(I) The month and day of the voter's date of birth on the 10396
identification envelope statement of voter are not different 10397
from the month and day of the voter's date of birth contained in 10398
the statewide voter registration database. 10399

(II) The voter's date of birth contained in the statewide 10400

voter registration database is January 1, 1800. 10401

(III) The board of elections has found, by a vote of at 10402
least three of its members, that the voter has met the 10403
requirements of divisions ~~(D)~~ (A) (3) (a) (i), (ii), and (iv), ~~and~~ 10404
~~(v)~~ of this section. 10405

(iv) The voter's signature; ~~and~~ 10406

~~(v) One of the following forms of identification:~~ 10407

~~(I) The voter's driver's license number;~~ 10408

~~(II) The last four digits of the voter's social security~~ 10409
~~number; or~~ 10410

~~(III) A copy of a current and valid photo identification,~~ 10411
~~a military identification, or a current utility bill, bank~~ 10412
~~statement, government check, paycheck, or other government~~ 10413
~~document, other than a notice of voter registration mailed by a~~ 10414
~~board of elections, that shows the voter's name and address.~~ 10415

(b) (i) If the election officials find that the 10416
identification envelope statement of voter is incomplete ~~or,~~ 10417
that the information or signature contained in that statement 10418
does not ~~conform to match~~ the information ~~contained or signature~~ 10419
in the ~~statewide voter registration database concerning the~~ 10420
~~voter~~ voter's registration record, then not later than the 10421
second day after the day of the election, the election officials 10422
shall ~~mail a written notice to the voter, informing the voter of~~ 10423
~~the nature of the defect. The notice shall inform~~ notify the 10424
voter that in order for the voter's ballot to be counted, the 10425
voter must ~~provide~~ file an addendum containing the necessary 10426
information ~~to the or a corrected signature, as applicable. The~~ 10427
board shall make the notification by mail, electronic mail, or 10428
text message or by another method approved by the secretary of 10429

state. 10430

(ii) The voter shall file the addendum containing the 10431
information or signature with the board in person or by mail to 10432
the office of the board of elections in writing and, on a form 10433
prescribed by the secretary of state, not later than the seventh- 10434
tenth day after the day of the election. The voter may deliver- 10435
the form to the office of the board in person or by mail. The 10436
addendum shall contain or be accompanied by one of the 10437
following: 10438

(I) The voter's driver's license or state identification 10439
card number; 10440

(II) The last four digits of the voter's social security 10441
number; 10442

(III) A copy of a current and valid photo identification, 10443
a copy of a military identification, or a copy of a current 10444
utility bill, bank statement, government check, paycheck, or 10445
other government document, other than a notice of voter 10446
registration mailed by a board of elections under section 10447
3503.19 of the Revised Code, that shows the voter's name and 10448
address. 10449

(iii) If the voter provides files an addendum containing 10450
the necessary information to with the board of elections not 10451
later than the seventh-tenth day after the day of the election 10452
and the ballot is not successfully challenged on another basis, 10453
the voter's ballot shall be processed and counted in accordance 10454
with this section. 10455

(4) If no such challenge is made, or if such a challenge 10456
is made and not sustained, the voting location manager election 10457
official shall open the envelope without defacing the statement 10458

of voter and without mutilating the ballots in it, and shall 10459
remove the ballots contained in it and proceed to count them in 10460
accordance with section 3505.27 of the Revised Code. 10461

(5) (a) Except as otherwise provided in division ~~(D)~~ (A) (5) 10462
(b) of this section, the name of each person voting who is 10463
entitled to vote only ~~an absent voter's~~ a presidential ballot 10464
shall be entered in a pollbook or poll list or signature 10465
pollbook followed by the words "~~Absentee~~ Presidential Ballot." 10466
The name of each person voting ~~an absent voter's~~ a mail ballot, 10467
other than such persons entitled to vote only a presidential 10468
ballot, shall be entered in the pollbook or poll list or 10469
signature pollbook and the person's registration card marked to 10470
indicate that the person has voted. 10471

(b) If the person voting has a confidential voter 10472
registration record, the person's registration card shall be 10473
marked to indicate that the person has voted, but the person's 10474
name shall not be entered in the pollbook or poll list or 10475
signature pollbook. 10476

(6) The date of such election shall also be entered on the 10477
elector's registration form. If any such challenge is made and 10478
sustained, the identification envelope of such elector shall not 10479
be opened, and shall be endorsed "Not Counted" with the reasons 10480
the ballots were not counted, ~~and shall be delivered to the~~ 10481
~~board.~~ 10482

~~(E) (1)~~ (B) When the board of elections receives ~~absent~~ 10483
~~voter's~~ mail ballots from an elector who has provided a program 10484
participant identification number instead of a residence address 10485
on the identification envelope statement of voter, the director 10486
and the deputy director personally shall ~~examine and process~~ 10487
handle the identification envelope statement of voter in the 10488

manner prescribed in division ~~(D)~~ (A) of this section.

~~(2) If the director and the deputy director find that the identification envelope statement of voter is incomplete or that the information contained in that statement does not conform to the information contained in the statewide voter registration database concerning the voter or to the information contained in the voter's confidential voter registration record, the director and the deputy director shall mail a written notice to the voter informing the voter of the nature of the defect. The notice shall inform the voter that in order for the voter's ballot to be counted the voter must provide the necessary information to the board of elections in writing and on a form prescribed by the secretary of state not later than the seventh day after the day of the election. The voter may deliver the form to the office of the board in person or by mail. If the voter provides the necessary information to the board of elections not later than the seventh day after the day of the election and the ballot is not successfully challenged on another basis, the voter's ballot shall be counted in accordance with this section.~~

~~(3) The director or the deputy director may challenge the ballot on the ground that the signature on the envelope is not the same as the signature on the registration form, that the identification envelope statement of voter is incomplete, or upon any other of the grounds upon which the right of persons to vote may be lawfully challenged. If such a challenge is made, the board of elections shall decide whether to sustain the challenge.~~

~~(4) If neither the director nor the deputy director challenges the ballot, or if such a challenge is made and not sustained, the director and the deputy director shall open the~~

~~envelope without defacing the statement of voter and without~~ 10519
~~mutilitating the ballots in it, shall remove the ballots contained~~ 10520
~~in it, and shall transmit the ballots to the election officials~~ 10521
~~to be counted with other absent voter's ballots from that~~ 10522
~~precinct.~~ 10523

~~(F) Observers and election officials other than the~~ 10524
~~members of the board of elections and the director and deputy~~ 10525
~~director of the board shall not be permitted to witness the~~ 10526
~~examination and opening of identification envelopes and addenda~~ 10527
~~returned by, and the processing and counting of mail ballots~~ 10528
~~cast by, electors who have confidential voter registration~~ 10529
~~records in a manner that would permit the observers or election~~ 10530
~~officials to learn the identities or residence addresses of~~ 10531
~~those electors.~~ 10532

~~(C) The board of elections may process absent voter's~~ 10533
~~ballots examine the identification envelope statement of voter~~ 10534
~~to determine whether it is incomplete and whether the signature~~ 10535
~~on the statement matches the signature in the elector's voter~~ 10536
~~registration record before the time for counting those ballots~~ 10537
~~seven-thirty p.m. on the day of the election, but the board~~ 10538
~~shall not open the identification envelope or tabulate or count~~ 10539
~~the votes on those the mail ballots before that time. As used in~~ 10540
~~this section and section 3511.11 of the Revised Code, processing~~ 10541
~~an absent voter's ballot means any of the following:~~ 10542

~~(1) Examining the identification envelope statement of~~ 10543
~~voter in order to verify that the absent voter's ballot is~~ 10544
~~eligible to be counted under section 3509.07 of the Revised~~ 10545
~~Code.~~ 10546

~~(2) Opening the identification envelope, if the absent~~ 10547
~~voter's ballot is eligible to be counted.~~ 10548

~~(3) Determining the validity of the absent voter's ballot under section 3509.07 of the Revised Code,~~ 10549
10550

~~(4) Preparing and sorting the absent voter's ballot for scanning by automatic tabulating equipment,~~ 10551
10552

~~(5) Scanning the absent voter's ballot by automatic tabulating equipment, if the equipment used by the board of elections permits an absent voter's ballot to be scanned without tabulating or counting the votes on the ballots scanned.~~ 10553
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10556

~~(G) Special election officials, employees or members of the board of elections, or observers shall not disclose the count or any portion of the count of absent voter's ballots prior to the time of the closing of the polling places. No person shall recklessly disclose the count or any portion of the count of absent voter's ballots in such a manner as to jeopardize the secrecy of any individual ballot.~~ 10557
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~~(H) (1) Except as otherwise provided in division (H) (2) of this section, observers may be appointed under section 3505.21 of the Revised Code to witness the examination and opening of identification envelopes and the processing and counting of absent voters' ballots under this section.~~ 10564
10565
10566
10567
10568

~~(2) Observers shall not be permitted to witness the examination and opening of identification envelopes returned by, and the processing and counting of absent voter's ballots cast by, electors who have confidential voter registration records in a manner that would permit the observers to learn the identities or residence addresses of those electors.~~ 10569
10570
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Sec. 3509.07. (A) If election officials find that any of the following are true concerning an absent voter's a mail ballot or absent voter's presidential ballot and, if applicable, 10575
10576
10577

the person did not ~~provide any required additional information~~ 10578
~~to file an addendum with~~ the board of elections not later than 10579
the ~~seventh~~ tenth day after the day of the election, as 10580
permitted under ~~division (D) (3) (b) or (E) (2) of~~ section 3509.06 10581
of the Revised Code, the ballot shall not be accepted or 10582
counted: 10583

~~(A) (1) The identification envelope statement accompanying~~ 10584
~~the ballot is of voter and any addendum are incomplete as~~ 10585
described in ~~division (D) (3) (a) of that~~ section 3509.06 of the 10586
~~Revised Code or is~~ are insufficient; 10587

~~(B) (2) The signatures do~~ signature on the identification 10588
envelope statement of voter or, if applicable, the addendum does 10589
not ~~correspond with~~ match the signature in the person's voter 10590
registration signature record; 10591

~~(C) (3) The applicant is not a qualified elector in the~~ 10592
precinct; 10593

~~(D) (4) The ballot envelope contains more than one ballot~~ 10594
of any one kind, or any voted ballot that the elector is not 10595
entitled to vote; 10596

~~(E) (5) Stub A is detached from the absent voter's ballot~~ 10597
~~or absent voter's presidential ballot; or~~ 10598

~~(F) The elector has not included with the elector's ballot~~ 10599
~~any identification required under section 3509.05 or 3511.09 of~~ 10600
the Revised Code 10601

(6) The elector has cast a regular ballot in person for 10602
the election. 10603

(B) The vote of any absent mail voter may be challenged 10604
for cause in the same manner as other votes are challenged, and 10605

the election officials shall determine the legality of that 10606
ballot. Every ballot not counted shall be endorsed on its back 10607
"Not Counted" with the reasons the ballot was not counted, and 10608
shall be ~~enclosed and returned to or~~ retained by the board of 10609
elections along with the contested ballots. 10610

(C) In the case of an elector who has requested mail 10611
ballots under section 3509.03 or 3509.08 of the Revised Code or 10612
requested uniformed services or overseas mail ballots, the 10613
following standards shall apply in counting the elector's 10614
ballot: 10615

(1) If the board of elections receives a sealed 10616
identification envelope purporting to contain mail ballots that 10617
were sent to the elector before the elector requested mail 10618
ballots and the board determines that the former ballots are 10619
valid, the former ballots shall be eligible to be counted and 10620
any other mail ballots received by the board from that elector 10621
shall not be counted. 10622

(2) If the board receives a sealed identification envelope 10623
purporting to contain mail ballots the elector requested and 10624
either of the following applies, the requested mail ballots 10625
shall be eligible to be counted, subject to the requirements of 10626
this section, instead of any mail ballots received by the board 10627
that were sent to the elector before the elector requested mail 10628
ballots: 10629

(a) The board receives a sealed identification envelope 10630
purporting to contain the mail ballots that were sent to the 10631
elector before the elector requested a ballot and the board 10632
determines that the signature of the elector on the 10633
identification envelope of the former ballot does not match the 10634
signature on the elector's registration form; 10635

(b) The board does not receive a sealed identification 10636
envelope purporting to contain the mail ballots that were sent 10637
to the elector before the elector requested mail ballots by 10638
seven-thirty p.m. on the day of the election. 10639

(3) If the board receives more than one sealed 10640
identification envelope purporting to contain mail ballots the 10641
elector requested, the first valid mail ballots received by the 10642
board shall be eligible to be counted under this section, and 10643
any subsequent mail ballots the board receives shall not be 10644
counted. 10645

Sec. 3509.08. (A) ~~(1) Any qualified elector, who, on~~ 10646
~~account of the elector's own personal illness, physical~~ 10647
~~disability, or infirmity, or on account of the elector's~~ 10648
~~confinement in a jail or workhouse under sentence for a~~ 10649
~~misdemeanor or awaiting trial on a felony or misdemeanor, will~~ 10650
~~be unable to travel from the elector's home or place of~~ 10651
~~confinement to the voting booth in the elector's precinct on the~~ 10652
~~day of any general, special, or primary election may make~~ 10653
~~application in writing for an absent voter's ballot of the~~ 10654
following electors may apply to the director of the board of 10655
elections of the elector's county to vote by mail ballots with 10656
the assistance of election officials: 10657

(a) An elector who is located within the county, wishes to 10658
cast mail ballots, is unable to mark the elector's mail ballots 10659
without assistance by reason of blindness, disability, or 10660
illiteracy, and wishes to have election officials assist in 10661
marking the elector's mail ballots; 10662

(b) An elector who is unable to cast ballots in person or 10663
to obtain and return mail ballots because the elector is 10664
confined in a jail within the county; 10665

(c) An elector who is unable to cast ballots in person or 10666
to obtain and return mail ballots because the elector or the 10667
elector's minor child is confined in a hospital within the 10668
county as a result of an accident or unforeseeable medical 10669
emergency occurring before the election. The 10670

(2) An application for mail ballots submitted under this 10671
section shall be on a form prescribed by the secretary of state, 10672
shall include all of the information and documents required 10673
under section 3509.03 of the Revised Code, and shall state the 10674
nature of the elector's illness, physical disability, or 10675
infirmity, or the fact that reason the elector is confined in a 10676
jail or workhouse and the elector's resultant inability to 10677
travel to the election booth in the elector's precinct on 10678
election day qualifies to vote by mail ballots with the 10679
assistance of election officials. The 10680

If the elector is applying under division (B) (1) (b) or (c) 10681
of this section, the application also shall indicate the jail 10682
where the elector is confined or the hospital where the elector 10683
or the elector's child is confined and the date of the elector's 10684
or the elector's child's admission to the hospital, as 10685
applicable. 10686

(3) An application to vote by mail ballots with the 10687
assistance of election officials shall not be valid if it is 10688
delivered to the director board before the ninetieth day or 10689
after twelve noon of the third day before the day of the 10690
election at which the ballot is to be voted, except that an 10691
application submitted under division (B) (1) (b) or (c) of this 10692
section may be delivered to the board not later than three p.m. 10693
on the day of the election. 10694

The absent voter's ballot may be mailed directly to the 10695

~~applicant at the applicant's voting residence or place of~~ 10696
~~confinement as stated in the applicant's application, or the~~ 10697
~~board may~~ (C) (1) Upon receiving a valid application to vote by 10698
mail ballots with the assistance of election officials, the 10699
board shall designate two board employees belonging to the two 10700
major political parties for the purpose of delivering the ~~ballot~~ 10701
~~ballots~~ to the ~~disabled or confined~~ elector and returning it- 10702
~~them~~ to the board, ~~unless the applicant is confined to a public~~ 10703
~~or private institution within the county, in which case the~~ 10704
~~board shall designate two board employees belonging to the two~~ 10705
~~major political parties for the purpose of delivering the ballot~~ 10706
~~to the disabled or confined elector and returning it to the~~ 10707
~~board. In all other instances, the ballot shall be returned to~~ 10708
~~the office of the board in the manner prescribed in section~~ 10709
~~3509.05 of the Revised Code.~~ 10710

~~Any disabled or confined elector who declares to the two~~ 10711
~~board employees belonging to the two major political parties~~ 10712
~~that~~ If the elector declares to the election officials that the 10713
elector is unable to mark the elector's ballot ballots by reason 10714
~~of physical infirmity that is apparent to the employees to be~~ 10715
~~sufficient to incapacitate the voter from marking the elector's~~ 10716
~~ballot properly~~ blindness, disability, or illiteracy, may 10717
~~receive, upon request, the assistance of the employees~~ shall 10718
assist the elector in marking the elector's ballot ballots, and 10719
they shall thereafter give no information in regard to this 10720
matter. Such assistance shall not be rendered for any other 10721
cause. 10722

~~When two board employees belonging to the two major~~ 10723
~~political parties deliver a ballot to a disabled or confined~~ 10724
~~elector, each~~ Each of the employees shall be present when the 10725
~~ballot is~~ ballots are delivered, when assistance is given, and 10726

when the ~~ballot is~~ ballots are returned to the office of the 10727
board, and shall subscribe to the declaration on the 10728
identification envelope. 10729

~~The secretary of state shall prescribe the form of~~ 10730
~~application for absent voter's ballots under this division.~~ 10731

(D) ~~This chapter applies to disabled and confined absent~~ 10732
~~voter's mail ballots cast under this section except as otherwise~~ 10733
provided in this section. 10734

~~(B) (1) Any qualified elector who is unable to travel to~~ 10735
~~the voting booth in the elector's precinct on the day of any~~ 10736
~~general, special, or primary election may apply to the director~~ 10737
~~of the board of elections of the county where the elector is a~~ 10738
~~qualified elector to vote in the election by absent voter's~~ 10739
~~ballot if either of the following apply:~~ 10740

~~(a) The elector is confined in a hospital as a result of~~ 10741
~~an accident or unforeseeable medical emergency occurring before~~ 10742
~~the election;~~ 10743

~~(b) The elector's minor child is confined in a hospital as~~ 10744
~~a result of an accident or unforeseeable medical emergency~~ 10745
~~occurring before the election.~~ 10746

~~(2) The application authorized under division (B) (1) of~~ 10747
~~this section shall be made in writing, shall include all of the~~ 10748
~~information required under section 3509.03 of the Revised Code,~~ 10749
~~and shall be delivered to the director not later than three p.m.~~ 10750
~~on the day of the election. The application shall indicate the~~ 10751
~~hospital where the applicant or the applicant's child is~~ 10752
~~confined, the date of the applicant's or the applicant's child's~~ 10753
~~admission to the hospital, and the offices for which the~~ 10754
~~applicant is qualified to vote. The applicant may also request~~ 10755

~~that a member of the applicant's family, as listed in section 3509.05 of the Revised Code, deliver the absent voter's ballot to the applicant. The director, after establishing to the director's satisfaction the validity of the circumstances claimed by the applicant, shall supply an absent voter's ballot to be delivered to the applicant. When the applicant or the applicant's child is in a hospital in the county where the applicant is a qualified elector and no request is made for a member of the family to deliver the ballot, the director shall arrange for the delivery of an absent voter's ballot to the applicant, and for its return to the office of the board, by two board employees belonging to the two major political parties according to the procedures prescribed in division (A) of this section. When the applicant or the applicant's child is in a hospital outside the county where the applicant is a qualified elector and no request is made for a member of the family to deliver the ballot, the director shall arrange for the delivery of an absent voter's ballot to the applicant by mail, and the ballot shall be returned to the office of the board in the manner prescribed in section 3509.05 of the Revised Code.~~

~~(3) Any qualified elector who is eligible to vote under division (B) or (C) of section 3503.16 of the Revised Code but is unable to do so because of the circumstances described in division (B) (2) of this section may vote in accordance with division (B) (1) of this section if that qualified elector states in the application for absent voter's ballots that that qualified elector moved or had a change of name under the circumstances described in division (B) or (C) of section 3503.16 of the Revised Code and if that qualified elector complies with divisions (G) (1) to (4) of section 3503.16 of the Revised Code.~~

~~(C) Any qualified elector described in division (A) or (B)~~ 10787
~~(1) of this section who needs no assistance to vote or to return~~ 10788
~~absent voter's ballots to the board of elections may apply for~~ 10789
~~absent voter's ballots under section 3509.03 of the Revised Code~~ 10790
~~instead of applying for them under this section.~~ 10791

(E) As used in this section, "jail" has the same meaning 10792
as in section 2929.01 of the Revised Code. 10793

Sec. 3511.01. As used in this chapter: 10794

(A) "Dependent" means a person who is recognized as a 10795
dependent by one of the uniformed services. 10796

(B) "Overseas voter" means any of the following: 10797

(1) A person who is outside of the United States and who, 10798
before leaving the United States, was last eligible to vote in 10799
this state, who may be considered a state resident using the 10800
standards for residency established in sections 3503.02 and 10801
3511.011 of the Revised Code, and who otherwise satisfies the 10802
requirements to vote in this state; 10803

(2) A person who is outside of the United States and who, 10804
before leaving the United States, would have been eligible to 10805
vote in this state had the person then been eighteen years of 10806
age or older, who may be considered a state resident using the 10807
standards for residency established in sections 3503.02 and 10808
3511.011 of the Revised Code, and who otherwise satisfies the 10809
requirements to vote in this state; 10810

(3) A person who was born outside of the United States, 10811
who may be considered a state resident using the standards for 10812
residency established in sections 3503.02 and 3511.011 of the 10813
Revised Code, and who otherwise satisfies the requirements to 10814
vote in this state, if both of the following apply: 10815

(a) The last place where the person's parent or legal guardian was, or would have been, eligible to vote before leaving the United States is within this state; and

(b) The person has not previously registered to vote in any other state.

(C) "Uniformed services" means:

(1) Active and reserve components of the army, navy, air force, space force, marine corps, or coast guard of the United States;

(2) The merchant marine, the commissioned corps of the public health service, or the commissioned corps of the national oceanic and atmospheric administration of the United States;

(3) The national guard and the organized militia.

(D) "Uniformed services voter" means an individual who is qualified to vote in this state and who is:

(1) A member of one of the uniformed services described in division (C)(1) or (2) of this section;

(2) A member of one of the uniformed services described in division (C)(3) of this section who is on activated status.

(3) A spouse or dependent of a uniformed services voter.

Sec. 3511.011. Any section of the Revised Code to the contrary notwithstanding, any person who qualifies as a uniformed services voter or an overseas voter who will be eighteen years of age or more on the day of a general or special election and who is a citizen of the United States may vote uniformed services or overseas ~~absent voter's mail~~ ballots in such general or special election as follows:

(A) If ~~an absent~~ a uniformed services member is the voter, 10843
the service member may vote only in the precinct in which the 10844
service member has a voting residence in the state, and that 10845
voting residence shall be that place in the precinct in which 10846
the service member resided immediately preceding the 10847
commencement of such service, provided that the time during 10848
which the service member continuously resided in the state 10849
immediately preceding the commencement of such service plus the 10850
time subsequent to such commencement and prior to the day of 10851
such general, special, or primary election is equal to or 10852
exceeds thirty days. 10853

(B) If the spouse or dependent of ~~an absent~~ a uniformed 10854
services member is the voter, the spouse or dependent may vote 10855
only in the precinct in which the spouse or dependent has a 10856
voting residence in the state, and that voting residence shall 10857
be that place in the precinct in which the spouse or dependent 10858
resided immediately preceding the time of leaving the state for 10859
the purpose of being with or near the service member, provided 10860
that the time during which the spouse or dependent continuously 10861
resided in the state immediately preceding the time of leaving 10862
the state for the purpose of being with or near the service 10863
member plus the time subsequent to such leaving and prior to the 10864
day of such general, special, or primary election is equal to or 10865
exceeds thirty days. 10866

(C) If ~~an absent~~ a uniformed services member or the 10867
service member's spouse or dependent establishes a permanent 10868
residence in a precinct other than the precinct in which the 10869
person resided immediately preceding the commencement of the 10870
service member's service, the voting residence of both the 10871
service member and the service member's spouse or dependent 10872
shall be the precinct of such permanent residence, provided that 10873

the time during which the service member continuously resided in 10874
the state immediately preceding the commencement of such service 10875
plus the time subsequent to such commencement and prior to the 10876
day of such general, special, or primary election is equal to or 10877
exceeds thirty days. 10878

(D) (1) Except as otherwise provided in division (D) (2) of 10879
this section, if an overseas voter who is not ~~an absent a~~ 10880
uniformed services voter or the spouse or dependent of ~~an absent~~ 10881
a uniformed services voter is the voter, the overseas voter may 10882
vote only in the precinct in which the overseas voter has a 10883
voting residence in the state, and that voting residence shall 10884
be that place in the precinct in which the overseas voter 10885
resided immediately before leaving the United States, provided 10886
that the time during which the overseas voter continuously 10887
resided in the state immediately preceding such departure and 10888
prior to the day of such general, special, or primary election 10889
is equal to or exceeds thirty days. 10890

(2) A person who was born outside of the United States and 10891
who meets the definition of "overseas voter" under division (B) 10892
(3) of section 3511.01 of the Revised Code shall be deemed to 10893
have a voting residence in this state at that place in the 10894
precinct in which the person's parent or guardian last resided 10895
immediately before leaving the United States, provided that the 10896
time during which the person's parent or guardian continuously 10897
resided in the state immediately preceding such departure and 10898
prior to the day of the general, special, or primary election is 10899
equal to or exceeds thirty days. 10900

Sec. 3511.02. (A) Notwithstanding any section of the 10901
Revised Code to the contrary, whenever any person applies for 10902
registration as a voter on a form adopted in accordance with 10903

federal regulations relating to the "Uniformed and Overseas 10904
Citizens Absentee Voting Act," ~~100 Stat. 924, 42 U.S.C.A. 1973ff-~~ 10905
~~(1986)~~, this application shall be sufficient for voter 10906
registration and as a request for ~~an absent voter's ballot~~ 10907
uniformed services or overseas mail ballots. Uniformed services 10908
or overseas ~~absent voter's mail~~ ballots may be obtained by any 10909
person meeting the requirements of section 3511.011 of the 10910
Revised Code by applying electronically to the secretary of 10911
state or to the board of elections of the county in which the 10912
person's voting residence is located in accordance with section 10913
3511.021 of the Revised Code or by applying to ~~the director of~~ 10914
the board of elections of the county in which the person's 10915
voting residence is located, in one of the following ways: 10916

(1) That person may make written application for those 10917
ballots. The person may personally deliver the application to 10918
the ~~director office of the board of elections or to a voter~~ 10919
service and polling center or may mail it, send it by facsimile 10920
machine, send it by electronic mail, send it through internet 10921
delivery if such delivery is offered by the board of elections 10922
or the secretary of state, or otherwise send it to the ~~director~~ 10923
office of the board. Except as otherwise provided in division 10924
(B) of this section, the application need not be in any 10925
particular form but shall contain all of the following 10926
information: 10927

- (a) The elector's name; 10928
- (b) The elector's signature; 10929
- (c) The address at which the elector is registered to 10930
vote; 10931
- (d) The elector's date of birth; 10932

