

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 204

Representative Galonski

Cosponsors: Representatives Brent, Smith, K., West, Miller, A., Crawley

A BILL

To amend sections 3506.02, 3506.19, and 3506.22 and 1
to enact section 3506.022 of the Revised Code to 2
require new voting systems to use paper ballots. 3

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

Section 1. That sections 3506.02, 3506.19, and 3506.22 be 4
amended and section 3506.022 of the Revised Code be enacted to 5
read as follows: 6

Sec. 3506.02. ~~Voting~~ Subject to section 3506.022 of the 7
Revised Code, voting machines, marking devices, and automatic 8
tabulating equipment may be adopted for use in elections in any 9
county in the following manner: 10

(A) By the board of elections; 11

(B) By the board of county commissioners of such county on 12
the recommendation of the board of elections; 13

(C) By the affirmative vote of a majority of the electors 14
of such county voting upon the question of the adoption of such 15
equipment in such county. 16

If a petition signed by electors equal in number to two 17

per cent of the total votes cast in the county for the office of 18
governor at the most recent general election for that office is 19
filed with the board of elections, such board shall submit to 20
the electors of such county at the next general election 21
occurring not less than ninety days thereafter the question 22
"Shall voting machines, marking devices, and automatic 23
tabulating equipment be adopted in the county 24
of?" Upon the filing of such petition, 25
the board of elections shall forthwith notify the board of 26
county commissioners, and the board of county commissioners 27
shall forthwith determine whether it would prefer to purchase or 28
lease such equipment in whole or in part for cash and if so 29
whether it will be necessary or advisable to issue bonds to 30
provide funds for the purchase of such equipment, if adopted. If 31
the board of county commissioners determines that it is 32
necessary or advisable to issue bonds therefor, it shall by 33
resolution provide for the submission on the same ballot, but as 34
a separate issue, the question of issuing such bonds. The 35
question of issuing such bonds shall be submitted as required by 36
division (A) of section 3506.03 of the Revised Code. 37

Sec. 3506.022. (A) Except as otherwise provided in 38
divisions (B) and (C) of this section, on and after the 39
effective date of this section, no county shall acquire any 40
direct recording electronic voting machines or any marking 41
devices or automatic tabulating equipment that do not require 42
the use of a paper ballot. 43

(B) Division (A) of this section does not apply to a 44
contract for the purchase or lease of voting machines, marking 45
devices, or automatic tabulating equipment that was entered into 46
before the effective date of this section. 47

(C) Division (A) of this section does not apply to a 48
county that acquires additional voting machines, marking 49
devices, or automatic tabulating equipment on or after the 50
effective date of this section if all of the following apply: 51

(1) The voting machines, marking devices, or automatic 52
tabulating equipment are the same as those used in that county 53
before the effective date of this section. 54

(2) The acquisition of the voting machines, marking 55
devices, or automatic tabulating equipment does not replace or 56
change the primary voting system used in that county. 57

(3) The acquisition of the voting machines, marking 58
devices, or automatic tabulating equipment is for the purpose of 59
replacing inoperable machines, devices, or equipment or for the 60
purpose of providing additional machines, devices, or equipment 61
in order to meet the requirements of section 3506.22 or of 62
division (I) of section 3501.11 of the Revised Code. 63

(D) As used in this section, "paper ballot" means a paper 64
document on which a voter records the voter's choices and that 65
serves as the official record of the voter's choices for 66
counting purposes. A voter may record the voter's choices on a 67
paper ballot by hand or use a marking device that records the 68
voter's choices on a paper ballot that the voter then may 69
inspect for accuracy. "Paper ballot" does not include a voter 70
verified paper audit trail. 71

~~Sec. 3506.19. On and after the first federal election that~~ 72
~~occurs after January 1, 2006, unless required sooner by the Help~~ 73
~~America Vote Act of 2002, each~~ Each ~~polling location and each~~ 74
office of a board of elections at which in-person absent voting 75
is being conducted shall have available for use at all elections 76

at least one ~~direct recording electronic~~ voting machine or 77
marking device that is accessible for individuals with 78
disabilities, including nonvisual accessibility for the blind 79
and visually impaired, in a manner that provides the same 80
opportunity for access and participation, including privacy and 81
independence, as for other voters. 82

Sec. 3506.22. (A) ~~Beginning in the year 2013 and~~ 83
~~thereafter, a~~ A county that selects, during the period 84
beginning on January 1, 2013, and ending on the day before the 85
effective date of this amendment, selected direct recording 86
electronic voting machines as the primary voting system to be 87
used in the county and not only for accessibility for 88
individuals with disabilities as required under the Help America 89
Vote Act of 2002 and section 3506.19 of the Revised Code and 90
that continues to use direct recording electronic voting 91
machines for that purpose shall acquire, if needed, sufficient 92
direct recording electronic voting machines to meet the minimum 93
number of direct recording electronic voting machines required 94
to be established by the secretary of state under division (B) 95
of this section. 96

(B) Beginning in the year 2013 and every eight years 97
thereafter, the secretary of state shall establish, for each 98
county described in division (A) of this section, a minimum 99
number of direct recording electronic voting machines that the 100
county shall be required to have ~~if it elects to use direct~~ 101
~~recording electronic voting machines as the primary voting~~ 102
~~system in the county~~. The minimum number for each such county 103
shall be calculated as follows: 104

(1) The total number of registered voters in the county as 105
of the October deadline for voter registration for the last 106

presidential election or the average of the total number of 107
registered voters in the county as of the October deadline for 108
voter registration for the last two presidential elections, 109
whichever number is higher, minus the total number of absent 110
voter's ballots cast and counted at the last presidential 111
election, shall be determined. 112

(2) The number resulting from the determination under 113
division (B)(1) of this section shall be divided by one hundred 114
seventy-five. 115

(3) Any fraction resulting from the calculation under 116
division (B)(2) of this section shall be rounded up to the next 117
whole number. 118

(C) A county that ~~selects~~ selected direct recording 119
electronic voting machines as the primary voting system to be 120
used in the county and not only for accessibility for 121
individuals with disabilities as required under the Help America 122
Vote Act of 2002 and section 3506.19 of the Revised Code after 123
May 2, 2006, but before the year 2013 and that continues to use 124
direct recording electronic voting machines for that purpose 125
shall ~~do so in accordance with~~ maintain the minimum number of 126
direct recording electronic voting machines determined by the 127
formula set forth in Section 514.03 of Am. Sub. H.B. 66 of the 128
126th general assembly. 129

Section 2. That existing sections 3506.02, 3506.19, and 130
3506.22 of the Revised Code are hereby repealed. 131