(e) ~~One of the following:~~ 10933

~~(i) The elector's driver's license number;~~ 10934

~~(ii) The last four digits of the elector's social security number;~~ 10935
10936

~~(iii) A copy of the elector's current and valid photo identification, a copy of a military identification, or a copy of 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 under section 3503.19 of the Revised Code, that shows the name and address of the elector.~~ 10937
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~~(f)~~ A statement identifying the election for which ~~absent voter's~~ mail ballots are requested; 10944
10945

~~(g)~~ (f) A statement that the person requesting the ballots is a qualified elector; 10946
10947

~~(h)~~ (g) A statement that the elector is ~~an absent a~~ uniformed services voter or overseas voter ~~as defined in 42 U.S.C. 1973ff-6;~~ 10948
10949
10950

~~(i)~~ (h) A statement of the elector's length of residence in the state immediately preceding the commencement of service, immediately preceding the date of leaving to be with or near the service member, or immediately preceding leaving the United States, or a statement that the elector's parent or legal guardian resided in this state long enough to establish residency for voting purposes immediately preceding leaving the United States, whichever is applicable; 10951
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~~(j)~~ (i) If the request is for primary election ballots, ~~the elector's one of the following:~~ 10959
10960

(i) The political party-affiliation whose ballot the 10961
elector wishes to cast, which shall operate as an instruction to 10962
register the elector as affiliated with that political party if 10963
the elector is not currently registered as affiliated with that 10964
political party; or 10965

(ii) A statement that the elector wishes to vote only for 10966
the questions and issues appearing on the ballot in a special 10967
election held on the day of the primary election. 10968

~~(k)~~ (j) If the elector desires ballots to be mailed to the 10969
elector, the address to which those ballots shall be mailed; 10970

~~(l)~~ (k) If the elector desires ballots to be sent to the 10971
elector by facsimile machine, the telephone number to which they 10972
shall be so sent; 10973

~~(m)~~ (l) If the elector desires ballots to be sent to the 10974
elector by electronic mail or, if offered by the board of 10975
elections or the secretary of state, through internet delivery, 10976
the elector's electronic mail address or other internet contact 10977
information. 10978

(2) A voter or any relative of a voter listed in division 10979
(A) (3) of this section may use a single federal post card 10980
application to apply for uniformed services or overseas ~~absent-~~ 10981
~~voter's mail~~ ballots for use at the primary and general 10982
elections in a given year and any special election to be held on 10983
the day in that year specified by division (E) of section 10984
3501.01 of the Revised Code for the holding of a primary 10985
election, designated by the general assembly for the purpose of 10986
submitting constitutional amendments proposed by the general 10987
assembly to the voters of the state. A single federal postcard 10988
application shall be processed by the board of elections 10989

pursuant to section 3511.04 of the Revised Code the same as if 10990
the voter had applied separately for uniformed services or 10991
overseas ~~absent voter's~~ mail ballots for each election. 10992

(3) Application to have uniformed services or overseas 10993
~~absent voter's~~ mail ballots mailed or sent by facsimile machine 10994
to such a person may be made by the spouse, father, mother, 10995
father-in-law, mother-in-law, grandfather, grandmother, brother 10996
or sister of the whole blood or half blood, son, daughter, 10997
adopting parent, adopted child, stepparent, stepchild, daughter- 10998
in-law, son-in-law, uncle, aunt, nephew, or niece of such a 10999
person. The application shall be in writing upon a blank form 11000
furnished only by the ~~director~~ board of elections or on a single 11001
federal post card as provided in division (A) (2) of this 11002
section. The form of the application shall be prescribed by the 11003
secretary of state. The ~~director~~ board shall furnish that blank 11004
form to any of the relatives specified in this division desiring 11005
to make the application, only upon the request of such a 11006
relative made in person at the office of the board or at a voter 11007
service and polling center or upon the written request of such a 11008
relative mailed to the office of the board. Except as otherwise 11009
provided in division (B) of this section, the application, 11010
subscribed and sworn to by the applicant, shall contain all of 11011
the following: 11012

(a) The full name of the elector for whom ballots are 11013
requested; 11014

(b) A statement that the elector is ~~an absent~~ a uniformed 11015
services voter or overseas voter ~~as defined in 42 U.S.C. 1973ff-~~ 11016
~~6~~; 11017

(c) The address at which the elector is registered to 11018
vote; 11019

(d) A statement identifying the elector's length of residence in the state immediately preceding the commencement of service, immediately preceding the date of leaving to be with or near a service member, or immediately preceding leaving the United States, or a statement that the elector's parent or legal guardian resided in this state long enough to establish residency for voting purposes immediately preceding leaving the United States, as the case may be;

(e) The elector's date of birth;

(f) ~~One of the following:~~

~~(i) The elector's driver's license number;~~

~~(ii) The last four digits of the elector's social security number;~~

~~(iii) A copy of the elector's current and valid photo identification, a copy of a military identification, or a copy of 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 under section 3503.19 of the Revised Code, that shows the name and address of the elector.~~

~~(g) A statement identifying the election for which ~~absent~~ voter's mail ballots are requested;~~

~~(h)~~ (g) A statement that the person requesting the ballots is a qualified elector;

~~(i)~~ (h) If the request is for primary election ballots, ~~the elector's one of the following:~~

(i) The political party affiliation whose ballot the elector wishes to cast, which shall operate as an instruction to

register the elector as affiliated with that political party if 11048
the elector is not currently registered as affiliated with that 11049
political party; or 11050

(ii) A statement that the elector wishes to vote only for 11051
the questions and issues appearing on the ballot in a special 11052
election held on the day of the primary election. 11053

~~(j)~~ (i) A statement that the applicant bears a 11054
relationship to the elector as specified in division (A) (3) of 11055
this section; 11056

~~(k)~~ (j) The address to which ballots shall be mailed, the 11057
telephone number to which ballots shall be sent by facsimile 11058
machine, the electronic mail address to which ballots shall be 11059
sent by electronic mail, or, if internet delivery is offered by 11060
the board of elections or the secretary of state, the internet 11061
contact information to which ballots shall be sent through 11062
internet delivery; 11063

~~(l)~~ (k) The signature and address of the person making the 11064
application. 11065

(B) If the elector has a confidential voter registration 11066
record, as described in section 111.44 of the Revised Code, the 11067
application may include the elector's program participant 11068
identification number instead of the address at which the 11069
elector is registered to vote. 11070

(C) (1) Each application for uniformed services or overseas 11071
~~absent voter's mail~~ ballots shall be delivered to the ~~director-~~ 11072
office of the board of elections or to a voter service and 11073
polling center not earlier than the first day of January of the 11074
year of the elections for which the uniformed services or 11075
overseas ~~absent voter's mail~~ ballots are requested or not 11076

earlier than ninety days before the day of the election at which 11077
the ballots are to be voted, whichever is earlier, ~~and~~. If the 11078
elector is requesting to receive uniformed services or overseas 11079
mail ballots by mail, the application shall be delivered to the 11080
office of the board or to a voter service and polling center not 11081
later than twelve noon of the third day preceding the day of the 11082
election, ~~or not later than six p.m. on the last Friday before~~ 11083
~~the day of the election at which those ballots are to be voted~~ 11084
~~if the application is delivered in person to the office of the~~ 11085
~~board.~~ 11086

(D) If the voter for whom the application is made is 11087
entitled to vote for presidential and vice-presidential electors 11088
only, the applicant shall submit to the ~~director board~~ in 11089
addition to the requirements of division (A) of this section, a 11090
statement to the effect that the voter is qualified to vote for 11091
presidential and vice-presidential electors and for no other 11092
offices. 11093

(E) ~~A board of elections that mails a federal post card~~ 11094
~~application or other absent voter's ballot application to an~~ 11095
~~elector under this section shall not prepay the return postage~~ 11096
~~for that application.~~ 11097

~~(F)~~ Except as otherwise provided in this section and in 11098
sections 3505.24 and 3509.08 of the Revised Code, an election 11099
official shall not fill out any portion of a federal post card 11100
application or other application for ~~absent voter's mail~~ ballots 11101
on behalf of an applicant. The secretary of state or a board of 11102
elections may preprint only an applicant's name and address on a 11103
federal post card application or other application for ~~absent~~ 11104
~~voter's mail~~ ballots before ~~mailing~~ providing that application 11105
to the applicant, except that if the applicant has a 11106

confidential voter registration record, the secretary of state 11107
or the board of elections shall not preprint the applicant's 11108
address on the application. 11109

Sec. 3511.021. (A) (1) The secretary of state shall 11110
establish procedures that allow any person who is eligible to 11111
vote as a uniformed services voter or an overseas voter ~~in~~ 11112
~~accordance with 42 U.S.C. 1973ff-6~~ to apply by electronic means 11113
to the office of the secretary of state or to the board of 11114
elections of the county in which the person's voting residence 11115
is located for a uniformed services or overseas absent voter's 11116
ballot. 11117

(2) The procedures shall allow such a person who requests 11118
a uniformed services or overseas absent voter's ballot 11119
application to express a preference for the manner in which the 11120
person will receive the requested application, whether by mail, 11121
facsimile transmission, electronic mail, or, if offered by the 11122
board of elections or the secretary of state, through internet 11123
delivery. If the person completes and timely returns the 11124
application and the applicant is eligible to receive a ballot, 11125
the procedures shall allow the applicant to express a preference 11126
for the manner in which the person will receive the requested 11127
blank, unvoted ballots, whether by mail, facsimile transmission, 11128
electronic mail, or, if offered by the board of elections or the 11129
secretary of state, through internet delivery. The requested 11130
items shall be transmitted by the board of elections of the 11131
county in which the person's voting residence is located by the 11132
preferred method. If the requestor does not express a preferred 11133
method, the requested items shall be delivered via standard 11134
mail. 11135

(3) To the extent practicable, the procedures shall 11136

protect the security and integrity of the ballot request and 11137
delivery process, and protect the privacy of the identity and 11138
personal data of the person when such applications and ballots 11139
are requested, processed, and sent. 11140

(4) ~~No~~ Except as permitted under division (B) of this 11141
section, no person shall return by electronic means to the 11142
secretary of state, a board of elections, or any other entity a 11143
completed or voted uniformed services or overseas absent voter's 11144
ballot. If a ballot is ~~so~~ returned in violation of this 11145
division, the ballot shall not be accepted, processed, or 11146
counted. 11147

(B) ~~(1)~~ The secretary of state shall establish a pilot 11148
program to permit a uniformed services voter who is currently 11149
stationed outside the United States to return a voted ballot to 11150
the board of elections by electronic means and for the board to 11151
create a paper version of the voted ballot for counting 11152
purposes. The pilot program shall use encrypted blockchain 11153
technology to transmit ballots in a manner that protects the 11154
security and integrity of the process and protects the voter's 11155
privacy. The secretary of state shall select the boards of 11156
elections that shall participate in the pilot program. 11157

(C) The secretary of state, in coordination with the 11158
boards of elections, shall establish a free access system by 11159
which ~~an absent~~ a uniformed services voter or overseas voter may 11160
determine ~~the following~~: 11161

~~(a) Whether~~ whether that person's request for a uniformed 11162
services or overseas ~~absent voter's~~ mail ballot was received and 11163
processed~~;~~ 11164

~~(b) If the person's request was received and processed,~~ 11165

~~and if so, when the uniformed services or overseas absent-~~ 11166
~~voter's mail ballot was sent;~~ 11167

~~(c) Whether any uniformed services or overseas absent-~~ 11168
~~voter's ballot returned by that person has been received by-~~ 11169
~~election officials;~~ 11170

~~(d) Whether the board of elections found any error on the-~~ 11171
~~identification envelope containing the person's returned-~~ 11172
~~uniformed services or overseas absent voter's ballot and, if so,~~ 11173
~~how the person may correct any error within ten days after the-~~ 11174
~~day of an election; and~~ 11175

~~(e) Whether the person's uniformed services or overseas-~~ 11176
~~absent voter's ballot was counted.~~ 11177

~~(2) The appropriate state or local election official shall-~~ 11178
~~establish and maintain reasonable procedures necessary to-~~ 11179
~~protect the security, confidentiality, and integrity of personal-~~ 11180
~~information that is confidential under state or federal law that-~~ 11181
~~is collected, stored, or otherwise used by the free access-~~ 11182
~~system established under division (B) of this section. Access to-~~ 11183
~~information about the votes cast on an individual ballot shall-~~ 11184
~~be restricted to the person who cast the ballot. To the extent-~~ 11185
~~practicable, the procedures shall protect the security and-~~ 11186
~~integrity of the process and protect the privacy of the identity-~~ 11187
~~and personal data of the person. The electronic ballot tracking~~ 11188
~~system described in section 3509.051 of the Revised Code shall~~ 11189
~~permit a uniformed services voter or overseas voter to track the~~ 11190
~~voter's mail ballots after the voter returns the ballots to the~~ 11191
~~board in the same manner as other mail ballots.~~ 11192

Sec. 3511.03. The board of elections of each county shall 11193
provide uniformed services or overseas ~~absent voter's mail~~ 11194

ballots for use at each election. Such ballots for general or 11195
primary elections shall be prescribed on the seventieth day 11196
before the day of such elections and shall be the same as the 11197
mail ballots provided for absent voters in under section 3509.01 11198
of the Revised Code. 11199

Sec. 3511.04. (A) If a director of a board of elections 11200
receives an application for uniformed services or overseas 11201
~~absent voter's mail~~ ballots that does not contain all of the 11202
required information, the director promptly shall notify the 11203
applicant of the additional information required to be provided 11204
by the applicant to complete that application. 11205

(B) Not later than the forty-sixth day before the day of 11206
each general or primary election, and at the earliest possible 11207
time before the day of a special election held on a day other 11208
than the day on which a general or primary election is held, the 11209
director of the board of elections shall mail, send by facsimile 11210
machine, send by electronic mail, send through internet delivery 11211
if such delivery is offered by the board of elections or the 11212
secretary of state, or otherwise send uniformed services or 11213
overseas ~~absent voter's mail~~ ballots then ready for use as 11214
provided for in section 3511.03 of the Revised Code and for 11215
which the director has received valid applications prior to that 11216
time. Thereafter, and until twelve noon of the third day 11217
preceding the day of election, the director shall promptly, upon 11218
receipt of valid applications for them, mail, send by facsimile 11219
machine, send by electronic mail, send through internet delivery 11220
if such delivery is offered by the board of elections or the 11221
secretary of state, or otherwise send to the proper persons all 11222
uniformed services or overseas ~~absent voter's mail~~ ballots then 11223
ready for use. 11224

If, after the seventieth day before the day of a general 11225
or primary election, any other question, issue, or candidacy is 11226
lawfully ordered submitted to the electors voting at the general 11227
or primary election, the board shall promptly provide a separate 11228
official issue, special election, or other election ballot for 11229
submitting the question, issue, or candidacy to those electors, 11230
and the director shall promptly mail, send by facsimile machine, 11231
send by electronic mail, send through internet delivery if such 11232
delivery is offered by the board of elections or the secretary 11233
of state, or otherwise send each such separate ballot to each 11234
person to whom the director has previously mailed or sent other 11235
uniformed services or overseas ~~absent voter's mail~~ ballots. 11236

A board of elections that mails ~~or otherwise delivers~~ 11237
uniformed services or overseas absent voter's ballots to an 11238
elector under this section shall ~~not~~ prepay the return postage 11239
for those ballots, unless, under 39 U.S.C. 3406, no postage 11240
payment is required. In mailing uniformed services or overseas 11241
absent voter's ballots, the director shall use the fastest mail 11242
service available, but the director shall not mail them by 11243
certified mail. 11244

Sec. 3511.05. (A) (1) The ~~director of the~~ board of 11245
elections shall place uniformed services or overseas ~~absent~~ 11246
~~voter's mail~~ ballots sent by mail in an unsealed identification 11247
envelope, gummed ready for sealing. The ~~director board~~ shall 11248
insert a sheet of waxed paper or other appropriate insert 11249
between the gummed flap and the back of the envelope to minimize 11250
the possibility that the flap may become firmly stuck to the 11251
back of the envelope by reason of moisture, humid atmosphere, or 11252
other conditions to which it may be subjected. The board shall 11253
include with the ballots instructions for the voter to ascertain 11254
the status of the voter's ballots using the tracking number 11255

printed on or affixed to the identification envelope, as 11256
described in section 3509.051 of the Revised Code. 11257

(2) Except for ballots to be returned to the board 11258
electronically under division (B) of section 3511.021 of the 11259
Revised Code, the board shall include all of the following with 11260
uniformed services or overseas ~~absent voter's mail~~ ballots sent 11261
electronically, including by facsimile machine,~~an~~: 11262

(a) An instruction sheet for preparing a gummed envelope 11263
in which the ballots shall be returned; 11264

(b) The tracking number assigned to the ballots under 11265
section 3509.051 of the Revised Code; 11266

(c) Instructions for the voter to write the tracking 11267
number on, or affix the tracking number to, the envelope and 11268
instructions for the voter to ascertain the status of the 11269
voter's ballots using the tracking number, as described in that 11270
section. The 11271

(3) The envelope for returning ballots sent by either 11272
means shall have printed or written on its face a form 11273
substantially as follows: 11274

"Identification Envelope Statement of Voter 11275

I, _____ (Name of voter), declare under 11276
penalty of election falsification that the within ballot or 11277
ballots contained no voting marks of any kind when I received 11278
them, and I caused the ballot or ballots to be marked, enclosed 11279
in the identification envelope, and sealed in that envelope. 11280

My voting residence in Ohio is 11281

_____ 11282

(Street and Number, if any, or Rural Route and Number) 11283

of _____ (City, Village, or Township) 11284

Ohio, which is in Ward _____ Precinct _____ 11285

~~in that city, village, or township.~~ 11286

If I have a confidential voter registration record, I am 11287

providing my program participant identification number instead 11288

of my residence address: _____ 11289

The primary election ballots, if any, within this envelope 11290

are primary election ballots of the _____ Party. 11291

Ballots contained within this envelope are to be voted at 11292

the _____ (general, special, or primary) election to be 11293

held on the _____ day of 11294

_____, _____, _____ 11295

My date of birth is _____ (Month and Day), 11296

_____ (Year). 11297

~~(Voter must provide one of the following:)~~ 11298

~~My driver's license number is _____ (Driver's~~ 11299

~~license number).~~ 11300

~~The last four digits of my Social Security Number are~~ 11301

~~_____ (Last four digits of Social Security Number).~~ 11302

~~_____ In lieu of providing a driver's license number or~~ 11303

~~the last four digits of my Social Security Number, I am~~ 11304

~~enclosing a copy of one of the following in the return envelope~~ 11305

~~in which this identification envelope will be mailed: a current~~ 11306

~~and valid photo identification, a military identification, or a~~ 11307

~~current utility bill, bank statement, government check,~~ 11308

~~paycheck, or other government document, other than a notice of~~ 11309

~~voter registration mailed by a board of elections, that shows my~~ 11310

~~name and address.~~ My telephone number is: _____ (optional) 11311

My email address is: _____ (optional) 11312

I hereby declare, under penalty of election falsification, 11313
that the statements above are true, as I verily believe. 11314

11315

(Signature of Voter) 11316

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF 11317
THE ~~FIFTH~~ FOURTH DEGREE." 11318

(B) (1) The ~~director~~ board shall also mail with the ballots 11319
and the unsealed identification envelope sent by mail an 11320
unsealed return envelope, gummed, ready for sealing, for use by 11321
the voter in returning the voter's marked ballots to the 11322
director. ~~The director shall send with the ballots and the~~ 11323
~~instruction sheet for preparing a gummed envelope sent~~ 11324
~~electronically, including by facsimile machine, an instruction~~ 11325
~~sheet for preparing a second gummed envelope as described in~~ 11326
~~this division, for use by the voter in returning that voter's~~ 11327
~~marked ballots to the director.~~ The return envelope shall be of 11328
such size that the identification envelope can be conveniently 11329
placed within it for returning the identification envelope to 11330
the board and shall have two parallel lines, each one quarter of 11331
an inch in width, printed across its face paralleling the top, 11332
with an intervening space of one quarter of an inch between such 11333
lines. The top line shall be one and one-quarter inches from the 11334
top of the envelope. Between the parallel lines shall be 11335
printed: "OFFICIAL ELECTION UNIFORMED SERVICES OR OVERSEAS 11336
~~ABSENT VOTER'S MAIL~~ BALLOTS -- VIA AIR MAIL." Three blank lines 11337
shall be printed in the upper left corner on the face of the 11338
envelope for the use by the voter in placing the voter's 11339

complete military, naval, or mailing address on these lines, and 11340
beneath these lines there shall be printed a box beside the 11341
words "check if out-of-country." The voter shall check this box 11342
if the voter will be outside the United States on the day of the 11343
election. The official title and the post-office address of the 11344
~~director~~ office of the board to ~~whom~~ which the envelope shall be 11345
returned shall be printed on the face of such envelope in the 11346
lower right portion below the bottom parallel line. The board 11347
shall insert a sheet of waxed paper or other appropriate insert 11348
between the gummed flap and the back of the envelope to minimize 11349
the possibility that the flap may become firmly stuck to the 11350
back of the envelope by reason of moisture, humid atmosphere, or 11351
other conditions to which it may be subjected. 11352

(2) Except for ballots to be returned to the board 11353
electronically under division (B) of section 3511.021 of the 11354
Revised Code, the board shall send with the ballots and the 11355
instruction sheet for preparing a gummed envelope sent 11356
electronically, including by facsimile machine, an instruction 11357
sheet for preparing a second gummed envelope for use by the 11358
voter in returning that voter's marked ballots to the board. 11359

(C) On the back of each identification envelope and each 11360
return envelope shall be printed the following: 11361

"Instructions to voter: 11362

If the flap on this envelope is so firmly stuck to the 11363
back of the envelope when received by you as to require forcible 11364
opening in order to use it, open the envelope in the manner 11365
least injurious to it, and, after marking your ballots and 11366
enclosing same in the envelope for mailing them to the director 11367
of the board of elections, reclose the envelope in the most 11368
practicable way, by sealing or otherwise, and sign the blank 11369

form printed below. 11370

The flap on this envelope was firmly stuck to the back of 11371
the envelope when received, and required forced opening before 11372
sealing and mailing. 11373

_____ 11374

(Signature of voter)" 11375

(D) Division (C) of this section does not apply when 11376
~~absent voter's mail~~ ballots are sent electronically, including 11377
by facsimile machine. 11378

(E) Except as otherwise provided in this division and in 11379
sections 3505.24 and 3509.08 of the Revised Code, an election 11380
official shall not fill out any portion of an identification 11381
envelope statement of voter or ~~an absent voter's a mail~~ ballot 11382
on behalf of an elector. A board of elections may preprint only 11383
an elector's name and address on an identification envelope 11384
statement of voter before mailing or electronically transmitting 11385
absent voter's ballots to the elector, except that if the 11386
elector has a confidential voter registration record, as 11387
described in section 111.44 of the Revised Code, the board of 11388
elections shall not preprint the elector's address on the 11389
identification envelope statement of voter. 11390

Sec. 3511.051. All identification envelopes containing 11391
~~absent voter's mail~~ ballots for uniformed services or overseas 11392
voters who are entitled to vote for presidential and vice- 11393
presidential electors only shall have printed or stamped thereon 11394
the words, "Presidential Ballots Only." 11395

Sec. ~~3501.012~~ 3511.06. Notwithstanding any provision of 11396
the Revised Code to the contrary, the secretary of state or a 11397
board of elections shall not refuse to accept and process an 11398

otherwise valid voter registration application, ~~absent voter's~~ 11399
~~mail ballot application, uniformed services and overseas absent~~ 11400
~~voter's ballot application, or returned absent voter's mail~~ 11401
~~ballot, returned uniformed services and overseas absent voter's~~ 11402
~~ballot, or federal write in absentee ballot~~ from an individual 11403
who is eligible to vote as a uniformed services voter or an 11404
overseas voter in accordance with ~~42 U.S.C. 1973ff-6 the~~ 11405
Uniformed and Overseas Citizens Absentee Voting Act due to any 11406
requirements regarding notarization, paper type, paper weight 11407
and size, envelope type, or envelope weight and size. 11408

Sec. 3511.08. (A) ~~The director of the board of elections~~ 11409
shall keep a record of the name and address of each person to 11410
whom the director mails or delivers uniformed services or 11411
overseas ~~absent voter's mail~~ ballots, the kinds of ballots so 11412
mailed or delivered, and the name and address of the person who 11413
made the application for such ballots. ~~After the director has~~ 11414
~~mailed or delivered such ballots the director shall not mail or~~ 11415
~~deliver additional ballots of the same kind to such person~~ 11416
~~pursuant to a subsequent request unless such subsequent request~~ 11417
~~contains the statement that an earlier request had been sent to~~ 11418
~~the director prior to the thirtieth day before the election and~~ 11419
~~that the uniformed services or overseas absent voter's ballots~~ 11420
~~so requested had not been received by such person prior to the~~ 11421
~~fifteenth day before the election, and provided that the~~ 11422
~~director has not received an identification envelope purporting~~ 11423
~~to contain marked uniformed services or overseas absent voter's~~ 11424
~~ballots from such person.~~ 11425

(B) A uniformed services or overseas voter may request 11426
replacement uniformed services or overseas mail ballots in the 11427
same manner as any other voter may request replacement mail 11428
ballots under division (A) (7) of section 3509.03 of the Revised 11429

Code.

11430

Sec. 3511.09. (A) Upon receiving uniformed services or 11431
overseas ~~absent voter's mail~~ ballots, the elector shall cause 11432
the questions on the face of the identification envelope to be 11433
answered, and, by writing the elector's usual signature in the 11434
proper place on the identification envelope, the elector shall 11435
declare under penalty of election falsification that the answers 11436
to those questions are true and correct to the best of the 11437
elector's knowledge and belief. Then, the elector shall note 11438
whether there are any voting marks on the ballot. If there are 11439
any voting marks, the ballot shall be returned immediately to 11440
the board of elections; otherwise, the elector shall cause the 11441
ballot to be marked, folded separately so as to conceal the 11442
markings on it, deposited in the identification envelope, and 11443
securely sealed in the identification envelope. The elector then 11444
shall cause the identification envelope to be placed within the 11445
return envelope, sealed in the return envelope, and mailed to 11446
the ~~director of the~~ board of elections to whom which it is 11447
addressed. ~~The~~ 11448

(B) The ballot shall be submitted for mailing not later 11449
than 12:01 a.m. at the place where the voter completes the 11450
ballot, on the date of the election. ~~If the elector does not~~ 11451
~~provide the elector's driver's license number or the last four~~ 11452
~~digits of the elector's social security number on the statement~~ 11453
~~of voter on the identification envelope, the elector also shall~~ 11454
~~include in the return envelope with the identification envelope~~ 11455
~~a copy of the elector's current valid photo identification, a~~ 11456
~~copy of a military identification, or a copy of a current~~ 11457
~~utility bill, bank statement, government check, paycheck, or~~ 11458
~~other government document, other than a notice of voter~~ 11459
~~registration mailed by a board of elections under section~~ 11460

~~3503.19 of the Revised Code, that shows the name and address of~~ 11461
~~the elector. Each~~ 11462

(C) Each elector who will be outside the United States on 11463
the day of the election shall check the box on the return 11464
envelope indicating this fact and shall mail the return envelope 11465
to the ~~director board~~ prior to ~~the close of the polls seven-~~ 11466
~~thirty p.m.~~ on election day. 11467

~~Every uniformed services or overseas absent voter's ballot~~ 11468
~~identification envelope shall be accompanied by the following~~ 11469
~~statement in boldface capital letters: WHOEVER COMMITS ELECTION~~ 11470
~~FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.~~ 11471

Sec. 3511.11. (A) Upon receipt of any return envelope 11472
bearing the designation "Official Election Uniformed Services or 11473
Overseas ~~Absent Voter's Mail~~ Ballot" prior to the eleventh day 11474
after the day of any election, the ~~director of the board of~~ 11475
~~elections election officials~~ shall open it but shall not open 11476
the identification envelope contained in it. If, upon so opening 11477
the return envelope, the ~~director finds election officials find~~ 11478
ballots in it that are not enclosed in and properly sealed in 11479
the identification envelope, the ~~director election officials~~ 11480
shall not look at the markings upon the ballots and shall 11481
promptly place them in the identification envelope and promptly 11482
seal it. If, upon so opening the return envelope, the ~~director~~ 11483
~~finds election officials find~~ that ballots are enclosed in the 11484
identification envelope but that it is not properly sealed, the 11485
~~director election officials~~ shall not look at the markings upon 11486
the ballots and shall promptly seal the identification envelope. 11487

(B) Uniformed services or overseas ~~absent voter's mail~~ 11488
ballots delivered to the ~~director office of the board of~~ 11489
~~elections, to a voter service and polling center in the county,~~ 11490

or to a ballot drop box in the county, or, subject to section 11491
3501.291 of the Revised Code, to any precinct polling place in 11492
the county, not later than ~~the close of the polls seven-thirty~~ 11493
p.m. on election day shall be processed and counted in the 11494
manner provided in section 3509.06 of the Revised Code. 11495
Uniformed services or overseas mail ballots shall be considered 11496
to have been delivered to the office of the board, to a voter 11497
service and polling center, to a ballot drop box, or to a 11498
precinct polling place not later than seven-thirty p.m. on 11499
election day if the voter or a person designated by the voter 11500
was waiting in line to deliver the ballots at that location as 11501
of that time. 11502

(C) A return envelope is not required to be postmarked in 11503
order for a uniformed services or overseas ~~absent voter's mail~~ 11504
ballot contained in it to be valid. Except as otherwise provided 11505
in this division, whether or not the return envelope containing 11506
the ballot is postmarked, contains a late postmark, or contains 11507
an illegible postmark, a uniformed services or overseas absent 11508
voter's ballot that is received by mail ~~after the close of the~~ 11509
~~polls seven-thirty p.m. on election day through the tenth day~~ 11510
after the election day shall be processed and counted on the 11511
eleventh day after the election day ~~at the office of the board~~ 11512
~~of elections~~ in the manner provided in section 3509.06 of the 11513
Revised Code if the voter signed the identification envelope by 11514
the time specified in section 3511.09 of the Revised Code. 11515
~~However, if a return envelope containing a uniformed services or~~ 11516
~~overseas absent voter's ballot is so received and so indicates,~~ 11517
~~but the identification envelope in it is signed after the close~~ 11518
~~of the polls on election day, the uniformed services or overseas~~ 11519
~~absent voter's ballot shall not be counted.~~ 11520

(D) The following types of uniformed services or overseas 11521

~~absent voter's mail~~ ballots shall not be counted: 11522

(1) Uniformed services or overseas ~~absent voter's mail~~ 11523
ballots contained in return envelopes that bear the designation 11524
"Official Election Uniformed Services or Overseas ~~Absent Voter's~~ 11525
~~Mail~~ Ballots," that are received by the ~~director board~~ after the 11526
~~close of the polls seven-thirty p.m.~~ on the day of the election, 11527
and that contain an identification envelope that is signed after 11528
the time specified in section 3511.09 of the Revised Code; 11529

(2) Uniformed services or overseas ~~absent voter's mail~~ 11530
ballots contained in return envelopes that bear that designation 11531
and that are received after the tenth day following the 11532
election. 11533

(E) The uncounted ballots shall be preserved in their 11534
identification envelopes unopened until the time provided by 11535
section 3505.31 of the Revised Code for the destruction of all 11536
other ballots used at the election for which ballots were 11537
provided, at which time they shall be destroyed. 11538

Sec. 3511.12. In counting uniformed services or overseas 11539
~~absent voter's mail~~ ballots pursuant to section 3511.11 of the 11540
Revised Code, the name of each voter, followed by "Uniformed 11541
Services or Overseas ~~Absent Voter's~~ Mail Ballot," shall be 11542
written in the poll book or poll list together with such 11543
notations as will indicate the kinds of ballots the envelope 11544
contained, except that if the voter has a confidential voter 11545
registration record, as described in section 111.44 of the 11546
Revised Code, that information shall be marked in the voter's 11547
registration record but not in the poll book or poll list. If 11548
any challenge is made and sustained, the identification envelope 11549
of such voter shall not be opened and shall be indorsed "not 11550
counted" with the reasons therefor. 11551

Sec. 3511.14. (A) A board of elections shall accept and 11552
process federal write-in absentee ballots for all elections for 11553
office and for all ballot questions and issues as required under 11554
~~"The the Uniformed and Overseas Citizens Absentee Voting Act,"~~ 11555
~~Pub. L. No. 99-410, 100 Stat. 924, 42 U.S.C. 1973ff, et seq., as~~ 11556
~~amended.~~ 11557

(B) A uniformed services or overseas voter may use the 11558
declaration accompanying a federal write-in absentee ballot to 11559
apply to register to vote simultaneously with the submission of 11560
the federal write-in absentee ballot, if the declaration is 11561
received not later than thirty days before the day of the 11562
election. If the declaration is received after that date, the 11563
declaration shall be considered an application to register to 11564
vote for all subsequent elections. 11565

Sec. 3511.15. If an international, national, state, or 11566
local emergency or other situation arises that makes substantial 11567
compliance with the ~~"Uniformed and Overseas Citizens Absentee~~ 11568
~~Voting Act," 42 U.S.C. 1973ff, et seq., as amended,~~ impossible 11569
or impracticable, as confirmed by the existence of armed 11570
conflict involving United States armed forces or the 11571
mobilization of those forces, including Ohio national guard and 11572
reserve component members of this state, or by the occurrence of 11573
a natural disaster or the existence of a state of emergency, 11574
civil unrest, war, or other exigency in a foreign country, or by 11575
an official declaration by the governor that a state of 11576
emergency exists, the governor directly, or by delegation to the 11577
secretary of state, may prescribe, by emergency order or rule, a 11578
special procedure or requirement as may be necessary to 11579
facilitate ~~absent-mail~~ voting by those ~~absent~~ uniformed services 11580
voters or overseas voters directly affected who are eligible to 11581
vote in this state. The secretary of state shall take reasonable 11582

steps to provide ~~absent~~-uniformed services or overseas voters 11583
with timely notice of any special procedure or requirement 11584
prescribed under this section. 11585

Sec. 3511.16. (A) At least one hundred days before the day 11586
of a regularly scheduled election and as soon as practicable 11587
before an election that is not regularly scheduled, the board of 11588
elections of each county shall prepare an election notice for 11589
each precinct in which the election is to be conducted, to be 11590
used in conjunction with a federal write-in absentee ballot. The 11591
election notice shall contain a list of all of the ballot 11592
questions and issues and all federal, state, and local offices 11593
that, as of that date, the board expects to be on the ballot at 11594
that election. The notice also shall contain specific 11595
instructions on how a uniformed services or overseas voter is to 11596
indicate on the federal write-in absentee ballot the voter's 11597
choice for each office to be filled and for each ballot question 11598
and issue to be contested. 11599

(B) A uniformed services or overseas voter may request a 11600
copy of an election notice prepared under division (A) of this 11601
section. The board of elections shall send the notice to the 11602
voter by facsimile transmission, electronic mail, or regular 11603
mail, as the voter requests. 11604

(C) As soon as the form of the ballot is certified, and 11605
not later than the date uniformed services and overseas mail 11606
ballots are required to be transmitted to voters under section 11607
3509.01 of the Revised Code, the board shall update the notice 11608
with the certified candidates for each office and ballot 11609
questions and issues and make the updated notice publicly 11610
available. 11611

(D) A board of elections that maintains an internet web 11612

site shall make the election notice prepared under division (A) 11613
of this section and updated versions of the election notice 11614
regularly available on that web site. 11615

Sec. 3513.05. Each person desiring to become a candidate 11616
for a party nomination at a primary election or for election to 11617
an office or position to be voted for at a primary election, 11618
except persons desiring to become joint candidates for the 11619
offices of governor and lieutenant governor and except as 11620
otherwise provided in section 3513.051 of the Revised Code, 11621
shall, not later than four p.m. of the ninetieth day before the 11622
day of the primary election, file a declaration of candidacy and 11623
petition and pay the fees required under divisions (A) and (B) 11624
of section 3513.10 of the Revised Code. The declaration of 11625
candidacy and all separate petition papers shall be filed at the 11626
same time as one instrument. When the offices are to be voted 11627
for at a primary election, persons desiring to become joint 11628
candidates for the offices of governor and lieutenant governor 11629
shall, not later than four p.m. of the ninetieth day before the 11630
day of the primary election, comply with section 3513.04 of the 11631
Revised Code. The prospective joint candidates' declaration of 11632
candidacy and all separate petition papers of candidacies shall 11633
be filed at the same time as one instrument. The secretary of 11634
state or a board of elections shall not accept for filing a 11635
declaration of candidacy and petition of a person seeking to 11636
become a candidate if that person, for the same election, has 11637
already filed a declaration of candidacy or a declaration of 11638
intent to be a write-in candidate, or has become a candidate by 11639
the filling of a vacancy under section 3513.30 of the Revised 11640
Code for any federal, state, or county office, if the 11641
declaration of candidacy is for a state or county office, or for 11642
any municipal or township office, if the declaration of 11643

candidacy is for a municipal or township office. 11644

If the declaration of candidacy declares a candidacy which 11645
is to be submitted to electors throughout the entire state, the 11646
petition, including a petition for joint candidates for the 11647
offices of governor and lieutenant governor, shall be signed by 11648
at least one thousand qualified electors who are members of the 11649
same political party as the candidate or joint candidates, and 11650
the declaration of candidacy and petition shall be filed with 11651
the secretary of state; provided that the secretary of state 11652
shall not accept or file any such petition appearing on its face 11653
to contain signatures of more than three thousand electors. 11654

Except as otherwise provided in this paragraph, if the 11655
declaration of candidacy is of one that is to be submitted only 11656
to electors within a district, political subdivision, or portion 11657
thereof, the petition shall be signed by not less than fifty 11658
qualified electors who are members of the same political party 11659
as the political party of which the candidate is a member. If 11660
the declaration of candidacy is for party nomination as a 11661
candidate for member of the legislative authority of a municipal 11662
corporation elected by ward, the petition shall be signed by not 11663
less than twenty-five qualified electors who are members of the 11664
political party of which the candidate is a member. 11665

No such petition, except the petition for a candidacy that 11666
is to be submitted to electors throughout the entire state, 11667
shall be accepted for filing if it appears to contain on its 11668
face signatures of more than three times the minimum number of 11669
signatures. When a petition of a candidate has been accepted for 11670
filing by a board of elections, the petition shall not be deemed 11671
invalid if, upon verification of signatures contained in the 11672
petition, the board of elections finds the number of signatures 11673

accepted exceeds three times the minimum number of signatures 11674
required. A board of elections may discontinue verifying 11675
signatures on petitions when the number of verified signatures 11676
equals the minimum required number of qualified signatures. 11677

If the declaration of candidacy declares a candidacy for 11678
party nomination or for election as a candidate of a minor 11679
party, the minimum number of signatures on such petition is one- 11680
half the minimum number provided in this section, except that, 11681
when the candidacy is one for election as a member of the state 11682
central committee or the county central committee of a political 11683
party, the minimum number shall be the same for a minor party as 11684
for a major party. 11685

If a declaration of candidacy is one for election as a 11686
member of the state central committee or the county central 11687
committee of a political party, the petition shall be signed by 11688
five qualified electors of the district, county, ward, township, 11689
or precinct within which electors may vote for such candidate. 11690
The electors signing such petition shall be members of the same 11691
political party as the political party of which the candidate is 11692
a member. 11693

For purposes of signing or circulating a petition of 11694
candidacy for party nomination or election, an elector is 11695
considered to be a member of a political party if the ~~elector~~ 11696
~~voted in that party's primary election within the preceding two~~ 11697
~~calendar years, or if the elector did not vote in any other~~ 11698
~~party's primary election within the preceding two calendar years~~ 11699
elector's voter registration record indicates that the elector 11700
is affiliated with that political party. 11701

If the declaration of candidacy is of one that is to be 11702
submitted only to electors within a county, or within a district 11703

or subdivision or part thereof smaller than a county, the 11704
petition shall be filed with the board of elections of the 11705
county. If the declaration of candidacy is of one that is to be 11706
submitted only to electors of a district or subdivision or part 11707
thereof that is situated in more than one county, the petition 11708
shall be filed with the board of elections of the county within 11709
which the major portion of the population thereof, as 11710
ascertained by the next preceding federal census, is located. 11711

A petition shall consist of separate petition papers, each 11712
of which shall contain signatures of electors of only one 11713
county. Petitions or separate petition papers containing 11714
signatures of electors of more than one county shall not thereby 11715
be declared invalid. In case petitions or separate petition 11716
papers containing signatures of electors of more than one county 11717
are filed, the board shall determine the county from which the 11718
majority of signatures came, and only signatures from such 11719
county shall be counted. Signatures from any other county shall 11720
be invalid. 11721

Each separate petition paper shall be circulated by one 11722
person only, who shall be the candidate or a joint candidate or 11723
a member of the same political party as the candidate or joint 11724
candidates, and each separate petition paper shall be governed 11725
by the rules set forth in section 3501.38 of the Revised Code. 11726

The secretary of state shall promptly transmit to each 11727
board such separate petition papers of each petition 11728
accompanying a declaration of candidacy filed with the secretary 11729
of state as purport to contain signatures of electors of the 11730
county of such board. The board of the most populous county of a 11731
district shall promptly transmit to each board within such 11732
district such separate petition papers of each petition 11733

accompanying a declaration of candidacy filed with it as purport 11734
to contain signatures of electors of the county of each such 11735
board. The board of a county within which the major portion of 11736
the population of a subdivision, situated in more than one 11737
county, is located, shall promptly transmit to the board of each 11738
other county within which a portion of such subdivision is 11739
located such separate petition papers of each petition 11740
accompanying a declaration of candidacy filed with it as purport 11741
to contain signatures of electors of the portion of such 11742
subdivision in the county of each such board. 11743

All petition papers so transmitted to a board and all 11744
petitions accompanying declarations of candidacy filed with a 11745
board shall, under proper regulations, be open to public 11746
inspection until four p.m. of the eightieth day before the day 11747
of the next primary election. Each board shall, not later than 11748
the seventy-eighth day before the day of that primary election, 11749
examine and determine the validity or invalidity of the 11750
signatures on the petition papers so transmitted to or filed 11751
with it and shall return to the secretary of state all petition 11752
papers transmitted to it by the secretary of state, together 11753
with its certification of its determination as to the validity 11754
or invalidity of signatures thereon, and shall return to each 11755
other board all petition papers transmitted to it by such board, 11756
together with its certification of its determination as to the 11757
validity or invalidity of the signatures thereon. All other 11758
matters affecting the validity or invalidity of such petition 11759
papers shall be determined by the secretary of state or the 11760
board with whom such petition papers were filed. 11761

Protests against the candidacy of any person filing a 11762
declaration of candidacy for party nomination or for election to 11763
an office or position, as provided in this section, may be filed 11764

by any qualified elector who is a member of the same political 11765
party as the candidate and who is eligible to vote at the 11766
primary election for the candidate whose declaration of 11767
candidacy the elector objects to, or by the controlling 11768
committee of that political party. The protest shall be in 11769
writing, and shall be filed not later than four p.m. of the 11770
seventy-fourth day before the day of the primary election. The 11771
protest shall be filed with the election officials with whom the 11772
declaration of candidacy and petition was filed. Upon the filing 11773
of the protest, the election officials with whom it is filed 11774
shall promptly fix the time for hearing it, and shall forthwith 11775
mail notice of the filing of the protest and the time fixed for 11776
hearing to the person whose candidacy is so protested. They 11777
shall also forthwith mail notice of the time fixed for such 11778
hearing to the person who filed the protest. At the time fixed, 11779
such election officials shall hear the protest and determine the 11780
validity or invalidity of the declaration of candidacy and 11781
petition. If they find that such candidate is not an elector of 11782
the state, district, county, or political subdivision in which 11783
the candidate seeks a party nomination or election to an office 11784
or position, or has not fully complied with this chapter, the 11785
candidate's declaration of candidacy and petition shall be 11786
determined to be invalid and shall be rejected; otherwise, it 11787
shall be determined to be valid. That determination shall be 11788
final. 11789

A protest against the candidacy of any persons filing a 11790
declaration of candidacy for joint party nomination to the 11791
offices of governor and lieutenant governor shall be filed, 11792
heard, and determined in the same manner as a protest against 11793
the candidacy of any person filing a declaration of candidacy 11794
singly. 11795

The secretary of state shall, on the seventieth day before 11796
the day of a primary election, certify to each board in the 11797
state the forms of the official ballots to be used at the 11798
primary election, together with the names of the candidates to 11799
be printed on the ballots whose nomination or election is to be 11800
determined by electors throughout the entire state and who filed 11801
valid declarations of candidacy and petitions. 11802

The board of the most populous county in a district 11803
comprised of more than one county but less than all of the 11804
counties of the state shall, on the seventieth day before the 11805
day of a primary election, certify to the board of each county 11806
in the district the names of the candidates to be printed on the 11807
official ballots to be used at the primary election, whose 11808
nomination or election is to be determined only by electors 11809
within the district and who filed valid declarations of 11810
candidacy and petitions. 11811

The board of a county within which the major portion of 11812
the population of a subdivision smaller than the county and 11813
situated in more than one county is located shall, on the 11814
seventieth day before the day of a primary election, certify to 11815
the board of each county in which a portion of that subdivision 11816
is located the names of the candidates to be printed on the 11817
official ballots to be used at the primary election, whose 11818
nomination or election is to be determined only by electors 11819
within that subdivision and who filed valid declarations of 11820
candidacy and petitions. 11821

Sec. 3513.052. (A) No person shall seek nomination or 11822
election to any of the following offices or positions at the 11823
same election by filing a declaration of candidacy and petition, 11824
a declaration of intent to be a write-in candidate, or a 11825

nominating petition, or by becoming a candidate through party 11826
nomination in a primary election, or by the filling of a vacancy 11827
under section 3513.30 or 3513.31 of the Revised Code: 11828

(1) Two or more state offices; 11829

(2) Two or more county offices; 11830

(3) A state office and a county office; 11831

(4) A federal office and a state or county office; 11832

(5) Any combination of two or more municipal or township 11833
offices, positions as a member of a city, local, or exempted 11834
village board of education, or positions as a member of a 11835
governing board of an educational service center. 11836

(B) The secretary of state or a board of elections shall 11837
not accept for filing a declaration of candidacy and petition, a 11838
declaration of intent to be a write-in candidate, or a 11839
nominating petition of a person seeking to become a candidate if 11840
that person, for the same election, has already filed a 11841
declaration of candidacy, a declaration of intent to be a write- 11842
in candidate, or a nominating petition, or has become a 11843
candidate through party nomination at a primary election or by 11844
the filling of a vacancy under section 3513.30 or 3513.31 of the 11845
Revised Code for: 11846

(1) Any federal, state, or county office, if the 11847
declaration of candidacy, declaration of intent to be a write-in 11848
candidate, or nominating petition is for a state or county 11849
office; 11850

(2) Any municipal or township office, or for member of a 11851
city, local, or exempted village board of education, or for 11852
member of a governing board of an educational service center, if 11853

the declaration of candidacy, declaration of intent to be a 11854
write-in candidate, or nominating petition is for a municipal or 11855
township office, or for member of a city, local, or exempted 11856
village board of education, or for member of a governing board 11857
of an educational service center. 11858

(C) (1) If the secretary of state determines, before the 11859
day of the primary election, that a person is seeking nomination 11860
to more than one office at that election in violation of 11861
division (A) of this section, the secretary of state shall do 11862
one of the following: 11863

(a) If each office or the district for each office for 11864
which the person is seeking nomination is wholly within a single 11865
county and none of those offices is a federal office, the 11866
secretary of state shall notify the board of elections of that 11867
county. The board then shall determine the date on which the 11868
person first sought to become a candidate for each of those 11869
offices by filing a declaration of candidacy or a declaration of 11870
intent to be a write-in candidate or by the filling of a vacancy 11871
under section 3513.30 of the Revised Code. The board shall vote 11872
promptly to disqualify that person as a candidate for each 11873
office for which the person sought to become a candidate after 11874
the date on which the person first sought to become a candidate 11875
for any of those offices. If the board determines that the 11876
person sought to become a candidate for more than one of those 11877
offices on the same date, the board shall vote promptly to 11878
disqualify that person as a candidate for each office that would 11879
be listed on the ballot below the highest office for which that 11880
person seeks nomination, according to the ballot order 11881
prescribed under section 3505.03 of the Revised Code. 11882

(b) If one or more of the offices for which the person is 11883

seeking nomination is a state office or an office with a 11884
district larger than a single county and none of the offices for 11885
which the person is seeking nomination is a federal office, the 11886
secretary of state shall determine the date on which the person 11887
first sought to become a candidate for each of those offices by 11888
filing a declaration of candidacy or a declaration of intent to 11889
be a write-in candidate or by the filling of a vacancy under 11890
section 3513.30 of the Revised Code. The secretary of state 11891
shall order the board of elections of each county in which the 11892
person is seeking to appear on the ballot to disqualify that 11893
person as a candidate for each office for which the person 11894
sought to become a candidate after the date on which the person 11895
first sought to become a candidate for any of those offices. If 11896
the secretary of state determines that the person sought to 11897
become a candidate for more than one of those offices on the 11898
same date, the secretary of state shall order the board of 11899
elections of each county in which the person is seeking to 11900
appear on the ballot to disqualify that person as a candidate 11901
for each office that would be listed on the ballot below the 11902
highest office for which that person seeks nomination, according 11903
to the ballot order prescribed under section 3505.03 of the 11904
Revised Code. Each board of elections so notified shall vote 11905
promptly to disqualify the person as a candidate in accordance 11906
with the order of the secretary of state. 11907

(c) If each office or the district for each office for 11908
which the person is seeking nomination is wholly within a single 11909
county and any of those offices is a federal office, the 11910
secretary of state shall notify the board of elections of that 11911
county. The board then shall vote promptly to disqualify that 11912
person as a candidate for each office that is not a federal 11913
office. 11914

(d) If one or more of the offices for which the person is seeking nomination is a state office and any of the offices for which the person is seeking nomination is a federal office, the secretary of state shall order the board of elections of each county in which the person is seeking to appear on the ballot to disqualify that person as a candidate for each office that is not a federal office. Each board of elections so notified shall vote promptly to disqualify the person as a candidate in accordance with the order of the secretary of state.

(2) If a board of elections determines, before the day of the primary election, that a person is seeking nomination to more than one office at that election in violation of division (A) of this section, the board shall do one of the following:

(a) If each office or the district for each office for which the person is seeking nomination is wholly within that county and none of those offices is a federal office, the board shall determine the date on which the person first sought to become a candidate for each of those offices by filing a declaration of candidacy or a declaration of intent to be a write-in candidate or by the filling of a vacancy under section 3513.30 of the Revised Code. The board shall vote promptly to disqualify that person as a candidate for each office for which the person sought to become a candidate after the date on which the person first sought to become a candidate for any of those offices. If the board determines that the person sought to become a candidate for more than one of those offices on the same date, the board shall vote promptly to disqualify that person as a candidate for each office that would be listed on the ballot below the highest office for which that person seeks nomination, according to the ballot order prescribed under section 3505.03 of the Revised Code.

(b) If one or more of the offices for which the person is seeking nomination is a state office or an office with a district larger than a single county and none of the offices for which the person is seeking nomination is a federal office, the board shall notify the secretary of state. The secretary of state then shall determine the date on which the person first sought to become a candidate for each of those offices by filing a declaration of candidacy or a declaration of intent to be a write-in candidate or by the filling of a vacancy under section 3513.30 of the Revised Code. The secretary of state shall order the board of elections of each county in which the person is seeking to appear on the ballot to disqualify that person as a candidate for each office for which the person sought to become a candidate after the date on which the person first sought to become a candidate for any of those offices. If the secretary of state determines that the person sought to become a candidate for more than one of those offices on the same date, the secretary of state shall order the board of elections of each county in which the person is seeking to appear on the ballot to disqualify that person as a candidate for each office that would be listed on the ballot below the highest office for which that person seeks nomination, according to the ballot order prescribed under section 3505.03 of the Revised Code. Each board of elections so notified shall vote promptly to disqualify the person as a candidate in accordance with the order of the secretary of state.

(c) If each office or the district for each office for which the person is seeking nomination is wholly within a single county and any of those offices is a federal office, the board shall vote promptly to disqualify that person as a candidate for each office that is not a federal office.

(d) If one or more of the offices for which the person is seeking nomination is a state office and any of the offices for which the person is seeking nomination is a federal office, the board shall notify the secretary of state. The secretary of state then shall order the board of elections of each county in which the person is seeking to appear on the ballot to disqualify that person as a candidate for each office that is not a federal office. Each board of elections so notified shall vote promptly to disqualify the person as a candidate in accordance with the order of the secretary of state.

(D) (1) If the secretary of state determines, after the day of the primary election and before the day of the general election, that a person is seeking election to more than one office at that election in violation of division (A) of this section, the secretary of state shall do one of the following:

(a) If each office or the district for each office for which the person is seeking election is wholly within a single county and none of those offices is a federal office, the secretary of state shall notify the board of elections of that county. The board then shall determine the offices for which the person seeks to appear as a candidate on the ballot. The board shall vote promptly to disqualify that person as a candidate for each office that would be listed on the ballot below the highest office for which that person seeks election, according to the ballot order prescribed under section 3505.03 of the Revised Code. If the person sought nomination at a primary election and has not yet been issued a certificate of nomination, the board shall not issue that certificate for that person for any office that would be listed on the ballot below the highest office for which that person seeks election, according to the ballot order prescribed under section 3505.03 of the Revised Code.

(b) If one or more of the offices for which the person is seeking election is a state office or an office with a district larger than a single county and none of the offices for which the person is seeking election is a federal office, the secretary of state shall promptly investigate and determine the offices for which the person seeks to appear as a candidate on the ballot. The secretary of state shall order the board of elections of each county in which the person is seeking to appear on the ballot to disqualify that person as a candidate for each office that would be listed on the ballot below the highest office for which that person seeks election, according to the ballot order prescribed under section 3505.03 of the Revised Code. Each board of elections so notified shall vote promptly to disqualify the person as a candidate in accordance with the order of the secretary of state. If the person sought nomination at a primary election and has not yet been issued a certificate of nomination, the board shall not issue that certificate for that person for any office that would be listed on the ballot below the highest office for which that person seeks election, according to the ballot order prescribed under section 3505.03 of the Revised Code.

(c) If each office or the district for each office for which the person is seeking election is wholly within a single county and any of those offices is a federal office, the secretary of state shall notify the board of elections of that county. The board then shall vote promptly to disqualify that person as a candidate for each office that is not a federal office. If the person sought nomination at a primary election and has not yet been issued a certificate of nomination, the board shall not issue that certificate for that person for any office that is not a federal office.

(d) If one or more of the offices for which the person is seeking election is a state office and any of the offices for which the person is seeking election is a federal office, the secretary of state shall order the board of elections of each county in which the person is seeking to appear on the ballot to disqualify that person as a candidate for each office that is not a federal office. Each board of elections so notified shall vote promptly to disqualify the person as a candidate in accordance with the order of the secretary of state. If the person sought nomination at a primary election and has not yet been issued a certificate of nomination, the board shall not issue that certificate for that person for any office that is not a federal office.

(2) If a board of elections determines, after the day of the primary election and before the day of the general election, that a person is seeking election to more than one office at that election in violation of division (A) of this section, the board of elections shall do one of the following:

(a) If each office or the district for each office for which the person is seeking election is wholly within that county and none of those offices is a federal office, the board shall determine the offices for which the person seeks to appear as a candidate on the ballot. The board shall vote promptly to disqualify that person as a candidate for each office that would be listed on the ballot below the highest office for which that person seeks election, according to the ballot order prescribed under section 3505.03 of the Revised Code. If the person sought nomination at a primary election and has not yet been issued a certificate of nomination, the board shall not issue that certificate for that person for any office that would be listed on the ballot below the highest office for which that person

seeks election, according to the ballot order prescribed under 12070
section 3505.03 of the Revised Code. 12071

(b) If one or more of the offices for which the person is 12072
seeking election is a state office or an office with a district 12073
larger than a single county and none of the offices for which 12074
the person is seeking election is a federal office, the board 12075
shall notify the secretary of state. The secretary of state 12076
promptly shall investigate and determine the offices for which 12077
the person seeks to appear as a candidate on the ballot. The 12078
secretary of state shall order the board of elections of each 12079
county in which the person is seeking to appear on the ballot to 12080
disqualify that person as a candidate for each office that would 12081
be listed on the ballot below the highest office for which that 12082
person seeks election, according to the ballot order prescribed 12083
under section 3505.03 of the Revised Code. Each board of 12084
elections so notified shall vote promptly to disqualify the 12085
person as a candidate in accordance with the order of the 12086
secretary of state. If the person sought nomination at a primary 12087
election and has not yet been issued a certificate of 12088
nomination, the board shall not issue that certificate for that 12089
person for any office that would be listed on the ballot below 12090
the highest office for which that person seeks election, 12091
according to the ballot order prescribed under section 3505.03 12092
of the Revised Code. 12093

(c) If each office or the district for each office for 12094
which the person is seeking election is wholly within that 12095
county and any of those offices is a federal office, the board 12096
shall vote promptly to disqualify that person as a candidate for 12097
each office that is not a federal office. If the person sought 12098
nomination at a primary election and has not yet been issued a 12099
certificate of nomination, the board shall not issue that 12100

certificate for that person for any office that is not a federal 12101
office. 12102

(d) If one or more of the offices for which the person is 12103
seeking election is a state office and any of the offices for 12104
which the person is seeking election is a federal office, the 12105
board shall notify the secretary of state. The secretary of 12106
state shall order the board of elections of each county in which 12107
the person is seeking to appear on the ballot to disqualify that 12108
person as a candidate for each office that is not a federal 12109
office. Each board of elections so notified shall vote promptly 12110
to disqualify the person as a candidate in accordance with the 12111
order of the secretary of state. If the person sought nomination 12112
at a primary election and has not yet been issued a certificate 12113
of nomination, the board shall not issue that certificate for 12114
that person for any office that is not a federal office. 12115

(E) When a person is disqualified as a candidate under 12116
division (C) or (D) of this section, on or before the seventieth 12117
day before the day of the applicable election, the board of 12118
elections shall remove the person's name from the ballot for any 12119
office for which that person has been disqualified as a 12120
candidate according to the directions of the secretary of state. 12121
When a person is disqualified as a candidate under division (C) 12122
or (D) of this section after the seventieth day before the day 12123
of the applicable election, the board of elections shall not 12124
remove the person's name from the ballot for any office for 12125
which that person has been disqualified as a candidate. The 12126
board of elections shall post a notice at each ~~polling~~ location 12127
~~on the day of the applicable election, where ballots may be cast~~ 12128
in person and shall enclose with each ~~absent voter's mail~~ ballot 12129
given or mailed after the candidate is disqualified, a notice 12130
that votes for the person for the office for which the person 12131

has been disqualified as a candidate will be void and will not 12132
be counted. ~~If the name is not removed from the ballots before~~ 12133
~~the day of the election, the~~ Any votes cast for the disqualified 12134
candidate are void and shall not be counted. 12135

(F) Any vacancy created by the disqualification of a 12136
person as a candidate under division (C) or (D) of this section 12137
may be filled in the manner provided for in sections 3513.30 and 12138
3513.31 of the Revised Code. 12139

(G) Nothing in this section or section 3513.04, 3513.041, 12140
3513.05, 3513.251, 3513.253, 3513.254, 3513.255, 3513.257, 12141
3513.259, or 3513.261 of the Revised Code prohibits, and the 12142
secretary of state or a board of elections shall not disqualify, 12143
a person from being a candidate for an office, if that person 12144
timely withdraws as a candidate for any offices specified in 12145
division (A) of this section for which that person first sought 12146
to become a candidate by filing a declaration of candidacy and 12147
petition, a declaration of intent to be a write-in candidate, or 12148
a nominating petition, by party nomination in a primary 12149
election, or by the filling of a vacancy under section 3513.30 12150
or 3513.31 of the Revised Code. 12151

(H) As used in this section: 12152

(1) "State office" means the offices of governor, 12153
lieutenant governor, secretary of state, auditor of state, 12154
treasurer of state, attorney general, member of the state board 12155
of education, member of the general assembly, chief justice of 12156
the supreme court, and justice of the supreme court. 12157

(2) "Timely withdraws" means either of the following: 12158

(a) Withdrawing as a candidate before the applicable 12159
deadline for filing a declaration of candidacy, declaration of 12160

intent to be a write-in candidate, or nominating petition for 12161
the subsequent office for which the person is seeking to become 12162
a candidate at the same election; 12163

(b) Withdrawing as a candidate before the applicable 12164
deadline for the filling of a vacancy under section 3513.30 or 12165
3513.31 of the Revised Code, if the person is seeking to become 12166
a candidate for a subsequent office at the same election under 12167
either of those sections. 12168

Sec. 3513.07. The form of declaration of candidacy and 12169
petition of a person desiring to be a candidate for a party 12170
nomination or a candidate for election to an office or position 12171
to be voted for at a primary election shall be substantially as 12172
follows: 12173

"DECLARATION OF CANDIDACY PARTY PRIMARY ELECTION 12174

I, _____ (Name of Candidate), the 12175
undersigned, hereby declare under penalty of election 12176
falsification that my voting residence is in _____ 12177
precinct of the _____ (Township) or 12178
(Ward and City or Village) in the county of _____, 12179
Ohio; that my voting residence is _____ (Street and 12180
Number, if any, or Rural Route and Number) of the 12181
_____ (City or Village) of 12182
_____, Ohio; and that I am a qualified elector in 12183
the precinct in which my voting residence is located. I am a 12184
member of the _____ Party. I hereby declare that I desire to 12185
be _____ (a candidate for nomination as a 12186
candidate of the Party for election to the office of 12187
_____) (a candidate for election to the office or 12188
position of _____) for the _____ in the state, 12189
district, (Full term or unexpired term ending _____) 12190

county, city, or village of _____, at the primary 12191
election to be held on the _____ day of _____, _____, 12192
and I hereby request that my name be printed upon the official 12193
primary election ballot of the said _____ Party as a 12194
candidate for _____ (such nomination) or (such election) as 12195
provided by law. 12196

I further declare that, if elected to said office or 12197
position, I will qualify therefor, and that I will support and 12198
abide by the principles enunciated by the _____ Party. 12199

Dated this _____ day of _____, _____ 12200

_____ 12201

(Signature of candidate) 12202

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A 12203
FELONY OF THE ~~FIFTH~~-FOURTH DEGREE. 12204

PETITION OF CANDIDATE 12205

We, the undersigned, qualified electors of the state of 12206
Ohio, whose voting residence is in the county, city, village, 12207
ward, township, or school district, and precinct set opposite 12208
our names, and members of the 12209
_____ Party, hereby certify 12210
that _____ (Name of candidate) whose 12211
declaration of candidacy is filed herewith, is a member of the 12212
_____ Party, and is, in our opinion, well qualified to 12213
perform the duties of the office or position to which that 12214
candidate desires to be elected. 12215

Street City, 12216

and Village or 12217

Signature Number Township Ward Precinct County Date 12218

(Must use address on file with the board of elections) 12219

_____ 12220

_____ 12221

_____ 12222

_____ (Name of circulator 12223
of petition), declares under penalty of election falsification 12224
that the circulator of the petition is a qualified elector of 12225
the state of Ohio and resides at the address appearing below the 12226
signature of that circulator; that the circulator is a member of 12227
the _____ Party; that the circulator is the circulator of 12228
the foregoing petition paper containing _____ (Number) 12229
signatures; that the circulator witnessed the affixing of every 12230
signature; that all signers were to the best of the circulator's 12231
knowledge and belief qualified to sign; and that every signature 12232
is to the best of the circulator's knowledge and belief the 12233
signature of the person whose signature it purports to be or of 12234
an attorney in fact acting pursuant to section 3501.382 of the 12235
Revised Code. 12236

_____ 12237

(Signature of circulator) 12238

_____ 12239

(Address of circulator's 12240
permanent residence in this 12241
state) 12242

_____ 12243

(If petition is for a 12244
statewide candidate, the 12245

name and address of person 12246

employing to circulate 12247

petition, if any) 12248

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A 12249
FELONY OF THE ~~FIFTH~~FOURTH DEGREE." 12250

The secretary of state shall prescribe a form of 12251
declaration of candidacy and petition, and the form shall be 12252
substantially similar to the declaration of candidacy and 12253
petition set forth in this section, that will be suitable for 12254
joint candidates for the offices of governor and lieutenant 12255
governor. 12256

The petition provided for in this section shall be 12257
circulated only by a member of the same political party as the 12258
candidate. 12259

Sec. 3513.13. Separate primary election ballots shall be 12260
provided by the board of elections for each political party 12261
having candidates for nomination or election in a primary 12262
election. Section 3505.08 of the Revised Code governing the kind 12263
of paper, the kind of ink, and the size and style of type to be 12264
used in the printing of ballots for general elections shall 12265
apply in the printing of ballots for primary elections. 12266

Primary election ballots shall have printed on the back 12267
thereof "Official _____ (name of party) _____ 12268
primary ballot," the date of the election, and the facsimile 12269
signatures of the members of the board. 12270

Such ballots shall have stubs attached at the top thereof 12271
as required on ballots for general elections. 12272

On the back of every ballot used there shall be a solid 12273

black line printed opposite the blank rectangular space that is 12274
used to mark the choice of the voter. This line shall be printed 12275
wide enough so that the mark in the blank rectangular space will 12276
not be visible from the back side of the ballot. 12277

Such ballots shall have printed at the top thereof and 12278
below the stubs "Official _____ (name of party) _____ 12279
primary ballot" and instructions to the voter to the effect that 12280
to vote for a candidate the voter shall record the vote in the 12281
manner provided on the ballot next to the name of such 12282
candidate, except as provided in section 3513.151 of the Revised 12283
Code, and that ~~if he~~ a voter who tears, soils, defaces, or 12284
erroneously marks the ballot ~~he~~ may return it to the ~~precinct~~ 12285
election ~~officers~~ officials and obtain another ballot. 12286

Except as provided in section 3513.151 of the Revised 12287
Code, primary election ballots shall contain the names of all 12288
persons whose declarations of candidacy and petitions have been 12289
determined to be valid. The name of each candidate for 12290
nomination for, or election to, an office or position shall be 12291
printed in an enclosed rectangular space at the left of which an 12292
enclosed blank rectangular space shall be provided. The names of 12293
candidates shall be printed on the ballot immediately below the 12294
title of the office or position for nomination or election to 12295
which the candidate seeks nomination or election. The order in 12296
which offices and positions shall be listed on the ballot shall 12297
be prescribed by and shall be certified to each board by the 12298
secretary of state, and shall be the same, to the extent the 12299
secretary of state deems practicable, as is provided for the 12300
listing of offices on general election ballots. 12301

Sec. 3513.15. The names of the candidates in each group of 12302
two or more candidates seeking the same nomination or election 12303

at a primary election, except delegates and alternates to the 12304
national convention of a political party, shall be rotated and 12305
printed as provided in section 3505.03 of the Revised Code, 12306
except that no indication of membership in or affiliation with a 12307
political party shall be printed after or under the candidate's 12308
name. When the names of the first choices for president of 12309
candidates for delegate and alternate are not grouped with the 12310
names of such candidates, the names of the first choices for 12311
president shall be rotated in the same manner as the names of 12312
candidates. The specific form and size of the ballot shall be 12313
prescribed by the secretary of state in compliance with this 12314
chapter. 12315

It shall not be necessary to have the names of candidates 12316
for member of a county central committee printed on ~~the mail~~ 12317
~~ballots provided for absentee voters~~, and the board may cause 12318
the names of such candidates to be written on said ballots in 12319
the spaces provided therefor. 12320

The secretary of state shall prescribe the procedure for 12321
rotating the names of candidates on the ballot and the form of 12322
the ballot for the election of delegates and alternates to the 12323
national convention of a political party in accordance with 12324
section 3513.151 of the Revised Code. 12325

Sec. 3513.17. If a person who has filed a declaration of 12326
candidacy, whose candidacy is to be submitted at a primary 12327
election to the electors of the entire state, dies prior to the 12328
~~tenth~~ thirtieth day before the day of such primary election, the 12329
secretary of state, upon proof of the death of such candidate, 12330
shall make certification of such death to the boards of 12331
elections of the state, and the name of such deceased candidate 12332
shall not appear on the ballots. 12333

If a person who has filed a declaration of candidacy, 12334
whose candidacy is to be submitted at a primary election to the 12335
electors of a district comprised of more than one county but 12336
less than all the counties of the state, dies prior to the ~~tenth-~~ 12337
thirtieth day before the day of such primary election, the board 12338
of the most populous county of such district shall, upon proof 12339
of the death of such candidate, make certification of such death 12340
to the boards of such district, and the name of such deceased 12341
candidate shall not appear on the ballots. 12342

If a person who has filed a declaration of candidacy, 12343
whose candidacy is to be submitted at a primary election to the 12344
electors of a subdivision smaller than a county but situated in 12345
more than one county, dies prior to the ~~tenth-~~thirtieth day 12346
before the day of such primary election, the board of the county 12347
in which the major portion of the population of such subdivision 12348
is located shall, upon proof of the death of such candidate, 12349
make certification of such death to the boards of the other 12350
counties in which portions of the population of such subdivision 12351
are located, and the name of such deceased candidate shall not 12352
appear on the ballots. 12353

If a person who has filed a declaration of candidacy, 12354
whose candidacy is to be submitted at a primary election to the 12355
electors of a county, or district or subdivision within a 12356
county, dies prior to the ~~fifth-~~thirtieth day before the day of 12357
such primary election, upon proof of the death of such candidate 12358
to the board, the name of such deceased candidate shall not 12359
appear on the ballots. 12360

If, at the time such certification or proof of death of a 12361
candidate is received by a board, ballots carrying the name of 12362
the deceased candidate have been printed, such board shall cause 12363

strips of paper to be pasted on ~~such the~~ ballots that have not 12364
yet been delivered to electors so as to cover the name of the 12365
deceased candidate before such ballots are delivered to 12366
electors; except that ~~in voting places using for~~ ballots to be 12367
cast using marking devices, the board shall cause strips of 12368
paper bearing the revised list of candidates for the office, 12369
after eliminating the deceased candidate's name, to be pasted on 12370
such ballot cards so as to cover the name or names formerly 12371
shown, before such ballot cards are delivered to the electors. 12372

In no case shall votes cast for a deceased candidate be 12373
counted or recorded. 12374

Sec. 3513.18. ~~(A) Party primaries shall be held at the~~ 12375
~~same place and time, but there shall be separate pollbooks and~~ 12376
~~tally sheets provided at each polling place for each party~~ 12377
~~participating in the election simultaneously.~~ Only an elector 12378
who is registered as affiliated with a political party may vote 12379
that political party's ballot. An elector who is not registered 12380
as affiliated with the political party whose ballot the elector 12381
wishes to vote may submit a change of political party 12382
affiliation form and cast that political party's ballot, as 12383
permitted under section 3503.16 of the Revised Code. 12384

(B) If a special election on a question or issue is held 12385
on the day of a primary election, there shall be provided in the 12386
pollbooks pages on which shall be recorded the names of all 12387
electors voting on said question or issue and not voting in such 12388
primary. It shall not be necessary for electors desiring to vote 12389
only on the question or issue to declare their political 12390
affiliation any qualified elector, including an elector who is 12391
not registered as affiliated with a political party, may vote on 12392
that question or issue. 12393

Sec. 3513.191. (A) No person shall be a candidate for nomination or election at a party primary if the ~~person voted as a member of a different political party at any primary election within the current year and the immediately preceding two calendar years~~ person's voter registration record does not indicate that the person is affiliated with that political party.

~~(B) Notwithstanding division (A) of this section, either of the following persons may be candidates for nomination of any political party at a party primary:~~

~~(1) A person who does not hold an elective office;~~

~~(2) A person who holds an elective office other than one for which candidates are nominated at a party primary.~~

~~(C) (1) Notwithstanding division (A) of this section, a~~ A person who holds an elective office for which candidates are nominated at a party primary may be a candidate at a primary election held during the times specified in division ~~(C) (2) (B) (3)~~ (3) of this section for nomination as a candidate of a political party ~~of which the person is prohibited from being a candidate for nomination under division (A) of this section other than the party that most recently nominated the person as a candidate for the office the person currently holds, only if the person files~~ does all of the following:

(a) Registers to vote as a member of the person's new political party;

(b) Files a declaration of intent to seek the nomination of that the person's new party and if, by filing the declaration, the person has;

(c) Has not violated division ~~(C) (3) (B) (4)~~ of this

section.—The 12423

(2) The declaration of intent shall: 12424

(a) Be filed not later than four p.m. of the thirtieth day 12425
before a declaration of candidacy and petition is required to be 12426
filed under section 3513.05 of the Revised Code; 12427

(b) Be filed with the same official with whom the person 12428
filing the declaration of intent is required to file a 12429
declaration of candidacy and petition; 12430

(c) Indicate the political party whose nomination in the 12431
primary election the person seeks; 12432

(d) Be on a form prescribed by the secretary of state. 12433

~~(2)~~ (3) No person filing a declaration of intent under 12434
division ~~(C)~~ (B) (1) of this section shall be a candidate at any 12435
primary election for nomination for an elective office for which 12436
candidates are nominated at a party primary during the calendar 12437
year in which the person files the declaration or during the 12438
next calendar year except as a candidate of the party indicated 12439
under division ~~(C)~~ (1) (B) (2) (c) of this section. 12440

~~(3)~~ (4) No person who files a declaration of intent under 12441
division ~~(C)~~ (B) (1) of this section shall file another such 12442
declaration for a period of ten years after the declaration is 12443
filed. 12444

~~(4) Notwithstanding the seventh paragraph of section~~ 12445
~~3513.05 of the Revised Code, a person who complies with this~~ 12446
~~section may circulate that person's own petition of candidacy~~ 12447
~~for party nomination at the party primary at which the person~~ 12448
~~seeks nomination under this section.~~ 12449

Sec. 3513.192. Any candidate nominated at a party primary 12450

election who, before that primary election, registers as 12451
affiliated with and votes in that primary election as a member 12452
of a political party different from the party that nominated the 12453
candidate shall forfeit the nomination, and the vacancy so 12454
created shall be filled in accordance with section 3513.31 of 12455
the Revised Code. 12456

Sec. 3513.22. (A) ~~Not earlier than the eleventh day or~~ 12457
~~later than the fifteenth day after a primary election, the board~~ 12458
~~of elections shall begin to canvass the election returns from~~ 12459
~~the precincts in which electors were entitled to vote at that~~ 12460
~~election and shall continue the canvass daily until it is~~ 12461
~~completed.~~ 12462

~~The board shall complete the canvass not later than the~~ 12463
~~twenty first day after the day of the election. Eighty one days~~ 12464
~~after the day of the election, the canvass of election returns~~ 12465
~~shall be deemed final, and no amendments to the canvass may be~~ 12466
~~made after that date. The secretary of state may specify an~~ 12467
~~earlier date upon which the canvass of election returns shall be~~ 12468
~~deemed final, and after which amendments to the final canvass~~ 12469
~~may not be made, if so required by federal law.~~ 12470

~~(B) The county executive committee of each political party~~ 12471
~~that participated in the election, and each committee designated~~ 12472
~~in a petition to represent the petitioners pursuant to which a~~ 12473
~~question or issue was submitted at the election, may designate a~~ 12474
~~qualified elector who may be present at and may observe the~~ 12475
~~making of the canvass. Each person for whom votes were cast in~~ 12476
~~the election may also be present at and observe the making of~~ 12477
~~the canvass.~~ 12478

~~(C) (1)~~ When the canvass of the election returns from all 12479
of the precincts in the county in which electors were entitled 12480

to vote at the election has been completed in accordance with 12481
section 3505.32 of the Revised Code, the board shall determine 12482
and declare the results of the elections determined by the 12483
electors of the county or of a district or subdivision within 12484
the county. If more than the number of persons to be nominated 12485
for or elected to an office received the largest and an equal 12486
number of votes, the tie shall be resolved by lot by the 12487
chairperson of the board in the presence of a majority of the 12488
members of the board. The declaration shall be in writing and 12489
shall be signed by at least a majority of the members of the 12490
board. It shall bear the date of the day upon which it is made, 12491
and a copy of it shall be posted by the board in a conspicuous 12492
place in its office. The board shall keep the copy posted for a 12493
period of at least five days. 12494

(2) The board shall promptly certify abstracts of the 12495
results of the elections within its county upon forms the 12496
secretary of state prescribes. One certified copy of each 12497
abstract shall be kept in the office of the board, and one 12498
certified copy of each abstract shall promptly be sent to the 12499
secretary of state. The board shall also promptly send a 12500
certified copy of that part of an abstract that pertains to an 12501
election in which only electors of a district comprised of more 12502
than one county but less than all of the counties of the state 12503
voted to the board of the most populous county in the district. 12504
It shall also promptly send a certified copy of that part of an 12505
abstract that pertains to an election in which only electors of 12506
a subdivision located partly within the county voted to the 12507
board of the county in which the major portion of the population 12508
of the subdivision is located. 12509

(3) If, after certifying and sending abstracts and parts 12510
of abstracts, a board finds that any abstract or part of any 12511

abstract is incorrect, it shall promptly prepare, certify, and 12512
send a corrected abstract or part of an abstract to take the 12513
place of each incorrect abstract or part of an abstract 12514
previously certified and sent. 12515

~~(D)(1)~~ (B)(1) When certified copies of abstracts are 12516
received by the secretary of state, the secretary of state shall 12517
canvass those abstracts and determine and declare the results of 12518
all elections in which electors throughout the entire state 12519
voted. If more than the number of persons to be nominated for or 12520
elected to an office received the largest and an equal number of 12521
votes, the tie shall be resolved by lot by the secretary of 12522
state in the presence of the governor, the auditor of state, and 12523
the attorney general, who at the request of the secretary of 12524
state shall assemble to witness the drawing of the lot. The 12525
declaration of results by the secretary of state shall be in 12526
writing and shall be signed by the secretary of state. It shall 12527
bear the date of the day upon which it is made, and a copy of it 12528
shall be posted by the secretary of state in a conspicuous place 12529
in the secretary of state's office. The secretary of state shall 12530
keep the copy posted for a period of at least five days. 12531

(2) When certified copies of parts of abstracts are 12532
received by the board of the most populous county in a district 12533
from the boards of all of the counties in the district, the 12534
board receiving those abstracts shall canvass them and determine 12535
and declare the results of the elections in which only electors 12536
of the district voted. If more than the number of persons to be 12537
nominated for or elected to an office received the largest and 12538
equal number of votes, the tie shall be resolved by lot by the 12539
chairperson of the board in the presence of a majority of the 12540
members of the board. The declaration of results by the board 12541
shall be in writing and shall be signed by at least a majority 12542

of the members of the board. It shall bear the date of the day 12543
upon which it is made, and a copy of it shall be posted by the 12544
board in a conspicuous place in its office. The board shall keep 12545
the copy posted for a period of at least five days. 12546

(3) When certified copies of parts of abstracts are 12547
received by the board of a county in which the major portion of 12548
the population of a subdivision located in more than one county 12549
is located from the boards of each county in which other 12550
portions of that subdivision are located, the board receiving 12551
those abstracts shall canvass them and determine and declare the 12552
results of the elections in which only electors of that 12553
subdivision voted. If more than the number of persons to be 12554
nominated for or elected to an office received the largest and 12555
an equal number of votes, the tie shall be resolved by lot by 12556
the chairperson of the board in the presence of a majority of 12557
the members of the board. The declaration of results by the 12558
board shall be in writing and shall be signed by at least a 12559
majority of the members of the board. It shall bear the date of 12560
the day upon which it is made, and a copy of it shall be posted 12561
by the board in a conspicuous place in its office. The board 12562
shall keep the copy posted for a period of at least five days. 12563

~~(E)~~-(C) Election officials, who are required to declare 12564
the results of primary elections, shall issue to each person 12565
declared nominated for or elected to an office, an appropriate 12566
certificate of nomination or election, provided that the boards 12567
required to determine and declare the results of the elections 12568
for candidates for nomination to the office of representative to 12569
congress from a congressional district shall, in lieu of issuing 12570
a certificate of nomination, certify to the secretary of state 12571
the names of the candidates nominated, and the secretary of 12572
state, upon receipt of that certification, shall issue a 12573

certificate of nomination to each person whose name is so 12574
certified. Certificates of nomination or election issued by 12575
boards to candidates and certifications to the secretary of 12576
state shall not be issued before the expiration of the time 12577
within which applications for recounts of votes may be filed or 12578
before recounts of votes, which have been applied for, are 12579
completed. 12580

Sec. 3513.261. A nominating petition may consist of one or 12581
more separate petition papers, each of which shall be 12582
substantially in the form prescribed in this section. If the 12583
petition consists of more than one separate petition paper, the 12584
statement of candidacy of the candidate or joint candidates 12585
named need be signed by the candidate or joint candidates on 12586
only one of such separate petition papers, but the statement of 12587
candidacy so signed shall be copied on each other separate 12588
petition paper before the signatures of electors are placed on 12589
it. Each nominating petition containing signatures of electors 12590
of more than one county shall consist of separate petition 12591
papers each of which shall contain signatures of electors of 12592
only one county; provided that petitions containing signatures 12593
of electors of more than one county shall not thereby be 12594
declared invalid. In case petitions containing signatures of 12595
electors of more than one county are filed, the board of 12596
elections shall determine the county from which the majority of 12597
the signatures came, and only signatures from this county shall 12598
be counted. Signatures from any other county shall be invalid. 12599

All signatures on nominating petitions shall be written in 12600
ink or indelible pencil. 12601

At the time of filing a nominating petition, the candidate 12602
designated in the nominating petition, and joint candidates for 12603

governor and lieutenant governor, shall pay to the election
officials with whom it is filed the fees specified for the
office under divisions (A) and (B) of section 3513.10 of the
Revised Code. The fees shall be disposed of by those election
officials in the manner that is provided in section 3513.10 of
the Revised Code for the disposition of other fees, and in no
case shall a fee required under that section be returned to a
candidate.

Candidates or joint candidates whose names are written on
the ballot, and who are elected, shall pay the same fees under
section 3513.10 of the Revised Code that candidates who file
nominating petitions pay. Payment of these fees shall be a
condition precedent to the granting of their certificates of
election.

Each nominating petition shall contain a statement of
candidacy that shall be signed by the candidate or joint
candidates named in it or by an attorney in fact acting pursuant
to section 3501.382 of the Revised Code. Such statement of
candidacy shall contain a declaration made under penalty of
election falsification that the candidate desires to be a
candidate for the office named in it, and that the candidate is
an elector qualified to vote for the office the candidate seeks.

The form of the nominating petition and statement of
candidacy shall be substantially as follows:

"STATEMENT OF CANDIDACY

I, _____ (Name of
candidate), the undersigned, hereby declare under penalty of
election falsification that my voting residence is in
_____ Precinct of the

_____ (Township) or (Ward and City, or
Village) in the county of _____ Ohio; that my post-
office address is _____ (Street and
Number, if any, or Rural Route and Number) of the
_____ (City, Village, or post office)
of _____, Ohio; and that I am a qualified elector
in the precinct in which my voting residence is located. I
hereby declare that I desire to be a candidate for election to
the office of _____ in the _____
(State, District, County, City, Village, Township, or School
District) for the _____ (Full
term or unexpired term ending _____) at the General
Election to be held on the _____ day of _____, ____

I further declare that I am an elector qualified to vote
for the office I seek. Dated this _____ day of _____,

(Signature of candidate)

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A
FELONY OF THE ~~FIFTH~~ FOURTH DEGREE.

I, _____, hereby constitute
the persons named below a committee to represent me:

Name	Residence
_____	_____
_____	_____
_____	_____
_____	_____

_____ 12660

NOMINATING PETITION 12661

We, the undersigned, qualified electors of the state of 12662
Ohio, whose voting residence is in the County, City, Village, 12663
Ward, Township or Precinct set opposite our names, hereby 12664
nominate _____ as a candidate for election to the 12665
office of _____ in the 12666
_____ (State, District, County, City, 12667
Village, Township, or School District) for the _____ 12668
(Full term or unexpired term ending _____) to be 12669
voted for at the general election next hereafter to be held, and 12670
certify that this person is, in our opinion, well qualified to 12671
perform the duties of the office or position to which the person 12672
desires to be elected. 12673

12674

	1	2	3	4	5	6	7
A		Street					
B		Address					
C		or R.F.D.					
D		(Must use					
E		address on	City,				
F		file with	Village				
G		the board of	or				Date of

H	Signature	elections)	Township	Ward	Precinct	County	Signing
---	-----------	------------	----------	------	----------	--------	---------

_____ 12675

12676

12677

_____, declares under penalty of election 12678

falsification that such person is a qualified elector of the 12679

state of Ohio and resides at the address appearing below such 12680

person's signature hereto; that such person is the circulator of 12681

the foregoing petition paper containing 12682

signatures; that such person witnessed the affixing of every 12683

signature; that all signers were to the best of such person's 12684

knowledge and belief qualified to sign; and that every signature 12685

is to the best of such person's knowledge and belief the 12686

signature of the person whose signature it purports to be or of 12687

an attorney in fact acting pursuant to section 3501.382 of the 12688

Revised Code. 12689

12690

(Signature of circulator)	12691
---------------------------	-------

12692

(Address of circulator's	12693
--------------------------	-------

permanent residence	12694
---------------------	-------

in this state) 12695

12696

(If petition is for a statewide 12697

candidate, the name and address	12698
---------------------------------	-------

of person employing circulator 12699

to circulate petition, if any) 12700

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A 12701

FELONY OF THE ~~FIFTH~~-FOURTH DEGREE." 12702

The secretary of state shall prescribe a form of 12703

nominating petition for a group of candidates for the office of 12704

member of a board of education, township office, and offices of 12705

municipal corporations of under two thousand population. 12706

The secretary of state shall prescribe a form of statement 12707

of candidacy and nominating petition, which shall be 12708

substantially similar to the form of statement of candidacy and 12709

nominating petition set forth in this section, that will be 12710

suitable for joint candidates for the offices of governor and 12711

lieutenant governor. 12712

If such petition nominates a candidate whose election is 12713

to be determined by the electors of a county or a district or 12714

subdivision within the county, it shall be filed with the board 12715

of such county. If the petition nominates a candidate whose 12716

election is to be determined by the voters of a subdivision 12717

located in more than one county, it shall be filed with the 12718

board of the county in which the major portion of the population 12719

of such subdivision is located. 12720

If the petition nominates a candidate whose election is to 12721

be determined by the electors of a district comprised of more 12722

than one county but less than all of the counties of the state, 12723

it shall be filed with the board of elections of the most 12724

populous county in such district. If the petition nominates a 12725

candidate whose election is to be determined by the electors of 12726

the state at large, it shall be filed with the secretary of 12727

state. 12728

The secretary of state or a board of elections shall not 12729
accept for filing a nominating petition of a person seeking to 12730
become a candidate if that person, for the same election, has 12731
already filed a declaration of candidacy, a declaration of 12732
intent to be a write-in candidate, or a nominating petition, or 12733
has become a candidate through party nomination at a primary 12734
election or by the filling of a vacancy under section 3513.30 or 12735
3513.31 of the Revised Code for any federal, state, or county 12736
office, if the nominating petition is for a state or county 12737
office, or for any municipal or township office, for member of a 12738
city, local, or exempted village board of education, or for 12739
member of a governing board of an educational service center, if 12740
the nominating petition is for a municipal or township office, 12741
or for member of a city, local, or exempted village board of 12742
education, or for member of a governing board of an educational 12743
service center. 12744

Sec. 3513.30. (A) (1) If only one valid declaration of 12745
candidacy is filed for nomination as a candidate of a political 12746
party for an office and that candidate dies prior to the ~~tenth~~ 12747
thirtieth day before the primary election, both of the following 12748
may occur: 12749

(a) The political party whose candidate died may fill the 12750
vacancy so created as provided in division (A) (2) of this 12751
section. 12752

(b) Any major political party other than the one whose 12753
candidate died may select a candidate as provided in division 12754
(A) (2) of this section under either of the following 12755
circumstances: 12756

(i) No person has filed a valid declaration of candidacy 12757
for nomination as that party's candidate at the primary 12758
election. 12759

(ii) Only one person has filed a valid declaration of 12760
candidacy for nomination as that party's candidate at the 12761
primary election, that person has withdrawn, died, or been 12762
disqualified under section 3513.052 of the Revised Code, and the 12763
vacancy so created has not been filled. 12764

(2) A vacancy may be filled under division (A) (1) (a) and a 12765
selection may be made under division (A) (1) (b) of this section 12766
by the appropriate committee of the political party in the same 12767
manner as provided in divisions (A) to (E) of section 3513.31 of 12768
the Revised Code for the filling of similar vacancies created by 12769
withdrawals or disqualifications under section 3513.052 of the 12770
Revised Code after the primary election, except that the 12771
certification required under that section may not be filed with 12772
the secretary of state, or with a board of ~~the most populous~~ 12773
~~county of a district, or with the board of a county in which the~~ 12774
~~major portion of the population of a subdivision is located,~~ 12775
elections later than four p.m. of the ~~tenth~~ thirtieth day before 12776
the day of such primary election, ~~or with any other board later~~ 12777
~~than four p.m. of the fifth day before the day of such primary~~ 12778
~~election.~~ 12779

(3) If only one valid declaration of candidacy is filed 12780
for nomination as a candidate of a political party for an office 12781
and that candidate dies on or after the ~~tenth~~ thirtieth day 12782
before the day of the primary election, that candidate is 12783
considered to have received the nomination of that candidate's 12784
political party at that primary election, and, for purposes of 12785
filling the vacancy so created, that candidate's death shall be 12786

treated as if that candidate died on the day after the day of 12787
the primary election. 12788

(B) Any person filing a declaration of candidacy may 12789
withdraw as such candidate at any time prior to the primary 12790
election. The withdrawal shall be effected and the statement of 12791
withdrawal shall be filed in accordance with the procedures 12792
prescribed in division (D) of this section for the withdrawal of 12793
persons nominated in a primary election or by nominating 12794
petition. 12795

(C) A person who is the first choice for president of the 12796
United States by a candidate for delegate or alternate to a 12797
national convention of a political party may withdraw consent 12798
for the selection of the person as such first choice no later 12799
than four p.m. of the fortieth day before the day of the 12800
presidential primary election. Withdrawal of consent shall be 12801
for the entire slate of candidates for delegates and alternates 12802
who named such person as their presidential first choice and 12803
shall constitute withdrawal from the primary election by such 12804
delegates and alternates. The withdrawal shall be made in 12805
writing and delivered to the secretary of state. If the 12806
withdrawal is delivered to the secretary of state on or before 12807
the seventieth day before the day of the primary election, the 12808
boards of elections shall remove both the name of the withdrawn 12809
first choice and the names of such withdrawn candidates from the 12810
ballots according to the directions of the secretary of state. 12811
If the withdrawal is delivered to the secretary of state after 12812
the seventieth day before the day of the primary election, the 12813
board of elections shall not remove the name of the withdrawn 12814
first choice and the names of the withdrawn candidates from the 12815
ballots. The board of elections shall post a notice at each 12816
~~polling location on the day of the primary election where~~ 12817

ballots may be cast in person, and shall enclose with each 12818
~~absent voter's mail~~ ballot given or mailed after the candidate 12819
withdraws, a notice that votes for the withdrawn first choice or 12820
the withdrawn candidates will be void and will not be counted. 12821
~~If such names are not removed from all ballots before the day of~~ 12822
~~the election, the~~ Any votes cast for the withdrawn first choice 12823
or the withdrawn candidates are void and shall not be counted. 12824

(D) Any person nominated in a primary election or by 12825
nominating petition as a candidate for election at the next 12826
general election may withdraw as such candidate at any time 12827
prior to the general election. Such withdrawal may be effected 12828
by the filing of a written statement by such candidate 12829
announcing the candidate's withdrawal and requesting that the 12830
candidate's name not be printed on the ballots. If such 12831
candidate's declaration of candidacy or nominating petition was 12832
filed with the secretary of state, the candidate's statement of 12833
withdrawal shall be addressed to and filed with the secretary of 12834
state. If such candidate's declaration of candidacy or 12835
nominating petition was filed with a board of elections, the 12836
candidate's statement of withdrawal shall be addressed to and 12837
filed with such board. 12838

(E) When a person withdraws under division (B) or (D) of 12839
this section on or before the seventieth day before the day of 12840
the primary election or the general election, the board of 12841
elections shall remove the name of the withdrawn candidate from 12842
the ballots according to the directions of the secretary of 12843
state. When a person withdraws under division (B) or (D) of this 12844
section after the seventieth day before the day of the primary 12845
election or the general election, the board of elections shall 12846
not remove the name of the withdrawn candidate from the ballots. 12847
The board of elections shall post a notice at each ~~polling place~~ 12848

~~on the day of the election, location where ballots may be cast in~~ 12849
~~person,~~ and shall enclose with each ~~absent voter's mail~~ ballot 12850
given or mailed after the candidate withdraws, a notice that 12851
votes for the withdrawn candidate will be void and will not be 12852
counted. ~~If the name is not removed from all ballots before the~~ 12853
~~day of the election, the~~ Any votes cast for the withdrawn 12854
candidate are void and shall not be counted. 12855

Sec. 3513.31. (A) If a person nominated in a primary 12856
election as a candidate for election at the next general 12857
election, whose candidacy is to be submitted to the electors of 12858
the entire state, withdraws as that candidate or is disqualified 12859
as that candidate under section 3513.052 of the Revised Code, 12860
the vacancy in the party nomination so created may be filled by 12861
the state central committee of the major political party that 12862
made the nomination at the primary election, if the committee's 12863
chairperson and secretary certify the name of the person 12864
selected to fill the vacancy by the time specified in this 12865
division, at a meeting called for that purpose. The meeting 12866
shall be called by the chairperson of that committee, who shall 12867
give each member of the committee at least two days' notice of 12868
the time, place, and purpose of the meeting. If a majority of 12869
the members of the committee are present at the meeting, a 12870
majority of those present may select a person to fill the 12871
vacancy. The chairperson and secretary of the meeting shall 12872
certify in writing and under oath to the secretary of state, not 12873
later than the eighty-sixth day before the day of the general 12874
election, the name of the person selected to fill the vacancy. 12875
The certification must be accompanied by the written acceptance 12876
of the nomination by the person whose name is certified. A 12877
vacancy in a party nomination that may be filled by a minor 12878
political party shall be filled in accordance with the party's 12879

rules by authorized officials of the party. Certification must 12880
be made as in the manner provided for a major political party. 12881

(B) If a person nominated in a primary election as a party 12882
candidate for election at the next general election, whose 12883
candidacy is to be submitted to the electors of a district 12884
comprised of more than one county but less than all of the 12885
counties of the state, withdraws as that candidate or is 12886
disqualified as that candidate under section 3513.052 of the 12887
Revised Code, the vacancy in the party nomination so created may 12888
be filled by a district committee of the major political party 12889
that made the nomination at the primary election, if the 12890
committee's chairperson and secretary certify the name of the 12891
person selected to fill the vacancy by the time specified in 12892
this division, at a meeting called for that purpose. The 12893
district committee shall consist of the chairperson and 12894
secretary of the county central committee of such political 12895
party in each county in the district. The district committee 12896
shall be called by the chairperson of the county central 12897
committee of such political party of the most populous county in 12898
the district, who shall give each member of the district 12899
committee at least two days' notice of the time, place, and 12900
purpose of the meeting. If a majority of the members of the 12901
district committee are present at the district committee 12902
meeting, a majority of those present may select a person to fill 12903
the vacancy. The chairperson and secretary of the meeting shall 12904
certify in writing and under oath to the board of elections of 12905
the most populous county in the district, not later than four 12906
p.m. of the eighty-sixth day before the day of the general 12907
election, the name of the person selected to fill the vacancy. 12908
The certification must be accompanied by the written acceptance 12909
of the nomination by the person whose name is certified. A 12910

vacancy in a party nomination that may be filled by a minor 12911
political party shall be filled in accordance with the party's 12912
rules by authorized officials of the party. Certification must 12913
be made as in the manner provided for a major political party. 12914

(C) If a person nominated in a primary election as a party 12915
candidate for election at the next general election, whose 12916
candidacy is to be submitted to the electors of a county, 12917
withdraws as that candidate or is disqualified as that candidate 12918
under section 3513.052 of the Revised Code, the vacancy in the 12919
party nomination so created may be filled by the county central 12920
committee of the major political party that made the nomination 12921
at the primary election, or by the county executive committee if 12922
so authorized, if the committee's chairperson and secretary 12923
certify the name of the person selected to fill the vacancy by 12924
the time specified in this division, at a meeting called for 12925
that purpose. The meeting shall be called by the chairperson of 12926
that committee, who shall give each member of the committee at 12927
least two days' notice of the time, place, and purpose of the 12928
meeting. If a majority of the members of the committee are 12929
present at the meeting, a majority of those present may select a 12930
person to fill the vacancy. The chairperson and secretary of the 12931
meeting shall certify in writing and under oath to the board of 12932
that county, not later than four p.m. of the eighty-sixth day 12933
before the day of the general election, the name of the person 12934
selected to fill the vacancy. The certification must be 12935
accompanied by the written acceptance of the nomination by the 12936
person whose name is certified. A vacancy in a party nomination 12937
that may be filled by a minor political party shall be filled in 12938
accordance with the party's rules by authorized officials of the 12939
party. Certification must be made as in the manner provided for 12940
a major political party. 12941

(D) If a person nominated in a primary election as a party candidate for election at the next general election, whose candidacy is to be submitted to the electors of a district within a county, withdraws as that candidate or is disqualified as that candidate under section 3513.052 of the Revised Code, the vacancy in the party nomination so created may be filled by a district committee consisting of those members of the county central committee or, if so authorized, those members of the county executive committee in that county of the major political party that made the nomination at the primary election who represent the precincts or the wards and townships within the district, if the committee's chairperson and secretary certify the name of the person selected to fill the vacancy by the time specified in this division, at a meeting called for that purpose. The district committee meeting shall be called by the chairperson of the county central committee or executive committee, as appropriate, who shall give each member of the district committee at least two days' notice of the time, place, and purpose of the meeting. If a majority of the members of the district committee are present at the district committee meeting, a majority of those present may select a person to fill the vacancy. The chairperson and secretary of the district committee meeting shall certify in writing and under oath to the board of the county, not later than four p.m. of the eighty-sixth day before the day of the general election, the name of the person selected to fill the vacancy. The certification must be accompanied by the written acceptance of the nomination by the person whose name is certified. A vacancy in a party nomination that may be filled by a minor political party shall be filled in accordance with the party's rules by authorized officials of the party. Certification must be made as in the manner provided for a major political party.

(E) If a person nominated in a primary election as a party candidate for election at the next general election, whose candidacy is to be submitted to the electors of a subdivision within a county, withdraws as that candidate or is disqualified as that candidate under section 3513.052 of the Revised Code, the vacancy in the party nomination so created may be filled by a subdivision committee consisting of those members of the county central committee or, if so authorized, those members of the county executive committee in that county of the major political party that made the nomination at that primary election who represent the precincts or the wards and townships within that subdivision, if the committee's chairperson and secretary certify the name of the person selected to fill the vacancy by the time specified in this division, at a meeting called for that purpose.

The subdivision committee meeting shall be called by the chairperson of the county central committee or executive committee, as appropriate, who shall give each member of the subdivision committee at least two days' notice of the time, place, and purpose of the meeting. If a majority of the members of the subdivision committee are present at the subdivision committee meeting, a majority of those present may select a person to fill the vacancy. The chairperson and secretary of the subdivision committee meeting shall certify in writing and under oath to the board of the county, not later than four p.m. of the eighty-sixth day before the day of the general election, the name of the person selected to fill the vacancy. The certification must be accompanied by the written acceptance of the nomination by the person whose name is certified. A vacancy in a party nomination that may be filled by a minor political party shall be filled in accordance with the party's rules by

authorized officials of the party. Certification must be made in 13005
the manner provided for a major political party. 13006

(F) If a person nominated by petition as an independent or 13007
nonpartisan candidate for election at the next general election 13008
withdraws as that candidate or is disqualified as that candidate 13009
under section 3513.052 of the Revised Code, the vacancy so 13010
created may be filled by a majority of the committee of five, as 13011
designated on the candidate's nominating petition, if a member 13012
of that committee certifies in writing and under oath to the 13013
election officials with whom the candidate filed the candidate's 13014
nominating petition, not later than the eighty-sixth day before 13015
the day of the general election, the name of the person selected 13016
to fill the vacancy. The certification shall be accompanied by 13017
the written acceptance of the nomination by the person whose 13018
name is certified and shall be made in the manner provided for a 13019
major political party. 13020

(G) If a person nominated in a primary election or 13021
nominated by petition under section 3517.012 of the Revised Code 13022
as a party candidate for election at the next general election 13023
dies, the vacancy so created may be filled by the same committee 13024
in the same manner as provided in this section for the filling 13025
of similar vacancies created by withdrawals or disqualifications 13026
under section 3513.052 of the Revised Code, except that the 13027
certification, when filling a vacancy created by death, may not 13028
be filed with the secretary of state, or with a board of ~~the~~ 13029
~~most populous county of a district, or with the board of a~~ 13030
~~county in which the major portion of the population of a~~ 13031
~~subdivision is located,~~ elections later than four p.m. of the 13032
~~tenth-thirtieth~~ day before the day of such general election, ~~or~~ 13033
~~with any other board later than four p.m. of the fifth day~~ 13034
~~before the day of such general election.~~ 13035

(H) If a person nominated by petition as an independent or
nonpartisan candidate for election at the next general election
dies prior to the ~~tenth~~thirtieth day before the day of that
general election, the vacancy so created may be filled by a
majority of the committee of five designated in the nominating
petition to represent the candidate named in it. To fill the
vacancy a member of the committee shall, not later than four
p.m. of the ~~fifth~~thirtieth day before the day of the general
election, file with the election officials with whom the
petition nominating the person was filed, a certificate signed
and sworn to under oath by a majority of the members,
designating the person they select to fill the vacancy. The
certification must be accompanied by the written acceptance of
the nomination by the person whose name is so certified.

(I) If a person holding an elective office dies or resigns
subsequent to the one hundred fifteenth day before the day of a
primary election and prior to the eighty-sixth day before the
day of the next general election, and if, under the laws of this
state, a person may be elected at that general election to fill
the unexpired term of the person who has died or resigned, the
appropriate committee of each political party, acting as in the
case of a vacancy in a party nomination, as provided in
divisions (A) to (D) of this section, may select a person as the
party candidate for election for such unexpired term at that
general election, and certify the person's name to the
appropriate election official not later than four p.m. on the
eighty-sixth day before the day of that general election, or on
the tenth day following the day on which the vacancy occurs,
whichever is later. When the vacancy occurs on or subsequent to
the eighty-sixth day and six or more days prior to the fortieth
day before the general election, the appropriate committee may

select a person as the party candidate and certify the person's 13067
name, as provided in the preceding sentence, not later than four 13068
p.m. on the tenth day following the day on which the vacancy 13069
occurs. When the vacancy occurs fewer than six days before the 13070
fortieth day before the general election, the deadline for 13071
filing shall be four p.m. on the thirty-sixth day before the 13072
general election. Thereupon the name shall be printed as the 13073
party candidate under proper titles and in the proper place on 13074
the proper ballots for use at the election. If a person has been 13075
nominated in a primary election or nominated by petition under 13076
section 3517.012 of the Revised Code, the authorized committee 13077
of that political party shall not select and certify a person as 13078
the party candidate. 13079

(J) Each person desiring to become an independent 13080
candidate to fill the unexpired term shall file a statement of 13081
candidacy and nominating petition, as provided in section 13082
3513.261 of the Revised Code, with the appropriate election 13083
official not later than four p.m. on the tenth day following the 13084
day on which the vacancy occurs, provided that when the vacancy 13085
occurs fewer than six days before the fifty-sixth day before the 13086
general election, the deadline for filing shall be four p.m. on 13087
the fiftieth day before the general election. The nominating 13088
petition shall contain at least seven hundred fifty signatures 13089
and no more than one thousand five hundred signatures of 13090
qualified electors of the district, political subdivision, or 13091
portion of a political subdivision in which the office is to be 13092
voted upon, or the amount provided for in section 3513.257 of 13093
the Revised Code, whichever is less. 13094

(K) When a person nominated as a candidate by a political 13095
party in a primary election or by nominating petition for an 13096
elective office for which candidates are nominated at a party 13097

primary election withdraws, dies, or is disqualified under 13098
section 3513.052 of the Revised Code prior to the general 13099
election, the appropriate committee of any other major political 13100
party or committee of five that has not nominated a candidate 13101
for that office, or whose nominee as a candidate for that office 13102
has withdrawn, died, or been disqualified without the vacancy so 13103
created having been filled, may, acting as in the case of a 13104
vacancy in a party nomination or nomination by petition as 13105
provided in divisions (A) to (F) of this section, whichever is 13106
appropriate, select a person as a candidate of that party or of 13107
that committee of five for election to the office. 13108

Sec. 3513.311. (A) If a candidate for lieutenant governor 13109
dies, withdraws, or is disqualified as a candidate prior to the 13110
seventieth day before the day of a primary election, the vacancy 13111
on the ballot shall be filled by appointment by the joint 13112
candidate for the office of governor. Such candidate for 13113
governor shall certify in writing and under oath to the 13114
secretary of state not later than the sixty-fifth day before the 13115
day of such election the name and residence address of the 13116
person selected to fill such vacancy. 13117

(B) If a candidate for governor dies, withdraws, or is 13118
disqualified as a candidate prior to the seventieth day before 13119
the day of a primary election, the vacancy on the ballot shall 13120
be filled by appointment by the joint candidate for the office 13121
of lieutenant governor. Such candidate for lieutenant governor 13122
shall certify in writing and under oath to the secretary of 13123
state not later than the sixty-fifth day before the day of such 13124
election the name and residence address of the person selected 13125
to fill such vacancy. 13126

(C) If a candidate for the office of lieutenant governor 13127

dies on or after the seventieth day, but prior to the ~~tenth-~~ 13128
thirtieth day, before a primary election, the vacancy so created 13129
shall be filled by appointment by the joint candidate for the 13130
office of governor. Such candidate for governor shall certify in 13131
writing and under oath to the secretary of state not later than 13132
the ~~fifth-thirtieth~~ day before the day of such election the name 13133
and residence address of the person selected to fill such 13134
vacancy. 13135

(D) If a candidate for the office of governor dies on or 13136
after the seventieth day, but prior to the ~~tenth-~~ thirtieth day, 13137
before a primary election, the vacancy so created shall be 13138
filled by appointment by the joint candidate for the office of 13139
lieutenant governor. Such candidate for lieutenant governor 13140
shall certify in writing and under oath to the secretary of 13141
state not later than the ~~fifth-thirtieth~~ day before the day of 13142
such election the name and residence address of the person 13143
selected to fill such vacancy. 13144

(E) If a person nominated in a primary election or 13145
nominated by petition under section 3517.012 of the Revised Code 13146
as a candidate for election to the office of governor or 13147
lieutenant governor at the next general election withdraws as 13148
such candidate prior to the ninetieth day before the day of the 13149
general election or dies prior to the ~~tenth-thirtieth~~ day before 13150
the day of such general election, the vacancy so created shall 13151
be filled in the manner provided for by section 3513.31 of the 13152
Revised Code. 13153

(F) If a person nominated by petition as an independent 13154
candidate for election to the office of governor or lieutenant 13155
governor withdraws as such candidate prior to the ninetieth day 13156
before the day of the general election or dies prior to the 13157

~~tenth-thirtieth~~ day before the day of such general election, the 13158
vacancy so created shall be filled by the candidates' committee 13159
in the manner provided for, as in the case of death, by section 13160
3513.31 of the Revised Code, except that, in the case of 13161
withdrawal of candidacy, the name and residence address of the 13162
replacement candidate shall be certified in writing and under 13163
oath to the secretary of state not later than the eighty-sixth 13164
day before the day of the general election. 13165

(G) If the vacancy in a joint candidacy for governor and 13166
lieutenant governor can be filled in accordance with this 13167
section and is not so filled, the joint candidacy which has not 13168
been vacated shall be invalidated and shall not be presented for 13169
election. 13170

(H) Any replacement candidate appointed or selected 13171
pursuant to this section shall be one who has the qualifications 13172
of an elector. 13173

Sec. 3513.32. When a special election is found necessary 13174
to fill a vacancy, the date of the primary election shall be 13175
fixed at the same time and in the same manner as that of the 13176
election, by the authority calling such special election. The 13177
primary election shall be held at least ~~fifteen-forty~~ days prior 13178
to the time fixed for such special election. Declaration of 13179
candidacy and certificates for such primary shall be filed and 13180
fees shall be paid at least ~~ten-thirty~~ days before the date for 13181
holding such primary election. 13182

A primary election preceding a special election to fill a 13183
vacancy in an office shall be eliminated if no valid declaration 13184
of candidacy is filed for such office, or if the number of 13185
persons filing such declarations of candidacy as candidates of 13186
one political party does not exceed the number of candidates 13187

which such political party is entitled to nominate for election 13188
to such office. 13189

Sec. 3515.01. Any person for whom votes were cast in a 13190
primary election for nomination as a candidate for election to 13191
an office who was not declared nominated may file with the board 13192
of elections of a county a written application for a recount of 13193
the votes cast at such primary election in any precinct in such 13194
county for all persons for whom votes were cast in such precinct 13195
for such nomination. 13196

Any person who was a candidate at a general, special, or 13197
primary election for election to an office or ~~position~~ position 13198
who was not declared elected may file with the board of a county 13199
a written application for a recount of the votes cast at such 13200
election in any precinct in such county for all candidates for 13201
election to such office or position. 13202

Any group of five or more qualified electors may file with 13203
the board of a county a written application for a recount of the 13204
votes cast at an election in any precinct in such county upon 13205
any question or issue, provided that the members of such group 13206
shall state in such application either that they voted "Yes" or 13207
in favor of such question or issue and that such question or 13208
issue was declared defeated or rejected, or that they voted "No" 13209
or against such question or issue and that such question or 13210
issue was declared carried or adopted. Such group of electors 13211
shall, in such application, designate one of the members of the 13212
group as ~~chairman~~ chairperson, and shall indicate therein the 13213
voting residence of each member of such group. In all such 13214
applications the person designated as ~~chairman~~ chairperson is 13215
the applicant for the purposes of sections 3515.01 to 3515.07 of 13216
the Revised Code, and all notices required by section 3515.03 of 13217

the Revised Code to be given to an applicant for a recount shall 13218
be given to such person. 13219

~~In the recount of absentee ballots that are tallied by 13220
county instead of by precinct, as provided in section 3509.06 of 13221
the Revised Code, the county shall be considered a separate 13222
precinct for purposes of recounting such absentee ballots. 13223~~

Sec. 3517.01. (A) (1) A political party within the meaning 13224
of Title XXXV of the Revised Code is any group of voters that 13225
meets either of the following requirements: 13226

(a) Except as otherwise provided in this division, at the 13227
most recent regular state election, the group polled for its 13228
candidate for governor in the state or nominees for presidential 13229
electors at least three per cent of the entire vote cast for 13230
that office. A group that meets the requirements of this 13231
division remains a political party for a period of four years 13232
after meeting those requirements. 13233

(b) The group filed with the secretary of state, 13234
subsequent to its failure to meet the requirements of division 13235
(A) (1) (a) of this section, a party formation petition that meets 13236
all of the following requirements: 13237

(i) The petition is signed by qualified electors equal in 13238
number to at least one per cent of the total vote for governor 13239
or nominees for presidential electors at the most recent 13240
election for such office. 13241

(ii) The petition is signed by not fewer than five hundred 13242
qualified electors from each of at least a minimum of one-half 13243
of the congressional districts in this state. If an odd number 13244
of congressional districts exists in this state, the number of 13245
districts that results from dividing the number of congressional 13246

districts by two shall be rounded up to the next whole number. 13247

(iii) The petition declares the petitioners' intention of 13248
organizing a political party, the name of which shall be stated 13249
in the declaration, and of participating in the succeeding 13250
general election, held in even-numbered years, that occurs more 13251
than one hundred twenty-five days after the date of filing. 13252

(iv) The petition designates a committee of not less than 13253
three nor more than five individuals of the petitioners, who 13254
shall represent the petitioners in all matters relating to the 13255
petition. Notice of all matters or proceedings pertaining to the 13256
petition may be served on the committee, or any of them, either 13257
personally or by registered mail, or by leaving such notice at 13258
the usual place of residence of each of them. 13259

(2) No such group of electors shall assume a name or 13260
designation that is similar, in the opinion of the secretary of 13261
state, to that of an existing political party as to confuse or 13262
mislead the voters at an election. 13263

(B) A campaign committee shall be legally liable for any 13264
debts, contracts, or expenditures incurred or executed in its 13265
name. 13266

(C) Notwithstanding the definitions found in section 13267
3501.01 of the Revised Code, as used in this section and 13268
sections 3517.08 to 3517.14, 3517.99, and 3517.992 of the 13269
Revised Code: 13270

(1) "Campaign committee" means a candidate or a 13271
combination of two or more persons authorized by a candidate 13272
under section 3517.081 of the Revised Code to receive 13273
contributions and make expenditures. 13274

(2) "Campaign treasurer" means an individual appointed by 13275

a candidate under section 3517.081 of the Revised Code. 13276

(3) "Candidate" has the same meaning as in division ~~(H)~~ 13277
(G) of section 3501.01 of the Revised Code and also includes any 13278
person who, at any time before or after an election, receives 13279
contributions or makes expenditures or other use of 13280
contributions, has given consent for another to receive 13281
contributions or make expenditures or other use of 13282
contributions, or appoints a campaign treasurer, for the purpose 13283
of bringing about the person's nomination or election to public 13284
office. When two persons jointly seek the offices of governor 13285
and lieutenant governor, "candidate" means the pair of 13286
candidates jointly. "Candidate" does not include candidates for 13287
election to the offices of member of a county or state central 13288
committee, presidential elector, and delegate to a national 13289
convention or conference of a political party. 13290

(4) "Continuing association" means an association, other 13291
than a campaign committee, political party, legislative campaign 13292
fund, political contributing entity, or labor organization, that 13293
is intended to be a permanent organization that has a primary 13294
purpose other than supporting or opposing specific candidates, 13295
political parties, or ballot issues, and that functions on a 13296
regular basis throughout the year. "Continuing association" 13297
includes organizations that are determined to be not organized 13298
for profit under subsection 501 and that are described in 13299
subsection 501(c)(3), 501(c)(4), or 501(c)(6) of the Internal 13300
Revenue Code. 13301

(5) "Contribution" means a loan, gift, deposit, 13302
forgiveness of indebtedness, donation, advance, payment, or 13303
transfer of funds or anything of value, including a transfer of 13304
funds from an inter vivos or testamentary trust or decedent's 13305

estate, and the payment by any person other than the person to 13306
whom the services are rendered for the personal services of 13307
another person, which contribution is made, received, or used 13308
for the purpose of influencing the results of an election. Any 13309
loan, gift, deposit, forgiveness of indebtedness, donation, 13310
advance, payment, or transfer of funds or of anything of value, 13311
including a transfer of funds from an inter vivos or 13312
testamentary trust or decedent's estate, and the payment by any 13313
campaign committee, political action committee, legislative 13314
campaign fund, political party, political contributing entity, 13315
or person other than the person to whom the services are 13316
rendered for the personal services of another person, that is 13317
made, received, or used by a state or county political party, 13318
other than the moneys an entity may receive under sections 13319
3517.101, 3517.1012, and 3517.1013 of the Revised Code, shall be 13320
considered to be a "contribution" for the purpose of section 13321
3517.10 of the Revised Code and shall be included on a statement 13322
of contributions filed under that section. 13323

"Contribution" does not include any of the following: 13324

(a) Services provided without compensation by individuals 13325
volunteering a portion or all of their time on behalf of a 13326
person; 13327

(b) Ordinary home hospitality; 13328

(c) The personal expenses of a volunteer paid for by that 13329
volunteer campaign worker; 13330

(d) Any gift given to an entity pursuant to section 13331
3517.101 of the Revised Code; 13332

(e) Any contribution as defined in section 3517.1011 of 13333
the Revised Code that is made, received, or used to pay the 13334

direct costs of producing or airing an electioneering 13335
communication; 13336

(f) Any gift given to a state or county political party 13337
for the party's restricted fund under division (A)(2) of section 13338
3517.1012 of the Revised Code; 13339

(g) Any gift given to a state political party for deposit 13340
in a Levin account pursuant to section 3517.1013 of the Revised 13341
Code. As used in this division, "Levin account" has the same 13342
meaning as in that section. 13343

(h) Any donation given to a transition fund under section 13344
3517.1014 of the Revised Code. 13345

(6) "Expenditure" means the disbursement or use of a 13346
contribution for the purpose of influencing the results of an 13347
election or of making a charitable donation under division (G) 13348
of section 3517.08 of the Revised Code. Any disbursement or use 13349
of a contribution by a state or county political party is an 13350
expenditure and shall be considered either to be made for the 13351
purpose of influencing the results of an election or to be made 13352
as a charitable donation under division (G) of section 3517.08 13353
of the Revised Code and shall be reported on a statement of 13354
expenditures filed under section 3517.10 of the Revised Code. 13355
During the thirty days preceding a primary or general election, 13356
any disbursement to pay the direct costs of producing or airing 13357
a broadcast, cable, or satellite communication that refers to a 13358
clearly identified candidate shall be considered to be made for 13359
the purpose of influencing the results of that election and 13360
shall be reported as an expenditure or as an independent 13361
expenditure under section 3517.10 or 3517.105 of the Revised 13362
Code, as applicable, except that the information required to be 13363
reported regarding contributors for those expenditures or 13364

independent expenditures shall be the same as the information 13365
required to be reported under divisions (D) (1) and (2) of 13366
section 3517.1011 of the Revised Code. 13367

As used in this division, "broadcast, cable, or satellite 13368
communication" and "refers to a clearly identified candidate" 13369
have the same meanings as in section 3517.1011 of the Revised 13370
Code. 13371

(7) "Personal expenses" includes, but is not limited to, 13372
ordinary expenses for accommodations, clothing, food, personal 13373
motor vehicle or airplane, and home telephone. 13374

(8) "Political action committee" means a combination of 13375
two or more persons, the primary or major purpose of which is to 13376
support or oppose any candidate, political party, or issue, or 13377
to influence the result of any election through express 13378
advocacy, and that is not a political party, a campaign 13379
committee, a political contributing entity, or a legislative 13380
campaign fund. "Political action committee" does not include 13381
either of the following: 13382

(a) A continuing association that makes disbursements for 13383
the direct costs of producing or airing electioneering 13384
communications and that does not engage in express advocacy; 13385

(b) A political club that is formed primarily for social 13386
purposes and that consists of one hundred members or less, has 13387
officers and periodic meetings, has less than two thousand five 13388
hundred dollars in its treasury at all times, and makes an 13389
aggregate total contribution of one thousand dollars or less per 13390
calendar year. 13391

(9) "Public office" means any state, county, municipal, 13392
township, or district office, except an office of a political 13393

party, that is filled by an election and the offices of United 13394
States senator and representative. 13395

(10) "Anything of value" has the same meaning as in 13396
section 1.03 of the Revised Code. 13397

(11) "Beneficiary of a campaign fund" means a candidate, a 13398
public official or employee for whose benefit a campaign fund 13399
exists, and any other person who has ever been a candidate or 13400
public official or employee and for whose benefit a campaign 13401
fund exists. 13402

(12) "Campaign fund" means money or other property, 13403
including contributions. 13404

(13) "Public official or employee" has the same meaning as 13405
in section 102.01 of the Revised Code. 13406

(14) "Caucus" means all of the members of the house of 13407
representatives or all of the members of the senate of the 13408
general assembly who are members of the same political party. 13409

(15) "Legislative campaign fund" means a fund that is 13410
established as an auxiliary of a state political party and 13411
associated with one of the houses of the general assembly. 13412

(16) "In-kind contribution" means anything of value other 13413
than money that is used to influence the results of an election 13414
or is transferred to or used in support of or in opposition to a 13415
candidate, campaign committee, legislative campaign fund, 13416
political party, political action committee, or political 13417
contributing entity and that is made with the consent of, in 13418
coordination, cooperation, or consultation with, or at the 13419
request or suggestion of the benefited candidate, committee, 13420
fund, party, or entity. The financing of the dissemination, 13421
distribution, or republication, in whole or part, of any 13422

broadcast or of any written, graphic, or other form of campaign 13423
materials prepared by the candidate, the candidate's campaign 13424
committee, or their authorized agents is an in-kind contribution 13425
to the candidate and an expenditure by the candidate. 13426

(17) "Independent expenditure" means an expenditure by a 13427
person advocating the election or defeat of an identified 13428
candidate or candidates, that is not made with the consent of, 13429
in coordination, cooperation, or consultation with, or at the 13430
request or suggestion of any candidate or candidates or of the 13431
campaign committee or agent of the candidate or candidates. As 13432
used in division (C) (17) of this section: 13433

(a) "Person" means an individual, partnership, 13434
unincorporated business organization or association, political 13435
action committee, political contributing entity, separate 13436
segregated fund, association, or other organization or group of 13437
persons, but not a labor organization or a corporation unless 13438
the labor organization or corporation is a political 13439
contributing entity. 13440

(b) "Advocating" means any communication containing a 13441
message advocating election or defeat. 13442

(c) "Identified candidate" means that the name of the 13443
candidate appears, a photograph or drawing of the candidate 13444
appears, or the identity of the candidate is otherwise apparent 13445
by unambiguous reference. 13446

(d) "Made in coordination, cooperation, or consultation 13447
with, or at the request or suggestion of, any candidate or the 13448
campaign committee or agent of the candidate" means made 13449
pursuant to any arrangement, coordination, or direction by the 13450
candidate, the candidate's campaign committee, or the 13451

candidate's agent prior to the publication, distribution, 13452
display, or broadcast of the communication. An expenditure is 13453
presumed to be so made when it is any of the following: 13454

(i) Based on information about the candidate's plans, 13455
projects, or needs provided to the person making the expenditure 13456
by the candidate, or by the candidate's campaign committee or 13457
agent, with a view toward having an expenditure made; 13458

(ii) Made by or through any person who is, or has been, 13459
authorized to raise or expend funds, who is, or has been, an 13460
officer of the candidate's campaign committee, or who is, or has 13461
been, receiving any form of compensation or reimbursement from 13462
the candidate or the candidate's campaign committee or agent; 13463

(iii) Except as otherwise provided in division (D) of 13464
section 3517.105 of the Revised Code, made by a political party 13465
in support of a candidate, unless the expenditure is made by a 13466
political party to conduct voter registration or voter education 13467
efforts. 13468

(e) "Agent" means any person who has actual oral or 13469
written authority, either express or implied, to make or to 13470
authorize the making of expenditures on behalf of a candidate, 13471
or means any person who has been placed in a position with the 13472
candidate's campaign committee or organization such that it 13473
would reasonably appear that in the ordinary course of campaign- 13474
related activities the person may authorize expenditures. 13475

(18) "Labor organization" means a labor union; an employee 13476
organization; a federation of labor unions, groups, locals, or 13477
other employee organizations; an auxiliary of a labor union, 13478
employee organization, or federation of labor unions, groups, 13479
locals, or other employee organizations; or any other bona fide 13480

organization in which employees participate and that exists for 13481
the purpose, in whole or in part, of dealing with employers 13482
concerning grievances, labor disputes, wages, hours, and other 13483
terms and conditions of employment. 13484

(19) "Separate segregated fund" means a separate 13485
segregated fund established pursuant to the Federal Election 13486
Campaign Act. 13487

(20) "Federal Election Campaign Act" means the "Federal 13488
Election Campaign Act of 1971," 86 Stat. 11, 2 U.S.C.A. 431, et 13489
seq., as amended. 13490

(21) "Restricted fund" means the fund a state or county 13491
political party must establish under division (A) (1) of section 13492
3517.1012 of the Revised Code. 13493

(22) "Electioneering communication" has the same meaning 13494
as in section 3517.1011 of the Revised Code. 13495

(23) "Express advocacy" means a communication that 13496
contains express words advocating the nomination, election, or 13497
defeat of a candidate or that contains express words advocating 13498
the adoption or defeat of a question or issue, as determined by 13499
a final judgment of a court of competent jurisdiction. 13500

(24) "Political committee" has the same meaning as in 13501
section 3517.1011 of the Revised Code. 13502

(25) "Political contributing entity" means any entity, 13503
including a corporation or labor organization, that may lawfully 13504
make contributions and expenditures and that is not an 13505
individual or a political action committee, continuing 13506
association, campaign committee, political party, legislative 13507
campaign fund, designated state campaign committee, or state 13508
candidate fund. For purposes of this division, "lawfully" means 13509

not prohibited by any section of the Revised Code, or authorized 13510
by a final judgment of a court of competent jurisdiction. 13511

(26) "Internet identifier of record" has the same meaning 13512
as in section 9.312 of the Revised Code. 13513

Sec. 3517.012. (A) (1) When a party formation petition 13514
meeting the requirements of section 3517.01 of the Revised Code 13515
declaring the intention to organize a political party is filed 13516
with the secretary of state, the new party comes into legal 13517
existence on the date of filing and is entitled to nominate 13518
candidates to appear on the ballot at the general election held 13519
in even-numbered years that occurs more than one hundred twenty- 13520
five days after the date of filing. 13521

(2) (a) Upon receiving a party formation petition filed 13522
under division (A) (1) of this section, the secretary of state 13523
shall promptly transmit to each board of elections the separate 13524
petition papers that purport to contain signatures of electors 13525
of that board's county. 13526

(b) Not later than the one hundred eighteenth day before 13527
the day of the general election, each board shall examine and 13528
determine the sufficiency of the signatures on the petition 13529
papers and shall return them to the secretary of state, together 13530
with the board's certification of its determination as to the 13531
validity or invalidity of the signatures on the petition. 13532

(c) Any qualified elector may file a written protest 13533
against the petition with the secretary of state not later than 13534
the one hundred fourteenth day before the day of the general 13535
election. Any such protest shall be resolved in the manner 13536
specified under section 3501.39 of the Revised Code. 13537

(d) Not later than the ninety-fifth day before the day of 13538

the general election, the secretary of state shall determine 13539
whether the party formation petition is sufficient and shall 13540
notify the committee designated in the petition of that 13541
determination. 13542

(B) (1) Not later than one hundred ten days before the day 13543
of that general election and not earlier than the day the 13544
applicable party formation petition is filed, each candidate or 13545
pair of joint candidates wishing to appear on the ballot at the 13546
general election as the nominee or nominees of the party that 13547
filed the party formation petition shall file a nominating 13548
petition, on a form prescribed by the secretary of state, that 13549
includes the name of the political party that submitted the 13550
party formation petition. Except as otherwise provided in this 13551
section and sections 3505.03, 3505.08, ~~3506.11~~, 3513.31, 13552
3513.311, and 3513.312 of the Revised Code, the provisions of 13553
the Revised Code concerning independent candidates who file 13554
nominating petitions apply to candidates who file nominating 13555
petitions under this section. 13556

(2) (a) If the candidacy is to be submitted to electors 13557
throughout the entire state, the nominating petition, including 13558
a petition for joint candidates for the offices of governor and 13559
lieutenant governor, shall be signed by at least fifty qualified 13560
electors who have not voted as a member of a different political 13561
party at any primary election within the current year or the 13562
immediately preceding two calendar years. 13563

(b) Except as otherwise provided in this division, if the 13564
candidacy is to be submitted only to electors within a district, 13565
political subdivision, or portion thereof, the nominating 13566
petition shall be signed by not less than five qualified 13567
electors who have not voted as a member of a different political 13568

party at any primary election within the current year or the 13569
immediately preceding two calendar years. 13570

(3) (a) Each board of elections that is responsible to 13571
verify signatures on the nominating petition shall examine and 13572
determine the sufficiency of those signatures not later than the 13573
one hundred fifth day before the day of the general election and 13574
shall be resolved as specified in that section. 13575

(b) Written protests against the petition may be filed in 13576
the manner specified under section 3513.263 of the Revised Code 13577
not later than the one hundredth day before the general election 13578
and shall be resolved as specified in that section. 13579

(c) Not later than the ninety-fifth day before the day of 13580
the general election, the secretary of state or the board of 13581
elections, as applicable, shall determine whether the nominating 13582
petition is sufficient and shall notify the candidate and the 13583
committee designated in the party formation petition of that 13584
determination. 13585

(C) (1) After being notified that the political party has 13586
submitted a sufficient party formation petition under division 13587
(A) of this section, the committee designated in a party 13588
formation petition shall, not later than the seventy-fifth day 13589
before the day of the general election, certify to the secretary 13590
of state a slate of candidates consisting of candidates or joint 13591
candidates who submitted sufficient nominating petitions under 13592
division (B) of this section. The slate certifying the 13593
candidates shall be on a form prescribed by the secretary of 13594
state and signed by all of the individuals of the committee 13595
designated in the party formation petition. In no event shall 13596
the slate of candidates include more than one candidate for any 13597
public office or more than one set of joint candidates for the 13598

offices of governor and lieutenant governor. The names of the 13599
candidates or joint candidates so certified shall appear on the 13600
ballot at the general election as that party's nominees for 13601
those offices. For purposes of this division, "joint candidates" 13602
means the joint candidates for the offices of governor and 13603
lieutenant governor. 13604

(2) If a candidate's nominating petition is insufficient 13605
or if the committee does not certify the candidate's name under 13606
division (C)(1) of this section, the candidate shall not appear 13607
on the ballot in the general election. 13608

(3) If a party formation petition is insufficient, no 13609
candidate shall appear on the ballot in the general election as 13610
that political party's nominee, regardless of whether any 13611
candidate's nominating petition is sufficient. 13612

Sec. 3517.013. ~~Section~~ Division (B) of section 3513.191 of 13613
the Revised Code does not apply to persons desiring to become 13614
candidates for party nomination of a newly formed political 13615
party meeting the requirements of sections 3517.011 and 3517.012 13616
of the Revised Code for a period of four calendar years from the 13617
date of the party formation. 13618

Sec. 3517.08. (A) The personal expenses of a candidate 13619
paid for by the candidate, from the candidate's personal funds, 13620
shall not be considered as a contribution by or an expenditure 13621
by the candidate and shall not be reported under section 3517.10 13622
of the Revised Code. 13623

(B)(1) An expenditure by a political action committee or a 13624
political contributing entity shall not be considered a 13625
contribution by the political action committee or the political 13626
contributing entity or an expenditure by or on behalf of the 13627

candidate if the purpose of the expenditure is to inform only 13628
its members by means of mailed publications of its activities or 13629
endorsements. 13630

(2) An expenditure by a political party shall not be 13631
considered a contribution by the political party or an 13632
expenditure by or on behalf of the candidate if the purpose of 13633
the expenditure is to inform predominantly the party's members 13634
by means of mailed publications or other direct communication of 13635
its activities or endorsements, or for voter contact such as 13636
sample ballots, ~~absent voter's ballots~~ mail ballot application 13637
mailings, voter registration, or get-out-the-vote activities. 13638

(C) An expenditure by a continuing association, political 13639
contributing entity, or political party shall not be considered 13640
a contribution to any campaign committee or an expenditure by or 13641
on behalf of any campaign committee if the purpose of the 13642
expenditure is for the staff and maintenance of the continuing 13643
association's, political contributing entity's, or political 13644
party's headquarters, or for a political poll, survey, index, or 13645
other type of measurement not on behalf of a specific candidate. 13646

(D) The expenses of maintaining a constituent office paid 13647
for, from the candidate's personal funds, by a candidate who is 13648
a member of the general assembly at the time of the election 13649
shall not be considered a contribution by or an expenditure by 13650
or on behalf of the candidate, and shall not be reported, if the 13651
constituent office is not used for any candidate's campaign 13652
activities. 13653

(E) The net contribution of each social or fund-raising 13654
activity shall be calculated by totaling all contributions to 13655
the activity minus the expenditures made for the activity. 13656

(F) An expenditure that purchases goods or services shall 13657
be attributed to an election when the disbursement of funds is 13658
made, rather than at the time the goods or services are used. 13659
The secretary of state, under the procedures of Chapter 119. of 13660
the Revised Code, shall establish rules for the attribution of 13661
expenditures to a candidate when the candidate is a candidate 13662
for more than one office during a reporting period and for 13663
expenditures made in a year in which no election is held. The 13664
secretary of state shall further define by rule those 13665
expenditures that are or are not by or on behalf of a candidate. 13666

(G) An expenditure for the purpose of a charitable 13667
donation may be made if it is made to an organization that is 13668
exempt from federal income taxation under subsection 501(a) and 13669
described in subsection 501(c)(3), 501(c)(4), 501(c)(8), 501(c) 13670
(10), or 501(c)(19) of the Internal Revenue Code or is approved 13671
by advisory opinion of the Ohio elections commission as a 13672
legitimate charitable organization. Each expenditure under this 13673
division shall be separately itemized on statements made 13674
pursuant to section 3517.10 of the Revised Code. 13675

Sec. 3519.05. (A) If the measure to be submitted proposes 13676
a constitutional amendment, the heading of each part of the 13677
petition shall be prepared in the following form, and printed in 13678
capital letters in type of the approximate size set forth: 13679

"INITIATIVE PETITION 13680

Amendment to the Constitution 13681

Proposed by Initiative Petition 13682

To be submitted directly to the electors" 13683

"Amendment" printed in fourteen-point boldface type shall 13684
precede the title, which shall be briefly expressed and printed 13685

in eight-point type. The summary shall then be set forth printed 13686
in ten-point type, and then shall follow the certification of 13687
the attorney general, under proper date, which shall also be 13688
printed in ten-point type. The petition shall then set forth the 13689
names and addresses of the committee of not less than three nor 13690
more than five to represent the petitioners in all matters 13691
relating to the petition or its circulation. 13692

Immediately above the heading of the place for signatures 13693
on each part of the petition the following notice shall be 13694
printed in boldface type: 13695

"NOTICE 13696

Whoever knowingly signs this petition more than once; 13697
except as provided in section 3501.382 of the Revised Code, 13698
signs a name other than one's own on this petition; or signs 13699
this petition when not a qualified voter, is liable to 13700
prosecution." 13701

The heading of the place for signatures shall be 13702
substantially as follows: 13703

"(Sign with ink. Your name, residence, and date of signing must 13704
be given.) 13705

13706

13707

1 2 3 4 5 6 7

A Rural Route or

B other Post-

C Signature County Township office Address Month Day Year

13708

(Voters who do not live in a municipal corporation should fill
in the information called for by headings printed above.)

13709

13710

(Voters who reside in municipal corporations should fill in the
information called for by headings printed below.)

13711

13712

13713

13714

1 2 3 4 5 6 7 8 9

A City Street

B or and

C Signature County Village Number Ward Precinct Month Day Year"

13715

The text of the proposed amendment shall be printed in
full, immediately following the place for signatures, and shall
be prefaced by "Be it resolved by the people of the State of
Ohio." Immediately following the text of the proposed amendment
must appear the following form:

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"I, _____, declare under penalty of election
falsification that I am the circulator of the foregoing petition
paper containing the signatures of _____ electors, that the
signatures appended hereto were made and appended in my presence
on the date set opposite each respective name, and are the

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signatures of the persons whose names they purport to be or of 13726
attorneys in fact acting pursuant to section 3501.382 of the 13727
Revised Code, and that the electors signing this petition did so 13728
with knowledge of the contents of same. I am employed to 13729
circulate this petition by _____ 13730
(Name and address of employer). (The preceding sentence shall be 13731
completed as required by section 3501.38 of the Revised Code if 13732
the circulator is being employed to circulate the petition.) 13733

(Signed) _____ 13734

(Address of circulator's permanent 13735

residence in this state) 13736

_____ 13737

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A 13738
FELONY OF THE ~~FIFTH~~-FOURTH DEGREE." 13739

(B) If the measure proposes a law, the heading of each 13740
part of the petition shall be prepared as follows: 13741

"INITIATIVE PETITION 13742

Law proposed by initiative petition first to be submitted 13743
to the General Assembly." 13744

In all other respects, the form shall be as provided for 13745
the submission of a constitutional amendment, except that the 13746
text of the proposed law shall be prefaced by "Be it enacted by 13747
the people of the state of Ohio." 13748

The form for a supplementary initiative petition shall be 13749
the same as that provided for an initiative petition, with the 13750
exception that "supplementary" shall precede "initiative" in the 13751
title thereof. 13752

(C) The general provisions set forth in this section 13753
relative to the form and order of an initiative petition shall 13754
be, so far as practical, applicable to a referendum petition, 13755
the heading of which shall be as follows: 13756

"REFERENDUM PETITION 13757

To be submitted to the electors for their approval or 13758
rejection" 13759

The title, which follows the heading, shall contain a 13760
brief legislative history of the law, section, or item of law to 13761
be referred. The text of the law so referred shall be followed 13762
by the certification of the secretary of state, in accordance 13763
with division (B) (2) (b) of section 3519.01 of the Revised Code, 13764
that it has been compared with the copy of the enrolled act, on 13765
file in the secretary of state's office, containing such law, 13766
section, or item of law, and found to be correct. 13767

(D) The secretary of state shall prescribe a form for part 13768
petitions to be submitted during the ten-day period beginning on 13769
the first day following the date that the secretary of state 13770
notifies the chairperson of the committee interested in the 13771
petition that the petition has an insufficient number of valid 13772
signatures. The secretary of state shall provide to each 13773
particular committee a different form that contains a unique 13774
identifier and that is separate from the forms prescribed in 13775
divisions (A), (B), and (C) of this section. The secretary of 13776
state shall make the form available to the committee only as 13777
described in division (F) of section 3519.16 of the Revised 13778
Code. The form shall not be considered a public record until 13779
after the secretary of state makes it available to the committee 13780
under that division. 13781

The form shall comply with the requirements of Section 1g 13782
of Article II, Ohio Constitution and, except as otherwise 13783
provided in this division, with the requirements of divisions 13784
(A), (B), and (C) of this section. 13785

Sec. 3599.02. No person shall before, during, or after any 13786
primary, general, or special election or convention solicit, 13787
request, demand, receive, or contract for any money, gift, loan, 13788
property, influence, position, employment, or other thing of 13789
value for that person or for another person for doing any of the 13790
following: 13791

(A) Registering or refraining from registering to vote; 13792

(B) Agreeing to register or to refrain from registering to 13793
vote; 13794

(C) Agreeing to vote or to refrain from voting; 13795

(D) Voting or refraining from voting at any primary, 13796
general, or special election or convention for a particular 13797
person, question, or issue; 13798

(E) Registering or voting, or refraining from registering 13799
or voting, or voting or refraining from voting for a particular 13800
person, question, or issue; 13801

(F) Registering, or refraining from registering, as 13802
affiliated with a political party. 13803

Whoever violates this section is guilty of bribery, a 13804
felony of the fourth degree, and shall be disfranchised and 13805
excluded from holding any public office for five years 13806
immediately following such conviction. 13807

Sec. 3599.06. No employer, ~~his~~ and no officer or agent of 13808
an employer, shall discharge or threaten to discharge an elector 13809

for taking a reasonable amount of time to vote ~~on election day;~~ 13810
or require or order an elector to accompany ~~him~~ the employer, 13811
officer, or agent to a ~~voting place upon such day~~ location where 13812
ballots may be cast in person or to a ballot drop box; or refuse 13813
to permit such elector to serve as an election official on any 13814
registration or election day; or indirectly use any force or 13815
restraint or threaten to inflict any injury, harm, or loss; or 13816
in any other manner practice intimidation in order to induce or 13817
compel such person to vote or refrain from voting for or against 13818
any person or question or issue submitted to the voters. 13819

Whoever violates this section shall be fined not less than 13820
fifty nor more than five hundred dollars. 13821

Sec. 3599.07. No ~~precinct~~ election official, observer, or 13822
police officer admitted into ~~the polling rooms at the election,~~ 13823
a location where ballots may be cast in person at any time while 13824
~~the polls are open,~~ ballots may be cast there, and no election 13825
official or police officer admitted into a ballot drop box 13826
location at any time while mail ballots may be deposited in the 13827
ballot drop box, shall have in the individual's possession, 13828
distribute, or give out any ballot or ticket to any person on 13829
any pretense during the receiving, counting, or certifying of 13830
the votes, or have any ballot or ticket in the individual's 13831
possession or control, except in the proper discharge of the 13832
individual's official duty in receiving, counting, or canvassing 13833
the votes. This section does not prevent the lawful exercise by 13834
~~a precinct~~ an election official or observer of the individual 13835
right to vote at such election. 13836

Sec. 3599.11. (A) ~~No~~ (1) Subject to division (A) (2) of 13837
this section, no person shall knowingly do any of the following: 13838

(a) Knowingly register or make application or attempt to 13839

register in a precinct in which the person is not a qualified voter or as affiliated with a political party with which the person does not desire to be affiliated or whose principles the person does not support; or knowingly aid or abet any person to so register; or attempt to register or knowingly induce or attempt to induce any person to so register; ~~or knowingly~~

(b) Knowingly impersonate another or write or assume the name of another, real or fictitious, in registering or attempting to register; ~~or by~~

(c) By false statement or other unlawful means procure, aid, or attempt to procure the erasure or striking out on the register or duplicate list of the name of a qualified elector therein; ~~or knowingly~~

(d) Knowingly induce or attempt to induce a registrar or other election authority to refuse registration in a precinct to an elector thereof; ~~or knowingly~~

(e) Knowingly swear or affirm falsely upon a lawful examination by or before any registering officer; ~~or make~~

(f) Make, print, or issue any false or counterfeit certificate of registration or knowingly alter any certificate of registration.

~~No person shall knowingly;~~

(g) Knowingly register under more than one name or knowingly induce any person to so register.

~~No person shall knowingly;~~

(h) Knowingly make any false statement on any form for registration or change of registration or upon any application or return envelope for ~~an absent voter's~~ a ballot.

(2) (a) A person whose voter registration update is 13868
processed under section 3503.111 of the Revised Code and who is 13869
not a qualified voter in the precinct violates division (A) (1) 13870
of this section only if the person knowingly provides or 13871
attempts to provide false information with the intention of 13872
submitting a registration update using that information. 13873

(b) A person who aids, abets, induces, or attempts to 13874
induce another person to have the other person's voter 13875
registration update processed under section 3503.111 of the 13876
Revised Code when the other person is not a qualified voter in 13877
the precinct violates division (A) (1) of this section only if 13878
the person knowingly causes or attempts to cause the other 13879
person to have the other person's registration updated using 13880
information the person knows is false. 13881

(3) Whoever violates ~~this~~ division (A) (1) of this section 13882
is guilty of a felony of the ~~fifth~~ fourth degree. 13883

(B) (1) No person who helps another person register outside 13884
an official voter registration place shall knowingly destroy, or 13885
knowingly help another person to destroy, any completed 13886
registration form. 13887

Whoever violates this division is guilty of election 13888
falsification, a felony of the ~~fifth~~ fourth degree. 13889

(2) ~~(a)~~ No person who helps another person register outside 13890
an official voter registration place shall knowingly fail to 13891
~~return~~ cause any registration form entrusted to that person to 13892
be returned to any board of elections or the office of the 13893
secretary of state within ten days after that ~~registration~~ 13894
registration form is completed, or on or before the thirtieth 13895
day before the election, whichever day is earlier, unless the 13896

registration form is received by the person within twenty-four 13897
hours of the thirtieth day before the election, in which case 13898
the person shall ~~return-cause~~ the registration form to be 13899
returned to any board of elections or the office of the 13900
secretary of state within ten days of its receipt. 13901

Whoever violates this division is guilty of election 13902
falsification, a felony of the ~~fifth~~-fourth degree, unless the 13903
person has not previously been convicted of a violation of this 13904
division ~~(B) (2) (a), (B) (2) (b), (C) (1), or (C) (2) of this~~ 13905
~~section~~, the violation of this division does not cause any 13906
person to miss any voter registration deadline with regard to 13907
any election, and the number of voter registration forms that 13908
the violator has failed to properly ~~return-cause to be returned~~ 13909
does not exceed forty-nine, in which case the violator is guilty 13910
of a misdemeanor of the first degree. 13911

~~(b) Subject to division (C) (2) of this section, no person~~ 13912
~~who helps another person register outside an official~~ 13913
~~registration place shall knowingly return any registration form~~ 13914
~~entrusted to that person to any location other than any board of~~ 13915
~~elections or the office of the secretary of state.~~ 13916

~~Whoever violates this division is guilty of election~~ 13917
~~falsification, a felony of the fifth degree, unless the person~~ 13918
~~has not previously been convicted of a violation of division (B)~~ 13919
~~(2) (a), (B) (2) (b), (C) (1), or (C) (2) of this section, the~~ 13920
~~violation of this division does not cause any person to miss any~~ 13921
~~voter registration deadline with regard to any election, and the~~ 13922
~~number of voter registration forms that the violator has failed~~ 13923
~~to properly return does not exceed forty nine, in which case the~~ 13924
~~violator is guilty of a misdemeanor of the first degree.~~ 13925

~~(C) (1) No person who receives compensation for registering~~ 13926

~~a voter shall knowingly fail to return any registration form- 13927~~
~~entrusted to that person to any board of elections or the office- 13928~~
~~of the secretary of state within ten days after that voter- 13929~~
~~registration form is completed, or on or before the thirtieth- 13930~~
~~day before the election, whichever is earlier, unless the- 13931~~
~~registration form is received by the person within twenty four- 13932~~
~~hours of the thirtieth day before the election, in which case- 13933~~
~~the person shall return the registration form to any board of- 13934~~
~~elections or the office of the secretary of state within ten days- 13935~~
~~of its receipt. 13936~~

~~Whoever violates this division is guilty of election- 13937~~
~~falsification, a felony of the fifth degree, unless the person- 13938~~
~~has not previously been convicted of a violation of division (B)- 13939~~
~~(2) (a), (B) (2) (b), (C) (1), or (C) (2) of this section, the- 13940~~
~~violation of this division does not cause any person to miss any- 13941~~
~~voter registration deadline with regard to any election, and the- 13942~~
~~number of voter registration forms that the violator has failed- 13943~~
~~to properly return does not exceed forty nine, in which case the- 13944~~
~~violator is guilty of a misdemeanor of the first degree. 13945~~

~~(2) No person who receives compensation for registering a- 13946~~
~~voter shall knowingly return any registration form entrusted to- 13947~~
~~that person to any location other than any board of elections or- 13948~~
~~the office of the secretary of state. 13949~~

~~Whoever violates this division is guilty of election- 13950~~
~~falsification, a felony of the fifth degree, unless the person- 13951~~
~~has not previously been convicted of a violation of division (B)- 13952~~
~~(2) (a), (B) (2) (b), (C) (1), or (C) (2) of this section, the- 13953~~
~~violation of this division does not cause any person to miss any- 13954~~
~~voter registration deadline with regard to any election, and the- 13955~~
~~number of voter registration forms that the violator has failed- 13956~~

~~to properly return does not exceed forty nine, in which case the~~ 13957
~~violation is guilty of a misdemeanor of the first degree.~~ 13958

~~(D) As used in division (C) of this section, "registering~~ 13959
~~a voter" includes any effort, for compensation, to provide voter~~ 13960
~~registration forms or to assist persons in completing or~~ 13961
~~returning those forms.~~ 13962

Sec. 3599.12. (A) No person shall do any of the following: 13963

(1) Vote or attempt to vote in any primary, special, or 13964
general election in a precinct in which that person is not a 13965
legally qualified elector; 13966

(2) Vote or attempt to vote more than once at the same 13967
election by any means, including voting or attempting to vote 13968
both by ~~absent voter's mail ballots under division (G) of~~ 13969
~~section 3503.16 of the Revised Code and by regular ballot at the~~ 13970
~~polls casting ballots in person at the same election, or voting~~ 13971
~~or attempting to vote both by absent voter's ballots under~~ 13972
~~division (G) of section 3503.16 of the Revised Code and by~~ 13973
~~absent voter's ballots under Chapter 3509. or armed service~~ 13974
~~absent voter's ballots under Chapter 3511. of the Revised Code~~ 13975
~~at the same election;~~ 13976

(3) Impersonate or sign the name of another person, real 13977
or fictitious, living or dead, and vote or attempt to vote as 13978
that other person in any such election; 13979

(4) Cast a ballot at any such election after objection has 13980
been made and sustained to that person's vote; 13981

(5) Knowingly vote or attempt to vote a ballot other than 13982
the official ballot. 13983

(B) Whoever violates division (A) of this section is 13984

guilty of a felony of the fourth degree. 13985

Sec. 3599.17. (A) No ~~elections official~~ person serving as 13986
~~a registrar or precinct~~ an election official appointed under 13987
section 3501.22 of the Revised Code shall do any of the 13988
following: 13989

(1) Fail to appear before the board of elections, or its 13990
representative, after notice has been served personally upon the 13991
official or left at the official's usual place of residence, for 13992
examination as to the official's qualifications; 13993

(2) Fail to appear at the ~~polling~~ place to which the 13994
official is assigned at the hour and during the hours ~~set for~~ 13995
~~the registration or election~~ the official is scheduled to serve; 13996

(3) Fail to take the oath prescribed by section 3501.31 of 13997
the Revised Code, unless excused by such board; 13998

(4) Refuse or sanction the refusal of another ~~registrar or~~ 13999
~~precinct~~ election official appointed under section 3501.22 of 14000
the Revised Code to administer an oath required by law; 14001

(5) Fail to send notice to the board of the appointment of 14002
~~a precinct~~ an election official to fill a vacancy; 14003

(6) Act as ~~registrar or precinct~~ an election official 14004
without having been appointed and having received a certificate 14005
of appointment, except ~~a precinct~~ an election official appointed 14006
to fill a vacancy caused by absence or removal; 14007

(7) Fail in any other way to perform any duty imposed by 14008
law. 14009

(B) Whoever violates division (A) of this section is 14010
guilty of a misdemeanor of the first degree. 14011

Sec. 3599.18. (A) No election official, person assisting 14012
in the registration of electors, or police officer shall 14013
knowingly do any of the following: 14014

(1) Refuse, neglect, or unnecessarily delay, hinder, or 14015
prevent the registration of a qualified elector, who in a lawful 14016
manner applies for registration or who should have the elector's 14017
registration updated under section 3503.111 of the Revised Code; 14018

(2) Enter or consent to the entry of a fictitious name on 14019
a voter registration list; 14020

(3) Alter the name, political party affiliation, or lack 14021
of political party affiliation on, or remove or destroy, the 14022
registration card or form of any qualified elector; 14023

(4) Neglect, unlawfully execute, or fail to execute any 14024
duty enjoined upon that person as an election official, person 14025
assisting in the registration of electors, or police officer. 14026

(B) Whoever violates division (A) of this section is 14027
guilty of a misdemeanor of the first degree. 14028

Sec. 3599.19. (A) No ~~precinct~~ election official shall 14029
knowingly do any of the following: 14030

(1) Unlawfully open or permit to be opened ~~the a~~ sealed 14031
package containing registration lists, ballots, blanks, 14032
pollbooks, ~~and or~~ other papers ~~and or~~ material to be used in an 14033
election; 14034

(2) Unlawfully misplace, carry away, negligently lose or 14035
permit to be taken from the ~~precinct~~ election official, fail to 14036
deliver, or destroy any such packages, papers, or material; 14037

(3) Receive or sanction the reception of a ballot from a 14038
person not a qualified elector or from a person who refused to 14039

answer a question in accordance with the election law; 14040

(4) Refuse to receive or sanction the rejection of a 14041
ballot from a person, knowing that person to be a qualified 14042
elector; 14043

(5) Permit a fraudulent ballot to be placed in ~~the a~~ 14044
ballot box; 14045

(6) Place or permit to be placed in any ballot box any 14046
ballot known by the ~~precinct~~ election official to be improperly 14047
or falsely marked; 14048

(7) Count or permit to be counted any illegal or 14049
fraudulent ballot; 14050

(8) Mislead an elector who is physically unable to prepare 14051
the elector's ballot, mark a ballot for such elector otherwise 14052
than as directed by that elector, or disclose to any person, 14053
except when legally required to do so, how such elector voted; 14054

(9) Alter or mark or permit any alteration or marking on 14055
any ballot when counting the ballots; 14056

(10) Unlawfully count or tally or sanction the wrongful 14057
counting or tallying of votes; 14058

(11) After the counting of votes commences, as required by 14059
law, postpone or sanction the postponement of the counting of 14060
votes, adjourn at any time or to any place, or remove ~~the a~~ 14061
ballot ~~box~~ from the place of ~~voting counting~~, or from the 14062
custody or presence of all the ~~precinct~~ election officials; 14063

(12) Permit any ballot to remain or to be in the ballot 14064
box at a location where ballots may be cast in person at the 14065
opening of ~~the polls voting for the day~~, or to be put in the box 14066
during the counting of the ballots, or to be left in the box 14067

without being counted; 14068

(13) Admit or sanction the admission to ~~the polling room~~ 14069
~~at an election~~ a location where ballots may be cast in person 14070
during the receiving, counting, and certifying of votes of any 14071
person not qualified by law to be so admitted; 14072

(14) Refuse to admit or sanction the refusal to admit any 14073
person, upon lawful request for admission, who is legally 14074
qualified to be present; 14075

(15) Permit or sanction the counting of the ballots 14076
contrary to the manner prescribed by law; 14077

(16) Neglect or unlawfully execute any duty enjoined upon 14078
the ~~precinct~~ election official by law. 14079

(B) No election official shall recklessly disclose the 14080
count or any portion of the count of any ballots before seven- 14081
thirty p.m. on the day of the election, except as is necessary 14082
for the administration of the election. 14083

(C) Whoever violates division (A) of this section is 14084
guilty of a misdemeanor of the first degree. Whoever violates 14085
division (B) of this section is guilty of a felony of the fifth 14086
degree. 14087

Sec. 3599.20. (A) No person shall attempt to do any of the 14088
following: 14089

(1) Attempt to induce an elector to show how the elector 14090
marked the elector's ballot at an election; or, being 14091

(2) Being an elector, allow the elector's ballot to be 14092
seen by another, except as provided by section sections 3505.24 14093
and 3509.08 of the Revised Code, with the apparent intention of 14094
letting it be known how the elector is about to vote; or make 14095

- (3) Make a false statement as to the elector's ability to mark the ballot; ~~or knowingly~~ 14096
14097
- (4) Knowingly mark the ballot so it may be identified after it has been cast; ~~or attempt~~ 14098
14099
- (5) Attempt to interfere with an elector ~~in the voting booth when the elector is~~ marking the elector's ballot; ~~or knowingly~~ 14100
14101
14102
- (6) Knowingly destroy or mutilate a lawful ballot; ~~or remove~~ 14103
14104
- (7) Remove from the polling place a location where ballots may be cast in person, or be found in unlawful possession of, a lawful ballot ~~outside the enclosure provided for voting; or knowingly~~ 14105
14106
14107
14108
- (8) Knowingly hinder or delay the delivery of a lawful ballot to a person entitled to receive it; ~~or give~~ 14109
14110
- (9) Give to an elector a ballot printed or written contrary to law; ~~or forge~~ 14111
14112
- (10) Forge or falsely make an official indorsement on a ballot. 14113
14114
- (B) Whoever violates division (A) of this section is 14115
guilty of a felony of the ~~fifth~~ fourth degree. 14116
- Sec. 3599.21.** (A) No person shall knowingly do any of the following: 14117
14118
- (1) Impersonate another, or make a false representation in order to obtain ~~an absent voter's a mail~~ ballot; 14119
14120
- (2) Aid or abet a person to vote ~~an absent voter's a mail~~ ballot illegally; 14121
14122

- (3) If the person is an election official, open, destroy, steal, mark, or mutilate any ~~absent voter's mail~~ ballot; 14123
14124
- (4) Aid or abet another person to open, destroy, steal, mark, or mutilate any ~~absent voter's mail~~ ballot after the ballot has been voted; 14125
14126
14127
- (5) Delay the delivery of any ~~absent voter's mail~~ ballot with a view to preventing its arrival in time to be counted; 14128
14129
- (6) Hinder or attempt to hinder the delivery or counting of such ~~absent voter's mail~~ ballot; 14130
14131
- (7) Fail to forward to the appropriate election official ~~an absent voter's a mail~~ ballot application entrusted to that person to so forward; 14132
14133
14134
- (8) Fail to forward to the appropriate election official ~~an absent voter's a mail~~ ballot application entrusted to that person to so forward within ten days after that application is completed or within such a time period that the failure to so forward the application disenfranchises the voter with respect to a particular election, whichever is earlier; 14135
14136
14137
14138
14139
14140
- (9) Except as authorized under Chapters 3505., 3509., and 3511. of the Revised Code, possess the ~~absent voter's mail~~ ballot of another. 14141
14142
14143
- (B) (1) Subject to division (B) (2) of this section, no person who receives compensation for soliciting persons to apply ~~to vote by absent voter's for mail~~ ballots shall fail to forward to the appropriate election official ~~an absent voter's a mail~~ ballot application entrusted to that person to so forward within ten days after that application is completed. 14144
14145
14146
14147
14148
14149
- (2) No person who receives compensation for soliciting 14150

persons to apply to vote by ~~absent voter's mail~~ ballots shall 14151
fail to forward to the appropriate election official ~~an absent~~ 14152
~~voter's a mail~~ ballot application entrusted to that person to so 14153
forward within such a time period that the failure to so forward 14154
the application disenfranchises the voter with respect to a 14155
particular election. 14156

(C) Whoever violates division (A) or (B) of this section 14157
is guilty of a felony of the fourth degree. 14158

(D) As used in this section, "person who receives 14159
compensation for soliciting persons to apply to vote by ~~absent~~ 14160
~~voter's mail~~ ballots" includes any effort, for compensation, to 14161
provide ~~absent voter's mail~~ ballot applications or to assist 14162
persons in completing those applications or returning them to 14163
the director of the board of elections of the county in which 14164
the applicant's voting residence is located. 14165

Sec. 3599.24. (A) No person shall do any of the following: 14166

(1) By force, fraud, or other improper means, obtain or 14167
attempt to obtain possession of the ballots, ballot boxes, 14168
ballot drop boxes, or pollbooks; 14169

(2) Recklessly destroy any property used in the conduct of 14170
elections; 14171

(3) Attempt to intimidate an election ~~officer~~ official, or 14172
prevent an election official from performing the official's 14173
duties; 14174

(4) Knowingly tear down, remove, or destroy any of the 14175
registration lists or sample ballots furnished by the board of 14176
elections ~~at the polling place;~~ 14177

(5) Loiter in or about a place of registration ~~or polling~~ 14178

~~place, a location where ballots may be cast in person, or a~~ 14179
~~ballot drop box during registration or the casting and-or~~ 14180
counting of ballots so as to hinder, delay, or interfere with 14181
the conduct of the registration or election; 14182

(6) Remove from ~~the voting place~~ a location where ballots 14183
may be cast in person the pencils, cards of instruction, 14184
supplies, or other conveniences furnished to enable ~~the~~ a voter 14185
to mark the voter's ballot. 14186

(B) Whoever violates division (A) (1) or (2) of this 14187
section is guilty of a felony of the ~~fifth-fourth~~ degree. 14188
Whoever violates division (A) (3), (4), (5), or (6) of this 14189
section is guilty of a misdemeanor of the first degree. 14190

Sec. 3599.25. (A) No person shall knowingly do any of the 14191
following: 14192

(1) Counsel or advise another to vote at an election, 14193
knowing that the person is not a qualified voter; 14194

(2) Advise, aid, or assist another person to go or come 14195
into a ~~precinct~~ location where ballots may be cast in person for 14196
the purpose of voting in ~~it~~ that location, knowing that such 14197
person is not qualified to vote in ~~it~~ that location; 14198

(3) Counsel, advise, or attempt to induce an election 14199
officer to permit a person to vote, knowing such person is not a 14200
qualified elector. 14201

(B) Whoever violates division (A) of this section is 14202
guilty of a felony of the fourth degree. 14203

Sec. 3599.26. No person shall fraudulently ~~put~~ submit a 14204
~~ballot or ticket into a ballot box for counting~~; or knowingly 14205
and willfully vote a ballot other than an official ballot 14206

lawfully obtained by the person from the ~~precinct~~ election 14207
authorities; or fraudulently or deceitfully change a ballot of 14208
an elector, by which such elector is prevented from voting for 14209
such candidates or on an issue as the elector intends to do; or 14210
mark a ballot of an elector except as authorized by section 14211
3505.24 or 3509.08 of the Revised Code; or hand a marked ballot 14212
to an elector to vote, with intent to ascertain how the elector 14213
voted; or furnish a ballot to an elector who cannot read, 14214
knowingly informing the elector that it contains a name 14215
different from the one that is printed or written thereon, to 14216
induce the elector to vote contrary to the elector's intentions; 14217
or unduly delay or hinder an elector from applying for 14218
registration, registering, or from attempting to vote or voting; 14219
or knowingly print or distribute a ballot contrary to law. 14220

Whoever violates this section is guilty of a felony of the 14221
~~fifth~~ fourth degree. 14222

Sec. 3599.27. ~~No unauthorized person shall have in the~~ 14223
~~person's possession any voting machine that may be owned or~~ 14224
~~leased by any county or any of the parts or the keys thereof. No~~ 14225
~~person shall tamper or attempt to tamper with, deface, impair~~ 14226
~~the use of, destroy, or otherwise injure in any manner any~~ 14227
~~voting machine.~~ 14228

No unauthorized person shall have in the person's 14229
possession any marking device, automatic tabulating equipment, 14230
or any of the parts, appurtenances, or accessories thereof. No 14231
person shall tamper or attempt to tamper with, deface, impair 14232
the use of, destroy, or otherwise change or injure in any manner 14233
any marking device, automatic tabulating equipment, or any 14234
appurtenances or accessories thereof. 14235

Whoever violates this section is guilty of a felony of the 14236

~~fifth-fourth~~ degree. 14237

Sec. 3599.28. No person, with intent to defraud or 14238
deceive, shall write or sign the name of another person to any 14239
document, petition, registration card, or other book or record 14240
authorized or required by Title XXXV of the Revised Code. 14241

Whoever violates this section is guilty of a felony of the 14242
~~fifth-fourth~~ degree. 14243

Sec. 3599.29. No person shall have in the person's 14244
possession a falsely made, altered, forged, or counterfeited 14245
registration card, form, or list, pollbook, tally sheet, or list 14246
of election returns of an election, knowing it to be such, with 14247
intent to hinder, defeat, or prevent a fair expression of the 14248
popular will at such election. 14249

Whoever violates this section is guilty of a felony of the 14250
~~fifth-fourth~~ degree. 14251

Sec. 3599.31. (A) No officer of the law shall fail to obey 14252
forthwith an order of ~~the voting location manager~~ an election 14253
official and aid in enforcing a lawful order of the ~~voting-~~ 14254
~~location manager~~ at election official during an election, 14255
against persons ~~unlawfully doing any of the following:~~ 14256

(1) Unlawfully congregating or loitering within one 14257
hundred feet of a ~~polling place, hindering~~ location where 14258
ballots may be cast in person; 14259

(2) Hindering or delaying an elector from reaching or 14260
leaving ~~the polling place, a location where ballots may be cast~~ 14261
in person or a ballot drop box; 14262

(3) Unlawfully soliciting or attempting, within one 14263
hundred feet of ~~the polling place~~ a location where ballots may 14264

be cast in person, to influence an elector in casting the 14265
elector's vote, ~~or interfering;~~ 14266

(4) Interfering with the registration of voters or casting 14267
and counting of the ballots. 14268

(B) Whoever violates division (A) of this section is 14269
guilty of a misdemeanor of the first degree. 14270

Sec. 3599.33. No person, from the time ballots are cast or 14271
counted until the time has expired for using them as evidence in 14272
a recount or contest of election, shall willfully and with 14273
fraudulent intent make any mark or alteration on any ballot; or 14274
inscribe, write, or cause to be inscribed or written in or upon 14275
a registration form or list, pollbook, tally sheet, or list, 14276
lawfully made or kept at an election, or in or upon a book or 14277
paper purporting to be such, or upon an election return, or upon 14278
a book or paper containing such return the name of a person not 14279
entitled to vote at such election or not voting thereat, or a 14280
fictitious name, or, within such time, wrongfully change, alter, 14281
erase, or tamper with a name, word, or figure contained in such 14282
pollbook, tally sheet, list, book, or paper; or falsify, mark, 14283
or write thereon with intent to defeat, hinder, or prevent a 14284
fair expression of the will of the people at such election. 14285

Whoever violates this section is guilty of a felony of the 14286
~~fifth~~fourth degree. 14287

Sec. 3599.34. No person, from the time ballots are cast or 14288
voted until the time has expired for using them in a recount or 14289
as evidence in a contest of election, shall unlawfully destroy 14290
or attempt to destroy the ballots, or permit such ballots or a 14291
ballot box or pollbook used at an election to be destroyed; or 14292
destroy, falsify, mark, or write in a name on any such ballot 14293

that has been voted. 14294

Whoever violates this section is guilty of a felony of the 14295
~~fifth~~fourth degree. 14296

Sec. 3599.36. No person, either orally or in writing, on 14297
oath lawfully administered or in a statement made under penalty 14298
of election falsification, shall knowingly state a falsehood as 14299
to a material matter relating to an election in a proceeding 14300
before a court, tribunal, or election official, or in a matter 14301
in relation to which an oath or statement under penalty of 14302
election falsification is authorized by law, including a 14303
statement required for verifying or filing any declaration of 14304
candidacy, declaration of intent to be a write-in candidate, 14305
nominating petition, or other petition presented to or filed 14306
with the secretary of state, a board of elections, or any other 14307
public office for the purpose of becoming a candidate for any 14308
elective office, including the office of a political party, for 14309
the purpose of submitting a question or issue to the electors at 14310
an election, or for the purpose of forming a political party. 14311

Whoever violates this section is guilty of election 14312
falsification, a felony of the ~~fifth~~fourth degree. 14313

Every paper, card, or other document relating to any 14314
election matter that calls for a statement to be made under 14315
penalty of election falsification shall be accompanied by the 14316
following statement in bold face capital letters: "Whoever 14317
commits election falsification is guilty of a felony of the 14318
~~fifth~~fourth degree." 14319

Sec. 3599.39. Any person convicted of a violation of any 14320
provision of Title XXXV of the Revised Code, who is again 14321
convicted of a violation of any such provision, whether such 14322

conviction is for the same offense or not, is on such second 14323
conviction guilty of a felony of the ~~fourth~~third degree, and in 14324
addition, shall be disfranchised. 14325

Sec. 4109.06. (A) This chapter does not apply to the 14326
following: 14327

(1) Minors who are students working on any properly 14328
guarded machines in the manual training department of any school 14329
when the work is performed under the personal supervision of an 14330
instructor; 14331

(2) Students participating in a career-technical or STEM 14332
program approved by the Ohio department of education or students 14333
participating in any eligible classes through the college credit 14334
plus program established under Chapter 3365. of the Revised Code 14335
that include a state-recognized pre-apprenticeship program that 14336
imparts the skills and knowledge needed for successful 14337
participation in a registered apprenticeship occupation course; 14338

(3) A minor participating in a play, pageant, or concert 14339
produced by an outdoor historical drama corporation, a 14340
professional traveling theatrical production, a professional 14341
concert tour, or a personal appearance tour as a professional 14342
motion picture star, or as an actor or performer in motion 14343
pictures or in radio or television productions in accordance 14344
with the rules adopted pursuant to division (A) of section 14345
4109.05 of the Revised Code; 14346

(4) The participation, without remuneration of a minor and 14347
with the consent of a parent or guardian, in a performance given 14348
by a church, school, or academy, or at a concert or 14349
entertainment given solely for charitable purposes, or by a 14350
charitable or religious institution; 14351

(5) Minors who are employed by their parents in 14352
occupations other than occupations prohibited by rule adopted 14353
under this chapter; 14354

(6) Minors engaged in the delivery of newspapers to the 14355
consumer; 14356

(7) Minors who have received a high school diploma or a 14357
certificate of attendance from an accredited secondary school or 14358
a certificate of high school equivalence; 14359

(8) Minors who are currently heads of households or are 14360
parents contributing to the support of their children; 14361

(9) Minors engaged in lawn mowing, snow shoveling, and 14362
other related employment; 14363

(10) Minors employed in agricultural employment in 14364
connection with farms operated by their parents, grandparents, 14365
or guardians where they are members of the guardians' household. 14366
Minors are not exempt from this chapter if they reside in 14367
agricultural labor camps as defined in section 3733.41 of the 14368
Revised Code; 14369

(11) Students participating in a program to serve as 14370
~~precinct officers~~ election officials as authorized by section 14371
3501.22 of the Revised Code. 14372

(B) Sections 4109.02, 4109.08, 4109.09, and 4109.11 of the 14373
Revised Code do not apply to the following: 14374

(1) Minors who work in a sheltered workshop operated by a 14375
county board of developmental disabilities; 14376

(2) Minors performing services for a nonprofit 14377
organization where the minor receives no compensation, except 14378
for any expenses incurred by the minor or except for meals 14379

provided to the minor; 14380

(3) Minors who are employed in agricultural employment and 14381
who do not reside in agricultural labor camps. 14382

(C) Division (D) of section 4109.07 of the Revised Code 14383
does not apply to minors who have their employment hours 14384
established as follows: 14385

(1) A minor adjudicated to be an unruly child or 14386
delinquent child who, as a result of the adjudication, is placed 14387
on probation may either file a petition in the juvenile court in 14388
whose jurisdiction the minor resides, or apply to the 14389
superintendent or to the chief administrative officer who issued 14390
the minor's age and schooling certificate pursuant to section 14391
3331.01 of the Revised Code, alleging the restrictions on the 14392
hours of employment described in division (D) of section 4109.07 14393
of the Revised Code will cause a substantial hardship or are not 14394
in the minor's best interests. Upon receipt of a petition or 14395
application, the court, the superintendent, or the chief 14396
administrative officer, as appropriate, shall consult with the 14397
person required to supervise the minor on probation. If after 14398
that consultation, the court, the superintendent, or the chief 14399
administrative officer finds the minor has failed to show the 14400
restrictions will result in a substantial hardship or that the 14401
restrictions are not in the minor's best interests, the court, 14402
the superintendent, or the chief administrative officer shall 14403
uphold the restrictions. If after that consultation, the court, 14404
the superintendent, or the chief administrative officer finds 14405
the minor has shown the restricted hours will cause a 14406
substantial hardship or are not in the minor's best interests, 14407
the court, the superintendent, or the chief administrative 14408
officer shall establish differing hours of employment for the 14409

minor and notify the minor and the minor's employer of those 14410
hours, which shall be binding in lieu of the restrictions on the 14411
hours of employment described in division (D) of section 4109.07 14412
of the Revised Code. 14413

(2) Any minor to whom division (C)(1) of this section does 14414
not apply may either file a petition in the juvenile court in 14415
whose jurisdiction the person resides, or apply to the 14416
superintendent or to the chief administrative officer who issued 14417
the minor's age and schooling certificate pursuant to section 14418
3331.01 of the Revised Code, alleging the restrictions on the 14419
hours of employment described in division (D) of section 4109.07 14420
of the Revised Code will cause a substantial hardship or are not 14421
in the minor's best interests. 14422

If, as a result of a petition or application, the court, 14423
the superintendent, or the chief administrative officer, as 14424
appropriate, finds the minor has failed to show such 14425
restrictions will result in a substantial hardship or that the 14426
restrictions are not in the minor's best interests, the court, 14427
the superintendent, or the chief administrative officer shall 14428
uphold the restrictions. If the court, the superintendent, or 14429
the chief administrative officer finds the minor has shown the 14430
restricted hours will cause a substantial hardship or are not in 14431
the minor's best interests, the court, the superintendent, or 14432
the chief administrative officer shall establish the hours of 14433
employment for the minor and shall notify the minor and the 14434
minor's employer of those hours. 14435

(D) Section 4109.03, divisions (A) and (C) of section 14436
4109.02, and division (B) of section 4109.08 of the Revised Code 14437
do not apply to minors who are sixteen or seventeen years of age 14438
and who are employed at a seasonal amusement or recreational 14439

establishment. 14440

(E) As used in this section, "certificate of high school 14441
equivalence" means either: 14442

(1) A statement issued by the department of education that 14443
the holder of the statement has achieved the equivalent of a 14444
high school education as measured by scores obtained on a high 14445
school equivalency test approved by the department pursuant to 14446
division (B) of section 3301.80 of the Revised Code; 14447

(2) A statement issued by a primary-secondary education or 14448
higher education agency of another state that the holder of the 14449
statement has achieved the equivalent of a high school education 14450
as measured by scores obtained on a similar nationally 14451
recognized high school equivalency test. 14452

Sec. 4301.353. If a petition is filed under section 14453
4301.332 of the Revised Code for the submission of the one or 14454
more questions set forth in this section, a special election 14455
shall be held in the precinct as ordered by the board of 14456
elections under that section. The expense of holding the special 14457
election shall be charged to the municipal corporation or 14458
township of which the precinct is a part. 14459

At the election, one or both of the following questions as 14460
designated in a valid petition shall be submitted to the 14461
electors of the precinct concerning sales on days of the week 14462
other than Sunday: 14463

(A) "Shall the sales of (insert one or both of the 14464
following: beer, or wine and mixed beverages) by the package, 14465
under permits that authorize sale for off-premises consumption 14466
only, be permitted in a portion of this precinct in which the 14467
status of the sale of (insert one or both of the following: 14468

beer, or wine and mixed beverages) as allowed or prohibited is 14469
inconsistent with the status of such sale in the remainder of 14470
the precinct?" 14471

(B) "Shall the sale of (insert one or more of the 14472
following: beer, wine and mixed beverages, or spirituous 14473
liquor), under permits that authorize sale for on-premises 14474
consumption only, and under permits that authorize sale for both 14475
on-premises and off-premises consumption, be permitted in a 14476
portion of this precinct in which the status of the sale of 14477
(insert one or more of the following: beer, wine and mixed 14478
beverages, or spirituous liquor) as allowed or prohibited is 14479
inconsistent with the status of such sale in the remainder of 14480
the precinct?" 14481

The board of elections shall furnish printed ballots at 14482
the special election as provided under section 3505.06 of the 14483
Revised Code, except that a separate ballot shall be used for 14484
the special election. One or both of the questions set forth in 14485
this section shall be printed on each ballot and the board shall 14486
insert in the question and statement appropriate words to 14487
complete each and a description of the portion of the precinct 14488
that would be affected by the results of the election. 14489

The description of the portion of the precinct shall 14490
include either the complete listing of street addresses in that 14491
portion or a condensed text that accurately describes the 14492
boundaries of the portion of the precinct by street name or by 14493
another name generally known by the residents of the portion of 14494
the precinct. If other than a full street listing is used, the 14495
full street listing also shall be posted in each ~~polling place~~ 14496
location where ballots may be cast in person in a location that 14497
is easily accessible to all voters. Failure of the board of 14498

elections to completely and accurately list all street addresses 14499
in the affected area of the precinct does not affect the 14500
validity of the election at which the failure occurred and is 14501
not grounds for contesting an election under section 3515.08 of 14502
the Revised Code. Votes shall be cast as provided under section 14503
3505.06 of the Revised Code. 14504

Sec. 4301.354. (A) If a petition is filed under section 14505
4301.332 of the Revised Code for the submission of one or more 14506
questions set forth in this section, a special election shall be 14507
held in the precinct as ordered by the board of elections under 14508
that section. The expense of holding the special election shall 14509
be charged to the municipal corporation or township of which the 14510
precinct is a part. 14511

(B) At the election, one or more of the following 14512
questions, as designated in a valid petition, shall be submitted 14513
to the electors of the precinct concerning Sunday sales: 14514

(1) "Shall the sale of intoxicating liquor be permitted in 14515
a portion of this precinct between the hours of eleven a.m. and 14516
midnight on Sunday for consumption on the premises where sold, 14517
where the status of such Sunday sales as allowed or prohibited 14518
is inconsistent with the status of such Sunday sales in the 14519
remainder of the precinct?" 14520

(2) "Shall the sale of intoxicating liquor be permitted in 14521
a portion of this precinct between the hours of eleven a.m. and 14522
midnight on Sunday for consumption on the premises where sold at 14523
licensed premises where the sale of food and other goods exceeds 14524
fifty per cent of the total gross receipts of the permit holder 14525
at the premises, where the status of such Sunday sales as 14526
allowed or prohibited is inconsistent with the status of such 14527
Sunday sales in the remainder of the precinct?" 14528

(3) "Shall the sale of wine and mixed beverages be 14529
permitted in a portion of this precinct between the hours of 14530
eleven a.m. and midnight on Sunday for consumption off the 14531
premises where sold, where the status of such Sunday sales as 14532
allowed or prohibited is inconsistent with the status of such 14533
Sunday sales in the remainder of the precinct?" 14534

(C) At the election, one or more of the following 14535
questions, as designated in a valid petition, shall be submitted 14536
to the electors of the precinct concerning Sunday sales: 14537

(1) "Shall the sale of intoxicating liquor be permitted in 14538
a portion of this precinct between the hours of ten a.m. and 14539
midnight on Sunday for consumption on the premises where sold, 14540
where the status of such Sunday sales as allowed or prohibited 14541
is inconsistent with the status of such Sunday sales in the 14542
remainder of the precinct?" 14543

(2) "Shall the sale of intoxicating liquor be permitted in 14544
a portion of this precinct between the hours of ten a.m. and 14545
midnight on Sunday for consumption on the premises where sold at 14546
licensed premises where the sale of food and other goods exceeds 14547
fifty per cent of the total gross receipts of the permit holder 14548
at the premises, where the status of such Sunday sales as 14549
allowed or prohibited is inconsistent with the status of such 14550
Sunday sales in the remainder of the precinct?" 14551

(3) "Shall the sale of wine and mixed beverages be 14552
permitted in a portion of this precinct between the hours of ten 14553
a.m. and midnight on Sunday for consumption off the premises 14554
where sold, where the status of such Sunday sales as allowed or 14555
prohibited is inconsistent with the status of such Sunday sales 14556
in the remainder of the precinct?" 14557

(D) The board of elections shall furnish printed ballots 14558
at the special election as provided under section 3505.06 of the 14559
Revised Code, except that a separate ballot shall be used for 14560
the special election. The one or more questions set forth in 14561
divisions (B) and (C) of this section shall be printed on each 14562
ballot, and the board shall insert in the questions appropriate 14563
words to complete each and a description of the portion of the 14564
precinct that would be affected by the results of the election. 14565

The description of the portion of the precinct shall 14566
include either the complete listing of street addresses in that 14567
portion or a condensed text that accurately describes the 14568
boundaries of the portion of the precinct by street name or by 14569
another name generally known by the residents of the portion of 14570
the precinct. If other than a full street listing is used, the 14571
full street listing also shall be posted in each ~~polling place~~ 14572
location where ballots may be cast in person in a location that 14573
is easily accessible to all voters. Failure of the board of 14574
elections to completely and accurately list all street addresses 14575
in the affected area of the precinct does not affect the 14576
validity of the election at which the failure occurred and is 14577
not grounds for contesting an election under section 3515.08 of 14578
the Revised Code. Votes shall be cast as provided under section 14579
3505.06 of the Revised Code. 14580

Sec. 4507.06. (A) (1) Every application for a driver's 14581
license, motorcycle operator's license or endorsement, or motor- 14582
driven cycle or motor scooter license or endorsement, or 14583
duplicate of any such license or endorsement, shall be made upon 14584
the approved form furnished by the registrar of motor vehicles 14585
and shall be signed by the applicant. 14586

Every application shall state the following: 14587

(a) The applicant's name, date of birth, social security number if such has been assigned, sex, general description, including height, weight, color of hair, and eyes, residence address, including county of residence, duration of residence in this state, and country of citizenship;

(b) Whether the applicant previously has been licensed as an operator, chauffeur, driver, commercial driver, or motorcycle operator and, if so, when, by what state, and whether such license is suspended or canceled at the present time and, if so, the date of and reason for the suspension or cancellation;

(c) Whether the applicant is now or ever has been afflicted with epilepsy, or whether the applicant now is suffering from any physical or mental disability or disease and, if so, the nature and extent of the disability or disease, giving the names and addresses of physicians then or previously in attendance upon the applicant;

(d) Whether an applicant for a duplicate driver's license, duplicate license containing a motorcycle operator endorsement, or duplicate license containing a motor-driven cycle or motor scooter endorsement has pending a citation for violation of any motor vehicle law or ordinance, a description of any such citation pending, and the date of the citation;

(e) If an applicant has not certified the applicant's willingness to make an anatomical gift under section 2108.05 of the Revised Code, whether the applicant wishes to certify willingness to make such an anatomical gift, which shall be given no consideration in the issuance of a license or endorsement;

(f) Whether the applicant has executed a valid durable

power of attorney for health care pursuant to sections 1337.11 14617
to 1337.17 of the Revised Code or has executed a declaration 14618
governing the use or continuation, or the withholding or 14619
withdrawal, of life-sustaining treatment pursuant to sections 14620
2133.01 to 2133.15 of the Revised Code and, if the applicant has 14621
executed either type of instrument, whether the applicant wishes 14622
the applicant's license to indicate that the applicant has 14623
executed the instrument; 14624

(g) On and after October 7, 2009, whether the applicant is 14625
a veteran, active duty, or reservist of the armed forces of the 14626
United States and, if the applicant is such, whether the 14627
applicant wishes the applicant's license to indicate that the 14628
applicant is a veteran, active duty, or reservist of the armed 14629
forces of the United States by a military designation on the 14630
license. 14631

(2) Every applicant for a driver's license shall be 14632
photographed in color at the time the application for the 14633
license is made. The application shall state any additional 14634
information that the registrar requires. 14635

(B) The registrar or a deputy registrar, in accordance 14636
with section 3503.11 of the Revised Code, shall register as an 14637
elector any person who applies for a license or endorsement 14638
under division (A) of this section, or for a renewal or 14639
duplicate of the license or endorsement, if the applicant is 14640
eligible and wishes to be registered as an elector. The decision 14641
of an applicant whether to register as an elector shall be given 14642
no consideration in the decision of whether to issue the 14643
applicant a license or endorsement, or a renewal or duplicate. 14644

(C) The registrar or a deputy registrar, in accordance 14645
with section 3503.11 of the Revised Code, shall offer the 14646

opportunity of completing a notice of change of residence~~or,~~ 14647
change of name,or change of political party affiliation to any 14648
applicant for a driver's license or endorsement under division 14649
(A) of this section, or for a renewal or duplicate of the 14650
license or endorsement, if the applicant is a registered elector 14651
who has changed the applicant's residence~~or, name, or political~~ 14652
party affiliation and has not filed such a notice. 14653

(D) In addition to any other information it contains, on 14654
and after October 7, 2009, the approved form furnished by the 14655
registrar of motor vehicles for an application for a license or 14656
endorsement or an application for a duplicate of any such 14657
license or endorsement shall inform applicants that the 14658
applicant must present a copy of the applicant's DD-214 or an 14659
equivalent document in order to qualify to have the license or 14660
duplicate indicate that the applicant is a veteran, active duty, 14661
or reservist of the armed forces of the United States based on a 14662
request made pursuant to division (A)(1)(g) of this section. 14663

Section 2. That existing sections 111.26, 111.44, 124.57, 14664
149.43, 302.041, 303.12, 307.96, 519.12, 718.01, 3313.77, 14665
3501.01, 3501.012, 3501.05, 3501.051, 3501.11, 3501.13, 3501.15, 14666
3501.17, 3501.18, 3501.21, 3501.22, 3501.221, 3501.27, 3501.28, 14667
3501.29, 3501.30, 3501.31, 3501.32, 3501.33, 3501.34, 3501.35, 14668
3501.36, 3501.37, 3501.38, 3501.382, 3501.90, 3503.01, 3503.02, 14669
3503.09, 3503.10, 3503.11, 3503.12, 3503.13, 3503.14, 3503.15, 14670
3503.16, 3503.19, 3503.20, 3503.21, 3503.23, 3503.24, 3503.26, 14671
3503.28, 3503.30, 3503.33, 3504.01, 3504.02, 3504.04, 3504.05, 14672
3505.01, 3505.03, 3505.06, 3505.08, 3505.10, 3505.11, 3505.12, 14673
3505.16, 3505.17, 3505.18, 3505.181, 3505.182, 3505.183, 14674
3505.20, 3505.21, 3505.22, 3505.23, 3505.24, 3505.26, 3505.27, 14675
3505.28, 3505.30, 3505.31, 3505.32, 3505.331, 3506.01, 3506.02, 14676
3506.021, 3506.03, 3506.04, 3506.05, 3506.06, 3506.07, 3506.12, 14677

3506.14, 3506.15, 3506.19, 3506.21, 3506.23, 3509.01, 3509.021, 14678
3509.03, 3509.04, 3509.05, 3509.06, 3509.07, 3509.08, 3511.01, 14679
3511.011, 3511.02, 3511.021, 3511.03, 3511.04, 3511.05, 14680
3511.051, 3511.08, 3511.09, 3511.11, 3511.12, 3511.14, 3511.15, 14681
3511.16, 3513.05, 3513.052, 3513.07, 3513.13, 3513.15, 3513.17, 14682
3513.18, 3513.191, 3513.192, 3513.22, 3513.261, 3513.30, 14683
3513.31, 3513.311, 3513.32, 3515.01, 3517.01, 3517.012, 14684
3517.013, 3517.08, 3519.05, 3599.02, 3599.06, 3599.07, 3599.11, 14685
3599.12, 3599.17, 3599.18, 3599.19, 3599.20, 3599.21, 3599.24, 14686
3599.25, 3599.26, 3599.27, 3599.28, 3599.29, 3599.31, 3599.33, 14687
3599.34, 3599.36, 3599.39, 4109.06, 4301.353, 4301.354, and 14688
4507.06 of the Revised Code are hereby repealed. 14689

Section 3. That sections 111.31, 3501.23, 3501.26, 14690
3503.111, 3503.29, 3505.29, 3506.08, 3506.09, 3506.10, 3506.11, 14691
3506.13, 3506.18, 3506.22, 3509.02, 3509.051, 3509.09, 3509.10, 14692
3511.06, 3511.07, 3511.10, 3511.13, 3513.19, 3513.20, 3513.21, 14693
3517.014, and 3517.016 of the Revised Code are hereby repealed. 14694

Section 4. The General Assembly, applying the principle 14695
stated in division (B) of section 1.52 of the Revised Code that 14696
amendments are to be harmonized if reasonably capable of 14697
simultaneous operation, finds that the following sections, 14698
presented in this act as composites of the sections as amended 14699
by the acts indicated, are the resulting versions of the 14700
sections in effect prior to the effective date of the sections 14701
as presented in this act: 14702

Section 3501.29 of the Revised Code as amended by both 14703
S.B. 10 and S.B. 109 of the 130th General Assembly. 14704

Section 3501.35 of the Revised Code as amended by both 14705
S.B. 10 and S.B. 109 of the 130th General Assembly. 14706

Section 3503.21 of the Revised Code as amended by both	14707
H.B. 359 and S.B. 63 of the 131st General Assembly.	14708
Section 3505.08 of the Revised Code as amended by both	14709
S.B. 109 and S.B. 193 of the 130th General Assembly.	14710
Section 3505.18 of the Revised Code as amended by S.B. 47,	14711
S.B. 109, and S.B. 216, all of the 130th General Assembly.	14712
Section 3505.23 of the Revised Code as amended by both	14713
S.B. 10 and S.B. 109 of the 130th General Assembly.	14714
Section 3505.24 of the Revised Code as amended by S.B. 10,	14715
S.B. 109, and S.B. 205, all of the 130th General Assembly.	14716